

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 2 May 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 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 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 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 WILLIAM CHARLES LANGDON BROWN. O.B.E., J.P.

THE HONOURABLE CHAN KAM-CHUEN. 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 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

THE HONOURABLE JUSTIN YUE KWOK-HUNG, M.B.E., J.P.
SECRETARY FOR TRANSPORT (*Acting*)

THE HONOURABLE JOHN FRANCIS YAXLEY. J.P.
SECRETARY FOR TRADE AND INDUSTRY (*Acting*)

ABSENT

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

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

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

THE HONOURABLE CHEUNG YAN-LUNG. M.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:	
Evidence Ordinance.	
Evidence (Authorized Persons) (No. 3) Order 1984.....	109
Port Control (Cargo Working Areas) Ordinance.	
Port Control (Public Water-Front) (Consolidation) Order 1984.....	110
Public Health and Urban Services Ordinance.	
Public Health and Urban Services (Public Markets) (Designation and Amendment of Tenth Schedule) (No. 3) Order 1984	111
Public Health and Urban Services Ordinance.	
Declaration of Markets in the New Territories (No. 3)	112
Deposit-Taking Companies Ordinance.	
Notice of Exemption from Section 6	113

Sessional Papers 1983-84:

 No. 52—Consumer Council Annual Report 1982-83

Oral answers to questions**Representative government**

1. DR. HO asked:— *Will Government elaborate on how it plans to develop on increasingly representative lines during the years immediately ahead?*

THE CHIEF SECRETARY:—Sir, Dr. HO obviously has in mind what the Secretary of State said in his Statement opening his press conference in this Chamber on 20 April last. He said: ‘During the years immediately ahead, the Government of Hong Kong will be developed on increasingly representative lines’. In response to a subsequent question he said that ‘Steps have recently been taken in that direction, (that) further progress in that direction ... is clearly in mind ... (and that such progress) may take different forms ...’.

The steps that have recently been taken were outlined in the Statement I made to this Council on 15 February last when I described certain *proposals* for the further development of our system of local administration. The most significant of these proposals were that the representative status of the District Boards should be strengthened in March 1985 by increasing the number and hence the relative importance of elected members; and that another regional-level council, which would include elected as well as appointed members should be established in 1986 to cover those areas not presently under the aegis of the Urban Council.

There has been extensive public discussion of, and comment upon, these proposals. All views expressed have been carefully recorded and studied and specific recommendations will be put to the Executive Council for advice in the very near future. Thereafter, I hope to be able to make a further, definitive, Statement to this Council about the Government's actual intentions for the further development of our system of local administration at district and 'regional' level.

Meanwhile, consideration is already being given to formulating proposals whereby the representative status of our two main central Government institutions, the Executive Council and the Legislative Council, might be developed during the coming years. Members may be assured that the aim of these proposals will be to establish arrangements which are progressive, properly timed and take account of the particular circumstances of Hong Kong.

I am not yet able, Sir, to elaborate on what proposals the Government has in mind. But I can assure Members that, before they are published for public consideration and comment, a Statement will be made in this Council and there will be, of course, an opportunity for the proposals to be subsequently debated.

DR. HO:—*Sir, with regard to the proposals about the representative status of our two main central Government institutions as contained in paragraph 4 of the answer, may I know when these proposed plans will be made known to the public and how the Government will educate and prepare the people to participate in an increasingly representative type of Government?*

THE CHIEF SECRETARY:—Well, Sir, taking the first part of Dr. HO's question, I cannot give a commitment on timing at this stage, but I would expect we shall be ready to make the statement I envisage during the summer. As regards the second part of his question, I would have thought that it would be reasonable to assume that the Government would make every effort to ensure that those eligible to register as voters during the next registration season in August/ September will be encouraged to register.

MR. STEPHEN CHEONG:—*Sir, we must be grateful for the Chief Secretary's assurance that the aim of these proposals with regard to the two main central Government institutions will be to establish arrangements which are progressive, properly timed and take account of the particular circumstances of Hong Kong. May we be further assured that the aim of these proposals will not necessarily lose sight of the stability and prosperity of Hong Kong?*

THE CHIEF SECRETARY:—Yes, Sir.

MRS. FAN:—*May I ask the Chief Secretary will the Chinese Government be consulted on these proposals which have long ranging effect on the future of Hong Kong?*

THE CHIEF SECRETARY:—Sir, I am sure that honourable Members are well aware that the administration of Hong Kong is the responsibility of the Hong Kong Government acting under the constitutional authority of Her Majesty's Government in the United Kingdom.

New rateable values

2. MRS. NG asked in Cantonese:—

一九八四年四月一日公佈新估價冊後，共收到多少份反對書，主要的反對理由是什麼？

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

How many objections have been received to the new valuation list introduced on 1 April 1984 and what are the main reasons given?

THE FINANCIAL SECRETARY:—Sir, the Rating and Valuation Department has received approximately 99 700 objections to the new rateable values. This represents about 13.5% of the tenements in the valuation list. The main grounds for objection are, not unexpectedly, that the new rateable values are too high.

Over the next few months the department will review these cases and notify the ratepayers of the result.

MRS. NG asked in Cantonese:—

許多市民發覺他們實際所付的租金和他們最近收到的應課差餉租值通知書上所顯示的金額是有所差別，政府可否解釋怎樣計算應課差餉租值，而何以兩者之間有相差？

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

Many members of the public have noticed that the actual rent that they pay differs quite significantly from the rateable value notified by the Department. Can the Government explain how it calculates the new rateable value and why is there a difference?

THE FINANCIAL SECRETARY:—Sir, the rates are a tax on occupation of premises. The rateable value represents the value of this occupation. Any artificial controls on the rent have to be disregarded. Thus in determining the rateable value of the tenement the Commissioner is obliged to estimate the reasonable rental value on the assumption that the premises were vacant, and to let, on the date of reference. The most common reason for rateable values to exceed the actual rent passing is that the rent is controlled under the Landlord and Tenant (Consolidation) Ordinance, or that it was fixed at a time when rents were high. Rents have generally fallen since the date by reference to which the values were assessed—this being 1 July 1983. So recently agreed rents may now be below rental values as at the reference date.

MRS. NG asked in Cantonese:—

由於政府收到大批反對書，我們可以作出甚麼結論，這樣是否反影政府是有必要做以下兩件事：（一）經常重估應課差餉租值，而不像現在每七年才重估一次，（二）平常就應通知市民怎樣計算應課差餉租值，而不是在宣佈增加應課差餉租值時，才作解釋？

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

What conclusions can we draw from the large number of objections received by the Government, and does this reflect that Government should do the following two things—(a) regularly conduct revaluation exercises instead of once every seven years as at present; (b) as a general measure inform the public how rateable values are calculated instead of making this known only when new rateable values are announced?

THE FINANCIAL SECRETARY:—Sir, as I said in my winding up speech to the Budget Debate quite recently, we accept that delaying re-rating for seven years was a pity. We intend in future to go through a re-rating exercise, I hope, every three years—it may have to be four years in this instance. As usual there has to be a system of checks and balances—if we do it more frequently we need more staff; and as Members know the Government is determined not to allow the Civil Service to grow. We do hold comprehensive records of all properties and each objection will be reviewed and checked against these records. Inspectors will, where necessary, be made to check these records and when a rate-payer makes relevant points regarding the environment of his tenement, its state of repair and so on and so forth, inspections on the spot will generally be made. The Ordinance requires that decisions on objections should be issued before 1st October this year, but there are provisions for extending this period and I assure Mrs. NG we shall be reasonable and responsive.

Hong Kong participation in the Olympic Games

3. MR. BROWN asked:—*Would Government inform this Council to what extent will Hong Kong be represented in the forthcoming Olympic Games, and to what extent is Government supporting and giving encouragement to the Hong Kong participants?*

SECRETARY FOR HOME AFFAIRS:—Sir, about 75 athletes will be selected to compete in nine sports. These are athletics, rifle shooting, fencing, cycling, archery, canoeing, swimming, judo and windsurfing.

The Hong Kong team will be selected by the Amateur Sports Federation and Olympic Committee following preliminary selection by the participating sports bodies. The selection process is being carried out right now and should be finished by mid-May.

The Government, acting on the advice of the Council for Recreation and Sport, made available to the associations some \$500,000 for intensive training of the potential competitors. \$900,000 has been earmarked to go toward the cost of sending the team to Los Angeles. This grant is intended to cover 90% of the cost of the Hong Kong presence.

MR. BROWN:—*Sir, I am sure the Members welcome the financial support being given by Government, but could I ask where the athletes have been training and is the Secretary satisfied that the training facilities are adequate?*

SECRETARY FOR HOME AFFAIRS:—*Sir, for the first time the facilities and the coaches at the Jubilee Sports Centre have been available for training. At the Jubilee Sports Centre there are facilities for all these sports except for shooting and wind-surfing. The squads in all the other seven sports have done a great deal of their training at the Centre, and the Centre doesn't charge the official sporting bodies for this training.*

MR. BROWN:—*Would the Secretary undertake to pass on to our athletes the best wishes of this Council for a successful visit to Los Angeles that hopefully will result in them bringing home some medals?*

SECRETARY FOR HOME AFFAIRS:—*Sir, of course I should be delighted to do that. Hong Kong standards are improving all the time and we must be getting within striking distance of the medals—there are a great many of them. At the moment Hong Kong swimmers are doing better than ever before in the Asian Swimming Championships in Korea. We lie third among the medal winners with two golds, three silver and three bronze medals. In fact Hong Kong is the only team besides China and Japan to win any gold medal there at all. Two Hong Kong swimming records have already been broken.*

DR. FANG:—*Sir, is the Secretary for Home Affairs aware that Hong Kong is sending a team of disabled sportsmen to New York this week to participate in the International Games?*

SECRETARY FOR HOME AFFAIRS:—*Yes, Sir, and in this field we have already brought home medals.*

Schooling of children in Transit Centres

4. DR. HO asked:—*How many children of school age are currently living in Transit Centres, and how many of them have had their schooling discontinued because of their removal from the districts where they originally resided?*

DIRECTOR OF EDUCATION:—*Sir, my friend the Secretary for Housing tells me that in his nine Transit Centres there are only 120 children of compulsory school age, and that they have all found school places.*

DR. HO:—*Sir, can the Director of Education inform this Council as to how long the children located in Tuen Mun Transit Centre had their schooling disrupted before they are placed back in schools again?*

DIRECTOR OF EDUCATION:—*Sir, of 120, 110 chose to stay in the schools from which they had originally come, so the disruption was very minimal. The remaining ten were found places in new schools in and around Tuen Mun within a matter of weeks.*

Radio reception in Aberdeen, Lion Rock and Airport Tunnels

5. MR. SO asked in Cantonese:—

鑑於經濟司於一九八二年六月三十日在本局所作答覆，謹請政府說明目前能否在香港仔隧道、獅子山隧道和機場隧道安設適當的裝置，以便能夠在隧道內接收無線電廣播？

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

In view of the Secretary for Economic Services' advice to this Council on 30 June 1982, will Government state whether it is now in a position to make appropriate provision for radio reception in the Aberdeen, Lion Rock and Airport Tunnels?

SECRETARY FOR ECONOMIC SERVICES:—*Sir, on 30 June 1982 my predecessor informed this Council that the appropriate devices would be installed in the tunnels provided the cost was reasonable and the necessary funds were made available.*

Thereafter, a study was undertaken by the Postmaster General. The study was completed towards the end of 1982. It was estimated then that the cost involved would be in the region of \$4.5 million. In the light of budgetary constraints, it was decided early in 1983 that the proposal should be shelved.

Floating refuse

6. MR. F. K. HU asked:—*Will Government inform this Council which Government department is responsible for collecting refuse floating near beaches, which cannot be reached from land and by collecting crafts?*

SECRETARY FOR HEALTH AND WELFARE:—*Sir, the Marine Department is generally concerned with the problem of floating refuse in Hong Kong waters. But the department specifically responsible for collecting floating refuse within the gazetted boundaries of a public pleasure ground which is a beach is the Urban Services Department.*

MR. F. K. HU:—*Can the Secretary for Health and Welfare advise which department is responsible for collecting floating refuse outside the gazetted boundary of a beach where collecting crafts cannot reach?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, as I said in my reply the Marine Department has a general concern, and in so far as there is any responsibility it would be the Marine Department.

MRS. CHOW:—*Sir, whilst we appreciate that the Secretary for a Health and Welfare has given a very clear reply as to the areas of responsibility, we are also aware that there have been quite widespread complaints about the refuse that we can detect at the various beaches over Hong Kong; and with the summer coming on very soon, I was wondering what specific plans are being mapped out for the improvement of the rather unsatisfactory situation regarding floating refuse which occurs at our beaches in general?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, the Government is actively seeking better ways to deal with the problem of floating refuse and particularly at beaches. The Environmental Protection Agency has just completed a study of the origins, types and movement patterns of floating refuse and we hope from this study to be able to determine the actual main sources of the refuse and so attempt to take steps to prevent this refuse from entering the sea. As far as beaches in particular are concerned, again steps are being taken. The Urban Services Department has made attempts to improve its scavenging craft to try and make them more effective, and the Government has also carried out experiments in an attempt to devise a boom or similar device which will effectively trap the floating refuse and thereby facilitate its collection and removal.

MRS. CHOW:—*I thank the Secretary for Health and Welfare for the description. I am however still not altogether satisfied that there is an overall plan to try and tackle and unsatisfactory situation which has occurred for quite a number of years in our beaches, and I would appreciate efforts to be directed in that direction and I was wondering whether in fact I could request the Secretary for Health and Welfare, firstly, to formulate an overall plan and, secondly, to monitor the situation so that we can learn whether there has been improvements or there will be improvements in the very busy months ahead?*

SECRETARY FOR HEALTH AND WELFARE:—Yes. Sir. I mentioned previously that the Environmental Protection Agency has just completed a study. We are attempting to formulate a plan the thrust of which will be to try and prevent refuse from entering the sea rather than attempting to collect it once it has entered the sea.

Blasting sites

7. MR. S. L. CHEN asked:—*In view of the considerable disturbance and property damage caused by recent blasting operations at the M. T. R. construction site at Quarry Bay, what steps are being taken to prevent similar accidents in the future?*

COMMISSIONER FOR LABOUR:—Sir, all blasting sites are subject to strict conditions to protect neighbouring people and property. The conditions cover such points as the type, amount and timing of explosives, the position and angle of blasting holes and the type and amount of screening required. All shotfirers have to be examined by the Superintendent of Mines and to satisfy him that they are competent. They are re-examined every three years or more frequently if necessary, to ensure that their skills are up-to-date. All sites, particularly those near built up areas, are inspected regularly and frequently by Explosives Officers and any irregularities lead to the immediate suspension of blasting until things have been put right. If appropriate the shotfirer's certificate is suspended and those responsible are prosecuted. The legal penalties for infringing blasting site conditions are being reviewed and, subject to the advice of Executive Council, proposals for increased penalties will be put to this Council.

In the case of the Kornhill accident, the blasting permit for that part of the site where the accident occurred has been suspended and the relevant shotfirers have had their certificates suspended. An Explosives Officer has reported on the causes of the accident and the police are considering prosecution. The blasting permit will not be re-instated until the Superintendent of Mines is satisfied that no similar accident will recur. The shotfirers will not have their certificates revalidated until they have been re-examined by the Superintendent of Mines and satisfied him that they are competent.

Political awareness and knowledge amongst young people

8. MRS. FAN asked:—*Has the Government any programme or plans to promote and strengthen political awareness and knowledge amongst young people going through our education system?*

DIRECTOR OF EDUCATION:—Sir, in formulating its general curricular aims for secondary school students, my Department recognizes the importance of developing pupils' understanding of the society in which they live and of fostering a capacity for making informed judgements on issues of contemporary interest and importance.

This accords with that aspect of established educational policy which seeks to enable schools to realize their prime functions. These functions include, among other things, helping children to acquire a lively interest in the world around

them and an ability to think for themselves and make decisions; a sense of moral and social values, including respect for others and for their views and beliefs; and appreciation of the world's cultural heritage, in particular that of their own community; and a realization of Hong Kong's place in the world and its inter-dependence on other parts of the world.

Current syllabuses for Forms I-III which touch on these aspects examine the salient features of our political system and structure and develop an awareness of the rights and responsibilities which are implicit in good citizenship.

In Forms IV and V, the scope of the existing Economic and Public Affairs syllabus is broader, covering the basic concepts of political science as exemplified by the workings of other political systems, and the application of these concepts to the study of local Government and public policy issues in Hong Kong. With the development in recent years of Economics as a separate subject in the senior secondary curriculum, Economic and Public Affairs may eventually be replaced by a new Certificate of Education subject to be known as Government and Public Affairs, now under joint consideration by the Curriculum Development Committee and the Hong Kong Examinations Authority.

As far as the sixth-form curriculum is concerned, proposals for the introduction of Government and Public Affairs syllabuses at both Higher and Advanced levels are now under active consideration by the Examinations Authority.

Apart from the formal curriculum, there are increasing opportunities for young people to sharpen their political awareness and knowledge through participation in a range of extra-curricular activities, including, for example, school debating societies and district-based community-building activities organized by the Community Youth Club scheme. Some schools set aside a period or two each week for informal current affairs discussions, thus helping senior students to form sensible personal judgements based on an objective appraisal of facts.

We shall continue to advocate a line of enquiry in our schools which deepens our pupils' understanding and appreciation of the open and free society in which they live and provide an education which will prepare them for their role as well-informed and responsible adults. This is consistent with the approach of the Panel of Visitors who carried out the recent overall review of education. In their report the Panel stated that they had based their comments on the assumption that Hong Kong will continue to be an open society, with freedom of the individual to choose within his or her range of ability, achievement and opportunity.

MRS. FAN:—*Sir, is it envisaged that the 1997 question, in other words the future of Hong Kong, will be covered by the new curriculum?*

DIRECTOR OF EDUCATION:—Sir, the short answer is ‘yes’. although the current curriculum permits a typical examination question as, for instance, this year in the Sixth Form: ‘Discuss the significance of the year 1997 in relation to Hong Kong’s political future’ or ‘The stability of Hong Kong rests on the consent of the Hong Kong people, the consent of China and the consent of Britain’. One can hardly be more explicit than that.

MR. CHARLES YEUNG:—*Sir, may I ask the Director whether there is any programme to train the teachers or school staff to have the capability or ability to mete out the political education to the students?*

DIRECTOR OF EDUCATION:—Sir, I have confidence in our teachers. I am sure they have the ability to do exactly what Mr. Charles YEUNG says.

MR. STEPHEN CHEONG:—*Sir, has the Director any feed-back on the effectiveness or otherwise of those set aside periods mentioned in his speech?*

DIRECTOR OF EDUCATION:—Yes, Sir, I am told that the discussions of current affairs are lively, stimulating and very encouraging.

Private homes for the aged

9. DR. IP asked:—*Given the fact that old people requiring more than 2½ hours per week of nursing care, who are recognized by the Medical Development Advisory Committee, Social Welfare Department and Medical and Health Department to require care in an infirmary registerable under Cap. 165, are at times looked after in private homes for the aged, will Government state:—*

- (a) how it can ensure that old people placed in private homes for the aged receive adequate nursing care, and*
- (b) whether it is necessary to specify minimum staff and provision standards for such homes and require them to register with the Social Welfare or Medical and Health Department?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, private homes for the aged which are nursing homes providing a significant level of nursing care are required to be registered under the Hospital, Nursing Homes and Maternity Homes Registration Ordinance. In order to be registered, and to remain on the register, certain standards must be maintained, and these ensure that the residents of such homes receive adequate nursing care.

Private homes for the aged providing a more basic level of care, which might more appropriately be described as personal care, are not subject to legislative controls. The Government is, however, fully conscious of the need to ensure that the care provided in these homes is adequate, and that staffing and other

facilities are provided at a reasonable level. There is a total of 23 such homes known to the Social Welfare Department and they are regularly visited and closely watched. The overall conditions in these homes do not give cause for immediate concern, and it is not considered necessary at this time to introduce controls or to specify minimum staffing and operating standards. However, as I indicated in this Council on 9 November last, the situation will continue to be carefully monitored, and proposals for the control of these homes will be made should this become necessary.

DR. IP:—*Sir, my following supplementary questions will be referring to those private homes for the aged which are not as yet subject to legislative control; as referred to by the Secretary in his answer. It is reassuring that 23 of these homes are known to the Social Welfare Department and that they are regularly visited and closely watched. But what does Government intend to do with those homes not known to the Social Welfare Department and how can Government ensure that conditions in these homes are likewise satisfactory?*

SECRETARY FOR HEALTH AND WELFARE:—I am tempted to reply, Sir, that I did not beat my wife. (*laughter*) I think, Sir, that I can only say that in the absence of evidence of the existence of such homes there is very little that the Government can do about them.

DR. IP:—*I don't beat my husband either. Sir, how does Government ensure that these private homes for the aged do not look after old people requiring more medical and nursing care than these homes can provide, for example, looking after old people requiring more than 2½ hours per week of nursing time?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, I think the answer is that if these homes are providing nursing care above what I have described as the basic level of personal care, then they do require to be registered and, if they are not registered, they are committing an offence.

DR. IP:—*Sir, I am aware of the need for and would like to encourage the development of such private homes for the aged. However on retracing the unsatisfactory conditions of private homes looking after children which sparked off the need for the Child Care Centres Ordinance which we now have, would Government seriously consider legislating some control of these private homes for the aged so that history does not repeat itself with old peoples' homes?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, may I hasten to assure Dr. IP that as I said earlier the Government *is* concerned that these private homes should be providing care at an acceptable level. They are being watched as I have said. It is our assessment of the situation that at this stage legislative controls are not necessary. But we are watching these homes very carefully and we certainly would have no hesitation in bringing forward proposals for control should they be necessary.

Government Business

Motions

MASS TRANSIT RAILWAY CORPORATION ORDINANCE

THE FINANCIAL SECRETARY moved the following motion:—Under section 12(1) of the Mass Transit Railway Corporation Ordinance that the Schedule to the Resolution of the Legislative Council published as Legal Notice No. 242 of 1975 in the Gazette on 31 October 1975 as amended from time to time be further amended by adding as item 56 the following—

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| ‘56. Export Credit arranged by Lazard Brothers & Co Ltd to finance a contract placed in UK | United States Dollars Ten Million (US\$10,000,000) and such amounts as may become payable in respect of interest and other charges including deferred interest provided that the liability of the Government in respect of deferred interest shall be limited to United States Dollars Three Hundred Thousand (US\$300,000).’. |
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He said:—Sir, I move the motion standing in my name in the Order Paper.

Section 12 of the Mass Transit Railway Corporation Ordinance requires the authority of the Legislative Council for the Financial Secretary, on behalf of the Government, to grant guarantees in respect of the repayment of loans and other indebtedness incurred by the Corporation.

Authority is now sought for a Government guarantee to cover repayment of a loan of US\$10 million and such amount as may become payable in respect of interest and other charges.

The sum borrowed under this guarantee will be used to finance an Island Line contract for the supply of additional rolling stock.

If Members approve this motion, the Government’s total guarantee commitment in respect of outstanding loans available to the Mass Transit Railway Corporation will be HK\$8,175 million. This contingent liability is provided for within our reserves.

Sir, I beg to move.

Question put and agreed to.

PENSIONS (INCREASE) ORDINANCE

THE SECRETARY FOR THE CIVIL SERVICE moved the following motion:—That the Second Schedule to the Pensions (Increase) Ordinance be amended with effect from 1 April 1984—

- (a) in Part I by adding the following—
‘17. The adjusted pension under paragraph 16 may be further increased by 11 *per cent.*’;
- (b) in Part II by adding the following—
‘16. The adjusted pension under paragraph 15 may be further increased by 11 *per cent.*’;
- (c) in Part III by adding the following—
‘16. The adjusted pension under paragraph 15 may be further increased by 11 *per cent.*’;
- (d) in Part IV by adding the following—
‘15. The adjusted pension under paragraph 14 may be further increased by 11 *per cent.*’;
- (e) in Part V by adding the following—
‘14. The adjusted pension under paragraph 13 may be further increased by 11 *per cent.*’;
- (f) in Part VI by adding the following—
‘13. The adjusted pension under paragraph 12 may be further increased by 11 *per cent.*’;
- (g) in Part VII by adding the following—
‘12. The adjusted pension under paragraph 11 may be further increased by 11 *per cent.*’;
- (h) in Part VIII by adding the following—
‘11. The adjusted pension under paragraph 10 may be further increased by 11 *per cent.*’;
- (i) in Part IX by adding the following—
‘9. The adjusted pension under paragraph 8 may be further increased by 11 *per cent.*’;
- (j) in Part X by adding the following—
‘8. The adjusted pension under paragraph 7 may be further increased by 11 *per cent.*’;
- (k) in Part XI by adding the following—
‘7. The adjusted pension under paragraph 6 may be further increased by 11 *per cent.*’;
- (l) in Part XII by adding the following—
‘6. The adjusted pension under paragraph 5 may be further increased by 11 *per cent.*’;
- (m) in Part XIII by adding the following—
‘5. The adjusted pension under paragraph 4 may be further increased by 11 *per cent.*’;

- (n) in Part XIV by adding the following—
 ‘4. The adjusted pension under paragraph 3 may be further increased by 11 *per cent.*’;
- (o) in Part XV by adding the following—
 ‘3. The adjusted pension under paragraph 2 may be further increased by 11 *per cent.*’;
- (p) in Part XVI by adding the following—
 ‘2. The adjusted pension under paragraph 1 may be further increased by 11 *per cent.*’;
 and
- (q) by adding the following—

‘PART XVII

Applicable to a basic pension based on a salary in force from 1 April 1983 to 31 March 1984 inclusive

1. The basic pension may be increased by 11 *per cent.*’.

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

For many years, it has been the Government’s declared policy to maintain the original purchasing power of civil service pensions, including pensions payable under the Widows and Orphans Pension Scheme and under the Widows’ and Children’s Pensions Scheme. This is achieved by periodic adjustments to reflect changes in the cost of living.

During the latest review period, which ran from 1 April 1983 to 31 March 1984, the moving annual average of the Consumer Price Index (A) rose by 14.0 points, that is, about 10.52%. In line with established practice, it is proposed that pensions in payment on 1 April 1984, including previous increases already approved, should be increased by 11 per cent with effect from the same date.

The total cost of increasing all pensions by this amount is estimated at \$56.14 million for a full year. This is a statutory charge which may be authorized by resolution of this Council under the appropriate ordinances.

Sir, I have pleasure to move.

Question put and agreed to.

WIDOWS AND ORPHANS PENSION (INCREASE) ORDINANCE

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

- ‘36. The pension calculated on the total contributions up to 31 March 1983 inclusive plus the total increases in pension up to 31 March 1984 may be increased by 11 *per cent* with effect from 1 April 1984.
- ‘37. The pension calculated on contributions from 1 April 1983 to 31 March 1984 inclusive may be increased by 11 *per cent* with effect from 1 April 1984.’.

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

I beg to move.

Question put and agreed to.

First reading of bills

DEPOSIT-TAKING COMPANIES (AMENDMENT) BILL 1984

MONEY LENDERS (AMENDMENT) BILL 1984

IMMIGRATION (AMENDMENT) BILL 1984

SMOKING (PUBLIC HEALTH) (AMENDMENT) BILL 1984

APPRENTICESHIP (AMENDMENT) BILL 1984

PUBLIC OMNIBUS SERVICES (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

DEPOSIT-TAKING COMPANIES (AMENDMENT) BILL 1984

THE FINANCIAL SECRETARY moved the second reading of:—‘A bill to amend the Deposit-taking Companies Ordinance’.

He said:—Sir, I move that the Deposit-taking Companies (Amendment) Bill 1984 be read the second time.

A small number of inaccuracies have been discovered in the principal Ordinance. These follows from the substantial amendments made to that Ordinance at the end of last year. The Bill before you seeks to set right these

inaccuracies. The proposals are entirely technical and do not involve any shift in policy.

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—THE FINANCIAL SECRETARY.

Question put and agreed to.

MONEY LENDERS (AMENDMENT) BILL 1984

THE SECRETARY FOR ECONOMIC SERVICES moved the second reading of:—‘A bill to amend the Money Lenders Ordinance’.

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

The purpose of the amendment is to extend the time limit for instituting prosecutions for the offence of charging excessive interest from the present six months to two years.

It is an offence under section 24 of the Money Lenders Ordinance for anyone to lend money at an effective rate of interest which exceeds 60 per cent per annum. Because no time limit for prosecution is prescribed in the Ordinance, the Magistrates Ordinance applies, and the time limit for instituting proceedings is, therefore, six months from the date of the commission of an offence.

Unfortunately, many offences under section 24 come to light after the time limit of six months has expired, and this is so notwithstanding the vigilance of those entrusted with the enforcement of the Ordinance. It is worth recording that of the offenders who have been prosecuted within the existing statutory period, it is estimated that more than half have been detected only because they were charged with other offences such as blackmail and assault.

Sir, in view of the nature of the offence under section 24 and the circumstances under which it is often committed, two years from the date of commission is considered to be a more appropriate limitation period.

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—SECRETARY FOR ECONOMIC SERVICES.

Question put and agreed to.

IMMIGRATION (AMENDMENT) BILL 1984

THE SECRETARY FOR SECURITY moved the second reading of:—‘A bill to amend the Immigration Ordinance’.

He said:—Sir, I move the second reading of the Immigration (Amendment) Bill 1984.

The object of the Bill is to facilitate the work of the Immigration Tribunal by providing for the appointment of a Deputy Chief Adjudicator and for the payment of allowances to witnesses appearing before the Tribunal.

The Immigration Tribunal was established in October 1980 at the same time as the ‘reached base’ policy on illegal immigrants came to an end. The function of the Tribunal is to consider appeals from illegal immigrants who have challenged the validity of removal orders served upon them on the grounds that—

- (a) they have the right to land in Hong Kong (under section 8(1) of the Ordinance); or
- (b) that they have the permission of the Director of Immigration to remain in Hong Kong.

The Tribunal comprises a Chief Adjudicator and 37 Adjudicators. They are distinguished unofficials who exercise their powers quite independently from the executive arm of the Government. It is a measure of their public service that to date they have determined some two and a half thousand appeals. The appointment of one of their number as Deputy Chief Adjudicator will assist the Chief Adjudicator generally and will provide for a relief in his absence.

From time to time the Tribunal has to call witnesses before it. But it has no power to grant a witness allowance. Clause 4 of the Bill seeks to remedy this lack. It provides for the Governor in Council to make regulations for the payment of an allowance to witnesses before the Tribunal at the same rates as those payable (under rules made under section 9B of the Criminal Proceedings Ordinance (Cap. 221)) to witnesses in criminal proceedings before any court.

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—SECRETARY FOR SECURITY.

Question put and agreed to.

SMOKING (PUBLIC HEALTH) (AMENDMENT) BILL 1984

THE SECRETARY FOR HEALTH AND WELFARE moved the second reading of:—‘A bill to amend the Smoking (Public Health) Ordinance’.

He said:—Sir, I move the second reading of the Smoking (Public Health) (Amendment) Bill 1984. Its purpose is to make certain minor amendments to the Smoking (Public Health) Ordinance in respect of health warnings on cigarette advertisements.

Cigarette advertisements in a locally printed newspaper are at present exempted from carrying a health warning if 80% or more of the newspaper's circulation is outside Hong Kong. This exemption could unfairly favour publications with a large circulation. The 20%, or less, of the total circulation which remains in Hong Kong may well exceed the total number of copies of a local publication whose circulation is entirely in Hong Kong and whose cigarette advertisements do not therefore qualify for the exemption. To remove this anomaly the Bill provides for an absolute numerical limit to be set by the Governor in Council. The exemption will then apply only if the 20%, or less, of the circulation remaining in Hong Kong does not exceed that numerical limit. It is intended that the limit will be set initially at 10 000 copies, to take effect three months after the enactment of the Bill.

Cigarette advertisements on the commercial vehicles of a manufacturer, distributor or wholesale dealer in cigarettes or cigarette tobacco are at present entirely exempted from carrying a health warning. This is now thought to be unjustified, on the principle that any cigarette advertisement displayed to the public should carry a health warning. The Bill therefore seeks to abolish this exemption. This will take effect six months after the enactment of the Bill, to give time for vehicles to be repainted.

The Bill also seeks to remove from the Ordinance the exemptions at present allowed relating to advertisements on small portable objects, clothing and umbrellas, and to advertisements on the premises of a manufacturer or dealer in tobacco products. These exemptions will be re-introduced as regulations. The reason for this is simply to facilitate future amendments should they become necessary.

But while the exemption in respect of advertisements on small portable objects, clothing and umbrellas will be re-enacted in regulations without change, the exemption in respect of advertisements on the premises of manufacturers or dealers will be re-enacted with modifications. On the principle I previously mentioned that any cigarette advertisement displayed to the public should carry a health warning, this exemption will not in future apply to retailers' premises, and it will not apply to manufacturers' or wholesale dealers' premises if the advertisements are visible from outside those premises. These modifications will take effect 12 months after the enactment of the Bill, as signs may have to be changed which would otherwise have been expected to remain in use for several years.

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 HEALTH AND WELFARE.

Question put and agreed to.

APPRENTICESHIP (AMENDMENT) BILL 1984

THE SECRETARY FOR EDUCATION AND MANPOWER moved the second reading of:— ‘A bill to amend the Apprenticeship Ordinance’.

He said:—I move the second reading of the Apprenticeship (Amendment) Bill 1984. The Bill before the Council seeks to empower the Director of Technical Education and Industrial Training, with the approval of the Commissioner for Labour, to exempt any person or class of persons from any regulation made under the Apprenticeship Ordinance.

This power of exemption is considered desirable to enable exceptional situations to be treated with flexibility. A case in point is the recent decline in the number of apprentice cooks. Strict adherence to the Regulations prescribing the hours of employment of registered apprentices has prevented them from receiving training in dinner and banquet preparation, which takes place for the most part later than their prescribed working hours. Such training is considered essential and employers have become increasingly unwilling to take on apprentices who can receive only limited training.

While the Regulations have proved in this particular case to be insufficiently flexible, we would not wish as a general policy to relax them, as they meet International Labour Organization standards and reflect the determination of the Government to protect young persons in employment. Accordingly we feel that a provision for exemption will enable standards to be upheld generally, while allowing for exceptions to be made when such exceptions are obviously desirable. I should perhaps remind Members that the power of exemption is not new. The Commissioner has for a long time had the power to make exemptions from any of the Regulations made under the Factories and Industrial Undertakings Ordinance, including the regulations concerning the hours of work for women and young persons, which were transferred to the Employment Ordinance in 1980, and from any of the Regulations made under the Employment Ordinance. These powers have been found to be useful and worthwhile in practice.

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 EDUCATION AND MANPOWER.

Question put and agreed to.

PUBLIC OMNIBUS SERVICES (AMENDMENT) BILL 1984

THE SECRETARY FOR TRANSPORT moved the second reading of:—‘A bill to amend the Public Omnibus Services Ordinance’.

He said:—Sir, I move the second reading of the Public Omnibus Services (Amendment) Bill 1984.

The Public Omnibus Services Ordinance was enacted in September 1975 to provide for franchised public omnibus services on specified routes, and the supervision and maintenance of such services. The principal objective of the present Bill is to strengthen the existing provisions for supervising the operation of public omnibuses, in particular the forward planning of the franchised public omnibuses.

Clauses 3 and 22 of the Bill seek to clarify the relationship between the principal Ordinance and the franchises granted thereunder. The franchises granted to China Motor Bus Company and Kowloon Motor Bus Company refer specifically to the Public Omnibus Services Ordinance 1975. Clauses 3 and 22 now make it clear that the franchises are subject to the principal Ordinance as it may be amended from time to time.

Clause 5 would exempt ‘an international passenger service’, ‘a residents’ service’, and ‘a multiple transport service’ from the requirements in the Ordinance otherwise applicable to franchised services.

‘A residents’ service’ is normally a route to serve a particular residential development. ‘An international passenger service’ covers airport to hotel services, cross-border services, and services to major railway stations and ferry terminals. ‘A multiple transport service’ is one where a single fare would be payable for a journey on more than one mode of transport. An actual example is the arrangement for paying a single fare to the Mass Transit Railway to include a travel on the M.T.R. itself and a bus ride from the Admiralty Station to Ocean Park.

These services are intended to complement rather than to compete with the services provided by the franchised buses. Exemption would only be granted subject to specific conditions being met, such as the type of passengers to be carried, the locations to be served or the system of charging to be adopted; and also having regard to the rights and interests of a grantee over any part of the proposed service.

Section 6 of the Ordinance relates to the granting of extensions of a franchise, and at present limits the authority of the Governor in Council to extend a franchise to where the grantee has maintained a proper and efficient service since day one of the franchise. It is considered more appropriate that an extension of a franchise should be assessed on the grantee’s current performance and future capability. Clause 6 consequently amends section 6 to provide the

Governor in Council with authority to approve the extension of a franchise where the grantee is considered to be capable of maintaining a proper and efficient service.

Clause 7 then seeks to strengthen the definition of a 'proper and efficient service'. To comply, a grantee will as a further requirement have to maintain its services in accordance with the provisions of any forward planning programme agreed between the grantee and the Commissioner for Transport. Under clause 15 a grantee may be required to carry out maintenance and servicing of vehicles used by it in accordance with a programme. How such a programme should be prepared is set out in clause 8 and the Schedule in clause 21. If a grantee should fail without reasonable excuse to prepare a programme, the grantee could be deemed to be incapable of maintaining a proper and efficient bus service. Clause 16 provides that any breach of the programme could be subject to the financial penalties specified in section 22 of the Ordinance.

Clauses 9 to 13 are intended to cover the introduction of new or temporary routes or temporary changes to existing services.

Clause 13 enables a grantee to apply to the Commissioner for Transport to operate a temporary new route or to introduce temporary changes to an existing one. Under the same clause, a grantee may apply to vary the frequency of service or the carrying capacity and type of omnibuses on a certain route.

Clause 9 provides for the Commissioner for Transport to determine the fare level upon the introduction of a temporary route.

Clause 10 requires the Commissioner for Transport to be satisfied, where a grantee is required by the Governor in Council to operate a new route, that the grantee will have sufficient omnibuses to maintain a proper and efficient service on all routes.

Clause 11 requires the Commissioner for Transport to be satisfied, where a grantee is required to operate a temporary route, that the grantee will have sufficient omnibuses to maintain a proper and efficient service again on all existing routes.

Clause 12 requires a grantee generally to give 14 days' notice to the Commissioner for Transport of his intention to increase the frequency of service on a specified route. In so doing the grantee must satisfy the Commissioner for Transport that he has sufficient omnibuses to maintain a proper and efficient service on all routes. Further, the Commissioner for Transport may specify the carrying capacity and types of buses to be used on the route as well as the frequency of service.

Clause 14 requires a grantee to maintain a proper record of bus orders and expected available dates. This is to enable the Commissioner for Transport to assess the grantee's on-going ability to meet all his commitments.

Clause 18 enables the Commissioner for Transport to amend the Schedule of Routes Order where both the grantee and the Administration agree to cancel a specified route.

Clauses 19 and 20 are relatively minor amendments to provide additional regulation-making powers to the Governor in Council, relating to the conduct of passengers and loss of property on omnibuses.

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—
SECRETARY FOR TRANSPORT.

Question put and agreed to.

EXCHANGE FUND (AMENDMENT) BILL 1984

Resumption of debate on second reading (14 March 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).

ARBITRATION (AMENDMENT) BILL 1984

Resumption of debate on second reading (14 March 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).

MAGISTRATES (AMENDMENT) BILL 1984

Resumption of debate on second reading (25 January 1984)

Question proposed.

MR. Peter C. WONG:—Sir, the proposals contained in the Bill, eloquently explained by the Attorney General in this Council on 25 January 1984, are

measures designed to minimize time and effort without compromising the rights of the defendant in the administration of justice relating to minor offences in the magistrate's courts.

The new measures will benefit offenders to whom the Bill applies as the simplified procedure will not require appearance in court. In a busy city like Hong Kong, where time is a scarce commodity, any time-saving device must be generally welcome. However, the right to have a court hearing is not taken away by the Bill. If the defendant so chooses, he may apply for a hearing.

The Bill applies to minor offences for which upon conviction the penalty does not exceed \$10,000 and six months imprisonment. A million or so such cases pass through the courts each year and the number is on the increase. If the new measures are adopted, it is estimated that as many as three quarters of a million cases each year will not result in appearance in court. The advantages are obvious. My group has carefully studied the new proposals and would recommend that the Bill be passed by this Council.

There are, however, Sir, two agreed amendments which I will move at the committee stage—

1. *New Section 7D—Subsection 2 (c) (iii)*

If the defendant requires a hearing, it is agreed that he should be given seven more days than the time stated in the Bill to file a written notice requiring a hearing. Accordingly, the number '28' will be deleted and substituted by '35'. This will give the defendant ample time to consult his legal advisers if he so wishes, and to make up his mind whether or not to require a hearing.

2. *New Section 7D—Subsection (2) (d)*

The Bill provides for the inclusion of a statement of previous convictions in the notice of prosecution filed in a magistrate's court. The intention is that in imposing a penalty, the magistrate may wish to take into account the defendant's record. However, it is felt that if the defendant chooses to plead not guilty and requires a hearing, the inclusion of his previous convictions in the notice of prosecution may prejudice his case. Normally, the court is not informed of the defendant's record until he is found guilty. This is to ensure that the court's decision is not influenced by the defendant's previous convictions. After careful consideration, the Administration has agreed not to include a statement of the defendant's previous convictions in the notice of prosecution. An amendment to this effect will be moved accordingly.

Sir, subject to the agreed amendments. I support the motion.

THE ATTORNEY GENERAL:—Sir, I am grateful to the Unofficial Members of the Legislative Council for their welcome to this Bill.

I confirm that the two amendments to be moved in the committee stage by Mr. Peter C. WONG are acceptable to the Administration.

In addition I wish to move an amendment to section 8A subsection (5) of the Magistrates Ordinance by adding a new clause 2A to this Bill. The object of this new clause is to increase the costs which magistrates may order from a range of \$20 to \$400 to a range of \$80 to \$1,500. This will apply to situations where Departmental summonses relating to number of offences, such as offences against Part III of the Public Health and Urban Services Ordinance have been served but the defendant has failed to appear and has had to be arrested. If so he now faces the possibility of being ordered to pay higher costs in keeping with changes in the value of money. This brings the magistrates' powers into line with those applicable to other kinds of statutory offences.

May I also mention at this point that in the course of discussion with UMELCO certain administrative undertakings have been given by the Registrar of the Supreme Court as to the way in which the legislation will be implemented if it is passed.

He has undertaken to include in the 'Notice of Payment of Fine' advice to the Defendant as to the steps he should take to dispute the fine if he claims that he has never been served with a minor offence notice.

The Registrar has also undertaken to give instructions to staff that if a defendant contests the demand for payment on this basis, all further steps to enforce the fine will cease until such time as the matter has been determined by a magistrate.

Once again, Sir, as has been the case on so many other pieces of legislation in this field, may I acknowledge the care and attention of the Unofficial Members who have considered this Bill; they are indeed astute watchdogs of the Administration in their protection of the rights of the ordinary citizen.

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).

EMPLOYMENT (AMENDMENT) BILL 1984

Resumption of debate on second reading (14 March 1984)

Question proposed.

DR. FANG:—Sir, Unofficial Members formed an *Ad Hoc* Group to study the Bill. In the course of our deliberations, we met both employers' and employees' groups.

The employers were worried that the increased severance pay benefits proposed in the Bill will mean additional financial liability for them. They also

pointed out that successive doses of labour legislation may end up in a financial burden too great for many employers to shoulder. The Administration was able to assure us, however, that the increase in cost to be brought about by the Bill would only be 0.0077% of the total operating cost of an employer. The Administration also informed us that the main emphasis of current labour legislation would be on prevention of industrial accident.

The employers' associations had also stressed that the process of consultation in the Labour Advisory Board needed improvement. The Administration assured us that great efforts had been put into this aspect and that more will be done. The above answers should be able to ease the worries of those concerned.

The employees have also made many of their views known to us such as severance pay should be raised to a full month's pay for each year of service and that the qualifying period of service should be reduced to one year. I understand that my colleagues will be speaking at length on this subject later.

Lastly, notwithstanding my friend the Secretary for Health and Welfare's remarks in this Chamber on 25 April 1984 regarding the Central Provident Fund, I am still convinced that it is the best way to provide the necessary protection to the working class and a better solution than trying to find a compromise between employers' and employees' wishes each and every time. I understand that Dr. Ho Kam-fai will be elaborating on the same subject later and I shall add no more now.

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

REVD. P. T. MCGOVERN:—Sir, the history of this Bill serves as an illustration of how difficult it is to make progress in improving the quality of life for the have-nots of Hong Kong where real wages have remained stagnant in manufacturing industry for the past couple of years, and that for the second time in a decade.

The original provisions for severance pay first appeared in the *Gazette* on 7 June 1974 and was passed by the Legislative Council on 14 August that year. But that was not the beginning of it. The need for Severance Payment Legislation was first pointed out in this Council in July 1971, three years earlier, by the then even younger and if possible more energetic Dr. S. Y. CHUNG. Since that time, now almost 13 years ago, to the present, Hansard makes fascinating reading on the subject. From the first minimal concessions of benefits in 1974, to the small improvements proposed and watered down in 1977, three years later, it is most interesting to read the arguments put forward by the main Employers' Pressure Groups (E.P.G.s) in their efforts to reduce the benefits to a minimum. It could be described as delay and dilute.

For the past several weeks the same E.P.G.s have been writing or coming in coordinated procession to the UMELCO Office with exactly the same arguments as ten years ago and seven years ago. So much for the growth of social enlightenment. I refer you to Hansard for July and August 1974.

The Bill before us today is a result of this process. Originally there were four proposals put forward to the Labour Advisory Board, including:—

- (1) reduce the length of qualifying service from 24 months to 12 months (incidentally in 1974 the workers proposed six months and employers proposed 36 months. 24 months was a compromise to soften the blow of new legislation—it was new then, not now).
- (2) add a requirement for employers to provide work for 40 working days in ten consecutive weeks.

These two proposals have been deferred, it is not said for how long, and we are left with half a Bill.

I support the half Bill as being better than no Bill. But I do strongly express the hope that the deferment will not be another three years or seven years before the next small step forward is proposed. And during the preparation for the next step I hope the Administration will reconsider not only the two sections removed from the original version of this Bill but also the various other proposals which were put forward over the years by workers' representatives. For example:—

- raising the amount of severance pay to one full month;
- removing the limit of back-dating to 1966 which is now meaningless because 1966 is now 18 years ago and the maximum severance pay which can be earned under this present Bill is for 18 years service;
- remove the limit of a maximum of one year's wages and let the amount be for actual years of service.

These limitations were originally introduced in 1974 so that small companies could have time to get used to the then new idea of severance pay, and would have time to prepare the necessary funding for paying a more realistic rate in the future. It is now the future, and ten years should have been enough time for such psychological and financial preparation. If it has not been enough, then perhaps it is time to consider imposing the much more expensive guarantee of compulsory insurance.

With these observations, Sir, I support the Bill, or rather what's left of it. (*laughter*)

DR. HO:—Sir, the Employment (Amendment) Bill 1984 is to amend the provisions of the Employment Ordinance relating to the severance pay for the purpose of giving the redundant workers better protection. I have no squabble with this object of the Bill.

However, it is apparent to me that it is the practice of Government to take recourse to labour legislation whenever provision of security is necessary for workers who are exposed to such contingencies as child birth, sickness, injury and being lay-off. I wonder whether it is the most economical and realistic approach.

Manufacturing and export are the lifeblood of Hong Kong's economy. The collective and cumulative effect of various statutory requirements might bring financial burden to employers and inflate cost of production. Pressure from the employees' organizations to further improve labour welfare and the increasing tendency to resort to legal proceedings to settle labour disputes will bring resistance from employers and hamper labour relations. Both situation will do Hong Kong's economy more harm than good.

As an alternative, a centrally administered provident fund scheme to be financed by contributions from both employers and employees might be a more satisfactory long-term method in assuring greater security to workers who encounter a loss of earnings. While agreeing with the Secretary for Health and Welfare when he spoke on the Appropriation Bill on 25 April 1984 that the public assistance scheme is a central pillar of our social security system. I must point out that workers are still left unprotected for many contingencies. As the public assistance scheme is means-tested, the great majority of workers will not be able to benefit from it unless they are destitute. I support therefore Dr. FANG'S proposal for a Central Provident Fund. The workers have expressed interest, so have the employers. The Government is in a position to confirm the need if it goes out and ask.

With these remarks, Sir, I support the motion.

MR. SO delivered his speech in Cantonese:—

督憲閣下：昨天是國際勞動節，世界各地有很多人藉着這天慶祝和紀念為改善人類生活作出貢獻，為社會促進繁榮與安定的勞動者。香港的五月一日並不是個假期，亦沒有甚麼有規模的紀念或慶祝儀式。不過，本局在今天辯論本法案，改善僱傭法例的遣散費條文，進一步邁向香港保障工人的安全健康和受僱條件而努力的既定方針和目標，不但肯定工人對香港的貢獻，亦實現了五一勞動節的意義和精神。

本法案雖然不能完全滿足僱主與僱員的意願。一些僱主害怕任何有關勞工福利的法例，都會增加他們的負擔和削弱了他們在市場上的競爭力。一些勞工團體則認為法案應免除規定的遣散費最高限額，而按僱員的服務年期而釐訂。同 & 承 A 僱員應享有遣散費的資格亦應由受僱兩年減為受僱一年。他們的憂慮和要求是可以理解的。不過，現實和理想往往有一段頗大的距離。過份的勞工福利會減弱我們社會的進取心，我們的目標是按步就班，基於社會公義，量力而為去改善勞工福利。任何過於急劇的改革對香港都是沒有好處的。

在同情受解僱的工人那種辛酸苦況的當兒，我們不要忘記要解僱工人的僱主的困難。

勞資雙方衷誠合作，是香港社會繁榮和進步的主要因素。一如有了人壽保險並非希望受保人早日去世而由保險公司發放賠償；本人希望有了較佳的法定遣散費後，香港的工人不用領取它。

督憲閣下，本人支持法案。

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

Sir, it was International Labour Day yesterday. Many people in other parts of the world celebrated the day in commemoration of the efforts of workers and their contribution towards creating a prosperous and stable society. The First of

May is not a public holiday in Hong Kong. Neither did we have any large scale celebration for the occasion. Yet the Employment (Amendment) Bill 1984 is debated here in the Legislative Council today for improvements to the provisions concerning severance pay. This marks a further step towards attaining the established goal of protecting Hong Kong workers by ensuring their safety and health as well as safeguarding their conditions of employment. It is not only an acknowledgement to our workers for their contributions to Hong Kong, but also a realization of the idea and spirit of the Labour Day.

This Bill may not fully satisfy the aspirations of both the employers and the employees. Some employers fear that any new legislation providing for the welfare of the workers would add to their burden and undermine their competitiveness in the commercial market. Some labour organizations think that the Bill should remove the prescribed ceiling for severance pay which, in their opinion, should be based on the employee's actual years of service. They also suggested that an employee should be entitled to severance pay after one year of service instead of two. While the worries and the demands of the workers are understandable, we should also appreciate that there is always a long way between the reality and the ideal. Unrestrained welfare for the workforce would impede the initiative of our society. It is our aim to go step by step to within our capability and try our best to improve the welfare of the workers on the basis of social justice, for Hong Kong will not benefit from any drastic reform.

While we sympathize with the redundant workers for their bitter hardship, let us not forget the difficulties facing the employers who have to make their workers redundant. Sincere co-operation between employers and employees is an essential factor in bringing prosperity and progress to our society. Just as those who have taken out a life insurance policy do not look forward to their death for the sake of obtaining a compensation from the insurance company, it is also hoped that our workers will not have to make use of the improved severance pay provisions given to them.

Sir, with these remarks, I support the motion.

COMMISSIONER FOR LABOUR:—Sir, I am grateful for Unofficial Members' careful study of the Bill in the *Ad Hoc* Group and their unanimous support for the measures now proposed.

I will not comment on the Central Provident Fund proposal put forward by DR. FANG and Dr. Ho Kam—fai as it was discussed by the Secretary for Health and Welfare at last week's meeting.

I share Father MCGOVERN'S desire to see further improvements to this Ordinance and hope in due course to put forward proposals in line with some of his suggestions, but I cannot make any commitment on timing. As Mr. Andrew So says, improvements to workers' welfare must be introduced step by step. In

timing their introduction we must take into account the state of our economy so as not to lay too great a burden on the manufacturers on whom our prosperity, and our capacity to introduce further welfare measures, so much depends. Meanwhile the present Bill will make a worthwhile improvement to our already very substantial body of labour legislation.
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).

ROAD TRAFFIC (AMENDMENT) BILL 1984

Resumption of debate on second reading (14 March 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).

Committee stage of bills

Council went into Committee.

APPROPRIATION BILL 1984

Heads 21 to 194 were agreed to.

Clauses 1 and 2 were agreed to.

EXCHANGE FUND (AMENDMENT) BILL 1984

Clauses 1 to 4 were agreed to.

ARBITRATION (AMENDMENT) BILL 1984

Clauses 1 to 3 were agreed to.

MAGISTRATES (AMENDMENT) BILL 1984

Clauses 1 and 3 were agreed to.

Clause 2

MR. PETER C. WONG:—I move that clause 2 be amended as set out in the paper circulated to Members for reasons which I gave earlier this afternoon in my speech.

*Proposed amendment***Clause 2**

That clause 2 be amended in the new section 7D inserted thereby—

(a) in subsection (2)(c)(iii) by deleting ‘28’ and substituting the following— ‘35’;

(b) in subsection (2) by deleting paragraph (d) and substituting the following—
‘(d) shall be accompanied by a statement of the penalty which may be imposed and any other order which may be made upon conviction.’.

The amendment was agreed to.

Clause 2, as amended, was agreed to.

new clause 2A. ‘Amendment of section 8A(5)’.

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

THE ATTORNEY GENERAL:—In accordance with Standing Order 46(6), I move that new clause 2A as set out in the paper circulated to Members be read a second time.

Question put and agreed to.

Clause read the second time.

THE ATTORNEY GENERAL:—I now move that new clause 2A be added to the Bill.

Proposed Addition

Question put on the Bills and agreed to.

Bills read the third time and passed.

Unofficial Member's Bill

Second reading of bill

MATILDA AND WAR MEMORIAL HOSPITAL (AMENDMENT) BILL 1984

Resumption of debate on second reading (15 February 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).

Committee stage of bill

Council went into Committee.

MATILDA AND WAR MEMORIAL HOSPITAL (AMENDMENT) BILL 1984

Clauses 1 to 8 were agreed to.

Council then resumed.

Third reading of bill

MR. LOBO reported that the

MATILDA AND WAR MEMORIAL HOSPITAL (AMENDMENT) BILL

had passed through Committee without amendment, and moved the third reading of the Bill.

Question put on the Bill and agreed to.

Bill read the third time and passed.

Adjournment and next sitting

HIS EXCELLENCY THE PRESIDENT:—In accordance with Standing Orders I now adjourn the Council until 2.30 p.m. on 16 May 1984.

Adjourned accordingly at five minutes to four o'clock.