

**OFFICIAL REPORT OF PROCEEDINGS****Meeting of 23rd November 1966****PRESENT**

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)  
SIR DAVID CLIVE CROSBIE TRENCH, KCMG, MC  
THE HONOURABLE THE COLONIAL SECRETARY  
MR MICHAEL DAVID, IRVING GASS, CMG  
THE HONOURABLE THE ATTORNEY GENERAL  
MR DENYS TUDOR EMIL ROBERTS, OBE, QC  
THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS  
MR DAVID RONALD HOLMES, CBE, MC, ED  
THE HONOURABLE THE FINANCIAL SECRETARY  
MR JOHN JAMES COWPERTHWAITHE, CMG, OBE  
THE HONOURABLE ALEC MICHAEL JOHN WRIGHT  
DIRECTOR OF PUBLIC WORKS  
DR THE HONOURABLE TENG PIN-HUI, OBE  
DIRECTOR OF MEDICAL AND HEALTH SERVICES  
THE HONOURABLE ROBERT MARSHALL HETHERINGTON, DFC  
COMMISSIONER OF LABOUR  
THE HONOURABLE GEOFFREY MARSH TINGLE  
DIRECTOR OF URBAN SERVICES  
THE HONOURABLE ALASTAIR TODD  
DIRECTOR OF SOCIAL WELFARE  
THE HONOURABLE IAN MACDONALD LIGHTBODY  
DISTRICT COMMISSIONER, NEW TERRITORIES  
THE HONOURABLE TERENCE DARE SORBY  
DIRECTOR OF COMMERCE AND INDUSTRY  
THE HONOURABLE KENNETH JOHN ATTWELL  
ACTING DIRECTOR OF EDUCATION  
THE HONOURABLE DHUN JEHANGIR RUTTONJEE, CBE  
THE HONOURABLE KAN YUET-KEUNG, OBE  
THE HONOURABLE LI FOOK-SHU, OBE  
THE HONOURABLE FUNG HON-CHU, OBE  
THE HONOURABLE TANG PING-YUAN  
THE HONOURABLE TSE YU-CHUEN, OBE  
THE HONOURABLE KENNETH ALBERT WATSON, OBE  
THE HONOURABLE WOO PAK-CHUEN, OBE  
THE HONOURABLE GEORGE RONALD ROSS  
THE HONOURABLE SZETO WAI  
THE HONOURABLE WILFRED WONG SIEN-BING  
THE HONOURABLE ELLEN LI SHU-PUI, OBE

**ABSENT**

THE HONOURABLE JAMES DICKSON LEACH, OBE

**IN ATTENDANCE**

THE DEPUTY CLERK OF COUNCILS  
MR DONALD BARTON

**MINUTES**

The minutes of the meeting of the Council held on 26th October 1966 were confirmed.

**PAPERS**

THE COLONIAL SECRETARY, by Command of His Excellency the Governor, laid upon the table the following papers: —

| <i>Subject</i>                                  | <i>LN No</i> |
|---|--------------|
| Subsidiary Legislation: —                       |              |
| Waterworks Ordinance.                           |              |
| Waterworks (Amendment) Regulations 1966 .....   | 76           |
| Pharmacy and Poisons Ordinance.                 |              |
| Poisons (Amendment) Regulations 1966 .....      | 77           |
| Pharmacy and Poisons Ordinance.                 |              |
| Poisons List (Amendment) Regulations 1966 ..... | 78           |

Sessional Papers 1966: —

No 22—Annual Report by the Accountant General with the accounts of the Colony for the year 1965-66.

No 23—Annual Report by the Commissioner of Rating and Valuation for the year 1965-66.

No 24—Annual Report by the Director, Royal Observatory for the year 1965-66.

No 25—Annual Report by the Controller of Stores and Sand Monopoly for the year 1965-66.

No 26—Annual Report by the Commissioner of Inland Revenue for the year 1965-66.

Miscellaneous Paper: —

Code of Practice for Unregistrable Medical Practitioners.

**MEDICAL CLINICS (AMENDMENT) (NO. 2) BILL 1966**

DR TENG PIN-HUI moved the First reading of a Bill intituled "An Ordinance further to amend the Medical Clinics Ordinance 1963."

He said: —Your Excellency, I rise to move the First reading of a Bill intituled an Ordinance further to amend the Medical Clinics Ordinance 1963.

You will recall, Sir, that in accordance with an assurance given in this Council by my predecessor when he moved the First reading

of the Medical Clinics Bill—now the Ordinance—on the 31st July 1963, a Committee was appointed by Your Excellency in June 1965 to review this Ordinance, 18 months after it came into operation. On 18th May this year by command of Your Excellency I tabled the Report of the Advisory Committee on Clinics in this Council\*. I must again pay tribute to the Chairman of the Committee, my honourable Friend, Mr RUTTONJEE, for the very painstaking research done on this complicated problem of Charity Clinics in Hong Kong and the very thorough manner in which he and his fellow members considered its various aspects. It is in the light of the recommendations made by this Committee that we have to make amendments to the Medical Clinics Ordinance of 1963.

The Committee acknowledged that there was still a need for the services of unregistrable medical practitioners employed in those clinics which are helping to provide low-cost medical care for the people of Hong Kong and it recommended that they should be given further examinations and the status of "assistant medical practitioners" if they passed. After much deliberation, Government has reluctantly come to the conclusion that this recommendation is, at the present juncture, not practicable. Additionally the possibility of any qualifying examinations on the lines of those held by the Society of Apothecaries of London in Hong Kong in 1958, 1959 and 1960 had been exhaustively explored but it is abundantly clear that at present no such undertaking can be given by this or other examining body. Furthermore, I also received representations from organized groups of unregistrable medical practitioners. They also opposed having to take an examination which would simply maintain their present status and not lead to full registration. For these reasons, I have no alternative but to recommend to Government that for the time being the question of examinations should not be pursued.

Apart from this, Government accepts all other recommendations made by the Committee and amendments to the Medical Clinics Ordinance of 1963 are therefore necessary. The main object of the Bill is to extend for a further 3 years the power conferred on the Registrar of Clinics by the Ordinance to exempt a clinic from employing a registered medical practitioner. The Registrar's power to exempt registered clinics from annual re-registration will not, however, be extended, and this power will lapse when the Bill becomes law. The reason for this is that, in view of the extension for the further three years of the power to exempt from section 7, it is considered that all clinics should be required to re-register annually. Exemptions from annual re-registration which are in force when the Bill becomes law will remain valid until 1st January 1968.

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\* Hansard 1966 pages 294-5.

Although the Registrar's power to exempt from section 7 is being extended, there will be a substantial change in the basis on which such an exemption is granted. Hitherto, such an exemption, once granted, continued in force until the expiry of the period of three years from the commencement of the Ordinance (1st January 1964), unless it was cancelled under section 8(3). In future, such exemptions will be valid only for a year at a time and an amendment of section 11 provides for a right of appeal to the Governor in Council in cases where the Registrar refuses to renew an exemption.

In section 2 the word "clinic" has now been redefined so that registered doctors and dentists can use the Chinese version of it to describe their consultation rooms without bringing their premises within the terms of the Ordinance.

Section 7 has been altered to ensure, as far as possible, that the appointed registered medical practitioner is fully responsible for the direct medical management of a registered clinic, whereas at present, the registered medical practitioner is allowed to be associated with the clinic in a "supervisory capacity".

Section 8 has been repealed and replaced by several sections. After the 31st December 1967, the Registrar shall not grant any re-registration with exemption in respect of a mobile clinic. I shall have more to say on this particular aspect later. The Bill has made provisions for all existing exemptions to remain valid until 31st December 1967 but after that date all exempted clinics will be required to reregister annually which means that all existing exempted clinics should make application for re-registration during the first week of November 1967.

A major change with regard to conditions for re-registration with exemption is the introduction of a Code of Practice which will enable the Registrar to exercise a degree of disciplinary control over all unregistered medical practitioners employed in clinics. As regards the Code of Practice, the details of which I need not elaborate as it has been tabled today, it has always been in my mind that there is no reason why the unregistrable medical practitioners permitted to practise in these clinics should not observe similar ethical rules of conduct which are expected of the registered doctors and be guided by some measures designed to define the scope of their practice and to regulate their functions. These are also designed for the good of patients so that they may be protected from any malpractices on the part of the unregistrable medical practitioners. In future, annual re-registration with the exemption of any clinic will be conditioned by the observation of the Code of Practice by those persons practising medicine in clinics who are not registered medical practitioners. In the event of

a contravention of the Code on the part of any such person practising medicine in a clinic, the Registrar will be able to refuse to renew the exemption from section 7 granted in respect of that clinic, or to cancel the exemption at any time.

I would like now, Sir, to come back to the question of mobile clinics. It is clear that these vans are in most cases not only immobile but in a very poor state of maintenance. They cannot possibly be a substitute for proper consulting rooms where a doctor can see and treat his patients properly. The excellent photographs appended to the Advisory Committee's Report fully illustrate these points. By taking them off the road in or near resettlement and low-cost housing estates where they mostly congregate, no hardship will be imposed on the patients who make use of them because an alternative plan for providing low-cost medical care in these estates has been formulated by my Department. According to the recommendation of the Committee's Report we have estimated that we shall need 166 doctors to look after the 1,000,000 population in these estates at a ratio of 1 doctor to 6,000 persons. I would mention that these clinics will add to the facilities provided at the Government Clinics and Health Centres already located adjacent to many resettlement estates. The figure may be considered by some as not realistic but I must point out, Sir, that what is more important is the number of people likely to be sick rather than the actual total. From our statistics it would appear that the highest likely figure is a 4% sickness rate at any time which means that with the ratio of 1 doctor to 6,000 the doctor may have to attend to as many as 240 patients a day. It has been recommended that premises at an economic rent should be made available to be used as clinics in the resettlement and low-cost housing estates. I am glad to say, Sir, that both the Resettlement Policy Select Committee of the Urban Council and the Housing Authority have signified their agreement in principle with this policy and that discussions have taken place with the Commissioner for Resettlement and the Commissioner for Housing concerning the practical details. Other discussions have also taken place with the medical associations whose assistance has been sought in the implementation of the Committee's recommendation that priority in the allocation of these practices will be given to registered doctors; any vacancies will then be filled by unregistered medical practitioners. The main reason for giving priority to registered doctors is that the unregistrable practitioners are not allowed by law to perform certain functions such as prescribing dangerous drugs or signing death certificates and international certificates of vaccination against certain quarantinable diseases. A service operated by them only would therefore not be entirely comprehensive but they would certainly increase the facilities offered in these areas. It is hoped therefore that the existing mobile vans will then be replaced by static

clinics which will of course provide much more satisfactory accommodation than these dilapidated vehicles. I must reiterate that it is intended that after 31st December 1967 no mobile clinics will be registered with exemption from section 7. Accordingly, the Bill seeks to prohibit the Registrar of Clinics from exempting such clinics from section 7, and from renewing any such exemption, after that date.

In providing low-cost medical care in the resettlement and low-cost housing estates, a large number of registered doctors expressed interest in the original suggestion of the Advisory Committee when the Secretary circulated an enquiry in September 1965 while the Committee was sitting. We recently attempted to trace the 483 unregistered medical practitioners who passed the interviews by the Panel of Specialist in 1964 and found that 11 have emigrated, 4 have died, and 15 had taken other jobs. We were unable to trace 32 and one was disallowed to practise following proved misconduct. It would appear therefore that 420 are still employed in clinics. It is hoped that with these two groups of medical practitioners clinic premises in the resettlement and low-cost housing estates will be fully taken up. I can also see in this, Sir, a way to improve the present uneven distribution of medical practitioners in Hong Kong, who tend to concentrate their practices within the golden square mile.

Finally, Sir, I would like to stress again the spirit and intention behind this Bill. Both the clinics and unregistrable medical practitioners will be with us for some time and they certainly have a part to play in the provision of low-cost medical care for those who are in need. The problem has to my mind been tackled in the best and most practical manner, and in the interests of the community as a whole.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

#### *Objects and Reasons.*

The "Objects and Reasons" for the Bill were stated as follows: —

The main object of this Bill is to extend for a further three years the power vested in the Registrar of Clinics by section 8 of the Medical Clinics Ordinance 1963 (the principal Ordinance) to exempt a registered clinic from the requirement of section 7 that a registered medical practitioner shall be appointed in respect of the clinic. This is in accordance with the recommendations of the Advisory Committee on Clinics, which concluded that there is a proved need for the continued existence of clinics whose medical staff is comprised exclusively of persons who are not registered medical practitioners.

The Registrar's power to exempt registered clinics from annual re-registration will not, however, be extended, and this power will lapse when the Bill becomes law. The reason for this is that, in view of the extension for a further three years of the power to exempt from section 7, it is considered that all clinics should be required to re-register annually. Exemptions from annual re-registration which are in force when the Bill becomes law will remain valid until 1st January, 1968.

Although the Registrar's power to exempt from section 7 is being extended, there will be a substantial change in the basis on which such an exemption is granted. Hitherto, such an exemption, once granted, continued in force until the expiry of the period of three years from the commencement of the Ordinance (1st January, 1964), unless it was cancelled under section 8(3). In future, such exemptions will be valid only for a year at a time. In order to bring existing exemptions within this framework, the Bill provides that they shall remain valid until 1st January, 1968, and then lapse. Section 11 of the principal Ordinance will be amended so as to afford a right of appeal to the Governor in Council where the Registrar refuses to renew an exemption.

It is also considered essential to lay down standards of conduct for those persons practising medicine in clinics who are not registered medical practitioners, and to regulate their functions. Accordingly, the Bill empowers the Registrar to publish a Code of Practice dealing with these matters. In the event of a contravention of the Code on the part of any such person practising medicine in a clinic, the Registrar will be able to refuse to renew the exemption from section 7 granted in respect of that clinic, or to cancel the exemption at any time. The introduction of adequate standards of conduct will be in the interests of both practitioners and patients.

It is intended that after 31st December, 1967 no mobile clinics will be registered with exemption from section 7. Accordingly, the Bill seeks to prohibit the Registrar of Clinics from exempting such clinics from section 7, and from renewing any such exemption, after that date.

Experience has shown that it is desirable to enlarge the responsibility of the registered medical practitioner appointed in respect of a clinic in accordance with section 7 of the principal Ordinance. At present, the registered medical practitioner is allowed to be associated with the clinic in a "supervisory capacity", and there is reason to believe that in some cases the "supervision" given may be so limited that to all intents and purposes the clinic is operated entirely by paramedical and other personnel. The intention is to make the appointed registered medical practitioner fully responsible for the clinic in respect of which he is appointed (clause 4).

It is also considered desirable that in future applications for re-registration of clinics should be made in November instead of December, and clause 3 provides accordingly.

**DISTRICT COURT (CIVIL JURISDICTION AND PROCEDURE)  
(AMENDMENT) BILL 1966**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the District Court (Civil Jurisdiction and Procedure) Ordinance 1962 and to make related amendments to other enactments."

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Second time.

Council then went into Committee to consider the Bill clause by clause.

Clauses 1 to 6 and the Schedule were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the District Court (Civil Jurisdiction and Procedure) (Amendment) Bill 1966 had passed through Committee without amendment and moved the Third reading.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Third time and passed.

**LEGAL AID BILL 1966**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to make provision for the granting of legal aid in civil actions to persons of limited means and for purposes incidental thereto or connected therewith."

THE COLONIAL SECRETARY seconded.

MR P. C. WOO addressed the Council.

He said: —Your Excellency, both branches of the legal profession welcome with enthusiasm the introduction of legal aid in the Colony. It is a great step forward in the administration of justice and will dispel the impression in certain quarters of the public that there is one set of law for the rich and another for the poor. Further, it demonstrates the cardinal principle of justice that every man is equal in the eye of the law and that lack of means alone of a litigant will by no means prevent him from obtaining what is rightfully due to him in a Court



of Law. Whatever therefore I say hereafter is not intended to be adverse criticisms of the Bill but suggestions which in my opinion are worthy of consideration.

I think the legal aid system should not only be granted in civil matters but should also be extended to criminal cases. I have in my budget speech in 1965\* pointed out the unsatisfactory manner in which legal aid was granted in criminal cases. With the exception of capital cases the accused person has no legal aid unless he is "a pauper" within the meaning of the Supreme Court Ordinance. I hope Government will consider the extension of legal aid to every accused person not only in the Supreme Court and the District Courts but also in the Magistrates' Courts in deserving cases, as it would in the long run save considerable time and expense and the accused person will be able at an early stage to establish his innocence to the charge laid against him thus preventing any injustice done to him.

In the United Kingdom as well as in other countries in the Commonwealth, legal aid has always been administered by the Law Society and not by Government. It must however be realized that at present the Incorporated Law Society of Hong Kong is not able in view of its present membership to undertake such administration. However, if and when the Society has the personnel to do so Government may consider entrusting the administration to the Law Society, thus following the precedents of the other countries in the Commonwealth.

Finally, as legal aid is first introduced in the Colony, it may be advantageous if Government will invite an official from the Law Society in England who has experience on legal aid to come to Hong Kong on contract for a short period of, say, 2 or 3 years to act as adviser in helping to set up the machinery for the administration of legal aid in Hong Kong.

With these remarks, Sir, I have much pleasure in supporting the motion.

The question was put and agreed to.

The Bill was read a Second time.

Council then went into Committee to consider the Bill clause by clause.

HIS EXCELLENCY THE GOVERNOR: —With your concurrence, we will take the clauses in blocks of not more than five.

Clause 1 was agreed to.

Clause 2.

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\* Hansard 1965 pages 167-8.

THE ATTORNEY GENERAL: —I move that Clause 2 be amended as set forth in the paper before honourable Members.

*Proposed Amendment.*

2. The definition of "guardian" to be amended by deleting the words "may appoint" and substituting the following—  
"considers might properly be appointed by the court".

Clause 2, as amended, was agreed to.

Clauses 3 to 10 were agreed to.

Clause 11.

THE ATTORNEY GENERAL: —I move that Clause 11 be amended as set forth in the paper before honourable Members.

*Proposed Amendment.*

11. To be deleted and the following substituted—

|  |  |
|--|--|
| "Revocation<br>and discharge<br>of certificates. | 11. The Director may, in such circumstances and manner as may be prescribed, revoke or discharge any legal aid certificate." |
|--|--|

Clause 11, as amended, was agreed to.

Clauses 12 to 25 were agreed to.

Clause 26.

THE ATTORNEY GENERAL: —I move that Clause 26 be amended as set forth in the paper before honourable Members.

*Proposed Amendment.*

26. In subclause (4) the following to be inserted after the word "appeal" in the second line thereof—  
", and shall refer an appeal against any decision of the Director under subsection (3) of section 4,"

Clause 26, as amended, was agreed to.

Schedule.

THE ATTORNEY GENERAL: —I move that the Schedule be amended as set forth in the paper before honourable Members.

*Proposed Amendment.*

Schedule. In part II, paragraph 6 to be amended by adding the words "and battery" after the word "assault".

The Schedule, as amended, was agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Legal Aid Bill 1966 had passed through Committee with certain amendments and moved the Third reading.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Third time and passed.

### ADJOURNMENT

THE COLONIAL SECRETARY addressed the Council and moved the adjournment.

He said: —Mr President, I beg to move that this Council do now adjourn. In so doing, Sir, I am creating a precedent in this Council and although on future occasions I shall not speak to this motion perhaps I may be permitted to say a word this afternoon.

The half-hour adjournment debate is an old established and popular practice in the House of Commons in London and I am hopeful that we can make a success of it here. The idea briefly is that at the end of the formal business of each sitting of this Council there should be an opportunity for an Unofficial Member to raise a matter, an administrative matter for which the Government is responsible, and to obtain from the Official side a reply.

In this way honourable Members will be able to initiate a brief debate on some matter of general public interest or concern without the formality of a substantive motion and without the rigidity that is required in the asking and answering of questions. After the motion has been seconded the Unofficial Member who obtains the right to do so will be permitted to speak for up to 10 minutes on his pet subject to introduce it. He may then be followed by one or more Members, both Unofficial or Official, who wish to speak on that same subject whether in opposition to or in support of the original speaker's arguments. Thereafter an Official Member will be called upon to reply to the arguments and the points that have been raised. For this he will be allocated the last ten minutes of the half-hour period for debate.

If this procedure is to be a success, however, we must all accept certain 'restrictions and conditions and I hope that honourable Members will both stick to their subjects and their time limits. I also hope that they will give the usual notice of the subject they wish to raise because

without such notice they cannot expect anything in the way of a reasoned answer.

Sir, I will not say any more because I should be encroaching upon the time of my honourable Friend, Mr Woo.

THE ATTORNEY GENERAL seconded.

MR P. C. WOO addressed the Council.

He said: —Your Excellency, it was reported in the "South China Morning Post" of the 20th October 1966 that a Police Inspector who was accused of assaulting a boy, gave his evidence before a Magistrate's Court at Western that he had worked nearly 20 continuous hours that day and that it was necessary to work those hours because, he said "I have to get a number of cases each month".

Reading this report Sir it seems that there is still the practice of requiring members of the Police Force to get a number of cases each month in order to satisfy their superior officers that they have discharged their duties and would in due course obtain promotion.

Honourable Members of this Council have always understood that no directive has been issued by the Commissioner of Police to members of the Police Force requiring them to report a number of cases each month. As the Inspector in question was giving evidence on oath it seems that he would not have made such a categorical statement if there were no such practice existed in the Police Force.

On the other hand the report might not have given the exact version of the Inspector's evidence. These words were however given in quotation marks, which I now repeat "I have to get a number of cases each month." It is true that the Inspector in question was defending himself and that he might have made such a statement for the purpose of mitigation that in order to get the sympathy of the Court that in the event of his being convicted he might be dealt with leniently. But I cannot believe that he would dare to perjure himself by making such a categorical statement.

There might not have been such a practice but only an impression in the mind of the members of the Police Force that they have to report a number of cases each month. It is however not in the public interest that such a practice or even such a false impression should have prevailed in the Police Force.

There are contributory factors which tend to show that such a practice does exist.

I have been informed by members of the public that they were often summoned for minor offences such as in breach of the Traffic

regulations and the constables who made the reports, told them in no uncertain terms that they had to get a number of cases each month.

The increase in number of minor offences year by year in the Magistrates' Court may tend to show that such a practice exists. In the first half year of 1966 the number of cases filed in the Magistrates' Courts amounted to 180,758 as compared with 151,678 cases in the corresponding period of 1965, an increase of nearly 30,000 cases in 6 months or an average of 5,000 cases per month.

Another contributory factor which may be due to the existence of such a practice is that in minor offences the fines imposed by the Magistrates are usually very small and sometimes the Magistrates exercise their discretion under section 35 of the Magistrates' Ordinance by cautioning the offenders and discharging them without registering a conviction. It might be in the mind of the Magistrates that these defendants should not have been brought before them at all.

In summoning a person for minor offences such as those under the Summary Offences Ordinance it has been estimated that the costs thereof amount to a sum of between \$50 and \$60 per case whereas the imposition of a fine for such offence is usually on the average of \$20, as in the cases of obstructions by hawkers, contravention of the Traffic regulations and minor offences committed under the Summary Offences Ordinance.

The persons who suffer most from those are the poorer classes of the community. In my opinion they should firstly be warned before being summoned. This will not only save time and expense but will enable the Police Force to devote its time to detect more serious crimes.

Sir, the time has now come for us to review the matter again and I strongly urge that steps be immediately taken to dispel any false impression in the mind of the members of the Police Force that they have to report a number of cases in each month and if such a practice does exist a directive be given to every member of the Police Force that consideration will not be given irrespective of the number of cases reported by them and that promotion is based on merit alone.

MR Y. K. KAN addressed the Council.

He said: —Sir, I share Mr Woo's misgivings. Whilst I personally have no doubt whatsoever that no directive has ever been given by the Commissioner of Police requesting members of the Police Force to bring in a certain number of cases each month, however, I think it is quite possible and I would indeed say, probable, that certain members of the Police Force do mistakenly entertain the belief that their promotion prospects are to some extent dependent upon the number of convictions which they have secured. Such a belief is in fact known to exist in

the United Kingdom. How widespread this is so in Hong Kong I cannot say, but I am quite certain that a directive from the Commissioner of Police to members of his Force cautioning the judicial exercise of the power of prosecution as indeed in the case of arrest would be most timely and, I am certain, will dispel any doubt which may be in the minds of members of his Force.

THE ATTORNEY GENERAL replied as follows: —

I believe that honourable Members will agree that the manner in which the Police Force carries out its duties is a subject of paramount importance, in the kind of the society which we all wish to achieve, one in which a just balance is maintained between the freedom of the individual and the needs of the community.

It is therefore appropriate that our first adjournment of debate should be devoted to one aspect of this subject.

I am grateful to the Honourable Mr WOO and the Honourable Mr KAN not only for the restrained and fair terms in which they expressed their misgivings, but also because, in selecting this subject, they have afforded me an opportunity to correct any misunderstanding which may have arisen in the minds of the public or perhaps of some members of the force itself in the matter.

Suggestions that Police officers are obliged to report a quota of cases in a specified period or that an officer's prospects of promotion are dependent upon the number of convictions he has obtained are often made. As the Honourable Mr KAN rightly says, such suggestions have been made in Britain; nor are they new to Hong Kong.

Some three years ago, during a prosecution in a Magistrate's Court in Kowloon, a constable testified that he had orders from his superior to "look for cases and bring a number of cases each time he was on duty in the Nuisance Squad". The magistrate commented that he could not help feeling that there might be an idea in certain quarters of the Force that the more arrests an individual constable made, the better his chances of promotion, and that the sooner this idea was dispelled, the better for the good name of the Force.

The Divisional Superintendent of the Division in which the constable was serving explained to the magistrate that he believed that there had been a misinterpretation of his instructions and that no orders had been issued requiring any constable to secure any number of cases during a tour of duty. He had ordered his men to take vigorous action against offenders in the Division and had told them that there were many offences occurring in the Division about which officers on duty were taking no action. While he felt that constables might be frightened to return without any cases to show, he insisted that a constable's

promotion prospects were not improved by him bringing in a large number of cases daily.

It would appear that similar misunderstandings of the true position have arisen again, in the minds of those constables (referred to by the honourable Member) who have informed members of the public that they have to meet a quota of cases, and the report in the "South China Morning Post", quoted by the Honourable Mr Woo, is another example of this.

This report is substantially correct, when compared with the notes of the magistrate who tried the case. These notes show that the accused Inspector said, in evidence "We are required to get a certain number of cases each day. This is a tacit understanding. Statistics are very important. Every month a number of cases is returned from each Division. Each month the Division must aim to get that amount."

Honourable Members will notice that he does not assert that he received any orders from a superior officer to this effect, merely that there was a tacit understanding. The Inspector has since been asked what he meant by this phrase and has explained that there was a tacit understanding that one should aim to do as well as the previous squad which had been doing the same work. No superior, he agreed, had ever suggested that he should produce a quota.

At the end of the Inspector's case, a senior Police officer, giving evidence of character, told the magistrate that there was no question of any quota system. He explained that it was natural that there should be competition among officers and from squad to squad, but that the Force was not influenced by the figures. This appears in the magistrate's notes, though it was not reported in any newspapers which I have been able to trace.

The Commissioner authorizes me to say that the denials of these senior officers, in 1963 and last month, that any quota system is approved in the Force or that promotions depend on any such test, is a correct representation of the true position and a reflection of his own strong views on the matter.

It would, however, be misleading if I were to leave honourable Members with the impression that the success which an officer attains in dealing with crime in his district is not taken into account when assessing his suitability for promotion.

If, for instance, a certain type of offence is known to be prevalent in an area and one officer fails to report any cases whereas other officers do, this cannot but reflect adversely on him. Conversely, if an officer has a highly successful record of investigation, this must necessarily indicate energy and skill and enhance his prospects of advancement.

This is, of course, quite a different matter from the proposition that an officer must acquire a quota of cases.

Moving from the individual level to that of the squad or division, the number of successful cases of the squad or division in a given period does constitute a rough method of assessing its activity and of comparing this with previous periods. It is natural enough, you may think, that there should be some talk of the previous figures as being targets to be aimed at.

Furthermore, it is reasonable for a close watch to be kept on the statistics of cases dealt with by a unit and any substantial fall investigated. The reduction may, of course, be due to the unit's own success in previous months, or to the effects of good preventive work. On the other hand, it may indicate that the officers concerned are less competent or less active than they should be. It may be that the fact that statistics are carefully studied, and questions are asked about them by superior officers, is a cause of the misapprehension which seems to have arisen in the minds of some officers from time to time about there being some policy of requiring a quota of cases.

I suggest that the increases during the first half of 1966 of almost 20% in the number of cases in the magistrates courts can more naturally be attributed to an improvement in the effectiveness of the Force than to any other cause. The fact that it increased in number between mid-1965 and mid-1966 by almost 10% could also be expected to have enabled it to enlarge its activities and devote more men to the detection of crime.

The Honourable Mr Woo also mentioned the allied question, which one is of considerable difficulty, of how far the Police should prosecute minor infringements of the law committed by the poorer classes of the community. It is a problem which he might wish to raise on another occasion, since the lack of time prevents me from dealing with it now.

I agree with the honourable Member that it is not in the public interest that there should be any practice requiring an officer to report a quota of cases. I hope I have been able to reassure him that such a practice is in fact frowned upon by the Commissioner of Police and is not the policy of the Force.

I further agree that it is undesirable that there should be any impression among members of the Force that this practice is approved, though it may not always be possible to avoid misunderstanding arising in the minds of individual officers. The Commissioner will, however, be pleased to adopt the proposal, put forward by both honourable Members, and issue a written directive to all members of the force to make it clear that no quota system exists and that the number of successful cases to a man's credit is only one factor in the assessment



of his merit and ability, upon which his advancement in the Force will depend.

The question was put and agreed to.

### NEXT MEETING

HIS EXCELLENCY THE GOVERNOR: —Council will now adjourn. The next meeting will be held on 7th December.