

**OFFICIAL REPORT OF PROCEEDINGS****Thursday, 30 July 1981****The Council met at half past two o'clock****PRESENT**

HIS EXCELLENCY THE ACTING GOVERNOR (*PRESIDENT*)  
THE HONOURABLE THE CHIEF SECRETARY  
SIR JACK CATER, K.B.E., J.P.

THE HONOURABLE THE FINANCIAL SECRETARY  
MR. JOHN HENRY BREMRIDGE, O.B.E.

THE HONOURABLE THE ATTORNEY GENERAL  
MR. JOHN CALVERT GRIFFITHS, Q.C.

THE HONOURABLE DAVID AKERS-JONES, C.M.G., J.P.  
SECRETARY FOR THE NEW TERRITORIES

THE HONOURABLE LEWIS MERVYN DAVIES, C.M.G., O.B.E., J.P.  
SECRETARY FOR SECURITY

THE HONOURABLE DAVID WYLIE McDONALD, C.M.G., J.P.  
DIRECTOR OF PUBLIC WORKS

THE HONOURABLE ALAN JAMES SCOTT, J.P.  
SECRETARY FOR INFORMATION

THE HONOURABLE DEREK JOHN CLAREMONT JONES, C.M.G., J.P.  
SECRETARY FOR THE ENVIRONMENT

DR. THE HONOURABLE THONG KAH-LEONG, C.B.E., J.P.  
DIRECTOR OF MEDICAL AND HEALTH SERVICES

THE HONOURABLE ERIC PETER HO, C.B.E., J.P.  
SECRETARY FOR SOCIAL SERVICES

THE HONOURABLE GERALD PAUL NAZARETH, O.B.E., Q.C.  
LAW DRAFTSMAN

THE HONOURABLE COLVYN HUGH HAYE, J.P.  
DIRECTOR OF EDUCATION

THE HONOURABLE MRS. ANSON CHAN, J.P.  
DIRECTOR OF SOCIAL WELFARE (*Acting*)

DR. THE HONOURABLE WONG CHEN-TA, J.P.  
DIRECTOR OF AGRICULTURE AND FISHERIES (*Acting*)

THE HONOURABLE LAWRENCE WILLIAMS ROBERT MILLS, J.P.  
DIRECTOR OF TRADE, INDUSTRY AND CUSTOMS (*Acting*)

THE HONOURABLE JOSEPH CHARLES ANTHONY HAMMOND, J.P.  
COMMISSIONER FOR LABOUR (*Acting*)

THE HONOURABLE HARNAM SINGH GREWAL, E.D., J.P.  
SECRETARY FOR THE CIVIL SERVICE (*Acting*)

THE HONOURABLE PIERS JACOBS, O.B.E., J.P.  
SECRETARY FOR ECONOMIC SERVICES (*Acting*)

THE HONOURABLE OSWALD VICTOR CHEUNG, C.B.E., Q.C., J.P.

THE HONOURABLE ROGERIO HYNDMAN LOBO, C.B.E., J.P.  
THE HONOURABLE LI FOOK-WO, C.B.E., J.P.  
THE HONOURABLE LO TAK-SHING, O.B.E., J.P.  
THE HONOURABLE FRANCIS YUAN-HAO TIEN, O.B.E., J.P.  
THE REVD. THE HONOURABLE JOYCE MARY BENNETT, O.B.E., J.P.  
THE HONOURABLE CHEN SHOU-LUM, O.B.E., J.P.  
THE HONOURABLE LYDIA DUNN, O.B.E., J.P.  
DR. THE HONOURABLE HENRY HU HUNG-LICK, O.B.E., J.P.  
THE REVD. THE HONOURABLE PATRICK TERENCE McGOVERN, O.B.E., S.J., J.P.  
THE HONOURABLE PETER C. WONG, O.B.E., J.P.  
THE HONOURABLE WONG LAM, O.B.E., J.P.  
THE HONOURABLE CHARLES YEUNG SIU-CHO, O.B.E., J.P.  
DR. THE HONOURABLE HO KAM-FAI, J.P.  
THE HONOURABLE DAVID KENNEDY NEWBIGGING, J.P.  
THE HONOURABLE HU FA-KUANG, J.P.  
THE HONOURABLE WONG PO-YAN, O.B.E., J.P.  
THE HONOURABLE WILLIAM CHARLES LANGDON BROWN, J.P.  
THE HONOURABLE CHAN KAM-CHUEN, J.P.  
THE HONOURABLE JOHN JOSEPH SWAINE, O.B.E., Q.C., J.P.  
THE HONOURABLE STEPHEN CHEONG KAM-CHUEN, J.P.

**ABSENT**

THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS  
MR. DENIS CAMPBELL BRAY, C.M.G., C.V.O., J.P.  
  
THE HONOURABLE KENNETH WALLIS JOSEPH TOPLEY, C.M.G., J.P.  
SECRETARY FOR EDUCATION  
  
THE HONOURABLE DONALD LIAO POON-HUAI, O.B.E., J.P.  
SECRETARY FOR HOUSING  
  
THE HONOURABLE GRAHAM BARNES, J.P.  
DIRECTOR OF HOME AFFAIRS  
  
DR. THE HONOURABLE HARRY FANG SIN-YANG, C.B.E., J.P.  
THE HONOURABLE ALEX WU SHU-CHIH, O.B.E., J.P.  
  
DR. THE HONOURABLE RAYSON LISUNG HUANG, C.B.E., J.P.  
  
THE HONOURABLE ALLEN LEE PENG-FEI, J.P.  
  
THE HONOURABLE ANDREW SO KWOK-WING, J.P.

**IN ATTENDANCE**

THE CLERK TO THE LEGISLATIVE COUNCIL  
MRS. LORNA LEUNG TSUI LAI-MAN

**Papers**

The following papers were laid pursuant to Standing Order 14(2):—

*Subject* *L.N. No.*

## Subsidiary Legislation:

## Road Traffic Ordinance.

Taxi (Hong Kong and Kowloon Taxis) (Limitation on Numbers) Notice  
1981..... 229

## Road Traffic Ordinance.

Taxis (New Territories Taxis) (Limitation on Numbers) Notice 1981 ..... 230

## Public Health and Urban Services Ordinance.

Pleasure Grounds (Amendment) (No. 2) By-laws 1981 ..... 233

## Public Health and Urban Services Ordinance.

Hawker (Permitted Place) Declaration 1981 ..... 234

## Air Navigation (Overseas Territories) Order 1977.

Authorization by the Governor..... 235

## Revised Edition of the Laws Ordinance 1965.

Annual Revision 1980..... 236

## Hawker (New Territories) Regulations.

Restriction of Hawking in Special Areas (New Territories) Notification  
1981..... 237

## Kowloon-Canton Railway (Restricted Areas) Regulations 1981.

Corrigendum ..... 239

## Sessional Papers 1980-81:

No. 60—Clothing Industry Training Authority Annual Report 1980.

No. 61—Construction Industry Training Authority Annual Report 1980.

No. 62—Report on the Administration of the Immigration Service Welfare Fund for  
the period from 1 April 1980 to 31 March 1981

No. 63—Customs and Excise Service Welfare Fund Income and Expenditure Account  
with Balance Sheet and Certificate of the Director of Audit for the year  
ended 31 March 1981

No. 64—Sir Robert Black Trust Fund—Annual Report for the year ended 31 March  
1981.

No. 65—Annual Report of the School Medical Service Board for the year ended 31 March 1981.

No. 66—Sir David Trench Fund for Recreation—Trustee's Report 1980-81.

### Oral answers to questions

#### Consumer prices

1. MR. PETER C. WONG asked:—*Is Government aware of the public concern on the high rates of increase in consumer prices over the last three years, and if so, what measures are being taken by Government to improve the situation and to what extent does Government consider these measures to be effective?*

THE FINANCIAL SECRETARY:—Sir, the Government is indeed aware of public concern about the high rates of increase in consumer prices, and shares this concern. But inflation is a current problem world-wide, and given the externally oriented nature of our economy we cannot expect to be unaffected. The rate of inflation in 1979 and 1980, whether measured by the consumer price indexes or the G.D.P. deflator, was rapid, but it was not out of line with the rate of inflation in the world's major economies. Yet we have out-performed most of them in terms of economic growth and of maintaining low unemployment rates.

In the first half of this year, consumer prices averaged about 14% higher than in the first half of last year. This is somewhat high even in terms of current international experience because the delayed effect of the depreciation of the Hong Kong dollar (in terms of the import-weighted exchange rate index of about 8%) during the last nine months of 1980 was working through to the retail level. But the rate of increase in the G.D.P. deflator, which is really the best measure available on inflation for the economy as a whole, is much lower, as a closer balance between the demand for and supply of domestic resources, even in respect of land and property, is being achieved. A rough estimate shows that the G.D.P. deflator is now running at a rate of only about 7 to 8%. Against this background our G.D.P. this year is confidently expected to grow at 8%. So far, domestic exports are up in real terms by about 7%, and re-exports by over 35%. The visible trade account shows a fair degree of stability: while our unemployment situation by world standards is good—and indeed in some areas shortages are developing.

This seems to me not a totally unsatisfactory position in which to find ourselves in view of the very unfavourable economic conditions prevailing in our major export markets—the worst since the world recession of 1931.

Sir, the fact that the rate of increase of consumer prices is significantly faster than that of the G.D.P. deflator is an indication that the inflationary pressures we are experiencing are largely imported. Over half of the increase in consumer

prices during the past 2½ years is attributable to increases in the price of food. Another 12% and 8% respectively is attributable to increases in the price of ‘fuel and light’ and ‘transport and vehicles’. So about 70% of the increase in consumer prices during the past 2½ years is attributable to increases in the prices of those consumer items, which are heavily influenced by import prices.

Import prices of food in the first half of 1981 were 16% higher than in the first half of 1980. Import prices of fuel were 39% higher.

Mr. WONG must realize that in our free economy based on market place discipline and without exchange controls there is little that Government can do to curb such inflationary pressures without resorting to the blunt instrument of interest rate increases. We must be very careful to ensure that the cure is not worse than the disease. I will not put forward measures to ameliorate imported inflation which will also have the effect of significantly increasing unemployment. And one must realize the burden that high interest rates present to many sectors of our community.

In brief therefore, while concerned and certainly not complacent, I do not view the present situation as extraordinary in world terms. In fact I think that Hong Kong is doing pretty well all things considered, even though some clear suffering exists. It is not difficult to see other countries doing far worse.

In no circumstances does Government intend to intervene intemperately and in a way that would radically change those policies of prudent freedom that have served us so well. But we shall do what we can to help the community as a whole.

A distinguished Member in this Chamber on 26 March said:—

‘During the past ten years, the Financial Secretary (who I hasten to add was not I) (*laughter*), has steered our economy with outstanding success. His achievements are many, but to my mind, his refusal to yield to temptation and indeed pressure to adopt a policy of intervention, so popular with many countries in the 70s, is a singular achievement (*laughter*). In the Financial Secretary’s own words:

“Our, experience in the post-recession years is a vindication of our reliance on the adjustment mechanism to achieve growth with stability and emphasizes the need to be very careful indeed not to damage inadvertently the efficiency of the operation of that mechanism.”’

Of course, Sir, I agree, and I am sure Mr. WONG does also; for the words are his (*laughter*).

MR. PETER C. WONG:—*Sir, I agree of course with the quotation, but may I refer to the last sentence of the penultimate paragraph of the Financial Secretary’s speech in which he said: ‘But we shall do what we can to help the community as a whole’. Does the Financial Secretary care to elaborate briefly on this statement?*

THE FINANCIAL SECRETARY:—No, Sir (*laughter*).

## Mutual Aid Committees

2. DR. HO asked:—*Does the Government undertake regular assessments of the performance and effectiveness of established Mutual Aid Committees and if so, will Government make a statement on the recent standard of performance by M.A.C.s formed in public housing estates and in private residential buildings?*

SECRETARY FOR THE NEW TERRITORIES:—Yes, Sir. The Government is concerned that Mutual Aid Committees should continue to be effective. To achieve this, staff of the New Territories Administration and the Home Affairs Department visit Mutual Aid Committees at least once a month. These visits provide an opportunity to check and assist the Committees in building management and encourage them in their work among the residents of the building.

The Mutual Aid Committee movement dates back to 1973 when it was launched to support the Fight Violent Crime and Keep Hong Kong Clean Campaigns, to improve the environment and security of buildings, foster a sense of neighbourliness among residents and generally to assist in community work. There is, of course, a tendency for some Mutual Aid Committees, in private residential buildings, to become less active once the initial problems of security and environmental improvement have been overcome. In public housing estates the Committees place more emphasis on fostering neighbourliness and help and service to one another.

In short, I believe the 3,467 Committees which are now established, together with about 1,000 Owners Incorporations, have made a valuable improvement to the quality of life in their buildings and an important contribution towards community development. And while it is true to say that in a movement as large as this the performance of some Committees could be improved, I believe these Committees have done a marvellous job and they deserve all the help and encouragement they can get and the efforts of the staff are directed to this end.

DR. HO:—*Sir, is the N.T.A. taking any active steps to encourage residents to run for office in M.A.C.s, so as to ensure that the M.A.C.s will have the benefits of new brains and new ideas to achieve the purpose for which they are set up?*

SECRETARY FOR THE NEW TERRITORIES:—Yes, Sir, I think we are always very concerned to try and bring in new blood, not only into the M.A.C.s, but into all our community organizations, and our efforts are directed towards this.

MR. CHARLES YEUNG:—*The Secretary for the New Territories has mentioned the help given to the Mutual Aid Committees. I heard complaints that they have not enough finance to function normally, can this be looked into?*

SECRETARY FOR THE NEW TERRITORIES:—The Mutual Aid Committees are eligible for assistance amounting to about \$600, I think, for every six months of

their operations, but we will certainly look into the adequacy of this in the light of present day costs.

### **Donations for recipients of public assistance**

3. REVD. JOYCE M. BENNETT asked:—*In view of the recent decision by the Government to change the method of the calculation of subventions to voluntary social welfare agencies, will Government extend this principle to individuals whose public assistance is reduced by the amount of public donations they have received after fire or other disasters?*

DIRECTOR OF SOCIAL WELFARE:—Sir, the public assistance scheme is not analogous to the subvention system for voluntary welfare agencies. The former is an income maintenance scheme designed to assist those with inadequate means to meet the necessities of life. In assessing an applicant's eligibility for public assistance, small donations under \$100 are disregarded as are designated donations. Undesignated public donations received by a public assistance recipient after a natural disaster are treated as 'savings' for the purpose of the public assistance scheme. Savings under \$4,500 for a single person or \$3,000 for each family member are not taken into account. For example, a four-member family may have savings of \$12,000 and still be eligible for public assistance if the monthly family income is considered inadequate by public assistance standards. If the public donations do not exceed the permitted savings limit, the recipient may continue to draw public assistance at the same level, assuming no other change in circumstances. There is therefore no reduction in payment. A large donation could of course render a family ineligible for public assistance from the month following receipt until such time as the 'savings' fall below the permitted level.

The present arrangement is in keeping with the spirit of the public assistance scheme and no change is proposed.

REVD. JOYCE M. BENNETT:—*Sir, does not this Government policy discourage the general public from helping with commendable speed those in sudden need?*

DIRECTOR OF SOCIAL WELFARE:—Sir, I do not think it discourages public donations. First of all, I think usually speaking public donations are fairly sizeable and, as I have said, if it does not fall above the savings limit, they will be disregarded. I think also to disregard public donations would be to discriminate against people who earn an income or other one-off grant through their own efforts.

REVD. JOYCE M. BENNETT:—*Sir, surely these special donations are for special purposes. So, am I right in thinking that they would then be included under 'designated donations'?*

DIRECTOR OF SOCIAL WELFARE:—Yes, Sir, if they are specifically specified for a purpose, they will not be taken into account in assessing public assistance.

### **Statement**

#### **The Fifth Annual Reports of the Clothing Industry Training Authority and the Construction Industry Training Authority**

MR. TIEN:—Sir, laid before this Council are the fifth annual reports of the Clothing Industry Training Authority and the Construction Industry Training Authority. These reports cover the calendar year 1980.

The clothing industry continues to grow and remains the largest manufacturing industry in Hong Kong. Owing to quantitative restraints, the industry has been moving towards the production of high quality and fashion products. Such a move demands not only sophisticated marketing strategy, improved design and better production planning but also an increased supply of well-trained manpower. The demand of the industry for trained manpower far exceeds the training capacity of the existing Clothing Industry Training Centre. In view of this, the Government has reserved a site in East Kowloon for the Authority to build a second training centre. I would like to take this opportunity to thank the Government for the impending grant of this piece of land, free of premium, to the Clothing Industry Authority.

The year under review also saw a significant growth of the construction industry. There has been a continuing shift from civil engineering to building works which require a greater input of skilled workers. There is, therefore, the need for a second Construction Industry Training Centre. The Government has granted a piece of land in Tsuen Wan for this second centre. Construction work will soon commence and it is hoped that the second centre will be operational in late 1982. Again, I thank the Government for granting this piece of land, free of premium, to the Construction Industry Training Authority.

### **Government Business**

#### **Motions**

#### **SCHEDULE OF WRITES-OFF FOR THE FINANCIAL YEAR 1980-81**

THE FINANCIAL SECRETARY moved the following motion:—That the writes-off for the financial year 1980-81 and the one outstanding write-off for the financial year 1979-80, as set out in the Schedule, be approved.



SCHEDULE OF WRITES-OFF AUTHORIZED BY FINANCE COMMITTEE  
IN THE FINANCIAL YEAR 1980-81

<i>Amount</i> \$	<i>Date of meeting</i>	<i>Category</i>	<i>Remarks</i>
50,792,331.70	9.5.79	Loans	Waiver of repayment of outstanding loans at 1 September 1979 (including interest thereon where appropriate) for aided and non-profit-making schools. The original approval on 9.5.79 was for an estimated \$52,200,000.00. The exact amount was unknown at the time and was therefore not included in the 1979-80 schedule. It has since been calculated and is now notified as \$50,792,331.70.
72,693.00	28.5.80	Rents	Write-off of rents under-collected during the period 1 April 1976 to 30 June 1977 in respect of a short term tenancy and a short term waiver granted by District Office, Sha Tin.
274,509.00	11.6.80	Computer fees	Waiver of computer fees due to the Government by the Housing Authority during the period 22 May to 30 October 1978.
646,998.80	Circulated on 23.8.80	Loan	Waiver of the outstanding balance remaining from an original interest-free loan for reprovisioning the Diocesan Girls' Junior School.
16,943,298.00	7.1.81	Fixed penalty debts and court costs	Write-off of outstanding fixed penalty debts and court costs which have accumulated since the introduction of the Fixed Penalty System (Traffic Contraventions).
51,000.00	11.3.81	Advances	Write-off of irrecoverable sums and advances for the remainder of 1980-81.

He said:—Sir, I rise to move the motion standing in my name in the Order Paper.

The purpose of this motion is to seek the covering approval of this Council to those write-offs approved by the Finance Committee during the financial year 1980-81 and to one write-off approved in 1979-80. The latter merits explanation.

It represents the waiver of the repayment of outstanding loans for aided and non-profit-making schools. The original approval given on 9 May 1979 was for an estimated \$52 million. The exact amount was unknown at the time and was therefore not included in the 1979-80 schedule. The amount has since then, I may add fortunately, been calculated at \$50,792,331.70.

Sir, I beg to move.

*Question put and agreed to.*

## **INTERPRETATION AND GENERAL CLAUSES ORDINANCE**

THE SECRETARY FOR THE ENVIRONMENT moved the following:—That on 1 September 1981

1. The functions exercisable by the Secretary for the Environment by virtue of the Ordinances in the *Schedule* be transferred to the Secretary for Lands and Works.
2. The Ordinances in the *Schedule* be amended by deleting ‘Secretary for the Environment’ wherever occurring and substituting the following—  
“Secretary for Lands and Works”.

### *SCHEDULE*

Electricity Networks (Statutory Easements) Ordinance

Oil Pollution (Land Use and Requisition) Ordinance.

He said:—Sir, I rise to move the first motion standing in my name in the Order Paper. It provides, under section 54A of the Interpretation and General Clauses Ordinance, for the transfer to the Secretary for Lands and Works of certain statutory functions hitherto exercised by the Secretary for the Environment by virtue of Ordinances specified in the Schedule. The proposal to transfer these functions is consequent on the decision to reorganize the Environment Branch of the Government Secretariat and create separate Transport and Lands and Works Branches. And it is proposed that the transfer of these functions should take effect on 1 September 1981.

Sir, I beg to move.

*Question put and agreed to.*

**INTERPRETATION AND GENERAL CLAUSES ORDINANCE**

THE SECRETARY FOR THE ENVIRONMENT moved the following motion:—That on 1 September 1981—

1. The functions exercisable by the Secretary for the Environment by virtue of the Ordinances in the *Schedule* be transferred to the Director of Administration and Management Services.
2. The Ordinances in the *Schedule* be amended by deleting ‘Secretary for the Environment’ wherever occurring and substituting the following—  
‘Director of Administration and Management Services’.

*SCHEDULE*

Water Pollution Control Ordinance  
Waste Disposal Ordinance.

He said:—Sir, I move the second motion standing in my name in the Order Paper. It provides, under section 54A of the Interpretation and General Clauses Ordinance, for the transfer to the Director of Administration and Management Services of certain statutory functions hitherto exercised by the Secretary for the Environment by virtue of the Ordinances specified in the Schedule. This transfer is another consequence of the decision to reorganize the Environment Branch of the Government Secretariat by the creation of separate Transport and Lands and Works Branches and by giving to the Director of Administration and Management Services responsibility for environmental protection and other related matters. And it is again proposed that the transfer should take place on 1 September 1981.

Sir, I beg to move.

*Question put and agreed to.*

**MASS TRANSIT RAILWAY CORPORATION ORDINANCE**

THE SECRETARY FOR THE ENVIRONMENT moved the following motion:—That the Mass Transit Railway (Amendment) (No. 2) By-laws 1981, made by the Mass Transit Railway Corporation on 4 July 1981, be approved.

He said:—Sir, I move that the Mass Transit Railway (Amendment) (No.2) Bylaws 1981, made by the Mass Transit Railway Corporation on 4 July 1981, be approved by this Council.

The amendment to By-law 12 is to ensure that the By-laws are consistent with the issuing and use of students’ fare tickets.

The amendment to By-law 34 permits officers of the Customs and Excise Service or of the Independent Commission Against Corruption, in addition to Police officers, to be armed when travelling on the Mass Transit Railway should the need arise.

Sir, I beg to move.

*Question put and agreed to.*

## **WHITE PAPER ON PRIMARY EDUCATION AND PRE-PRIMARY SERVICES**

### **Resumption of debate on the following motion moved by the Secretary for Social Services on 22 July 1981:—**

That this Council welcomes the proposals in the White Paper on Primary Education and Pre-primary Services.

REVD. JOYCE M. BENNETT:—Your Excellency, I am glad to support the motion before us today concerning the White Paper on Primary Education and Preprimary Services. Some weeks ago a question was asked concerning the delay in its publication and it was suggested that the delay was due to the very real changes in the previous Green Paper. Such change was denied at the time, but Members will perceive that in fact changes have been made and my Friend the Honourable Eric HO actually conceded that many of the Green Paper proposals had and I quote, ‘been modified and improved upon, whilst a number of new measures not included in the Green Paper have been introduced’ (end of quotation). Mr. HO acknowledged these changes resulted from the public comments and the debate in this Council last summer. I am delighted and grateful to note the Administration’s sensitivity to public opinion. I congratulate the Secretary for Social Services and his staff for the improvements made on the Green Paper.

I am glad that common sense has prevailed over the division between child care centres and kindergartens on the grounds of age. I note that the two Departments of Social Welfare and Education will still be dividing responsibility for the pre-primary services. Despite this improved division in the services, there is still some double-think required when dealing with the three-year-old baby class for the kindergartens. ‘The Government is prepared to permit’ these to continue, but they must be registered as child care centres! In contrast some children of four to five will be attending child care centres. When is a kindergarten a child care centre and when is a child care centre a kindergarten? Do the authors really consider such words truly differentiate between these two types of pre-primary educational establishments?

I am glad to note that the authors of this White Paper have in fact devised ways by which these institutions may draw more and more close together. The staff will be eventually trained in the same Training College—I am truly grateful that this suggestion of ours has been taken up. In addition I notice that future kindergartens must improve their furniture and equipment to make them more like child care centres. All praise must be given to that list of equipment which will encourage the kindergarten child to play. I look forward to the development of far more truly play-centred kindergartens.

However, I notice that there is still the assumption that if the entry to Primary I is controlled, the content of the education in the kindergartens will automatically improve. Beware of this too facile assumption that once this White Paper has been accepted, everything in the garden will be lovely.

There is one danger that may well develop. Friends tell me that already this danger has appeared—kindergartens will be providing their entrance tests to assess which children to admit. A very positive attempt has been made to prevent primary schools from imposing tests and the wrong type of interviews on the five to six-year-olds. I wonder however how the interviews can be properly conducted in the presence of ‘an officer from the Education Department.’ The sheer mechanics of such an exercise makes the mind boggle. What kind of officers will be detailed for this service—clerical and administrative as well as professional staff? Or who? I shall watch this development with interest!

I am indeed delighted with the revised proposals regarding the discretionary places. I think this compromise is certainly worth trying out. But until we know the exact boundaries of each district it is difficult to assess the scheme in full. I note that each district will contain ‘approximately half the number of primary schools that are contained in each of the Secondary School Places Allocation nets used in the annual Secondary School Places Allocation exercise.’ Is it not possible for each primary school to receive, for its restricted 30% discretionary places, children living within one mile of the school? The Government has for a long time made it a matter of policy that no child should travel more than one mile to a primary school. I imagine that details of these geographical districts are not yet fully drawn, so I urge my suggestion to be thoroughly examined.

The improvements proposed for the primary schools are most attractive and I should like to thank our civil servants for making the following proposals: the increase of the teacher-class ratio to 1.2:1; the gradual reduction of class size to 35 children per class (this to be immediately enforced in schools using the ‘Activity Approach’); the increase in the number of promotion posts for primary school teachers; more facilities for remedial teaching; the extension of funds for class libraries to each class in the primary school and the improvement of teaching aids and other facilities.

I am happy to note that the Government has decided to spend more money on education. I urge the Secretary of Education together with the Director of

Education to produce similar improvements in the secondary schools. There, too, a higher teacher-class ratio has long been demanded—1.5:1 would be a logical step after these primary school improvements. Likewise, more promotion posts are required in the secondary schools.

Undoubtedly we have been examining our educational system in piecemeal fashion for years—this is the last step in the process. We desperately need that overall examination of the system. Hong Kong society deserves its education to be treated as a whole. May the Education Officers be encouraged to see the education and development of the child as a whole! I am glad therefore that greater, not lesser, links are to be encouraged between primary and secondary schools. For years I have fought the Secondary School Places Allocation officers to get the list of the primary schools whose girls come to my secondary school. I am thought to be very peculiar in desiring this. I in turn cannot understand why secondary schools cannot have their administrative burden eased. Secondary schools ought to be encouraged to liaise more with the primary schools from which these children come.

Much could be said today which relates to the overall review of our educational system. Last week one of my friends asked in this Council whether the visitors undertaking this review would be sufficiently cognisant of the special bilingual needs of our society. I note that this White Paper does not tackle the language question beyond advocating remedial teaching and improved curriculum for both Chinese and English. These will be necessary. But we must also tackle the whole question of how much and what type of English should be taught in kindergartens and how many English kindergarten classes should be allowed in each district. Bilingualism in our society is important. We need to decide the proper age at which to encourage it. English at the kindergarten stage may be good, but I have seen written on kindergarten blackboards too many long words of no relevance to the four and five-year old children. Are you aware, Sir, that some of the most prestigious kindergartens have no English at all? Should we ban English from all kindergartens? But what then of the non-Cantonese speaking child?

We must not delude ourselves into thinking that our pre-primary services and primary education are now automatically improved with the issue of this White Paper. Much remains to be done in clarifying the grey areas, some of which I have been able to mention this afternoon. In addition, Government and the voluntary bodies must work together to implement the changes advocated in the White Paper. How soon can these come? I hope that items like the additional equipment and supplies for the primary school and the upgrading of their libraries can be implemented as soon as possible within the coming academic year. Can the extra teachers be in the classrooms by September 1982? I am pleased with the recommended improvements in the training of kindergarten teachers. I trust there will be no slippage in this programme and warn that senior administrative staff must work hard to ensure that the building and recruitment programmes are kept on schedule. I am hopeful that our civil

service is concerned to upgrade our education system to meet the demands of the last two decades of this century and I have much pleasure in supporting the motion.

DR. HENRY HU:—Sir, I rise in support of the motion now before Council regarding the White Paper on Primary Education and Pre-primary Services.

The fact that quite considerable improvements have been made on the Green Paper and some new measures have been introduced in the White Paper shows that the Government is by no means insensitive to public opinion and views expressed in this Council. It is evident that the Government is now determined to develop our primary education and pre-primary services in a more systematic and coherent manner and, despite various constraints, to improve their standards and quality. My warm congratulations to the Secretary for Social Services and his staff involved in the Social Services Branch, the Education and Social Welfare Departments.

I am particularly pleased with the greater flexibility now introduced into the discretionary place system. Schools will be allowed to allocate up to 65% discretionary places, compared with the original 15% in the Green Paper, to children with some special connection with the school. At the same time, 65% of school places in any district will be allocated to children living in the area. I hope that in the medium term—when the supply of trained teachers is increased and there have been improvements in school standards, facilities and equipment and supporting services—it would then be both practical and desirable to further integrate pupils of different abilities and from different backgrounds in schools by gradually reducing the quota of discretionary places.

The replacement of the existing primary school admission tests and examinations by interviews is most welcome. This will certainly relieve some anxiety and pressure on the children, teachers and parents. But we must ensure that the interviews shall not be allowed to be used as tests in disguise.

Concerning the sliding-scale financial assistance to needy children, I note that the maximum amounts payable for each child has been increased from \$220 to \$310 per month per child for child care centres and from \$90 to \$100 per month per child for kindergartens. Taking the example of a four-member family given in appendix 6 of the White Paper, once the *total* family income exceeds the \$3,000 level after allowing for rent, it will no longer be entitled to any assistance. I find this unnecessarily restrictive, however, at to-date's high inflation rate. I would urge that the ceiling be suitably relaxed.

On the question of training of kindergarten teachers, I note that, beginning in September 1981, 120 teachers will be trained each year, rising to 240 in 1984. It will be mandatory by September 1984 for all kindergartens to employ at least one qualified kindergarten teacher or assistant teacher. By 1992, not less than 90% of kindergarten staff must be trained. I consider that the planned progress is too slow. The training programme should be vigorously speeded up by

running shorter but more intensive courses. Emphasis should be placed not only on the technical aspects, but also the staff's devotion to children and their work.

I am glad that a pilot project has been started to charge non-profit-making kindergartens in public housing estates at a welfare rent. I hope that this will be successful and that the arrangements will become permanent and be extended to all estate kindergartens, including those which are paying the full market rent for their estate premises through open tender.

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

SECRETARY FOR SOCIAL SERVICES:—I am grateful to Miss BENNETT and Dr. HU for their support of the motion. Both of them have generously acknowledged that the Government has been at pains to take into account public opinion and the views expressed in this Council and, for my part, I reiterate that when modifications to the measures set out in the White Paper become desirable and possible of achievement the Government would make the necessary changes.

Miss BENNETT has drawn attention to one or two grey areas and, in particular, to pre-primary children attending institutions which their age apparently does not entitle them to do. As I have already said when proposing the motion, the demarcation between child care centres and kindergartens is to be determined by the ages of the children who are permitted to attend these institutions. The comparatively few four and five-year old children having an identifiable social need for full-day care will be encouraged to attend fully-day kindergartens. As for three-year-olds wishing to attend kindergartens, I have already said that the Government is prepared to permit the establishment of baby classes provided that the standards in these are those applicable to child care centres rather than to kindergartens. It is the Government's view that there is a greater need for care of these younger children, and that there should be a correspondingly greater provision of staff and space than for older children attending kindergartens. These standards will be clearly defined in the respective ordinances. I can see, nevertheless, that there might still be one or two demarcation problems, and I must stress that it is the Government's intention to retain the Standing Co-ordinating Committee on Kindergartens and Child Care Centres which is chaired by a senior officer of the Government Secretariat to resolve problems if and when they arise.

Miss BENNETT, whilst endorsing the Government's plans to control entry to Primary I, has pointed out that the situation in kindergartens will not automatically improve as a result of the measures contained in the White Paper. I note her concern and assure her that a close watch will be kept on the situation and further measures will be considered should they prove necessary.

Miss BENNETT feels that the checking of interviews for entry to Primary I will become a mammoth exercise. It is however, unlikely that all primary schools will wish to conduct interviews. Indeed, as a general rule, only in respect of schools for which the number of applications exceeds the supply of places might



there be a need to interview and even these schools may decide not to interview the applicants, but simply follow the guidelines which are issued by the Education Department. I confirm that sufficient professional staff will be made available for this exercise.

Miss BENNETT has suggested that children living within one mile of a primary school should be eligible for that school's restricted 30% discretionary places on the grounds that no child should have to travel long distances to his primary school. I can assure Miss BENNETT that in defining district boundaries, we will try to ensure that travel will be kept to a minimum and that the Education Department will also consider whether it is feasible to have an one mile radius for the exercise of personal choice as well as district nets for departmental allocation.

The question of the teaching of English language in kindergartens has not been specifically referred to in the White Paper, but it is covered by the Manual of Kindergarten Practice. The Government's view is that generally speaking it is advisable for the introduction of English into the syllabus to be postponed to Primary II, but that if English is to be introduced earlier than this, then it should be kept very simple. Members may be interested to know that the Government has recently appointed a consultant to examine teaching in kindergartens to see what areas need improvement and to introduce the latest thinking to our teacher trainers. Her views together with those of the Curriculum Development Committee will be carefully studied to ensure that the best and most appropriate type of education is made available to our pre-primary children.

Although I appreciate that both Miss BENNETT and Dr. HU consider that we should be moving faster in some areas than the White Paper indicates, it has been the Government's concern to set realistic implementation dates. I can assure them that the will to move faster is there but the resources, particularly human resources, may not be. The targets towards the latter end of the decade can be reviewed once we see how the supply of teachers, teacher trainers and classrooms measures up to the targets set out in the White Paper. If it is possible to speed things up, the Government will certainly do so.

Dr. HU feels that the fee assistance scheme is unnecessarily restrictive and points out that family income for a four-member family exceeding \$3,000 would no longer entitle the family to any assistance. The setting of this cut off level is a matter of judgment, but the Government feels that a net monthly income of \$3,000 after allowing for a rent deduction is not ungenerous, particularly when we compare it with the current average wage in manufacturing industry of \$59.91 per day or \$1,557.66 per month on a 26-working-day month gross. In other words, the average family with both parents working in manufacturing industry will still be eligible for the assistance.

Dr. HU has also welcomed the pilot project whereby, as he has said, nonprofit-making kindergartens in public housing estates will be charged welfare rents. I must point out that the rent to be charged is not the welfare rent which is

currently assessed at about \$5 per square metre, but a concessionary rent, which is pitched approximately half way between the commercial rent and the welfare rent. I nevertheless share Dr. Hu's hope that these arrangements will become permanent and be extended to all estate kindergartens.

Sir, in this reply I have felt constrained to deal only with points relevant to this White Paper. No policy document can please everybody. Some will be unhappy that the Government has not been able to meet the specific points they raised, but I think it must be conceded even by the most enthusiastic critics that the Government has in this White Paper made a genuine attempt to improve the standards and quality of primary education and pre-primary services.

Sir, I beg to move.

*Question put and agreed to.*

### **PENSIONS (INCREASE) ORDINANCE**

THE SECRETARY FOR THE CIVIL SERVICE moved the following motion:—That the Second Schedule to the Pensions (Increase) Ordinance be amended with effect from 1 October 1981

(a) in Part I by adding the following—

‘14. The adjusted pension under paragraph 13 may be further increased by 14 *per cent.*’;

(b) in Part II by adding the following—

‘13. The adjusted pension under paragraph 12 may be further increased by 14 *per cent.*’;

(c) in Part III by adding the following—

‘13. The adjusted pension under paragraph 12 may be further increased by 14 *per cent.*’;

(d) in Part IV by adding the following—

‘12. The adjusted pension under paragraph 11 may be further increased by 14 *per cent.*’;

(e) in Part V by adding the following—

‘11. The adjusted pension under paragraph 10 may be further increased by 14 *per cent.*’;

(f) in Part VI by adding the following—

‘10. The adjusted pension under paragraph 9 may be further increased by 14 *per cent.*’;

(g) in Part VII by adding the following—

‘9. The adjusted pension under paragraph 8 may be further increased by 14 *per cent.*’;

- (h) in Part VIII by adding the following—  
‘8. The adjusted pension under paragraph 7 may be further increased by 14 *per cent.*’;
- (i) in Part IX by adding the following—  
‘6. The adjusted pension under paragraph 5 may be further increased by 14 *per cent.*’;
- (j) in Part X by adding the following—  
‘5. The adjusted pension under paragraph 4 may be further increased by 14 *per cent.*’;
- (k) in Part XI by adding the following—  
‘4. The adjusted pension under paragraph 3 may be further increased by 14 *per cent.*’;
- (l) in Part XII by adding the following—  
‘3. The adjusted pension under paragraph 2 may be further increased by 14 *per cent.*’;
- (m) in Part XIII by adding the following—  
‘2. The adjusted pension under paragraph 1 may be further increased by 14 *per cent.*’;
- (n) by adding the following—

‘PART XIV

*Applicable to a basic pension based on a salary in force  
from 1 July 1980 to 30 June 1981 inclusive*

1. The basic pension may be increased by 14 *per cent.*’.

He said:—Sir, I move the first motion standing in my name on the Order Paper.

It is the Government’s policy to maintain the original purchasing power of civil service pensions, including pensions payable under the Widows and Orphans Pension Scheme and the Widows’ and Children’s Pensions Scheme, by making periodic adjustments to reflect changes in the cost of living.

During the review period from 1 July 1980 to 30 June 1981, the Moving Annual Average of the Consumer Price Index (A) rose by 21.5 points or 14.30%. In the light of this movement, it is proposed that pensions in payment on 1 July 1981, including previous increases already approved, should be increased by 14% with effect from 1 October 1981.

The cost of the increase is estimated to be \$20.3 million for the remainder of the current financial year and \$40.6 million in a full year.

The policy on civil service pension increases has been reviewed and on the advice of the Executive Council, it has been decided that with effect from 1 April 1982, the review period and the effective date of any award of a pension increase

should be the same as for salary adjustments, although reviews of pensions and salaries will continue to be conducted separately because of the different factors involved.

Sir, I beg to move.

*Question put and agreed to.*

### **WIDOWS AND ORPHANS PENSION (INCREASE) ORDINANCE**

THE SECRETARY FOR THE CIVIL SERVICE moved the following motion:—That the Schedule to the Widows and Orphans Pension (Increase) Ordinance be amended by adding the following—

- ‘30. The pension calculated on the total contributions up to 30 June 1980 inclusive plus the total increases in pension up to 30 September 1981 may be increased by 14 *per cent* with effect from 1 October 1981.
31. The pension calculated on contributions from 1 July 1980 to 30 June 1981 inclusive may be increased by 14 *per cent* with effect from 1 October 1981.’.

He said:—Sir, my speech on the first motion standing in my name on the Order Paper covers also the subject of the second motion standing in my name. I therefore beg to move.

*Question put and agreed to.*

### **COMPANIES ORDINANCE**

THE SECRETARY FOR ECONOMIC SERVICES moved the following motion:—That the Companies (Fees and Percentages) (Amendment) Order 1981, made by the Acting Chief Justice on the 20 July 1981, be sanctioned.

He said:—Sir, I move the first motion standing in my name on the Order Paper.

The Companies (Fees and Percentages) Order contains rules made by the Chief Justice with the concurrence of this Council in respect of the fees and percentages payable in relation to the winding up of companies. The last review of these fees and percentages took place in 1975. Since then costs in the Official Receiver’s Office of the Registrar General’s Department have increased, and the Official Receiver has been operating at a loss, an unhappy situation for an officer charged with responsibilities in relation to the liquidation of insolvent companies (*laughter*).

The Companies (Fees and Percentages) (Amendment) Order 1981 was made by the Acting Chief Justice on 20 July 1981. In addition to revising some of the fees the opportunity has been taken to provide for a more convenient mode of payment, and to cure an anomaly in relation to the maximum fees permitted.

So, the amendment introduces three changes to the principal Order. *First*, it provides that payment of certain fees and percentages previously required to be taken in stamps may now be taken in cash. *Secondly*, it revises the prescribed fees in the Third Schedule of the principal Order by increasing most of them by 50%. *Thirdly*, the amendment removes the maximum fee for payments out of the Companies Liquidation Account in respect of unclaimed dividends. At present, a fee is charged by the Official Receiver on every payment from the Companies Liquidation Account, at a rate of 40 cents per \$10, subject to a maximum of \$20,000 in each liquidation. This maximum fee applies to payments in respect of unclaimed dividends as well as undistributed funds. The distinction is that unclaimed dividends are paid to creditors, whereas undistributed funds comprise money which the liquidator had previously not been able to deal with, for example because there had been a legal dispute as to who was entitled to the funds. Under the terms of the principal Order creditors who collect payments first have to bear the deduction of the 4% from their claims to meet the fee. But when the maximum of \$20,000 has been reached other creditors do not have to pay any fee at all. This is clearly inequitable. In view of this, the Registrar General recommended to the Chief Justice that the maximum fee in respect of payments out of the Liquidation Account should be restricted to payments out of undistributed funds or balances only. This is in line with the United Kingdom practice whereby a flat rate is applied to payments out of unclaimed dividends, whilst the fee for payments out of undistributed funds is subject to a ceiling.

Sir, I beg to move.

*Question put and agreed to.*

## **BANKRUPTCY ORDINANCE**

THE SECRETARY FOR ECONOMIC SERVICES moved the following motion:—That the Bankruptcy (Fees and Percentages) Scale (Amendment) Notice 1981, made by the Acting Chief Justice on the 20 July 1981, be approved.

He said:—Sir, I move the second motion standing in my name on the Order Paper.

The Bankruptcy (Fees and Percentages) Scale made by the Chief Justice with the approval of this Council prescribes the scale of fees and percentage to be charged in respect of proceedings under the Bankruptcy Ordinance. The last revision of fees again took place in 1975.

The Bankruptcy (Fees and Percentages) Scale (Amendment) Notice 1981, which was made by the Acting Chief Justice on 20 July 1981, revises the fees prescribed in the Bankruptcy (Fees and Percentages) Scale on the basis of the increased cost of administering the Official Receiver's Office. Most of the fees prescribed in the scale are increased by 50% but a reduction is made in respect of the fee paid for an office copy of a document (item 14 in Table A) to be consistent with a similar fee charged under the Companies (Fees and Percentages) Order.

In line with the equivalent provision in the Companies (Fees and Percentages) (Amendment) Order moved earlier, a limit of \$20,000 in each bankruptcy is applied to the fee payable for every payment out of money from the Bankruptcy Estates Account in respect of undistributed funds or balances.

Sir, I beg to move.

*Question put and agreed to.*

### TELEPHONE ORDINANCE

THE SECRETARY FOR ECONOMIC SERVICES moved the following motion:— That the Schedule to the Telephone Ordinance be amended—

(a) with effect from 1 September 1981, in accordance with Table I; and

(b) with effect from 1 January 1982, in accordance with Table II.

#### TABLE I

*Item to be  
amended or  
inserted*

*Amendment*

##### Part I

- 1(a) Delete '576' and substitute '660'
- 1(b) Delete '\$432' and substitute '\$492'.
- 2(a) Delete '\$384' and substitute '\$444'.
- 2(b) Delete '\$288' and substitute '\$324'.

New Insert after item 5 the following new items—

- '6. For a "hunting"  
exchange line \$744 per annum.
- 7. For a Direct Dialling  
In exchange line \$2,100 per annum.'

## Part II

- 3(a) Delete '\$480' and substitute '\$648'.
- 3(b) Delete '\$156' and substitute '\$204'.
- 10 Delete paragraph (a) and substitute the following—
- |                                       |                   |
|---------------------------------------|-------------------|
| '(a) rental                           |                   |
| (i) circuit only                      | \$120 per annum.  |
| (ii) circuit with telephone equipment | \$300 per annum.' |

*Item to be  
amended or  
inserted*

*Amendment*

- 12(i) Delete '\$480' and substitute '\$648'.
- 12(ii) Delete '\$480' and substitute '\$648'.
- 12(iii) Delete '\$984' and substitute '\$1,320'.
- 12(iv) Delete '\$1,020' and substitute '\$1,380'.
- 12(v) Delete '\$2,064' and substitute '\$2,760'.
- 13(i) Delete '\$120' and substitute '\$156'.
- 13(ii) Delete '\$156' and substitute '\$204'.
- 13(iii) Delete '\$312' and substitute '\$420'.
- 13(iv) Delete '\$324' and substitute '\$432'.
- 13(v) Delete '\$516' and substitute '\$684'.

## TABLE II

*Item to be  
amended*

*Amendment*

## Part I

- 3 Delete item 3 and substitute the following—
- |   |         |
|---|---------|
| '3. Associated charges for items 1,2,6 and 7— |         |
| (a) installation                              | \$450.  |
| (b) removal within the same building          | \$170.  |
| (c) removal to a different building           | \$450.' |

## Part II

- 1(b) Delete '\$150' and substitute '\$170'.
- 2(c) Delete '\$150' and substitute '\$170'.

- 7(c) Delete '\$150' and substitute '\$170'.  
 8(d) Delete '\$672' and substitute '\$3,000'.  
 10(b) Delete '\$150' and substitute '\$170'.  
 11(c) Delete '\$150' and substitute '\$170'.

*Item to be amended*                      *Amendment*

Part IV

- 8 Delete paragraphs (b) and (c) and substitute the following—
- |   |                       |
|---|-----------------------|
| (b) maintenance for installed extension for Strowger equipment                      | \$180<br>per annum.   |
| (c) maintenance for installed extension for equipment other than Strowger equipment | \$144<br>per annum.'. |

He said:—Sir, I rise to move the third and last motion standing in my name in the Order Paper. Section 26(2) of the Telephone Ordinance empowers this Council to amend, by resolution, the Schedule to that Ordinance to establish the maximum charges that may be levied by the Hong Kong Telephone Company.

On 11 March 1981, this Council resolved to amend the Schedule in order to increase a number of the Telephone Company's charges, which included installation charges and charges for special equipment and services. The resolution omitted the increases in line rentals for which the Company had also applied, and on that occasion members were alerted to the fact that increases in line rentals and related charges might be necessary in late 1981 or early 1982.

In early June, the Telephone Company submitted another application for increases in charges. These proposals cover, first, rentals for residential lines and business lines (including special facilities for business lines), and for leased circuits and external extensions. The present rental charges have been held constant for three years, but increases are now unavoidable because of increases in the Company's costs during that period. It is proposed that these new charges should take effect on 1 September 1981.

Secondly, the Company has applied for increases in rentals for private payphones, maintenance charges for Private Automatic Branch Exchanges (P.A.B.X.), and various increased installation and removal charges, all of which would only allow the Company to recover the costs of providing the services and avoid cross-subsidization from other services. A new and separate charge is proposed for the maintenance of modern P.A.B.X. systems, to reflect the fact that these systems are more reliable and so less costly to maintain than the older systems they are replacing. The resolution proposes that these new charges should take effect on 1 January 1982.



The Company had applied to raise the charge for the use of a public payphone from 50 cents to \$1 a call. Although disallowed, there is no doubt that as the provision of service is uneconomic at 50 cents a call and as an increase of less than 50 cents is impracticable because of the costs involved in modifying payphone mechanisms to accept a second coin, it is likely that the present charge will need to be raised when telephone tariffs are next reviewed.

Sir, I beg to move.

*(Mr. D. K. Newbigging declared an interest and abstained from voting on the motion.)*

*Question put and agreed to.*

## **Second reading of bills**

### **ARMS AND AMMUNITION BILL 1981**

#### **Resumption of debate on second reading (8 July 1981)**

*Question proposed.*

MR. PETER C. WONG:—Sir, Government has agreed to retitle this Bill as the Firearms and Ammunition Bill—

- (i) To distinguish it from the existing Ordinance, and
- (ii) To emphasize that it deals with firearms and not weapons, which in the alternative, are properly called arms. Weapons are now dealt with under the Weapons Bill 1981.

The Bill is particularly welcome coming as it does at a time when the public is seriously concerned about the increasing incidence in the unlawful use of firearms. The existing law enacted in 1933 was not designed to cope with present day situations and the penalties prescribed are inadequate. The Acting Attorney General was quite right in saying that the proposed new law may not necessarily reduce the unlawful use of firearms. However, with a strengthened and modernized Ordinance, the law enforcing agencies will have a powerful weapon to combat offences which this Bill is designed to prevent.

Sir, I support the motion.

THE ATTORNEY GENERAL:—Sir, I am most grateful to my honourable and learned Friend Mr. WONG to what he has said, and to him and other Members of the Unofficial Committee who looked at the Bill. Sir, I noticed that the Bill contains some 34 pages as printed, has some 30 new clauses, and I am sure that Mr. WONG would wish to congratulate the Law Draftsman and his draftsmen in those circumstances that the only change needed, after that very careful scrutiny

of the Bill, is to change its title (*laughter*) from the 'Arms and Ammunition Bill 1981' to the 'Firearm and Ammunition Bill 1981' (*laughter*). Sir, that will require two amendments in the committee stage for this Bill and three amendments to the Weapons Bill. And, Sir, for the reason Mr. WONG has referred to, I shall be moving those amendments.

*Question put and agreed to.*

Bill read the second time.

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

## **WEAPONS BILL 1981**

### **Resumption of debate on second reading (8 July 1981)**

*Question proposed.*

THE ATTORNEY GENERAL:—Sir, since this Bill was considered by the group of Unofficial Members, I have received from Messers. P. L. Chung and Company, writing on behalf of Hong Kong Chinese Martial Arts Association Limited, a very helpful letter in which they have looked at a number of the clauses in the Bill. Sir, many of the points that they made have been considered by the Administration and Unofficial Members, but there is one point they made which we feel is a good point which ought to be dealt with. Sir, they point out that under clause 9 of the Bill it is possible for the Commissioner to seize weapons without any reference to the society and without giving the society and opportunity to explain why the weapons should not be seized. Sir, the Commissioner of Police points out that the aim of this Bill is of course not in any way to hinder the majority of reputable and good societies properly conducted and are performing good service to young people in the community. The intention is to curb those which are triad dominated or those which triads use to infiltrate the young. He feels in the circumstances that he would like me to give an undertaking on his behalf that before issuing an order under section 9 of the Bill to seize weapons, save in exceptional circumstances, he would give the society concerned the opportunity of making submissions as to why the weapons should not be removed from their control in all the circumstances of the case. Sir, I make that undertaking with his authority and on his behalf. And it will be done administratively though not in the Bill itself.

*Question put and agreed to.*

Bill read the second time.

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

**IMMIGRATION (AMENDMENT) (NO. 2) BILL 1981**

**Resumption of debate on second reading (8 July 1981)**

*Question proposed.*

*Question put and agreed to.*

Bill read the second time.

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

**DANGEROUS DRUGS (AMENDMENT) BILL 1981**

**Resumption of debate on second reading (8 July 1981)**

*Question proposed.*

*Question put and agreed to.*

Bill read the second time.

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

**IMMIGRATION (AMENDMENT) (NO. 3) BILL 1981**

**Resumption of debate on second reading (8 July 1981)**

*Question proposed.*

*Question put and agreed to.*

Bill read the second time.

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

**CRIMES (AMENDMENT) BILL 1981****Resumption of debate on second reading (8 July 1981)**

*Question proposed.*

*Question put and agreed to.*

Bill read the second time.

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

**Committee stage of bills**

Council went into Committee.

**ARMS AND AMMUNITION BILL 1981**

Clause 1

THE ATTORNEY GENERAL:—Sir, I move that clause 1 be amended by deleting ‘Arms and Ammunition Ordinance 1981’ and substituting ‘Firearms and Ammunition Ordinance 1981’.

*Proposed amendment*

**Clause 1**

That clause 1 be amended by deleting ‘Arms and Ammunition Ordinance 1981’ and substituting the following—

‘Firearms and Ammunition Ordinance 1981’.

The amendment was agreed to.

Clause 1, as amended, was agreed to.

Clauses 2 to 57 were agreed to.

First Schedule was agreed to.

Second Schedule.

THE ATTORNEY GENERAL:—Sir, I move that the Second Schedule be amended by deleting ‘Arms and Ammunition Ordinance 1981’ wherever it occurs and substituting ‘Firearms and Ammunition Ordinance 1981’.

*Proposed amendment*

### **Second Schedule**

That the Second Schedule be amended by deleting ‘Arms and Ammunition Ordinance 1981’ wherever it occurs and substituting in each case the following—  
‘Firearms and Ammunition Ordinance 1981’.

The amendment was agreed to.

Second Schedule, as amended, was agreed to.

### **WEAPONS BILL 1981**

Clause 1 was agreed to.

Clause 2

THE ATTORNEY GENERAL:—Sir, I move that clause 2 be amended as in the definition of ‘repealed Ordinance’ by deleting ‘Arms and Ammunition Ordinance 1981’ and substituting ‘Firearms and Ammunition Ordinance 1981’.

*Proposed amendment*

### **Clause 2**

That clause 2 be amended in the definition of ‘repealed Ordinance’ by deleting ‘Arms and Ammunition Ordinance 1981’ and substituting the following—  
‘Firearms and Ammunition Ordinance 1981’.

The amendment was agreed to.

Clause 2, as amended, was agreed to.

Clauses 3 to 8 were agreed to.

Clause 9

THE ATTORNEY GENERAL:—Sir, I move that clause 9(1) be amended by deleting ‘Arms and Ammunition Ordinance 1981’ wherever it occurs and substituting in each case ‘Firearms and Ammunition Ordinance 1981’.

*Proposed amendment***Clause 9**

That clause 9(1) be amended by deleting ‘Arms and Ammunition Ordinance 1981’ wherever it occurs and substituting in each case the following—  
‘Firearms and Ammunition Ordinance 1981’.

The amendment was agreed to.

Clause 9, as amended, was agreed to.

Clauses 10 to 19 were agreed to.

**Clause 20**

THE ATTORNEY GENERAL:—Sir, I move that clause 20(b) be amended by deleting ‘Arms and Ammunition Ordinance 1981’ and substituting ‘Firearms and Ammunition Ordinance 1981’.

*Proposed amendment***Clause 20**

That clause 20(b) be amended by deleting ‘Arms and Ammunition Ordinance 1981’ and substituting the following—  
‘Firearms and Ammunition Ordinance 1981’.

The amendment was agreed to.

Clause 20, as amended, was agreed to.

First and Second Schedules were agreed to.

**IMMIGRATION (AMENDMENT) (NO. 2) BILL 1981**

Clauses 1 and 2 were agreed to.

Schedule was agreed to.

**DANGEROUS DRUGS (AMENDMENT) BILL 1981**

Clause 1 was agreed to.

Clause 2

SECRETARY FOR SECURITY:—Sir, I move that clause 2 be amended as set out in the paper circulated to honourable Members.

Following discussion it has been agreed that the new section 49D(2)(d) should be narrowed from the rather wide provision of firstly the ‘purpose of his work’ to the more restricted purposes included in the amendment.

And secondly the purpose of the other substantive amendment to new section 49D subsection (2)(e) is to allow the information protected under this Bill to be disclosed to a coroner, in addition to a medical practitioner, to facilitate his enquiry into the cause of death of a drug abuser.

*Proposed amendment*

**Clause 2**

That clause 2 be amended, in the proposed new section 49D(2)—

- (a) in paragraph (d), by deleting ‘his work’ and substituting the following—  
‘treating a drug abuser for his drug addiction or of assisting him in his rehabilitation’; and
- (b) by deleting paragraph (e) and substituting the following—  
‘(e) to a medical practitioner for the purpose of providing medical treatment for any person, or to a coroner or a medical practitioner for the purpose of inquiring into the cause of death of a drug abuser;’.

The amendment was agreed to.

Clause 2, as amended, was agreed to.

Clause 3 was agreed to.

Clause 4

SECRETARY FOR SECURITY:—Sir, I move that clause 4 be amended as set out in the paper circulated to Members to correct two errors which have slipped into the Bill.

*Proposed amendment*

**Clause 4**

That clause 4 be amended in the proposed new Fourth Schedule—

- (a) by deleting the heading and substituting the following—  
‘Reporting Agencies’; and
- (b) by deleting item 29 and substituting the following—  
‘29. Society for the Aid and Rehabilitation of Drug Abusers’.

The amendment was agreed to.

Clause 4, as amended, was agreed to.

### **IMMIGRATION (AMENDMENT) (NO. 3) BILL 1981**

Clauses 1 to 4 were agreed to.

### **CRIMES (AMENDMENT) BILL 1981**

Clauses 1 and 2 were agreed to.

Clause 3

SECRETARY FOR SECURITY:—I move that clause 3 be amended as set out in the paper circulated to Members. The reason for this amendment stems from representations which were made by a group of Unofficial Members that the original provisions in subsection (2) of new section 76A went further than was justified.

As I explained when proposing the second reading the object of this legislation is to deter persons who may be minded to enter into the business of forging identity cards or travel documents, driving licences etc. To deter them from doing so the Bill proposed to create a new offence and to transfer the burden of proof in any proceedings for an offence under this clause to the accused. I accept that such a proposal is only justified where serious issues are at stake. I consider that it is justified in respect of forging these documents to which I have referred, and bank notes but not, in current circumstances, in respect of forgery of *any* document. Accordingly I move that subsection (2) should be amended.

*Proposed amendment*

#### **Clause 3**

That clause 3 be amended, in proposed section 76A by deleting subsection (2) and substituting the following

- ‘(2) In proceedings against any person for an offence under subsection (1), where any document, equipment or article is proved to have been at the time of such offence fit for use in the forgery of—
- (Cap. 115.) (a) a travel document, as defined in section 2 of the Immigration Ordinance, or any document issued under that Ordinance;
  - (Cap. 177.) (b) an identity card, or any other document, issued under the Registration of Persons Ordinance;
  - (Cap. 220.) (c) a driving licence issued under the Road Traffic Ordinance; or
  - (d) a bank note,



it shall be presumed until the contrary is proved that the document, equipment or article was at that time intended by him for such use.’.

The amendment was agreed to.

Clause 3, as amended, was agreed to.

Clauses 4 to 6 were agreed to.

Council then resumed.

### **Third reading of bills**

THE ATTORNEY GENERAL reported that the

IMMIGRATION (AMENDMENT) (NO. 2) BILL and the

IMMIGRATION (AMENDMENT) (NO. 3) BILL

had passed through Committee without amendment and that the

ARMS AND AMMUNITION BILL

(subsequently enacted as Firearms and Ammunition Ordinance 1981)

WEAPONS BILL

DANGEROUS DRUGS (AMENDMENT) BILL and the

CRIMES (AMENDMENT) BILL

had passed through Committee with amendment and moved the third reading of each of the six Bills.

*Question put on each Bill and agreed to.*

Bills read the third time and passed.

### **Adjournment and next sitting**

HIS EXCELLENCY THE PRESIDENT:—This, honourable Members, concludes our business for the session. I should like to congratulate and thank Members on the great volume of important business transacted and the large amount of

other work well done. I take this opportunity too to wish Members pleasant holidays. Council will now adjourn. The next sitting will be held on Wednesday, 7 October 1981, when the new session of this Council will begin.

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