

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 30 April 1997

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 ALLEN LEE PENG-FEI, C.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 NGAI SHIU-KIT, O.B.E., J.P.

THE HONOURABLE SZETO WAH

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

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

THE HONOURABLE RONALD JOSEPH ARCULLI, 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 CHEUNG MAN-KWONG

THE HONOURABLE CHIM PUI-CHUNG

THE HONOURABLE FREDERICK FUNG KIN-KEE

THE HONOURABLE MICHAEL HO MUN-KA

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

THE HONOURABLE EMILY LAU WAI-HING

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, O.B.E., F.Eng., J.P.

DR THE HONOURABLE PHILIP WONG YU-HONG

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE HOWARD YOUNG, J.P.

THE HONOURABLE ZACHARY WONG WAI-YIN

THE HONOURABLE CHRISTINE LOH KUNG-WAI

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

THE HONOURABLE LEE CHEUK-YAN

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

DR THE HONOURABLE ANTHONY CHEUNG BING-LEUNG

THE HONOURABLE CHEUNG HON-CHUNG

THE HONOURABLE CHOY KAN-PUI, J.P.

THE HONOURABLE ALBERT HO CHUN-YAN

THE HONOURABLE IP KWOK-HIM

THE HONOURABLE LAU CHIN-SHEK

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 LO SUK-CHING

THE HONOURABLE MOK YING-FAN

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

MEMBERS ABSENT

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

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE LEE WING-TAT

THE HONOURABLE FRED LI WAH-MING

THE HONOURABLE CHENG YIU-TONG

THE HONOURABLE DAVID CHU YU-LIN

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

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

THE HONOURABLE LAWRENCE YUM SIN-LING

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 GORDON SIU KWING-CHUE, J.P.
SECRETARY FOR TRANSPORT

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

SECRETARY FOR HOUSING

MRS KATHERINE FOK LO SHIU-CHING, O.B.E., J.P.
SECRETARY FOR HEALTH AND WELFARE

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

MR STEPHEN IP SHU-KWAN, J.P.
SECRETARY FOR ECONOMIC SERVICES

MRS STELLA HUNG KWOK WAI-CHING, J.P.
SECRETARY FOR HOME AFFAIRS

MR KEITH KWOK KA-KEUNG, J.P.
SECRETARY FOR WORKS

MR KEVIN HO CHI-MING, J.P.
SECRETARY FOR THE TREASURY

MRS CARRIE YAU TSANG KA-LAI, J.P.
SECRETARY FOR SECURITY

MR PATRICK LAU LAI-CHIU, J.P.
SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS

CLERKS IN ATTENDANCE

MR RICKY FUNG CHOI-CHEUNG, SECRETARY GENERAL

MR LAW KAM-SANG, DEPUTY SECRETARY GENERAL

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY
GENERAL

PAPERS

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

Subject

Subsidiary Legislation	<i>L.N. No.</i>
Road Traffic (Registration and Licensing of Vehicles) (Amendment) Regulation 1997.....	172/97
Road Traffic (Public Service Vehicles) (Amendment) (No. 6) Regulation 1997	173/97
Dangerous Drugs Ordinance (Amendment of Second Schedule) Order 1997.....	174/97
Specification of Public Office	175/97
Legal Aid (Amendment) Ordinance 1997 (8 of 1997) (Commencement) Notice 1997.....	176/97
Legal Aid (Assessment of Resources and Contributions) (Amendment) Regulation 1997 (L.N. 85 of 1997) (Commencement) Notice 1997 ...	177/97
Administration of Justice (Miscellaneous Provisions) (No. 2) Ordinance 1997 (14 of 1997) (Commencement) Notice 1997.....	178/97
Fugitive Offenders Ordinance (23 of 1997) (Commencement) Notice 1997.....	179/97
Fire Services Department (Reports and Certificates) (Amendment) (No. 2) Regulation 1997 (L.N. 95 of 1997) (Commencement) Notice 1997...	180/97

Import and Export (Registration) (Amendment) Regulation 1995 (L.N. 544 of 1995) (Commencement) Notice 1997.....	181/97
Import and Export (Registration) (Amendment) Regulation 1997 (L.N. 142 of 1997) (Commencement) Notice 1997.....	182/97
Road Traffic (Driving Licences) (Amendment) (No. 2) Regulation 1997	183/97

Sessional Paper 1996-97

No. 94 — Hong Kong Monetary Authority
Annual Report 1996

ORAL ANSWERS TO QUESTIONS

Demand and Supply of Construction Workers

1. **MR LEE CHEUK-YAN** asked (in Cantonese): *Mr President, regarding the demand for and training of construction workers, will the Government inform this Council:*

- (a) *whether it has made an assessment of the demand and supply of construction workers in the coming five years; if so, of a breakdown of the demand and supply by work type;*
- (b) *if the reply to (a) above shows an imbalance between the demand and supply of construction workers, of the plan in place to resolve the problems arising from such a situation; and*

- (c) *of a breakdown by work type of:*
- (i) *the numbers of construction workers participated in short or long training courses organized by the Construction Industry Training Authority (CITA), Employees Retraining Board (ERB) and other public vocational training organizations respectively last year;*
 - (ii) *the number of construction workers expected to receive training provided by these organizations in the coming five years?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President,

- (a) The Education and Manpower Branch has recently formed an internal working group comprising representatives of the Housing and Works Branches, the Government Economist and staff of other relevant government departments. The working group is responsible for conducting a special study on the possible manpower requirements of the construction industry in the next three to five years. The objective of this study is to assess the future demand and supply of building and construction workers with a view to formulating appropriate measures on employment service and training.

To collate information on manpower requirements, we will shortly be sending a comprehensive questionnaire to all the government departments responsible for public building and construction projects, the Housing Authority, the Housing Society, as well as major building contractors and developers in the private sector. Our aim is to obtain information about their projected labour requirements by project type, job titles, trade type, and the duration of employment.

We will make an assessment of the supply of workers on the basis of the Government's quarterly statistics on employment and vacancies in the construction industry, the registration and placement statistics from the various employment services of the Labour Department, and the number of graduates from the various construction-related training courses run by the Vocational Training Council (VTC), the CITA and the ERB.

- (b) The purpose of the above study is to estimate the extent of any possible imbalance between the demand and supply of construction workers in the next few years. Pending the completion of the study, it is premature to consider what specific action the Government should take to deal with the situation.
- (c) (i) According to the latest figures provided by the CITA, 1 137 trainees graduated from its Basic Craft Course and 348 graduated from its Construction Supervisor/Technician Training Programme in 1995-96. Both were one-year full-time courses. A detailed breakdown by work type of these courses is at Annex A. A total of 1 238 and 8 023 participants completed the short or part-time courses respectively at various skill levels for different disciplines. Detailed information on these courses is at Annex B.

The VTC is also offering both craft and technician courses of the Electrical and Mechanical trade required by the construction industry. In 1996-97, a total of 859 craft trainees and 741 technician trainees enrolled in these courses. Detailed information on these courses is at Annex C.

The ERB provided 22 construction-related courses for 332 retrainees in 1996-97. In terms of work types, 124 retrainees graduated from assistant electrician training courses, 172 retrainees completed the training courses for decoration and 36 were trained to be site administrators.

- (ii) Looking ahead, the CITA has planned to cope with the future requirements of the industry by further expanding its training programme. Specifically, the number of graduates of the various short courses is expected to increase at an average rate of 10% per year. Taking also the full-time courses into account, the CITA will have trained more than 15 000 construction workers over the coming five years.

The VTC plans to provide over 1 900 training places at the craft and technician levels in the construction field in 1997-98. The VTC will, in the light of market demands, adjust its training capacity to meet the needs of Hong Kong.

The ERB has not made an estimate of the number of construction workers likely to receive training through the Employees Retraining Scheme in the next few years. However, given the flexible nature of its operation, the ERB is capable of responding promptly to the retraining needs of the market.

Annex A

Construction Industry Training Authority (1995-96)

<i>One-year Full Time Course</i>	<i>Capacity</i>	<i>Graduates</i>
(a) Basic Craft Course		
1. Bricklaying, Plastering & Tiling	420	240
2. Carpentry & Joinery	300	227
3. Painting, Decorating & Sign-writing	160	121
4. Plumbing & Pipe-fitting	180	160
5. Bamboo Scaffolding	60	17
6. Marble Laying	60	44
7. Construction Plant Maintenance & Repairs	180	154
8. Electrical Installation	140	143
9. Metal Works	40	31
Sub-total:	1 540	1 137

<i>One-year Full Time Course</i>	<i>Capacity</i>	<i>Graduates</i>
(b) Construction Supervisor/Technician Training Programme		
1. Building Construction	160	141
2. Civil Engineering	100	109
3. Building Services	100	98
4. Quantity Surveying	-	-
Sub-Total:	360	348

Annex B

Construction Industry Training Authority (1995-96)

<i>Short Course</i>	<i>Capacity</i>	<i>Graduates</i>
1. Bricklaying	60	30
2. Plastering	120	55
3. Timber Formwork	70	22
4. Drain Laying	-	-
5. Surveying & Setting-out	360	326
@6. Site Surveying	64	41
@7. Earth Moving Machines Operation	54	58
@8. 60 days Crawler-mounted Mobile Crane Operation	48	73
@9. 60 days Wheeled Telescopic Mobile Crane Operation	-	-
@10. 12 days Crawler-mounted Mobile Crane Operation	36	35
@11. 12 days Wheeled Telescopic Mobile Crane Operation	42	60
@12. Tower Crane Operation	48	45
13. Bar-bending	96	22
@14. Truck Mounted Crane Operation	60	59
15. Decorative Painting*	45	36
@16. Special Course of Crane Operation	-	-
17. Metal Formwork	-	-
18. Painting	120	127
19. Housing Authority Plumbing & Pipe-fitting	-	-
20. Wall & Floor Tiling	120	61
21. Welding	30	6
22. Metal Scaffolding	-	-
23. Decorative Joinery*	30	24
@24. Assistant Safety Officer Course	60	71

<i>Short Course</i>	<i>Capacity</i>	<i>Graduates</i>
25. Site Administrator Training Course#	-	-
@26. Measurement Technician Training Course	60	53
27. Construction Purchaser & Storekeeper Course*	60	34
28. Bamboo Scaffolding	-	-
Sub-total:	1 583	1 238

Notes: @: Technician Level

®: Operative Level

All others: Craftsman Level

* Courses funding by the Employees Retraining Board

Course half funded by the Employees Retraining Board

Construction Industry Training Authority
Course Taken by the 1996 Graduates

Part Time Course

1	E/UCJ	Up-grading Course — Joinery
2	E/UPP	Up-grading Course — Plumbing and Pipe-fitting
3	WDI	Window Installation Course
4	DNL	Drain-laying Course
5	E/SV	Evening Surveying & Setting-out Course
6	E/PP	Evening Plumbing
7	ASR	Asbestos Removal Course
8	CMB	Construction Management Training Programme (Building)
9	CMT	Construction Management Training Programme (Civil)
10	CBC	Construction Supervisor Certificate Course (Building)
11	CSC	Construction Supervisor Certificate Course (Civil)
12	SFR	Refresher Course for Bamboo Scaffolder
	PMS	Project Management Training Course for Sub-Contractors (part-time day course)
13	MS1	Construction Planning
14	MS2	Financial Control

Part Time Course

15	MS3	Human Resources Management
16	MS4	Introduction to ISO 9000 Quality Assurance Systems
17	MS5	Work & Time Study in Construction
18	MS6	Law & Insurance
19	MCC	Introduction of the In-service Construction Material Controller Course
20	ISA	ISO 9000 Quality Systems for In-service Construction Supervisors
21	ISO	Introduction to ISO 9000 Quality Systems for In-service Construction Supervisors
22	BLO	Building Law — Statutory Obligations
23	RCM	Roadwork Construction Management
24	CDM	Construction Dispute Management
25	FMC	Financial Management in Construction Projects
26	MIC	Management of Insurance for the Construction Industry
27	USC	Upgrading Supervisory Course for Construction Craftsmen
28	COS	Communication and Site Supervision
29	SAT	Site Administration Officer Training Course
30	PBP	Planning for Building Project
31	CMP	Contract Management in Construction Projects
32	ABD	AutoCAD Basic Drafting Course
33	ACA	AutoCAD Advanced Application and Drafting
34	AAD	AutoCAD 3D Application and Drafting
35	IMB	Intergraph Microstation Basic Application and Drafting
36	SSM	Slope Stability and Slope Maintenance
37	FPP	Fire Prevention and Protection in Building
38	PCB	Construction of Pre-stressed Concrete Girder Bridge
39	CRL	Construction Work on Reclaimed Land in Hong Kong — Problems Encountered & Engineering Solutions
40	ECB	Erection of Cable-Supported Bridge — Hong Kong Experience
41	DWB	Diaphragm Wall and Deep Basement Construction
42	RCR	Reinforced Concrete — Defect Diagnosis and Remedy
43	HSC	Heavy Steel Structure — Construction and Quality Control
44	HTS	Highways/Tunnel Surveying Method
45	TLM	Tunnelling Methods

Part Time Course

46	CNC	Construction Noise — Legislation, Monitoring and Control
47	DBS	Demolition of Building Course for Supervisors/Foremen
48	DBP	Demolition of Building Course for Plant Operators
49	COC	Contractual Claims in the Construction Industry
50	TUL	Theory Upgrading for In-service Levellers
51	TUP	Theory Upgrading for In-service Plumbers
52	BSQ	Basic Building Services for Quantity Surveying Personnel
53	QSB	Basic Quantity Surveying Principles for Building Services Personnel
54	SAM	Graduate Certificate in Strategic Asset Management
55	CSO	Construction Safety Officer Course
56	CSS	Construction Safety Supervisor Course
57	SST	Construction Safety Supervisor Course for CST trainees
58	FAC	Standard First Aid Certificate Course
59	RSO	Refresher Course for Safety Officers
	USO	Short Term Upgrading Course for In-service Safety Officers (altogether six topics)
60	SAU	Safety Auditing
61	OMC	Off-shore General Shipping for Marine Construction Work
62	SLD	Safety Laws/F & IU Ordinance and New Development
63	SPI	Safety Plan Preparation and Implementation
64	STT	Safety Training Techniques
65	ISM	ISO 9000 and Safety Management
66	GES	Safety Course for Graduate Engineers (Civil, Structural & Building)
67	SCW	Safety Training for Construction Works (also known as Construction Workers' "Green Card" Course)
68	ASW	Advanced Safety Training Course for Construction Workers (also known as Construction Workers' "Silver Card" Course)
69	SFQ	Safety in Site Formation & Quarrying
70	SPM	Safety Management Course for Contractor's Project Managers Certificate Course for Machine Operators
71	MBL	Mechanical Maintenance, Repair and Installation of Builder's Lift
72	SWP	Temporary Installation Endless Winder of Suspended Working Platform (Gondola) Worker

Part Time Course

73	BL1	One day Refresher's Certification Course for Operators of Builder's Lift
74	BL2	Two days Certification Course for Operators of Builder's Lift
75	TW1	One day Refresher's Certification Course for Operators of Tower Working Platform
76	TW2	Two days Certification Course for Operators of Tower Working Platform
77		Various Tailor-made Courses for individual construction Organizations

Annex C

Number of Training Places Actually Provided by
the Vocational Training Council in 1996-97
for the Construction Industry

(A) Full-time Diploma and Higher Diploma Course for the Construction Industry

<i>Course Title</i>	<i>Enrolment</i>
Diploma in Building Studies	80
Diploma in Civil Engineering	121
Higher Diploma in Civil Engineering	83
Higher Diploma in Structural Engineering	42
Higher Diploma in Building Services Engineering	72

(B) Training Courses for the Electrical and Mechanical (E&M) Trade

<i>Course Title</i>	<i>Enrolment</i>
Electrical Engineering Craft Foundation Course	472
Refrigeration and Air-conditioning Craft Foundation Course	246
Lift Engineering Craft Foundation Course	91
Gas Fitting Craft Foundation Course	44

<i>Course Title</i>	<i>Enrolment</i>
Diploma in Electrical Engineering	168
Diploma in Mechanical Engineering	463
Higher Diploma in Electrical Engineering	41
Higher Diploma in Mechanical Engineering	69

Note:

It is estimated that of those craft and technician level trainees (of the E&M trade) who are in employment after completed training, about 75% and 60% respectively work for the construction industry.

MR LEE CHEUK-YAN (in Cantonese): *Mr President, the reply given by the Secretary for Education and Manpower is very regrettable indeed. It is stated in Part (a) of the reply that the Education and Manpower Branch has recently formed a working group. Subsequently it is stated that a questionnaire will be sent out and an assessment will be made shortly and as nothing has been done, "it is premature to consider what specific action should be taken".*

The construction of the new airport is nearing completion, but the Government has not made any assessment of manpower requirements yet. Actually, when the Government says "recently", what is the date of formation? When will the questionnaire be sent out when it says "shortly" and when will the assessment be finally completed?

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, before answering the Honourable LEE Cheuk-yan's specific question, I must explain that according to the Government's manpower policy, we have drawn up some specific measures of a general nature in response to the manpower requirements of individual industries. Undoubtedly, these measures include the long-standing employment service scheme of the Labour Department, the labour importation scheme which copes with general or individual demands, and the training and retraining programmes conducted by training agencies.

Regarding Mr LEE's question, our working group was formed more than a month ago and we are prepared to send out a comprehensive questionnaire in a month in the hope of collecting more information about manpower requirements. We expect the working group to submit a report by the end of the year.

MR EDWARD HO (in Cantonese): *Mr President, in fact what I am going to ask is the same as that raised by the Honourable LEE Cheuk-yan. He used the word "regrettable" and I would like to use the word "disappointed", but the word "regrettable" is also quite appropriate.*

The Secretary for Education and Manpower has said just now that the assessment will not be completed until the end of the year whereas the Government has pledged to supply a large number of housing units. We are also aware of the long-standing problem of the demand and supply of construction workers. I would like to ask the Secretary for Education and Manpower the reasons for making the assessment so late and whether it can be completed earlier than the end of the year.

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, whether the working group can complete its work ahead of schedule would in the first place depend on whether our work on collecting information about manpower requirements can be carried out smoothly. I have said just now that we will send out in a month a comprehensive questionnaire to all the relevant organizations, including building contractors and developers in the private sector. I hope that we can obtain detailed information in this process before deciding whether the assessment can be completed ahead of schedule. Nonetheless, I would like to respond to the "regret" of Mr LEE and the "disappointment" of the Honourable Edward HO. Actually, the Government responds to different environments and demands instead of acting abruptly on the manpower policy. I would also like to remind Members that in recent years, the demand for construction workers has been the strongest. Of course, this is because of the construction of the new airport. As a matter of fact, there is a special labour importation scheme for the new airport. Moreover, whether we complete the assessment or not, there is now a Supplementary Labour Scheme under which an employer in any industry, including the construction industry, is allowed to import foreign workers if he can prove that no suitable local workers

are available for recruitment. According to the latest figures, under the Supplementary Labour Scheme, nearly 1 000 of the already approved 3 000 applications are for construction workers. In other words, the existing policies and measures have ensured that whenever needs arise from the whole economy or individual industries, adequate manpower can be obtained locally or from abroad.

PRESIDENT (in Cantonese): Five more Members would like to raise supplementary questions and I will draw a line there.

MR CHAN WING-CHAN (in Cantonese): *Mr President, in part (c) of his reply, the Secretary for Education and Manpower only states the number of graduates from the courses and does not point out the enrolments. However, some data reveal that the CITA has all along been failing to enrol trainees to its full capacity. If the data are correct, will the Government inform us whether there are measures to attract unemployed youths, new arrivals and people outside the construction industry to receive the training conducted by the CITA so that they can join the construction industry as continuous supply of workforce?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, according to the data on hand, in recent years, the number of people applying for enrolment in the courses provided by the CITA has been on the increase. Of course, we will reflect the above view to the CITA to see if it is necessary to strengthen the publicity in certain areas. However, I think it is extremely worthwhile to point out that the employment rate of the graduates from the courses provided by the CITA stands at 100%. I am sure this can attract more people to enrol in CITA courses.

MR LEE KAI-MING (in Cantonese): *Mr President, part (c) of the reply, that is the part concerning the courses conducted by the ERB, mentions that 124 retrainees graduated from the assistant electrician training course. We realize that this course was conducted as a result of the discussion between trade unions and contractors and there was a list of technical requirements. Though the graduates were able to meet all the technical requirements, unfortunately, they were not employed after graduation. I would like to ask whether the authorities*

would run this course again?

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, to my understanding, the graduates of the course just now mentioned by the Honourable LEE Kai-ming really encountered employment difficulties at the very beginning. However, as far as I know, as a result of our discussion with relevant employers, their employment situation has been improved. Mr President, I am most willing to collect the latest information and answer Mr LEE's question in writing. (Annex I)

MISS CHAN YUEN-HAN (in Cantonese): *Mr President, judging from the contents of the reply given by the Secretary for Education and Manpower to the Honourable LEE Cheuk-yan, the Government has set up a working group to assess the manpower requirements of the construction industry in future. Just now he has also assured our colleagues that there would be a labour importation policy should there be inadequate workers in Hong Kong. If the findings of the working group reveal that the workers in the construction industry will be inadequate to meet the needs of future housing construction, will the Government promptly look for workers in the local market or import foreign workers?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, as what I have stated in my main reply, before there is any assessment of the extent of possible imbalance between the supply and demand, it is premature for us to consider what specific action should be taken. However, we can point out that it is Government policy to ensure that there is adequate trained manpower to satisfy the demands of the economy as well as individual industries. Our existing policy includes employment service, training and retraining, which are mainly for local workers. Of course, while job priorities are accorded to local workers, consideration must be given to whether there is the need to import foreign workers to ease the special demand of a particular industry. All the above are the measures that we will consider. Nevertheless, I do not think we should make any specific pledge at present.

MR LEUNG YIU-CHUNG (in Cantonese): *Mr President, part (c) of the reply has provided many figures relating to the numbers of graduates from the courses and some colleagues have asked already about the enrolments. I now wish to ask the Secretary for Education and Manpower, while designing the courses, whether they had anticipated definite enrolments and whether the actual enrolments were able to fulfil their original anticipation; if not, what are the reasons.*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, first of all, basically two bodies, namely, the CITA and VTC, are responsible for providing relevant training. These two bodies are not directly under the Government. They mainly base on their own assessment to decide the number and contents of courses. Many representatives from various industries participate in the two bodies. For example, the VTC includes union representatives. We therefore believe that they make assessments with many objective bases. Moreover, as I have mentioned just now, another relatively objective indicator is that the employment rate of the graduates from the CITA stands at 100% and that of the graduates from the VTC is above 70% on average. Judging from the above, I am sure that the courses and contents of the courses provided by the above two bodies are more or less able to cope with market demands.

PRESIDENT (in Cantonese): Mr LEUNG Yiu-chung, are you claiming that your supplementary has not been fully answered? Which part?

MR LEUNG YIU-CHUNG (in Cantonese): *Mr President, perhaps I did not hear clearly. I hope that the Secretary for Education and Manpower can once again give a detailed account of whether there is really a benchmark, and if there is one, whether he can specify because he has only mentioned just now the 100% employment rate of graduates and this is not what I want to ask. I would like to enquire about the original anticipated number.*

PRESIDENT (in Cantonese): Secretary for Education and Manpower, is there any benchmark for the courses?

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, as I have mentioned just now, the two bodies are not subsumed under any government department. If Mr LEUNG wants to ask in detail how the courses were designed, please allow me to refer this question to the two bodies and then give Mr LEUNG a written answer. (Annex II)

MR LEE CHEUK-YAN (in Cantonese): *Mr President, when the Secretary for Education and Manpower has answered my "regret" and the Honourable Edward HO's "disappointment" just now, he stresses that in fact there is no problem at present and all in all, foreign workers will be imported when there is inadequate manpower. This is the point we consider more "regrettable". It is exactly because we do not want such situation to happen that we ask the Administration to make an assessment. I would like to ask how much information has been obtained by the authority about the demand and supply of building and construction workers for this year alone, and not anything about the distant future. Actually, what is the supply, what is the demand and what is the gap between them? Is the CITA able to fill the gap?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, regarding whether there will likely be an acute imbalance between the supply and demand in the local construction industry in the coming few months, it is our present view that such a situation will not emerge. As a matter of fact, for example, in the face of the Airport Core Programme projects which are of the strongest manpower demand in the building industry, we have formulated a labour importation scheme to ease the labour demand. In the coming few years, the projects under the Programme will be completed one after another, but on the other hand, as a Member has said just now, we may have to expedite housing construction projects. Under such circumstances, probably there will also be more huge infrastructure projects in the territory in the next few years and this aptly explains why we wish to have an assessment for a longer term. I would like to clarify that, in response to the questions of Members, I have said just now that there are a series of government policies and measures. We have therefore

not simply come to a conclusion that should there be an imbalance between the supply and the demand, the Government's only solution to the problem is to import foreign workers.

MR LEE CHEUK-YAN (in Cantonese): *Mr President, the Secretary for Education and Manpower has not provided specific figures just now. I believe that he may not have them on hand and I hope that he will give the specific figures to this Council.*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, I believe it is impossible for either the Government or any organization to provide a specific figure. I believe that different organizations, including industry representatives or even union representatives or individual departments, may make assessments of a certain situation or a period of time. Actually, different people may make different assessments. As what I have said, we will see what our assessments will be at present, in the coming few months or in a year. We shall check what the outcome will be. However, I have to emphasize that we may not be able to provide the exact figures on the supply of and demand for individual posts and projects because as a matter of fact, it is not so easy to obtain these figures.

Problem Canopies

2. **MR CHOY KAN-PUI** asked (in Cantonese): *Mr President, will the Government inform this Council of:*

- (a) *the total number of "problem canopies" listed as requiring inspection by the Buildings Department (the Department) at present;*
- (b) *the total number of "problem canopies" which have been inspected by the Department to date and the results of such inspections;*
- (c) *the average time required for the inspection of a "problem canopy" and the estimated time required to complete the inspection of all the*

"problem canopies"; and

- (d) *the measures adopted by the Government to ensure that those "problem canopies" which have not been inspected by the Department will not endanger public safety?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President:

- (a) Since the collapse of a canopy on a building in Aberdeen at the end of 1994, the Department has compiled a list of 1 200 canopies of similar design and age for investigation. These canopies are all in slab form with a span of more than 1.5 m and are mostly found to be additions to buildings completed in or before 1980. However, I must emphasize that before the findings of the investigations come out, we should not regard all of them as "problem canopies".
- (b) Of the 1 200 canopies on the list for investigation, 130 have already been investigated. We have served 20 investigation/repair orders on some of these cases and have taken emergency shoring action on three of the canopies.
- (c) It takes about two weeks on the average to complete an investigation of a canopy free from obstruction. We expect that the investigation of the 1 200 canopies will be completed by end of March 1998.
- (d) The investigation of the 1 200 canopies is only part of the overall programme of the Department to tackle the issue of "problem canopies". Other measures adopted by the Department include acting on public complaints and referrals from other government departments, as well as proactive identification of the dangerous canopies for removal. Over the past three years, that is, from 1994 to 1996, 1 657 dangerous unauthorized canopies and 1 022 unauthorized structures on approved canopies have been removed by the Department.

However, I would like to stress again that building owners themselves are also responsible for ensuring the structural safety of their buildings. In view of the above, the Department announced in this month the implementation of a voluntary building inspection scheme. Moreover, the Department will consult the public on the proposed mandatory Building Safety Inspection Scheme in July of this year. We believe through periodic inspections and timely maintenance, the structural safety of buildings can be ensured.

MR CHOY KAN-PUI (in Cantonese): *Mr President, in what areas are the "problem canopies" which have not been inspected mainly located; what is their distribution?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President, actually, the 1 200 canopies are scattered all over the territory. However, as what I have said just now, those canopies are mainly found on the buildings over 20 years of age and they are scattered in places such as Kwun Tong, Central and Western District, Yuen Long and Tuen Mun.

DR JOHN TSE (in Cantonese): *Mr President, part (b) of the main reply mentions that the Government has spent 28 months to complete the inspection of 130 "problem canopies". In other words, the Department only investigates five canopies a month. I find it too slow to erect canopies at such a speed, let alone the ones under investigation are unauthorized canopies concerning a matter of life and death. My question is: why does the Government deal with this serious problem at a snail's pace and what can be done to improve the situation?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President, perhaps let me explain in details. Though the Department commenced to collect statistics on canopies after 1995, we have not simply collected statistics on the number of canopies. Actually, we have an overall plan to investigate, survey and collect statistics on some 13 000 buildings in the territory and investigation of canopies is only a part of the work of

investigating and inspecting aged buildings. We did not compile this list of 1 200 canopies until we had inspected the 13 000 buildings. We have commissioned a consultancy firm to carry out this task. In fact, we did not enter into an agreement with that consultancy firm until September 1996. Subsequently, the consultancy firm, before drawing up the plan, had to carry out some preliminary preparatory work such as studying the information collected by the Department. Actually, it formally started the investigation of canopies in January of this year. In view of the above, strictly speaking, we inspected altogether 130 canopies between January and April. Moreover, to expedite work on the investigation of canopies, the Department has studied with the consultancy firm and reviewed the priority of inspecting the 1 200 canopies.

MR TSANG KIN-SHING (in Cantonese): *Mr President, the Secretary for Planning, Environment and Lands, in part (b) of his main reply made just now, has mentioned that after identifying the 1 200 "problem canopies" during the inspection of 13 000 buildings, 130 cases have been investigated and 20 investigation/repair orders have been served. In fact, in those days, government departments based on the plans to approve newly completed buildings. In the several cases of canopy collapses in the past, were unauthorized structures or structures in breach of regulations found, and were there any architects penalized or any contractors found to be jerry-builders? In fact, no one knows when the 1 000-odd canopies regarded by government departments as dangerous will collapse because investigations, including repairs, have been made at too slow a pace. How can the Government ensure that building construction works in future will not repeat the same mistakes? What pledge can the Department or the Planning, Environment and Lands Branch make to the Hong Kong citizens so that architects, engineers, contractors or building owners will be held responsible?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President, first of all, there are ordinances on building construction which stipulate that the Government will inspect buildings upon completion of the construction of buildings and canopies. Besides, I would like to reiterate that I do not agree to describing the 1 200 canopies that I have just now mentioned as "dangerous canopies". As what I have pointed out just now, those canopies are the ones that we regard as deserving our concern and requiring investigation. Before the results come out, I do not want to identify

them as "dangerous canopies". As for ensuring the safety of canopies on building structures, the Department issued in 1994 operational guidelines on the designs and repairs of cantilevered canopies for relevant people in the building sector to follow and we made a revision in 1995. In July, the Department will conduct a public consultation exercise on the mandatory Building Safety Inspection Scheme. Upon the implementation of the mandatory scheme, canopies will certainly fall within the ambit of mandatory inspections. We wish to carry out mandatory building inspections through the legislative process. We will therefore be able to fully ensure the safety of canopies.

PRESIDENT (in Cantonese): Mr TSANG Kin-shing, are you claiming that your question has not been fully answered? Which part?

MR TSANG KIN-SHING (in Cantonese): *Yes, Mr President. Just now, I have asked the Secretary for Planning, Environment and Lands that of the several cases of canopy collapses in the past, how many were found to be in breach of laws and regulations. He has answered just now that beginning 1994, those cantilevered canopies have been monitored,*

PRESIDENT (in Cantonese): Mr TSANG Kin-shing, it is very clear.

MR TSANG KIN-SHING (in Cantonese): *Mr President, I would like to finish my sentence.*

PRESIDENT (in Cantonese): Now it is the question time and not the time for discussion.

MR TSANG KIN-SHING (in Cantonese): *I am not discussing.*

PRESIDENT (in Cantonese): He has partially answered and then you commented on the speech he had made just now. This was not a supplementary.

MR TSANG KIN-SHING (in Cantonese): *He has not answered the question I raised just now and my question is*

PRESIDENT (in Cantonese): It is already very clear. Would the Secretary for Planning, Environment and Lands answer whether the previous incidents involving structures were in breach of regulations?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President, I do not know which cases are being referred to by the Honourable TSANG Kin-shing. In the absence of a genuine case, I think it is difficult for me to give a reply on individual cases. I am most willing to give a written reply if Members provide detailed information.

PRESIDENT (in Cantonese): I believe that Mr TSANG Kin-shing wishes to ask, for instance, whether the canopy collapse case in Aberdeen in 1994 involved structures that were in breach of regulations and whether there have been other similar cases?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President, I do not have the information about the Aberdeen case on hand.

MR CHAN WING-CHAN (in Cantonese): *Mr President, it has been learned from part (a) of the main reply and some photographs that most of the canopies in the canopy collapse accidents were in slab form. Will the Government inform us whether it will advise architects or construction companies to take shoring action on canopies in future building construction works and whether slab canopies will likely trigger more accidents? Will the Government make suggestions or enact legislation to indicate that those canopies are not safe enough?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President, slab canopies actually pose no problem in terms of building structure, so the Department approves the construction of this kind of cantilevered slab canopies. Problems emerged subsequently, probably because of improper construction process, improper maintenance work after the construction of the canopies, lack of repairs in the course of time or something wrong with the use of materials or the like.

Speculative Activities in Residential Property Market

3. **MR LEUNG YIU-CHUNG** asked (in Cantonese): *Regarding the current speculative activities in the property market, will the Government inform this Council:*

- (a) how the current speculative activities in the property market compare with those before the introduction of the measures for curbing property prices by the Government in 1994; and*
- (b) apart from the measures for dampening speculative activities in the property market introduced at the beginning of this year, whether and under what circumstances will the Government adopt further special measures to curb such activities?*

SECRETARY FOR HOUSING (in Cantonese): Mr President, before June 1994, speculation was rife in the pre-sale market of uncompleted flats because of the relatively long pre-sale period and the free resale of such flats before first assignment. Property developers' rights to reserve a high percentage of uncompleted flats for private sale fuelled speculation since many of the buyers in private sales were not genuine end-users. Furthermore, there was speculation through resale of shell companies and sale of ballots before selection of flats. Incidents of long queues outside property sales offices waiting for flat purchases also gave rise to public order problems. Besides, a lack of sufficient sales

information led to panic buying occasionally.

Since the Government's promulgation on two occasions this year of the new measures for increasing flat supply and dampening speculative activities, the residential property market has become more stable. The pre-sale period for uncompleted flats is greatly shortened and resale before first assignment is prohibited. The number of uncompleted flats reserved for private sale is much reduced and private sale is restricted to genuine end-users. Speculation on uncompleted flats through shell companies has been curbed. Ballot-trading no longer exists and sales of flats are conducted in an orderly manner. Property speculative activities conducted in the form of confirmors have been hit hard. Home buyers have benefited from more detailed descriptions about residential flats put on sale. Moreover, a number of estate agent associations and the Law Society of Hong Kong have indicated their willingness to join hands with the Government in curbing speculative activities in the property market.

As regards part (b) of the question, the Government's policy is to allow the residential property market to operate as freely as possible and to intervene only if it is necessary to do so. It is difficult to set out specific criteria beforehand as to under what circumstances the Government will introduce further measures since the question concerned presupposes a hypothetical situation. We will nevertheless continue to closely monitor the development of the property market.

MR LEUNG YIU-CHUNG (in Cantonese): *Mr President, the most important part of the main reply given by the Secretary for Housing reads "the pre-sale period for uncompleted flats is greatly shortened and resale before first assignment is prohibited. The number of uncompleted flats reserved for private sale is much reduced and private sale is restricted to genuine end-users." However, the Secretary for Housing has not produced any data to support the two conditions of "greatly shortened" and "much reduced". It is therefore unconvincing that the current situation really tallies with what the Secretary for Housing has stated. Mr President, actually, there are restrictions on the presale periods of some but not all of the uncompleted flats. How can the Secretary for Housing ensure that the existing presale periods have been greatly shortened, the number of uncompleted flats for private sale has been much reduced and private sale is restricted to genuine end-users rather than speculators?*

SECRETARY FOR HOUSING (in Cantonese): Mr President, regarding this issue, the Government has imposed such restrictions and communicated with property developers and sellers. Given the existence of such restrictions and the promise made by property developers to monitor the situation, I believe we will receive complaints from different sectors concerned if improper activities are found. We have not heard of any breach of the restrictions imposed by the Government to date.

PRESIDENT (in Cantonese): Mr LEUNG Yiu-chung, are you claiming that your question has not been fully answered? Which part?

MR LEUNG YIU-CHUNG (in Cantonese): *Yes, Mr President. The Secretary for Housing has said just now that the presale period for uncompleted flats is greatly shortened. However, what I have mentioned is that actually, there are restrictions on the presale periods for some but not all of the uncompleted flats. So how can the Secretary for Housing ensure the periods have been greatly shortened? What is the explanation of the Secretary for Housing on this issue?*

SECRETARY FOR HOUSING (in Cantonese): Mr President, it is already a fact that the presale period for uncompleted flats is shortened. Before June 1994, the presale period was considerably longer, very often nearly 24 months or more. However, at present, the presale period has been shortened to 15 months. In comparison, the period has actually been shortened.

PRESIDENT (in Cantonese): Five more Members are prepared to raise supplementary questions and I will draw a line there.

MR BRUCE LIU (in Cantonese): *Mr President, some data reveal that over the past two years, many property transactions in the secondary market have been completed in 12 months, six months or even three months. Will the Secretary for Housing inform us whether he has collected any information or data on the percentage of speculative activities in the cases of flat resale within a year over*

the past two years? Is the Government satisfied with the results of the existing measures for curbing speculative activities? Will it consider levying a capital gain tax on short-term property speculation?

SECRETARY FOR HOUSING (in Cantonese): Mr President, regarding property trading in the secondary market, our data reveal that the number of transactions of resale within three months accounts for 3% of total property transactions. Nonetheless, this does not represent that those transactions are definitely speculative activities because they may be conducted for many other reasons such as emigration and change of homes. The number of cases of resale within six months accounts for some 6% and the number of cases of resale within 12 months represents some 10%.

PRESIDENT (in Cantonese): Mr Bruce LIU, are you claiming that your question has not been fully answered?

MR BRUCE LIU (in Cantonese): *Mr President, the Secretary for Housing has not answered the part of the question concerning levying a capital gain tax on property trading within a short period.*

SECRETARY FOR HOUSING (in Cantonese): There is already a stand on the capital gain tax within the Administration. The Government considers that Hong Kong should maintain a simple taxation system and the Administration would not introduce new taxes indiscriminately. It therefore has no intention to levy some additional special taxes to tackle the problem of property speculation at present.

MR CHOY KAN-PUI (in Cantonese): *Mr President, will the Government inform us whether it will set a baseline every time when it adopts measures for curbing property prices in order to ensure that property prices will not fall below a certain range or level because of these measures?*

SECRETARY FOR HOUSING (in Cantonese): Mr President, the Government does not have a specific figure or baseline. It will monitor the development of

the residential property market regularly and take action when there is a genuine need to do so.

MR WONG WAI-YIN (in Cantonese): *Mr President, in paragraphs 2 and 3 of his main reply, it seems that the Secretary for Housing thinks the measures now being adopted by the Government for dampening property speculation are very effective. In 1994, the Government, after introducing the measures for dampening property speculation for the first time, also said that they were effective. However, property prices continued to soar. I would like to ask the Secretary for Housing whether the Government considers that the existing measures can stop the trend of speculation; if not, whether it has formulated any measures for prompt implementation to curb speculation once such activities become rife again? Mr President, I am not asking when the measures will be adopted. I am asking whether some contingency measures are ready for implementation.*

PRESIDENT (in Cantonese): Mr WONG Wai-yin, I believe what you have asked concerns part (b) of the original question. That means you are not satisfied with this answer.

MR WONG WAI-YIN (in Cantonese): *Yes, Mr President. The Secretary for Housing has stated that the Government will not say when further measures will be implemented. I am not asking the time and I am asking whether there has been discussion within the Government about some measures which can be implemented for curbing property speculation once such activities become rife again.*

SECRETARY FOR HOUSING (in Cantonese): Mr President, in the first place, I would like to respond to the general observation as mentioned by the Honourable WONG Wai-yin just now. Thanks to the co-ordination among various measures, the Government obtained fruitful results in its first implementation of the measures for curbing property prices. It adopted measures for dampening property speculation again on two occasions which took place at the beginning and in March of this year respectively. As they were different kinds of measures, their results varied. A combination of the three kinds of measures has produced an overall result. In such circumstances,

property speculation may have been curbed to a large extent. The Government is unable to predict when property speculation will become rife again. The question on whether the Government will adopt any measures again presupposes a hypothetical situation. We will study all viable measures but the Government has not made any decision on what additional measures should be adopted.

MR HOWARD YOUNG (in Cantonese): *Mr President, I would like to raise a question on the length of presale periods for uncompleted flats. The Secretary for Housing has said just now that before 1994, the presale period for uncompleted flats was very long. As I recall, at that time the period was greatly shortened by the Government. If what I remember is correct, it appears that the recent measures have slightly extended the already shortened presale period on the ground of increasing the supply. Is this true? If the answer is affirmative, does it mean that either the measures adopted by the Government are not firm enough or the Government, considering that a too long or too short period has its demerits, finds it appropriate to obtain an equilibrium in between?*

SECRETARY FOR HOUSING (in Cantonese): *Mr President, the Government has not gone back on decision in this respect. In 1994, the Government shortened the presale period for uncompleted flats for fear that speculation would emerge under other circumstances. It therefore stipulated that no resale would be allowed within the presale period before first assignment. As a result of the adoption of the two measures, under our observation, resale before first assignment disappeared. Recently, we have slightly extended the presale period because we consider that the situation has improved and become safer. This does not mean that the Government has gone back on its decision. We have done so mainly because the measures adopted in the past have obtained good results and our present measure can boost the supply of properties to the advantage of home buyers.*

MISS CHAN YUEN-HAN (in Cantonese): *Mr President, while listening to the reply given by the Secretary for Housing to a colleague's question, I felt that the Government seemed to be taking the following attitude: in 1994 when speculation was rife and property prices soared to \$6,000 to \$7,000 per sq ft, the Government adopted some dampening measures for a while; then, two to three years later when speculation became rife again with the current property price standing at more than \$10,000 per sq ft, the Government curbed speculation a bit but has ceased doing so again. I find that the property prices have pushed*

up higher after each process. The Honourable CHOY Kan-pui has asked the Government just now whether it has set a baseline. I really think that the Government has a baseline and the current baseline is \$9,000 to \$10,000 per sq ft. In fact, the Government can do something. For example, the current mortgage loan is 70% of the property price, but many property developers lend 20% of the property price to buyers in their capacity as developers. Why does the Government not do something against this? Is it because it has touched the baseline, considering that \$9,000 per sq ft is a healthy situation, so it takes no dampening action?

SECRETARY FOR HOUSING (in Cantonese): Mr President, as what I said earlier, the Government has absolutely set no specific baseline. Nevertheless, it is just natural that in the overall government operation, different kinds of issues have been dealt with by various independent bodies and government departments. As far as I know, there is no baseline on the whole. If there is really a great impact on the free market causing government intervention, the Government will give careful consideration before making a decision on implementing measures.

Illegal Fish Farming Rafts in Marine Park

4. **MISS EMILY LAU** asked (in Cantonese): *Though Yan Chau Tong has been designated as a marine park, recently, some fishermen have illegally set up rafts at nearby waters for fish farming, thus seriously polluting the water there and affecting the marine ecosystem in the area. In this connection, will the Government inform this Council:*

- (a) *whether the departments concerned will take any action to prohibit further operation of these illegal rafts; if not, what are the reasons;*
- (b) *whether the Marine Parks Ordinance and other relevant legislation will be amended so as to vest the departments concerned with the power to order the offenders to cease operation immediately or operate beyond the boundary of the marine park on the one hand and increase the penalties substantially to strengthen deterrent effects on the other; and*
- (c) *of the impact on the water quality of the above marine park as a*

result of the pollution generated by the rapid development of industrial and economic activities in the area within the boundary of China adjacent to Yan Chau Tong?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President,

- (a) The operators of the above-mentioned rafts are licensed by the Director of Agriculture and Fisheries to engage in fish culture. However, they once set up rafts for fish farming beyond the designated fish culture zone at a location some 600 m away from Yan Chau Tong Marine Park.

The Director of Agriculture and Fisheries has brought a prosecution against those operators in accordance with the Marine Fish Culture Ordinance, under which it is against the law for any person to engage in fish culture outside a fish culture zone within Hong Kong waters. Subsequently, the operators concerned towed their rafts back to the designated fish culture zone.

- (b) Pursuant to the Marine Parks and Marine Reserves Regulation made under the Marine Parks Ordinance, marine fish culture inside marine parks and marine reserves is prohibited. The maximum penalty for an offender is a fine of \$25,000 and one year's imprisonment. So far no one has contravened this provision of the Regulation. We consider the penalty an adequate deterrent.

For marine fish culture beyond marine parks and marine reserves, the Director of Agriculture and Fisheries has the power to revoke a marine fish culture licence and to seize and detain any raft being used in connection with the commission of an offence against the Marine Fish Culture Ordinance if the licensee contravenes the licensing requirements. The Ordinance prohibits fish culture within Hong Kong waters beyond the fish culture zones and the maximum penalty for an offender is a fine of \$5,000 and six months'

imprisonment. We consider that illegal operation of fish rafts has not been a serious problem and that the Director of Agriculture and Fisheries has been vested with sufficient power to deal with cases concerning contravention of licensing requirements.

- (c) There has not been any deterioration in water quality in the Yan Chau Tong Marine Park since its establishment. With effect from 1991, the Environment Protection Department (EPD) has been carrying out water sampling for laboratory tests in the Mirs Bay Water Quality Control Zone, which includes the Yan Chau Tong Marine Park, and to date, the test results have indicated no deterioration in the water quality in the zone. In addition, Since 1994, the Agriculture and Fisheries Department (AFD) has increased the number of sampling points both inside and near the Yan Chau Tong Marine Park. The test results have tallied with EPD's findings. We will continue to monitor the water quality in the zone.

MISS EMILY LAU (in Cantonese): *Mr President, we are very concerned about the illegal operation of rafts mentioned in my question. This is because although the Government's reply states that they have operated beyond the designated fish culture zone but not in the marine park, their operating ground is very close to the marine park as it is only 600 m away. Will the Secretary for Planning, Environment and Lands inform this Council for how long has the Government been aware of the close proximity to the marine park of the illegal fish farming at the rafts? The Government says prosecutions were initiated, but actually how many summons have been issued and have the cases been tried in court? Would their long operation there adversely affect the quality of the water nearby?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President, the Secretary for Economic Services is responsible for the policy of fish farming beyond marine parks. Perhaps please allow the Secretary for Economic Services to answer.

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr President, regarding the situation that the Honourable Miss LAU has mentioned just now, in fact, three holders of marine fish culture licences began to operate in an area 600 m away from Yan Chau Tong at the beginning of this year. The Director of Agriculture and Fisheries has issued three summons. A court judgement was made yesterday and the offenders had to pay fines in the range of \$1,000 to \$1,500. As there are two more summons served on them, they will still have to go to court. Most importantly, the three licensees have already returned to O Pui Tong, their designated zone, and have been operating there. I believe that next time when Miss Emily LAU goes to sea, she would not see them operating near Yan Chau Tong again.

DR JOHN TSE (in Cantonese): *Mr President, part (b) of the main reply states that so far no one has violated the two ordinances. In my opinion, whether offenders can be caught forms the most important part of the enforcement of relevant legislation. How many government officers are responsible for administering and patrolling these marine parks and marine reserves and are there sufficient hands?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President, at present, 13 colleagues of the AFD are directly responsible for enforcing relevant legislation concerning marine parks and marine reserves. Currently, there are three marine parks and one marine reserve in Hong Kong and altogether 13 colleagues are directly responsible for carrying out duties and patrol.

MR HOWARD YOUNG (in Cantonese): *Mr President, a Secretary has stated just now that the AFD has issued summons to the marine fish culture licensees. Is this the single case in which the Administration has taken action? Can the departments concerned provide us with data to show regular enforcement of such kind of laws?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr President, in fact, this problem is not very serious because relevant figures indicate that

over the past three years, a total of 13 prosecutions have been initiated and over the past two years, there have only been five such cases. The AFD has attached great importance to this question, so there are special teams exclusively responsible for the patrol. Since the beginning of this year, a total of 15 prosecutions have been initiated.

MISS EMILY LAU (in Cantonese): *Mr President, the Secretary for Economic Services has said just now that three licensees began their illegal operation there at the beginning of this year. It is just natural for us to show much concern because of the close proximity of the operation to a marine park. However, it seems that they had been operating there from early this year to now, that is April, and then they moved out last week peculiarly and their cases were not heard in court until yesterday. I would like to ask the Secretary for Economic Services if they were allowed to operate illegally for too long a time because the time spent on issuing summons and waiting for court hearings has given them a period of a few months to operate there illegally? Should the Government amend legislation to vest departments with more power to promptly demand them to move their rafts away if their operation is found to be affecting water quality? We cannot keep on waiting. Illegal operation for too long a time will adversely affect the environment. Is it appropriate?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr President, actually, the Director of Agriculture and Fisheries must give warning before issuing summons. In fact, the Director of Agriculture and Fisheries has reviewed the cases and warned the people concerned that if they continued to violate the legislation frequently, he would consider exercising his power to seize their rafts or revoke their licences. I believe such power is sufficient to produce deterrent effects. The Director of Agriculture and Fisheries will continue to pay attention to the situation. If the licensees continue to violate the legislation, their licences may be revoked.

PRESIDENT (in Cantonese): Miss Emily LAU, are you claiming that your question has not been fully answered? Which part?

MISS EMILY LAU (in Cantonese): *Mr President, I would like to raise a follow-up question because few Members have raised questions.*

MR CHOY KAN-PUI (in Cantonese): *Mr President, will the Government discuss with the Chinese authority to ensure that marine parks will not be unnecessarily polluted because of the commercial and industrial development of China?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President, Members may want to know that in fact, a Guangdong-Hong Kong environmental protection liaison group was set up in 1996 by both China and Hong Kong. An important task of the group is to conduct a conservation study at Mirs Bay. The findings of this environmental study is expected to come out later this year and then we will draw up an environmental management action programme, which includes continuous monitoring of the water quality at Mirs Bay. Of course, problems in other aspects also fall within the terms of reference of the Guangdong-Hong Kong environmental protection liaison group.

MISS EMILY LAU (in Cantonese): *Mr President, the Secretary for Economic Services has mentioned just now that the offenders in the case heard yesterday were fined \$1,000. Mr President, how can a fine of \$1,000 produce deterrent effects? Will the Government give consideration to amending the legislation to make penalties stiffer in the hope that the court will impose more severe penalties? I am sure some people pay more than \$1,000 even for a meal, so how can such a fine have a deterrent effect?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr President, in fact, the existing legislation stipulates a maximum fine of \$5,000 and the court imposed a fine of \$1,000. Nonetheless, I think the fine is not the most important factor because the possible sentence to six months' imprisonment maximizes the deterrent effect. Apart from imposing these penalties, the Director of Agriculture and Fisheries will also consider whether it is necessary to revoke their licences subject to conditions. Judging from the above, I believe

there is already sufficient deterrent. We must bear in mind that the licensees who have violated the law only form a small portion of the 1 500 odd marine fish culture licensees in the territory. I have stated just now that over the past two years, only five prosecutions have been initiated, so the overwhelming majority of the operators of marine fish culture are law-abiding.

BDTC Passport Holders Inconvenienced in Travelling

5. **MR HOWARD YOUNG** asked: *Mr President, in view of the fact that all British Dependent Territories Citizen (BDTC) passports will expire at a date on or before 30 June this year and that many countries do not accept travel documents with a validity period of less than six months, will the Government inform this Council:*

- (a) *whether the Government has any information regarding BDTC passports holders being rejected at Kai Tak airport or any other overseas airports because their travel documents do not have a validity period in excess of six months, and*
- (b) *in regard to people who have not applied for British National (Overseas) passports but who have the need to travel overseas within the next two months, what recourse do they have to obtain a valid travel document?*

SECRETARY FOR SECURITY: Mr President, I shall reply to the two parts of this question in turn.

- (a) Most BDTC passport holders present themselves for departure and arrival clearance at immigration control points in Hong Kong with their Hong Kong Permanent Identity Cards. The Immigration Department therefore has no way of knowing the validity of their passports which they need not produce. We would not know whether BDTC passport holders at overseas airports are refused entry because their passports have less than six months validity

unless these are reported to us. We have not received any such reports, so far.

- (b) The admission policies of foreign countries are different. Generally speaking, countries will wish to satisfy themselves that the individual is returnable to Hong Kong; and returnability of a BDTC passport holder is evident from his Hong Kong Permanent Identity Card. Nonetheless, it may be more difficult for holders of BDTC passports to obtain visas now for entry to those countries or territories which require a visa from them. Any BDTC who has not yet applied for a BN(O) passport, unless born in the first six months of this year, will have missed the legal deadline for lodging such an application. The BN(O) passport issuing function was transferred from the Hong Kong Immigration Department to the British Trade Commission on 1 April this year. We understand that the British Trade Commission will only accept late applications if there are genuine special circumstances which justify it. Any late applications will be considered carefully.

Thank you.

MR HOWARD YOUNG (in Cantonese): *Mr President, perhaps there have been unreported cases in which travellers were denied entry, and, therefore, the Secretary for Security is aware of none. According to paragraph (b) of the Secretary for Security's reply, the legal deadline for lodging application for BN(O) passport is past, and the matter has already been handed over to the British Trade Commission. However, I remember that before the matter was handed over to the British Trade Commission, the Immigration Department adopted a very lenient approach towards late applications with so-called "special circumstances". As far as I know, most applicants, or even all of them, were able to get passports without having to lodge appeal. Does the Government know whether the British Trade Commission has been adopting a lenient approach similar to that of the Hong Kong Government ever since that task was handed over to them early this month?*

SECRETARY FOR SECURITY: Mr President, the discretion given under the law to accept late applications where the circumstances are genuinely special can

only be exercised by the issuing authority to the best of his judgement. With the passage of time, circumstances which could have been considered special may not be special now. Let me cite an example. A person who has resided overseas and failed to apply before his relevant deadline could have a special case if he made his application immediately after returning to Hong Kong to the Director of Immigration. But if he has not done so, and if he has returned for some time and there was nothing special to prevent him from applying during that time, it may not be possible to regard these circumstances as special now.

DR ANTHONY CHEUNG (in Cantonese): *Mr President, in reply to Mr Howard YOUNG's query about paragraph (b), the Secretary for Security said that the Government is aware that some holders of BTDC passports are having more difficulties than before in obtaining visas even though they can prove their return ability to Hong Kong as evident from their Hong Kong Permanent Identity Cards. What has the Government done to help solve those difficulties?*

SECRETARY FOR SECURITY: Mr President, we have been making contacts with the local consulates here. Unfortunately, a few consulates such as the Philippines, Singapore and Thailand have replied that they would not be able to accept BDTC passport holders' entry into their countries. But as regards other countries which are more helpful, they have indicated that they are prepared to consider the entry of such BDTC passport holders on a case by case basis.

MRS SELINA CHOW (in Cantonese): *Mr President, in paragraph (a) of his reply, the Secretary for Security said that they had received no report of cases in which BTDC passport holders were denied entry or departure for holding passports of less than six months validity. However, at present some BTDC passport holders can turn to nowhere to apply for SAR passports and, therefore, might run into problems. That being the case, how and where can they obtain assistance?*

SECRETARY FOR SECURITY: To facilitate the travel of such applicants, Mr President, I believe the most straightforward venue will be for them to apply for a BN(O) passport with the British Trade Commission if the applicant wishes to make his travel in the next two months.

PRESIDENT (in Cantonese): Mrs Selina CHOW, are you claiming that your question has not been fully answered?

MRS SELINA CHOW (in Cantonese): *Mr President, I think the Secretary for Security has not listened to my question clearly. What I said is that these people are holding BTDC passports but have no chance to obtain SAR passports. In fact it is not possible for them to apply for BN(O) passports now as they have missed the legal deadline. I want to find out from the Secretary for Security where and how they can obtain assistance.*

SECRETARY FOR SECURITY: Mr President, it depends on the needs of the applicants. As I have said, if the applicants wish to travel then I have provided an answer earlier on. But if the applicant really wishes to have a valid travel document post-1 July 1997, then BDTC holders are of course eligible for HKSAR passports and they could so apply when we give out the application forms.

MRS SELINA CHOW (in Cantonese): *The Secretary for Security still has not answered this question of mine. My question is how and where they can obtain assistance when denied entry or departure.*

SECRETARY FOR SECURITY: Assuming this applicant of course has his Hong Kong Permanent Identity Card to prove his returnability, there should be, in theory, no problem for his return to Hong Kong. But if there is still problem, I think that he should contact either the Director of Immigration or our Branch.

MISS EMILY LAU (in Cantonese): *Mr President, I think the Secretary for Security still remembers that it was after much argument that the Legislative Council gave support to the Government's plan to issue BN(O) passports by stages as it was then felt that the people were so entitled. So the Government all along adopted a lenient approach, whereby even late applications were entertained. I think the British Government ought to adopt such an approach*

now. Does the Government know the background of the matter? Has the Government made strong representation to the British Government regarding the background of the matter to point out that it has no reason not to allow these people to apply for passports and that they should be immediately issued with BN(O) passports even though they have missed the deadline? Furthermore, please let us know how many applications have been turned down by the Trade Commission so far.

SECRETARY FOR SECURITY: Mr President, although the function has been transferred to the British Trade Commission, we have maintained liaison with the Commission, and we have certainly forwarded Members' concerns to the Commission. In fact, the Commission has offered to hold a special briefing to discuss with Members matters of concern in the next week.

As regards the second part of the Honourable Member's question on the numbers, I am afraid that we do not keep the numbers of applications or applications rejected. These numbers are kept by the Commission.

MR JAMES TO (in Cantonese): *Mr President, with regard to the views just expressed by the Honourable Miss Emily LAU, I do understand her fury and her question. I believe that most Members, including myself, share such feelings. I would like to find out from the Government whether or not these people can obtain certificates of identity under existing legal provisions if they cannot obtain BN(O) passports now because of late application and yet they require some immediate travel convenience.*

SECRETARY FOR SECURITY: The issuing of Document of Identity (DI) is subject to the criteria that the applicant has no other nationality at the time of application. Unless he could prove that he has no other nationality, or to be more precise, he is ready to renounce his BDTC status then this may be an option that the Director of Immigration would carefully examine in the circumstances so given by the Honourable Member.

PRESIDENT (in Cantonese): I think what Mr James TO asked about is Certificate of Identity.

SECRETARY FOR SECURITY: Mr President, the Certificate of Identity also applies, namely, that it would be subject to a set of criteria.

PRESIDENT (in Cantonese): Mr James TO, are you claiming that your question has not been fully answered?

MR JAMES TO (in Cantonese): *I want to verify through you, Mr President, that the Government means that to apply for CI or Certificate of Identity, one has got to have no other nationality. Is my understanding correct? If it is so, I would like to have it clearly put down on record. Or is it for those who cannot obtain other travel documents? These two situations are entirely different.*

SECRETARY FOR SECURITY: Let me rephrase my answer, Mr President. As long as the Hong Kong BDTCs still hold a BDTC passport, they would not be eligible for either the CI or DI as I just referred to earlier on. One of the criteria for the issue of CI is that the applicant must not be eligible for any national passport or travel document.

MR HOWARD YOUNG: Mr President, in answering one of the earlier supplementaries, the Secretary said that they had ascertained from some consulates, such as the Philippines, who have said that they would not allow entry for BDTC passport holders with less than six months of validity. Has the Government made, or will the Government make, this clear, in format, to organizations such as the travel industry or airlines at Kai Tak so that travellers would not be sent onto aeroplanes and then find that out when they arrive, but it will be too late and they will have to be sent back?

SECRETARY FOR SECURITY: Mr President, I shall be happy to follow this up if we have not already done so.

China Legal Service (HK) Limited

6. **MR ALBERT HO** asked (in Cantonese): *Mr President, it is learnt that the China Legal Service (HK) Limited (the Company), which was established with the approval of the Chinese Ministry of Justice, provides legal services in the territory without applying to the Law Society of Hong Kong (the Society) for registration as a foreign law firm in accordance with the requirements of the law of the territory. In this connection, will the Government inform this Council:*

- (a) whether the owner of the Company and its lawyers have contravened the Legal Practitioners Ordinance and its subsidiary legislation; and*
- (b) whether, following the receipt of the complaint from the Society against the Company, the Government has requested the Company to go through the necessary procedures for registration as a foreign law firm as soon as possible; if so, what the outcome is; if not, why not; and whether the Government has considered instituting prosecutions, if not, why not?*

ATTORNEY GENERAL: Mr President, before I answer these two questions, it may be helpful if I set out the respective functions of the Law Society and my department in respect of the activities of foreign lawyers and foreign law firms.

Under the Legal Practitioners Ordinance, it is the Law Society that is given the power to register persons as foreign lawyers, and firms as foreign law firms, and it is the Council of the Law Society that is empowered, subject to the approval of the Chief Justice, to make rules in respect of such registration, and in respect of the practice of foreign lawyers and foreign firms. In other words, the Law Society is the statutory and professional regulatory authority in this respect.

The statutory scheme is backed up by certain criminal sanctions in relation to those who offer their services to the public as a practitioner of foreign law without being a solicitor, a barrister or a registered foreign lawyer. The

responsibility of my department is to decide whether any prosecution should be instituted in respect of these criminal sanctions and, if so, to be responsible for the prosecution.

I turn now to the specific questions. In answer to paragraph (a) of the question, I would point out that the police are investigating whether the company referred to, or any person connected with it, has committed any offence under the Legal Practitioners Ordinance. This being so, Mr President, it is not appropriate for me to comment further at this stage.

Turning to paragraph (b) of the question, it is not possible for a limited company to register as a foreign law firm. However, after my department was notified by the Law Society that the company might be operating in breach of the Legal Practitioners Ordinance, members of my department and the Law Society made every effort to persuade the company to comply with the provisions of the Ordinance.

The company was given ample time to do so. When, after further urging from members of the Law Society and my department, it did not do so, I referred the matter to the police for investigation. When the police have completed their investigation, I will consider whether any prosecution should be instituted.

Thank you, Mr President.

MR ALBERT HO (in Cantonese): *Mr President, according to information, it is for a political reason, not for a legal reason, that this company refuses to register with the Law Society in accordance with the law, and the Law Society, unable to solve the problem, lodged complaints with the Legal Department and the police long time ago to seek assistance in a bid to solve the issue. One whole year has gone by, but it still remains unresolved. Up to the present moment, the Attorney General still replies that it is pending for police investigation. There is still no decision for prosecution. Does the Government agree that the reply will give rise to much public concern since there are double standards in that law-enforcement is more lenient with this company when it noticed that this company has a political background, and that it dared not*

impose appropriate sanction in accordance with the law as it should be in the case with ordinary citizens? How is the Attorney General going to ease public concern in this respect?

ATTORNEY GENERAL: Mr President, there are no double standards here and there is no lenient treatment. Let me just fill in a bit of the background. The matter was referred to my department by the Law Society in September 1995. Detailed legal research was then carried out into the question of both the legislation relating to foreign lawyers and the background to the enactment of that legislation. In the Spring of 1996, the Law Society notified my department that it would wish, if at all possible, to resolve this dispute with the company amicably. That was a matter that was in its power as regulator. It was in my opinion a sensible and responsible thing to do. There then followed a series of discussions in with this company in which my department took part to persuade it to comply with the law.

When on 7 January this year the company notified both the Law Society and my department that it would not register, I then referred the matter to the police. The matter is now in the hands of the police. The police are investigating in the same way that they would investigate any complaint of an alleged infringement of the law. When that investigation is completed and the results presented to me, I will then decide whether or not on the evidence unearthed by that investigation a prosecution will be brought. I will decide whether or not to prosecute in exactly the same way as I decide to prosecute anybody else in Hong Kong for a breach of Hong Kong's laws.

MISS MARGARET NG: *Mr President, I think the public is rightly concerned to know whether the system is working. It seems that the Law Society has exhausted everything it can do in its power and has come to the Attorney General. According to the Attorney General, he has also made every effort and it seems that he has not been successful. Will the Attorney General inform this Council precisely what efforts has he made and why he has been unsuccessful? Does he have any reason to continue to have confidence in the system; and if so, why?*

ATTORNEY GENERAL: Mr President, Members of the Council will

understand that if I do not go into the detail at this stage because there is a current police investigation. There may be a prosecution coming out of it and nothing that I say this afternoon would wish to prejudice either a police investigation or a possible prosecution. It is quite true that strenuous efforts were made, both by the Law Society and members of my department, to persuade this company to comply with the provisions of the Ordinance. They were given ample time to do so. As I have said, when they indicated that they would not register, I then directed, about a week later, that the papers should be sent to the police for investigation and it remains in the hands of the police. I see this case as being no different from any other, in the sense that there has been a complaint, that there has been a breach of the law, that complaint has been referred to the police. The police will investigate. They will produce evidence. I will then decide whether or not to prosecute on the basis of that evidence uncovered in the police investigation in the same way that I will decide any other decision to prosecute. That does not, I believe, indicate that there is anything wrong with the system. On the contrary, I would like to emphasize that these are matters to be decided on the basis of Hong Kong law and entirely within Hong Kong's autonomy. That is the position now and that will be the position after 1997.

MISS MARGARET NG: *Mr President, I fear that the Attorney General has not answered my question. Could I invite him to answer perhaps in a general sort of way? What efforts has he made to persuade this company to register and why has he failed?*

ATTORNEY GENERAL: Mr President, I wanted to avoid being drawn into detail because that might be the very subject that will be raised if there is a subsequent prosecution. I hope the Honourable lady will bear with me. I am not trying to be evasive here. I am trying to ensure that the police investigation is not compromised, and any subsequent prosecution, if I decide to prosecute, is similarly not compromised. I can assure the Honourable lady that strenuous efforts were made to persuade the company to comply with the law and the company was reminded on more than one occasion that a failure to comply with the law might lead to eventual prosecution.

PRESIDENT (in Cantonese): Miss Margaret NG, I think the Attorney General has already answered your query. Would you point out which part has not been

answered?

MISS MARGARET NG: *I understand the Attorney General's difficulty. Mr President, I wonder if you would allow me to rephrase the question?*

PRESIDENT (in Cantonese): Could you wait until the end for me to let you ask again?

MISS MARGARET NG: *Certainly, Mr President.*

MR MARTIN LEE: *Mr President, if the Attorney General actually requested this company to register itself, presumably the Attorney General realized that without registration this company would be committing a criminal offence. That being the case, now that he has been told by the company itself that it would not register, what is there to investigate?*

ATTORNEY GENERAL: I am rather surprised at that question, Mr President. I am sure that Mr LEE would be the first to recognize that there is a great deal of difference between asserting that the law has been breached and actually having the evidence in admissible form to put before a criminal court to persuade the court that that is the case. That is the purpose of the police investigation to examine whether or not there is evidence to show that the law has been breached.

MR ANDREW CHENG (in Cantonese): *Mr President, the reply shows that the Legal Department has been totally negligent and coward in dealing with the matter concerning the China Legal Service (HK) Limited. The last paragraph of the reply and the answer just given by the Attorney General in response to Mr Martin LEE's query are examples. We do not understand why the Legal Department still has to wait for the results of the police investigation. Why was it not possible to carry out investigation earlier? Besides, investigation should not be too complicated as the Attorney General basically already has a lot of information for the Legal Department. Whether it has registered or not,*

whether it has provided legal services or not

PRESIDENT (in Cantonese): Mr Andrew CHENG, please raise your question.

MR ANDREW CHENG (in Cantonese): *I want to know why it is necessary to wait so long. Is the long wait due to political pressure?*

ATTORNEY GENERAL: Mr President, let me reject categorically the suggestion that my department has been negligent in the handling of this matter. That is not the case. I repeat that before a decision can be made as to whether or not to prosecute, there has to be an investigation to see whether or not there is evidence sufficient to afford a reasonable prospect of a conviction before the courts. That is the general law. If the rule of law applies generally, it must apply as much to this investigation as it applies to investigation of any other offence. Mr President, I have explained both in my main answer and in subsequent supplementaries, in the passage of time that elapsed from the Law Society writing to us in September 1995 there was no question of my department succumbing to pressure to adopt a lenient approach in this case. I think it was entirely within the public interest that efforts were made to make this company comply with the law rather than invoke criminal sanctions. But when it became apparent that the company would not comply with the law, there was no alternative but to place the matters in the hands of the police for investigation. And as I have said, on the results of that investigation, I will then decide whether or not to prosecute.

PRESIDENT (in Cantonese): Four more Members are prepared to raise supplementaries. I will draw the line there.

MR JAMES TO (in Cantonese): *Mr President, in this matter we cannot see the justice of law and the materialization of the rule of law. According to the Government's present reply, it seems that the company has been persuaded to comply with the law and it has been given ample time to do so. I want to ask the Government whether it will persuade any person alleged to have committed a criminal offence not to do it again and rectify his mistake? If there is*

persuasion in one case whilst there is none in another case, then what are the criteria for immediate prosecution and under what circumstances will persuasion be carried out?

ATTORNEY GENERAL: Mr President, I explained in answer to an earlier supplementary that in the spring of 1996, the Law Society, as it was perfectly entitled to do, informed us that it would wish if possible to try and resolve its dispute with the company amicably. As I said in answer to that supplementary question, I considered then and I consider now that that was a sensible and responsible course to adopt. We played our part in trying to persuade the company, which let me point out — I must choose my words with care — that the company has been operating in Hong Kong since 1987 without, as far as I am aware, any controversy before this matter arose. I think that the course that was adopted was, in the circumstances surrounding this matter, entirely a proper and responsible one. But let me repeat that there have been no double standards. The matter is now in the hands of the police. Upon the completion of the police investigation, a decision will be made to prosecute and that will be made on exactly the same criteria as any other decision to prosecute.

MR JAMES TO (in Cantonese): *Mr President, he has not replied to the point as to whether or not, with regard to other businesses requiring licences, such as restaurants and clinics, the Government will invariably persuade them not to do so or advise them to get licences while cautioning them that upon their failure to comply, prosecution will be instituted. What are the criteria? Is the answer that there are no criteria? Is it correct to do so because this case is special?*

PRESIDENT (in Cantonese): Mr James TO, the present query is not on prosecution criteria. It is on what sort of case that case is.

MR JAMES TO (in Cantonese): *Mr President, what I asked about is whether or not the Government can answer questions on policies with reference to that example, that is, is the criterion of persuasion before prosecution also being used in respect of businesses requiring prior licensing? This concerns law-enforcement policy.*

PRESIDENT (in Cantonese): I am afraid that it is more appropriate to bring up the question in a panel when holding meeting with the Government for exchange of views.

MISS MARGARET NG: *Mr President, insofar as I know there were questions about this particular company raised before 1995. However, perhaps the Attorney General is correct that after the amendment to the law was made in 1994 this was the first case which put that particular provision to the test. Mr President, within the present framework, what means of persuasion are within the Attorney General to persuade companies to comply with the law?*

ATTORNEY GENERAL: Mr President, in my view, it is entirely within the public interest that people should comply with the law without the necessity of having recourse to criminal sanctions. It is always preferable that the law should be complied with without, as it were, involving police investigations and eventual prosecutions if that is where the investigation leads. That was the approach adopted in this case. I have to say that the approach adopted by the Law Society in trying to resolve its differences with the company by amicable means if possible, as I have said, seems to me an entirely reasonable and sensible thing for them as statutory regulator to do.

MR MARTIN LEE: *Mr President, in the Attorney General's original answer, he said the responsibility of his department is to decide whether any prosecution should be instituted in respect of these criminal sanctions and if so to be responsible for the prosecution. That is entirely right as I understand it. But then later on he said, members of his department and the Law Society made every effort to persuade the company to comply with the provisions of the Ordinance. Now I can understand why the Law Society would like to persuade the company to comply with the Ordinance. But why is it the obligation of members of the Attorney General's department to do that, because in his earlier sentence he said the responsibility of his department is only to decide whether to prosecute or not, and if so, to prosecute? That is why my Honourable colleague, Mr James TO, is challenging the Government. These are double standards. So will the Attorney General explain why in this case it was the*

additional duty of members of his department to persuade?

ATTORNEY GENERAL: Mr President, let me just go back and repeat what I have already said. The original approach to my department in September 1995 was by the Law Society. There was then a lengthy period of legal research into the state of the law. Bearing in mind that this company — and I choose my words with care — has been operating in Hong Kong since 1987 without, as far as I am aware, any controversy. In the spring of 1996, the Law Society, the statutory regulator, told us that it wished to, as it were, compose its differences with the company amicably if possible. That seemed to me an entirely sensible course to take. My department was under no obligation, no duty in that regard. With the approach having been made by the Law Society, it seemed entirely reasonable and indeed quite proper to try and persuade this company to comply with the provisions of the Ordinance. As I have said, I believe it is in the public interest that compliance with the law should be obtained without the necessity of criminal sanctions. But when that process failed, the papers were placed in the hands of the police. I have already dealt with that and I do not want to repeat myself. I do want to refute the allegation that there are double standards here. There are no double standards. The law that is being applied is the law that applies to everyone. When the police complete their investigation, I will decide whether or not to prosecute this company in the same way that I will decide whether or not to prosecute anybody else on the basis of the evidence presented to me in accordance with my published guidelines.

MR MARTIN LEE: *The Attorney General has not answered my question why is it that on this occasion, and not on any other occasion, when crimes might have been committed, was it necessary and indeed thought to be necessary, for the Attorney General's Chambers to persuade the criminal party to comply with the law after a breach since 1987?*

ATTORNEY GENERAL: I am sure that Mr LEE did not quite mean to say criminal behaviour since 1987. I am sure he actually meant to say alleged criminal behaviour because, could I just remind the Honourable gentleman, there is a pending police investigation and I think it would be premature in the extreme to suggest whether or not the activities of the company have in fact been unlawful.

MR MARTIN LEE: *The Attorney General artfully avoided my question why was it necessary on this occasion for members of his department to persuade an alleged criminal to comply with the law then?*

ATTORNEY GENERAL: Mr President, I do not think I can give any better answer than the one that I have already given to that.

MR MARTIN LEE: *Which was I have not heard it! What was the answer?*

MR HOWARD YOUNG: *Mr President, just to allow us to know where the lines are. The Attorney General said that there is a police investigation going on and obviously when you investigate you are looking for evidence for a possible breach of the law. Can we be enlightened that when we are looking for a breach of the law, are we looking for the fact that a company is operating without a business registration or whether the company has actually been practising law like lawyers do, in which case it would be a breach of the law?*

ATTORNEY GENERAL: Mr President, I do not want to be drawn into what the police investigation may cover, but it may help if I quote the relevant provision in the Legal Practitioners Ordinance, section 50B(1), "A person who offers his services to the public as a practitioner of foreign law commits an offence unless he is a solicitor, barrister or foreign lawyer", and "foreign lawyer" here means a registered foreign lawyer.

WRITTEN ANSWERS TO QUESTIONS

Fire Safety Inspection of Commercial and Residential Buildings

7. **DR JOHN TSE** asked (in Chinese): *Will the Government inform this Council of the following in each of the past five years:*

- (a) *the respective numbers of commercial and residential buildings inspected by the Fire Services Department in each district; and*
- (b) *the respective numbers of commercial and residential buildings found to be in breach of the relevant regulations in each district; together with a breakdown by district of the number of warning letters issued to the owners concerned requiring them to adopt improvement measures, and the number of prosecutions instituted against the offending owners?*

SECRETARY FOR SECURITY (in Chinese): Mr President,

- (a) The numbers of inspections to commercial and residential buildings carried out by the Fire Services Department (FSD) in each of its command areas in the past five years are as follows:

	1992	1993	1994	1995	1996
Hong Kong	4 895	4 196	8 288	5 745	4 542
Kowloon	4 836	7 170	7 763	8 249	6 317
New Territories	826	644	673	654	1 053
Total	10 557	12 010	16 724	14 648	11 912

Note: The above figures include inspections carried out in the course of conducting building surveys and in response to complaints.

- (b) Where any breach of the Fire Services Ordinance is found, a Fire Hazard Abatement Notice (FHAN) will be issued to the responsible person requiring him/her to abate the fire hazard within a prescribed period of time. Prosecution will be made if appropriate action is not taken by that person.

The numbers of FHANs served in respect of commercial and residential buildings in the past five years by the FSD in each of its command areas are as follows:

		1992	1993	1994	1995	1996
FHANs issued in relation to general fire hazards (for example blocking of means of escape)	Hong Kong	781	798	1 218	645	773
	Kowloon	751	927	472	649	714
	New Territories	171	82	65	32	96
FHANs is issued in relation to fire service installations	Hong Kong, Kowloon and New Territories	1 709	1 376	1 994	2 565	1 962

Total 3 412 3 183 3 749 3 891 3 545

The numbers of prosecutions made in the past five years are as follows:

		1992	1993	1994	1995	1996
Prosecution cases in commercial and residential buildings	Hong Kong	82	37	24	17	26
	Kowloon	68	37	17	21	28
	New Territories	6	11	1	7	4
Total		156	85	42	45	58

Comprehensive Social Security Assistance Recipient Profile

8. **MR CHAN WING-CHAN** asked (in Chinese): *Will the Government inform this Council of:*

- (a) *the total number of persons and who were unemployed due to dismissal or redundancy who applied for Comprehensive Social Security Assistance (CSSA) in the past three years; and*
- (b) *whether it can provide a breakdown of the numbers of the above*

unemployed persons according to "sex and previous employment by trade classification", "age and previous employment by trade classification", "sex and previous occupation" and "age and previous occupation"; if not, what the reasons are, and whether the Government will consider collecting such information and publishing it on a regular basis?

SECRETARY FOR HEALTH AND WELFARE (in Chinese): Mr President,

- (a) The Comprehensive Social Security Assistance (CSSA) Scheme seeks to provide assistance to financially vulnerable members of our community to meet their basic needs, regardless of sex, age, family status and background. We do not therefore maintain separate statistics on the number of CSSA applicants who were unemployed due to dismissal or redundancy.
- (b) For the reason given in part (a), we do not have ready information on the sex, age and previous employment of CSSA recipients in the "unemployed" category. We will consider collecting such data and publishing it when the new management information system under preparation is in place.

Government Land Reserve

9. **MISS CHAN YUEN-HAN** asked (in Chinese): *It is learnt that the Government currently holds a total of over 4 300 ha of land which can be developed for residential use. In this connection, will the Government inform this Council:*

- (a) *of the reasons for the above land not being used for building residential flats; and*
- (b) *whether it has formulated any plan to develop the above land; if so, what the details are?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in

Chinese): Mr President, it is not true that the Government holds 4 300 ha of land which can be developed for residential use. We believe the statistic refers to information in Table 1 of a report produced by the Research and Library Services Division of the Legislative Council Secretariat, "Land Supply in Hong Kong" dated 3 April 1997. That table classifies the use of land in Hong Kong as at 31 March 1996 showing, among other uses, 4 300 ha of "vacant development land".

As we have explained at the Legislative Council Panel on Housing Subcommittee on Long Term Housing Strategy Review on 9 and 24 April 1997, the 4 300 ha of "vacant development land" refers to land intended for development purposes which is vacant, under temporary uses or with construction in progress. Such land is intended for a number of purposes including commercial, industrial, community facilities, and housing, and so on. Examples include the new airport at Chek Lap Kok, the new land formed in North Lantau for Tung Chung New Town and other development, West Kowloon Reclamation, and so on. These are classified as "vacant development land" until the designated development is completed.

As part of the Government's overall plan to develop the territory, the development of "vacant development land" follows an engineering programme which governs the implementation of infrastructure engineering works in accordance with the layout plans. The major steps in the programme include funding approval for and conducting of site investigation, detailed design and construction works, and compliance with statutory procedures. The infrastructure engineering works include the construction of roads, bridges, drains and sewers, and the laying of public utility facilities.

Child Illegal Immigrants from China

10. **MR ERIC LI** asked (in Chinese): *It is reported that the number of child illegal immigrants (child IIs) from the Mainland intercepted by the Police has increased significantly in recent months. In this connection, will the Government inform this Council:*

- (a) *whether police officers will take into account the fact that these child IIs are under the influence of their parents or illegal immigrant smugglers in attempting to enter the territory illegally, and thus accord these child IIs appropriate treatment while carrying out their interception duties;*

- (b) *whether handcuffs have been used in arresting these child IIs; if so, what the reasons are;*
- (c) *whether there are sufficient facilities in the children reception centres or residential institutions to accommodate the large number of such child IIs;*
- (d) *whether these child IIs are detained together with other juvenile offenders; if so, what the reasons are; and*
- (e) *whether, in repatriating these child IIs, counselling is given to them to enable them to understand that entering the territory illegally is an offence under the law?*

SECRETARY FOR SECURITY (in Chinese): Mr President,

- (a) Police officers and indeed, all law enforcement officers, are alert to the vulnerability of young illegal immigrants and the predicament they face during anti-illegal immigration operations. We have always been sensitive and careful in handling illegal immigrant children having regard to humane considerations.
- (b) There are detailed rules in police manuals governing the use of handcuffs which are also applicable to illegal immigrants. This is to ensure that handcuffs are to be used sparingly and only for very good reasons, such as to prevent injury to life or escape of detainees. Handcuffs have rarely been used on illegal immigrant children.
- (c) Our policy is to repatriate all illegal immigrants at the earliest opportunity. If it is necessary to detain an illegal immigrant child, he or she will be accommodated at one of the residential institutions, namely the Pui Chi Boys' Home, Ma Tau Wei Girls' Home and Chuk Yuen Child Reception Centre, operated by the Social Welfare Department. There are sufficient capacity and facilities at these homes to accommodate illegal immigrant children.

- (d) Illegal immigrant children are accommodated at selected Social Welfare Department institutions which do not accommodate juvenile offenders.
- (e) Over the years, the Administration has mounted extensive publicity to make clear that it is an offence for any person to enter Hong Kong illegally and all illegal immigrants will be repatriated forthwith. Illegal immigrant children and, their parents, if available, are informed by officers responsible for the operations of the reasons for their arrests. They are also told that the illegal immigrant children will be subject to repatriation at the earliest opportunity.

New Hotel Developments

11. **MR HOWARD YOUNG** asked: *Will the Government inform this Council whether, since the relaxation of plot ratios for hotels in September 1995, any applications have been received from existing hotel operators or developers of new hotels to utilize the higher plot ratios; if so, of the number of applications which have been approved to date?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, since the relaxation of plot ratios and site coverage for *bona fide* hotels up to non-domestic standards in September 1995, 29 applications have been received from existing hotel operators or developers of new hotels to utilize the higher plot ratios. To date, 13 of these applications have been approved.

Children Running away from Home

12. **MR WONG WAI-YIN** asked (in Chinese): *Will the Government inform this Council of:*

- (a) *the number of cases involving children running away from home in each of the past three years, as well as the reasons for their running*

away from home;

- (b) the measures taken by the authorities concerned to prevent the occurrence of such cases; and*
- (c) the number of runaway children found in the past three years, and the circumstances in which they were found?*

SECRETARY FOR SECURITY (in Chinese): Mr President,

(a) and (c)

The police do not keep separate statistics on the number of cases involving children running away from home. They keep statistics on missing persons only. The number of persons under 16 reported missing in the past three years were 3 099 in 1994, 3 041 in 1995 and 3 235 in 1996.

In the past three years, the number of persons under 16 missing but found were 3 005 in 1994, 2 954 in 1995 and 3 032 in 1996. Most returned home voluntarily. Others were found through Police enquiries or by the missing person's family. Details are at Annex A.

Of those found, the number who were established to be running away from home were 984 in 1994, 709 in 1995 and 540 in 1996. The reasons cited by them were family dispute, lack of parental supervision, truancy, and desire for independence. Details are at Annex B.

- (b) The Social Welfare Department and the Education Department have adopted the following measures to prevent the occurrence of such cases:

Family support to help youth development

- Family casework and counselling services and family life education are provided to enhance communication skills and interpersonal relationship in the family. Home-school co-operation is promoted through setting up Parent-Teacher

Associations and providing parental education to enhance parent-child relationship.

- For families having children with runaway history, welfare plans are worked out to improve the family relationship through a host of welfare services such as counselling, psychological services, child care services and schooling and financial assistance.

Children and Youth Services

- Services in children and youth centres are strengthened by focusing on the needs of youths at risk, including runaway youths for example providing counselling service and programmes on interpersonal skills.

Assistance and Support for Students with Learning Difficulties

- The "Whole School Approach to Guidance" is adopted to create a positive, caring and inviting environment in schools, thereby minimizing truancy cases. Under this Approach, programmes are organized to enhance parent-child communication, promote teacher-student relationship and increase students' sense of belonging to schools.
- A Student Discipline Section was established in 1996 to provide professional support to secondary schools on student discipline matters including truancy.
- Alternative schooling opportunities are provided for students with learning difficulties for example Skills Opportunity Schools and Practical Schools.
- A permanent support team was established in 1996 to provide assistance to schools participating in the Curriculum Tailoring Scheme which is targeted at academically low achievers.

Research

- To better understand the profile of runaway children and youths, the Working Group on Services for Youth at Risk chaired by the Director of Social Welfare commissioned a study on youth gangs and runaway youths. The Research was conducted by the Chinese University of Hong Kong and was completed in March 1997.
- The Social Welfare Department is considering the feasibility of one of the Research recommendations, that is launching a pilot project on a mobile centre to provide services for young night drifters.

Annex A

Circumstances in which Missing Persons under 16 were Found (1994-1996)

<i>Circumstances</i>	<i>1994</i>	<i>1995</i>	<i>1996</i>
(1) Voluntary Return	1 794 (59.7%)*	1 570 (53.1%)	1 523 (50.2%)
(2) Found by missing person's family	411 (13.7%)	425 (14.4%)	445 (14.7%)
(3) Found through assistance of other government departments or agencies	11 (0.4%)	22 (0.7%)	34 (1.1%)
(4) Found during raids of vice establishments	28 (0.9%)	8 (0.2%)	6 (0.2%)
(5) Arrested for crimes	50 (1.7%)	51 (1.7%)	47 (1.6%)
(6) Found through Police enquiries other than (4) and (5)	565 (18.8%)	709 (24%)	711 (23.4%)
(7) Others	146 (4.9%)	169 (5.7%)	266 (8.8%)
Total	3 005	2 954	3 032

* The percentage indicates the percentage of the persons found under the particular circumstances over the total number of missing persons found that year.

Annex B

<i>Reasons</i>	<i>1994</i>	<i>1995</i>	<i>1996</i>
Family dispute	335 (34%)	455 (64%)	460 (85%)
Lack of parental supervision	550 (56%)	181 (26%)	9 (2%)
Truancy	76 (8%)	53 (7%)	56 (10%)
Desire for Independence	23 (2%)	20 (3%)	15 (3%)
Total	984	709	540

Security Guard Permit Applications

13. **MR LEE CHEUK-YAN** asked (in Chinese): *The Security and Guarding Services Ordinance came into effect in June 1995. In this connection, will the Government inform this Council:*

- (a) *of the following information regarding the application for the security guard permit (the permit):*
 - (i) *the number of applicants;*
 - (ii) *the number of applicants whose applications have been approved and the number of applicants whose applications have been rejected;*
 - (iii) *the number of unsuccessful applicants who have submitted representations to the police and whose representations have been accepted;*
 - (iv) *the number of unsuccessful applicants who have submitted representations to the police and whose representations have been rejected;*

- (v) *the number of applicants who have appealed to the Administrative Appeals Board, and the number of these applicants who have ultimately been granted the permit;*
- (b) *the average time taken in processing an application for the permit;*
- (c) *of the reasons for the police refusing to issue the permit as well as the reasons for the police rejecting the applicants' representations; and*
- (d) *whether the Security and Guarding Services Industry Authority will conduct a review on the implementation arrangements of the Security and Guarding Services Ordinance; if so, when the review will be conducted?*

SECRETARY FOR SECURITY (in Chinese): Mr President,

- (a) The Security and Guarding Services Ordinance came into effect on 1 June 1995. The application period for security personnel permits commenced on 2 November 1995. As at the end of March 1997:
 - (i) the total number of applicants is more than 61 000;
 - (ii) the number of applicants whose applications have been approved is more than 58 500. The number rejected is 33, while the other 3 000 cases are mostly awaiting further information or representation;
 - (iii) and (iv)

of the 565 applicants who have submitted representations to the police, 351 have been successful; 33 rejected; and the remaining 181 cases are pending; and
 - (v) 24 applicants have appealed to Administrative Appeal Board. One appeal was allowed and a permit was granted to the applicant; four were dismissed; and 19 were withdrawn.

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- (b) In the initial period of implementation, owing to an influx of more than 9 000 applications a month, coupled with the applications for watchman's permits under the Watchmen Ordinance which was still in force until 31 May 1996, the average time for processing a permit application is two to three months. However, having cleared the backlog of applications by the end of 1996, the situation has significantly improved. In the first quarter of 1997, the average time taken in processing a permit application has been shortened to 12-14 working days.
- (c) All rejected cases are on the grounds of past criminal record. These include conviction for dangerous drugs offences, burglary, violent and sexual offences. However, not all applicants with past criminal record are rejected. Having considered the nature of the offence and the age of the applicant at the time of conviction, the Police Licensing Office have exercised necessary discretion in granting security personnel permits to deserving applicants.
- (d) Review of the implementation of the Ordinance is an on-going process. Both the SGSIA and the police closely monitor the implementation of the Ordinance through regular meetings and liaison with trade associations. Where problems are identified, necessary adjustments and administrative arrangements are made to ensure smooth implementation. For instance:
- In October 1995, in view of concerns in the trade, the maximum working hours for security personnel have been raised from 312 to 372 hours per month.
 - Since May 1996, security personnel were permitted to take up part-time security job subject to the statutory maximum of 372 hours per month.
 - The permit processing time has been shortened from two to three months in 1996 to 14 days in 1997. The police are now working towards the target of shortening this processing time to nine working days.
 - Training guidelines have been issued to facilitate the implementation of the licensing criteria requiring security

companies to provide training for their employees.

Criticisms against University of Science and Technology

14. **MISS EMILY LAU** (in Chinese): *It is learnt that the University Grants Committee (UGC) has recently criticized the Hong Kong University of Science and Technology (HKUST) for being too enthusiastic in developing world-class technology researches at the expense of curriculum design, and relying too heavily on teaching assistants to conduct teaching activities, thus affecting the quality of teaching. In this connection, will the Government inform this Council:*

- (a) *whether it knows of how the HKUST has responded to the above criticism and how it will improve the situation;*
- (b) *of the role played by the HKUST Council in supervising the curriculum design and quality of teaching in the HKUST; and*
- (c) *whether the Government and the authorities concerned will review the role of the Councils of the UGC-funded institutions, with a view to strengthening their supervisory functions?*

SECRETARY FOR EDUCATION AND MANPOWER (in Chinese): Mr President, the alleged criticisms mentioned by the Honourable Member referred, I believe, to a report on the Teaching and Learning Quality Process Review (TLQPR) of the Hong Kong University of Science and Technology (HKUST), which was undertaken by the University Grants Committee (UGC) last year. The aims of the TLQPRs, which have now been undertaken of all UGC-funded institutions (except the Hong Kong Institute of Education which became a UGC-funded institution in December 1996), are:

- (a) to focus attention on teaching and learning as the primary mission of Hong Kong's tertiary institutions;

- (b) to assist institutions in their efforts to improve the quality of teaching and learning; and
- (c) to enable the UGC and the institutions to discharge their obligation to maintain accountability for the quality of teaching and learning.

As part of the review process, the findings of the reviews are compiled into reports which the institutions are expected to publish together, if they so wish, with a public response statement commenting on the review and indicating how they intend to follow up. To date, TLQPRs of seven UGC-funded institutions have been undertaken and the reports of five institutions, including HKUST's, have been published. The Government strongly supports and endorses the goals of the TLQPRs and the review process.

Turning to the specific questions:

- (a) The TLQPR Report on HKUST and HKUST's public response statement were published on 26 March 1997. The University indicated in its response statement that it had taken, and would continue to take, certain measures to address the concerns expressed in the TLQPR report. A copy of the University's public response statement is at the Annex.

As with other UGC-funded institutions, the UGC has requested the HKUST to submit a progress report on the implementation of measures to address the areas for improvement identified in the TLQPR report in two years' time.

- (b) Under section 15 of the HKUST Ordinance (Cap. 1141), the Senate, which includes the Deans and Heads of all academic departments, is the supreme academic body of the University. Its duties include, among other things,
 - (i) planning, developing and reviewing academic programmes;

and

- (ii) directing and regulating the teaching and research conducted in the University.

The supervision of curriculum design and of the quality of teaching thus fall within the responsibilities of the Senate. Under the Statutes of the HKUST, which are made under the HKUST Ordinance, the Senate is required to make recommendations to the Council on the academic aspects of any matters affecting the University and to report to the Council on academic matters referred to the Senate by the Council. The Standing Committee of the Council also receives regular reports from the President on the affairs of the University, these being mostly concerned with academic matters.

- (c) Every UGC-funded institution has its own governance structure. It includes a Council - the supreme governing and executive body, and a Senate — a body to regulate academic matters. The Councils of all UGC-funded institutions are empowered by law to exercise the powers and perform the duties of the institutions. Depending on the specific provision under respective Ordinance, the Council scrutinizes the annual budget, manages and controls the affairs, purposes and functions of the institutions and reviews the instruction and teaching of the University. In this instance, the Councils are empowered to examine the TLQPR reports of the institutions and advise on measures to address areas for improvements identified in the reports. We consider that the existing Ordinances of the institutions have provided sufficient powers for their respective Councils to exercise their monitoring and supervisory functions. We do not see a need to review the statutory functions of the Councils of the institutions in this regard.

*The Hong Kong University of Science and Technology
Response to the Teaching and Learning Quality Process Review*

In 1996, the University celebrated the fifth anniversary of the opening of its doors to students. We are proud of the progress we have already made towards achieving the mission given to us by the people of Hong Kong — the establishment of a world-class science and technology university to advance learning and knowledge through teaching and research, and to assist in the economic and social development of Hong Kong. Our reputation thus far in basic and applied research is remarkable for so young an institution.

But as we enter the next phase of our developments we welcome the guidance and advice of the UGC and TLQPR Panel on the processes needed to ensure the continued quality of teaching and learning. We are particularly grateful that the TLQPR Panel has recognized the calibre and enthusiasm of our academic staff as a positive factor in HKUST's teaching environment.

The Panel has identified ways we can improve the quality assurance processes needed to continuously improve teaching and learning at our University. We agree that this is a priority, and we have been working towards this goal for some time.

Among recent developments are:

- The recently formed Committee for Academic Program Enhancement has already produced a modification of the University's general education program, and is starting a program of staff-student consultations on academic matters.
- The School of Humanities and Social Science is redeveloping its courses to better match the preparation and needs of our incoming students.
- An orientation and training program has been developed for teaching assistants.
- New requirements for individual student advising by faculty have

been introduced.

- A comprehensive review system for all our programs is being set up, with the assessment of teaching and learning quality an integral part.

Other initiatives will follow. A number of teaching quality processes have been in place for some time and are working well:

- We were the first institution in Hong Kong with a mandatory, common student evaluation of every course, every semester. Results are now shared with students, and play a critical part in the professional review of academic staff.
- we were also one of the first institutions in Hong Kong to recognize excellence in teaching with an annual award. Since then a new award has been established that recognizes collective efforts to improve teaching and learning.

We acknowledge the need to strengthen formal processes for quality assurance and we recognize that greater formality is needed as we mature if we are to build on the solid foundations of our founding years. In particular, we must provide better mechanisms for good ideas and good practice to be shared among our departments and teaching staff.

At every stage of the TLQPR process, the UGC has made it clear that the review is not intended to assess the quality of teaching. Instead, the panel members review policies and procedures and talk with staff and students about the ways that teaching and curriculum issues are addressed. It is our firm belief that the actual quality of teaching at HKUST ranks with the best in Hong Kong, and that our students' learning is second to none. Why?

- HKUST has pioneered the use of technology in the teaching and learning process. Multimedia studios, computer teaching modules, and an interactive lecture theatre are just some of the developments.
- Our business faculty has been developing case study materials based on local and other Asian examples to supplement and replace the use

of existing materials that are United States-based. A number of them will be published in a book by a major textbook publisher and others are included in the portfolio of the Harvard Business School.

- Our regular academic programs are supplemented by outstanding support and value-added activities. The HKUST Language Centre is a model of language enhancement activity in Hong Kong, and is singled out in the TLQPR report for its examples of good practice and processes. Our Library is at the forefront of modern information technology. The new Centre for the Arts is enriching the campus with numerous cultural events and workshops for students and faculty.
- International exchange programs allow some of our best students to expand their horizons and distinguish themselves at some of the world's most prestigious universities.
- In competitions with other institutions, our students have consistently done well. Our student computer programming team is ranked among the best in the world, while our English debate team took first place in local competition this year.

These accomplishments take extra effort on the part of our staff. The length of our academic semester ranks at the top of the list in Hong Kong. The School of Engineering has extended its offerings into the summer session, to give students a chance to spread out their study load. Our method of teaching, based on continuous assessment, places great demands on both teachers and students.

There is little question that our students work harder than students at any other institution in Hong Kong — they are not shy about bringing this to our attention — but this reflects the additional work of the faculty.

HKUST aspires to be among the leading research universities in the world. We have no intention of abandoning that goal, but we also intend to be among the best places for students to learn.

We see no contradiction between these aims. One of the characteristics

shared by the great institutions of learning throughout the world is the exciting intellectual environment they provide for scholars and students. This environment is created by first-rate minds inquiring into the deepest questions about society, the universe, and our place in them.

Excellent teaching, first-rate scholarship, quality research —these are all essential to such an environment. And there are all ingredients that we are developing in abundance at HKUST.

Repair and Maintenance Costs of Public Housing Estates

15. **DR JOHN TSE** asked (in Chinese): *Does the Government know of:*

- (a) *the respective numbers of housing blocks and units in each of the public housing estates under the management of the Housing Authority; and*
- (b) *the respective annual total repair and maintenance costs of each public housing estate in the past five years?*

SECRETARY FOR HOUSING (in Chinese): Mr President, the Housing Authority manages 162 public rental housing estates comprising 1 239 blocks or 663 383 flats.

The annual repair and maintenance expenditure of these estates in the recent five years is as follows:

	<i>\$ million</i>
1992-93	Not available
1993-94	1,788
1994-95	2,333
1995-96	2,567
1996-97 (estimated)	1,953

Information on each estate is at Annex.

Annex

Repair and maintenance expenditure of public rental housing estate under the Housing Authority

<i>Name of Estate</i>	<i>1993-94 \$'000</i>	<i>1994-95 \$'000</i>	<i>1995-96 \$'000</i>	<i>1996-97 (Estimated) \$'000</i>	<i>Number of domestic units</i>	<i>Number of domestic Blocks</i>
Ap Lei Chau	9,359	12,342	15,765	30,284	4 453	8
Butterfly	18,959	27,701	24,590	20,832	5 405	6
Chai Wan	4,565	4,888	5,293	14,611	3 405	7
Chak On	12,487	25,989	3,953	5,793	1 905	4
Cheung Ching	30,083	18,672	16,206	8,819	4 904	8
Cheung Fat	2,444	2,777	4,655	6,338	2 618	4
Cheung Hang	3,513	4,300	8,548	6,047	4 799	6
Cheung Hong	18,147	17,110	29,850	19,030	8 594	13
Cheung Kwai	1,035	1,601	1,726	1,483	472	18
Cheung On	11,123	38,610	43,714	14,328	7 338	10
Cheung Sha Wan	6,965	8,294	11,715	6,624	2 689	13
Cheung Shan	13,663	6,149	6,875	15,064	1 620	3
Cheung Wah	28,799	30,225	17,963	14,971	5 094	10
Choi Fai	-	53	1,265	1,898	1 352	2
Choi Ha	2,427	3,808	6,821	8,001	2 330	3
Choi Hung	46,373	29,695	29,041	15,719	7 455	11
Choi Wan (I)	16,364	19,483	16,980	38,898	5 922	16
Choi Wan (II)	14,353	17,218	9,462	21,068	2 967	5
Choi Yuen	10,255	22,005	39,555	28,412	5 077	6
Chuk Yuen North	22,716	38,063	35,874	24,243	6 736	8
Chuk Yuen South	14,087	24,848	25,599	18,810	6 655	8
Chun Shek	8,057	7,502	5,834	11,097	2 191	4
Chung On	-	-	-	91	653	1
Fu Heng	6,485	9,854	8,929	9,015	5 858	8
Fu Shan	13,748	4,531	2,190	13,975	1 581	3
Fu Shin	14,963	27,782	35,047	8,391	5 517	6
Fuk Loi	16,960	16,674	18,110	12,504	3 129	9
Fung Tak	4,312	5,731	20,216	16,948	5 428	7
Fung Wah	1,691	3,406	5,274	4,954	1 282	2

<i>Name of</i>	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>Number of</i>	<i>Number of</i>
<i>Estate</i>	<i>\$'000</i>	<i>\$'000</i>	<i>\$'000</i>	<i>(Estimated)</i>	<i>domestic</i>	<i>domestic</i>
				<i>\$'000</i>	<i>units</i>	<i>Blocks</i>
Hau Tak	276	2,265	7,549	4,557	4 268	6
Heng On	16,600	28,905	35,192	37,151	6 076	7
Hin Keng	16,821	42,503	58,240	19,577	5 876	8
Hing Man	12,002	24,536	19,764	9,213	1 999	3
Hing Tin	25,739	12,903	8,789	12,697	2 448	3
Hing Tung	-	-	107	158	2 043	3
Hing Wah	10,026	8,147	11,567	14,739	3 578	7
Ho Man Tin	9,771	9,846	8,661	11,129	3 970	8
Hung Hom	753	1,154	1,412	640	645	2
Jordan Valley*	439	211	265	9	-	-
Ka Fuk	-	1	337	1,843	1 999	3
Kai Yip	11,410	22,368	24,208	20,280	4 300	6
Kam Peng	-	-	-	9	255	1
Kin Sang	3,027	3,682	5,637	4,237	2 652	4
King Lam	4,000	8,615	10,927	8,654	5 507	7
Ko Chiu Road*	2,765	1,479	566	4	-	-
Ko Yee	-	82	816	1,044	914	2
Kwai Chung	12,928	10,108	39,963	5,260	6 782	32
Kwai Fong	6,921	6,008	8,703	6,711	4 420	8
Kwai Hing	4,625	4,637	2,696	2,536	1 528	4
Kwai Shing East	2,927	13,288	24,583	2,060	1 904	4
Kwai Shing West	14,968	23,566	22,070	30,294	5 254	10
Kwong Fuk	18,993	12,895	24,569	23,639	6 190	8
Kwong Tin	509	2,335	8,763	4,278	2 453	4
Kwong Yuen	6,733	9,332	11,307	13,323	4 656	6
Kwun Tong (LYMR)	1,096	1,710	2,391	208	1 245	7
Lai King	18,702	20,232	26,749	11,187	4 209	7
Lai Kok	10,447	5,671	4,628	14,604	3 068	8
Lai On	219	1,017	2,349	1,994	1 438	5
Lai Yiu	4,939	14,819	17,621	7,068	2 402	4
Lam Tin (I-II, III*)	8,679	3,198	10,393	7,240	8 967	10
Lee On	239	2,376	5,965	5,839	3 632	3
Lei Cheng Uk	9,696	9,082	13,543	8,199	4 832	10
Lei Muk Shue (I & II)	28,313	16,402	31,745	14,613	5 530	13
Lei Tung	22,712	49,508	37,228	22,726	7 536	8

<i>Name of</i>	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>Number of</i>	<i>Number of</i>
<i>Estate</i>	<i>\$'000</i>	<i>\$'000</i>	<i>\$'000</i>	<i>(Estimated)</i>	<i>domestic</i>	<i>domestic</i>
				<i>\$'000</i>	<i>units</i>	<i>Blocks</i>
Lek Yuen	8,931	10,765	8,601	13,617	3 210	7
Leung King	10,864	19,009	17,513	22,224	6 844	8
Lok Fu	6,435	16,141	5,781	9,274	3 684	11
Lok Wah North	9,515	7,433	9,324	6,664	2 977	8
Lok Wah South	14,974	25,709	25,962	23,980	7 008	6
Long Ping	26,633	32,419	35,793	21,964	8 483	15
Lower Ngau Tau Kok (I)	8,917	14,017	9,734	9,544	5 169	7
Lower Ngau Tau Kok (II)	8,737	18,391	10,782	10,173	5 412	7
Lung Hang	14,026	13,476	11,910	10,732	4 384	6
Lung Tin	845	849	1,337	2,295	733	13
Ma Hang	74	506	1,050	838	658	4
Ma Tau Wai	14,468	16,049	10,654	8,507	2 075	5
Mei Tung	904	6,043	11,655	7,038	664	2
Mei Lam	11,504	12,652	12,179	8,473	4 162	4
Ming Tak	-	-	-	70	1 561	2
Model Housing	6,587	10,740	2,038	400	667	7
Nam Cheong	8,639	7,049	5,930	6,339	1 897	7
Nam Shan	12,162	21,006	25,002	14,025	2 848	8
Ngan Wan	1,834	1,365	1,602	1,643	466	4
North Point	5,415	9,744	4,814	4,373	1 956	7
Oi Man	13,207	21,625	46,610	43,627	6 287	12
On Ting	36,049	37,971	26,052	10,536	5 049	6
On Yam	-	1,246	5,823	4,379	5 375	8
Pak Tin	1,708	1,050	1,867	714	5 159	13
Ping Shek	23,579	18,141	10,062	6,856	4 575	7
Po Lam	8,863	18,500	19,920	9,474	5 007	6
Pok Hong	39,023	49,102	12,221	12,187	5 479	8
Sai Wan	6,530	6,363	4,938	2,915	638	5
Sam Shing	11,694	7,053	7,245	9,343	1 833	3
San Fat	6,397	7,395	9,460	1,881	2 131	4
Sau Mau Ping (I-III, IV*)	41,030	38,281	39,954	25,717	17 895	24
Sha Kok	27,793	39,247	14,300	19,203	6 424	7
Shan King	31,435	56,622	48,298	30,508	8 645	9
Shatin Pass	3,121	3,903	2,950	3,352	1 278	2
Shek Kip Mei	25,770	32,572	18,768	16,710	8,305	44

<i>Name of</i>	<i>1993-94</i>	<i>1994-95</i>	<i>1995-96</i>	<i>1996-97</i>	<i>Number of</i>	<i>Number of</i>
<i>Estate</i>	<i>\$'000</i>	<i>\$'000</i>	<i>\$'000</i>	<i>(Estimated)</i>	<i>domestic</i>	<i>domestic</i>
				<i>\$'000</i>	<i>units</i>	<i>Blocks</i>
Shek Lei	16,028	27,982	41,554	47,996	12 675	18
Shek Pai Wan	3,830	7,911	9,183	3,817	4 557	6
Shek Wai Kok	19,201	21,018	12,103	16,779	6 502	8
Shek Yam	7,224	7,103	4,519	1,019	2 005	4
Shek Yam East	-	-	-	104	2 332	3
Shui Pin Wai	11,299	13,087	7,518	9,044	2 135	6
Shun Lee	17,331	17,532	28,366	36,309	4 450	7
Shun On	15,212	18,456	10,497	22,865	3 001	3
Shun Tin	29,359	80,548	32,324	48,012	7 026	11
Siu Sai Wan	7,988	12,965	31,374	28,278	6 163	12
So Uk	13,404	18,979	37,676	14,336	5 314	16
Sun Chui	39,162	22,753	15,386	14,080	6 698	8
Sun Tin Wai	12,784	34,152	25,833	14,744	3 432	8
Tai Hang Tung	12,913	23,450	20,396	5,627	2 375	12
Tai Hing	41,153	29,167	25,396	32,037	8 596	7
Tai Ping	4,305	3,535	4,892	3,663	1 429	4
Tai Wo	10,456	23,265	13,531	13,950	7 173	9
Tai Wo Hau	16,560	15,374	19,155	14,710	8 750	18
Tai Yuen	23,671	12,553	13,123	12,977	4 878	7
Tak Tin	6,468	19,755	48,686	23,640	5 342	7
Tin King	3,163	4,350	7,441	6,565	3 297	4
Tin Ping	9,051	12,595	28,107	12,317	5 698	7
Tin Shui (I & II)	1,645	8,027	17,156	9,764	7 785	12
Tin Wan*	(3)	-	-	-	-	-
Tin Yiu (I & II)	3,705	10,076	13,935	10,203	8 478	12
Tsing Yi	13,374	20,251	17,339	4,391	3,230	4
Tsui Lam	5,967	18,948	22,214	11,364	4 932	8
Tsui Ping (N & S)	9,339	15,463	34,221	42,273	11 424	19
Tsui Wan	3,972	4,669	8,441	7,440	2 340	4
Tsz Ching	4,855	1,145	2,742	2,152	2 571	8
Tsz Lok (Redevelopment)	-	-	(14)	1,032	1 348	2
Tsz Lok*	(231)	(371)	-	-	-	-
Tsz Man	1,806	2,719	6,393	1,893	3 579	4
Tsz Oi	2,051	2,765	2,647	188	1 572	7
Tsz On*	2,184	1,219	113	(30)	-	-

<i>Name of Estate</i>	<i>1993-94 \$'000</i>	<i>1994-95 \$'000</i>	<i>1995-96 \$'000</i>	<i>1996-97 (Estimated) \$'000</i>	<i>Number of domestic units</i>	<i>Number of domestic Blocks</i>
Tung Tau (I & II)	15,248	26,632	27,863	33,186	9 826	22
Un Chau Street	4,146	5,434	4,789	3,272	2 303	4
Upper Ngau Tau Kok	24,792	34,642	34,260	15,317	5 929	9
Upper Pak Tin*	25,057	16,968	8,221	5,616	-	-
Upper Wong Tai Sin	5,211	25,747	8,125	2,992	3 267	20
Valley Road	7,135	8,592	14,989	7,487	3 216	16
Wah Fu (I)	35,584	49,274	49,655	15,795	4 827	12
Wah Fu (II)	15,934	21,920	17,083	15,176	4 379	6
Wah Kwai	3,345	4,877	6,057	4,092	3 384	5
Wah Ming	8,696	15,362	21,774	33,332	5 868	7
Wah Sum	-	-	27	1,160	1 481	2
Wan Tau Tong	1,633	2,384	4,052	8,712	2 766	3
Wan Tsui	14,272	34,014	29,506	7,747	3 493	10
Wang Tau Hom	14,619	33,577	30,324	17,558	5 900	18
Wo Che	18,217	29,186	13,190	19,897	6 071	12
Wo Lok	11,402	7,270	13,093	14,144	1 943	11
Wong Chuk Hang	9,512	11,064	24,476	19,127	5 480	9
Lower Wong Tai Sin (I & II)	10,741	18,425	45,777	49,145	11 458	24
Wu King	11,598	13,555	20,404	11,804	4 386	6
Yau Oi	62,435	46,653	56,635	45,105	9 153	11
Yau Tong	6,598	4,140	3,688	767	2 569	14
Yiu On	6,747	11,106	17,776	15,647	4 794	7
Yiu Tung	-	1,228	9,729	5,020	5 174	11
Yue Wan	13,629	11,051	17,370	17,249	2 179	4
Yuen Long	3,829	3,799	5,116	4,072	3 507	5
Total	1,788,477	2,332,967	2,446,708	1,952,592	663 383	1 239

Note: (1) Estates with * were demolished

Note: (2) Figures in bracket denote negative expenditures as a result of technical adjustments of previous years.

Sewage Charges and Trade Effluent Surcharges

16. MR CHAN WING-CHAN asked (in Chinese): *The Government has announced that, since the voting down of the resolution to increase sewage*

charges and trade effluent surcharge by this Council last year, the Sewage Services Trading Fund only managed to break even at the end of last year. In this connection, will the Government inform this Council whether the Drainage Services Department will propose increases in the sewage charges and trade effluent surcharges again in the near future; if so, of the estimated rates of increase?

SECRETARY FOR WORKS (in Chinese): Mr President, as at 31 March 1997, the Sewage Services Trading Fund had a small accumulated surplus of about \$17 million, down from \$76 million as at 31 March 1996. The Administration has no plan to increase sewage charges in the 1997-98 financial year. However, many new sewerage infrastructure projects, including the Stonecutters Island Sewage Treatment Plant, will be coming on stream over the next few years. Therefore there will be a need to increase sewage charges in the future in order to recover the resultant increases in direct operating and maintenance costs in accordance with the user pays and the polluter pays principles and achieve break-even.

It is too early to say what increases may be proposed in the future. Any proposals for increases in sewage charges will be subject to approval by the legislature in the usual manner.

Mother-tongue as the Education Medium

17. **MR ERIC LI** asked (in Chinese): *Since 1986, the Education Department has been providing extra resources to schools which have adopted mother-tongue teaching, in order to promote students' language proficiency. Recently, the Government has further proposed to implement mother-tongue teaching in all Secondary 1 (S1) classes in secondary schools throughout the territory from September 1998 onward. In this connection, will the Government inform this Council of:*

- (a) *the differences in English language proficiency between students of Chinese Middle schools and students of Anglo-Chinese secondary schools over the past 10 years;*
- (b) *the ratios of school-leavers from Chinese Middle schools and*

school-leaver from Anglo-Chinese secondary schools, who were admitted to local universities in the past three years; and

- (c) *the specific measures in place to ensure that there will be sufficient qualified teachers to teach the relevant subjects upon the implementation of mother-tongue teaching in all S1 classes next year?*

SECRETARY FOR EDUCATION AND MANPOWER (in Chinese): Mr President,

- (a) and (b)

It is not possible to compare the English language proficiency between students of Chinese Middle schools and those of Anglo-Chinese schools over the past 10 years. This is because the references to Chinese Middle or Anglo-Chinese in the names of public sector schools were dropped in 1987 as a result of the Government's stated policy to promote mother tongue teaching in 1987. Also, records of English language results kept by the Education Department, the Hong Kong Examinations Authority or the UGC-funded institutions are not categorized into Chinese Middle or Anglo-Chinese schools. We are therefore unable to provide the requested information.

- (c) Since 1986, the Education Department or subsequently the Hong Kong Institute of Education (HKIEd), has provided a block-release eight-week course for in-service teachers to improve their proficiency in Chinese language and to prepare them for teaching in the Chinese medium. Up to June 1997, more than 1850 secondary school teachers will have attended the course.

In addition, the Education Department has conducted workshops to help in-service teachers teach different subjects in the medium of Chinese. The number of workshops conducted and the number of teachers participated between the 1993-94 and 1996-97 school years are:

<i>Year</i>	<i>No. of workshops</i>	<i>No. of participants</i>
1993-94	341	11 650
1994-95	256	7 841
1995-96	307	10 269
1996-97*	188	6 269

(*Note: Figures up to February 1997)

In the 1997-98 school year, the department intends to provide at least another 300 workshops with a capacity of 11 000.

From the 1994-95 academic year, the HKIEd has introduced pre-service teacher education courses to equip student teachers with the knowledge and skills for teaching effectively in the medium of Chinese in secondary schools. The first cohort of 194 students graduated in June 1996. The projected numbers of graduates from two pre-service teacher education courses in 1997 and 1998 are:

<i>Course Title</i>	<i>June 1997</i>	<i>June 1998</i>
Certificate in Secondary Education (Chinese) Course (Two-year full-time)	185	188
Certificate in Secondary Education (Chinese) Course (Three-year full-time)*	68	142
Total:	253	330

* Course offered in alternate years

The Government is confident that there will be adequate teachers who are able to teach in the Chinese medium in Secondary 1 classes from the 1998-99 school year onwards.

For years beyond 1998-99, the HKIEd and Education Department will continue to provide the pre-service/in-service courses and workshops mentioned above. In addition, the Hong Kong Baptist

University has indicated that it will introduce "teaching in mother tongue" as a topic in the subject of "Teaching Principles and Subject Instruction" in its Postgraduate Diploma in Education course with effect from the 1997-98 academic year. The University of Hong Kong and the Chinese University of Hong Kong have also indicated that they will review the curriculum of their teacher training courses to provide support for teachers in mother tongue teaching.

Compensation Arrangement for Demolition of Factory Estates

18. **MR WONG WAI-YIN** asked (in Chinese): *Regarding the issue of compensation payment in the demolition of the factory estates in Cheung Sha Wan and Yuen Long, will the Government inform this Council:*

- (a) *of the reasons why those commercial tenants who have been paying a higher rent are given lower compensation payments than those who have been paying a lower rent; and*
- (b) *whether it will review the above compensation arrangement; if so, when this will be carried out; if not, why not?*

SECRETARY FOR HOUSING (in Chinese): Mr President, tenants affected by factory estate clearances have no legal right to compensation. The Housing Authority (HA) may make *ex gratia* payments to affected clearerees. In so doing, the HA distinguishes between tenants paying market rents and tenants paying lower rents (the latter being former clearerees of squatter factories and cottage workshops). The *ex gratia* payment granted is related to the financial loss suffered by the tenant, assessed in terms of the difference between the market rent and the rent paid. As a tenant already paying market rent normally suffers less than a tenant paying below market rent for a similar unit, the latter generally receives a higher *ex gratia* payment. This arrangement has been implemented since 1982.

The HA determines the details of *ex gratia* payment for each factory estate clearance having regard to individual circumstances. *Ex-gratia* payments for the factory estate clearances in Cheung Sha Wan and Yuen Long in 1990 and

1996 respectively follow the standard arrangement mentioned in paragraph 1 above. As the arrangement is fair and reasonable, there is no plan to review it at present.

New Immigrant Population Profile

19. **MR LEUNG YIU-CHUNG** asked (in Chinese): *Regarding new arrivals from the Mainland who have resided in the territory for less than seven years, will the Government inform this Council:*

- (a) *of the current population of the above new arrivals in the territory;*
- (b) *of a breakdown of such new arrivals in employment by occupation and level of education; and*
- (c) *whether it has carried out any study to examine how the occupations of the new arrivals relate to their educational levels; if so, what the details are; and whether the findings of the survey show that the educational levels of the new arrivals are incompatible with their occupations?*

SECRETARY FOR EDUCATION AND MANPOWER (in Chinese): Mr President,

- (a) According to statistics provided by the Immigration Department, the total number of one-way permit holders from China who entered Hong Kong during the period of 1 April 1990 to 31 March 1997 was 263 303. As regards the number of such immigrants who are still residing in Hong Kong, the latest figure is 169 319 based on the 1996 Population By-census.
- (b) A breakdown of the number of new immigrants from China who are in employment by occupation and level of education, which was

compiled by the Census and Statistics Department on the basis of the above total number of new immigrants from the 1996 By-census, is at Annex A.

- (c) We have not carried out any specific study on the relationship between the educational background and occupation of new immigrants from China. However, as revealed from the statistical breakdown at Annex A, the respective percentages of new immigrants with different educational levels employed in each of the different occupations are broadly similar to those of other local workers in the same occupations as shown in Annex B. There is therefore no evidence to suggest that compared with other local workers, the educational levels of the new immigrants from China who are in employment are incompatible with their occupations.

Annex A

Working Population of New Immigrants from China⁽¹⁾ by Occupation and Educational Attainment, 1996

Occupation	Educational Attainment													
	No schooling/ kindergarten		Primary		Secondary		Sixth Form		Tertiary: Non-degree		Tertiary: Degree		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
New Immigrants from China (1)														
Managers and administrators	14	0.6	286	2.1	1 559	4.8	393	11.0	460	20.1	2 465	36.8	5 177	8.5
Professionals and associate professionals	0	0.0	7	0.1	1 086	3.3	414	11.6	659	28.8	2 099	31.4	4 265	7.0
Clerks	22	0.9	432	3.2	5 122	15.7	1 065	29.9	476	20.8	1 127	16.8	8 244	13.5
Service workers and shop sales workers	241	10.1	2 825	20.9	9 079	27.7	633	17.8	255	11.1	444	6.6	13 477	22.0
Craft and related workers	195	8.2	1 844	13.6	6 076	18.6	470	13.2	237	10.3	189	2.8	9 011	14.7
Plant and machine operators and assemblers	99	4.2	1 261	9.3	3 385	10.3	231	6.5	36	1.6	65	1.0	5 077	8.3

Elementary occupations	1 750	73.6	6 764	50.0	6 232	19.0	349	9.8	140	6.1	254	3.8	15 489	25.3
Skilled agricultural and fishery workers; armed forces and occupations not classifiable	57	2.4	107	0.8	181	0.6	7	0.2	28	1.2	4.9	0.7	429	0.7
Total	2 378	100.0	13 526	100.0	32 720	100.0	3 562	100.0	2 291	100.0	6 692	100.0	61 169	100.0
	(3.9)		(22.1)		(53.5)		(5.8)		(3.7)		(10.9)		(100.0)	

Notes: (1) New Immigrants from China refer to persons who reported in the 1996 Population By-census that they were born in China with nationality "Chinese (place of domicile - Hong Kong)" and had stayed in Hong Kong for less than seven years.

Figures in brackets refer to the percentage share of the figure above in the row total.

Sources: 1996 Population By-census

Annex B

Working Population of other Hong Kong residents by Occupation and Educational Attainment, 1996

Occupation	Educational Attainment													
	No schooling/ kindergarten		Primary		Secondary		Sixth Form		Tertiary: Non-degree		Tertiary: Degree		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Other Hong Kong Residents														
Managers and administrators	2 726	3.2	32 291	6.0	151 386	9.6	34 449	17.2	30 345	16.3	112 949	28.3	364 146	12.2
Professionals and associate professionals	147	0.2	1 296	0.2	157 179	10.0	54 962	27.5	97 414	52.4	205 460	51.5	516 458	17.3
Clerks	1 118	1.3	20 736	3.9	374 396	23.8	57 394	28.7	26 668	14.4	24 163	6.1	504 475	16.9
Service workers and shop sales workers	7 677	8.9	81 964	15.3	274 173	17.4	18 717	9.4	8 020	4.3	15 693	3.9	406 244	13.6
Craft and related workers	9 173	10.6	106 643	19.9	224 913	14.3	9 460	4.7	10 411	5.6	3 532	0.9	364 132	12.2
Plant and machine operators and assemblers	7 160	8.3	87 820	16.4	151 393	9.6	5 113	2.6	1 526	0.8	1 820	0.5	254 832	8.5
Elementary occupations	52 347	60.5	199 307	37.1	234 098	14.9	18 960	9.5	10 726	5.8	33 755	8.5	549 193	18.4
Skilled agricultural and	6 142	7.1	6 636	1.2	7 745	0.5	681	0.3	628	0.3	1 217	0.3	23 049	0.8

fishery workers; armed

forces and occupations not

classifiable

Total	86 490	100.0	536 693	100.0	1 575 283	100.0	1 999 736	100.0	1 855 738	100.0	3 985 589	100.0	2 982 529	100.0
	(2.9)		(18.0)		(52.8)		(6.7)		(6.2)		(13.4)		(100.0)	

Source: 1996 Population By-census

Time Required for Development of New Public Housing Estates

20. **MISS CHAN YUEN-HAN** asked (in Chinese): *Does the Government know:*

- (a) *of the respective lengths of time required to build private and public housing blocks (from land development to completion of construction); and*
- (b) *given that standardized design of Harmony blocks is adopted for almost all public housing construction, of the reasons why it still takes a period of 25 months to carry out design work; and whether consideration has been given to streamlining the design process in order to reduce the time required for building public housing blocks; if so, of the estimated length of time that can be saved?*

SECRETARY FOR HOUSING (in Chinese): Mr President, the length of time for land production is roughly the same for both public and private housing developments. The duration depends on the complexity of the area concerned. For strategic growth areas (SGA), the time required under normal circumstances to complete the whole land production process ranges from nine years (for reclamation-based SGA) to about 12 years (for land-based SGA).

The construction lead time for a standard 41-storey public housing block is 37 months: about nine months for foundation works and 28 months for the superstructure and fittings. Construction of the basic superstructure takes place at an average rate of 2.5 floors per month, which is comparable to that in the private sector. Private residential buildings are usually between 20 to 30 storeys in height, and take correspondingly less time to complete.

As regards Part (b) of the question, the lead time for planning and design of a public housing estate is normally 25 months. This includes the time needed for preparation of planning briefs, project budget, detailed design work and tender procedures. It also coincides with the time needed for other activities for making land available, for example, clearance, demolition and site formation. The Housing Branch is reviewing with the Housing Department ways to shorten this process.

GOVERNMENT BILLS

First Reading of Bills

TRUSTEE (AMENDMENT) BILL 1997

CHILD ABDUCTION AND CUSTODY BILL

THE OPEN LEARNING INSTITUTE OF HONG KONG (AMENDMENT) BILL 1997

FACTORIES AND INDUSTRIAL UNDERTAKINGS (AMENDMENT) BILL 1997

NEW TERRITORIES LAND EXCHANGE ENTITLEMENTS (REDEMPTION) (AMENDMENT) BILL 1997

INLAND REVENUE (AMENDMENT) BILL 1997

INLAND REVENUE (AMENDMENT) (NO. 2) BILL 1997

STAMP DUTY (AMENDMENT) BILL 1997

ESTATE DUTY (AMENDMENT) BILL 1997

DUTIABLE COMMODITIES (AMENDMENT) BILL 1997

TRAFFIC ACCIDENT VICTIMS (ASSISTANCE FUND) (AMENDMENT) BILL 1997

MERCHANT SHIPPING (LIABILITY AND COMPENSATION FOR OIL POLLUTION) (AMENDMENT) BILL 1997**MARRIAGE AND CHILDREN (MISCELLANEOUS AMENDMENTS) BILL 1997**

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

Second Reading of Bills**TRUSTEE (AMENDMENT) BILL 1997**

THE ATTORNEY GENERAL to move the Second Reading of: "A Bill to amend the Trustee Ordinance."

He said: Mr President, I move that the Trustee (Amendment) Bill 1997 be read a Second time.

The purpose of this Bill is to re-enact in an updated form certain technical provisions of the law relating to charities and to the disposition of property which are currently applied in Hong Kong by virtue of the Application of English Law Ordinance. The provisions in question are found in the Charities Procedure Act 1812 and the Illusory Appointments Act 1830.

The 1812 Act relates to trusts established for charitable purposes. At common law, the Crown assumed the role of protector of charities in the general public interest. That responsibility has been discharged in practice by the Attorney General who may initiate proceedings against charitable trustees in order to secure the proper management of the trust.

However, the Attorney General is only able to exercise this power effectively if alleged abuses affecting charitable trusts are brought to his attention. The Charities Procedure Act 1812 created a procedure for doing this which can be invoked by two or more persons who complain of a breach of a charitable trust, provided that they have the Attorney General's consent. Procedural

provision to give effect to the Act is contained in Order 120 of the Rules of the Supreme Court.

By clause 3 of this Bill, this procedure is preserved by placing it in the appropriate context of the Trustee Ordinance, while clause 4 makes consequential changes to the Rules of the Supreme Court.

The other enactment which this Bill seeks to re-enact in local form is the Illusory Appointments Act 1830. At common law, before that Act was passed, if an owner of property conferred on another person (for example, by a provision in his will) a power to distribute that property amongst a number of specified beneficiaries, an exercise of that power of appointment would be invalid and fail if one or more of the intended objects received only an insubstantial, illusory or nominal share, or if one or more objects, whether deliberately or inadvertently, received nothing at all.

The 1830 Act changed the common law by validating an appointment which resulted in some objects receiving only insubstantial, illusory or nominal shares in the property to be distributed. A further Act in 1874 took the reform of the common law a step further by also validating an appointment which resulted in one or more objects being excluded altogether from a share in the property.

It is important that the legal rules regarding powers of appointment should remain as they have been for more than a century to ensure certainty in the law so that lawyers are able to advise their clients with confidence when drawing up wills and other instruments affecting dispositions of property.

By clause 2 of the Bill, it is therefore proposed to insert another new section in the Trustee Ordinance to preserve the law on powers of appointments in local legislation. The new provision is based on section 158 of the United Kingdom's Law of Property Act 1925 which is a consolidation of the Illusory Appointments Act 1830 and the Powers of Appointment Act 1874.

The enactment of the two new sections in the Trustee Ordinance will make the references to the Charities Procedure Act 1812 and the Illusory Appointments

Act 1830 in the Schedule to the Application of English Law Ordinance redundant. Clause 5 of the Bill therefore seeks to delete those items from the Schedule.

Clause 5 also proposed to delete one other item in the Schedule to the Application of English Law Ordinance. This refers to the Charities Procedure Act 1832. The Trustee Ordinance already provides for the situation covered by the 1832 Act as a result of an amendment to section 62 which was enacted in 1995. The reference to that Act in the Schedule to the Application of English Law Ordinance should therefore be deleted.

The Administration is aware that the introduction of this Bill at this time gives the Council only a few weeks in which to consider it. However, the Administration considers that it is desirable that local legislation on these issues should be enacted before the transfer of sovereignty, and work in preparing the Bill has only just been completed. The Bill is short and aims merely to replace laws that already apply to Hong Kong. In the circumstances, I hope that this Council will have no difficulty in dealing with it before the end of this Session.

Mr President, this Bill is a housekeeping measure designed to preserve some technical provisions of the law of property and of charitable trusts, and to make them more accessible and comprehensible. I commend the Bill to the Council.

Thank you, Mr President.

Question on the motion on the Second Reading of the Bill proposed.

Debate on the motion adjourned and Bill referred to the House Committee pursuant to Standing Order 42(3A).

CHILD ABDUCTION AND CUSTODY BILL

THE SECRETARY FOR HEALTH AND WELFARE to move the Second Reading of: "A Bill to give effect in Hong Kong to the Convention on the Civil Aspects of International Child Abduction signed at The Hague on 25 October 1980."

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Mr President, I move that the Child Abduction and Custody Bill be read the Second time. The Bill proposes new domestic legislation to implement the Convention on the Civil Aspects of International Child Abduction in Hong Kong.

The Convention, signed at the Hague on 25 October 1980, seeks to ensure the prompt return home of a child wrongfully removed from his/her habitual place of residence in violation of custody rights. It is now in force in about 40 countries including Australia, Canada, New Zealand, the United Kingdom and the United States.

The Bill comprises the following major provisions:

Firstly, the Bill sets out in a schedule those provisions of the Convention to which legal effect needs to be given.

Secondly, the Bill designates the Attorney General as the Central Authority and defines his powers pursuant to the obligations stipulated under the Convention.

Thirdly, the Bill designates the High Court as the judicial authority to consider applications and to give interim directions where appropriate for securing the welfare of the child concerned.

At present, if a child were abducted to another country in violation of a custody order, the custodian parent would have to apply for a court order in the jurisdiction to which the child had been taken to secure the return of the child. Given that the case would be dealt with according to the laws of the jurisdiction in which the child was being held, it frequently involved protracted litigation. The legal proceedings might also involve a full review into the merits of the original custody order which might not be recognized and enforceable in a different jurisdiction.

While ensuring a swift return of the child to his place of habitual residence, the Convention also provides for exceptional circumstances where the judicial authority concerned may in the best interest of the child refuse to order his return.

The extension of the Convention to Hong Kong is strongly supported by the legal and judicial sectors. The proposed Bill puts into effect the Convention after its extension to Hong Kong.

Thank you, Mr President.

Question on the motion on the Second Reading of the Bill proposed.

Debate on the motion adjourned and Bill referred to the House Committee pursuant to Standing Order 42(3A).

THE OPEN LEARNING INSTITUTE OF HONG KONG (AMENDMENT) BILL 1997

THE SECRETARY FOR EDUCATION AND MANPOWER to move the Second Reading of: "A Bill to amend The Open Learning Institute of Hong Kong Ordinance."

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, I move the Second Reading of The Open Learning Institute of Hong Kong (Amendment) Bill 1997.

The Open Learning Institute of Hong Kong (OLI) , set up in 1989 in accordance with the Open Learning Institute of Hong Kong Ordinance, is empowered to confer academic titles (including degrees). At present, it has an enrolment of over 20 000 students, and students already awarded with qualifications up to first degree level by the OLI approximately total 4 000.

Having comprehensively reviewed the OLI, the Hong Kong Council for Academic Accreditation confirmed that the OLI is a tertiary institute of high standard with effective mechanism to ensure the standards of its courses and graduates. On 25th February this year, the Governor in Council, therefore, approved in principle the proposal to upgrade the OLI to be a university and revise the structure of its internal governance. The Government is of the view that to confer upon the OLI the title of a university is an appropriate measure to acknowledge the standard and achievement of the institute. For details of this government decision, please refer to the relevant Legislative Council information note.

The Bill proposes to rename the institute as "香港公開大學" in Chinese and "The Open University of Hong Kong" in English. The Bill also makes consequential amendments to references to the OLI in other ordinances.

Stated in the Bill is the mission of the Open University of Hong Kong (OUHK), which, though basically similar to that of the OLI, includes specifically the permission for the OUHK to offer distance learning courses to those not living in Hong Kong (for example, residents in mainland China and other overseas Chinese communities). This amendment shows the institute's determination to broaden its international horizon.

Furthermore, the structure of governance of the OUHK to be set up in accordance with the Bill is, more or less, similar to those of the other six local universities, consisting of the Council as the top governing body, the Court as the chief advisory body, and the Senate as the top academic body.

The Bill also authorizes the Council of the Open University to draw up the Rules and Regulations of the OUHK and run the administration and other affairs of the university.

Because of the need for the Government to consult the OLI, it was not possible for the Bill to be presented to the Legislative Council on or before 9th April this year.

Thank you, Mr President.

Question on the motion on the Second Reading of the Bill proposed.

Debate on the motion adjourned and Bill referred to the House Committee pursuant to Standing Order 42(3A).

FACTORIES AND INDUSTRIAL UNDERTAKINGS (AMENDMENT) BILL 1997

***THE SECRETARY FOR EDUCATION AND MANPOWER to move the
Second Reading of: "A Bill to amend the Factories and Industrial
Undertakings Ordinance."***

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, I move the Second Reading of the Factories and Industrial Undertakings (Amendment) Bill 1997.

The Bill proposes to increase the levels of fines on employers and employees breaching the general duties provisions of the Factories and Industrial Undertakings Ordinance (Cap 59) (FIUO).

There is increasing public concern, including Members of this Council, that the fines for breaches of industrial safety laws do not reflect the gravity of the offences. The matter was discussed in the Labour Advisory Board (LAB) in October 1996, where a consensus was reached that the maximum fine for employers breaching sections 6A(3) and (4) of the FIUO should be raised from the present level of \$200,000 to \$500,000. The new level of fine is in line with that for the offence of failure to comply with a suspension notice under the FIUO and the very serious offences under other safety legislation, for example, the Lifts and Escalators (Safety) Ordinance. The LAB also agreed that the maximum fine for employees under section 6B(2) of the FIUO should also be increased by the same proportion, that is, from the present level of \$10,000 to \$25,000. The Administration has accepted the recommendation of the LAB, and this Bill seeks to increase the levels of fines accordingly.

The Hong Kong Construction Association and the Hong Kong Construction Industry Employees' General Union have indicated their support for the proposed increase in fines based on the spirit of shared responsibility between employers and employees in the promotion of industrial safety.

Finally, I wish to explain why the present Bill could not have been introduced into this Council earlier. It was originally our plan to introduce, together with this Bill, a new regulation under the FIUO which requires the implementation of a safety management system in selected industrial undertakings. However, considerable legal and technical problems and resultant delays have arisen in the drafting of the new regulation on the safety management system. We have therefore decided to introduce the FIU (Amendment) Bill 1997 first. We still plan to submit the new FIU (Safety Management) Regulation, when it is ready, to Members for approval later in the current session.

Thank you, Mr President.

Question on the motion on the Second Reading of the Bill proposed.

Debate on the motion adjourned and Bill referred to the House Committee pursuant to Standing Order 42(3A).

**NEW TERRITORIES LAND EXCHANGE ENTITLEMENTS
(REDEMPTION) (AMENDMENT) BILL 1997**

THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS to move the Second Reading of: "A Bill to amend the New Territories Land Exchange Entitlements (Redemption) Ordinance."

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President, I move the Second Reading of the New Territories Land Exchange Entitlements (Redemption) (Amendment) Bill 1997.

This Bill is to revise the rates of payment in respect of redemption money listed in the Schedule of the New Territories Land Exchange Entitlements (Redemption) Ordinance. The Ordinance was passed by the Legislative Council in December 1996 but has yet to be put into effect.

Upon the implementation of the New Territories Land Exchange Entitlements (Redemption) Ordinance, it will be prescribed that all land exchange entitlements not yet dealt with (commonly known as Letter A and Letter B) can only be redeemed by payment of money, not by grant of land, and that money paid in redemption should be in accordance with the rates of payment listed in the Schedule of the Ordinance. Effective from 1 October 1996, the rates of payment in respect of redemption money are monetized values of land exchange entitlements adopted by the Legislative Council last December when enacting the said Ordinance.

The Government originally planned to bring the Ordinance into effect before 31 March 1997. However, it was not until late March 1997 did the Government conclude a transaction involving the redemption of some known

land exchange entitlements by way of grant of land. So it was not possible to proceed as originally planned. We now plan to bring the said Ordinance into effect in June 1997. Following our review of price changes in New Territories properties, recently there was revision to the monetized values of land exchange entitlements, which took effect from 1 April 1997. We, therefore, are of the view that it is an appropriate measure to make consequential amendment to the rates of payment listed in the Schedule of the Ordinance so as to correspond with the effective date of the Ordinance.

I do understand Members' concern over the fact that it is not until very late in the Legislative Council session does the Government present a bill of this nature. However, for reasons just given, we were indeed unable to put the Ordinance into effect before 31 March 1997. In order that updated rates of payment in respect of redemption money can be adopted when the New Territories Land Exchange Entitlements (Redemption) Ordinance goes into effect, it is necessary for us to present this Bill now.

Mr President, I call upon Honourable Members to consider the matter and support the Bill.

Question on the motion on the Second Reading of the Bill proposed.

Debate on the motion adjourned and Bill referred to the House Committee pursuant to Standing Order 42(3A).

INLAND REVENUE (AMENDMENT) BILL 1997

***THE SECRETARY FOR THE TREASURY to move the Second Reading of:
"A Bill to amend the Inland Revenue Ordinance."***

SECRETARY FOR THE TREASURY (in Cantonese): Mr President, I move that the Inland Revenue (Amendment) Bill 1997 be read the Second time.

This is the first of the six bills which I will introduce today to give effect to the revenue proposals in the 1997-98 Budget, which Members have recently debated in this Council.

The Bill before Members seeks to increase the salaries tax allowances and the maximum deduction for training expenses as announced in the Budget. It also seeks to rationalize the marginal salaries tax structure.

I would first like to remind Members of the detailed increases in allowances and training deduction. The basic and married person's allowances will be increased by 11.1% from \$90,000 to \$100,000 and from \$180,000 to \$200,000 respectively. The first and second child allowance will be increased by 10.2% from \$24,500 to \$27,000. The allowance for the third to ninth child will be increased by 12% from \$12,500 to \$14,000. The allowances for dependent parents, grandparents and brothers and sisters will be increased by 10.2% from \$24,500 to \$27,000 while the additional allowance for dependent parents and grandparents will be increased by 14.3% from \$7,000 to \$8,000.

To recognize the special difficulties faced by single parents and families caring for dependants with a disability, the allowances for single parents and disabled dependants will be increased by 66.7% from \$45,000 to \$75,000 and from \$15,000 to \$25,000 respectively. To encourage our work force to upgrade its professional and technical qualifications so as to keep Hong Kong as a premier centre for business in the world, the maximum deduction for training expenses will be increased by 66.7% from \$12,000 to \$20,000 a year.

As for the marginal salaries tax structure, the Bill seeks to standardize the band widths at \$30,000 and the rates at uniform intervals of 6%. Let me explain the changes:

- (a) the first band will be widened from \$20,000 to \$30,000, and the rate will be kept at the current low level of 2%;
- (b) the width of the second band will be maintained at \$30,000, but the rate will be reduced from 9% to 8%;
- (c) the width of the third band will also be maintained at \$30,000, but the rate will be reduced from 17% to 14%; and

- (d) the top marginal tax rate will be kept at the current level of 20 %.

The rationalization will give added relief to middle-income salaries taxpayers, especially the "sandwich class". It will not affect the tax net.

I believe that there is wide support in both the community and this Council for the proposed salaries tax concessions following their announcement in the Budget.

Mr President, with these remarks, I commend the Bill to Members.

Question on the motion on the Second Reading of the Bill proposed.

Debate on the motion adjourned and Bill referred to the House Committee pursuant to Standing Order 42(3A).

INLAND REVENUE (AMENDMENT) (NO. 2) BILL 1997

***THE SECRETARY FOR THE TREASURY to move the Second Reading of:
"A Bill to amend the Inland Revenue Ordinance."***

SECRETARY FOR THE TREASURY (in Cantonese): Mr President, I move that the Inland Revenue (Amendment) (No.2) Bill 1997 be read the Second time.

The Bill mainly seeks to implement the 1997-98 Budget proposal to provide certainty in law in respect of the deduction in the assessment of profits of foreign withholding tax paid by a company on income which is subject to profits tax in Hong Kong. It seeks to allow the foreign withholding tax deduction irrespective of whether the company concerned is controlled or managed in Hong Kong. This reflects a judicial decision that foreign withholding tax charged on income or turnover is a legitimate expense and should be deductible in determining assessable profits regardless of the residency status of the company concerned. The amendment will encourage overseas companies to set up branch operations in Hong Kong, thereby strengthening our status as an international financial and commercial centre.

The opportunity is also taken to amend the Inland Revenue Ordinance in order to improve the operation of the Board of Review (Inland Revenue) and

other aspects of the Ordinance. The amendments involved are minor and technical in nature and do not have major taxation policy implications.

Thank you, Mr President.

Question on the motion on the Second Reading of the Bill proposed.

Debate on the motion adjourned and Bill referred to the House Committee pursuant to Standing Order 42(3A).

THE PRESIDENT'S DEPUTY, DR LEONG CHE-HUNG, took the Chair.

STAMP DUTY (AMENDMENT) BILL 1997

***THE SECRETARY FOR THE TREASURY to move the Second Reading of:
"A Bill to amend the Stamp Duty Ordinance."***

SECRETARY FOR THE TREASURY (in Cantonese): Mr Deputy, I move that the Stamp Duty (Amendment) Bill 1997 be read the Second time.

We made adjustments to stamp duty on property transactions in the 1996-97 Budget in order to benefit buyers of lower to medium-value flats. Increases in property prices have eroded this concession since the last Budget. To continue with our commitment to encourage home ownership, the Financial Secretary has proposed in the 1997-98 Budget to restore the effect of the concession by adjusting the threshold values for the various stamp duty bands in order to benefit those buying flats with values up to \$4 million. This Bill seeks to put the proposal into effect, following Members' debate on the Budget.

Specifically, the Bill seeks to increase the limit of property value below which only the nominal stamp duty of \$100 is charged, from \$750,000 to \$1 million. The rate of 0.75% will apply to properties with values of \$1 million to \$2 million; the rate of 1.5% will apply to properties with values of \$2 million to \$3 million; the rate of 2% will apply to properties with values of \$3 million to \$4 million; and the threshold at which the maximum rate of 2.75% begins to apply will be raised from \$3.5 million to \$4 million.

The proposed concession will bring relief to home buyers purchasing lower to medium-value flats, in particular the Home Ownership Scheme and Sandwich Class Housing Scheme flat buyers. The concession should not fuel speculation in the market for properties with values below \$4 million, which is not the main target of speculators. While the concession would help to relieve the financial burden on genuine flat buyers, the actual amount involved, which would constitute a part of the overall property transaction cost, would not be sufficient by itself to provide additional financial incentives to attract speculators.

Thank you, Mr Deputy.

Question on the motion on the Second Reading of the Bill proposed.

Debate on the motion adjourned and Bill referred to the House Committee pursuant to Standing Order 42(3A).

ESTATE DUTY (AMENDMENT) BILL 1997

***THE SECRETARY FOR THE TREASURY to move the Second Reading of:
"A Bill to amend the Estate Duty Ordinance."***

SECRETARY FOR THE TREASURY (in Cantonese): Mr Deputy, I move that the Estate Duty (Amendment) Bill 1997 be read the Second time.

The Bill seeks to adjust the exemption level for estate duty and the thresholds of the marginal tax bands, as proposed in the 1997-98 Budget, which Members have recently debated. Specifically, the Bill seeks to increase the estate duty exemption level from \$6.5 million to \$7 million. Estate duty will be payable at 6% on estates of values between \$7 million and \$8.5 million, 12% on estates of values between \$8.5 million and \$10 million, and 18% in respect of estates of values over \$10 million.

Mr Deputy, with these remarks, I commend the Bill to Members.

Question on the motion on the Second Reading of the Bill proposed.

Debate on the motion adjourned and Bill referred to the House Committee pursuant to Standing Order 42(3A).

DUTIABLE COMMODITIES (AMENDMENT) BILL 1997

***THE SECRETARY FOR THE TREASURY to move the Second Reading of:
"A Bill to amend the Dutiable Commodities Ordinance."***

SECRETARY FOR THE TREASURY (in Cantonese): Mr Deputy, I move that the Dutiable Commodities (Amendment) Bill 1997 be read the Second time.

The Bill seeks to implement the 1997-98 Budget proposals on the revision of duties.

Specifically the Bill seeks to increase the duty rates for tobacco, fuel and methyl alcohol by 6%, in line with inflation, so as to maintain the real value of the duties. This is consistent with our overall budgetary strategy whereby we aim at maintaining the yield in real terms from the various sources of revenue to ensure financial stability.

The Bill also seeks to reduce the *ad valorem* duty rate on wine from 90% to 60%. The reduction will benefit consumers, the tourist industry and our business in general.

The revision of duties already came into effect on 12 March 1997 under a Public Revenue Protection Order signed by the Governor, which is valid for four months. We note that the duty increases have been generally accepted by the community. As for the duty reduction in wine, we have asked the Consumer Council to monitor the response in the retail market in order to ascertain whether the benefit of the duty reduction has been passed on to consumers. As reported by the Consumer Council, major retailers have responded positively and there has been a price cut of 10-15% after the duty revision came into effect. Other retailers are expected to follow suit after their old stock with duty paid at the 90% rate has been exhausted.

The opportunity is also taken to increase the penalty for offences relating to the marking and the detreatment of marking of diesel oil under the Dutiable Commodities (Marking and Colouring of Hydrocarbon Oil) Regulations so as to enhance the deterrent effect against illegal activities on diesel oil. We propose

to raise the maximum penalty from the current level of a fine of \$50,000 and imprisonment for six months to a fine of \$200,000 and imprisonment for two years — the same as that for offences relating to the illegal use of marked oil under the Regulations. We have also taken the opportunity to clarify the interpretation of a minor provision in the legislation.

Thank you, Mr Deputy.

Question on the motion on the Second Reading of the Bill proposed.

Debate on the motion adjourned and Bill referred to the House Committee pursuant to Standing Order 42(3A).

TRAFFIC ACCIDENT VICTIMS (ASSISTANCE FUND) (AMENDMENT) BILL 1997

***THE SECRETARY FOR THE TREASURY to move the Second Reading of:
"A Bill to amend the Traffic Accident Victims (Assistance Fund) Ordinance."***

SECRETARY FOR THE TREASURY (in Cantonese): Mr Deputy, I move that the Traffic Accident Victims (Assistance Fund) (Amendment) Bill 1997 be read the Second time.

The Bill seeks to make consequential amendments to the Traffic Accident Victims (Assistance Fund) Ordinance to tie in with the implementation of the 1997-98 Budget proposal to issue driving licences with a validity period of 10 years. The Bill is now introduced following Members' debate on the Budget. It seeks to allow for the collection of levy under the Traffic Accident Victims Assistance Fund Scheme in respect of the 10-year licences.

The main legislative amendments to provide for the issue of the 10-year licences are set out in the Road Traffic (Driving Licences) (Amendment) (No.2) Regulation 1997. The Amendment Regulation has been made by the Secretary for Transport. It was gazetted last week and is tabled in this Council today.

Thank you, Mr Deputy.

Question on the motion on the Second Reading of the Bill proposed.

Debate on the motion adjourned and Bill referred to the House Committee pursuant to Standing Order 42(3A).

MERCHANT SHIPPING (LIABILITY AND COMPENSATION FOR OIL POLLUTION) (AMENDMENT) BILL 1997

THE SECRETARY FOR ECONOMIC SERVICES to move the Second Reading of: "A Bill to amend the Merchant Shipping (Liability and Compensation for Oil Pollution) Ordinance."

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr Deputy, I move that the Merchant Shipping (Liability and Compensation for Oil Pollution) (Amendment) Bill 1997 be read a Second time.

The main purpose of the Bill is to give effect to the two International Maritime Organization Protocols of 1992 which amend two Conventions, namely, the International Convention on Civil Liability for Oil Pollution Damage, 1969 (the 1969 Liability Convention) and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971. To ensure that the two Protocols will be extended to Hong Kong and continue to apply after 30 June 1997, we needed to consult the Chinese side before the Bill is introduced into Legislative Council for consideration and the consultation has recently been completed.

Liability and compensation for oil pollution damage caused in the areas of Contracting States by vessels are governed by the above two International Conventions. As the two Conventions are essential for international marine safety and management, they have been extended to Hong Kong by the United Kingdom and have been given effect in Hong Kong by the Merchant Shipping (Liability and Compensation for Oil Pollution) Ordinance. While the 1969 Liability Convention makes shipowners liable for damage from oil spills from their tankers up to a limit linked to the size of the ship and requires them to insure this liability, the 1971 Fund Convention sets up the International Oil Pollution Compensation Fund which pays compensation for oil pollution damage above the shipowner's liability under the 1969 Liability Convention up to a certain level.

The objective of this Bill is to implement the amendments made by the 1992 Protocols to the two Conventions. Clause 4 of the Bill adds a new section to provide that in addition to the compensation for pollution damage, the owner of the ship involved will also be liable for compensation for the cost of preventive measures taken to deal with a threat of contamination and any further loss or damage caused by those preventive measures. According to the major amendments made by the 1992 Protocols, clause 7 and 25 set out respectively the increased liability limit of the shipowners and the increased limit of compensation payable by the International Oil Pollution Compensation Fund in respect of any one incident. The objective of these provisions is to provide better protection to Hong Kong as well as the interest of the owners of Hong Kong registered ships in the event of serious oil pollution incidents.

As a major international maritime centre, it is essential for Hong Kong to be in line with the international conventions relating to the compensation for pollution at sea.

Mr Deputy, with these remarks, I commend the Bill to this Council.

Question on the motion on the Second Reading of the Bill proposed.

Debate on the motion adjourned and Bill referred to the House Committee pursuant to Standing Order 42(3A).

MARRIAGE AND CHILDREN (MISCELLANEOUS AMENDMENTS) BILL 1997

***THE SECRETARY FOR HOME AFFAIRS to move the Second Reading of:
"A Bill to amend the Guardianship of Minors Ordinance, the Separation and
Maintenance Orders Ordinance, the Matrimonial Causes Ordinance and the
Matrimonial Proceedings and Property Ordinance."***

She said: Mr Deputy, I move that the Marriage and Children (Miscellaneous Amendment) Bill 1997 be read a Second time.

The Bill seeks to amend four Ordinances which deal with maintenance orders and also custody, supervision and care orders for children. The four Ordinances are:

Guardianship of Minors Ordinance;

Separation and Maintenance Orders Ordinance;

Matrimonial Causes Ordinance; and

Matrimonial Proceedings and Property Ordinance.

The Bill has four objectives.

The first is to facilitate the collection and enforcement of maintenance payments. We are aware that at present, where a maintenance payer defaults in payments, the maintenance payee has to go through time-consuming and complicated court proceedings in order to enforce the maintenance orders. Enforcement is extremely difficult where the maintenance payer has changed address without notifying the maintenance payees.

These concerns, among others, were addressed by a Working Group, appointed by the Chief Justice, to review practices and procedures relating to matrimonial proceedings. The Working Group published a report in August 1996.

After considering the Working Group's recommendations, we propose that where a maintenance payer has defaulted in payment without reasonable cause, the court may issue an order to attach his income, for example, to require his employer to deduct payments from his wages and pay the amount direct to the payee. I should make it clear that wages are not the only income capable of being attached. An attachment order can be made also in respect of other incomes, for example, dividends from the shares of a company. The proposals for attachment of income orders are contained in clauses 6, 14 and 30 of the Bill.

To address the difficulty in tracing the whereabouts of a maintenance payer who has defaulted in payment, we propose that all maintenance payers should be required to notify the maintenance payees concerned (or other persons specified by the court) of any change of address, by registered mail, within 14 days of such a change. Failure to comply with the requirement without

reasonable excuse would constitute an offence. The proposals are contained in clauses 5, 15 and 31 of the Bill.

The second objective of the Bill is to fill a lacuna in the existing legislation, which does not empower the court to order the sale of matrimonial property even though such a sale is often necessary for the property to be divided equitably between two spouses or ex-spouses. The Working Group mentioned earlier — and also the Court of Appeal — have suggested that legislative amendments similar to section 24A of the English Matrimonial Causes Act 1973 be enacted.

We propose that in general, the English provision should be followed. In addition, in order to give the Hong Kong court greater flexibility, we propose that the court be empowered to make such a sale order, even where no prior financial or property adjustment order has been made, if it does not consider such a prior order to be appropriate. Our proposal is contained in clauses 22 to 24 and 33 of the Bill.

The third objective of the Bill is to rationalize and standardize the upper age limits for the making of custody, supervision, care and maintenance orders for the benefits of a child.

In the light of the Law Reform Commission's (LRC's) recommendations, the Age of Majority (Related Provisions) Ordinance was enacted in 1 October 1990 to provide that a person shall attain full age at the age of 18 in most cases. However, this is not provided for in the other Ordinances concerned. In addition, there are inconsistencies in the upper age limits prescribed in the Ordinances for custody, supervision, care and maintenance orders. For example, the age limit for care orders is 16 in the Guardianship of Minors Ordinance but 21 in the Matrimonial Causes Ordinance; for maintenance orders, the age limit is 18 in the Guardianship of Minors Ordinance and 21 in the Separation and Maintenance Orders Ordinance, while there is no upper limit in the Matrimonial Proceedings and Property Ordinance.

To remove the inconsistencies and implement the LRC's recommendations, we propose that the Ordinances in question be amended whereby:

- (a) the court may make a custody, supervision or care order up to a child's 18th birthday; and
- (b) the court may make a maintenance order for a period up to a child's 18th birthday. The order may extend beyond the child's 18th birthday if the child is, or will be, undergoing education or training or there are special circumstances.

The proposed amendments are contained in clauses 2, 3, 4, 11, 17, 19, 20 and 26 to 29 of the Bill.

The fourth objective of the Bill is to amend certain gender-biased provisions in the existing legislation. Some provisions in the Separation and Maintenance Orders are biased against men because they provide for a wife, but not a husband, to apply for separation and maintenance orders. Section 8 of the Matrimonial Proceedings and Property Ordinance is also gender-biased because the circumstances in which a husband may claim maintenance from the wife are different from those in which a wife may claim from the husband.

In line with our policy on equal opportunities for all, we propose that either party to a marriage can apply for separation, custody or maintenance against the other party by invoking the same grounds. The proposal is contained in clauses 10 to 13 and 25 of the Bill.

Mr Deputy, the Bill represents one big step forward in addressing the difficulties encountered by some maintenance payees and improving the legislation concerning maintenance, custody, supervision and care orders.

With these remarks, Mr Deputy, I commend the Bill to this Council.

Question on the motion on the Second Reading of the Bill proposed.

Debate on the motion adjourned and Bill referred to the House Committee pursuant to Standing Order 42(3A).

THE PRESIDENT resumed the Chair.

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Two motions with no legal effect. I have accepted the recommendations of the House Committee as to the time limits on speeches for the motion debates and Members were informed by circular on 28 April. The movers of the motions will each have 15 minutes for their speeches including their replies, and another five minutes to speak on the proposed amendments. Other Members including the movers of the amendments, will each have seven minutes for their speeches. Under Standing Order 27A, I am obliged to direct any Member speaking in excess of the specified time to discontinue his or her speech.

VETTING OF APPLICATIONS FROM RESIDENTS IN THE MAINLAND FOR SETTLEMENT IN HONG KONG

MR LAW CHI-KWONG to move the following motion:

"That, in view of the emergence of a large number of split families under the existing mechanism for vetting applications from residents in the Mainland for settlement in Hong Kong and as the Government has not been able to effectively regulate the immigration volume to complement the needs of Hong Kong and formulate corresponding social policies, this Council urges the future Special Administrative Region Government to actively strive for the authority to vet and approve applications from residents in the Mainland for settlement in Hong Kong and to establish a

points system, according priority vetting to applications on grounds of family reunion."

MR LAW CHI-KWONG (in Cantonese): Mr President, I move the motion set out on the Order Paper.

On 31 January last year, I moved a motion in this Council urging the Government to expeditiously formulate a comprehensive policy on Chinese immigrants and hoping that the Government would make provisions in anticipation of the impact on the community which might be brought about by the possible influx of tens of thousands of children into Hong Kong after 1 July 1997. The motion was carried without any opposition. At the motion debate, I recognized some opinions from Honourable colleagues. After collecting various opinions and holding some seminars, I published boldly a Green Paper on the Policy on Chinese Immigrants in May last year. In the past year, I raised some discussions about Chinese immigrants on several occasions at the Legislative Council Panels on Welfare, Health, Education, Home Affairs, Housing, Manpower and Security. I also organized opinion exchanges and forums, and personally participated in seminars organized by other people to promote community concern for the Chinese immigrants' adaptability to Hong Kong. Two days ago, I published the Policy on Chinese Immigrants under a white cover, which is referred to as the "White Paper" by some people, to collate some discussions and proposals of the past year and talk about any adjustments made by the Government to the policies and services. We should give credit to the Education Department. In compiling the Policy on Chinese Immigrants, as the part on education is concerned, I had to move a large portion from the section on proposals in my last year's Green Paper up to the section on discussions about existing policies. From this, we can obviously see that the Education Department made the greatest as well as the quickest response in the past year. Of course, other government departments also made considerable adjustments and created many new services; corresponding amendments were made to the legislation on Employee Retraining Scheme and passed in this Council.

The motion moved by me today mainly consists of three parts. First, it is hoped that the Hong Kong Special Administrative Region (SAR) can strive for the authority to vet and approve applications from residents in the Mainland for settlement in Hong Kong. Second, it is hoped that a points system will be established. Third, priority should be accorded to applications on grounds of family reunion.

Last Saturday and this Monday, the Democratic Party conducted an opinion poll by telephone. Of the 541 respondents, over half (that is 53%) agreed that the SAR should have the authority to vet and approve such applications; whereas only 25% opposed. In fact, I wonder why there is opposition. One possible cause is that some persons of authority, such as the members of the Preparatory Committee, have expressed that the vetting and approval of such applications should be made by the departments in China as stated in the Basic Law. This view is even more incomprehensible. Why do the members of the Preparatory Committee not read the Basic Law clearly? Article 22 of the Basic Law only stipulates that the residents from the Mainland must apply for approval for entry into the SAR, and the number of One-way Exit Permits for settlement in the SAR shall be determined by the Central Government after consulting the SAR Government. The Basic Law does not state that these applications must be vetted and approved in the Mainland. At present, as far as vetting and approval process of registered residence in the Mainland is concerned, approval is decided by the receiving place. Naturally, the applications for transfer of residence from Guangzhou to Shanghai are decided by Shanghai authorities instead of Guangzhou authorities. After 1 July, Hong Kong will become a Special Administrative Region of China with a high degree of autonomy. Why its authority to vet and approve such applications is far lower than those of other provinces and municipalities?

The telephone survey also found that most (67%) of the respondents agreed to the establishment of a points system. It was generally thought that such system would be fairer and more transparent, and would thus reduce the possibility of corruption. In recent discussions, the community also expressed many views on a points system. For example, if one's family member qualified to have the right of abode in Hong Kong under Article 24 of the Basic Law did not sneak to the territory, one might be given extra points and higher priority; whereas if a member once sneaked to the territory, one might lose the chance of getting extra points. It was also pointed out that extra points should be given to families with less children whereas families with more children would not be given as many extra points in order to discourage more births. I believe the final decision should be made after general consultation among Hong Kong people if a points system is to be established.

The third theme of my motion lies in the hope that first priority will be accorded to applications on grounds of family reunion. The telephone opinion poll shows that 45% of the respondents agreed to this, obviously more than the opposition percentage, 35%. Undoubtedly, the citizens who agree to accord priority to applications on grounds of family reunion account for a good majority. Nevertheless, there are also many citizens who think that other grounds apart from family reunion should also be considered. There are also many citizens who worry about the possible pressure exerted on the society by the recent influx of Chinese immigrants into Hong Kong on grounds of family reunion.

As regards the Honourable CHEUNG Hon-chung's amendment, every one of you should have received my letter by fax. If my tone is a little bit harsh, I hope you will kindly excuse me for my being exceedingly infuriated at that time. For the time being, I am not going to respond to the amendment moved by the Honourable CHEUNG Hon-chung, nor that moved by the Honourable Bruce LIU to his amendment. I will make a final reply after I have listened to all your opinions.

I so submit. I am going to listen with all my ears. Thank you, Mr President.

Question on the motion proposed.

PRESIDENT (in Cantonese): Mr CHEUNG Hon-chung has given notice to move an amendment to this motion. Mr Bruce LIU has also given notice to move an amendment to Mr CHEUNG's amendment. Their amendments were set out on the Order Paper and circularized to Members on 29 April. I propose that the motion, the amendment and the amendment to the amendment be debated together in a joint debate.

Council shall debate the motion, the amendment and the amendment to the amendment together in a joint debate. I now first call on Mr CHEUNG Hon-chung to speak and to move his amendment, and then call on Mr Bruce LIU to speak and to move his amendment to Mr CHEUNG's amendment. After the debate on the original motion and the amendments, Members will be called upon to vote on the proposed amendment moved by Mr Bruce LIU to the amendment

proposed by Mr CHEUNG Hon-chung to the original motion. I now invite Mr CHEUNG to speak and to move his amendment.

MR CHEUNG HON-CHUNG's amendment to MR LAW CHI-KWONG's motion:

"To delete "in view of the emergence of a large number of split families" and substitute with "as a large number of children of Hong Kong permanent residents, who were born in the Mainland and according to the Basic Law have the right of abode in the Hong Kong Special Administrative Region, are entering the territory illegally before obtaining proper authorization"; to delete "and as the Government has not been able to effectively regulate the immigration volume to complement the needs of Hong Kong and formulate corresponding social policies"; to delete "future Special Administrative Region Government to actively strive for the authority to vet and approve applications from residents in the Mainland for settlement in Hong Kong and to establish a points system, according priority vetting to applications on grounds of family reunion" and substitute with "Government to expeditiously strengthen liaison and the exchange of information with relevant departments in the Mainland, and to establish the number of such children on the waiting list, so as to formulate policies to arrange for their entry into Hong Kong by batches and according to a prescribed schedule, and to repatriate those children who are staying illegally in the territory, reinforce the interception of illegal immigrants and impose heavy penalties on "smugglers of illegal immigrants" to combat illegal immigration".

MR CHEUNG HON-CHUNG (in Cantonese): Mr President, I move the amendment to the Honourable LAW Chi-kwong's motion as set out in the Order Paper.

On 25 April, I received a letter from Mr LAW Chi-kwong, mover of the original motion, who expressed dissatisfaction with my amendment to his motion.

Mr President, you have ruled that my amendment is in order. In fact, I think there are absolutely no grounds for the criticism. Anyone who moves an amendment has two motives. First, he or she has a different way to resolve the same factors as in the original motion. Second, he or she considers that there

are matters of higher priority in the same circumstances. I move amendment to Mr LAW Chi-kwong's motion because all the proposals put forward in the original motion only give a direction of principle and policy and cannot substantively solve the problem of smuggling child illegal immigrants by 1 July.

Mr President, the Democratic Alliance for the Betterment of Hong Kong (DAB) agrees to the original motion that Hong Kong should have the authority to vet and approve the applications from Mainland residents for settlement in Hong Kong and that a points system should be established. In fact, as early as two years ago, the DAB already proposed a points system at an exchange meeting held in Mainland China. Recently, the public security bureau of Guangdong Province also indicated that a points system would be announced soon. Of course, a points system is not as simple as ABC. As each province, municipality and county in China has different quota for residents coming to settle in Hong Kong, there may be less applications than the quota in some places but over-subscription in other places. For a points system to be implemented successfully, the processing must be centralized under the Central Government for effectiveness, so as to avoid a phenomenon that applicants with the same points might come to settle in Hong Kong at different times due to different quota.

Mr President, according to Article 22 of the Basic Law, people from other parts of China must apply for approval in order to enter Hong Kong. As the vetting and approval of these applications are concerned, they are not designated to any specified authorities. Now according to the practice of different places over the world and of different provinces and municipalities over China in respect of applications for residence registration, approval for residence registration with Shenzhen, for example, must be obtained from the Shenzhen Municipal Government. With Article 22 of the Basic Law being interpreted under the same principle, it is logical that Hong Kong should have the authority to vet and approve such applications. But I must point out the fact that Hong Kong has the authority to vet and approve such applications does not mean that the problem can be solved completely. The reason is that this authority can only refuse the entry; it cannot specify the departure of certain people.

According to the present applications in China and the statistics provided by the Security Branch, of the One-way Exit Permit holders who came to Hong Kong legally in the past three years, over 96% applied on grounds of family reunion. Over 50% of them are children who will be qualified Hong Kong

Permanent Residents after 1997. Therefore, even with the authority to vet and approve such applications, we cannot refuse the entry of these 96% One-way Exit Permit holders.

Mr President, the authority to vet and approve such applications, a points system, and according priority to applications on grounds of family union, as proposed by the original motion, seem to be unable to resolve the factors mentioned in the original motion, including immigration control, split families and, most importantly, the influx of children sneaking into Hong Kong before the handover of sovereignty on 1 July.

Mr President, just imagine your children risking their lives and being entrusted to strangers on a moonless night to struggle in the stormy sea and risk danger to sneak into Hong Kong. By good luck, they might arrive in Hong Kong safely, but they would suffer on the run from the police. In ill luck, they might even be devoured by the vast sea. It is rather cruel for these 8 to 10-years-old children, and so far as for the younger ones at the age of three or four, to undergo the sneaking process as a whole. An earlier report that some children were suspected to be thrown to the sea when the police chased after a "smuggling boat" is extremely upsetting. Sneaking is a terrible and painful experience to both the children and their parents. I move the amendment because I hope that upon the implementation of the motion, parents will abandon making arrangements for their children to come to Hong Kong in this illegal as well as highly risky way.

Mr President, according to Article 24 of the Basic Law, these children have the right of abode in Hong Kong. It is the stance of the DAB that the Special Administrative Region (SAR) Government must undertake to protect the rights of these people. Our proposals are as follows:

1. We do not agree to amending the Basic Law as a means to prevent the problem.
2. Qualified children must be approved for arranging them to come to Hong Kong within a short time (no more than one year).
3. Excuses such as the inadequacy of social facilities in Hong Kong in areas like education, housing and medical care, must not be used to delay anybody exercising his or her right of abode in Hong Kong.

In fact, as early as 1993, the British Hong Kong Government knew clearly that according to the arrangements under the existing quota, not until the end of 1998 could all these children come to Hong Kong. It was also aware that these children would have the right of abode after 1 July 1997 in accordance with the Basic Law. Therefore, the DAB strongly reprimands the British Hong Kong Government for its failure to increase social resources appropriately since 1993 to facilitate the arrival of these children before 1 July 1997.

4. The Chinese Government should announce as soon as possible the points system proposed by the DAB and increase the transparency of the vetting, approval and confirmation process in the Mainland so that the applicants may get their proof of confirmation and application numbers and know the approximate time of their entry into Hong Kong.
5. The Office of the Chief Executive (Designate) has recently pointed out that the Mainland residents who are qualified to be Hong Kong Permanent Residents must obtain prior confirmation of their status before coming to settle in Hong Kong legally. We think that it is controversial to delay any applicant's exercise of his right of abode by any administrative means. The DAB has some reservation about this. Even if this must be done, the confirmation procedure must be simple and approval must be given within a reasonable time.
6. Lastly, the Government must also deal with the issue of "going-out passes" cautiously. In the past, some people stayed in Hong Kong for several years with "going-out passes". This gives the Mainland residents a misconception that they could stay in Hong Kong legally, which is a seriously wrong message. The Government must address this problem cautiously.

Mr President, the number of surrendered child illegal immigrants has dropped by a large margin recently. This may be due to effective interceptions.

However, it may also be due to the fact that they did not surrender but waited to appear after 30 June. This is a real problem and a real headache. Unfortunately, when I raised the problem with the government officials at a meeting of the Panel on Security, they adopted a passive attitude in dealing with these problems involving the SAR. They said that no solution was available yet. However, this problem will arise sooner or later. I hope that the British Hong Kong Government and the SAR Government will have a joint discussion on practical solutions to this problem.

Mr President, in a nutshell, I amend Mr LAW Chi-kwong's motion not because I oppose the contents of his motion. In fact, the points system which he proposes was put forward by the DAB two years ago and it will be announced by the Chinese Government soon. I move the amendment today because I sense an urgent need to solve the problem of "child illegal immigrants". I hope Honourable colleagues will support my amendment.

I so submit.

Question on Mr CHEUNG Hon-chung's amendment proposed.

PRESIDENT (in Cantonese): I now invite Mr Bruce LIU to speak and to move his amendment to Mr CHEUNG Hon-chung's amendment.

MR BRUCE LIU's amendment to MR CHEUNG HON-CHUNG's amendment:

"to delete "such" and substitute with "Mainland", to add "born to Hong Kong residents" after "children", to add "of applications to settle in the territory" after "on the waiting list", to add "including the establishment of a points system according priority on grounds of family reunion," after "so as to formulate policies", to delete ", and to repatriate those children who are staying illegally in the territory,", to add "; this Council also urges the Government of the future Special Administrative Region to strive for participation in the process of vetting applications from residents in the Mainland for settlement in Hong Kong, so as to enhance co-operation with relevant departments in the Mainland, and to" and to add "in accordance with the law" before "to combat illegal immigration"."

MR BRUCE LIU (in Cantonese): Mr President, in accordance with Article 24 of the Basic Law, children in the Mainland born to Hong Kong Permanent Residents have the right of abode in Hong Kong. Therefore, these children can settle in Hong Kong after 1997. In 1995, the Hong Kong Government and the Chinese Government reached an agreement that the quota of the Mainland residents coming to Hong Kong would be increased, with part of the quota specified for Mainland children born to Hong Kong citizens as an arrangement to facilitate their arrival to Hong Kong before 1997 as far as possible. But as there is a large number of these children, 60 out of the daily quota of 150 is inadequate. Owing to the lack of transparency in the vetting and approval process, the "smugglers of illegal immigrants" seize the opportunity to spread rumours in the Mainland, causing a great influx of illegal immigrants.

Just between January and April 1997, the number of child illegal immigrants surrendered to the Immigration Department amounted to 1 500. From this, we see that illegal immigration is very serious indeed. Although Hong Kong is not far away from Mainland China, sneaking is a very dangerous act. There was an alarming report on the other day that a "smuggler of illegal immigrants" threw child illegal immigrants into the sea in order to escape from the marine police. Of course, we are shocked and infuriated at such a shameless act of the "smuggler". But after all, today's predicament is a result of substantial loopholes in the existing policy on the vetting and approval of One-way Exit Permits.

Mr President, we are unable to estimate how many parents will let their children risk their lives to sneak from the Mainland to Hong Kong after 1 July, but we must be well-prepared beforehand to prevent problems which might occur.

Mr TUNG Chee-hwa, the Chief Executive (Designate) of the Special Administrative Region, suggested on the other day the establishment of a confirmation system to verify the status of such children and then arrange for them to come to Hong Kong according to the vetting and approval process. The Association for Democracy and People's Livelihood (ADPL) thinks that this is definitely not an effective method because these children already have the right of abode in Hong Kong in accordance with the Basic Law. Whether their status

are verified by the relevant departments in the Mainland or not, they have the right of abode as long as they are really children born to Hong Kong Permanent Residents. This is indisputable. Therefore, if they sneak into the territory and can produce ordinary documents such as residence registration and birth certificates during the appeal to prove their status, I believe the local courts will accept their right of abode in Hong Kong and they will not be repatriated or removed from Hong Kong. Therefore, any vetting and approval system should not be applied to these "child illegal immigrants", or children who have the right of abode in Hong Kong. This point has not been covered in the Honourable LAW Chi-kwong's motion. The solution, therefore, is to expedite these children's entry into Hong Kong, and by a fair and simple way, to encourage them to come according to a schedule under arrangement.

Mr President, according to the estimates made by the Immigration Department and the public security bureaux in the Mainland, there are about 30 000 to 60 000 qualified children waiting to come to Hong Kong. The exact figure is yet to be verified, but conservative estimates show that there will not be less than 50 000 qualified children. According to the current progress concerning the vetting and approval of One-way Exit Permits, it will still take about two years to arrange for all the qualified children to come to Hong Kong even if they fill up the total daily entry quota. But if these children come for reunion in Hong Kong at a time different from their parents, this will lead to many social problems. Therefore, the ADPL proposes that in the vetting and approval process of the Mainland residents' applications for settlement in Hong Kong, apart from the factors of children, family situation should be taken into consideration, and especially for some Mainland residents, first priority should be given to grounds of family reunion. Therefore, we propose the adoption of a well-designed points system to arrange for those Mainland residents to settle in Hong Kong on grounds of reunion.

In the implementation of a points system, a lot of technicalities and principles have to be taken into consideration, and it is particularly uneasy to ensure fairness. But the applicants' age, financial situation of their family, education background and waiting time are important objective criteria in the process to vet and approve the Mainland residents' applications for settlement in Hong Kong. The ADPL proposes that within two years the number of One-way Exit Permits granted to people every day on grounds other than family reunion

should be reduced because these people, for example, the professionals, can come on a work permit and make contribution in Hong Kong. On the other hand, the quota should be increased for the children to come on grounds of family reunion, and especially for the parents to accompany their children who have the right of abode in Hong Kong, with a view to accommodating all the qualified children within two years.

With the establishment of a points system, there must also be mechanisms for complaints and appeals so that people who are dissatisfied with the administrative system may have a chance to complain and those who are dissatisfied with the vetting and approval arrangements can have a chance to appeal. At the same time, the vetting and approval process should be more transparent, a common waiting list should be drawn up both in China and in Hong Kong, and the processing of applications over the country should be centralized, and so on.

Mr President, Hong Kong has very limited resources. The arrival of a large number of children from the Mainland will definitely pose a great challenge to the education, housing and welfare services in Hong Kong. But I have to emphasize that we must face up to the reality, instead of escaping from it. Mr President, the local population comprises people from different provinces and municipalities of the Mainland and many are Chinese compatriots coming from the Mainland to Hong Kong. My parents came from the Mainland, too. In fact, we should have a comprehensive policy on Chinese immigrants.

Both the Honourable LAW Chi-kwong's motion and the Honourable CHEUNG Hon-chung's amendment have pointed out the matters of concern to the people. I hope that we are not caught in a dispute out of our personal feelings. Instead, our support should be given to the merits of the contents of the motion. I think this is a debate which can take both desirable things at the same time and we should not have a pointless argument about in whose name this motion is carried. Therefore, I hope Members will deal with this motion debate with a liberal and open mind.

Mr President, I so submit.

Question on Mr Bruce LIU's amendment to Mr CHEUNG Hon-chung's amendment proposed.

MRS SELINA CHOW (in Cantonese): Mr President, in fact, the Honourable LAW Chi-kwong's original motion and the Honourable CHEUNG Hon-chung's amendment concern two vitally interrelated issues of different aspects. The original motion concerns the entry arrangements and family reunion whereas the amendment deals with the recent problem of the Mainland children sneaking into Hong Kong. Indeed they do not exclude each other. It is rather difficult to choose between the two.

The second amendment moved by the Honourable Bruce LIU basically combines the original motion and the amendment so as to take both imminent and long-term policies into consideration.

I believe what the Hong Kong people are concerned most is that the Mainland residents must come to Hong Kong in an orderly way so that our society can make corresponding preparations.

I believe, in order to have orderly entry arrangements and to expedite the reunion of these split families, Hong Kong should participate in the vetting and approval process of the applications from the Mainland residents for settlement in Hong Kong. So far, only the Chinese officials have been responsible for the door to vetting and approval, and sometimes, their considerations are not necessarily the same as those of Hong Kong. Hong Kong has no authority to decide whether their entry is approved or not, and basically no authority to refuse their entry.

In fact, there are two doors in this process. First, the Chinese Government gives approval or otherwise to the departure of their residents and then, there should also be another door in Hong Kong to decide on their entry. At present, the door of Hong Kong is open and we only depend on China to control the departure of their residents, resulting in China making the decision for entry into Hong Kong in another form. It is most ideal that these two doors are symmetrical, not of different sizes. Whilst China is to decide on the departure of their residents and Hong Kong on their entry, both sides should co-ordinate with each other as early as possible, thereby fully taking into account of the aspirations of the people in the Mainland and in Hong Kong as well as the capability of Hong Kong's society.

In this process, priority should be accorded to applications on grounds of family union, but this does not mean that other people should be restricted from entry into Hong Kong. I believe we must strike a reasonable balance.

As a major principle, it is impossible for anybody to reject family reunion on humanitarian grounds. But if we only consider family reunion and ignore the capability of our society, this is an irresponsible act. This is not only irresponsible to the existing population of Hong Kong but also to the Chinese immigrants who are coming to Hong Kong. Solely from the point of family reunion, the families have to encounter consequent housing, education and unemployment problems and even other social problems brought about by inadequate community care. This may be the price to pay which might affect the children's normal development. Is such a price too high?

At present, of the daily quota of 150 One-way Exit Permit holders coming to Hong Kong, 30 places are already allotted to the spouses who have been separated for more than 10 years and 45 to qualified children, that is, the children who are qualified in accordance with Article 24(3) of the Basic Law. Actually how many extra places of quota can we spare to shorten the waiting time for family reunion, or can we increase the overall daily quota within the capability of the society? This needs in-depth study and should not be dealt with indiscreetly or under the sway of strong emotions.

As regards the number of people who have the right of abode in Hong Kong waiting to come from the Mainland now, actually are there 35 000 people as Hong Kong Government said or 130 000 people? In fact, I think we do not need to argue about this figure because this figure is actually "endless", and as long as Hong Kong Permanent Residents continue to get married and have children in the Mainland, there will be continuous new entries to this waiting list.

On the contrary, what we should do is to consider the principles for making some arrangements, for example, to set a reasonable waiting time and target, arrange for them to come according to a schedule, and eliminate, as far as possible, the chances for lawless elements to corrupt and lure people to sneak to Hong Kong.

I think in dealing with the entry of the children who are under age, we cannot just approve the children to come, leaving their mothers behind in the Mainland, because this arrangement will just create split families in another way. It is also unfair to the children, who need the care of a family, since they can only choose to live with one of their parents. Of course, this may lead to a much longer waiting list. But if there is a choice between more planning in community care, which will result in a relatively longer waiting time for a family as a unit, and tragedies of split families, I will definitely not take the latter.

I am well aware that many citizens have various worries about the approval for these children or mothers to come to Hong Kong. For example, they worry that some people may give birth to children deliberately for coming to Hong Kong, or some people who have no means to earn a living in Hong Kong continue to apply for their children or family members to come and then live together in a condition of constant anxiety. In fact, Hong Kong people even worry to a certain extent about the design and details of a points system and the restriction of the number of approved entry. I hope the Government must take these worries into consideration when it draws up corresponding regulations in the formulation and implementation of its policy and discusses with the Mainland authorities.

Thank you, Mr President.

MR CHOY KAN-PUI (in Cantonese): Mr President, in recent years, it has been very common for Hong Kong people to get married and start a family in China. Guangdong province alone has already processed more than 130 000 applications for children to be settled in Hong Kong. According to the Basic Law, children born outside Hong Kong of permanent residents of Hong Kong shall have permanent right of abode in Hong Kong after 1 July when Hong Kong is returned to China, and they should all wait with patience. However, why is there a spate of illegal immigration of children recently? The major reason is that the number of eligible children waiting for vetting is just too large. And because 1 July is not far away, with the urging of the unscrupulous smugglers of illegal immigrants, they thought that if they can make it past 1 July, they can become permanent residents of Hong Kong. On the other hand, the vetting process conducted in China really needs some improvement as different places have different vetting criteria and quota. Moreover, a lack of transparency makes one feel suspicious and even gives rise to opportunities for corruption. The

parents of these children therefore would rather go against the law and get their children illegally into Hong Kong. We are definitely against illegal immigration. We therefore must target our propaganda against the problem and impose heavy punishment on the smugglers of illegal immigrants. It is not enough just by strengthening our measures to stem the flow of illegal immigrants; we must increase the transparency of the vetting and approval system so that the waiting families will know specifically when their children can come to Hong Kong. Recently the public security authority of Guangdong province has stepped up its work in this respect and has established a number of consultation points to answer questions from the public and supervise the operation. A "two priorities" system has also been established in respect of the vetting and approval of applicants. First of all, children whose parents are already in Hong Kong will be given priority. Secondly, if one of the parents is already a permanent resident of Hong Kong, and when the other parent is approved to settle in Hong Kong, the children may go as well. This will not only accelerate the settlement of children in Hong Kong, but also prevent the separation of the children from their mothers. This is a welcome move. The Hong Kong Progressive Alliance (HKPA) thinks that the ideal vetting and approval principle should be one that is based on family units so that children will not be separated from their parents, and if the children are in Hong Kong, the fathers will not have to assume mothers' duties or even have to quit their jobs to look after the children. On the problem of quota, the HKPA suggests that those provinces and cities responsible for vetting and approval should report to the Central Government so that every one will be put in the same queue, avoiding the unfair situation where different places have different waiting time. Recently the public security authority of Guangdong province has expressed that they will consider adopting a points system, which will be fairer and more reasonable. Nevertheless, I would like to stress that this session of the Legislative Council should concentrate on asking the British Hong Kong Government to treat the problem of illegal children immigrants with the greatest urgency. After 1 July, what sort of vetting and approval system there should be and how points are to be calculated should be negotiated between the Special Administrative Region Government and the Central Government.

Mr President, after Hong Kong's return to China, the number of people returning to China to get married and their children definitely will increase drastically. Both the Government and the people of Hong Kong must face a wave of immigrants. A massive influx of immigrants will cause certain problems, but they are not unsolvable. Since the end of the Second World War,

Hong Kong has at different stages seen large number of immigrants from China. Are they not all assimilated and become new energy to our economy? The development Hong Kong achieves today is the result of these immigrants. Of course, if a large number of people come in within a short period, there will be pressure on housing, education, medical and health services, employment and social welfare expenditure in Hong Kong. Reception of new migrants must therefore be planned and conducted in an orderly manner. It is generally recognized that Hong Kong has too little land to support too many people, making housing the first major problem. But in fact, there is a lot of land not yet developed. Even if there is a shortage of land, it can be reclaimed from the sea. With our potential land resources, we certainly have the ability to meet the housing problem. Education, on the other hand, is definitely a great headache. It takes 10 years to grow a tree, but it takes hundred years to train a person. A large number of children coming to Hong Kong within a short period of time will certainly exert an enormous pressure on our education system. In the short term, it is unavoidable that there will be some setback in the teacher-to-student ratio, classroom capacity and the implementation of full-day schooling for primary schools. However, if the Government can seriously look into the problem, and patch up what it has not done by allocating more resources for the construction of both primary and secondary schools and raising the quality of our teachers, all these problems will, in the long run, be overcome gradually with the hardware and software working together and the quality of education will be raised.

Mr President, we should not look only negatively at the pressure that the new arrivals may bring. Instead, we should also recognize the opportunity they may bring to the development of Hong Kong. The history of China and other countries has shown that children of new migrants are mostly hard working, and they inject great development power into a society. If we work actively with them by developing their good qualities and train them to be pillars of Hong Kong, they can certainly make great contribution to the social and economic development of Hong Kong.

Mr President, these are my remarks.

MISS EMILY LAU (in Cantonese): Mr President, I speak in support of the Honourable LAW Chi-kwong's motion. I do not oppose the Honourable CHEUNG Hon-chung's amendment but I understand very well Mr LAW's feeling. In fact, if Mr CHEUNG thinks that this issue is worth our discussion, he need not delete the wordings of another Member's motion; he can simply add his own

wordings to the end of the original motion, and then the two issues can be debated together. It is despotic of him to reject the original motion and turn to speak on another issue. In fact, we think the two issues are equally important. Mr President, though in the principle of law, you have given leave to Mr CHEUNG's amendment, I think our colleagues should not do so if we are to maintain harmony with one another. Therefore, I do not agree to such doing since the two issues are equally important.

Mr President, I do not want to repeat the views put forward by the colleagues. I much agree to Mr LAW's point that the future Hong Kong Special Administrative Region (SAR) should be allowed to have the authority to vet and approve the applications. This is very important. This can reflect the high degree of autonomy enjoyed by the SAR. Therefore, I hope we will make concerted efforts to strive for this authority. I also hope that the Democratic Alliance for the Betterment of Hong Kong (DAB) will also do their best in this regard. They have just spoken in support of a points system, but I do not hear very clearly whether they support that SAR should have the authority. I hope our colleagues from the DAB will clarify this point in their speeches later because this point is very important. I agree to Mr LAW's view that the Basic Law does not state that we cannot have this authority, and therefore I believe the Chinese Government will allow us to have it if we are of one heart and one mind.

Mr President, I also much support the establishment of a points system because if a set of fair criteria can be drawn up to let the people on the waiting list know the circumstances for their coming to Hong Kong, I believe they may feel more at ease. In the meanwhile, we have also read many recent reports that the black market price of a One-way Exit Permit for coming to Hong Kong was \$600,000 four years ago, but it has gone up to \$1.2 million now. Mr President, I do not know if this is true. Now the issue has already aroused extensive comments in the society and many people have written articles about it. I wonder if the Government knows this alarming figure.

Undeniably, Mr President, the issue of immigration, both legal and illegal immigration, is a time bomb. My office received many telephone calls recently. I think this issue is splitting up our society. Some people give full support probably because their family members are going to come from the Mainland; some people are very much opposed to this because they fear that the immigrants

will grab their jobs and share out our already inadequate resources. Therefore, I think this Council and the Government must handle this issue very carefully and must be fair to both the immigrants and Hong Kong people. If they have the right under the Basic Law, how can we deprive them of it? Nevertheless, some people are also worried if there are really tens of thousand people who have such right and they rush to Hong Kong together.

Mr President, I believe nobody will consider it an easy task to deal with this process. The present and the future governments must let the people know that we act according to the law. If there is any problem with the legislation, amendment must be made through legal channels; otherwise, the rights given in the laws cannot be deprived of so easily. This is a very sensitive issue. We must discuss how we can, under most orderly arrangements and with the least impact on various aspects of the society, let those people who have such right enjoy their rights under the Basic Law.

Nevertheless, how do we pacify those clamorous Hong Kong people? In this regard, I do not shift the responsibility onto the Government. Many people may say that the Government has the greatest power and maximum resources, and therefore many things should be left to the Government. But I think this Council and others should do something, too. We have to make the citizens realize the fact that those people will come to Hong Kong. I believe whenever immigrants go to a new place, they will most probably be discriminated against. In fact, even when many wealthy Hong Kong people emigrate to foreign countries, they may be regarded as third-class citizens. As people coming from the Mainland to Hong Kong are not wealthy, they may be looked down upon. But we must mediate between the two parties and convey a message to the public that the immigrants are members of Hong Kong once they have come legally. We must not make the immigrants feel that they are third-class citizens being discriminated against on their arrival. We must let the immigrants know that we will do our best to make use of the resources in the territory so that they can enjoy what are being enjoyed by local citizens. But how do we give out this message so that those citizens who are clamorous or infuriated at what I am saying will understand? I think this is a very difficult task. But we do not want a time bomb hidden in our society, which might be disintegrated as a result. It is lucky that the Hong Kong Government does have some resources and money. I hope that it will promptly do everything which can be done now.

But, Mr President, I would like to point out an incident. I once proposed at a motion debate that population control should be imposed in Hong Kong and many people were startled. But so far, I have a strong feeling that Hong Kong is too small for a large population. The Government anticipates that there will be eight million people in Hong Kong a few years later. This startles me. It seems that the Government has never made any arrangements or given any thoughts, but simply let people give birth to children casually. I think this is unacceptable. If the Mainland residents come to Hong Kong on grounds of family reunion, I can understand and give support. But as Mr CHEUNG has just said, 4% does not come on grounds of family reunion. I think their arrival should be avoided as far as possible unless there are very good reasons, because I think Hong Kong is really too small. But I also want to call on those who intend to get married and have children in the Mainland to think as most Hong Kong people do, "two is enough and one is even better", and do not give birth to many children as far as possible. If they have many children in the Mainland and their children all have the right to come to Hong Kong, it will really overpopulated.

Mr President, I would like to thank Mr LAW because he has followed up this issue for several years. As the problem becomes more and more serious, I believe everybody has to be concerned about it. I also hope that the Government will tell us how it is going to deal with this issue positively and make optimum use of our resources. At the same time, the Government should also think about this issue under the Basic Law. How can such a large number of people rush to Hong Kong and how can mediation be made between the immigrants and local citizens? If the local citizens do not understand and they adopt a hostile attitude towards the immigrants, I believe many conflicts will occur in our society in future.

With these remarks, I support Mr LAW Chi-kwong's motion.

MISS MARGARET NG: Mr President, as I see it, the original motion is about residents of mainland China who fall outside Article 24 of the Basic Law and who therefore do not become Hong Kong Permanent Residents on 1 July by the coming into effect of that Law. Whether before or after 1 July, they are required to apply for permission if they want to come to settle in Hong Kong.

Up to now, China is the sole authority to decide on their application. Our Immigration Department has very little say and no power to decide at all. The only exception is that, under section 13 (Immigration Ordinance), the Director of Immigration has a discretionary power to allow someone who has landed illegally to remain. This she uses very rarely, and only on exceptional humanitarian grounds.

In my view, this means the Director of Immigration has no control over a very large part of immigration into Hong Kong. This is clearly wrong.

And it has resulted in grave injustice. If a Hong Kong resident marries an American, or Thai or Singaporean person, or indeed a person from anywhere else in the world, that spouse can apply to the Immigration Department to come to settle in Hong Kong. He or she will not be subjected to years of waiting on account of an uncertain queuing system over which Hong Kong has no control. Whereas the mainland Chinese spouse will have to be subjected to all this with no recourse to any form of appeal. If he or she, after many years of waiting, comes to Hong Kong illegally, it will be a rare case for the section 13 discretion to be used to allow him or her to stay.

Mr President, is that not discrimination of the clearest kind on a fundamental issue? I know we cannot claim protection under the International Covenant on Civil and Political Rights on immigration matters, but the unconscionable nature of this policy has long been criticized by the legal profession.

The persistence of such a situation has resulted in inhumanity. As the Honourable LAW Chi-kwong has described in moving the motion, a large number of families have been split, with devastating effect on very young children whose welfare must be a cause of anxiety.

The Administration is now telling us, yes, they have a role in vetting and approval. But this role is confined to the 66 for family reunion, out of the quota of a total of 150, and also confined to the verification of the Hong Kong resident status of any member of the family of the applicant. This hardly amounts to any real control or even prevention of abuse. It has nothing to do with making sure that application on the ground of family reunion are not unjustly refused or grossly delayed. Even less does it have anything to do with controlling the kind

of people whom it is to Hong Kong's advantage to have for social, economic or other reasons.

I agree that it is time the situation was put right. I welcome the motion and I support it wholeheartedly.

Mr President, I now turn to the proposed amendments to the motion. These cover quite a different subject. It is about the treatment of the children of Hong Kong residents born in the Mainland who will become Hong Kong Permanent Residents upon the coming into effect of the Basic Law on 1 July, under Article 24 of that Law.

With respect to these children, the amendments propose that they should be put on a waiting list, and permitted to come to Hong Kong in "batches" in accordance with schedule.

Mr President, I am totally opposed to this proposal, and I strongly urge those who may be contemplating it to drop the idea. I have said this elsewhere and I will say this again in this Council. The arrival of these children after 1 July to live here is not an immigration matter. Their situation is unlike people who have successfully applied for Canadian or Australian or any other citizenship and are therefore subject to the immigration control of the country concerned as to when they may land and according to what condition. They are unlike the situation of people affected by the change of immigration policy in the United Kingdom in 1971, when the concept of "partiality" was invented. These children have an immediate right simply because of their status as Hong Kong Permanent Residents.

They are, Mr President, in other words, just like you and me. They can no more be told to come in batches according to some government-determined schedule than you and I and other Hong Kong residents can be told to come back to Hong Kong in batches according to government schedule. We go whenever we like, and come back whenever we please, because we are coming home. Home, Mr President, I am told, is a place you can always come back to.

We cannot be told, although we may have the right to come back any time as a permanent resident, we can do so by applying for some kind of identification

document for which we have to wait outside Hong Kong for months or years. To do so will be the grossest abrogation of our birth-right. To call Hong Kong their home will be the birth-right of these children. If a law is passed to enable the Government to turn these children away, such law will have contravened Article 24 of the Basic Law. Such a law will set a bad precedent, so that you and I and every Hong Kong resident now living here will stand to have our right to come back anytime curtailed or denied because our return may be "inconvenient" in the view of the Government. This must not be tolerated.

I will oppose the amendments, and I urge all Honourable Members to do the same.

Thank you, Mr President.

MR LEUNG YIU-CHUNG (in Cantonese): Mr President, I would like to point out first that the original motion proposed by the Honourable LAW Chi-kwong and the amendment proposed by the Honourable CHEUNG Hon-chung are basically about two different policy areas. The original motion deals with a system to enable Chinese residents, having no right of abode in Hong Kong, to settle in Hong Kong, whereas the amendment of Mr CHEUNG Hon-chung targets at children born in China of Hong Kong residents. According to the Basic Law, these children already have the right of abode in Hong Kong, and there is no need for any vetting in respect of them. The two policies should not be mixed together. Though the President has already ruled that Mr CHEUNG may propose his amendment, I must stress that such "replacing one thing with something that looks the same but differs in essence" by using an amendment to change the original motion is not to be encouraged.

I basically support the original motion that the Hong Kong Special Administrative Region (SAR) Government should have the authority to vet and approve the application of Chinese residents intending to settle in Hong Kong. The reason is very simple. Only the Hong Kong Government has in its control information about the social situation of Hong Kong and knows clearly what vetting criteria should be most appropriate for the actual situation of Hong Kong. On the other hand, whether it is just an opinion of the people of Hong Kong or Chinese residents applying to settle in Hong Kong, or an actual objective fact, the Hong Kong Government is more efficient and has greater credibility than the Chinese Government. If the Hong Kong Government is to conduct the vetting,

it would have the trust of the applicant, making the operation of the whole vetting and approval system more efficient.

However, we have to make it clear that with Hong Kong having the vetting and approval authority, the control of the Chinese Government over the departure of its people will be weakened, thus affecting the local officials making use of their position for their own gain. In the process, Hong Kong will face enormous resistance. With this as a reference, it can be seen that it is consistent with, and cannot be separated from, our striving for a democratic China, liberty, rule of law and safeguarding the interests of Hong Kong.

With respect to children born in China of Hong Kong residents, it is undeniable that the people of Hong Kong and the general opinion of the public are showing great concern. A newspaper takes "time bomb" as the headline to describe the severity of the problem. I also think that this is like a time bomb, giving Hong Kong a warning. However, the problem is not with the impact that a massive influx of children would have on the society of Hong Kong and the economy. Rather, in the discussions on the problem, it reveals how weak the Office of the Chief Executive and the people of Hong Kong are aware of the human rights involved.

To minimize the impact on society, the Office of the Chief Executive proposed ways to recognize the status of those children born in China of Hong Kong residents and that the SAR Government could repatriate those illegal children immigrants whose status have not been confirmed. Such a proposal is actually using administrative measures to take away a person's right, and it is also in contravention of Article 24 of the Basic Law, which is about the right of abode, and Article 31, which is about the freedom of movement. After "reverting the draconian laws with fake consultation", the Office of the Chief Executive once again tramples the spirit of rule of law by making such proposals. To Hong Kong, this is definitely a time bomb. Today, on the grounds of the overall interest of Hong Kong, and through administrative measures, the right of children in China born to Hong Kong residents can be taken away; in the future, on the same grounds and with the same measures, the right of yours, Mr President, mine and ours can also be restricted.

On the other hand, the implementation of the one-way permit quota and queuing system as proposed by the Office of the Chief Executive must rely on China's power of restricting its people's freedom of movement. The effect of

these measures would then be condoning and rationalizing Chinese Government's infringing people's rights. Making such a proposal is already shameful enough, those echoing and condoning such a system should also feel ashamed. This is in effect encouraging the Chinese Government to continue stripping of its people's rights for the interest of Hong Kong. Is this the spirit of "one country, two systems"? Is this the essence of "human rights see no national boundary, but there is with implementation"?

Mr President, I think that instead of racking their brains to find ways to restrict those people who have the right of abode in Hong Kong from coming to Hong Kong, the SAR Government and the public should adopt a more open attitude in welcoming the children born in China of Hong Kong residents and the spouse of Hong Kong residents to Hong Kong. We certainly should not under-estimate the effect of a sudden large influx of arrivals on the society of Hong Kong. In particular, the effects on education, welfare, medical and health service, housing and even transport should not be overlooked. However, no matter how difficult it is to deal with the problem, I feel that as long as we can work with the same mind, no problem is unsolvable. Let us look back to the 1950s: in just a few years the population of Hong Kong rose from 600 000 to 2.3 million. With the relatively backward social and economic conditions at that time, we could still cope with the influx, and in fact has worked the problem to the benefit of Hong Kong by developing it into one of the most developed territories in the world. We already have such a piece of history, so what is at issue today is whether we can do away with the mentality of mere self-protection and work together to deal with the problem.

We often say that we have to safeguard human rights and respect human rights. To do so, we must be prepared to pay a price. The price is not to create a martyr for those who fight for human rights. What is more important is whether we are prepared to protect others' human rights by sacrificing some of our own interests. The debate on the problem of illegal children immigrants is a touchstone testing how much the Government and the people of Hong Kong respect human rights.

Mr President, these are my remarks.

MR HOWARD YOUNG (in Cantonese): Mr President, the Liberal Party is in support of a points system to assess whether a resident in China can settle in

Hong Kong, so that various objective and fair assessment standards can be used to decide if an applicant can pass for settlement in Hong Kong.

Article 22 of the Basic Law stipulates that for entry into the Hong Kong Special Administrative Region (SAR), people from other parts of China must apply for approval. I think the "approval" should be differentiated into "approval for exit" and "approval for entry". Whether a person can leave China should be vetted and decided by China as it is an internal matter of China that the SAR should not interfere with. On the other hand, the SAR should be able to decide whether an applicant can be allowed entry. Just like people applying to migrate to another country, that other country would, with reference to a points calculation process, decide whether to accept the application and when the application is approved and when the applicant must arrive.

I am not saying that the SAR should be treated as a country. What I want to say is that under "one country, two systems", the SAR should have the right to decide taking those who would make a contribution to and help the various developments of the SAR. I am not discriminating against anyone; however, we should all understand that if Hong Kong is to unconditionally take in people who do not have a stable income and have to rely on public expenditure to support their families, this would add substantial pressure to our social facilities.

I am not against taking new arrivals; in fact many of them have special skills which can contribute to the development of Hong Kong. I therefore feel that Hong Kong should have the right to take part in deciding which new arrival to take, irrespective of whether that new arrival is from China or elsewhere.

Article 24(3) of the Basic Law stipulates that persons of Chinese nationality born outside Hong Kong (I understand this to include China and overseas) of permanent residents of Hong Kong shall also be permanent residents of Hong Kong. This right is given by the Basic Law, but does it mean that everyone can exercise it on 1 July?

I think that such a right can be exercised in batch and in an orderly manner. We have an example here. In the past few years, millions of Hong Kong people have exercised their right to apply for their BN(O) passports, and it is done in batches, according to their age. It is a precedent for us.

Moreover, we have to consider completing the related legislative work as soon as possible so that there will be a legal base for all procedures or future plans and that it will take effect on 1 July.

In establishing a streaming, queuing or scheduling points system, we should also put in place a points deduction system so that those who jump the queue by sneaking into Hong Kong will be put at the very end of the queue. This will act as a deterrent to those child illegal immigrants.

Mr President, these are my remarks.

MR IP KWOK-HIM (in Cantonese): Mr President, in its development, Hong Kong cannot rid itself of the problem of illegal immigration. Early in the 1940s and 1950s, immigrants arrived in droves from China. This problem still cannot be effectively resolved as late as in 1970s. Then there was the "touch-base policy" which could then effectively stem the flow. However, then came the Vietnamese boat people, and the problem is still lingering with us. Recently, another wave of illegal immigrants hits Hong Kong, which has aroused an enormous emotion from the citizens. These illegal immigrants are not adults who can take care of themselves, but innocent children.

Some opinions point out that these children are a great burden on Hong Kong, especially in the provision of such basic requirement as education, housing, medical and health service and social welfare. Please do not forget that after 1 July, these children will have the right of abode in Hong Kong, like you and me. The only difference is that they are now in China. The future Hong Kong Special Administrative Region (SAR) Government has the responsibility to assist this group of children because if their parents had not married and given birth to their children in China, they would do the same in Hong Kong. This is the right of every permanent resident of Hong Kong.

It is estimated that there are some 60 000 children waiting to come to Hong Kong or whose applications are being vetted. Undoubtedly, if they all come to Hong Kong within a short period of time, they would constitute a certain degree of pressure and burden to the society of Hong Kong. However, the children should not be made responsible for this. Instead, the situation should be attributed to the lack of foresight on the part of Hong Kong Government. It is well known that since the promulgation of the Basic Law in 1990, the various

departments of Hong Kong Government has clearly known that in China there is a group of children who, being born of parents who are permanent residents of Hong Kong, have the right of abode in Hong Kong, and has also known of the associated resource problem. However, in the past seven years, the Administration has not seriously considered drawing up plans and solutions to deal with the problem. Take education for example, according to Government statistics, in 1997-98, there will only about 10 000 additional places in primary and secondary schools. This number certainly cannot meet the needs of the new arrivals. This shows the lack of foresight and irresponsibility on the part of Hong Kong Government.

With respect to those children who, according to the stipulations of the Basic Law, have the status of permanent resident of Hong Kong but currently living in China, the Democratic Alliance for the Betterment of Hong Kong (DAB) proposes that we should adopt a "pressure releasing" measure, whereby the almost 30 000 children who have been vetted and verified by the Chinese authorities shall be arranged to come to Hong Kong on a specified date within an acceptable period (say within one year). Such a measure may cause the fears of some Hong Kong people that Hong Kong may be subject to a very heavy burden. However, on closer examination, it can be found that the problem is not as serious as imagined. We can spread these 30 000 children evenly over nine grades from Primary 1 to Form 3. According to the current figures, Hong Kong has about 100 000 students in every grade. Basing on this, there will be three additional places for every 100 places, and one place for each class (with 35 students in each class). The result shows that increasing the number of children arrivals over a short period of time will not lead to as serious an effect as imagined on our education sector.

On housing needs, under normal circumstances, the parents of each child should have a residence already. Of course, with the arrival of a child, the living space of the parents will become tighter and they may have to find another flat, but the actual pressure on housing will not be as terrible as imagined. It is an indisputable fact that for a long-term solution, the Hong Kong Government and the future SAR Government should draw up a long-term policy and make resource allocations for the new arrivals.

As to the handling of those children who have stayed in Hong Kong illegally, the Immigration Department should repatriate them under the current Immigration Ordinance, and liaise with the Chinese authorities to facilitate

information exchange and stemming the flow of illegal immigrants, and impose strict punishment on the "smugglers of illegal immigrants". In the process of law enforcement, the DAB hopes that the officers concerned should consider the feeling of the children. From the media we see that those children arrested were made to squat facing the wall like criminals. It is extremely undesirable. We hope that the authorities can improve their mode of operation and also hope that our media will take note of this issue.

Mr President, the problem of child illegal immigrants touches on different aspects of our society, and also involves the vetting by the Chinese and Hong Kong governments. In the long-term, it must have the co-operation of the Hong Kong Government, the future SAR Government and the Chinese Government, which together shall formulate a policy in respect of the establishment of a points system, the vetting and approval authority of the Hong Kong Government and priority for family reunion. The DAB thinks that these are desirable proposals.

The Honourable LAW Chi-kwong, who proposes the original motion, criticized the Honourable CHEUNG Hon-chung for "replacing one thing with something that looks similar but differs in essence" by changing the substance of the motion and said that Mr CHEUNG was a "political pilferer". These are very harsh allegations. We all know that every Member is entitled to propose a motion and make amendment. The amendment as proposed by Mr CHEUNG could only be made known with a decision from the President. If there is any dissatisfaction, it should be raised with the President.

Mr President, these are my remarks.

MR WONG WAI-YIN (in Cantonese): Mr President, I rise to speak in support of the original motion of the Honourable LAW Chi-kwong. As many of our colleagues have already said, the issues that the Honourable CHEUNG Hon-chung's amendment refers to are also important problems. If both are important problems, then Mr CHEUNG's amendment should be, like the Honourable Miss Emily LAU said, added to Mr LAW's motion. In that case, we can have, as Mr President has decided, a joint debate on the two problems together.

Mr President, since it has a joint debate, I would like to talk about the problem concerning the settlement of people from China in Hong Kong and the child illegal immigrants. The problem of illegal immigration has been very serious in Hong Kong. A few years ago, a large number of pregnant women risked their lives to sneak into Hong Kong so that they could give birth to their children here. Why did they do so? In fact, they all knew that if their spouses were permanent residents of Hong Kong, their children also had the right of abode in Hong Kong. They obviously had no confidence in the time they had to wait in China before they could come to Hong Kong, and therefore risked their lives to come to Hong Kong to give birth to their children so that their children could have the status of Hong Kong resident and stay on here, without having to wait in their queues in China. In recent years, we have seen that many women entered Hong Kong illegally to unite with their families. Why did they not take the proper path and wait? The crux of the problem is that the waiting time is too long, and they have no idea how long they have to wait for.

Why has the waiting time to be that long? It is all because corruption is rampant in China. This is a problem that no colleague has referred to. Actually, corruption in China is an open secret. Even Mr Allen LEE of the Liberal Party also said last year that one had to pay \$250,000 to the Public Security Department before one could get a one-way permit to Hong Kong. Now, if one wants to apply to a Chinese authority for a one-way permit to Hong Kong, in addition to paying "black money", one still has to meet certain new requirements. Some local public security authorities require that the applicant must have been married for a certain number of years before he or she is eligible for obtaining an application form. In the past, one could get an application form and wait immediately after getting married. Though one still had no idea for how long one had to wait, at least one had lodged the application. Now things are different. One has to be married for 10 years, and even 15 years as required by some local authorities, before one can obtain an application and start the waiting. Under such an arrangement, one has to pay "black money" for an application form, and may be another sum of "black money" for the application of one-way permit. Corruption is extremely rife.

Some Members said just now that those people who were rich enough could buy their one-way permit to Hong Kong. It is said that each permit cost \$1 million. What about those without the money? The only way open to them is to take their risk by paying a few thousand dollars to the "smugglers of illegal immigrants", who would smuggle the children or women to Hong Kong. They feel that this is the only way open to them, and they are forced to take it. They see there is no end in their waiting if they wait in line properly. What is more, they still have to pay "black money". Given that corruption is so rife, and the amount of money involved is so huge, the only way open to them is to sneak into Hong Kong illegally.

Under such a situation, many social problems arise in Hong Kong. Many children have arrived in Hong Kong, with their mothers still in China. The fathers have to stop working and to receive comprehensive social security assistance so that they can look after their children. This will draw criticism from the public, saying that the continuous inflow of children is sponging on Hong Kong's welfare system. Such a situation is all the result of a vetting and approval system which does not take a family as a unit. Mr LAW Chi-kwong's motion is made with the hope that priority will be given to applications made on the grounds of family reunion. This is to minimize the related social problems. Of course, as you have already mentioned, Hong Kong certainly would be subject to pressure in the provision of medical and health services, housing and education.

Mr President, the original motion today is to urge the Hong Kong Government to strive for the vetting and approval authority. The purpose is to stem the corruption in this respect. Even if Hong Kong has the vetting and approval authority, it does not mean that corruption can be 100% eradicated. People would think of other ways to make money, but at least the situation would not be as rampant; and for the poorer families, they would know for how long they have to wait, for example, three years or five years, but not indefinitely as they have to wait now. Mr President, we should urge the provincial and municipal authorities in China or the Central Government to take note of the problem. We all know that corruption is an open secret, which should be stamped out.

In his speech, Mr CHEUNG Hon-chung said that he was not opposing the motion of Mr LAW Chi-kwong, but he is switching to another topic. I therefore feel that we should all concentrate on discussing the problem of vetting and approval and there should be thorough improvement in the policy. I urge our colleagues here to support the original motion of Mr LAW Chi-kwong.

Thank you, Mr President.

PRESIDENT (in Cantonese): As Mr CHEUNG Hon-chung does not have the opportunity to respond in respect of the amendment proposed by Mr Bruce LIU to his amendment, I now ask Mr CHEUNG Hon-chung to speak a second time in respect of Mr LIU's amendment. The time allowed is five minutes.

MR CHEUNG HON-CHUNG (in Cantonese): Mr President, the content of the Honourable Bruce LIU's amendment is actually similar to that of the Honourable LAW Chi-kwong's motion which I intend to amend. As there are only about 60 days to 1 July, and according to the Basic Law, a large number of children will have the status of Hong Kong permanent residents. If, in this short period of 60 days, we cannot properly deal with the problem, we believe that before or after 1 July, many people will take the risk to sneak into Hong Kong. After 1 July, there will not be any law that can refuse entry to these people and repatriate them. The problem of child illegal immigrant is a problem with utmost urgency. We hope that we can concentrate on discussing the problem of child illegal immigrants, and propose proper solution. I therefore amend part of the original motion.

Just now, the Honourable Miss Margaret NG referred to a legal concept. Actually, I have discussed with her on this issue before, that is, the Chief Executive said that the approach of confirmation would definitely go ahead so that the children could come to Hong Kong. In fact our views are very similar. Some of us have mentioned that certain procedure must be followed if a civil right is to be exercised. For example, if we want to be a voter, we cannot immediately vote on the date of election even if we turn 18 that day. We must first register ourselves as a voter. As to whether there need to be a confirmation process, I have reservation. I think that if there is really a need for a confirmation process, it should be a simple one, and should be completed within

a short time. I therefore hope that Miss Margaret NG would not misunderstand our thinking.

The vetting and approval authority of China, points system and family reunion that are in the original motion have been added in Mr LIU's amendment. In fact, the Chinese Government has already expressed that a points system will be announced shortly. According to Article 22 of the Basic Law, we think that logically Hong Kong has the vetting and approval authority in respect of people resettling from China to Hong Kong. However, though Hong Kong has the vetting and approval authority, it does not have the power to approve the exits of these people from China. The so-called vetting and approval authority actually is not a comprehensive or absolute authority. What Hong Kong has is only a partial authority, that is the authority to approve entry, but exit has to be approved by China. If we go about with this exercise unilaterally, we think that we have not taken into account the actual situation. We have also seen from some figures that in the past three years, 96% of the arrivals are holders of one-way permits, coming here on the grounds of family reunion. Priority therefore has already been given to family reunion.

In my amendment, I have deleted such obvious things like vetting and approval authority, priority given to family reunion and a points system, in the hope that we can concentrate our discussion on the problem of child illegal immigrants. Since Mr LIU tries to put these things back in his amendment, and we all think that they are important, we would not object to it. We therefore would also support the amendment of Mr LIU.

Thank you, Mr President.

PRESIDENT (in Cantonese): I would like to have Mr LAW Chi-kwong to speak on the two amendments. Mr LAW, you have five minutes to speak on the two amendments.

MR LAW CHI-KWONG (in Cantonese): Mr President, with respect to the Honourable CHEUNG Hon-chung's amendment, I have sent out a letter. You all know that I am very disappointed. At first I was very naive, thinking that it was because of his great concern for the child illegal immigrants that through a slip of hand Mr CHEUNG Hon-chung deleted the keywords of my motion and

replaced them with a totally different subject. It was like that when we were travelling in an extremely crowded MTR train, our friend next to us allowed our wallet drop into his pocket.

In fact, my colleagues in the Legislative Council were so concerned about the content of Mr CHEUNG's amendment that they had hours of detailed discussion last Thursday at the Security Panel. Afterwards, during the question time of the Governor, many of us, including myself, had also questioned the Governor on this. Regrettably, though he was present, Mr CHEUNG had not expressed that he would amend my motion. Had he raised this earlier to me, though I have reservation on part of the content, I definitely would not object to his tagging the subject to my motion. I agree that though the two subjects are different, they are related. Now, by proposing his amendment this way, Mr CHEUNG, on the one hand, gives one the feeling that he has stolen the motion from others, and on the other hand, by deleting "Special Administrative Region Government to actively strive for the authority to vet and approve applications from residents in the Mainland for settlement in Hong Kong and to establish a points system, according priority vetting to applications on grounds of family reunion", gives one the impression he is against the above three stands and runs in counter with the stand of most Hong Kong people. I really hope that Mr CHEUNG can withdraw his amendment to clear up the misunderstanding. Or, I hope that my colleagues in the Legislative Council can oppose the amendment to avoid being misunderstood.

Mr Bruce LIU's amendment teaches me a very good lesson. If I ask other Members of the Democratic Party to amend Mr CHEUNG's amendment by adding words similar to my original motion, then is it not that we are back to the original motion? However, by amending and re-amending a motion like this, we are only playing a game of politics to no substantial effect. I sincerely hope that my colleagues here can seriously consider what debate culture we want here. We should work for the welfare of Hong Kong people, instead of resorting to too much political trickery. We should also not be too concerned if a motion or amendment under one's name can be passed and be recorded in the minutes of the Legislative Council, which only serves to have one more insubstantial achievement when promoting oneself.

Mr Bruce LIU's amendment effectively adds the two points, that is establishing a points system and priority vetting for applications on grounds of family reunion, that were in my original motion back to the motion. I am

definitely in support of this. However, Mr LIU has changed the point that the SAR shall have the vetting and approval authority into that the SAR shall play a greater part in the vetting and approval work. I cannot agree to this and I have stated the reason at the beginning of the debate, so I just want to add one more point. I hope that we can recognize one basic problem. Even if we have a points system and family reunion will be given priority consideration, when the final vetting and approval authority is not with Hong Kong but given to the authorities of the provinces, cities, counties, towns or villages, the situation where "for every measure from above, there will be a counter-measure from below" and corruption will still exist. Moreover, if the daily 150 quota is distributed among the provinces, cities, counties, towns or villages, the situation where different members of a family may be granted approval at different times will still exist. All the above problems can only be dealt with if the vetting and approval authority is reasonably returned to Hong Kong. The Democratic Party therefore cannot support Mr LIU's amendment. If SAR had the vetting and approval authority, we definitely would not do something half-baked. The Democratic Party will vote against the amendment.

These are my remarks.

SECRETARY FOR SECURITY (in Cantonese): Mr President, the Government and the public share the view that family members should live together and split families should have opportunity to be reunited according to a prescribed schedule. Such view and belief precisely constitute the basis adopted by us when formulating the policy on legal immigration from mainland China.

The policy on legal immigration from mainland China is implemented by way of the one-way exit permit system. In 1982, the daily quota for the issue of one-way exit permits was 75. The daily quota was revised upwards to 105 in 1993, and further increased to the present figure of 150 in July 1995.

Today's motion debate is probably engendered by the sudden influx of children slipping in illegally in recent months. According to Paragraph 2(3) of Article 24 of the Basic Law, children of Hong Kong permanent residents who were born in mainland China will be eligible to become Hong Kong permanent residents after 30 June this year, which further complicates the situation. In the first quarter of this year, 1 244 children who entered the territory illegally surrendered themselves to the Authority, thus setting a record. We have been

closely monitoring the up-going trend of the number of children slipping in illegally and have stepped up the crack-down on illegal immigration.

Both the Hong Kong Government and the Chinese Government have made it clear that there is not going to be any amnesty. We have strengthened the border liaison between China and Hong Kong to combat illegal immigration. The Public Security Bureau of the Guangdong Province at meetings held between immigration officials of both sides in recent weeks confirmed that they have stepped up border patrols to intercept those crossing the border illegally, particularly against the activities of "smugglers of illegal immigrants". The Immigration Department has also expedited the processing of cases concerning children who slipped in illegally in order to repatriate them back to China. The police has liaised with the public security authority of China and exchanged intelligence for the crack-down on illegal immigration. We also broadcast new radio publicity messages and television shorts to remind parents with children in China that it is very dangerous to go to Hong Kong by way of illegal immigration. These measures have proved to be quite effective in combating illegal immigration in recent days.

I am very grateful to Members for suggesting means to improve the one-way exit permit system. Under the current arrangement, it is indeed up to the Chinese Government to grant permission for Chinese citizens to leave the country. However, that does not mean that there is no participation by the Hong Kong Government. In fact it is Hong Kong Government's business to let eligible persons enter Hong Kong. We have taken part in setting the daily quota, working out with the Chinese Government a sub-quota of 75 extra one-way exit permits in 1993 and 1995. At the same time we also help to verify the Hong Kong PR status of parents whose children claim eligibility to come to Hong Kong. We understand that Hong Kong people, as pointed out by many Members who spoke today, want us to play a greater role in the system. In this respect we have to press on in the same direction. Recently we asked the Chinese side to improve the transparency of the system and have been able to receive some initial response. According to reports, the Chinese Government is going to establish a points-system to process the issue of one-way exit permits. The head of China's Immigration Administration Bureau will come here in early May to meet the Director of Immigration. It is hoped that more details can be obtained then so as to consider offering suitable assistance.

Much has been said about the number of children slipping in illegally. We are contacting the Chinese authorities in a bid to get more information on the total number of applications referred to us for verification. It is hoped that we, after receiving and analyzing these data, can more accurately grasp the situation and make projections as to whether or not it is necessary to revise the estimate of people based on a 1996 survey.

The whole issue is surely of great concern to the Hong Kong Special Administrative Region (SAR) Government. We have always been in touch with the office of the Chief Executive designate of the SAR. We will study possible solutions for the problem. Before implementing any proposed plan, we will carefully consider the impacts of those suggestions on law and resources. When the quota was increased in 1995, we assessed the demands on various supporting social services thus generated by the move, and formulated plans to meet the needs. We have been monitoring the situation so as to inform the relevant policy branches and departments once the most up-to-date information and data are received. Areas and types of services needed will be adjusted or revised as required. The fact that we provide new immigrants with new services actually reflects what we have been doing all the time. For examples:

Education

- The Authority is going to implement a school-based support program in the 1997-98 school year. The Education Department is going to subsidize schools in offering supporting services to students according to their needs. For the purpose of this, the Authority has set aside a sum of \$21 million.
- To meet rising needs, five primary schools will be built in the year 1997-98; two primary schools will be built in the year 1998-99; and nine secondary schools will be built in the year 1999-2000.
- On 25 April, the Hong Kong Examinations Authority announced that with effect from 1998, those who have completed Senior Middle 2 in mainland China and who are aged under 19 may apply to take the Hong Kong Certificate of Education Examination as private students.

- The admission age for evening courses of adult education has been lowered from 18 to 15 since September 1996, which provides new immigrants aged 15 or above with another opportunity to get educated.
- In February 1996, the Authority set up a Centralized Admission Unit to help district offices make arrangements for school children coming here as new immigrants to go to school.

Employment Services

- The Labour Department plans to set up employment services offices specializing in helping new immigrants. The budget for this in the year 1997-98 amounts to \$1.66 million.
- With effect from 1997, the Employees' Retraining Program has been extended to cover new immigrants aged 30 or above and having attained junior middle school education or below. The Authority will exercise discretion in considering applications from new immigrants aged below 30. Besides, the Authority will run briefing sessions geared for new immigrants to give explanation on the local job market and to teach job interview technique.

Co-ordination work for new immigrants

- CNTA has been given \$5.28 million to create new posts to monitor and assess services offered to new immigrants.
- At the same time, a most recent service information guidebook has been published and made available to the public since February 1997.

We understand that all sectors of the society are very concerned about the issue. On the one hand, we are making every effort to intercept illegal immigration. On the other hand, intensive discussions are being held with the Chinese side in a determined bid to better the operation of the one-way exit permit system.

It is our firm belief that, given the earnest co-operation of all parties, it is possible to have split families reunited under a processing system that is fair, orderly and transparent. To have legal immigrants integrated into the society as soon as possible, the Hong Kong Government definitely will make corresponding moves in the areas of policies and provision of services.

Thank you, Mr President.

Question on Mr Bruce LIU's amendment to Mr CHEUNG Hon-chung's amendment put.

Voice vote taken

Mr Bruce LIU, Mr Frederick FUNG and Mr CHAN Kam-lam claimed a division.

PRESIDENT (in Cantonese): The Council will proceed to a division.

PRESIDENT (in Cantonese): I would like to remind Members that they are now called upon to vote on the question that Mr Bruce LIU's amendment be made to Mr CHEUNG Hon-chung's amendment.

Would Members please first register their presence by pressing the top button and then proceed to vote by pressing one of the three buttons below?

PRESIDENT (in Cantonese): Before I declare the result, Members may wish to check their vote. Are there any queries? The result will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Mr NGAI Shiu-kit, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Dr LEONG Che-hung, Mr Frederick FUNG, Mr Henry TANG, Mr Howard YOUNG, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr IP Kwok-him, Dr LAW Cheung-kwok, Mr Bruce LIU, Mr MOK Ying-fan and Mr NGAN Kam-chuen voted for the amendment.

Mr Martin LEE, Mr SZETO Wah, Mr CHEUNG Man-kwong, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr James TO, Dr YEUNG Sum, Mr WONG Wai-yin, Mr LEE Cheuk-yan, Mr Andrew CHENG, Dr Anthony CHEUNG, Mr Albert HO, Mr LAU Chin-shek, Mr LAW Chi-kwong, Mr LEUNG Yiu-chung, Miss Margaret NG, Mr SIN Chung-kai, Mr TSANG Kin-shing and Dr John TSE voted against the amendment.

THE PRESIDENT announced that there were 20 votes in favour of Mr Bruce LIU's amendment and 20 against it.

PRESIDENT (in Cantonese): Pursuant to my previous rulings and in accordance with the principle set in 1867 by Speaker DENISON, I exercise my casting vote by adding one vote to those voting against the amendment.

THE PRESIDENT therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): With Mr Bruce LIU's amendment negatived, the Council will vote on the amendment moved by Mr CHEUNG Hon-chung in respect of Mr LAW Chi-kwong's motion.

Question on Mr CHEUNG Hon-chung's amendment put.

Voice vote taken

The President said he thought the "Noes" had it.

Mr CHEUNG Hon-chung claimed a division.

PRESIDENT (in Cantonese): The Council will proceed to a division.

PRESIDENT (in Cantonese): I would like to remind Members that they are now called upon to vote on the question that Mr CHEUNG Hon-chung's amendment be made to Mr LAW Chi-kwong's motion.

Would Members please register their presence by pressing the top button, and then proceed to vote by pressing one of the three buttons below?

PRESIDENT (in Cantonese): Still two short of the head count. Before I declare the result, Members may wish to check their votes. Are there any queries? The result will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Mr NGAI Shiu-kit, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Dr LEONG Che-hung, Mr Frederick FUNG, Mr Henry TANG, Mr Howard YOUNG, Mr James TIEN, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr IP Kwok-him, Dr LAW Cheung-kwok, Mr Bruce LIU, Mr MOK Ying-fan, and Mr NGAN Kam-chuen voted for the amendment.

Mr Martin LEE, Mr SZETO Wah, Mr CHEUNG Man-kwong, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr James TO, Dr YEUNG Sum, Mr WONG Wai-yin, Mr LEE Cheuk-yan, Mr Andrew CHENG, Dr Anthony CHEUNG, Mr Albert HO, Mr LAU Chin-shek, Mr LAW Chi-kwong, Mr LEUNG Yiu-chung, Miss Margaret NG, Mr SIN Chung-kai, Mr TSANG Kin-shing and Dr John TSE voted against the amendment.

THE PRESIDENT announced that there were 21 votes in favour of Mr CHEUNG Hon-chung's amendment and 20 against it. He therefore declared that the amendment was carried.

PRESIDENT (in Cantonese): Mr LAW Chi-kwong, you are now entitled to reply and you have nine minutes out of your original 15 minutes.

MR LAW CHI-KWONG (in Cantonese): Mr President, I do not think it is mere luck that Mr TIEN can be right on time here for casting his vote.

The Honourable CHEUNG Hon-chung mentioned just now that he had the permission from the President and it was in compliance with Standing Orders. I respect Mr President's decision on this. However, I hope that we can take note of the "principle of three compliance's" that is very current at the moment, that is "comply with law, comply with condition and comply with reason". Just compliance with law is not enough, especially with us being legislators; I hope that we can set a higher standard for our conduct. So doing should be better.

I think the points system proposed by the Honourable Bruce LIU is a very good idea and worth our consideration. As to the views expressed by Mrs Selina CHOW, I agree with her on one point, which is that if only children were allowed to come to Hong Kong but not their parents, that would give rise to a lot of problems. Even if Hong Kong may have to shoulder a heavier burden, I hope that we should as far as possible get both the parent and children to Hong Kong together so as to reduce any family and social care problem as a result of family separation.

The Honourable CHOY Kan-pui said that the vetting and approval power should be with the SAR Government. What the Legislative Council should do now is to concentrate on asking the Administration to resolve the problem of illegal children immigrant. Mr CHOY has expressed opinions regarding the vetting and approval power, but I cannot see why he does not support my motion and discusses the problem of vetting and approval but talks about the illegal children immigrants.

I should thank the Honourable Miss Emily LAU for her support, but what she can say is just a few more words of support. She refers to the divisive situation in our society because the increasing number of immigrants has made Hong Kong people show increasing resistance to this group of people. I think that the legislators and the public should handle this problem carefully. I do not want, during this transition period, the resistance shown to the arrivals, especially those who will become Hong Kong permanent residents, to affect their adaptation to a life here, or to lead to any social instability and divisive situation. Miss Emily LAU is also concerned about the problem of population explosion. I believe that we all are concerned about this long-term problem, and that is why we need to have more long-term planning. In our past discussion, like on the long-term housing strategy and planning, I think that we should consider this as well.

I cannot agree with the Honourable Miss Margaret NG more, especially her analysis from the legal point of view. I should thank her support too. On entry restriction, I am very much in agreement with her that we should not, through administrative or local legislative measures to restrict those who under Article 24 of the Basic Law can come to Hong Kong and become permanent residents to come to Hong Kong. I do not think or imagine that we can use any administrative means or some legislative process, which may not withstand any challenge in a court of law after 1 July, to resolve this problem. If things really turn out that way, and if we made such a law but were ruled against by a court, the problem in front of us would be even more enormous and the situation would be even harder to control. We are only about 60 days to handover. Though there is not much time left, we should make the best use of these 60 days to seriously consider how to handle the situation if there were really a massive inflow of these people into Hong Kong. In considering the matter, we should, I think, consider the vetting and approval power and a points system, and if there are ways to create incentives to detract them from sneaking into Hong Kong, instead of thinking out or even digging up ways to restrict, threaten and block them.

I should also thank the Honourable LEUNG Yiu-chung for his support. He specially mentioned the various restrictions on the freedom of exit and migration in China, which is a form of restriction on human rights and, I think, should not exist. However, when we have discussion on this issue, we cannot disregard the special situation of Hong Kong and the many ways that Hong Kong is different from China. If we extrapolate what has been expressed just now, that is the freedom of movement and migration, by saying that under "one country", they should have the freedom to come to Hong Kong, I do not think many people in Hong Kong would agree to such a view. With respect to the vetting and approval of people not belonging to any of those designated in Article 24 of the Basic Law, we still have to think of an effective way to handle it.

When he talked about a points system, the Honourable Howard YOUNG said that control of entry was a responsibility of Hong Kong, but exit was that of China. I find this view very interesting. Does it mean that if some people have left, we would not allow them in again? Do we not have any idea from where they make their exit and where they go? It is necessary for both sides to co-operate. If we all agree to the criteria of a points system and know that how many people would come to Hong Kong each day, and given that Article 22 of the Basic Law already requires that the number of people will be decided with

the Central Government consulting the SAR, we already have a consensus with respect to the number of arrivals, how points are calculated and the processing method and procedure. What remains is where that final vetting and approval decision is made. Why do we have to complicate the matter by making a difference between you decide exits and I control entry? When we all agree to the details, then the vetting and approval can be done in Hong Kong; with consent from the Central Government, exits will be automatic. Why do we still need to have two different procedures?

Another idea of Mr Howard YOUNG is also very interesting, which is about the implementation of the right of abode in batches. I cannot bring myself to agree to the implementation, in batches, of a basic right that is given to us by the Basic Law. Just like the example given by Mr CHEUNG Hon-chung, the voting right also needs a procedure to implement, but is it to be implemented in batches so that, because only 150 people could be registered in a day, some people could vote in 1997 and some would have to wait till 1999? Voting is a basic right which the people should be able to exercise after their eligibility is ascertained within a reasonable administration time like a few days or weeks. It is therefore not a right to be implemented in batches. If a procedure is required, it should be an acceptably short and reasonable one.

The Honourable IP Kwok-him referred to the touch-base policy that stemmed the problem of illegal immigrants. I would like to make some minor correction to what was said. The touch-base policy was abolished in 1982 and was followed by a policy of immediate repatriation together with a decision that allowed a daily arrival of 75 people holding one-way permits. The problem of illegal immigration was thus stemmed. In fact, in the '80s, the population of Hong Kong also grew by more than 700 000, most of which were due to new arrivals. Mr IP Kwok-him also criticized the Administration for not having made long-term plan, to which I am in total agreement. In 1992, the United Democrats of Hong Kong already put forth a proposal, asking the Administration to immediately raise the daily one-way permits quota to 152. I can remember this figure very clearly and it was hoped that the problem could be resolved before 1 July 1997. Regrettably, the Administration only raised the number to 105 on 1 July 1993, and 150 on 1 July 1995. I think that this is extremely regrettable. Mr IP Kwok-him also censured me of being too harsh in criticizing Mr CHEUNG Hon-chung. Well, have I been too harsh? I think it is a judgment better left to you all.

As to the Honourable WONG Wai-yin's opinion, because we are of the same party, I would not respond further here. I believe if this problem is to be solved, we need to have a balanced solution like walking with two legs. It must first be able to get rid of all the problems of vetting and approval and the calculation of points and have the solution implemented as soon as possible. Secondly, good use must be made of the coming 60 days for the consideration of a system to deal with any emergency situation, instead of imagining ways to restrict their coming to Hong Kong.

Question on the motion, as amended by Mr CHEUNG Hon-chung, put.

Voice vote taken.

Mr CHAN Kam-lam claimed a division.

PRESIDENT (in Cantonese): This Council will now proceed to a division.

PRESIDENT (in Cantonese): I would like to remind Members that they are now called upon to vote on the motion proposed by Mr LAW Chi-kwong, as amended by Mr CHEUNG Hon-chung, be passed.

Will Members please register their presence by pressing the top button and then proceed to vote by choosing one of the three buttons below?

PRESIDENT (in Cantonese): Before I declare the result, Members may wish to check their votes. Are there any queries? The result will now be displayed. One short of the head count.

Mr Allen LEE, Mrs Selina CHOW, Mr NGAI Shiu-kit, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Dr LEONG Che-hung, Mr Frederick FUNG, Mr Henry TANG, Mr Howard YOUNG, Mr James TIEN, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr CHEUNG Hon-chung, Mr IP Kwok-him, Dr LAW Cheung-kwok, Mr Bruce LIU, Mr MOK Ying-fan and Mr NGAN Kam-chuen voted for the amended motion.

Mr Martin LEE, Mr SZETO Wah, Mr CHEUNG Man-kwong, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr James TO, Dr Samuel WONG, Dr YEUNG Sum, Mr WONG Wai-Yin, Mr LEE Cheuk-Yan, Mr Andrew CHENG, Dr Anthony CHEUNG, Mr Albert HO, Mr LAU Chin-shek, Mr LAW Chi-kwong, Mr LEUNG Yiu-chung, Miss Margaret NG, Mr SIN Chung-kai, Mr TSANG Kin-shing and Dr John TSE voted against the amended motion.

THE PRESIDENT announced that there were 20 votes in favour of the amended motion and 21 against it. He therefore declared that the amended motion was negatived.

SERVICES FOR MENTAL PATIENTS

DR HUANG CHEN-YA to move the following motion:

"That this Council urges the Government to allocate more resources, improve the process of service delivery and strengthen the interface of the services for mental patients, so as to provide them with sustained and comprehensive treatment as well as aftercare and rehabilitation services for helping them re-integrate into the community."

DR HUANG CHEN-YA (in Cantonese): Mr President, almost half a year ago, once when I met with the families of mental patients, I asked, "Why is it seldom to hear the voice of mental patients mutual-help organizations? Is it because they are satisfied with the existing services?" The reply is disheartening. They are silent not because the services are up to standard. They keep quiet because they are in the group of being discriminated against and they fear that their public exposure would make them encounter more discriminatory eyes and treatment. They therefore tolerate in silence in the hope of concealing the fact that they once suffered from mental illness. Today, they are very brave, for a group of mental patients and their families appeared at the entrance to the Legislative Council demanding Members to support this motion. I hope they will not be disappointed.

I hope that tonight our Members will support the motion in order to seek justice for this group of unfortunate brothers and sisters by demanding the Government to make an across-the-board improvement of the services for mental patients.

Mr President, in my original motion, there is discussion on three segments, namely, treatment, and aftercare and rehabilitation services. First of all, I would like to remind all of you that what mental patients want is not simply good service because positive results and resumption of healthy and normal life are more important to them. Treatment, aftercare and rehabilitation are closely related segments for helping mental patients resume normal life. Failure in any one of the segments or inadequate connection among them will render the goal unsuccessful. Let us follow the course of recovery of a mental patient to understand the inter-relationship of these segments.

The first stage. When patients or their families find that the patients show symptoms of mental illness, they will in the first place attend general out-patient clinics, where the patients will be referred to psychiatric out-patient clinics if they are found to be in serious conditions. However, there is a shortage of psychiatrists in the Hospital Authority. According to the prediction of the psychiatry faculty — by the year 2000, there will still be a shortage of 150 doctors in the local public sector. At present, the waiting time for the first consultation in psychiatric out-patient clinics is as long as nine weeks. Nevertheless, many patients cannot wait for more than two months because of their deteriorating conditions during the waiting period and they have to be admitted to hospital through the accident and emergency department. No wonder that one-third of the patients are admitted to hospital through the accident and emergency department. In view of the above problem, it is necessary to improve the process of service delivery and intensify streaming so that more severely ill patients can be accorded priority treatment in time. Out-patient clinic services should also be improved so that more patients can receive adequate treatment without being hospitalized.

Hospitalization stage, that is, when a patient is hospitalized. At present, there is an acute shortage of hospital beds and the bed occupancy rate is as high as 90%. Only high-risk patients in serious conditions are hospitalized and patients whose conditions are not so serious have to keep on waiting. Since the in-patients have to stay at hospital for half a year, it is necessary to improve the curative effects. It is particularly necessary to strengthen the treatment given during the early stage of hospitalization. In some hospitals, new patients cannot see a doctor until a few days after their admission and this is an unacceptable situation. To solve the problem, apart from providing additional resources, the Hospital Authority should set benchmarks on emergency hospital admission and re-admission rates, hospitalization duration and refusals to attend follow-up consultation not included in the plan to control quality and improve results of services.

The third stage — discharge referral and hostel service. After being hospitalized for half a year, a patient is discharged at last. Owing to inadequate preparations for discharge, the patient has to be referred to a half-way house on discharge. Subsequent to hustle and bustle, it is learned that due to inadequate places and probably because of the difference of admission targets between half-way houses and hospitals, the patient cannot be referred to a half-way house smoothly. As a result, the patient is victimized by the incompatibility of the existing services. To this end, apart from providing additional places, strengthening the interface between hospital and hostel services is of vital importance.

The fourth stage. Patients have to return to the community since there is insufficient hostel service. They have to return to the environment which caused their illness and some have been abandoned by their families. The problem may be more complicated when compared with the situation before their hospitalization. Being hospitalized for half a year makes a patient detached from society. Moreover, the patient's habits may be different from those of the members of the public. Once he comes back to the community, he cannot escape discriminatory eyes. Besides, the aftercare service is inadequate. Does a patient, after his discharge from a hospital, receive *ex gratia* settlement, follow-up treatment or proper follow-up services? In addition, the inadequacy and overlapping of services of day hospitals, activity centres and sheltered workshops would make patients unable to obtain appropriate services and this is a waste of resources. As a result, patients have no alternative but to return to hospital and stay away from the public. To solve the above problem, apart from increasing the number of medical social workers and community support and intensifying the relationship between patients and their families, it is very important to strengthen the interface of services. For example, a few months prior to the discharge of patients, the hospital administration should make arrangements for discharge, job referral and helping the patients and their families make good preparations for their discharge on the areas such as their appearance, social contacts and communication to enhance their ability. Very often, the above arrangements and medical prescriptions and cure are of equal importance. Moreover, we propose that the Government should form a case management group comprising doctors, social workers and nurses to make thorough analyses on individual patients and give them close aftercare. Moreover, there should be streaming according to the degree of seriousness in order to strengthen the outreaching and rehabilitation nursing services provided to other needy patients.

The fifth stage. Patients ultimately settle down in the community, but many problems are still lying ahead of them. First of all, psychiatric out-patients clinics operate from 9 am to 5 pm. Once a patient finds a job, taking leave for attending regular follow-up appointments would exert pressure on him because of the fear that his employer and colleagues may find out that he was a mental patient. Owing to a shortage of psychiatrists, patients' consultation time at a clinic is very short. According to a patient, when he was attending follow-up consultation and was going to ask the doctor the side effects of the drug, the doctor regrettably told him, "I am sorry. I only have two to three minutes' time for you and there are patients waiting for me outside." Continual treatment is important for controlling a patient's conditions, and discrimination as well as inconvenient consultation hours at out-patient clinics will hamper follow-up treatment. Moreover, old-style psychiatric drugs produce more side effects. After taking such drugs, patients' heads and limbs will be numb and they will feel unwell, so many patients refuse to take them. New drugs produce less side effects and patients find them more acceptable. However, the Hospital Authority only provides small amounts of new drugs and 90% of the some 20 000 mental patients who are in severe conditions cannot get new drugs. Apparently, we need additional manpower and new drugs on the one hand and an improvement of the process of service delivery, additional convenient time for out-patient clinic services as well as more family participation on the other. Mr President, in fact, we must stress that psychiatrists have all along been aware that supporting patients' families alone is insufficient, for their families are valuable human resources as well as an integral part in the course of treatment, aftercare and rehabilitation. The so-called "empowerment" to their families will enable them to involve in supporting the patients so as to enhance the effects of treatment and rehabilitation. This includes strengthening the communication between their families and the medical and nursing staff, and giving them sufficient training and knowledge so that they will become part of the treatment and aftercare teams and they will not simply rely on the help of the services.

The various problems and plights of the above mental patients in the course of recovery, from discovery of symptoms of illness, admission to and discharge from hospital and admission to hostels and return to the community, are those encountered by the majority of the patients rather than individual patients. The twists and turns confronted by patients and their families in successfully rehabilitating and resuming normal life in the face of the

"piecemeal" services provided by various departments are not what we, a number of Councillors sitting at the Legislative Council, can understand. What we can do is to do our very best to review the shortcomings of the existing services and to look for proper measures to improve the situation.

Mr President, I am sure that the Honourable colleagues and the government officers who are present have received our Democratic Party's policy paper concerning relevant services. A touch on the shortcomings of the existing services and the proposal of additional resources, improvement of the process of service delivery and strengthening the interface of services embraced in the paper have already been mentioned in the motion. We do not vaguely propose in such directions. The paper clearly spells out specific demands. For example, there are 12 recommendations on additional resources including additional beds, psychiatrists, expenses on new psychiatric drugs, community psychiatric teams, community rehabilitation nurses and half-way houses. On improving the interface of services, we make four recommendations on giving medical social workers sufficient time for discharge preparations and arrangements and formulating criteria mutually accepted by hospitals and rehabilitation organizations to facilitate referral of patients. As for improving the process of service delivery, the paper proposes to introduce evening clinic services, intensify streaming so that patients with urgent needs can be accorded priority treatment and services and formulate service targets. I am not going to give a detailed explanation of the whole paper here, but the 21 recommendations on service improvement mentioned in the paper are concrete ones proposed subsequent to discussions with people of all sectors. It is a comprehensive proposal for improving all of the existing services. The absence of any one of the segments will markedly undermine the service users' chance of successfully re-integrating into the community. I hope that the colleagues will support my motion in order to urge the Government to make an across-the-board improvement rather than a one-sided and incomplete amendment.

I so submit.

Question on the motion proposed.

PRESIDENT (in Cantonese): Miss CHAN Yuen-han has given notice to move an amendment to the motion. Her amendment has been printed on the Order

Paper and circulated to Members. I propose that the motion and the amendment be debated together in a joint debate.

Council shall debate the motion and the amendment together in a joint debate. I now call on Miss CHAN Yuen-han to speak and to move her amendment. After I have proposed the question on the amendment, Members may express their views on the motion and the amendment.

MISS CHAN YUEN-HAN's amendment to DR HUANG CHEN-YA's motion:

"To add, "as the serious shortage of proper aftercare support for mental patients and ex-mental patients, coupled with the long-standing neglect of the needs of their families, have given rise to numerous problems in the rehabilitation of mental patients in the community," after "That"; to delete, "improve the process of service delivery and strengthen the interface of the services for mental patients, so as to provide them with" and substitute with "for the provision of"; to add "as well as community-based rehabilitation services for mental patients and ex-mental patients;" after "comprehensive treatment" and to delete "aftercare and rehabilitation services and to help them re-integrate" and substitute with "furthermore, the Government should develop supporting services for their families, so as to enable ex-mental patients to better integrate"."

THE PRESIDENT'S DEPUTY, DR LEONG CHE-HUNG, took the Chair.

MISS CHAN YUEN-HAN (in Cantonese): Mr Deputy, I move that Dr the Honourable HUANG Chen-ya's motion be amended. At first, I supported Dr HUANG's original motion. I propose an amendment because there are two ambiguous points in Dr HUANG's motion: (1) What difficulties do mental patients and ex-mental patients encounter in their lives that require us to urge the Hong Kong Government to allocate more resources for them? (2) Is it necessary for the families of mental patients and the community to play a role in the course of the rehabilitation of the patients? Is there any significance? Owing to the above, I propose an amendment to give a positive response to the above two issues and to make this Council's clear-cut stand known for the

purposes of supplementing and expanding the contents of Dr HUANG's motion, and showing our real concern about ex-mental patients and their families.

Mr Deputy, my amendment comprises two major points. (1) At present, numerous problems emerge in the course of the community rehabilitation of mental patients. The data on hand reveal that 25% of the patients have been re-admitted to hospital after discharge. In fact, the acute shortage of aftercare support services for the discharged patients, coupled with the long-standing neglect of the needs of their families, has given rise to numerous problems. (2) I consider that rehabilitation services should explicitly be community-based in four specific areas on which I hope the Government can make improvement or development: (1) full subvention to continual aftercare services, including a significant increase in the number of half-way house places; (2) an increase in the number of community psychiatric outreach teams; (3) follow-up services and additional evening clinic services; and (4) support services for the families of the ex-mental patients in order to help the patients re-enter the community, a point that Dr HUANG neglected. I shall give a brief explanation of the specific proposals mentioned above. My colleague the Honourable CHAN Wing-chan will explain the whole proposal in detail.

Mr Deputy, I would like to point out that for this amendment, I made arrangements for meeting organizations of the families of mental and ex-mental patients and the social workers concerned and I have won their support and trust. They support my amendment to help the plight-stricken ex-mental patients, patients and their families get more social care and concern.

Mr Deputy, what problems are mental patients, ex-mental patients and their families confronted with? I am going to focus on the three areas, namely, medical rehabilitation, community rehabilitation and support for patients.

First of all, as I just now said, high rates of mental patients' re-admission and failure to attend follow-up consultation on schedule show that medical services have much room for improvement before patients can enjoy continual and steady rehabilitation in the community. I would like to raise a few issues. Firstly, the mental patients I know usually have to rely on medication to stabilize their state of illness. However, owing to limited resources, drugs with less side effects cannot be widely used by the Government in hospitals. Secondly, community psychiatric outreach teams comprising various psychiatric nursing professionals render services to ex-mental patients, particularly under urgent

conditions when they are able to help handle crisis. I do not know why there are only four such community psychiatric outreach teams in service, and none of them is deployed to Hong Kong Island. Apparently, we have to rapidly expand these services to ensure that they will not fail to cope with the needs of the entire community. Thirdly, this is a point which family representatives asked me to emphasize, that is: Why is the service of psychiatric clinics confined to day time? Some ex-mental patients are unable to take leave for attending follow-up consultation (one of the reasons is that they do not want their employers to know that they were patients suffering from such kind of illness) and their family members are also unable to accompany them to attend the appointments. I really do not understand why the Government, in the wake of such a situation, cannot be more flexible and considerate to enable ex-mental patients to attend appointments at evening clinics in the company of their family members. I therefore strongly demand that the Government should make a pledge to provide adequate evening out-patient clinic services.

Mr Deputy, on the realm of social rehabilitation services, at present, welfare organizations, with government subsidies, provide ex-mental patients with a number of social services including half-way houses, long-stay care homes, supported hostels, activity centres and sheltered workshops. Firstly, the Government should look squarely at the acute shortage of hostel services for ex-mental patients. We can see that in 1996, over 9 000 mental patients were discharged from hospital, yet half-way houses could only provide them with about 1 000 places. In other words, only a small number of patients can be accommodated in half-way houses. Secondly, there is no government regulation on an increase in the number of additional care home places. At present, the three local long-stay care homes altogether provide 570 places, but it is estimated that there is at least a shortage of 498 places. Thirdly, there is inadequate half-way house service. Fourthly, there is a marked deficiency in continual care services for mental patients and ex-mental patients. In fact, the authorities affirmed these services in 1991 in a bid to follow up the process of rehabilitation of discharged patients. However, there is serious inadequacy of the services in this area.

I consider that supporting ex-mental patients and supporting their families are of equal importance. In fact, the families of ex-mental patients are facing great pressure, whereas they do not get sufficient support and encouragement. I strongly demand that the Government face up to the problems concerned. If the Government refuses to adopt positive and effective measures, their families will

not be able to obtain the necessary support and I fear that the patients could hardly rehabilitate and resume their social life.

Subsequently, my colleague Mr CHAN Wing-chan will give a detailed account of community care and family support. Mr Deputy, I finally want to conclude with one sentence: Solicitude from society, whether it be generous bestow or words showing concern, is valuable to mental patients and their families. I hope people from all sectors can show their loving care and support them to tide over the existing difficulties.

I move my amendment. Thank you.

Question on the amendment proposed.

MR LEUNG YIU-CHUNG (in Cantonese): Mr President, there is a wrong social concept that mental patients make no contribution to society, that they have to rely on social support for their whole life and that they are social burdens.

Such an idea is held not only by members of the general public, but also by the policy-makers. Hence it is no wonder that mental patients have all along been provided with such poor medical and rehabilitation services. All the services, from in-patient, out-patient, to half-way house, sheltered workshop, community outreaching and community services, have been the targets of criticism. I have learned that Kwai Chung Hospital is going to reduce the number of beds in the psychiatric ward from the present 1 600 to 600. This is obviously a retrogression and it gives me a start. What is this measure up to by reducing the number of beds in such a way without any remedies or supplements? Unless there are some remedial and supplementary measures, reducing the number of beds in such a way must not and should not take place.

I would like to remind the policy-making authority that no harvest can be expected without ploughing and weeding. Mental patients, like other patients, have the right to obtain medical services. Only by providing mental patients with proper medical services can we bring them a gleam of hope and help them integrate into our society and make contributions.

I would pay special attention to and discuss the issue of whether mental patients are willing to consult doctor. The existing law prohibits medical and nursing staff as well as the police from detaining mental patients and sending them to hospital for consultation unless they have performed violent actions. The spirit of this law is desirable. In fact, it shows respect for human rights. Nevertheless, in the course of the enforcement of this law, what measures can we take to deal with the mental patients who do not want to see a doctor?

There are two major kinds of mental patients who do not want to see a doctor. The first kind are those who have consulted psychiatrists or have been hospitalized but are unwilling to receive follow-up treatment. The other kind are those who have been acting in a queer way but are not inclined to violence, and many of them are reluctant to accept their family members' advice to see a doctor.

At present, there is care, particularly in the form of outreaching services, for the first kind of patients. The services include home visits, medical consultation, observation of progress and prescriptions to control the condition of illness.

However, at present, there are only two outreach teams serving Kowloon and two serving the New Territories. As the Honourable Miss CHAN Yuen-han has mentioned, there is no such service on Hong Kong Island. Each team comprises about 20 members, including doctors, nurses, medical social workers and clinical psychologists. When I interviewed one of the team members, she said that the services rendered by the existing four community psychiatric teams are far from adequate. The team to which she belongs could only selectively visit mental patients at relatively large homes for the elderly and she was unable to visit other places though she was most willing to do so.

It is certain that mental patients must have the help of their families to take the first step to receive treatment. Many people stay at a far distance from and adopt a discriminatory attitude towards mental patients. In fact, if our community can give them more care and help their family members learn how to look after them, I believe that the harm done by mental patients to their families and society may be reduced. I hope that the Health Department can conduct more talks and courses on how to deal with family members who suffer from mental illnesses. As the Honourable HUANG Chen-ya said just now, the family members of the patients should be given the right to have more frequent contact

and communication with doctors so that they can know better how to take care of the patients and help control the patients' state of illness for their early rehabilitation. This is more important. However, up to now this service is extremely inadequate.

I consider that the Medical and Health Department should also impart the general knowledge on psychiatry to the families of mental patients so that they would know how to help patients suspected of suffering from mental illness to see a doctor. It is very important to help them encourage patients to see a doctor or accompany patients to receive thorough examinations at hospital. Unfortunately, the provision of these services is still inadequate. Major improvement of support to the patients' families is therefore necessary. We are aware of the innocence of mental patients and their families, in particular. However, only their family members can give them closer personal care. It is therefore necessary and imperative to give their family members training or assistance. Of course, I am not shifting the responsibility to their families, leaving hospitals or the Hospital Authority to do nothing. Actually, in recent years, we see another phenomena that the Hospital Authority has been following a major principle called financial autonomy to compel hospitals to save money in many areas by way of curtailing services to reduce expenditure. I hope that the Hospital Authority will not lower their standard of services under such circumstances; otherwise it will bring serious impacts to society. We should not regard medical services as a business and should refrain from giving no special attention to mental patients or those who are chronically ill.

Mr Deputy, finally I only wish to say that we hope the Government can allocate more resources and give mental patients' families more rights or knowledge to help those patients rehabilitate as soon as possible.

Mr Deputy, I so submit.

DEPUTY PRESIDENT (in Cantonese): I would like to remind Members again that you have seven minutes for your speech.

MR MOK YING-FAN (in Cantonese): Mr Deputy, I think I have much experience in psychiatric rehabilitation services. Though I am not a psychiatrist, nearly every evening, every week, during the meet-the-public session at our

office located in a public housing area, this kind of patients come to talk with us. They would talk with us on the same subject. These mental patients have moved into the public housing area through the referral of the Social Welfare Department. After moving in, owing to the absence of follow-up services, they are found to be in the same conditions and some are even in worse conditions. Such a situation is contrary to the original government suggestion of integrating those mental patients into the community. Originally, we regarded this quite a good suggestion deserving support. However, now, owing to insufficient follow-up services or resources provided by the Government, good things have become bad ones because they are unable to get appropriate services and care.

The Hong Kong Government, in the light of the international medical rehabilitation development trend, regards "non-institutionalization" as the policy of the services rendered to mental patients to affirm the importance of their integration into society. I think that the majority of the Honourable colleagues present, including those belonging to the Hong Kong Association for Democracy and People's Livelihood (ADPL), will consider this deserving our support. Nevertheless, mental patients, after their discharge from hospital, receive little appropriate support and care. As a result, they have to live in the community in an isolated and helpless way that will lead to the relapses of their illnesses. Statistical data show that 25% of the schizophrenia patients had to be re-admitted to hospital for treatment 18 months after their discharge. What are the reasons for this? Moreover, 10% of the patients failed to attend follow-up appointments on schedule, thus increasing the risk of relapses.

We consider the existing psychiatric medical rehabilitation services unsatisfactory. At present, the waiting time for the first appointment in a psychiatric specialist out-patient clinic is more than one month, within which the state of illness of a patient may deteriorate, thus causing a definite degree of hardship to society and the patients' families. Moreover, the consultation time for a patient in a psychiatric specialist clinic is very short, usually not more than five minutes. I also find that psychiatrists are under great pressure. It is doubtful if a psychiatrist can understand a patient's conditions in such a short consultation period, particularly when these patients are suffering from mental illness rather than cold or influenza. Moreover, mental patients in general do not think they are ill, so they will wilfully conceal their state of illness or even refuse to take drugs regularly. Psychiatrists really need longer time to understand patients' conditions. At present, there are only four community psychiatric outreach teams serving the whole territory. We think the speed of

expansion is really too slow to cope with the demand. The ADPL urges the Government to increase the number of psychiatric outreach teams expeditiously and extend the consultation hours of psychiatric clinics for the convenience of the ex-mental patients holding daytime jobs. As many ex-mental patients do not want their employers to know that they suffered from mental illness, they are unwilling to take leave for attending follow-up appointments. If the clinics can extend the operating hours to evenings for the convenience of ex-mental patients, the rate of their follow-up attendance will probably be higher.

There are also shortcomings in psychiatric community rehabilitation services. Generally speaking, medical social workers, owing to their workload, will not render positive follow-up services to discharged mental patients unless the patients have a record of violence or problematic behaviour. As a result, the patients who fail to attend follow-up appointments cannot receive follow-up services until they are re-admitted to hospital because of relapses. Apart from the family members of the long-stay in-patients, most of the patients' family members cannot get any support. A local research finds that most of the families of patients lack the knowledge and techniques for taking care of mental patients and they do not know what community support services they can have and how to get them, let alone the experience in looking after the patients. In view of the above, the Government should strengthen education on the patients' family members so that they can understand more about the nature, treatment and rehabilitation services of mental illnesses.

At present, there is an acute shortage of hostel services for ex-mental patients. In 1996, over 9 000 mental patients were discharged from hospitals, yet half-way houses could only provide 1 000 places for them. That is to say, most of the discharged patients had to re-enter society directly. However, some of them who were not accepted by their families had to live alone without any direct support. Moreover, there is a lack of residence service to look after the ex-mental patients who are abandoned by their families or who have no family members. In view of the above, many ex-mental patients who are not under the care of their families have no alternative but to live in the crowded cage structures.

According to the survey report on the conditions of bed-space apartments released by the Society for Community Organization, nearly 10% of the bed-space dwellers are ex-mental patients who have, on an average, suffered from mental illness for 11 years. These bed-space dwellers very often quarrel

or fight on trivial matters such as the use of toilets or cooking spaces. In such cases, ex-mental patients are usually targets of bully or discrimination. Overcrowded environment and poor human relations easily lead to the recurrence of their mental illness which is a latent danger to the patients themselves and their neighbours. The outburst is just a matter of time. In 1988, the Government planned to provide the services of supported hostels and housing. However, up to now, only one supported hostel has been established to provide 20 places for discharged mental patients. The Government should provide additional supported hostels and housing to ensure that discharged mental patients are properly accommodated and cared for so that they can continue their living in the community and integrate into society.

Finally, it is my opinion that the Government should allocate more resources to let members of the public know more about mental illness in order to lessen their discrimination against ex-mental patients in a bid to alleviate the pressure confronted by discharged mental patients, so that they can integrate into society more easily.

I so submit.

THE PRESIDENT resumed the Chair.

MR CHAN WING-CHAN (in Cantonese): Mr President, accidents and tragedies caused by mental patients' relapses happen from time to time. These incidents, apart from being appalling, have also aroused social concern and discussions. In fact, the Government has given inadequate community care to mental patients and too little support to their families. This has resulted in a vicious circle in which social and family tragedies that we do not want to see keep on happening.

I have on a number of occasions heard from my friends who have been abroad that some foreign psychologists or psychiatrists, in order to find out the cause of their patients' illness thoroughly, include the patients' families and close friends in the scope of therapeutic consultation in the course of treatment and diagnosis. This is because people close to the patients will have key influence on their conditions and even causes of illness. I consider this kind of therapy reasonable, necessary and comprehensive to the patients requiring psychological

counselling. Relatively speaking, the Hong Kong Government lags far behind some countries on rehabilitation care and support for mental patients.

Mental patients, after being released from hospital, are taken care of by their families. As a colleague just now pointed out, a local research finds that most of the family members of patients lack the knowledge and techniques of looking after mental patients. Moreover, they do not know what community support services there are and how they can obtain the services to help the discharged mental patients re-enter the community. In view of the above, I propose that the Government should allocate more resources to enable medical social workers and psychiatric nursing staff to step up education on the families of the patients, particularly the families of new patients, so that they can have a better understanding of the co-ordination among the nature of and treatment and rehabilitation services for the patients' mental illnesses.

Undeniably, the pressure confronted by family members of ex-mental patients is beyond imagination. Apart from shouldering the heavy burden of looking after ex-mental patients, they also have to face the discriminatory attitude from members of the public. Unfortunately, they are unable to get adequate support, help and encouragement. For example, in 1994, the Government estimated that some 63 400 people would require psychiatric rehabilitation services. One can imagine how badly the families of the people concerned are in need of the support.

However, of the six existing "parents/relatives resource centres", only one is exclusively for "the families of mental patients". Moreover, the non-government self-aid groups formed by ex-mental patients or their families for making up for the demand cannot get any subvention from the Government.

Furthermore, the problem of accompanying ex-mental patients to attend follow-up medical appointments exerts great pressure on the patients' family members. There is a long-standing shortage of government evening out-patient clinic services. As a result, the patients' family members who have to work daytime, particularly members of the grassroots, are confronted with tremendous pressure and inconvenience. As "ceasing working means earning no money", it is difficult for grassroot families to "stop working" at any time to accompany the patients to queue for follow-up medical consultation. Impractical out-patient clinic operating hours therefore hamper the contact between psychiatrists and the patients' family members, thus causing the psychiatrists to fail to understand the

patients' latest state of illness, increasing the difficulties for suiting drugs to the illness and hence largely affecting the patients' progress of recovery.

On the other hand, some patients are reluctant to let their employers know that they suffered from mental illness. If out-patient clinics extend the operating hours to evenings, the family members of ex-mental patients can accompany the patients to attend follow-up appointments. This will definitely help raise the rate of attending follow-up consultation on the part of ex-mental patients. I therefore urge the Government and the Hospital Authority to give consideration to extending the operating hours of psychiatric clinics for the convenience of the ex-mental patients and their families who are working in daytime.

Mr President, I totally agree to the Government's choice of adopting the "non-institutionalization" policy to help patients to rehabilitate as soon as practicable. I also hope that, after determining this major direction, the Government should formulate a performance pledge to avoid "having only theory but no practice", neglecting the real needs of the patients and the families concerned. The Government should deploy more resources to meet the actual needs. Moreover, "ex-mental patients" should not be treated lightly, or else the negative social effects produced by them may be immeasurable.

Mr President, I so submit.

MR LAW CHI-KWONG (in Cantonese): Mr President, in today's motion debate, I am very disappointed at the way adopted by some Members to propose amendments. I have protested on a number of occasions. I show my protest against amending other colleagues' contents of motions frequently under the condition that the contents of a motion, in principle, remain unchanged. I really find this act extremely senseless. Today, I raise not only my protest, but also doubt about the political integrity of the mover of the amendment motion. In January of this year, when the Honourable James TO raised a motion debate on rent assistance, the Honourable Miss CHAN Yuen-han, without opposing the essential contents of the motion, proposed an amendment to certain phrases. The Democratic Party, for the sake of avoiding disputes among parties leading to a social policy losing the endorsement of the Legislative Council, supported her amendment. Unexpectedly, after some time, this Council's endorsement of Miss CHAN Yuen-han's amendment to the motion on rental assistance was seen

publicized on some publicity signboards in the street. How can there be no doubt about this political behaviour of seizing by trickery the result obtained by the Democratic Party through researches and discussion with various grassroots bodies and then adding one's own name on it?

The speech just now made by the Honourable HUANG Chen-ya clearly expressed the Democratic Party's analysis, stand and proposals on the services for mental patients. We also distributed a relevant reference document — an eight-page paper — to all Members. This document is the outcome of repeated talks and discussions with the Hospital Authority, Health and Welfare Branch, social service organizations, patients' self-aid groups and the organizations formed by parents' relatives. The omissions from Dr HUANG's motion just now mentioned by Miss CHAN Yuen-han are in fact clearly spelt out in this document. The fact is that I do not want to include the some 20 proposals in the motion. Though we dare not say that we have done an excellent research, we have done our best to prepare this motion debate in the hope of, through discussions, raising constructive suggestions to arouse people's concern about the inadequacy of services for mental patients. We also hope that our colleagues will give their support for an actual improvement of the services for mental patients rather than having one's own name added on the record through an amendment while the motion is carried. Mr President, I now have further understanding of the so-called "political free lunch" about which I can do nothing.

You may recall that during the end of 1992 and early 1993, the proposal of establishing an activity centre providing day psychiatric rehabilitation services in Laguna City aroused objection from residents in the area. At the Kwun Tung District Board meeting held on 5 January 1993, a Council Member objected to the establishment of an activity centre near Laguna City by the Social Welfare Department on the ground that this additional service would increase the number of mental patients in the area. That Member is the Honourable CHAN Kam-lam who is not here for the time being. I think that he will definitely support the so-called "community-based rehabilitation services" stated in the amendment

proposed by Miss CHAN Yuen-han, a colleague from his political party. That being the case, I will clap my hands for Mr CHAN Kam-lam's "change of direction" and applaud his increasing acceptance of mental patients. Is this the positive result of the publicity and education carried out by the Government and social service organizations over the past few years?

I have all along considered publicity and education very important. I do not mean to hold some carnivals or variety shows performed by some superstars. What I mean is to conscientiously carry out psychiatric rehabilitation work to enable ex-mental patients to integrate into the community. The original motion states about integration into the community so that members of the public will accept them better. On the contrary, as services are inadequate, ex-mental patients may relapse because of improper care. Should they hurt themselves or other people, the public would have more worries and all the publicity could achieve nothing.

There is now a shortage of half-way houses, long-stay care homes and day activity centres and a lack of support for patients' families. Moreover, owing to a shortage of medical social workers at psychiatric hospitals, pre-discharge plans and preparations for patients and their families are unsatisfactory. The first phenomenon resembles a revolving door at the exit of a psychiatric hospital with patients relapsing and being re-admitted to hospital soon after their discharge. The second phenomenon is that patients suffer from the plight of seriously congested services. Owing to inadequate hospital beds, patients are not admitted to hospital unless they are in extremely serious conditions and need urgent hospital care. On the other hand, because of insufficient half-way houses and long-stay care homes, many patients have no alternative but to stay in hospital even though they are already in stable conditions. As there is inadequate community care, ex-mental patients at half-way houses are unable to return to their own homes and have to be stranded at those houses. If there is no improvement on the above two phenomena, patients cannot obtain appropriate services on the one hand and there will be improper use and a waste of resources on the other.

Finally, before my speech comes to an end, I hope that Miss CHAN Yuen-han will earnestly consider my advice. To show her support of the

Legislative Council culture of mutual respect among Members and to remove the possibility of

PRESIDENT (in Cantonese): Miss CHAN Yuen-han, is it a point of order?

MISS CHAN YUEN-HAN (in Cantonese): I would like to consult Mr President whether I would have any chance to respond to a number of untrue statements made by a colleague?

PRESIDENT (in Cantonese): I ask you whether it is a point of order. You mean that you disagree to part of the speech just now made by Mr LAW Chi-kwong. You can refute him when you have a chance to speak.

MISS CHAN YUEN-HAN (in Cantonese): Mr President, can a Member proposing an amendment speak again?

PRESIDENT (in Cantonese): No. What I mean is if you have a chance to speak nothing can be done if you do not. I cannot rule whether a statement is true or not. I cannot give such a ruling. When a Member speaks, he expresses his points of view. It is entirely his responsibility as to whether his speech is convincing and whether it is true or false. It is not up to the President to give a ruling on this.

MISS CHAN YUEN-HAN (in Cantonese): I am very disappointed at some of the contents, particularly that those are from the Honourable LAW Chi-kwong. He really knows the cause and effect

PRESIDENT (in Cantonese): Miss CHAN Yuen-han, you are not entitled to speak to express your feelings on what Mr LAW just now said. Mr LAW Chi-kwong, please continue.

MR LAW CHI-KWONG (in Cantonese): Thank you, Mr President. I hope that the Honourable Miss CHAN, while being angry, will show her support for the mutual-respect culture among Members of this Council so as to rule out the possibility of being called "Miss Amendment". I hope that she, in order to remove other people's doubt about her political integrity, will withdraw her amendment and support the original motion. I do not wish that many people will follow the example of today's amendment proposed by Miss CHAN Yuen-han by adding phrases such as "heeding public opinions" to all the future motion debates to win our support. I consider this kind of amendments senseless.

With these remarks, I oppose the amendment and support the original motion. Thank you, Mr President.

DR LEONG CHE-HUNG (in Cantonese): Mr President, I rise to support both the motion and the amendment. Though supporting the amendment, I am a little puzzled. Surely, I will not be as extreme as Mr LAW Chi-kwong; nor will I politicize mental patients. But I doubt whether such an amendment is necessary.

Mr President, I believe that all the colleagues now present — few though they are — can be of one mind, and see from different angles the inadequacy of services for mental patients, so that the Government can be so informed and have the relevant services improved. I am of the belief that in this respect, colleagues in the Council do not have, and ought not to have, divergence in views. Regardless of the wording of the original motion or that of the amendment, I think we are talking about the same thing. Judging from the speeches given by colleagues, we are all talking about the same problem.

Mr President, it is for the same reason that I rise to speak today with a view to telling the Government, from my viewpoint, the inadequacy of services for mental patients. Before coming here to speak, I consulted friends in the medical sector, including psychiatrists. Among them are doctors on the frontline as well as those at the management level. Here I have to express my gratitude to them. However, they should, perhaps, thank me for airing their grievances that have been piling up for years and I am now speaking for them.

Mr President, mental patients are not few. According to figures, some 10% of the population are mentally ill. In other words, out of the 60 colleagues of the Council, it is likely that six are mentally ill. I do not want to comment on this here. Surely, as age progresses, so will the proneness to mental illness. It might go up to 20%. Are existing services adequate? All along the Government presents us with a rosy picture holding out that upon the completion of the expansion project of Castle Peak Hospital in the year 2000, there will be close to one psychiatric bed per 1 000 of the population, which is world standard. According to the Government, we, with four community psychiatric teams and eight community psycho-geriatric teams, are already in a relatively good position. On the basis of these statements of the Government, I want to share with you my views in four areas.

Firstly, I think there is still an acute manpower shortage. Secondly, there is inadequacy of services. Apart from manpower shortage and inadequacy of services, there is still a hidden worry to which I would like to draw your attention. You can see that at present, Hong Kong people still very much reject and discriminate against some mental patients.

Mr President, we now have 167 psychiatrists serving in the various public medical care facilities. This figure, of course, covers both consultants and novice doctors. Do not be overjoyed with this figure of 167. If Britain is taken for comparison, this figure represents a psychiatrist-to-population ratio one-fiftieth of that in Britain. For a new case, the patient has to wait 9.7 weeks for the first appointment with the psychiatrist. This represents an extension of two weeks from the seven-week-long waiting time required two years ago. According to many doctors, each person has to see 20 to 30 patients per out-patient session. For this reason, doctors can only spend very limited time on patients. Thus, as just pointed out by the Honourable CHAN Wing-chan, they have not got the opportunity to put in much effort to counsel and treat their patients, who require a lot of time and patience in both counselling and treatment.

The modern trend of all medical services is to shorten the hospitalization period as much as possible. Once their conditions have been stabilized, patients will be discharged from hospitals. Following their discharge, the hope is that follow-up treatment can be effected by way of community health service. To monitor progress of the treatment and to determine whether it is necessary to vary the course of treatment, the patient is to be reviewed by medical staff periodically. However, mental patients are greatly different from other chronic patients in that

they require more frequent follow-up visits to doctors. Failure to do so will render it hard for them to recover. It is also going to be very likely that they succumb to relapses. The most dangerous thing is that there is no symptom at all before a relapse. A relapse is harmful to the patient as well as to those nearby.

Regrettably, we really do not have enough support, especially in the area of medical support. For instance, a patient gets one follow-up appointment almost every three months, which is a far cry from the practice in other countries. For example, in Australia most patients can make follow-up visits within a week, instead of having to wait for three months. Because of this, as high as 25% of the discharged patients have to be re-admitted for developing problems within 18 months following their discharge. Furthermore, two-thirds of the referrals from our Ambulance and Emergency departments are old cases. The Government often claims to have a bunch of community teams. To be honest, these community teams can merely play the role of fire-fighting squads, not really looking after patients comprehensively.

Mr President, we always say that it is necessary to conduct publicity education among the public to tell them not to discriminate against mental patients. But please bear in mind that there are many patients who have relapses. Potentially they are dangerous to themselves as well as to others. People's discrimination reflects their fear. So in order to be adequate, education that is really effective must have a strong medical backup.

Mr President, I just want to present one aspect of the problems and views concerning mental patients. I am sure that other Members will address other areas. I so submit. Thank you.

MR IP KWOK-HIM (in Cantonese): Mr President, originally I had no intention to speak on this subject today. However, after hearing the views on the amendment just now expressed by some Members, I think I also have to express my views.

Mr President, it is the power of every Member to amend any motions. I do not wish to see the power of amending a motion being deprived of. Mr President, in my opinion, we should not be swayed by personal feelings on any order or on views concerning any issue, and we should not adopt a hostile

attitude towards any objective discussion. Moreover, we should not put labels on others indiscriminately such as putting the label of "Miss Amendment" on someone engaging in solemn motion and amendment debates through normal channels and with the permission of the President. Everyone has one's own views on a matter. I would consider it the essence of Hong Kong's democratic system to seek a rational answer in an objective way. We should observe the rules of order by not making personal attacks.

Mr President, as regards the speech just now made by the Honourable LAW Chi-kwong, I consider that he has improperly blackened other Members' reputation and made personal attacks. The Democratic Alliance for the Betterment of Hong Kong (DAB) has all along been practical and realistic by seeking truth from facts. Individual Members' little tricks and speeches will never change DAB's views on some issues and motions. Moreover, it is hoped that Members

PRESIDENT (in Cantonese): Mr IP, I am sorry. Please wait a minute. Mr LAW Chi-kwong, is it a point of order?

MR LAW CHI-KWONG (in Cantonese): Would you please clarify the meaning of "blackened other Members' reputation"? Which one of my sentences have blackened someone's reputation?

PRESIDENT (in Cantonese): Mr IP Kwok-him, do you want to reply?

MR IP KWOK-HIM (in Cantonese): I am not prepared to reply.

PRESIDENT (in Cantonese): Please go on.

MR IP KWOK-HIM (in Cantonese): and the DAB's views will not change because of Mr LAW's little tricks. I do not wish that whenever a Member moves an amendment to a motion, the mover of the original motion would put the label of bad names such as "political pilferer" on him or her. I do not wish to see the spread of such despotic behaviour in the Council. Thank you, Mr President.

MR MICHAEL HO (in Cantonese): Mr President, I would like to discuss several key points on today's motion. On the realm of the process of delivery and services, first of all I will speak about psychiatric community care which has significant influence on the overall aftercare services.

Concerning the arrangements for psychiatric community care, there are at least two areas which are worth our discussion. Firstly, it is the charges. I do not mean that the charges are too costly. Nonetheless, this policy of charges has actually made many mental patients reluctant to receive this kind of service. They would directly tell community nurses, "Do not come to visit me, for you charge me money for the visit." They are unwilling, and many people are unwilling, to pay \$55.

Secondly, this pattern of charges is not cost effective at all and the Hospital Authority is discussing this matter with the Treasury.

Mr President, I have on hand a table embracing some data on the visits made by psychiatric community nurses of the Hospital Authority in 1996. It has been put on the tables of all of you by the Secretariat. There were altogether 19 923 visits. Of the 20 000 visits, only 9% or 1 811 visits could collect the full charge of \$55. Moreover, there are eight modes of charges including full charge, reduced charges, bills, charges reduced by medical social workers, charges reduced by staff of the Hospital Authority, civil servants, retired civil servants and Comprehensive Social Security Assistance recipients. Under the charge reduction category of the eight modes, there are 50% reductions charging only \$27, or \$20, \$15 or even \$5 charges. If Mr KWONG Ki-chi were here, he would have reckoned that a \$5 charge would mean "great losses". The whole process starts with nurses issuing receipts after collecting charges, and then sending the money to nursing officers for checking and recording the amounts before sending them to the hospital cashier office for ledger entries. What is more, the manpower in the Treasury has not been taken into account, so a \$5

charge means a total loss. I hope the Government and the Hospital Authority can make improvement in this aspect as soon as practicable.

Community nurses working in some psychiatric hospitals, during my discussion with them, estimated that the time spent on collecting and recording charges accounted for 7 to 10% of their total working hours. According to their estimate, without such charge collection work, the staff of each centre (at present, there are altogether 10 centres) can visit three to four additional patients each day and dozens more patients can therefore be visited by staff of these 10 centres each day. As there is a shortage of hands on the one hand, whereas we wish to improve services on the other, it deserves government consideration to the above.

In fact, the aftercare services or the "community-based" services mentioned by the Honourable Miss CHAN Yuen-han have room for improvement. Let us look at the monthly number of patients who fail to attend follow-up appointments on schedule. Those who fail to attend appointments on schedule may never attend the appointments again until they are re-admitted to hospital because of relapses. Every month, there are roughly 1 000 patients of this kind, accounting for about 10% of the total number of patients requiring follow-up consultation. Mr President, if we are able to step up aftercare services, we can help these patients receive better care in order to reduce their chances of relapse.

Furthermore, half-way houses and long-stay care services are among those which need improvement. Half-way houses have been developed satisfactorily. However, I hope members of the general public will be educated to the effect that they will further accept the work on ex-mental patients. Nonetheless, long-stay care homes pose a big problem. These homes are very selective. They require that the patients be rehabilitating well, not be mentally handicapped and know how to take care of themselves. A retired government officer described the selection of elderly women to the long-stay care homes as being comparable to the selection of Miss Hong Kong. If the elderly women are able to take care of themselves without assistance, they do not have to stay at the long-stay care homes at all. Mr President, I hope that care homes to be established in future can relax their requirements. Probably some people can neither return home nor really integrate into the community. They cannot even do jobs such as assembling plastic flowers or rolling cotton balls, yet they are considered having no need to be institutionalized.

Many Honourable colleagues have already mentioned out-patient clinic services on holidays and evenings. I also hope that these services can be introduced as soon as possible. Now only doctors of general out-patient clinics are available on holidays. It is necessary to make improvement in this area. As for the families of patients, I hope that they will be given better support.

Perhaps I would like to spend a little time responding to some opinions of the Democratic Alliance for the Betterment of Hong Kong. When we said that we did not wish to have today's amendment, we did not mean to deprive Members' power of proposing amendments. The power is still here. We should debate here in case of divergent views. However, it is undesirable to make some unnecessary amendments and rephrasing. I totally do not mind genuine amendments to the contents and they can be debated here. However, now it is rephrasing instead of amending the contents. The amendment made by the Honourable Miss CHAN Yuen-han only changed "allocating more resources" into "increasing" and the English version remains the same. When Miss CHAN Yuen-han just now made a speech, she also used the phrase "allocating more resources". You may refer to the cassette tape if you do not believe me. On "aftercare services", at that time she referred to them as "sustained care services".

Mr President, we welcome any amendment if it is really substantial in content. We also hope to have a very constructive debate but we do not wish to have a debate merely on rhetoric.

Mr President, I so submit.

DR JOHN TSE (in Cantonese): Mr President, tonight's subject is "Services for Mental Patients". However, the inadequacy of services for mental patients is, in fact, nothing new. Everybody knows that mental patients and ex-mental patients encounter relatively great difficulties in integrating into the community. Why would it be so difficult? In my opinion, there are two reasons. Firstly, it is due to insufficient funds from the Government and incomprehensive services as well as the absence of a general orientation for the development of rehabilitation services. Secondly, some members of the public, political groups, district leaders and even Legislative Councillors are opposed to ex-mental patients' integration into the community in a certain form.

Mr President, I would like to quote an example to show how small a sum the government appropriation is. This example is about elderly people's suicide cases. Committing suicide is of course psychiatric behaviour. According to the figures published by the Government, every year, more than 200 elderly people end their own lives. To my estimate, there is at least one such case every day. I have actually underestimated the real figures because I have not taken elderly people's chronic suicide into account. Elderly people's intentional refusal to take meals and consult doctors and their drinking only small quantity of water are a kind of chronic suicidal behaviour. As elderly people's suicide is a very serious problem as well as an adverse record of Hong Kong, the territory should regard it as a disgrace.

Why do elderly men and women hang themselves? There are two reasons instead of one for this. Firstly, there is insufficient support, particularly financial support. Please allow me to quote some figures from the United States. Over the past few decades, the suicide rate of American elderly people has kept on declining and only one reason has so far been found, that is, the continuous increase in support. I take this opportunity to call on the Government to help the elderly by giving them financial assistance, the Comprehensive Social Security Assistance (CSSA) in particular. By doing so, it is highly likely that the suicide rate of the local elderly will fall.

Secondly, many elderly people are suffering from melancholia. In fact, melancholia is quite common among the elderly people in Hong Kong, with 40% of the elderly confronting with the problem. Unfortunately, members of the public and even professionals know little about melancholia and the elderly people seldom use community services or post-rehabilitation services. Their use of suicide prevention services is even lower, the rate being below 0.5%. Moreover, the Government has not done very well in this aspect. It gives no subsidies to area concerning elderly people's suicide, particularly to the suicide prevention services. I would like to take this opportunity to call on the Government to allocate more resources for the suicide prevention services on the one hand and raising the amounts of CSSA for the elderly on the other. Such moves are essential.

The amendment moved by the Honourable Miss CHAN Yuen-han mentioned the "community-based" concept. I hope that Members will not say

one thing but practise another by way of verbally supporting the "community-based" rehabilitation principle but performing "constituency-based" deeds. Of course, it is understandable and correct for an elected Member to "base on a constituency". However, Members must not blindly support something and some acts that are wrong in opposition to "community-based" rehabilitation services. Politicians must have political courage and moral. By political moral, we mean the ability to tell right from wrong. What is called political courage means having no fear of danger and doing dauntlessly the things that he or she thinks to be correct. From these two points, we can group people or Members into four categories. People or Members who do not have political moral but have political courage are the worst. Though they are unable to tell right from wrong, they have the courage of doing wrong things. People who neither have political moral nor political courage are the most useless ones.

PRESIDENT (in Cantonese): Dr John TSE, please speak on the subject.

DR JOHN TSE (in Cantonese): I am speaking on the subject because I am

PRESIDENT (in Cantonese): Grouping patients into categories can be said as relevant to the subject. How can grouping Members into categories be said as relevant to the subject? *(Laughter)*

DR JOHN TSE (in Cantonese): Please allow me to continue

PRESIDENT (in Cantonese): Unless Members are mental patients *(Laughter)*.

DR JOHN TSE (in Cantonese): However, the possibility that some may suffer from the illness in future cannot be ruled out. Those who have neither political moral nor courage are the most useless ones. They are small potatoes who act in a sneaky way

PRESIDENT (in Cantonese): Dr TSE, please speak on the subject.

DR JOHN TSE (in Cantonese): Well, speaking on the subject, I hope that Members and Hong Kong residents are people with political moral and courage, for such people are the best who are able to distinguish between right and wrong and who do what they think are right. Society needs these Members who have political moral and courage. Many people have adopted double standards by supporting rehabilitation services but preferring such services not being provided in their districts. I hope that there will no longer be this kind of attitude because this will result in the absence of all the services. In fact, mental patients need the Government's provision of more quality services. Moreover, they are badly in need of the support of Members, particularly the support of the Members belonging to their districts. I hope that tonight, Members can be people with political courage and moral by supporting the Honourable HUANG Chen-ya's motion. Thank you, Mr President.

PRESIDENT (in Cantonese): I now invite Dr HUANG Chen-ya to speak on the amendment. Dr HUANG, you have five minutes to speak.

DR HUANG CHEN-YA (in Cantonese): Mr President, the motion that I move today is the outcome of the discussion with mental patients, their families, voluntary organizations and medical workers for several months. It is a pity that there is nothing original in the amendment proposed by the Honourable Miss CHAN Yuen-han. Moreover, I do not know whether it is because of her misunderstanding my wording or her own intention, she deleted the demand for "improving the process of service delivery, interface of services and aftercare". The demand and hope of many patients and service providers will not be materialized if Miss CHAN's ambiguous and sweeping amendment is carried.

Miss CHAN said that her amendment had won the support of patients and their families and the people in the welfare sector. I dare not say that Miss CHAN "is lying". However, I would like to point out that I used the words "aftercare" and "interface" in my motion as strongly requested by the patients' families and service providers. I do not understand why such a schizophrenic question would emerge. I do not know the truthfulness of Miss CHAN's statements. I nevertheless want to know why Miss CHAN did not discuss with the patients' families and professionals in order to understand the meaning of the demand beforehand? If she had got the true picture, she would have realized that these are critical details, without which community-based rehabilitation services would be void.

The issue of psychiatric services cannot be solved simply by allocating more resources. If Members understand the meaning of improving the process of service delivery and interface of services and realize the meaning of these words, they will know that additional resources alone cannot replace them. Streaming enables patients with urgent needs to obtain services earlier to avoid mishaps. This system can make the best use of everything and can give adequate and proper care to patients in different states of illness in a more effective way. An increase in resources such as manpower and facilities without additional consultation hours for the convenience of patients can never tackle the difficulties faced by the working patients. If there are no benchmarks for quality control, the results of treatment and rehabilitation may not be up to standard. Poor interface and inadequate "aftercare" will result in the patients' staying in hospitals or half-way houses for years without being released, or even result in the patients' repeated admittance to and discharge from hospital without full recovery. In view of the above, deleting these key phrases will turn the so-called "community-based" rehabilitation into empty talks in coherence with the consistent style of work of the Democratic Alliance for the Betterment of Hong Kong (DAB) of verbally helping kaifongs but actually betraying them and framing them up. As for

PRESIDENT (in Cantonese): Mr IP, is it a point of order?

MR IP KWOK-HIM (in Cantonese): I would like to elucidate if what Dr HUANG just now said about the DAB's "framing up of kaifongs" violates Standing Orders?

PRESIDENT (in Cantonese): Dr HUANG Chen-ya, do you mean Members of this Council from the DAB?

DR HUANG CHEN-YA (in Cantonese): I mean the DAB.

PRESIDENT (in Cantonese): Are Members of this Council from the DAB included?

DR HUANG CHEN-YA (in Cantonese): If they want to sit in the right seats, I cannot stand in their way.

PRESIDENT (in Cantonese): It is not a matter of what they think they are. The question is whether you point at them?

DR HUANG CHEN-YA (in Cantonese): I mean that the party of the DAB has done so. If some people want to sit in the right seats, I cannot stand in their way.

PRESIDENT (in Cantonese): I am asking you a plain question. Do you mean the incumbent Members of this Council from the DAB?

DR HUANG CHEN-YA ((in Cantonese): Of course, there are Members from the DAB in this Council.

PRESIDENT (in Cantonese): You must answer yes or no.

DR HUANG CHEN-YA (in Cantonese): Whether they have performed that kind of deed of the DAB, they can, for themselves,

PRESIDENT (in Cantonese): Dr HUANG Chen-ya, please answer my question. My question is a very direct one asking you whether you mean all Members or one of the Members from the party called the DAB. If you mean that in your mind

DR HUANG CHEN-YA (in Cantonese): I do not mean anyone.

PRESIDENT (in Cantonese): If you do not mean that in your mind, please say so.

DR HUANG CHEN-YA (in Cantonese): I mean the Party, not a person.

PRESIDENT (in Cantonese): However, that Party operates in this Council. Do you mean any Member of this Council from the DAB?

DR HUANG CHEN-YA (in Cantonese): I do not mean any Member.

PRESIDENT (in Cantonese): All the Members?

DR HUANG CHEN-YA (in Cantonese): I mean that Party. I do not mean all the Members. I mean the Party called the DAB.

PRESIDENT (in Cantonese): Members, my ruling is

DR HUANG CHEN-YA (in Cantonese): I mean the Party, the Party called the DAB.

PRESIDENT (in Cantonese): Members, my ruling is that if the words "betrayal" and "frame-up" were used for describing Members conducting these activities, they are insulting and offensive ones. I therefore hope that Dr HUANG Chen-ya can make it clear that he does not mean Members of this Council or that he will withdraw his statement.

DR HUANG CHEN-YA (in Cantonese): I mean the Party and Organization called the DAB and I did not use the word "Members".

PRESIDENT (in Cantonese): But I am asking you: do you mean any single Member or all the Members of this Council from the DAB?

DR HUANG CHEN-YA (in Cantonese): As what I said, Mr President, I mean the Party, the Organization itself. I did not say it was Members. I do not know whether every Member from the DAB follows the Party's instructions in doing certain things. I am therefore unable to confirm or deny their business.

PRESIDENT (in Cantonese): Dr HUANG Chen-ya, I ask you to elucidate whether you mean Members and I do not ask you to explain the meaning of what you just now said.

DR HUANG CHEN-YA (in Cantonese): I mean the Party and not the Members.

PRESIDENT (in Cantonese): Did not you mean any one Member of this Council from the DAB?

DR HUANG CHEN-YA (in Cantonese): I do not mean any one of the Members.

PRESIDENT (in Cantonese): Please continue.

DR HUANG CHEN-YA (in Cantonese): As regards the support for patients' families, it gives no cause for criticism on the face of it, but the thinking is out of line with and lag behind modern concepts. If Miss CHAN had consulted the patients or professionals, she would have known that the modern psychiatric nursing concept considered family participation in helping patients to rehabilitate an important and integral segment of the whole course of treatment. What I stress is not support, but empowering the patients' families to take part and assist in the course of treatment. This includes connection with the patients' families in the whole process so that they can help monitor the patients' state of illness, ensure that the patients will take drugs and attend follow-up appointments and give the patients support for overcoming difficulties. If Miss CHAN can really amend the motion, I hope that she will question herself whether her successful sly trick does treat those victimized fairly? The so-called "community-based" rehabilitation services placing no emphasis on "aftercare", "process of service

delivery" and "interface" would, like the experience gained by many places in the world, be detrimental to mental patients. I call on Members to oppose Miss CHAN's amendment.

MR ERIC LI (in Cantonese): Mr President, originally I was not prepared to speak, but I now wish to say a few words. Though there are very many good and specific suggestions in today's debate showing Members' great concern over the whole subject, the entire debate is after all to my disappointment.

Today, I find that there were much fault-finding and criticism among Members who spoke impetuously in the debate. I have talked with one to two Members showing my wish that the result of the voting on this issue must not fail to live up to the expectations of the large number of members of the public petitioning to us today. During the final vote, we should not cast our votes simply by basing on what amendment was moved by which Member or which political party. We should make our decision by basing on the subject of the debate. It is hoped that we can truly and wholeheartedly cast our votes for the people we are serving.

Thank you, Mr President.

MR CHAN KAM-LAM (in Cantonese): Mr President, we who belong to the Democratic Alliance for the Betterment of Hong Kong (DAB), like other Hong Kong residents, sympathize with ex-mental patients and have great sympathy for their experience and their coming to the present stage of life. Moreover, we condemn society for showing inadequate concern about them, in particular, the insufficient resources and manpower allocated by the Government. I believe we, like all of you, have urged the Government to make more efforts in this area. For example, we consider that in such an affluent society, it is imperative for the Government to give the needy more support or for members of the public to be more concerned about them.

Regarding today's subject, I am sure we have a common goal of urging the Government to do more on helping mental patients integrate into society. Unfortunately, this debate originally concerning about people's livelihood has turned into a very political argument. This is particularly the case when some Members have made personal attacks or have even attacked the DAB viciously,

condemning us for "betraying kaifongs", "framing up kaifongs", and so on. In this Council, there are six Members from the DAB representing the Party to express its views in the Council. Even though the Honourable HUANG Chen-ya said he did not mean any one of us, in fact we feel insulted and offended. It is true that under our Standing Orders, we are not allowed to give any ruling on what Dr HUANG just now said. However, I still consider that such behaviour would do substantial harm to the Council's future operation. Just now the Honourable LAW Chi-kwong said Members should have mutual respect. In my opinion, apart from promoting this culture of mutual respect within our parties, we should also take genuine action to respect one another. As a matter of fact, it is a usual Council culture for any Member to make an amendment to a motion. Over the past two years, Members from the Democratic Party have made amendments to other Members' motions for many times, but we have never seen Members launching any personal attack against their amendments.

Actually, I have strong feelings that Mr LAW Chi-kwong is particularly unhappy with some amendments. He pointed this out at the first sitting of this term of the Council and this has left a deep impression on me. I nevertheless hope that he will take a peaceful attitude towards this kind of Council culture. As a matter of fact, everyone has the right to amend a motion at a Council meeting. The Democratic Party exercises this right customarily and we have never lodged any complaint against such practice. Moreover, it is the intention of the DAB to support Dr HUANG Chen-ya's motion if the amendment of the Honourable Miss CHAN Yuen-han is negated. Just like our attitude towards a previous motion, we take a practicable and realistic attitude towards every motion debate.

Mr President, originally I had no intention to respond to Mr LAW Chi-kwong's criticism, for he totally misunderstood the Laguna City case. As a matter of fact, at that time I comprehended the residents' worries over ex-mental patients. We must reiterate that we have to understand that as long as the residents have not yet fully accepted this kind of services, their worries exist, but we should not describe such worries as discrimination. As services provided on the basis of the concept of "integrating into the community" have a short history in Hong Kong, we must make a certain kind of concept regarding services acceptable to other residents before implementing it. While it is implemented, we must spend sufficient time explaining it to or consulting residents. In Kwun Tong alone, we know that there were the incident of Hong Ning Road Half-way House in the late 1980s and the Laguna City incident in early 1990s. These

incidents showed that the government departments concerned had failed to seek full consultation while implementing such measures.

Mr President, I think we must treat everyone in society fairly. Though we are much concerned about ex-mental patients, we also have to be concerned about social acceptability to this kind of services. Moreover, we must fully understand what kind of worries they have while confronting such a problem, and then find the solutions to the problem. I can say that on the Laguna City issue, though we had Legislative Councillors representing that district, they nevertheless did not have a firm stand or a real understanding of the needs and wishes of the residents. Though I was not a District Board Member of that district, I nonetheless spent considerably long time on patiently persuading the residents to accept the service. I even acted as a bridge between the Government and local residents for negotiation and discussion and finally the problem was solved. I am sure that the key function of Members is to become a bridge between the Government and the residents rather than just doing things in their own way, as some Members have said.

Thank you, Mr President.

MR FREDERICK FUNG (in Cantonese): Mr President, originally I had no intention to speak either, for the Honourable MOK Ying-fan has already expressed our attitude and stance on behalf of us, Members from the Hong Kong Association for Democracy and People's Livelihood, (ADPL). In the legal principle, Members are allowed to move an amendment in every discussion or in a motion debate with no restraint on Members. I nevertheless find that if there is no big difference between the amendment and the original motion, it is most desirable to come to a compromise by approaching the mover of the original motion to see if it is possible to add one to two words and for the mover of the original motion to rephrase the motion. Of course, human beings and political parties may not communicate well among themselves.

Regarding this issue, in my opinion, a non-professional, there is only one different point between the original motion and amendment, that is, the Honourable Miss CHAN Yuen-han has deleted "to improve the process of service delivery and strengthen the interface of the services" from the motion moved by Dr the Honourable HUANG Chen-ya and added "as well as community-based rehabilitation services". To me, a non-professional, the

above two points are compatible rather than contradictory. In fact, similar cases happened in the past when we amended other Members' motions or when other Members amended our motions. When moving an amendment, a Member of course thinks that his or her version is the best, but the Member cannot do anything if other people find it unacceptable. I have therefore criticized some unnecessary amendments in my speeches on the principle of "correcting the mistakes, if any, and keeping the good record if none has been committed". However, I do not quite agree to criticism voiced in an abusive way because it contravenes the most important spirit of Council debates. As such criticism would easily become an insult to others, it is not too worthwhile and necessary to do so. On this issue in particular, I think we should not overtax our nerves, hurt others and adversely affect our friendship. When we saw the petitioners outside the building, we talked and shook hands with them, saying that we would give these ex-mental patients support, whereas we are attacking one another violently in the Council. I think that this is a disservice to them. Moreover, it is not worthwhile if both are negated just like the previous motion. I therefore call on our Honourable colleagues to have either the motion or the amendment carried, whether they support the amendment or not.

Regarding the ADPL, as I said just now, since I am not a specialist in handling ex-mental patients, I would assume what Dr HUANG Chen-ya means, "improving the process of service delivery and strengthening the interface of services" should be taken as a procedure and emphasis on medical services from a professional point of view. As for Miss CHAN Yuen-han's amendment, that is, "as well as community-based rehabilitation services", as I guess it, puts the emphasis on post-treatment rehabilitation and community's acceptance of mental patients. Since there is no big difference between them, I will support the motion of Dr HUANG Chen-ya and abstain from voting on the amendment moved by Miss CHAN Yuen-han. No matter how I vote, I hope that my words can reduce some differences between the two parties even though not all of the differences can be ironed out. Anyway, this is a subject neither for declaration of political stand, political contradiction and political conflicts, nor for political trial of strength. I hope that we can be united together to support ex-mental patients.

Thank you.

DR YEUNG SUM (in Cantonese): Mr President, originally, I was really not prepared to speak on this subject. However, just now the Honourable Frederick FUNG said that this was not a trial of political strength. Of course, this is an issue concerning care for mental patients rather than a trial of political strength. The Honourable HUANG Chen-ya has all along been concerned about the follow-up on this issue and has done a lot in this area. He therefore considers some amendments unnecessary and might have used some rather strong words.

Just now Mr FUNG said he did not understand why it should be so. I would like to take this opportunity to make things clear. Regarding community care, we must mention "the process of service delivery" and "aftercare"; otherwise, it cannot really be described as "community-based". Maybe you can have a clearer picture on this. Perhaps basically speaking, the two matters are actually one and it is only a matter of terms. It seems that the amendment is used to make changes and as a result, sometimes certain things become unnecessary. The Honourable LEONG Che-hung therefore just now rose to say that he had also found this kind of amendment unnecessary. We show great respect for Members' proposals of amendments. However, sometimes if certain amendments are made unnecessarily, it will become playing with words. It is after all a good thing if we can try every means to make avoidance in this aspect after this incident. Just now I also considered that since Dr HUANG Chen-ya had followed up this issue for a long time, it was understandable that some of his statements were rather strongly worded because he had found someone moving an amendment all of a sudden, whereas there was nothing special in it.

Thank you, Mr President.

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Mr President, today I thank Dr the Honourable HUANG Chen-ya for moving a motion on "Services for Mental Patients" and the Honourable Miss CHAN Yuen-han for moving the amendment. I am sure that the motion has aroused public concern about the provision of services for mental patients. I agree that at present, the interface of services has not achieved the most desirable results mainly because of the inadequacy of the existing community rehabilitation service facilities, the long waiting time and the failure to render longer follow-up services to every discharged patient by the staff responsible for referrals. We will give careful consideration to Members' suggestions and will increase manpower and the number of places for service recipients, strengthen the training given to the staff

responsible for referrals and improve the process of service delivery in line with various demands for services in a bid to strengthen the interface of services, so as to provide mental patients with comprehensive and continual medical and community rehabilitation services.

Correct understanding and use of all kinds of medical and community rehabilitation services on the part of mental patients, ex-mental patients and their families will improve the existing interface of services. I would like to take this opportunity to introduce to Members and members of the general public the services provided for them. Mental illness is of a chronic nature which requires long-term treatment including in-patient psychological and medical treatment, post-discharge community care, psychological counselling and skill training, as well as continual control of state of illness by medication. In view of the above, the services provided by the Government aims at catering for their various needs.

In-Patient Service

Regarding medical rehabilitation, under the Hospital Authority, there are three psychiatric hospitals and seven other hospitals with psychiatric wards. Over the past few years, there has been marked improvement in the services provided by these hospitals. The number of hospital beds has increased from 4 100 in 1992 to 5 000 in 1997. Moreover, the first phase of the big project of redevelopment of Castle Peak Hospital was completed in 1996 and other phases of the project will commence in the near future. Upon completion of the whole project, the environment of the wards in the hospital will be markedly improved to give patients more room to move around. The medical facilities there will also be improved correspondingly. The numbers of psychiatrists and psychiatric nurses have also respectively increased from 100 and 1 600 in 1992 to 170 and 2 000 in 1997.

At present, medical and nursing staff and social workers at hospitals give patients proper guidance prior to their discharge to impart to them more knowledge of society and teach them how to take care of themselves in order to enhance their social life techniques and skills, so as to enhance their adaptability to the community. The Hospital Authority will make regular reviews on the results of preparations for discharge.

Day Hospital Service

Some of the discharged patients need day nursing care and continual domiciliary support, so arrangements have been made for them to receive day hospital service. Such kind of service can maintain links between patients and society to facilitate their integration into society on the one hand and reduce the patients' need for long stay in hospital on the other so as to better utilize hospital beds. This year, the psychiatric departments of hospitals provide a total of 600 places for this kind of service.

Out-patient Clinic Service

The mental patients requiring no in-patient service, including the discharged patients, can receive out-patient service at the 17 psychiatric specialist clinics under the Hospital Authority. The average waiting time for the first appointment in out-patient clinics is nine weeks and the waiting time for follow-up appointments, depending on the conditions of the patients, is four to 12 weeks on an average. The clinics have adopted the streaming system to enable patients in relatively serious conditions to receive consultation within a short period of time. The Hospital Authority will follow up mental patients failing to attend consultation on schedule by phone calls and home visits to ensure that doctors can follow up their conditions so that they can receive proper treatment as early as possible.

During consultation, a doctor will decide the consultation time according to individual patients' actual needs and conditions. If a patient attending follow-up consultation is in stable conditions, the doctor does not have to extend the consultation time sedulously. By the same token, a doctor prescribes medicine mainly according to the patient's conditions. Doctors will also give careful consideration to the side effects and real curative effects produced by new drugs. The Drug Committee under the Hospital Authority has kept on making researches and analyses on the drugs used by hospitals, formulating strategies and helping doctors to select drugs which are cost-effective on the one hand and produce curative effects and little side effects on the other.

Regarding Members' demand for the Hospital Authority to extend the consultation hours of out-patient clinics, we fully understand that such arrangements can really make things easier for mental patients and their families. Moreover, the arrangements will also enable doctors to get more information about the conditions of patients from their families to the advantage of diagnoses.

We will begin to study the allocation of manpower and resources in order to consider if relevant pilot schemes are feasible.

Community Nursing Care

The Hospital Authority, apart from providing psychiatric in-patient, out-patient and day hospital services, is also extensively developing a number of community rehabilitative nursing and outreaching services by providing continual medical and nursing services outside hospitals to help ex-mental patients re-integrate into society. The 13 psychiatric community nursing service centres under the Hospital Authority, through home visits, provide rehabilitative nursing services for mental patients referred by hospitals or out-patient clinics. Community nurses will assess and follow up patients' conditions and provide them with nursing services such as checking if the patients take drugs on schedule and imbuing the patients and their families with mental health education.

Outreaching Service

At present, the Hospital Authority has four community psychiatric teams comprising psychiatrists, community rehabilitation nurses, psychotherapists, occupational therapists and medical social workers. The teams visit patients in rather unstable conditions regularly to give them comprehensive and appropriate treatment and assistance such as occupational therapy and psychological counselling. The teams also send their staff to visit ex-mental patients' homes, half-way houses, sheltered workshops and their working places regularly to follow up their conditions. The teams, whenever necessary and with the consent of ex-mental patients, keep in contact with their families, employers, Housing Managers and co-tenants in order to give them appropriate support. Beginning from May this year, we shall have a new community psychiatric team to serve Hong Kong Island. To cater for the needs of the elderly patients, the Hospital Authority has set up eight additional community psychogeriatric teams to provide psychogeriatric patients and their carers with corresponding services.

As the outreaching service has been developed for only three to four years and under gradual expansion, its mode of operation can be said as remaining at the initial stage. The Hospital Authority will assess the scope and interface of the community-based services to ensure proper use of resources. The

Government will continue to pay close attention to ex-mental patients' demand for the service and will allocate more resources for expanding the service in line with the needs.

Residential and Aftercare Services

As for community rehabilitative services, we allocate half-way house and long-stay care home places to the discharged patients who are unable to live with their families or to live independently immediately after discharge. At present, there are more than 1 000 half-way house places and in the coming four years, the number will increase by 240. We now have 570 long-stay care home places. The construction of two long-stay care homes to provide a total of 400 places will be completed in 2000. We will keep on reviewing the residential service in a bid to better reflect the needs of ex-mental patients.

We also provide ex-mental patients released from half-way houses with the aftercare service to help them adapt to the new living environment. Though the number of social workers rendering this service is unable to satisfy present demand, we will keep on striving for more resources in order to increase the number of social workers rendering aftercare service.

Day Service

Other than the residential service, the day service is also an important part of psychiatric rehabilitation services. At present, we have 180 places at the activity centres for ex-mental patients. This kind of service provides discharged mental patients training of social life techniques and occupational skills so as to enable them to look after themselves in various aspects of daily life. The Social Welfare Department will in the latter part of this year review the operational effects of and demand for activity centre service.

Ex-mental patients are also entitled to the sheltered workshop service for various kinds of disabled people. There are 6 000 sheltered workshop places. It is estimated that 1 500 ex-mental patients are working at these workshops. In the coming four years, there will be 1 480 additional places.

The supported employment programme, a new kind of service introduced in 1995, helps the disabled earn a living in the open job market through training

and on-the-job support. Last year, there was a significant increase in the number of places in the supported employment programme from 360 to 950. At present, about 300 ex-mental patients are receiving such kind of services.

Supporting Services

For the rehabilitation of mental patients, family care and support are as important as the various rehabilitative services just now mentioned. In future, we will step up educating and counselling their families and relatives. This includes the establishment of parents resources centres and other supporting services such as medical social worker and domiciliary services to intensify their roles as carers in order to enable them to help their next of kin rehabilitate in a more effective way, and to make them understand that in the absence of their participation and care, the above-mentioned outreaching, community rehabilitation and aftercare services, and so on, will not achieve the desired results of preventing relapses.

Public Education

I am sure Members will agree that public acceptance is of vital importance to the rehabilitation of mental patients. Over the past few years, thanks to public education and various kinds of publicity activities, public attitude towards the disabled has changed. Undeniably, some people still keep a wary eye on and have a misunderstanding of ex-mental patients. In view of the above, we will keep on conducting public education activities to make members of the general public understand the importance of mental health and to imbue them with more knowledge of mental illness. We will make every effort to publicize the importance of social harmony and negate the discriminatory and repulsive attitude towards the weak, including mental patients. Moreover, we also wish to promote this kind of spirit to work for the establishment of a harmonious and fair society with mutual care and aid for Hong Kong.

Thank you, Mr President.

Question on Miss CHAN Yuen-han's amendment put.

Voice vote taken.

The President said he thought the "Noes" had it.

Mr CHAN Kam-lam claimed a division.

PRESIDENT (in Cantonese): Council shall proceed to a division.

PRESIDENT (in Cantonese): I would like to remind Members that they are now called upon to vote on the question that the amendment moved by Miss CHAN Yuen-han be made to Dr HUANG Chen-ya's motion.

Will Members please register their presence by pressing the top button and then proceed to vote by choosing one of the three buttons below?

PRESIDENT (in Cantonese): Before I declare the result, Members may wish to check their votes. Are there any queries? The result will now be displayed.

Mr Edward HO, Dr LEONG Che-hung, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr IP Kwok-him and Mr NGAN Kam-chuen voted for the amendment.

Mr Martin LEE, Mr SZETO Wah, Mr CHEUNG Man-kwong, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr James TO, Dr YEUNG Sum, Mr WONG Wai-Yin, Mr Andrew CHENG, Dr Anthony CHEUNG, Mr Albert HO, Mr LAU Chin-shek, Mr LAW Chi-kwong, Mr LEUNG Yiu-chung, Miss Margaret NG, Mr SIN Chung-kai, Mr TSANG Kin-shing and Dr John TSE voted against the amendment.

Mr Frederick FUNG, Mr Eric LI and Mr Bruce LIU abstained.

THE PRESIDENT announced that there were seven votes in favour of Miss CHAN Yuen-han's amendment and 19 against it. He therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Dr HUANG Chen-ya, you are now entitled to reply and you have two minutes 23 seconds out of your original 15 minutes.

DR HUANG CHEN-YA (in Cantonese): Mr President, I would like to thank Members for their support of today's motion. As for the issue, Members have made it clear to the Government that patients are badly in need of out-patient clinic services on holidays and evenings, and that regarding outreaching services, it is necessary to give the families organizations and family members of patients support and make family members capable of helping patients to recover. Moreover, there should be additional and improved half-way houses, out-patient clinic services and manpower. I hope that the Secretary for Health and Welfare, after hearing the above, will make improvement in the review. At this juncture, I should mention Dr the Honourable John TSE, who specially raised other issues such as the elderly people's suicide and melancholia cases that we have no chance to discuss. Of course, these are also important parts of psychiatry that should be improved.

I would like to thank the Secretary for Health and Welfare, the Department of Health and the Hospital Authority for their sincerity in improving the services in this aspect. I look forward to seeing arrangements and additional resources in this area in the Budget in the years to come so that the process of service delivery and interface of services can be improved and mental patients will enter a new era of good services.

Thank you.

Question on the original motion put and agreed to.

MEMBERS' BILLS

First Reading of Bill

HONG KONG BILL OF RIGHTS (AMENDMENT) BILL 1997

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

Second Reading of Bills

HONG KONG BILL OF RIGHTS (AMENDMENT) BILL 1997

MR LAU CHIN-SHEK to move the Second Reading of: "A Bill to amend the Hong Kong Bill of Rights Ordinance."

MR LAU CHIN-SHEK (in Cantonese): Mr President, I move the Second Reading of the Hong Kong Bill of Rights (Amendment) Bill 1997.

Strictly speaking, this Bill is not a piece of new legislation. It merely announces the exact legislative intention of section 3 of the existing Hong Kong Bill of Rights Ordinance.

According to section 3(2) of the Hong Kong Bill of Rights Ordinance, "All pre-existing legislation that does not admit of a construction consistent with this Ordinance is, to the extent of the inconsistency, repealed."

The meaning of the above-said provision is self-explanatory. That is to say, all "pre-existing legislation" inconsistent with the Hong Kong Bill of Rights Ordinance shall be abolished on the effective date of the Hong Kong Bill of Rights Ordinance so as to ensure that the legislation of Hong Kong does not go against the Hong Kong Bill of Rights Ordinance. The question as to what "pre-existing legislation" goes against the Hong Kong Bill of Rights is to be determined by the courts in future law-suits. Generally speaking, no matter whether the law-suit is between the Government and a private party or one among private parties, the court still ought to have the power to determine the legality of "pre-existing legislation" by virtue of section 3 of the Hong Kong Bill of Rights Ordinance.

However, the ruling of the Court of Appeal in a case gives section 3 of the Hong Kong Bill of Rights Ordinance a different interpretation. The Court of Appeal is of the view that, section 3 of the Hong Kong Bill of Rights Ordinance

cannot be relied upon to abolish "pre-existing legislation" if the dispute is among private parties because section 7 of the Hong Kong Bill of Rights Ordinance stipulates that the relevant provision only applies to the Government and public authorities.

According to many legal scholars, the interpretation of the Court of Appeal goes against the legislative intent of the Hong Kong Bill of Rights Ordinance and is also inconsistent with the provisions of the International Covenant on Civil and Political Rights. It might even give rise to many abnormalities. For instance, if the Government takes discriminatory actions on account of a piece of pre-existing discriminatory legislation, the Hong Kong Bill of Rights Ordinance is then being violated, and the court may declare that piece of legislation be repealed; if, however, discriminatory actions are taken by a private party on account of that piece of legislation, then the court has no power to declare that piece of legislation nullified. Obviously, this is most unreasonable.

I, therefore, purposely present this Bill to make it clear that the legislative intention of section 3 of the Hong Kong Bill of Rights Ordinance is applicable to all legislation, not just to the legislation applied by the Government or public authorities.

Mr President, with these remarks, I move the aforesaid Bill. Thank you.

Question on the motion on the Second Reading of the Bill proposed.

Debate on the motion adjourned and Bill referred to the House Committee pursuant to Standing Order 42(3A).

Resumption of Second Reading Debate on Bill

THE HONG KONG INSTITUTE OF HOUSING BILL

Resumption of debate on Second Reading which was moved on 19 February 1997

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

Bill read the Second time.

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

Committee Stage of Bill

Council went into Committee.

THE HONG KONG INSTITUTE OF HOUSING BILL

Clauses 1 to 5, 8, 11 and 12 were agreed to.

Clauses 6, 7, 9 and 10

MR EDWARD HO: Mr Chairman, I move the clauses specified be amended as set out in the paper circularized to Members.

It is noted that the existing Hong Kong Institute of Housing is referred to in clauses 6, 7, 9 and 10 of the Bill as the unincorporated Hong Kong Institute of Housing. Since the Institute was incorporated under the Companies Ordinance in 1988, it is therefore legally inaccurate to describe the Institute as unincorporated. The amendments as proposed will clarify the status of the existing Ordinance. Thank you.

Proposed amendments

Clause 6

That clause 6 be amended, by deleting "unincorporated Hong Kong Institute of Housing" and substituting "Hong Kong Institute of Housing, a company limited by guarantee incorporated under the Companies Ordinance (Cap. 32)".

Clause 7

That clause 7(2) be amended —

- (a) by deleting "unincorporated" where it twice appears.
- (b) by adding "as described in section 6" after "Housing" where it twice appears.

Clause 9

That clause 9(a) be amended —

- (a) by deleting "unincorporated".
- (b) by adding "as described in section 6" after "Housing".

Clause 10

That clause 10(1) be amended —

- (a) by deleting "unincorporated".
- (b) by adding "as described in section 6" after "Housing".

Question on the amendments put and agreed to.

Question on clauses 6, 7, 9 and 10, as amended, put and agreed to.

Third Reading of Bill

MR EDWARD HO reported that the

THE HONG KONG INSTITUTE OF HOUSING BILL

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

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

Bill read the Third time and passed.

ADJOURNMENT AND NEXT SITTING

PRESIDENT (in Cantonese): In accordance with Standing Orders, I now adjourn the Council until 2.30 pm on Wednesday, 7 May 1997.

Adjourned accordingly at thirteen minutes to Nine o'clock.

Note: The short titles of the Bills/motions listed in the Hansard, with the exception of the Trustee (Amendment) Bill 1997, Child Abduction and Custody Bill, The Open Learning Institute of Hong Kong (Amendment) Bill 1997, Factories and Industrial Undertakings (Amendment) Bill 1997, New Territories Land Exchange Entitlements (Redemption) (Amendment) Bill 1997, Inland Revenue (Amendment) Bill 1997, Inland Revenue (Amendment) (No.2) Bill 1997, Stamp Duty (Amendment) Bill 1997, Estate Duty (Amendment) Bill 1997, Traffic Accident Victims (Assistance Fund) (Amendment) Bill 1997, Merchant Shipping (Liability and Compensation for Oil Pollution) (Amendment) Bill 1997, Marriage and Children (Miscellaneous Amendments) Bill 1997, Hong Kong

Bill of Rights (Amendment) Bill 1997 and the Hong Kong Institute of Housing Bill, have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.