

OFFICIAL REPORT OF PROCEEDINGS**Monday, 7 November 1977****The Council met at five o'clock****PRESENT**

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR CRAWFORD MURRAY MacLEHOSE, GBE, KCMG, KCVO

THE HONOURABLE THE CHIEF SECRETARY
SIR DENYS TUDOR EMIL ROBERTS, KBE, QC, JP

THE HONOURABLE THE FINANCIAL SECRETARY
MR CHARLES PHILIP HADDON-CAVE, CMG, JP

THE HONOURABLE THE ATTORNEY GENERAL
MR JOHN WILLIAM DIXON HOBLEY, CMG, QC, JP

THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS
MR LI FOOK-KOW, CMG, JP

THE HONOURABLE DAVID AKERS-JONES, JP
SECRETARY FOR THE NEW TERRITORIES

THE HONOURABLE LEWIS MERVYN DAVIES, CMG, OBE, JP
SECRETARY FOR SECURITY

THE HONOURABLE DAVID WYLIE McDONALD, JP
DIRECTOR OF PUBLIC WORKS

THE HONOURABLE KENNETH WALLIS JOSEPH TOPLEY, CMG, JP
DIRECTOR OF EDUCATION

THE HONOURABLE DAVID GREGORY JEAFFRESON, JP
SECRETARY FOR ECONOMIC SERVICES

THE HONOURABLE ALAN JAMES SCOTT, JP
SECRETARY FOR HOUSING

THE HONOURABLE GARTH CECIL THORNTON, QC
SOLICITOR GENERAL

THE HONOURABLE EDWARD HEWITT NICHOLS, OBE, JP
DIRECTOR OF AGRICULTURE AND FISHERIES

THE HONOURABLE THOMAS LEE CHUN-YON, CBE, JP
DIRECTOR OF SOCIAL WELFARE

THE HONOURABLE DEREK JOHN CLAREMONT JONES, JP
SECRETARY FOR THE ENVIRONMENT

DR THE HONOURABLE THONG KAH-LEONG, JP
DIRECTOR OF MEDICAL AND HEALTH SERVICES

THE HONOURABLE ERIC PETER HO, JP
SECRETARY FOR SOCIAL SERVICES

THE HONOURABLE PETER BARRY WILLIAMS, JP
COMMISSIONER FOR LABOUR

THE HONOURABLE RONALD GEORGE BLACKER BRIDGE, JP
SECRETARY FOR THE CIVIL SERVICE

THE HONOURABLE JOHN CHARLES CREASEY WALDEN, JP
DIRECTOR OF HOME AFFAIRS

THE HONOURABLE WILLIAM DORWARD, OBE, JP
DIRECTOR OF TRADE, INDUSTRY AND CUSTOMS (*Acting*)

DR THE HONOURABLE CHUNG SZE-YUEN, CBE, JP

THE HONOURABLE LEE QUO-WEI, CBE, JP

THE HONOURABLE OSWALD VICTOR CHEUNG, CBE, QC, JP

THE HONOURABLE HILTON CHEONG-LEEN, OBE, JP

THE HONOURABLE LI FOOK-WO, OBE, JP

THE HONOURABLE JOHN HENRY BREMRIDGE, OBE, JP

DR THE HONOURABLE HARRY FANG SIN-YANG, OBE, JP

THE HONOURABLE MRS KWAN KO SIU-WAH, OBE, JP

THE HONOURABLE LO TAK-SHING, OBE, JP

THE HONOURABLE ALEX WU SHU-CHIH, OBE, JP

THE REV THE HONOURABLE JOYCE MARY BENNETT, JP

THE HONOURABLE CHEN SHOU-LUM, JP

DR THE HONOURABLE HENRY HU HUNG-LICK, OBE, JP

THE HONOURABLE LEUNG TAT-SHING, JP

THE REV THE HONOURABLE PATRICK TERENCE McGOVERN, SJ, JP

THE HONOURABLE PETER C. WONG, JP

THE HONOURABLE WONG LAM, JP

DR THE HONOURABLE RAYSON LISUNG HUANG, CBE, JP

THE HONOURABLE CHARLES YEUNG SIU-CHO, JP

ABSENT

THE HONOURABLE ROGERIO HYNDMAN LOBO, OBE, JP

THE HONOURABLE PETER GORDON WILLIAMS, OBE, JP

THE HONOURABLE JAMES WU MAN-HON, OBE, JP

THE HONOURABLE FRANCIS YUAN-HAO TIEN, OBE, JP

THE HONOURABLE LYDIA DUNN, JP

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL
MR STEPHEN TAM SHU-PUI

HIS EXCELLENCY THE PRESIDENT:—‘Honourable Members, in accordance with Standing Order 7(3), I have changed the day and hour of the next sitting of the Council from 2.30 p.m. Wednesday, 9 November to today at 5 p.m.’

‘In accordance with Standing Order 7(2), I dispense with the written notice for this sitting of the Council and declare the Council now in session.’

Statement**POLICE FORCE (AMENDMENT) (NO 2) BILL 1977**

HIS EXCELLENCY THE PRESIDENT:—In accordance with Standing Order 11(1)(b), I would like to make a statement.

On Saturday evening I announced a new policy with regard to ICAC operations. I did say in the following terms: ‘all concerned may take it that as from now the ICAC will not normally act on complaints or evidence relating to offences committed before 1 January 1977 except in relation to persons who have already been interviewed, persons against whom warrants have been issued, and persons now outside Hong Kong. I except persons who have already been interviewed because I do not think that anyone would accept that law enforcement operations, whether by the Police or by the ICAC, should be halted by extra-legal action. I say ‘will not normally act’ because occasionally an offence may come to light which is so heinous that it would be unthinkable not to act and the public would not tolerate failure to act. But in any such case I will be consulted first’.

This of course applied to the members of all public services, and the public, and not just to the Police Force.

Our object has always been to cleanse the public service and to continue prosecutions for past offences until acceptable standards had been achieved. We had never envisaged prosecuting everybody who had ever committed any offence. In view of the great improvement in the standards of honesty achieved, particularly over the last two years, I had expected before long to take a step of the sort announced last Saturday. This would make it possible to concentrate on maintaining standards of the future, rather than to continue to impress the need for honesty by prosecuting people for offences committed in the past, and thus turn over a new leaf in the history of the public service. However, in the circumstances that had arisen I judged that this relief should be granted immediately, apart from those exceptions, it has removed all cause for fear from all who keep straight.

The exceptions were deliberately intended to be very small. One was 'persons who had already been interviewed'. This does not mean anybody to whom an ICAC officer has spoken at any time. It means only persons who have been interviewed by an ICAC officer, whether or not following arrest, and to whom during that interview allegations had been made that they had committed an offence. The number of such people is small, probably not more than 200 within a force of 20,000.

Another exception was an offence committed before this year, which came to light, and was so heinous that it would be unthinkable not to act. To ensure that in no circumstances would this exception be used to undermine my general intention, I stated that if there was such a case it would have to be referred to me. This made clear that I expected the number of cases to be negligible, in fact none is known at this moment.

Other exceptions related to the obvious cases of persons for whom warrants had been issued or persons now outside Hong Kong.

Although there was nothing in the statement that would inhibit ICAC from ensuring that the improvement achieved would be maintained, or that suggested that our determination to maintain a clean public service was abandoned or diminished, I think its timing and content came as a shock to the public. Although the reasons for it have been sympathetically understood, many were worried that it had been made at all, or that it went too far. But certainly no one has suggested that it should have gone further— quite the contrary.

My statement has been under consideration by the different associations of the Police Force. Honourable Members and the public will be concerned to learn that informally it was suggested that it did not go far enough; that pressure should be maintained on the administration by demonstrations and progress ve refusal of law enforcement until all current interviews, charges and court proceedings now in course were dropped.

I have no doubt that these ideas are propagated by the less than one per cent who under the exceptions I have mentioned remain in fear of prosecution, and insofar as they are supported by others because of a mistaken sense of temporary euphoria or solidarity. I assure them it is time very soberly to consider their position. It is for the Police to answer to lawful authority and to enforce it—not to answer to a small self-interested group.

The idea that pressure can achieve further concessions of this sort would result from a complete misconception of the mood of the Government and the community. It would also ignore the true interests of at least 99 per cent of the Police Force itself. Needless to say it totally ignores the true interests of Hong Kong where the enforcement of law and order and the achievement of acceptable standards of honesty have made such strides in recent years. Concession to such demands under pressure would invite pressure on other issues; next it would be the suppression of ICAC itself, possibly to have

persons in prison released, and so on, until we had a situation in which the law was being administered in the interests of the corrupt. I know this is not what most of the Force and their families want, but this is where they would be led if the Government were to give any further ground. To do so would yield to anarchy and to anarchy there can be no concession. I am confident in this I am speaking for the entire community, young and old, rich and poor.

I hope that wiser counsels will now prevail. But it is as well that all should realize now, before irrevocable action is taken that we cannot accept that policemen who do not accept lawful authority, or who support others in not doing so, or continue to attempt to dominate lawful authority by means of pressures, should remain in the Force, and be paid by the public. In present circumstances powers available are too slow and ponderous. Honourable Members will therefore be invited this afternoon to amend the Police Force Ordinance to grant powers of summary dismissal.

I very much hope it will not be necessary to use these powers. I hope, as I say, that wiser counsels will prevail and that the dialogue proceeding will continue. I can also assure all concerned that these powers will not be used in respect of anything that has happened so far, and will not likely be used in the future.

I am glad to say in conclusion that a meeting was held between the Deputy Commissioner of Police and representatives of the various Police associations during most of today. The meeting agreed that the Commissioner should issue a statement that will be made shortly, recording a pledge of full loyalty to the Commissioner and a pledge that in future all issues would be pursued through established constitutional channels, and by no other means, and certainly not by the process of any protest public gatherings.

As I have only just heard this statement I am unable to comment on it, but I feel it right that Honourable Members should know of it before passing to the Bill before them. I still think that the powers that the amendment will confer are desirable, though the outcome of this meeting does offer additional hope that they will not need to be used.

Thank you.

Government business

First reading of bill

THE CHIEF SECRETARY addressed the Council and said:—Sir, under Standing Order 40(1)(a) Your Excellency has directed that the Police Force (Amendment) (No 2) Bill 1977 shall not be published in the *Government Gazette* before it is read the first time.

POLICE FORCE (AMENDMENT) (NO 2) BILL 1977

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

Second reading of bill**POLICE FORCE (AMENDMENT) (NO 2) BILL 1977**

THE CHIEF SECRETARY moved the second reading of:—‘A bill to amend the Police Force Ordinance’.

He said:—Sir, in your statement to the Council at the beginning of this sitting, you explained the reasons which made it necessary for powers of summary dismissal to be conferred upon the Commissioner of Police.

The Bill before Council introduces a new section 31 to the principal Ordinance which will enable the Commissioner to dismiss forthwith any police officer whom he is satisfied is guilty of disobedience to police orders or to any lawful order given by a superior officer.

I believe that, in the present disturbed state of the Force, it is necessary to arm the Commissioner with this weapon so that he may be able to discipline swiftly and effectively any police officer who is guilty of disobedience, though naturally I hope, as I am sure all Honourable Members do, that good sense will prevail and that it will not prove to be necessary to use it.

An officer summarily dismissed under the new Section will normally forfeit all claim to a pension, gratuity or other allowance. However, the proposed new section 31(2) would allow the Governor to permit a pension or other allowance to be paid to a police officer dismissed under the Section in a particular case.

Sir, I beg to move.

DR CHUNG:—Your Excellency, in the light of the nature of this debate which is of paramount importance to the men in the street, I feel it is more appropriate for me to speak in support of the motion in Cantonese.

鍾士元議員：督憲閣下：自從十月二十八日在和記大廈的事件發生以來，市民一直以越來越焦慮的心情，注視若干警務人員對總督特派廉政專員公署所表示的怨恨。我們大多數人前日聽到督憲閣下所宣佈的特赦的時候，都感到驚訝。在這項極度廣泛的特赦中，對於警務人員、公務員、以及事實上在香港的每一個人在一九七七年一月一日以前所犯的任何貪污行爲，都不予追究，但是那些已在服刑，正在受到調查或檢控，以及那些被發覺牽涉在極嚴重貪污罪行的人士則屬例外。

事實上，有些人認為應該對於在廉政公署一九七四年最初成立時以前犯有的貪污行爲，始給與特赦。當然，我們現在不是辯論這個問題，但是我要清楚指出，這是一項在市民心目中已經是極

寬大的特赦，若果再進一步讓步，就是等於將貪污寬容至一個本港人民所絕對不能接受及不能容忍的程度。

我們不能夠讓一小撮這項特赦不包括的貪污警務人員，去煽動他們那些可以獲得特赦或佔大部份的清白同僚，透過足以嚴重傷害本港內部治安的非法工業行動，要政府依照他們的條件來制定該特赦的辦法。這是一項本港沒有人能夠負擔得起的代價。簡言之，這幫背信棄義的人現時所做的事，是企圖向香港政府及人民進行勒索，以遂其自身的利益。

我代表非官守議員大力支持將「警察條例」修訂的建議，以便規定對於任何蓄意不遵守合法命令的警務人員可以即時革職。我們現在向督憲閣下和政府保證，本局每一個非官守議員都全力支持抗拒這一少夥貪污警務人員的勒索，這一小夥貪污警務人員正在企圖策動其他警務人員，將香港的前途陷入危險的境地，只圖達到其個人的自私目的，而作出完全不能接受和可恥的行爲。

督憲閣下，我謹此陳辭，以支持本動議。

(The following is the interpretation of what Dr CHUNG said)

Since the incident at Hutchison House on 28 October the public has been watching with increasing anxiety the expression of the resentment of some of the Police Force against the Independent Commission Against Corruption. Most of us were shocked the day before yesterday when we heard of the very comprehensive amnesty which you, Sir, have given to the Police, to the Civil Service and in fact to any person in Hong Kong in respect of any corrupt practice he engaged in prior to 1 January 1977 except those who are already serving a sentence, being investigated or prosecuted, as well as those who are found to have been involved in heinous corrupt offences.

Actually some people think that the cut-off date of the amnesty should have been that on which the ICAC was first established in 1974. We are, of course, not going to debate this issue but I must make it very clear that this was a very generous amnesty in the minds of the public and to retreat any further would amount to condoning corruption to an extent which is definitely unacceptable to the people of Hong Kong.

We cannot allow a small number of corrupt policemen who do not fall within the ambit of this amnesty to incite those of their colleagues who are covered by the amnesty or the majority who are honest to dictate the terms of that amnesty to the Government through unlawful industrial action which could seriously jeopardize the internal security of Hong Kong. This is a price which no one in Hong Kong can afford to pay. In short, what this perfidious gang are trying to do is to hold the Government and the people of Hong Kong to ransom to serve their own self-interest.

I, on behalf of the Unofficial Members, strongly support the proposal to amend the Police Force Ordinance so as to provide for the summary dismissal of any policemen who willfully disobeys a lawful order. We wish to assure you, Sir, and the Government that each and every Unofficial Member of this Council will give you his or her full support in resisting the blackmail of this small gang of corrupt policemen who have been trying to mobilize

other policemen to put Hong Kong's future at stake purely to further their own selfish, personal ends in a totally unacceptable and disgraceful manner.

Sir, with these remarks, I support the motion.

MR T. S. LO:—Sir, I wholly support what has been said.

I want to add this. In my view if any police officer rejects Your Excellency's generous offer of partial amnesty or takes steps with intent to force the Government to do away with the ICAC he will be making it manifest that what he wants is to be able to be corrupt and to be able to continue to profit from various rackets without let or hindrance. For he will be motivated not by fear but out of greed.

For Government to bow to any further demands would put effective Government into the hands of the corrupt and the nefarious.

Sir, I am glad to hear from Your Excellency about the pledge made today by the police. I still agree that Government must have the power to dismiss summarily from the Police Force any officer who disobeys any lawful order and to dismiss him as quickly as possible.

We expect the Government to use all its powers under the law and do its duty.

MR WONG LAM:—(*Addressed in the Cantonese dialect.*)

王霖議員： 督憲閣下：本人支持本法案，並藉此表示堅決支持政府不需再讓步。事實上有人認為已經過份讓步。

本人認為任何人士，拒絕政府所頒佈的特赦令不會受到市民同情，因為市民會認為，他們要政府再度讓步，只是他們繼續想進行貪污的活動。

我們香港市民不可能容忍對允許貪污活動繼續存在的要求作出讓步。本人希望對此項建議全力支持紀錄在案，根據本法案授權警務處長可以將警方少數的不良份子撤職。

督憲閣下，本人支持此項動議。

(*The following is the interpretation of what Mr WONG Lam said*)

Sir, I support the Bill and this must reflect the firm support we give to the Government to make no further concessions. Indeed some feel that we may have already gone too far.

I consider that any member of the Force who rejects Government's offer of partial amnesty must realize that the public will not sympathize with him, as the public will think that the only reason why he wants further concessions is because he intends to continue his corrupt activities.

We, the people of Hong Kong, cannot possibly tolerate a situation whereby we give in to demands to allow a continuation of corrupt activities. I therefore wish to put on record my wholehearted support of the proposal that the

Commissioner of Police should be given the power sought under this Bill to dismiss bad policemen summarily.

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.

POLICE FORCE (AMENDMENT) (NO 2) BILL 1977

Clauses 1 and 2 were agreed to.

Council then resumed.

Third reading of bill

THE ATTORNEY GENERAL reported that the Police Force (Amendment) (No 2) Bill 1977 had passed through Committee without amendment and moved the third reading of the bill.

Question put 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 Wednesday, the 9 of November.

Adjourned accordingly at thirty minutes past five o'clock.