

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 15 February 1984****The Council met at half past two o'clock****PRESENT**

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR EDWARD YOUDE, G.C.M.G., M.B.E.

THE HONOURABLE THE CHIEF SECRETARY
SIR CHARLES PHILIP HADDON-CAVE, K.B.E., C.M.G., J.P.

THE HONOURABLE THE FINANCIAL SECRETARY
SIR JOHN HENRY BREMRIDGE, K.B.E., J.P.

THE HONOURABLE THE ATTORNEY GENERAL
MR. MICHAEL DAVID THOMAS, Q.C.

THE HONOURABLE ROGERIO HYNDMAN LOBO, C.B.E., J.P.

THE HONOURABLE DENIS CAMPBELL BRAY, C.M.G., C.V.O., J.P.
SECRETARY FOR HOME AFFAIRS

THE HONOURABLE DAVID AKERS-JONES, C.M.G., J.P.
SECRETARY FOR DISTRICT ADMINISTRATION

DR. THE HONOURABLE HARRY FANG SIN-YANG, C.B.E., J.P.

THE HONOURABLE LO TAK-SHING, C.B.E., J.P.

THE HONOURABLE FRANCIS YUAN-HAO TIEN, O.B.E., J.P.

THE HONOURABLE CHEN SHOU-LUM, C.B.E., J.P.

THE HONOURABLE LYDIA DUNN, C.B.E., J.P.

THE REVD. THE HONOURABLE PATRICK TERENCE McGOVERN, O.B.E., S.J., J.P.

THE HONOURABLE ALAN JAMES SCOTT, C.B.E., J.P.
SECRETARY FOR TRANSPORT

THE HONOURABLE PETER C. WONG, O.B.E., J.P.

THE HONOURABLE WONG LAM, O.B.E., J.P.

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 TRADE AND INDUSTRY

THE HONOURABLE CHARLES YEUNG SIU-CHO, O.B.E., J.P.

THE HONOURABLE JOHN MARTIN ROWLANDS, C.B.E., J.P.
SECRETARY FOR THE CIVIL SERVICE

DR. THE HONOURABLE HO KAM-FAI, O.B.E., J.P.

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

THE HONOURABLE ANDREW SO KWOK-WING, O.B.E., J.P.

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

THE HONOURABLE HU FA-KUANG, J.P.

THE HONOURABLE WONG PO-YAN, O.B.E., J.P.

THE HONOURABLE DONALD LIAO POON-HUAI, C.B.E., J.P.
SECRETARY FOR HOUSING

THE HONOURABLE CHAN KAM-CHUEN, J.P.

THE HONOURABLE JOHN JOSEPH SWAINE, O.B.E., Q.C., J.P.

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

THE HONOURABLE STEPHEN CHEONG KAM-CHUEN, J.P.

THE HONOURABLE CHEUNG YAN-LUNG, M.B.E., J.P.

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

THE HONOURABLE MARIA TAM WAI-CHU, J.P.

DR. THE HONOURABLE HENRIETTA IP MAN-HING

THE HONOURABLE PIERS JACOBS, O.B.E., J.P.
SECRETARY FOR ECONOMIC SERVICES

THE HONOURABLE DAVID GREGORY JEAFFRESON, C.B.E., J.P.
SECRETARY FOR SECURITY

THE HONOURABLE HENRY CHING, C.B.E., J.P.
SECRETARY FOR HEALTH AND WELFARE

THE HONOURABLE CHAN NAI-KEONG, J.P.
SECRETARY FOR LANDS AND WORKS

THE HONOURABLE RONALD GEORGE BLACKER BRIDGE, J.P.
COMMISSIONER FOR LABOUR

THE HONOURABLE CHAN YING-LUN

THE HONOURABLE MRS. RITA FAN HSU LAI-TAI

THE HONOURABLE MRS. PAULINE NG CHOW MAY-LIN

THE HONOURABLE PETER POON WING-CHEUNG, M.B.E., J.P.

THE HONOURABLE YEUNG PO-KWAN, C.P.M.

THE HONOURABLE JAMES NEIL HENDERSON, O.B.E., J.P.
SECRETARY FOR EDUCATION AND MANPOWER

ABSENT

THE HONOURABLE ALEX WU SHU-CHIH, C.B.E., J.P.

THE HONOURABLE WILLIAM CHARLES LANGDON BROWN, O.B.E., J.P.

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL
MRS. JENNIE CHOK PANG YUEN-YEE

Papers

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

<i>Subject</i>	<i>L.N. No.</i>
Subsidiary Legislation:	
Trustee Ordinance.	
Trustee Ordinance (Amendment of Second Schedule) Order 1984.....	28
Public Health and Urban Services Ordinance	
Designation of Museums (Sheung Yiu Folk Museum) Order 1984.....	29
Inland Revenue Ordinance.	
Inland Revenue (Interest Tax) (Exemption) (Amendment) (No. 2) Notice 1984.....	30
Road Traffic Ordinance (Chapter 220).	
Road Traffic (Public Service Vehicles) (Amendment) (No. 2) Regulations 1984.....	31
Road Traffic Ordinance.	
Road Traffic (Public Service Vehicles) (Amendment) (No. 3) Regulations 1984.....	32
Road Traffic Ordinance (Chapter 374).	
Road Traffic (Public Service Vehicles) (Amendment) (No. 2) Regulations 1984.....	33
Road Traffic Ordinance.	
Taxis (Hong Kong and Kowloon Taxis) (Limitation on Number) Notice 1984.....	34
Dutiable Commodities Ordinance.	
Dutiable Commodities (Amendment) Regulations 1984.....	35
Legal Aid Ordinance.	
Legal Aid (Assessment of Contributions) (Amendment) Regulations 1984.	36
Stock Exchanges Unification Ordinance.	
Stock Exchanges Unification (Extension of Period) Order 1984	37
Registration of Persons Ordinance.	
Registration of Persons (Application for New Identity Cards) Order 1984.	38
Road Traffic (Public Service Vehicles) (Amendment) (No. 3) Regulations 1984.	
Road Traffic (Public Service Vehicles) (Amendment) (No. 3) Regulations 1984 (Commencement) Notice 1984.....	40

<i>Subject</i>	<i>L.N. No.</i>
Tax Reserve Certificates (Fourth Series) Rules. Tax Reserve Certificates (Rate of Interest) Notice 1984	41
Interpretation and General Clauses Ordinance. Specification of Public Office	42

Sessional Papers 1983-84:

No. 38—Trustee's Report on the Administration of the Education Scholarships Fund for the year ended 31 August 1983.

No. 39—Li Po Chun Charitable Trust Fund Annual Report for the period 1 September 1982 to 31 August 1983.

No. 40—Changes to the approved estimates of expenditure approved during the quarter ending 30 September 1983—Public Finance Ordinance: Section 8.

No. 41—Changes to the approved estimates of expenditure approved during the quarter ending 31 December 1983—Public Finance Ordinance: Section 8.

Oral answers to questions

Standard of translation in the civil service

1. MR. WONG LAM asked in Cantonese:—

請問政府是否滿意公務部門的翻譯水準，又請說明有何措施去改善目前的水準？

(The following is the interpretation of what Mr. WONG Lam asked.)

Is Government satisfied with the standard of translation in the Civil Service and what measures are being taken to improve on the present standard?

SECRETARY FOR HOME AFFAIRS:—Sir, on the whole the Government is satisfied with the standard of translation in the Civil Service, but as an enormous amount of this work is done there is always scope for improvement.

Measures being taken to maintain and improve standards fall under five headings—

- (i) time allowed for translation;
- (ii) maintenance of the standard of achievement of recruits;
- (iii) in-service training;
- (iv) monitoring translation by regular inspection; and
- (v) strengthening of establishment where the volume of work has increased.

The time allowed for translation often has an effect on the quality of translation. It is unfortunately often the case that translation is required speedily to meet a deadline and in such cases the work produced cannot do justice to the ability of the translators. When these cases occur the problems are pointed out with the hope that on future occasions more time will be allowed.

The *entry requirement* for appointment of Chinese Language Officers was raised in 1979 from matriculation level to graduate level, although matriculants and graduates of post-secondary colleges may be appointed if they can achieve good results in the entrance examinations. These examinations are set at graduate level.

The in-service training of Chinese Language Officers has been stepped up since 1981 with the introduction of a series of carefully planned and more comprehensive training programmes. They include the one-year basic training course for new appointees, a refresher course on interpretation in Putonghua and advanced practical Chinese writing courses for the more experienced Chinese Language Officers. Seminars on translation and interpretation techniques by well-known scholars are held from time to time.

Standards are monitored in all Government departments by means of regular inspection visits. Where deficiencies are discovered, the cause will be identified and recommendations will be made on how to rectify them.

During regular inspections of departments recommendations are made from time to time that *establishments should be strengthened* in order to cater for additional workloads and to maintain a high quality in the translation of official documents.

MR. WONG LAM asked in Cantonese:—

閣下，鑑於中文主任的工作、涉及多方面的社會事務，請問除了訓練中文主任的翻譯能力之外，有沒有其他課程可以增進中文主任各方面的基本知識？

(The following is the interpretation of what Mr. WONG Lam asked.)

Sir, as the field of work of the Chinese Language Officer may touch on all aspects of society's affairs, apart from training in translation are there any programmes to enhance their general knowledge?

SECRETARY FOR HOME AFFAIRS:—Sir, I am afraid we are stretched just to manage the training, but a suggestion has been made that translators should see more of the affairs of the activities about which they are doing translations.

MR. LO:—*Has the Government considered perhaps opening it to Administrative Officers to be recruited into this area?*

SECRETARY FOR HOME AFFAIRS:—Sir, I don't think Administrative Officers would find the terms of appointment for translators very attractive. Some Administrative Officers do, of course, undertake duties as part-time simultaneous interpreters.

MR. LO:—*I am sorry, Sir, I was asking whether the Government has considered making it open for Administrative Officers to have as an additional qualification the ability to do very high quality translation work?*

SECRETARY FOR HOME AFFAIRS:—Sir, I think most Administrative Officers are pretty hard pushed, but I am perfectly prepared to look at this. In fact, in the past, on a difficult occasion, I did engage an Administrative Officer who did an excellent translation of a long report.

Translation of legislation into Chinese

2. MR. WONG LAM asked in Cantonese:—

政府可否告知本局，翻譯香港法例為中文的目前情況？政府對現時的進度是否感到滿意？

(The following is the interpretation of what Mr. WONG Lam asked.)

Will Government inform this Council of the present position regarding the translation of Hong Kong Laws into Chinese and is Government satisfied with the progress made so far?

SECRETARY FOR HOME AFFAIRS:—Sir, Mr. AKERS-JONES explained on 10 August 1983 the general principles followed in deciding whether a certain piece of legislation should be translated into Chinese. The position at that time was that 39 pieces of legislation had been translated. Since then, steady progress has been made by the Chinese Language Division. On the advice of the UMELCO Office in May 1983 and the Urban Council in December 1983 eighteen pieces of legislation for priority translation were identified because they affect the general public. Six have been completed since August 1983, bringing the total number of Ordinance/sets of Regulations translated to 45.

An organization review of the Chinese Language Division is being conducted to assess whether better progress can be achieved by redeployment of staff and restructuring of the Division though it will become apparent from answers to later questions that there are competing demands.

In saying that I am reasonably satisfied with progress, I have in mind not only competing demands for the services of the translators but also the use of explanatory pamphlets in both Chinese and English which most people find a greater help in understanding the law as it affects them. Over 1 000 such pamphlets have been published and are kept up-to-date.

MRS. CHOW:—*Has the assistance and advice of the legal profession been sought to determine priorities in the process of the translation in question, given the limited resources available?*

SECRETARY FOR HOME AFFAIRS:—Yes, Sir, we are working in close collaboration with the Attorney General's Chambers.

Motor vehicle testing and inspection

3. MR. S. L. CHEN asked:—*In view of the Secretary for Transport's advice to this Council on 8 December 1982 that consideration was being given to the possibility of contracting out motor vehicle testing and inspections to the private sector, will Government state what progress it has been able to make in pursuing the matter?*

SECRETARY FOR TRANSPORT:—Sir, on 31 May 1983, the Transport Advisory Committee approved in principle proposals from the Motor Traders Association's proposal to license private garages to undertake the annual inspection of private cars over six years old. The T.A.C. requested that a detailed scheme be prepared, providing adequate safeguards against malpractice and ensuring proper standards of competence and of equipment.

A working group including representatives from the Transport Department, the Independence Commission Against Corruption and the Motor Traders Association has worked out a detailed scheme, which will be considered by the Transport Advisory Committee later this month. The proposals will then be submitted to the Governor in Council.

Collection and utilization of blood for transfusions

4. MISS DUNN asked:—*Would the Government say whether there is a shortage of blood for blood transfusions resulting in some surgical operations being delayed?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, I am grateful to Miss DUNN for this opportunity to explain about the collection and utilization of blood for transfusions in Hong Kong so that this matter may be seen in proper perspective.

Blood is normally collected by the Hong Kong Red Cross Blood Transfusion Service from voluntary donors. It is then supplied to the blood banks of the major Government, subvented and private hospitals.

In the hospitals themselves, the surgical cases that require blood transfusions are of two types, namely, acute and emergency operations and scheduled or non-emergency operations commonly known as 'cold cases'.

Our experience has been that for the former type of cases there has never been any occasion when these have to be rescheduled or delayed because of blood shortage. As for the latter type of cases, by and large, it has also been possible to carry out operations according to the times and schedules. However, there have been some occasions when it has been necessary to reschedule such operations to the next session because of the lower level of blood collection during certain periods of the year. These occasions are infrequent and occur mainly during public holidays or festivals such as the recent Chinese New Year. I must emphasize that the rescheduling of operations for cold cases has no adverse effect on the medical conditions of the patients concerned as they do not require immediate operations. Thus, the rescheduling does not really constitute a delay insofar as the patients' conditions are concerned.

I might add that this picture of blood utilization for emergency and cold cases is common to most hospitals in the world and is not peculiar to us in Hong Kong.

MISS DUNN:—*Is our normal stock sufficient for any serious accident which may require a large and urgent supply of blood?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—In our experience so far, Sir, yes. Thanks to the good work of the Red Cross Blood Collection Service.

Incidents at Vietnamese refugee camps

5. MISS DUNN asked:—*Would the Government give a statement on the two recent incidents at the Vietnamese refugee camps at Hei Ling Chau and Chi Ma Wan and say what action was taken in respect of the trouble-makers?*

SECRETARY FOR SECURITY:—Sir, may I first state briefly what happened. Investigations into the recent incidents at the Hei Ling Chau and Chi Ma Wan closed centres indicate that longstanding antagonisms between refugees from the north and south of Vietnam was the main factor involved. The incident at the Hei Ling Chau centre for single male refugees began at midday on 2 February during Lunar New Year festivities organized by the Salvation Army and the centre management. A fight involving three refugees rapidly developed into a gang fight between over 100 northern and southern Vietnamese. Correctional Services Department staff swiftly gained control of the situation. Nevertheless this disorder, in combination with a number of other small incidents featuring antagonism between north and south Vietnamese, over the same period in the main closed centre on Hei Ling Chau, led the Government to conclude that northerners and southerners should now be separated, for their own safety and for the sake of good order in the camps, into different centres. When as a result Correctional Services Department began to transfer refugees

from Chi Ma Wan to Hei Ling Chau on 7 February, the residents of one hut (numbering about 200) resisted the staff's attempts to move them, and at least two officers of the department were attacked. The hut was isolated, the moves continued, and the ringleaders from the offending hut were identified and transferred to the Victoria closed centre later that day. Following the transfers a wide variety of home-made weapons was found in each of the closed centres involved.

I should like at this stage to add that the staff of the Correctional Services Department acted with thoroughly commendable firmness and restraint throughout these regrettable incidents.

On the action taken against the trouble-makers, to remove the possibility of further tensions between these two groups the Government has confirmed its decision that refugees from North Vietnam will in future be detained in the Hei Ling Chau closed centre; and those from South Vietnam in the Chi Ma Wan closed centre. In addition the centre for single male refugees on Hei Ling Chau has been emptied; and, except for identified trouble-makers, the refugees previously housed there have been transferred to either the Chi Ma Wan or Hei Ling Chau closed centres.

Also, 100 refugees from the Hei Ling Chau Treatment Centre and 20 from Chi Ma Wan identified as the instigators of the disturbances on 2 and 7 February, or actively involved in them, have been transferred to the Victoria closed centre, where they will be unable to exert influence over the behaviour of the vast majority of law-abiding refugees. Upon the completion of investigations, it is possible that the police may lay charges against some of those involved in the disturbances.

The Government's aim is to preserve law and order in all refugee centres and to deal firmly with any disturbances. But we must appreciate that when refugees are detained here for long periods frustration will grow.

MISS DUNN:—*Does the fact that refugees who have convictions recorded against them are usually unacceptable for resettlement by host countries influence decisions as to whether or not to prosecute trouble-makers?*

SECRETARY FOR SECURITY:—No, Sir, whether or not the trouble-makers are prosecuted will depend on the trouble they have committed here.

MISS DUNN:—*Sir, based on past experience have the disciplinary actions taken against refugees proved to be effective?*

SECRETARY FOR SECURITY:—I believe, Sir, that they have.

REVD. MCGOVERN:—*I am glad to see that Government notices that there is frustration in these closed camps. Could I ask has Government any plans to lessen*

the frustration by making life more humane in the camps and by offering some activities which are more useful and constructive?

SECRETARY FOR SECURITY:—Yes, Sir. As my honourable friend said we are acutely conscious of the frustrating lives these people lead in the closed centres, and it is certainly the intention of the Correctional Services Department to try and improve even more on the sort of facilities that are provided there. We are also hoping to bring in more voluntary agencies and make greater use of the voluntary agencies already beginning to work there.

Social workers in secondary schools

6. MR. YEUNG PO-KWAN asked:—*Will Government inform this Council:—*

- (a) the present situation in regard to the provision of social workers in secondary schools?*
- (b) the future policy and plans in respect of such a provision?*

DIRECTOR OF EDUCATION:—Sir, there is virtually total coverage of the secondary school system by the School Social Work scheme. Of 482 secondary schools and associated branches served by School Social Workers from the Social Welfare Department and the voluntary agencies, the majority (408) are visited regularly by Workers to facilitate liaison with teaching staff and the counselling of individual students, while the minority (74), which are unable to offer facilities for regular visits by a School Social Worker, are actively encouraged to refer cases, whenever necessary, to a Worker nominated by the Social Welfare Department or a voluntary agency. In addition, a small number of schools (19), mainly under religious sponsorship, have opted to employ their own Social Workers from private resources.

The day-to-day overall co-ordination of the School Social Work scheme rests with the Social Welfare Department in consultation with the Education Department.

There is another facet of the School Social Work programme which I should mention: it is the referral of difficult counselling cases by my Student Guidance Officers to the Social Welfare Department, and this can occur in primary as well as secondary schools.

The Government intends to increase the number of School Social Workers when the general manpower situation in the social work profession improves. Before the infusion of further staff resources, however, it is important to ensure that the resources already directed to this service are being used as effectively as possible in dealing with the problems faced by secondary school students. An evaluation of the service is now being conducted by the Government and the voluntary sector.

MR. YEUNG PO-KWAN:—*To what extent does the Government anticipate that the general manpower situation in the social work profession can be improved so that the actual and growing needs of the students who are the true benefactors of School Social Work service can be fully met?*

DIRECTOR OF EDUCATION:—Sir, the output of social workers from the tertiary institutions is about 200 a year. This is a realistic estimate, and this must be balanced with a review that is currently being conducted as to the optimum use of part-time social workers, full-time social workers and workers on referral.

MRS. CHOW:—*Of the 482 secondary schools mentioned in the first paragraph of the Director of Education's reply, how many are private schools?*

DIRECTOR OF EDUCATION:—I am sorry I don't have that precise figure, Sir, but a great number of private schools do in fact avail themselves of the scheme. The only schools that don't seem to be using the School Social Work programme are in fact the evening schools. I can say that most of the private schools do avail themselves of the part-time services of school social workers.

MRS. CHOW:—*Sir, on the 74 schools which are not served by school social workers, is the Education Department satisfied that they do not need the service or is it because the authorities of the schools concerned are reluctant to receive the service?*

DIRECTOR OF EDUCATION:—Sir, the stated reason for most of these schools is that they lack the facilities for the regular visitations that the bulk of the schools seem to enjoy. There is, of course, some reluctance on the part of some school authorities to avail themselves of the services of school social workers.

MRS. CHOW:—*In the evaluation mentioned in the last paragraph of the Director of Education's reply, will serious consideration be given to the fact that the need for social workers may be more acute in some schools than in others, especially in the half-day sub-standard private secondary schools, and will necessary action be taken to meet that need?*

DIRECTOR OF EDUCATION:—The short answer is yes to both of those questions.

Statistics on the G.D.P.

7. MR. WONG PO-YAN asked:—Will the Government comment on recent progress in the development of up to date statistics on the gross domestic product in Hong Kong?

SECRETARY FOR ECONOMIC SERVICES:—Sir, the Census and Statistics Department has a continuing programme to improve and expand the range of statistics available for Hong Kong. The objective is to provide reliable statistical information on the basis of which analyses of various facets of our economy and our society may be made.

To enhance the quality of the statistics produced by the Department, continuous efforts have been made to improve the quality, coverage and reliability of the information collected through the Department's long term programme of economic surveys. Where necessary, survey orders are made in this Council to give such surveys legal backing.

For 1984 the Commissioner for Census and Statistics has sought six permanent Orders under the Census and Statistics Ordinance, all of which are related to the collection of statistics for the compilation of the Gross Domestic Product. These Orders were tabled in this Council on 18 January 1984. I would normally have made a statement about them at that time but, for reasons that will be obvious to Members, I did not. The Orders, which replaced the earlier Survey Orders, provide the Commissioner with the authority to survey a wide range of different sectors of the economy on an annual basis. The surveys are in respect of industrial production; the building, construction and real estate sector; the wholesale and retail trades, restaurants and hotels sector; transport and related services; storage, communications, financing, insurance and business services; and imports and exports of services.

Past surveys of this type have provided the Census and Statistics Department with information which has enabled it to make some major revisions to its estimates of the *expenditure-based* Gross Domestic Product and to start a new *production-based* G.D.P. series. In the course of implementing this exercise on G.D.P. statistics, a consultant with wide international experience in this field was employed to assist the Department. These new series of statistics, together with full details of the methods of compilation, are included in the publication 'Estimates of Gross Domestic Product, 1966-1983', tabled today for the information of this Council.

The revisions made to the expenditure-based G.D.P. series have the effect of raising the level of the previously published current price estimates by roughly 15-20% in each year, largely due to the inclusion of survey-based estimates in place of crude assumptions for several items on which information was not available previously, such as the margin earned by real estate developers and distributive trade margins.

The revised series represents an improvement on the previous series and is more sensitive to economic changes. As a result the growth rates for some years differ quite markedly from earlier figures. The overall picture as regards longer term growth is not, however, significantly different.

An inevitable consequence of our continuing efforts to improve and expand the coverage of our statistical services is that various series will, every now and then, have to be revised and even re-defined. Our G.D.P. series last underwent major revision in February 1980.

Overall, the Census and Statistics Department is tackling the problem of providing timely and reliable statistics on Gross Domestic Product in Hong Kong in a professional manner. Considerable progress has been made but efforts will continue with a view to achieving further improvements.

Illegal firearms

8. MR. CHARLES YEUNG asked:—*Will Government inform this Council what measures it proposes to take to reduce opportunities for the possession of firearms by unauthorized persons?*

SECRETARY FOR SECURITY:—Sir, the Fight Crime Committee has closely examined the problem of the use of firearms in crime.

The Committee concluded that the present legislation controlling genuine firearms is adequate. It then focused its attention on the ways enforcing the law might be improved. It was particularly concerned to reduce the opportunities for smuggling firearms into Hong Kong. It has agreed with the Commissioner for Customs and Excise that efforts in this direction will be further stepped up. The Commissioner has now installed more detection equipment and will be deploying additional manpower at check points.

Firearms already in Hong Kong are the responsibility of the police. Following the recent armed robberies, the police have been particularly successful in tracing and seizing illegal firearms and ammunition.

Despite these successes, the Fight Crime Committee is still looking at the problem. It is now paying attention to the use of high quality imitation firearms, so called 'replicas' that are so good as to be virtually indistinguishable from the real thing. We are now drafting legislation designed to ban the possession, export, import, manufacture and sale of these 'replica' firearms.

MR. STEPHEN CHEONG:—*Sir, it has been widely rumoured that part of the smuggling is carried out through the route of the sea that doesn't have to go through the checkpoints. Has the Secretary for Security studied or received any indication of that particular trend?*

SECRETARY FOR SECURITY:—The problem of Hong Kong, Sir, is an obvious one—that it is a free port. This makes the control of the importation of firearms extremely difficult. The Customs and Excise are very conscious of these difficulties and they do their very best to keep a close watch on all likely routes for firearms into Hong Kong.

MR. ALLEN LEE:—*Could the Secretary for Security tell us the number of detections, say, in 1983 through these checkpoints of firearms?*

SECRETARY FOR SECURITY:—Yes, Sir. The Custom and Excise seized in 1981 11 firearms, in 1982 again 11 firearms, and in 1983 33.

Prevention of armed robberies

9. MR. PETER C. WONG asked:—*Are there more positive and effective measures open to the Government and the public to prevent or reduce the very disturbing spate of armed robberies resulting in the loss of lives and properties?*

SECRETARY FOR SECURITY:—Sir, the Fight Crime Committee is fully committed to finding positive and effective ways to prevent crime. It is particularly concerned about all forms of violent crime, including armed robberies.

It has groups looking at the use of firearms in crime, at the security of goldsmith and jewellery shops, banks and cold workshops and at how to reduce crime generally and robberies in particular in multi-storey buildings. Members of this Council have now received copies of the Fight Crime Committee's latest report and are aware of the Committee's efforts in these directions.

To bring members up to date, in answering the previous question I referred to the latest work of the Committee in respect of firearms. As regards goldsmiths and jewellery shops the Fight Crime Committee is fully agreed that the answer lies in better security measures and is in communication with the relevant associations to this effect. The security of certain banks could be improved if they would abandon their open-plan designs and the Hong Kong Association of Banks has been advised to this effect. For reducing opportunities for robberies in multi-storey buildings, the Committee has drawn up guidelines on the design of buildings, is looking at how the quality of watchmen might be improved and is examining ways of encouraging better management.

Meanwhile, the Police Crime Prevention Bureau goes to great lengths to advise owners of premises that are likely targets of armed robbery on the most suitable precautions to take. This advice is basically twofold; first, owners are advised on the type of security measures they should install to deter robbers and, secondly, those working in such premises are advised how to react if a robbery takes place.

This point leads me to the second part of Mr. Wong's question which concerns the role of the public. Measures that can be taken by the public fall into two categories. One is taking sensible crime prevention measures and the other is giving full co-operation to the police in the investigation of such crimes.

Next year's Fight Crime Campaign, which the Fight Crime Committee is now planning, will feature Crime Prevention as its theme and will stress the need for the public to be more aware of the need to be security conscious. If a potential robber does not know that a person has goods of high value or, alternatively, knows that such goods exist but that they are securely protected, then the risk of those goods becoming his target is reduced. One of the best ways in which the public can help is by taking basic security precautions and by not behaving in such a way as to tempt criminals into trying to commit crimes.

Secondly, if an armed robbery does take place, the victims and those who witness it must report it to the police and help the police with the enquiries. As recent events have shown, acting on such information the police have the capability to track down these criminals and their weapons, however clever the criminals' attempts at evasion and however violent their resistance may be.

MR. PETER C. WONG:—*In view of the fact that previous efforts have not proved very fruitful, what are the chances now of Government succeeding in persuading jewellery shops to take better security measures and banks to abandon open plan designs?*

SECRETARY FOR SECURITY:—Yes, Sir, without accepting the premise. As I say, we are already in discussion with the associations involved with jewellery shops and goldsmith shops, and the police are in correspondence with the Hong Kong Association of Banks on the question of the open plan designs of some banks. Whether or not, if we get dusty responses, we would ask this Council to legislate is a matter which would have to be given much further thought. It is not frankly an easy question to answer.

MR. CHAN KAM-CHUEN:—*To save or minimize the loss of lives during armed robberies, would Government consider mounting a publicity campaign asking the public not to be too careless and, if there is a gun battle, that they should squat down in the same way as the armies say 'Hit the dirt'? (laughter)*

SECRETARY FOR SECURITY:—Sir, seriously, I think that idea has a lot of merit. We will certainly look at it.

MRS. CHOW:—*Following on Mr. K. C. CHAN'S will the Secretary for Security tell us whether measures are already being taken by the police, or will be taken by the police, to protect innocent members of the public who happen to be at the scene?*

SECRETARY FOR SECURITY:—I assume that my honourable friend is referring to the shoot-outs between police and criminals. The protection the police give the public is that they undergo extensive training in the use of arms, and there is no evidence whatsoever that any of the casualties that have taken place have been the results of bad police shooting. If anything, I would have said that the police have been reluctant to engage in shooting criminals because of the wish to

protect passers-by. Unfortunately, in a way, it is the criminals who don't have the training in shooting revolvers. They get the guns but don't know how to use them, and they in fact are a total and utter menace as far as passers-by are concerned.

Road communication between Sha Tin and Sai Kung

10. MR. CHEUNG YAN-LUNG asked:—*Will Government inform this Council of the present position regarding the construction of a trunk road linking Sai Kung and Sha Tin?*

SECRETARY FOR LANDS AND WORKS:—Sir, there is no current intention to construct a trunk road from Sha Tin the whole way to Sai Kung. By trunk road here I mean a road of three-lane dual-carriageway standard to major traffic route specifications in respect of curvature gradients etc.

However, the development plans for Sha Tin and the Ma On Shan area include a three-lane dual carriageway road from Sha Tin to Ma On Shan and there is a committed programme of distributor roads to be constructed under Stage I of the Ma On Shan development. From the other end, there is an existing two-lane road from Sai Kung *via* Three Fathoms Cove to Nai Chung, which is about two kilometres from Ma On Shan Stage I. It is therefore proposed, as part of a project currently in Category B of the Public Works Programme, to construct a two-lane road to link the Ma On Shan distributor roads to the existing road at Nai Chung, thus providing a through route, albeit not of trunk road standard, to Sai Kung.

The distributor roads through Ma On Shan Stage I are expected to be completed in the year 1986-87. The intention is to commence the construction of the link between Ma On Shan and Nai Chung at that time. On this programme, the through route from Sha Tin to Sai Kung will be available in the year 1988-89.

Strength of the Royal Hong Kong Police Force

11. MR. CHARLES YEUNG asked:—*Will Government state whether the strength of the Royal Hong Kong Police Force will be increased in 1984 and, if so, to what extent?*

SECRETARY FOR SECURITY:—Sir, I am afraid we will not know whether the strength of the Royal Hong Kong Police Force will be increased this year until this Council has voted on the Appropriation Bill 1984.

I do not want to start a premature debate, but may I answer Mr. YEUNG by saying that additional posts, or at least funds for them, have been included for the Force in the draft Estimates.

Assessment of public opinion by the Government

12. MR. SO asked in Cantonese:—

請問政府以甚麼方法搜集和評估民意？

(The following is the interpretation of what Mr. SO asked.)

How does Government monitor and assess public opinion?

SECRETARY FOR HOME AFFAIRS:— Sir, this is a very difficult question to answer comprehensively, partly because ‘the Government’ is such a large organization and partly because its officers are so inextricably involved with one part or another of the public in their day to day work.

In order to attempt to provide an answer we have listed some sixteen channels commonly used by people to convey or express views which are picked up by one part or another of the Government as follows—

- (i) the UMELCO Office;
- (ii) the 15 Urban Council Wards;
- (iii) the 18 District Boards;
- (iv) over 300 Government advisory boards and committees;
- (v) direct petitions by individuals or organizations to the Governor or to other Government officials;
- (vi) commissions of enquiry or review bodies;
- (vii) public statements made by various groups;
- (viii) public response to statements on Government proposals;
- (ix) personal contact with individuals by District Officers and other Government officers, District Offices and Government departments;
- (x) special complaint offices and ‘hot-lines’ set up by Government departments;
- (xi) interest group activities;
- (xii) views expressed by the media generally or specifically at press briefings including letters to editors of newspapers;
- (xiii) ‘Ring-in’ programmes on the radio;
- (xiv) public affairs programmes on television and radio;
- (xv) opinion polls; and
- (xvi) attitude surveys.

It will be seen that several of these channels involve many components. I have no doubt they could be re-arranged or classified in different ways but I think they cover the principal ways by which expressed opinions are heard.

Anyone who wishes to air his views has a choice of, or a combination of, these channels. Those who do not actively seek to express their views, and of course they form the bulk of the people, may be requested to state their opinion on

various subjects through surveys or through their direct contact with the Government organizations concerned.

These channels are carefully monitored by the Government with four departments entrusted specifically with the role of co-ordinating effort in this area namely: the Information Services Department, Radio Television Hong Kong, City and New Territories Administration and the Home Affairs Branch.

The *Information Services Department* assesses opinion expressed in the media and a summary of news and comments is distributed daily to all Government branches and departments. The department produces a weekly review of Chinese editorial comments as well as a weekly summary of media reporting and commentary on special issues. There is also a weekly summary of articles in periodicals on specific issues which may be of interest to senior Government officials or Government departments.

The Radio Television Hong Kong, apart from providing direct channels for the public to air their opinion to Government in general or to specific Government officials, is also engaged in producing public affairs programmes which seek to highlight public concern at any particular moment.

The City and New Territories Administration regularly reports on views and comments they gather from their contacts with the public and its weekly assessment of public opinion is circulated within the Government.

The Home Affairs Branch collates public opinion obtained by other Government departments and through opinion polls and attitude surveys. The findings are analysed and assessed and presented to branches and departments.

Apart from these formal assessments it is a part of the daily routine of all senior Government officials to gauge opinion by reading newspapers, watching television programmes, listening to and participating in public affairs programmes and generally maintaining their own personal contacts with people in public life.

MR. SO asked in Cantonese:—

閣下，可否請民政司詳細講述第五個途徑，在政府之中對於市民的請願與投訴，有沒有不同的定義？如果向總督請願是否一定要書寫，是向總督或總督會同行政局請願？又政府有這麼多官員，是否每一個市民或組織都可向香港的大小文武百官請願呢？

(The following is the interpretation of what Mr. SO asked.)

Sir, may I ask the Secretary for Home Affairs to explain in detail the fifth channel. Does the Government have different definitions for 'complaint' and 'petition'? Do petitions have to be in writing and should they be addressed to the Governor or Governor in Council? Also, is it possible for any individual or organization to petition to all the Government officers of different departments?

SECRETARY FOR HOME AFFAIRS:—Sir, I think most petitions directed to the Governor are in writing, though from time to time, when he appears in public, he seems to get a good many verbally. Petitions to the Governor in Council can be made as of a statutory right. If letters, perhaps informal letters, are received which can be regarded as petitions to the Governor in Council under some statutory right, they are treated as such. The Governor is also enabled to consult the Executive Council on any important matter raised in a petition at his own discretion. This refers to formal petitions. But the great volume of correspondence is quite informal. It goes to a great many people, and all this correspondence is handled as sympathetically as possible.

MR. ALLEN LEE:—*On item (xv) opinion polls. Would the Secretary for Home Affairs inform this Council of the number of opinion polls conducted by the Government in the past, or is there any?*

SECRETARY FOR HOME AFFAIRS:—Yes, Sir, we do conduct opinion polls quite frequently of varying degrees of formality. I suppose the most elaborate one we have done was a benchmark survey in 1982, which is to be repeated this year, covering a very broad assessment of people's opinion of services offered by the Government. Other less formal and less detailed polls are conducted at more frequent intervals.

MRS. CHOW:—*Sir, the Secretary for Home Affairs has given us a very detailed run-down of the mechanism whereby public opinion can be assembled and collected through various channels and so on. What he hasn't told us is how such public opinion is actually channelled internally within the Government, to the various departments, to ensure that Government policies are formulated paying attention to such public opinion. Can we be assured by the Secretary for Home Affairs that in fact this is so, and that there is constant review as to the effect of public opinion on the formulation of public policies?*

SECRETARY FOR HOME AFFAIRS:—I am grateful to the honourable Member for saying I have answered the question—which was 'How does Government monitor and assess public opinion?' Thereafter, of course, the assessment is passed to the officers concerned with policies about which opinion was collected.

Promotion of labour education among workers

13. MR. SO asked in Cantonese:—

請問政府採取甚麼政策在本港工人中推廣勞工教育？

(The following is the interpretation of what Mr. So asked.)

What is Government's policy in promoting labour education among local workers?

COMMISSIONER LABOUR:—Sir, it has long been the Government's policy to do its best to promote labour education among local workers and I am grateful for this opportunity to say something about this work.

The Labour Department has a special unit dedicated to promoting labour education among local workers, and in 1983 it organized courses and seminars for more than 1 200 employees and trade union officials. In addition, individual officers of the Department gave more than 100 talks and lectures to trade unions and similar groups and at seminars organized by such bodies as the Hong Kong Management Association. These talks covered such subjects as labour relations, labour legislation, industrial safety and international labour conventions, particularly those affecting the rights of unions and their members.

The Labour Advisory Board's Committee on Industrial Safety and Accident Prevention, which is staffed by the Labour Department, also regularly organizes industrial safety seminars. More than 700 employees and middle managers took part in four such seminars during 1983 and more than 9 000 people took part in courses in the Factory Inspectorate Industrial Safety Training Centre.

Whenever new labour legislation is enacted or existing labour legislation is amended, extensive publicity is mounted to explain the provisions. This publicity relies mainly on posters, press releases and television interviews, but the Labour Department also prepares simple booklets in both Chinese and English which are distributed free of charge and are backed up by talks to managers and trade union officials.

The Registrar of Trade Unions and his staff pay regular visits to trade unions to advise union officials on union legislation and on their internal administration. Some 330 such visits were made in 1983. Since August 1983, the Registry of Trade Unions has been organizing short courses for trade union leaders on trade union accounting and general trade union administration. I understand that these courses have been very favourably received and it is hoped that over 300 people a year will take part. In addition, the Registry of Trade Unions will shortly publish a series of free leaflets on trade union administration.

Fire risks associated with squatter huts on rooftops of buildings

14. DR. HO asked:—*Is Government aware that the fire risks associated with squatter huts on the rooftops of buildings in densely populated urban districts are as great as those in squatter areas on the hillside and, if so, what action is being taken to reduce the fire risks arising from rooftop squatters?*

SECRETARY FOR SECURITY:—Sir, fire risks associated with squatter huts on the rooftops of buildings in densely populated urban districts do not seem to be as great as those in respect of squatter areas on the hillsides.

The facts are that during the two years ending 31 December 1983 there were 46 fires of which only three were third alarm or above involving rooftop squatter huts, but 208 fires of which 52 were third alarm or above in squatter areas on hillsides.

Turning to the second part of Dr. HO's question, Fire Services officers regularly inspect buildings and structures on rooftops. I described how these officers deal with illegal structures causing fire hazards, when I answered a question from Mrs. FAN on 21 December last year. I also referred to the advice officers of the Fire Protection Bureau give to residents on fire prevention measures and the Government's fire prevention campaigns and efforts to improve building management. Sir, this effort has not been relaxed.

DR. HO:—*Sir, in addition to the efforts made by the Fire Services, can Government consider requesting District Boards to discuss measures to heighten fire prevention consciousness on the part of the rooftop residents?*

SECRETARY FOR SECURITY:—Certainly, Sir, yes.

Supply of simultaneous interpreters and translators

15. MR. YEUNG PO-KWAN asked:—*Will Government inform this Council whether there is adequate supply of simultaneous interpreters and translators to cope with the increasing demand from official meetings requiring such a need, and if not, what steps have been taken to remedy the situation?*

SECRETARY FOR HOME AFFAIRS:—Sir, simultaneous interpretation and translation are carried out by officers of two different grades and organizations so I shall divide my answer to the question in two parts.

First, as regards simultaneous interpretation, I should like to say that a surprisingly small number of officers is required. Even so, we do have great difficulty in supplying simultaneous interpreters on all desirable occasions.

On strength we have one Chief Interpreter, one Acting Chief Interpreter and four full-time Interpreters. To fill the establishment we have recently introduced two measures: *First*, much more intensive recruitment efforts have been made. *Secondly*, a systematic programme for the training of part-time Simultaneous Interpreters has been introduced.

In addition to the full-time interpreters there are eight part-time Simultaneous Interpreters and more are being trained.

If we were to provide the best standards of interpretation at all desirable meetings we know of now the establishment would need to be doubled—that is an additional eight officers would be required. It would be impossible to recruit so many officers quickly even if funds were available.

Secondly, as regards translation, this is handled by the Chinese Language Officer Grade. We have a total establishment of 365 posts and 351 on strength. Even so, we do have difficulty in meeting all the demand. The backlog of work or delay in translation in certain departments is a matter of concern because of the drastic increase in the volume of work and of competing demands in those departments for staff. Various recommendations have already been made to those departments requiring additional staff. We are also separately carrying out an internal reorganization review coupled with a value-for-money study within the Chinese Language Division in the hope of achieving improvements.

MR. YEUNG PO-KWAN:—*Sir, if funds were available how long would the Government expect to take to recruit the additional eight officers required in order to provide the best standards of interpretation at all desirable meetings?*

SECRETARY FOR HOME AFFAIRS:—*Sir, recruitment is extraordinarily difficult for this grade. If we were to try to get another eight officers I would not like to guarantee producing them in less than three years.*

DR. IP:—*Sir, has Government considered training visually handicapped adults to become interpreters and translators?*

SECRETARY FOR HOME AFFAIRS:—*No, Sir. We have not considered training visually handicapped persons for either role. I think it would be very difficult to expect them to handle translation, but the possibility of training them for interpretation would be looked at.*

MR. WONG LAM asked in Cantonese:—

閣下，既然民政司說很難招請這些即時傳譯員，政府是否會增設一個總即時傳譯主任的職位，專門負責招聘和訓練人手以及負責即時傳譯組的管理工作？

(The following is the interpretation of what Mr. WONG Lam asked.)

Sir, since the Secretary for Home Affairs said that it is difficult to recruit simultaneous interpreters, will the Government create an additional Chief Interpreter post with special responsibility for recruiting and training interpreters and to oversee the management of the unit?

SECRETARY FOR HOME AFFAIRS:—*Sir, as I said, we are looking at the organization within the Chinese Language Division to see whether we can bring about improvements. It does not seem to me to be an enormous job to recruit eight more people, but I am impressed with the problems that have been encountered in recruiting people for this quite difficult work.*

MR. WONG LAM asked in Cantonese:—

閣下，民政司答覆時說有些會議不可以提供即時傳譯服務。請問民政司可否提供下列數字：——直至一九八三至八四財政年度為止，四年之內，有即時傳譯服務的會議數字及有多少會議(包括區議會)因沒有即時傳譯而不能如期舉行？

(The following is the interpretation of what Mr. WONG Lam asked.)

In his reply, the Secretary mentioned that it is not possible to provide simultaneous interpretation at all desirable meetings. Could he make available the following figures—the number of meetings provided with simultaneous interpretation in the four years up to the end of the financial year 1983-84; and how many of these, including District Board meetings, have had to be rescheduled because of the lack of interpreters?

SECRETARY FOR HOME AFFAIRS:—Sir, I shall have to supply this information in writing. All I can say is that over the last two years the number of sessions required of simultaneous interpreters has doubled.

(The following written reply was provided subsequently.)

As regards your first question, an analysis of simultaneous interpretation service from 1978-79 to 1983-84 indicates the following:—

	<i>Total No. of meetings</i>	<i>Meetings undertaken by full-time and part-time S.I.s</i>
1978-79	241	210
1979-80	229	210
1980-81	218	214
1981-82	315	311
1982-83	565	511
1983-84	1 058	650

Details are provided at *Appendix I*.

As regards your second question, we have had to turn down in 1983 a total of 408 meetings which would either have had to be rescheduled or to continue without the presence of an S.I. These details are provided at *Appendix II*.

Appendix I

Analysis of Simultaneous Interpretation Service from 1978-79 to 1983-84

<i>Year</i>	<i>No. of Meeting Days</i>	<i>No. of Meetings</i>	<i>Strength of Interpreters (S.I.)</i>	<i>No. of S.I. Sessions*</i>	<i>No. of Sessions Undertaken by Full-time S.I.s</i>	<i>No. of Sessions Undertaken by Part-time S.I.s</i>	<i>% of Part-time Sessions</i>
1978-79	154	241	CI:1 I:3	527	456	71	13.47%
1979-80	156	229	CI:1 I:3	525	453	72	13.71%
1980-81	153	218	CI:1 I:3	535	435	100	18.69%
1981-82	197	315	CI:1 I:3	778	517	261	33.55%
1982-83	254	565	CI:1 I:5 (Note 1)	1 279	757	522	40.81%
1983-84	275	650	CI:0 I:5 (Note 2)	1 625	1 012 (Note 3)	613	37.72%

- Note 1:* 1 joined in October 1982 and 1 joined in March 1983.
- Note 2:* 1 Interpreter (S.I.) doubling up as Acting Chief Interpreter (S.I.). The incumbent of the substantive Chief Interpreter (S.I.) post has been technically re-deployed to the Political Adviser's Office.
- Note 3:* Excluding 270 S.I. sessions provided for the recruitment and training of S.I.s and specific site visits.

*On average some 2.5 S.I.s are required per meeting.

Appendix II

Number of Meetings Turned Down in 1983-84

Press Conferences (Note 1)	80
District Board Committees (Note 2)	123
Urban Council Committees (Note 3)	110
Others (including seminars/meetings with only one expatriate officer and meetings on days when no S.I. can be spared)	95
	408

- Note 1:* Press conferences are normally held twice a week but due to the shortage of S.I.s, only the most important ones are provided with S.I. service, e.g. conferences arranged for H.E. the Governor, the Chief Secretary, U.K. Ministers, etc.
- Note 2:* C.N.T.A. was requested in June 1983 not to ask for S.I. service if there was only one expatriate officer on a committee unless he happened to be the Chairman. 17 committees were affected.
- Note 3:* The Urban Council was requested in May 1983 to reduce the usage of S.I. service as far as possible and 10 Select Committees/Committees were withdrawn from the list of committees requiring S.I. service.

Assistance to the families of those killed or injured in bus accident

16. MRS. NG asked in Cantonese:—

請問政府曾如何協助本年一月二十八日跑馬地巴士意外中傷亡者的家屬？

(The following is the interpretation of what Mrs. NG asked.)

What assistance has been offered by Government to the families of the victims who were killed or injured in the bus accident in Happy Valley on 28 January 1984?

SECRETARY FOR HEALTH AND WELFARE:—Sir, the 13 families of those killed or injured in this tragic accident are all aware of the help they can get from the Traffic Accident Victims Assistance Scheme. So far, a total of \$102,700 has been made available to 11 of the families, and two families have not sought assistance under the Scheme.

Additionally, the families have all been asked if they need any other help, and as a result one family has been offered child care services while another is being considered for public assistance.

Bus maintenance services

17. MRS. NG asked in Cantonese:—

政府如何確保公共巴士的機件維持良好性能？如發現巴士維修服務不足或欠佳，巴士公司會受到甚麼懲罰？

(The following is the interpretation of what Mrs. NG asked.)

How does Government ensure that public buses are maintained in good mechanical condition and what penalties are imposed on the bus companies if bus maintenance services are found to be inadequate or inefficient?

SECRETARY FOR TRANSPORT:—Sir, the buses of franchised companies are subject to the following inspections. A bus must pass a Certificate of Fitness (C.O.F.) inspection before it is allowed on the road. These inspections are carried at intervals ranging from three to five years. The interval becomes shorter as the bus becomes older. A particular feature of the C.O.F. inspection is the mandatory overhaul of the major components of the vehicle, including the braking, steering and suspension systems.

Each year, before a bus is relicensed, it must pass a Certificate of Road Worthiness Test. This test covers 26 separate checks, including the checking of the driving and engine controls, the steering system, the braking system, the suspension and shock absorber system, the electrical system, and tyres.

Under the Public Omnibus Services Ordinance the franchised bus companies are required to provide proper vehicle maintenance facilities and to keep full records of vehicle maintenance. These facilities and the records are subject to inspection by the Commissioner for Transport.

If a company fails to maintain an adequate bus maintenance service and fails to comply with a direction from the Commissioner for Transport to improve the service, the Governor in Council may under section 22 of the Ordinance impose a penalty of up to \$10,000 in the first instance, going up to \$50,000 on subsequent occasions. Ultimately, power rests with the Governor in Council to revoke a franchise.

MRS. NG asked in Cantonese:—

政府可否告知本局，在過往巴士意外事件之中，有多少宗與機件故障有關？

(The following is the interpretation of Mrs. NG asked.)

Can the Government inform this Council of the number of accidents involving buses which were connected with mechanical breakdowns?

SECRETARY FOR TRANSPORT:—Sir, I am afraid that the statistics, as they are at present, are not available to answer this question in a suitable form—such as I would like. But the first indications I have are that mechanical failure is a very

infrequent ingredient in prosecutions relating to accidents involving buses. I will amplify this in writing.

(The following written reply was provided subsequently.)

In cases of serious accidents which involve buses, or where mechanical defects are alleged to be the cause of the accident, the vehicle in question is examined by a Government Motor Vehicle Examiner who makes a report for use in legal proceedings.

The number of requests for such reports made in the last two years was 244, involving:

	1982	1983
C.M.B.	68	42
K.M.B.	75	59
	143	101
		Total: 244

The Commissioner of Police has analysed reports made in the third and fourth quarters of 1983, and the position is as follows:

	<i>Requests made for M.V.E. reports</i>	<i>Bus inspected</i>	<i>Bus fault found to be the cause of accident</i>
C.M.B.	15	10	1
K.M.B.	18	9	3

The faults which cause the accidents were:

- C.M.B. Defective tyre burst
(four injuries, one serious and three slight).
- K.M.B. (i) Loose floorboard of bus
(one slight injury).
(ii) Defective footbrake
(three injuries, all slight).
(iii) Electrical fault on door opening/closing mechanism
(one injury—serious).

Action was taken by the police as follows:

- C.M.B. The Company was prosecuted for using a vehicle with defective steering and defective tyres. The case is still before the Courts.
- K.M.B. (i) The Company was prosecuted for using a vehicle whereby danger was likely to be caused to any person, and fined \$250.
(ii) The Company was prosecuted for using a vehicle with a defective footbrake and fined \$300.

- (iii) No prosecution, because dirty contact points were found on the door mechanism, which could have happened at any time without warning.

These figures confirm my comment that mechanical failure is an infrequent ingredient in prosecutions relating to accidents involving buses.

MR. POON:—*Sir, will the Secretary for Transport inform this Council whether second-hand buses are bought by the franchised bus companies to provide services in Hong Kong and, if so, in what numbers, and are such vehicles subjected to special safety checks before use?*

SECRETARY FOR TRANSPORT:—Yes, Sir, second-hand buses are bought by the companies. The numbers has been decreasing in recent years. They are subject to the same stringent examinations as are new buses and, since they are secondhand, the first inspection I mentioned, which is the Certificate of Fitness, will be carried out more frequently than for a new bus.

MR. S. L. CHEN:—*Sir, are the records of vehicle maintenance kept by the bus companies inspected regularly by the Commissioner for Transport, and, if so, how frequently are these inspections done?*

SECRETARY FOR TRANSPORT:—Sir, they are done frequently, I cannot say how frequently. About three years ago, for example, the Transport Advisory Committee became very interested in this question. As a result, a sub-committee of that Committee did go into this matter very carefully. Their recommendations were accepted, have been implemented, and are being continually followed up. I will provide a schedule of the rate of inspection in writing. In fact Transport Department officials are attached to the bus companies in the Maintenance and Inspection centres.

(The following written reply was provided subsequently.)

The Commissioner for Transport examines, on a monthly basis, the records of all routine services, breakdowns, punctures etc. submitted by the bus companies, to ascertain whether the frequency and quality of maintenance, and vehicle reliability are acceptable.

Spot checks are carried out (266 in 1983) to monitor the quality of routine servicing and actual in-service condition of buses. At the same time, the previous maintenance history of the buses concerned is checked.

Supervisory staff of the Transport Department conduct specific surveys at irregular intervals to ascertain whether the preventive maintenance system is operating effectively.

MISS DUNN:—*Sir, is the Government satisfied with the two bus companies' maintenance performance?*

SECRETARY FOR TRANSPORT:—If I said 'yes', Sir, I would not be strictly correct. We are never satisfied and that is why we have these stringent requirements in regard to the facilities and the records. I should be happy to arrange for any Member of Council to go on an inspection of either of the major companies for this purpose.

Temporary use of sites earmarked for Government, institution or community use

18. DR. IP asked:—*Would Government consider doing a review, thereby ensuring maximum utilization of Crown land previously designated for use by one of the many departments and which have been and will be left undeveloped for a period of five years or more?*

SECRETARY FOR LANDS AND WORKS:—Sir, I am pleased to report that, at the request of the Special Committee on Land Supply, the Director of Lands is already conducting a review of the temporary use of all sites earmarked for Government, institution or community use in the main urban areas for which there are as yet no definite development proposals and programmes. The review will identify which of these sites are considered suitable for temporary use. The purpose of the review is to ensure that available land is fully used. In the process, the possibility of releasing sites which are unlikely to be required for Government, institution or community use for permanent development in the private sector will also be examined. The review is expected to be completed shortly and the findings will be put to the Special Committee on Land Supply for initial consideration. Thereafter, District Boards will be consulted, as indeed they have in the past, about the use of sites temporarily available within their own particular districts.

DR. IP:—Sir, has Government re-allocated any land of such description in the last year?

SECRETARY FOR LANDS AND WORKS:—Yes, Sir. We have, in consultation with the District Boards, allocated many pieces of land for temporary use such as car-parking, open storage, etc.

DR. IP:—*Sir, will Government consider allocating and converting such undeveloped Crown land for public recreational use on a temporary basis where it is feasible, especially in areas most in need of such, for example, in Central and Western Districts?*

SECRETARY FOR LANDS AND WORKS:—Yes, where the site is considered available for temporary use, where the need for recreational facilities is established and where the use will not conflict with other requirements, certainly this will be considered.

MISS TAM:—*Is the Secretary for Lands and Works aware that some of the District Boards' specific requests have been put in over a year ago and, considering the substantial lead time required for building projects to commence and that we are considering temporary use of sites, how long would the Committee take to complete this review?*

SECRETARY FOR LANDS AND WORKS:—As I said, the review should be completed shortly. It would be, I think, a matter of weeks rather than months before we submit a report to the Special Committee on Land Supply.

DR. IP:—*If re-allocation of such Crown land is thought necessary by the District Board in the interests of the general public, can re-allocation be processed without the necessary approval of the original designated department?*

SECRETARY FOR LANDS AND WORKS:—We have, first of all, to satisfy ourselves that the original land use would not be required within a reasonable period of time. Otherwise, putting the land in use for another temporary purpose would be wasteful of effort.

MR. F. K. HU:—*Would Government provide additional funds to District Boards for the purpose of development of such temporary sites?*

SECRETARY FOR LANDS AND WORKS:—Sir, I am sure this question, if put to the Finance Branch, will be considered very carefully and in the context of the annual Budget.

MRS. CHOW:—*In view of the sluggishness of the property market, will the Secretary for Lands and Works inform this council whether the scope of the review will be extended to include land originally designated for private development?*

SECRETARY FOR LANDS AND WORKS:—Yes, Sir. In fact the review that we are currently doing is on sites earmarked for Government, institution or community use. We have recently completed a review on other land which would include the category of land Mrs. CHOW refers to, that is, land for private development.

Guardianship for mentally handicapped persons over 21

19. DR. IP asked:—*Will Government consider establishing statutory guardianship for mentally handicapped persons over the age of 21?*

SECRETARY FOR EDUCATION AND MANPOWER:—Yes, Sir. It is intended that legislative provision for such guardianship will be submitted for consideration later this year.

DR. IP:—*Sir, while awaiting such legislative provision, no doubt Government is aware of the difficulties met by Social Welfare Department, which grants voluntary agencies such guardianship, and voluntary agencies themselves which take up such guardianship without the legal status to do so. In this respect how may such ambiguity be remedied in the meantime?*

SECRETARY FOR EDUCATION AND MANPOWER:—I certainly accept that that is the situation, and it isn't a satisfactory situation in that they are proceeding without the necessary legal backing. This is all right provided everything goes all right, but it is not all right if something goes wrong. (*laughter*) I don't think there is much more we can do in the interim, but I am conscious of this problem and we will try and push on with this legislation as soon as we can.

Construction of footbridges in the Eastern District

20. MISS TAM asked:—*Will Government state what progress, if any, has been achieved on the construction of footbridges in the Eastern District of Hong Kong Island since the construction project was delayed in April 1983?*

SECRETARY FOR TRANSPORT:—Sir, since April 1983, seven of the nine footbridges in question in the Eastern District have been upgraded to Category A of the Public Works Programme. The seven footbridges are along King's Road, at its junction with Tai Koo Shing Road, Finnie Street, Tin Chiu Street, Mount Parker Road, North Point Road, Java Road and Pan Hoi Street. Construction of the first two bridges has already started and they will be completed in June 1984 and January 1985 respectively. Construction of the remaining five bridges will begin in April and May this year; they are scheduled for completion in January and February next year. As these footbridges were originally planned for completion in mid-1984, the actual delay is fortunately a matter of six to eight months only.

The bridges at the Java Road junction with North Point Road and at King's Road junction with Yau Man Street remain in Category AB of the Public Works Programme because of their lower priority in road safety and transport terms. Construction will start on these in 1985-86 and will take about one year.

MISS TAM:—*Sir, can the Secretary for Transport say whether the delay of this footbridge-building project has caused any adverse effect on the Gyroty System which is now being operated?*

SECRETARY FOR TRANSPORT:—I think, Sir, there must have been a marginal effect but I wouldn't regard it as significant.

Statement

Proposals for the further development of Local Administration

THE CHIEF SECRETARY:—Sir, the Green Paper on *A Pattern of District Administration in Hong Kong* which was published in June 1980, described the reasons why it was considered necessary to introduce certain changes and improvements in the system of district administration in existence at that time. In particular, the Green Paper drew attention to the various systems of administration that had developed in different parts of Hong Kong, to the increased prosperity and to the greatly improved educational opportunities by then enjoyed and, by way of a response to higher aspirations, to the need to build cohesive communities. Specific proposals to produce a more logical framework of local administration were then published in the White Paper on *District Administration in Hong Kong* in January 1981. These led to the formation in 1982 of District Boards, with an elected element, in each district of Hong Kong, Kowloon and the New Territories.

During their short existence the District Boards have demonstrated their value for, and I quote from the White Paper, ‘contact, discussion, stimulus and advice between the communities in each district and the Government agencies responsible for their management and improvement’.

In your address at the opening of the present session of this Council you said, Sir, that we must ensure that the district administration scheme ‘remains suited to Hong Kong’s changing needs and circumstances’ and added that you had called for an examination of ‘the existing arrangements for local administration and the organization of Government departments to give effect to the decisions of the Urban Council and the advice of the District Boards’.

During the course of this review the District Boards themselves, at a series of meetings, have been given an opportunity to express their own views and ideas for the further development of district administration.

As a result of the review, the Government has now come to certain conclusions. The next District Board elections are due to be held in March 1985 and the Government’s *first* conclusion is that the representative status of the Boards should then be strengthened by increasing the size of the elected element. In districts where the population level is already relatively stable, it is proposed that, as from 1985, the number of elected members should be double that of appointed members. But in districts where the size of the population is still on the increase (for example, the new town of Sha Tin) this ratio of elected members to appointed members might be best achieved progressively over the years as the population increases. Also, in some districts, to have the number of elected members double the number of appointed members might result in a Board which was too large and unwieldy, in which case the size of the Board could be scaled down, whilst retaining the same 2 : 1 ratio of elected to appointed members.

The *second* conclusion of the review is that, inasmuch as some districts (for example, Tsuen Wan) are large and complex conurbations, it may be desirable in these districts to create Boards to serve smaller geographical areas. But the implications of this conclusion will obviously need to be examined in some detail.

The *third* conclusion of the review is that, as District Boards have already made an impact on the management of our densely populated urban areas, it is for consideration whether this urban management role should be developed. In addition, District Boards might be able to assist in the management, and in the promotion of the use of, certain facilities located in their districts, other than specialist facilities, which have been provided for the benefit of residents in their districts. Detailed examination will be given to these and other ideas which the Boards themselves have suggested, including the need to strengthen the links between District Boards and District Management Committees.

The *fourth* conclusion of the review, is that another, what one might call 'regional' Council should be established, to cover the areas not under the aegis of the Urban Council. In line with the Urban Council, this new 'regional' Council would comprise an equal number of elected and appointed members. By 1991 there will be more people living north of the Kowloon foothills than there are in Kowloon itself. This shift of population to the new towns demonstrates the need for such an additional 'regional' Council, with popular participation, to control the provision of those centrally administered services now provided by the New Territories Services Department. This new 'regional' Council is also considered to be necessary because of the present anomalous situation whereby a wide range of services is provided to the public in the urban areas by the Urban Services Department under the direction of the Urban Council, but similar services are provided to the public in the New Territories by the New Territories Services Department under the direction of the central Government. The Urban Council system has been working well in the urban areas for several years and the Government has concluded that a similar system should now be introduced to cover the rest of Hong Kong, where a large proportion of the community now resides: and an even larger proportion will reside as the years go by.

In other words, it is proposed that the functions of the new 'regional' Council will be similar to those of the Urban Council in respect of environmental public health and sanitation and hygiene services. So far as recreation and cultural and amenities services are concerned, the functions of the Urban Council and the new 'regional' Council will include the provision of most of those services now provided by the Recreation and Culture Department. Our aim is to ensure that these services are provided in the most efficient and effective manner.

I should note here that the Heung Yee Kuk is a specially appointed statutory body responsible for giving advice on matters relating to the New Territories as such, and no change in the role and responsibility of the Kuk is proposed.

Moreover, in recognition of the Kuk's traditional position, it is proposed that a number of the new officers of the Kuk should be *ex-officio* members of the new 'regional' Council.

I should make it clear, Sir, that it is not the Government's view that it would be desirable, nor is it proposed, to extend the powers of the Urban Council to cover the rest of Hong Kong, because of existing institutions and because the Urban Council would thus become too large and unwieldy. I would add that the Government is very conscious of the enthusiastic and competent performance of the Urban Council within its present jurisdiction and would not wish to put its continuing role in the urban areas in the future at risk.

As regards the actual geographical areas of responsibility of the two Councils that would be created if the Government's proposals are implemented, it is for consideration whether, for example, the new town being built at Junk Bay, which is virtually an extension of New Kowloon, should be included in the jurisdiction of the present Urban Council. Similarly, administration of the islands to the south and west of Hong Kong Island might be more conveniently combined with that of Hong Kong Island rather than the northern New Territories. However, since this question of geographical boundaries has a bearing on the traditional sphere of responsibility of the Heung Yee Kuk it will clearly need careful examination.

Sir, this statement has been made today in order to explain the state of the Government's thinking as regards the development of our system of local administration. The objective of the proposals will be, I hope, self-evident: it is to create more even and symmetrical arrangements for the whole of Hong Kong and to bring about a greater degree of direct participation in the running of our increasingly complex society. I am sure there will be a positive response to the opportunities that this will present for those anxious to take part in the management of public affairs at district and regional level.

In conclusion, I should emphasize, Sir, that public comments on the proposals will be welcomed and the further advice of District Boards, and the advice of the Heung Yee Kuk, will be sought, as will the views of the Urban Council. If the proposals command support, it is intended that the changes in the composition of the District Boards should be introduced in time for the elections in 1985 and that elections for the second 'regional' Council should take place in 1986, but with a provisional, wholly appointed Council taking office in 1985.

Meanwhile, preliminary work is in hand on the organizational, administrative, legal and financial implications of these proposals so that, if they do command support, the timetable envisaged for their implementation may be met.

Government business**First reading of bills****PROFESSIONAL ACCOUNTANTS (AMENDMENT) BILL 1984****FIXED PENALTY (TRAFFIC CONTRAVENTIONS) (AMENDMENT) BILL 1984****FIXED PENALTY (CRIMINAL PROCEEDINGS) (AMENDMENT) BILL 1984****PEAK TRAMWAY (AMENDMENT) BILL 1984****LABOUR TRIBUNAL (AMENDMENT) BILL 1984**

Bills read the first time and ordered to be set down for second reading pursuant to Standing Order 41(3).

Second reading of bills**PROFESSIONAL ACCOUNTANTS (AMENDMENT) BILL 1984**

THE FINANCIAL SECRETARY moved the second reading of:—‘A bill to amend the Professional Accountants Ordinance’.

He said:—Sir, I move that the Professional Accountants (Amendment) Bill 1984 be read the second time.

This Bill seeks to make a number of amendments to the Professional Accountants Ordinance (Cap. 50). These are considered necessary by the Hong Kong Society of Accountants, the statutory regulatory body for the profession, in the light of experience over the past six years.

The amendment proposed in clause 7 seeks to make it clear that a practising certificate will not be issued to a professional accountant unless he is ordinarily resident in Hong Kong and possesses the necessary local experience and knowledge of local law and practice, and to provide how the latter may be determined.

The Bill also seeks to increase the number of council members from twelve to fourteen, by adding two professional accountants, to cope with the increased activities of the Society; to increase the membership of the Disciplinary Committee of the Society from three to five and to empower the council to make rules of procedure of the Disciplinary Committee; and to enable the Registrar of the Society to lodge on his own initiative a complaint against a professional

accountant on the same grounds on which a complaint may be initiated by any other person.

Sir, I move that the debate on the motion be now adjourned.

*Motion made. That the debate on the second reading of the Bill be adjourned—*THE FINANCIAL SECRETARY.

Question put and agreed to.

FIXED PENALTY (TRAFFIC CONTRAVENTIONS) (AMENDMENT) BILL 1984

THE SECRETARY FOR TRANSPORT moved the second reading of:—‘A bill to amend the Fixed Penalty (Traffic Contraventions) (Amendment) Ordinance 1981’.

He said:—Sir, I rise to move the second reading of the Fixed Penalty (Traffic Contraventions) (Amendment) Bill 1984. I shall subsequently move the Fixed Penalty (Criminal Proceedings) (Amendment) Bill 1984. For avoidance of repetition, Sir, I shall deal with the two Bills together.

The objective of both Bills is to rectify shortcomings in the Fixed Penalty (Traffic Contraventions) (Amendment) Ordinance 1981 and the Fixed Penalty (Criminal Proceedings) (Amendment) Ordinance 1981, which are intended for implementation in April this year. The principal feature of those Ordinances was the imposition of an additional penalty on person who, while not wishing to contest an offence for which a fixed penalty ticket had been issued, had delayed paying the due fine.

Both the 1981 amending Ordinances provided that when a person satisfies the Court that he did not receive the notice served, he may pay the fixed penalty without the additional penalty. However, if that person subsequently fails to pay the fine within the specified period, the imposition of an additional penalty for delay in payment is not provided for. Clearly, for consistency and effectiveness, it should be. Clause 2 of the Fixed Penalty (Traffic Contraventions) (Amendment) Bill 1984 and clause 3 of the Fixed Penalty (Criminal Proceedings) (Amendment) Bill 1984 accordingly provide that a person who satisfies the Court that he did not receive notice of a fixed penalty offence, but who fails to comply with the Court’s order to pay the fixed penalty within the period specified, shall be liable to the same additional penalty as a person who received a notice and did not pay the fine, or did not give notice of his intention to dispute it.

Both Bills also permit the police at any time to apply to the Court to rescind orders for payment of a fixed penalty which were made in error. For example, payments made by one person can be attributed to another because of human

errors in the data input to the computer system. These amendments will enable the police to rectify a mistake the reason for which may not become evident for some time.

The Bills also clarify the time limit for the review of a case. The 1981 amending Ordinances deliberately did not specify a time limit within which an aggrieved member of the public might seek a review. This deliberate omission recognized that delays could arise from people being outside Hong Kong on business or on holiday, and being unaware of the fact that a notice has been issued. However, in the absence of a specified time limit, it has been found that the provisions of the Magistrates Ordinance operate; this imposes a time limit of 14 days from the date of an order being issued. In order to reflect the original intention of the Fixed Penalty Ordinances, these present Bills provide that the time limit shall be 14 days from the date which the Court is satisfied is the date on which the fixed penalty notice came to the attention of the person to whom it relates.

As regards the Fixed Penalty (Traffic Contraventions) (Amendment) Ordinance 1981, a useful procedural improvement is proposed. As it stands, about 2 000 complaint forms a day require to be signed on behalf of the Attorney General. The details on these forms are prepared by computer and cannot in the time available be checked by those signing them. There is in fact no reason why they should be signed. It is therefore proposed that the complaints and applications to conduct proceedings, which are issued in the name of the Attorney General, should no longer require a signature.

A fixed penalty system of this type must be seen by the public as operating fairly, in particular outstanding penalties should be collected so that offenders cannot ignore and escape the law. The rate of collection of penalties in, Hong Kong is actually high by comparison with other countries, but further improvement should result from the implementation of the 1981 Ordinances, with the amendments proposed in the present Bills.

Sir, I move that the debate on this motion be now adjourned.

Motion made. That the debate on the second reading of the Bill be adjourned—SECRETARY FOR TRANSPORT.

Question put and agreed to.

FIXED PENALTY (CRIMINAL PROCEEDINGS) (AMENDMENT) BILL 1984

THE SECRETARY FOR TRANSPORT moved the second reading of:—‘A bill to amend the Fixed Penalty (Criminal Proceedings) (Amendment) Ordinance 1981’.

He said:—Sir, I rise to move the second reading of the Fixed Penalty (Criminal Proceedings) (Amendment) Bill 1984. In my preceding speech I covered the proposals in this Bill, and accordingly move that the debate on this motion be now adjourned.

Motion made. That the debate on the second reading of the Bill be adjourned—SECRETARY FOR TRANSPORT.

Question put and agreed to.

PEAK TRAMWAY (AMENDMENT) BILL 1984

THE SECRETARY FOR TRANSPORT moved the second reading of:—‘A bill to amend the Peak Tramway Ordinance’.

He said:—Sir, I rise to move the second reading of the Peak Tramway (Amendment) Bill 1984.

Under section 21 of the Peak Tramway Ordinance (Cap. 265) a permit fee is payable annually by the Company, as a percentage of the tolls received by the Company during that year. Subsection (5) provides that the Legislative Council may amend the rate of the permit fee, or amend that rate for any one year. Any such resolution may have retrospective effect to the 1 January of the preceding year.

Subsection (5) has been used on several previous occasions to reduce the amount of the permit fee in the light of the Company’s financial position; for example, in 1972, 1974 and 1975, the fee was reduced to \$25,000. In 1981 and 1982, it was reduced to \$1,000.

The present Bill proposes to set the fee for the year 1983 at \$1,000, that is, at the same level as for the preceding two years. This will enable the Company to avoid making a loss on its operations in 1983. Discussions are in progress with the Company, to establish a new formula, which will be related to the Company’s proposals to modernize the Tramway. Such a formula would avoid future *ad hoc* reduction of the permit fee and the need for regular Bills such as this one.

Sir, I move that the debate be now adjourned.

Motion made. That the debate on the second reading of the Bill be adjourned—SECRETARY FOR TRANSPORT.

Question put and agreed to.

LABOUR TRIBUNAL (AMENDMENT) BILL 1984

THE LAW DRAFTSMAN moved the second reading of:—‘A bill to amend the Labour Tribunal Ordinance’.

He said:—Sir, I move that the Labour Tribunal (Amendment) Bill 1984 be read the second time.

The Labour Tribunal Ordinance provides that where a defendant who has been served with notice does not appear at the hearing, the Tribunal may make an award or order in his absence. But it does not empower the Tribunal to set aside such an award or order where, for instance, the defendant has a defence and good reasons for not appearing. This Bill seeks to remedy that deficiency by empowering the Tribunal upon application by the defendant to set aside the award or order on such terms as it thinks just.

The Labour Tribunal Ordinance also omits to make provision for the nonappearance of the claimant. Again the Bill makes similar provision in this respect by empowering the Tribunal to strike out the claim, and upon the application of the claimant, to restore the claim upon terms it thinks just. In both cases applications will have to be made within seven days of the hearing or within such further period as the Tribunal may allow.

These are normal powers and procedures in our courts, including the Small Claims Tribunal. They work well and enable justice to be done while avoiding much of the delay and disruption that non-appearance would otherwise cause. There is no reason why they should not work equally well in the Labour Tribunal. Indeed, the proposals for their introduction which led to this Bill were initiated by the Judiciary.

The Bill is a modest but clearly desirable measure of reform. I commend it to honourable Members.

Sir, I move that the debate on this motion be adjourned.

Motion made. That the debate on the second reading of the Bill be adjourned—LAW DRAFTSMAN.

Question put and agreed to.

PUBLIC FINANCE (AMENDMENT) BILL 1984**Resumption of debate on second reading (25 January 1984)**

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).

RATING (AMENDMENT) BILL 1984

Resumption of debate on second reading (25 January 1984)

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).

PAWNBROKERS BILL 1983

Resumption of debate on second reading (10 August 1983)

Question proposed.

MR. CHARLES YEUNG:—Sir, as a Member of the Group studying this Bill within UMELCO, I would like to say a few words about our discussions and the amendments arising from them which will be proposed in the committee stage.

The Bill affects a comparatively small sector of our community but I am pleased to confirm that the Bill and its provisions have not escaped careful scrutiny merely because of that fact. Representatives of the trade came twice to the UMELCO Office to present their views.

The Group considered their views and accepted their submission that in respect of liability for compensation in certain circumstances the Bill would place an unfair burden on them. Accordingly we proposed that pawnbrokers' liability to pay compensation where loss or damage had occurred as a result of fire or theft, should be limited. We proposed that only where such loss of damage could be attributed to the negligence of the pawnbroker, should the pawnbroker be liable. I am pleased to say that the Administration agreed with us and agreed to amend the Bill accordingly.

We were also made aware of the difficulties of assessing accurately the value of pawned items for insurance purposes and of the open-ended financial liability of brokers when compensation is required. We are accordingly happy that the

Administration has agreed to limit the maximum liability of the pawnbroker to the maximum loan limit set under the Bill. We consider this to be a fair arrangement and support the amendment.

Sir, with the amendments to be proposed at the committee stage, I have much pleasure in supporting the Bill.

SECRETARY FOR SECURITY:—Sir, since I moved the second reading of this Bill in August last year, there has been a great deal of consultation between the Government, Unofficial Members of this Council and representatives of the pawnbrokers themselves. I should like to record our appreciation of the time and effort spent by the Unofficial Members on the problems that these consultations have unearthed and of their helpful suggestions for solving them, suggestions which, I confirm what Mr. Charles YEUNG said, will lead to my proposing three significant amendments to the Bill.

The first main amendment is designed to ensure that the new loan limit specified in the Bill is not circumvented by the issue of several loans against the security of the same goods held in pawn at any one time. Without this amendment it would be possible for a pawnbroker, against the security of the same goods, to issue several loans, none of which by themselves exceeded the loan limit, but which when taken together amounted to a sum will in excess of it. This amendment will not restrict the number of loans that a borrower may have, nor limit the total indebtedness permitted to one pawnbroker.

The two other amendments are concerned with the liability of a pawnbroker in the event of loss or damage to goods pawned while in his custody. The Bill as drafted would have meant that a pawnbroker would be totally liable if the goods pawned were stolen, lost or improperly disposed of irrespective of whether this resulted from his own negligence. The amendment will limit a pawnbroker's liability in all cases to circumstances in which the loss or damage resulted from some form of negligence directly attributable to the pawnbroker himself.

Finally, we agreed that when a pawnbroker was liable for this loss or damage, it was unreasonable to expect that the liability should be unlimited in financial terms. I will be proposing an amendment that will limit the liability in cases of loss or damage to the maximum level of loan permissible under the Bill, an amendment that should make it easier for pawnbrokers to make their arrangements with insurance companies. As far as the clients are concerned, those who pawn goods with a value of less than the maximum level of loan permitted will be fully covered in the event of loss or damage to their goods resulting from negligence on the part of a pawnbroker. Our intention is to introduce regulations to ensure that clients are adequately warned of the risks taken in pawning goods of a value greater than the maximum loan limit. If clients then choose to take such risks, they should extend their own insurance cover of the goods in question for the duration of the period for which they are pawned.

Sir, I beg to move.

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.

PUBLIC FINANCE (AMENDMENT) BILL 1984

Clauses 1 to 3 were agreed to.

RATING (AMENDMENT) BILL 1984

Clauses 1 to 7 were agreed to.

PAWNBROKERS BILL 1983

Clauses 1, 3, 5, 6 and 21

SECRETARY FOR SECURITY:—Sir, I move that the clauses specified be amended as set out in the paper circulated to Members. The reason for amending clause 1 is to take into account the fact that we have now moved into 1984.

The proposed amendment to clause 3 is to ensure that the loan limit specified in the First Schedule may not be circumvented by the issue of several loans against the security of the same goods held in pawn at any one time. I explained the reason for this change in my speech concluding the debate on the second reading.

The amendment to clause 5 is the deletion of sub-clause 3 is to enable the granting of a licence to a body corporate which will specifically be provided for by the addition of a new clause after clause 6 which I shall move shortly.

The amendment to clause 6 is a technical amendment. The new *sub-clause 2A* will provide that references made in clauses 7 and 8 to those to whom a licence has been granted will equally apply to those to whom the licence has been transferred.

The proposed amendment to clause 21, *sub-clause 1*, is to limit the liability of a pawnbroker with regard to loss or damage to goods pawned to cases in which such is a result of his negligence. I explained the reason for this change when concluding the debate on the second reading.

The new *sub-clause 1 A* is a technical amendment to clarify the meaning of the phrase ‘the period of redemption’ as used in this clause. The amendment is necessary because that period could, theoretically, be less than the period of four lunar months referred to in clause 16.

As I explained earlier during the second reading, the purpose of the new *sub-clause 4* is to limit the financial liability of the pawnbroker in cases of loss or damage to goods pawned to the level of the loan limit as specified in the First Schedule.

Proposed amendments

Clause 1

That clause 1 be amended by deleting ‘1983’ and substituting the following—
‘1984’

Clause 3

That clause 3 be amended by inserting, after sub-clause (1), the following—

‘(1A) Where—

- (a) two or more loans are made by a pawnbroker to a borrower on the security of the same goods pawned; and
- (b) the total amount of the principal outstanding on all such loans at any time exceeds the sum specified in the First Schedule,

nothing in this Ordinance shall apply to any of such loans, or to the goods pawned as security therefor, or to the pawnbroker or borrower in relation to any such loan or the goods so pawned.’

Clause 5

That clause 5 be amended by deleting sub-clause (3).

Clause 6

That clause 6 be amended by inserting, after sub-clause (2), the following—

‘(2A) Where a licence is transferred under subsection (2), a reference in section 7 or 8 to a person to whom the licence was granted shall be construed as a reference to the person to whom the licence has been transferred.’

Clause 21

That clause 21 be amended—

(a) by deleting sub-clause (1) and substituting the following—

‘(1) A pawnbroker shall make good all loss or damage accruing to a borrower or owner of goods pawned where—

(a) before the period for redemption thereof has elapsed the goods have by the default, neglect or misfeasance of the pawnbroker been—

(i) stolen, lost or improperly disposed of; or

(ii) destroyed, damaged or impaired in value; or

(b) he has failed to comply with section 15.

(1A) In subsection (1) “the period for redemption” means, in relation to any goods pawned, the period of 4 lunar months from the date, as determined under section 16, of advancing any money on loan on the security of those goods.’; and

(b) by inserting, after sub-clause (3), the following—

‘(4) Notwithstanding anything in subsection (1) or (3) the liability of a pawnbroker for loss or damage under this section shall not exceed, in respect of any one article pawned, the sum specified in the First Schedule.’

The amendments were agreed to.

Clauses 1, 3, 5, 6 and 21 were agreed to.

Clauses 2, 4, 7 to 20 and 22 to 29 were agreed to.

New clause 6A. ‘Grant or transfer of licence to bodies corporate or partnerships’.

Clause read the first time and ordered to be set down for second reading pursuant to Standing Order 46(6).

SECRETARY FOR SECURITY:—In accordance with Standing Order 46(6) I move that new clause 6A as set out in the paper circulated to Members be read a second time.

Question put and agreed to.

Clause read the second time.

SECRETARY FOR SECURITY:—I move that new clause 6A be added to the Bill.

Proposed Addition

New clause 6A

That the Bill be amended by inserting, after clause 6, the following—

‘Grant or transfer of licence to bodies corporate or partnerships.

6A. (1) Where a body corporate or a partnership wishes to obtain a licence under section 5 a person authorized in that behalf shall apply as the representative of the body corporate or the partnership and, if a licence is granted by the Commissioner, it shall be expressed to be granted to that person on behalf of the body corporate or the partnership, as the case may be.

(2) Where a licence is transferred to a body corporate or a partnership under section 6, it shall be expressed to be transferred to a person authorized in that behalf as the representative of the body corporate or the partnership, as the case may be.’

The addition of the new clause was agreed to.

First and Second Schedules were agreed to.

Council then resumed.

Third reading of bills

THE ATTORNEY GENERAL reported that the

PUBLIC FINANCE (AMENDMENT) BILL and the

RATING (AMENDMENT) BILL

had passed through Committee without amendment and the

PAWNBROKERS BILL

had passed through Committee with amendments, and moved the third reading of the bills.

Question put on the Bills and agreed to.

Bills read the third time and passed.

Unofficial Member’s Bill

First reading of bill

MATILDA AND WAR MEMORIAL HOSPITAL (AMENDMENT) BILL 1984

Bill read the first time and ordered to be set down for second reading pursuant to Standing Order 41 (3).

Second reading of bill**MATILDA AND WAR MEMORIAL HOSPITAL (AMENDMENT) BILL 1984**

MR. LOBO moved the second reading of:—‘A bill to amend the Matilda and War Memorial Hospital Ordinance’.

He said:—Sir, I rise to move that the Matilda and War Memorial Hospital (Amendment) Bill 1984 be read a second time.

This Bill amends the Matilda and War Memorial Hospital Ordinance by removing the provisions relating to a custodian trustee, whose function is only to hold property which can equally well, and more economically, be held by the Hospital itself. The opportunity has also been taken to make a number of changes in the Articles of Constitution of the Hospital contained in a Schedule to the Ordinance in order to modernize and streamline the business and procedures of the Hospital.

Sir, I move that the debate be adjourned.

Motion made. That the debate on the second reading of the Bill be adjourned—MR. LOBO.

Question put and agreed to.

Adjournment and next sitting

HIS EXCELLENCY THE PRESIDENT:—In accordance with Standing Orders I now adjourn the Council until 2.30 p.m. on Wednesday, 29 February 1984.

Adjourned accordingly at twenty minutes past four o'clock.