

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 14 May 1980****The Council met at half past two o'clock****PRESENT**

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR CRAWFORD MURRAY MACLEHOSE, G.B.E., K.C.M.G., K.C.V.O.

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

THE HONOURABLE THE FINANCIAL SECRETARY (*Acting*)
SECRETARY FOR ECONOMIC SERVICES
MR. DAVID GREGORY JEAFFRESON, J.P.

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

THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS
MR. LI FOOK-KOW, C.M.G., J.P.

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

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

THE HONOURABLE KENNETH WALLIS JOSEPH TOPLEY, C.M.G., J.P.
DIRECTOR OF EDUCATION

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

THE HONOURABLE THOMAS LEE CHUN-YON, C.B.E., J.P.
DIRECTOR OF SOCIAL WELFARE

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

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

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

THE HONOURABLE JOHN CHARLES CREASEY WALDEN, J.P.
DIRECTOR OF HOME AFFAIRS

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

THE HONOURABLE JAMES NEIL HENDERSON, J.P.
COMMISSIONER FOR LABOUR

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

THE HONOURABLE WILLIAM DORWARD, O.B.E., J.P.
DIRECTOR OF TRADE, INDUSTRY AND CUSTOMS

THE HONOURABLE JOHN MORRISON RIDDELL-SWAN, J.P.
DIRECTOR OF AGRICULTURE AND FISHERIES

THE HONOURABLE DAVID ROBERT FORD, M.V.O., O.B.E., J.P.
SECRETARY FOR INFORMATION

THE HONOURABLE JOHN GEORGE STEAN, O.B.E., J.P.
DIRECTOR OF PUBLIC WORKS (*Acting*)

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

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

THE HONOURABLE LI FOOK-WO, C.B.E., J.P.

THE HONOURABLE JOHN HENRY BREMRIDGE, O.B.E., J.P.

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

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

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

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

THE REVD. THE HONOURABLE JOYCE MARY BENNETT, O.B.E., J.P.

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

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

DR. THE HONOURABLE HENRY HO HUNG-LICK, O.B.E., J.P.

THE HONOURABLE LEUNG TAT-SHING, O.B.E., J.P.

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

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

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

DR. THE HONOURABLE RAYSON LISUNG HUANG, C.B.E., J.P.

THE HONOURABLE CHARLES YEUNG SIU-CHO, J.P.

DR. THE HONOURABLE HO KAM-FAI

THE HONOURABLE ALLEN LEE PENG-FEI

THE HONOURABLE DAVID KENNEDY NEWBIGGING, J.P.

THE HONOURABLE ANDREW SO KWOK-WING

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

ABSENT

THE HONOURABLE HU FA-KUANG, J.P.

IN ATTENDANCE

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

Oath

MR. STEAN took the Oath of Allegiance and assumed his seat as a Member of the Council.

HIS EXCELLENCY THE PRESIDENT:—I have much pleasure in welcoming MR. STEAN to this Council.

Papers

The following papers were laid pursuant to Standing Order No. 14(2):—

<i>Subject</i>	<i>L.N. No</i>
Subsidiary Legislation:	
Legal Practitioners Ordinance.	
Solicitors (General) Costs (Amendment) Rules 1980.....	99
Summary Offences Ordinance.	
Summary Offences Ordinance (Exemption from Section 13) Order 1980	100
Securities Ordinance.	
Securities (Stock Exchanges Compensation Fund) (Maximum Payments) Notice 1980	101
Interpretation and General clauses Ordinance.	
Specification of Public Office	102
Immigration Ordinance.	
Immigration (Amendment) (No.2) Regulations 1980.....	103
Public Health and Urban Services Ordinance.	
Cheung Chau Cemetery, Sandy Ridge Cemetery and Wo Hop Shek Cemetery (Removal and Disposal of Human Remains) Order 1980.....	105
The Hongkong and Shanghai banking Corporation Ordinance.	
Special Resolution.....	106

Sessional Papers 1979-80:

No. 50—Television Advisory Board Hong Kong—7th Report (published on 14.5.80).

No. 51—Annual Report by the Commissioner of the Independent Commission Against Corruption 1979 (published on 14.5.80).

No. 52—Prisons Department Welfare Fund—Income and Expenditure Account with Balance Sheet and Certificate of the Director of Audit for the year ended 31 March 1979 (published on 14.5.80).

Oral answers to questions

Hong Kong's foreign trade deficit

1. MR. WONG PO-YAN asked:—*As Hong Kong's foreign trade deficit has increased considerably during the first quarter of this year, will Government make a statement on this subject*

THE FINANCIAL SECRETARY:—Sir, the Government made a statement on this subject in the form of a press release on the 25 of April, when the trade figures for March this year were made public.

In this statement we emphasized yet again that what really matters, rather than the absolute size of the deficit, is the visible trade 'gap', that is the proportion of the value of imports not covered by receipts from total exports. While the visible trade deficit in the first quarter of this year, at \$4,468 million, was larger than that in the first quarter of last year at \$3,236 million, it was so purely as a result of a rapid overall expansion in the volume and value of external trade. The visible trade 'gap', at 18%, was exactly the same as it was in the first quarter of last year.

MR. WONG PO-YAN:—*Sir, is Government aware that in the case of certain countries, say Japan, the gap is especially big?*

THE FINANCIAL SECRETARY:—I am sorry, Sir, could my honourable Friend repeat the question? I didn't quite catch what he said.

HIS EXCELLENCY THE PRESIDENT:—Mr. WONG, could you repeat your question please.

MR. WONG PO-YAN:—*Sir, is Government aware that in the case of certain countries, say Japan, the gap is especially big?*

THE FINANCIAL SECRETARY:—Yes, Sir, we are aware that in respect of certain countries the gap in terms of our bilateral trade with those countries is particularly large, but this is not a matter which we consider important. We do not believe in trading on a bilateral basis.

Letter B land exchange commitment

2. MR. YEUNG asked:—*Would Government make a statement on the present position of Government's liability to meet the New Territories Letter B land exchange commitment and say what progress has been made in discharging this liability?*

SECRETARY FOR THE NEW TERRITORIES:—Sir, the position as at 31 December 1978 was that our commitments in terms of providing building land to meet our exchange commitments amounted to 14,774.846 sq. ft. and at 31 December 1979 (the latest date for which I have figures) it was 15,065.411 sq. ft. In this same period a total of 36 sites amounting to 795,880.61 sq. ft. were sold by way of our Letter B tender system. This indicates that in the same period land was resumed for continuing development which gave rise to an increased commitment equivalent to 1,086,445.6 sq. ft. of building land. These figures do not reveal the complete picture: our forecasts of land production and thus of land sales indicate that the waiting period, that is the period between the issue of a land exchange entitlement and the time when Government meets that commitment, should be substantially reduced by the end of 1982, assuming that all the land that we place on offer by tender is taken up. In this latter connection, I have noticed recently that no tenders have been received for some of our sites with lower plot ratios. Yet, on current Letter B prices, which I understand have fallen some 30% since last December, these sites would, I would have thought, have represented an attractive proposition to holders of exchange entitlements.

I can only assume that these holders of exchange entitlements are hanging back in expectation of better things to come, but it is obvious that not everyone can be successful in obtaining prime sites in town centres. If less desirable sites continue to receive no bids it may be necessary to reconsider our present method of disposing of these sites by what is known as the vintage tender system. But meanwhile I must advise even the holders of more recently issued entitlements to apply for land when it is offered.

MR. PETER C. WONG:—*Sir, has the Secretary any idea why Letter B prices have fallen by about some 30% since last December?*

SECRETARY FOR THE NEW TERRITORIES:—I think this follows the general market trend in private property at the moment.

Use of fire-arms by Police officers

3. MR. CHEN asked:—*How many incidents have occurred over the last 3 years involving the discharge of fire-arms by Police officers and in how many cases has the use of fire-arms assisted in effecting the arrest of a suspect?*

SECRETARY FOR SECURITY:—Sir, since 1 January 1977 Police officers have discharged fire-arms on 114 occasions in the course of preventing the commission of serious crime or in attempting to apprehend violent criminals. On 78 of these occasions arrests have been made as a direct result of opening fire.

Fire-arms have been discharged on a further 34 occasions in which the public were not involved. These cases comprise Police fire-arms used in suicide cases, humane disposal of animals and accidental discharge.

The appendix to the printed version of this answer are some statistics in support of the figures I have quoted.

APPENDIX

No. of Incidents since 1 January 1977 involving use of Fire-arms by Police

	(1)	(2)	(3)	(4)	(5)
<i>Year</i>	<i>No. of incidents involving Police opening fire during commission of a crime</i>	<i>No. of cases where opening fire resulted in arrest</i>	<i>Miscellaneous discharges of service revolver not involving public</i>	<i>Total No. of occasions when Police fire-arm fired (1)+(4)</i>	
1977	29	95	22	12	41
1978	22	42	15	11	33
1979	48	145(1)	29	7	55
1980 1/1-12/5	15	54	12	4	19
	<u>114</u>	<u>336</u>	<u>78</u>	<u>34</u>	<u>148</u>

Note (1): Includes 20 rounds fired from a stengun by the Marine Police.

MR. CHEN:—*Sir, in view of the relatively high rate of success in effecting arrests what is the rationale of the recent order of disallowing Police officers to carry fire-arms?*

SECRETARY FOR SECURITY:—Sir, the Commissioner of Police quite properly reviews the instructions in regard to the carriage of fire-arms periodically and has just done so. The main changes have been that the number of rounds carried by Police officers with their fire-arms have been reduced from 12 to 6, which it is thought in all the circumstances as appropriate. In addition the responsibility for authorizing fire-arms to be carried outside ordinary hours of duty by officers has been placed with the District Police Commanders rather than the Divisional Superintendents which is thought also to be desirable. A further change has been that the drawing of arms from holsters, as distinct from firing of the fire-arm, now has to be reported and this is a matter on which the UMELCO Police Group have commented. And the final main change is that the instructions have made clear that Police should not fire at vehicles, which, of course, are a notoriously difficult target when moving fast, unless they have been fired at from it or suspect armed persons are inside it.

MR. LO:—*Sir, should the arming of a modern police force be justified more on grounds of self defence and the prevention of criminal violence and less on the apprehension of criminals?*

SECRETARY FOR SECURITY:—This is a question which is almost theoretical and certainly seeks an expression of opinion. I would like to go no further than to say that the current instructions are that the principle covering the degree of force which may be used by a Police officer to achieve an object is that only the minimum force necessary may be used to achieve the object. Once the object has been attained the use of such force should cease.

Geotechnical and slope stabilization works

4. MR. CHEN asked:—*Will Government make a statement on the current state of geotechnical works and works undertaken to improve slope stability?*

DIRECTOR OF PUBLIC WORKS:—Sir, preventive works have been completed on over 100 major hill slopes and works are currently in hand on a further 18 slopes as part of an on-going stabilization programme.

This Council has been previously informed that geotechnical investigations have been carried out on more than 10,000 slopes throughout the territory, the vast majority of which were found to be satisfactory and required little or no remedial works. The progressive programme of detailed studies on the remainder of these slopes is continuing and in cases where the stability is found to be inadequate, preventive works are put in hand as a matter of urgency.

One-year trained teachers

5. REVD. JOYCE M. BENNETT asked:—*Will Government state:*

- (a) *how many 1-year training course teachers are employed by the Government at the moment;*
- (b) *when was the 1-year training course discontinued; and*
- (c) *what provision has been made to give these teachers another year's course of training to enable them to teach in secondary schools?*

DIRECTOR OF EDUCATION:—Sir,

- (a) 981 one-year trained teachers, of whom 56 are in secondary schools and 925 in primary schools, are now employed by the Government.
- (b) The one-year full-time training course was discontinued with effect from September, 1968.
- (c) A one-year full-time special course was provided in 1976 and 1977 to prepare Government primary school teachers for teaching duties in secondary schools. Of the 87 teachers who attended the courses, 53 were one-year trained.

REVD. JOYCE M. BENNETT:—*Sir, why were there only two one-year full-time special courses when there were so many one-year trained teachers?*

DIRECTOR OF EDUCATION:—Sir, I believe that Miss BENNETT has to a moderate degree at least misled herself, that she has assumed that the object of these courses was to see that all Government primary school teachers could be made into two-year trained teachers, but the object in fact was to fill some vacancies in secondary schools. We had the teachers who were surplus in primary schools but before they could be transferred it was thought that they required a further period of training in order to make them suitable for teaching in secondary schools. This was not always related to the length of time of their initial training.

REVD. JOYCE M. BENNETT:—*Sir, is it not true that the Government now considers a one-year training course is inadequate?*

DIRECTOR OF EDUCATION:—This is true, Sir, that we shall be starting three-year courses indeed for all teachers (*laughter*), but you cannot get rid of history. This is indeed a fact and if you are looking at a retraining programme as indeed we are, Sir, for both primary and secondary schools, what one has to consider is what is it that the serving teachers need to know in order to give them the skills which they need at the present day. For instance, If I were the Secretary for the Civil Service, and I will take a risk of incurring his wrath, and I was going to retrain the Administrative Service, I would not look around first and say who hasn't got a degree, let's see he goes on a degree course. I would look around to see who needed to know what in order to do his job or some future job more effectively, and we are adopting a similar posture and process and process and practice in the schools.

REVD. JOYCE M. BENNETT:—*Sir, has the Government any intention to revive this one-year full-time course for one-year trained teachers?*

DIRECTOR OF EDUCATION:—No, Sir.

DR. HO:—*Sir, of the 56 one-year trained teachers now in the secondary schools has Government monitored their performance? And if so, what judgment can we make on their performance?*

DIRECTOR OF EDUCATION:—To my knowledge we have not specifically monitored the one-year trained teachers because, as I have stated, we do not look at our serving teachers principally in terms of the number of years initial training that they received. What we are looking at now is what their performance is, so that when we look at the priorities for retraining we look to giving teachers further kinds of skills which they need now.

REVD. JOYCE M. BENNETT:—*Will the Government, Sir, consider giving these one-year trained teachers special skills for their continued employment in Government?*

DIRECTOR OF EDUCATION:—I think I need a drink of water at this stage (*laughter*). There is clearly a difference of approach, Sir, between Miss BENNETT and her colleague and myself. A long time has usually passed since somebody has done his teacher training course, and if you look at the teacher in a school it is not always obvious to you how much initial training he had, the same as in a firm or in a factory you cannot look around the place and see how many years people went to school or what their qualifications were. The most important question, Sir, in my opinion, is what are the priorities for retraining and not what were the initial qualifications of the teachers.

REVD. JOYCE M. BENNETT:—*Sir, may I then have an assurance that one-year trained teachers will not first be considered redundant?*

DIRECTOR OF EDUCATION:—I am sorry, Sir, I do not understand the question.

REVD. JOYCE M. BENNETT:—*Sir, may I put it a different way then? Sir, is it not true that teachers, I think it was a total of 128, were told that they were redundant Government teachers, and all these teachers were one-year trained teachers?*

DIRECTOR OF EDUCATION:—This is not quite as Miss BENNETT has stated. the position was that there were 128 teachers to whom letters were sent telling them that they were in danger of having to move out of teaching duties. Since then it has proved possible to absorb them by other means

but the principal fact about them which was significant was not their one-year training but the skill which they principally disposed, in this case needlework and handcraft.

HIS EXCELLENCY THE PRESIDENT:—Miss BENNETT, you have another question.

REVD. JOYCE M. BENNETT:—I have another question. I'll be happy to move on to it.

Proposed Road Safety/Accident Research Unit

6. REVD. JOYCE M. BENNETT asked:—*Will the Government state the progress in the establishment of the Road Safety/Accident Research Unit within the P.W.D. Highways Office? What priorities for its research have been given to it and to whom does this Unit report?*

DIRECTOR OF PUBLIC WORKS:—Sir, approval is expected to be given shortly for the creation of posts for a Road Safety Division and it is hoped that the Division will be staffed by September.

The proposed unit, which will consist of a small group of specialists headed by a road safety expert seconded from the United Kingdom Department of Transport, will comprise an Analysis and Strategy Section and an Investigation and Remedies Section. The former will be responsible for analysis of the computer based traffic accident statistics and the formulation of general strategy in improving road safety and the latter will be concerned essentially with the more immediate local accident problems and the implementation of traffic engineering remedial measures.

Initially, the main preoccupation of the Analysis and Strategy Section will be the setting up of the accident statistics system, reviewing the present data collection arrangements and developing computer programmes for data analysis. Under the direction of the division head the Investigation and Remedies Section will be able to make rapid progress in the initial months in developing traffic engineering solutions to the problem of accident black spots.

The unit will be responsible to the Principal Government Highways Engineer and its work will be guided and monitored by an inter-departmental steering committee.

Sir, the application of traffic engineering principles to the problem accidents has been an on-going task of the Highways Office since the 1960s but the establishment of the proposed Road Safety Division will mean an upgrading and concentration of this effort to combat an increasing problem.

Additional marriage registries

7. MR. SO asked in Cantonese:—

政府有沒有計劃開設更多婚姻註冊處，以應付日益增加的需求？

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

Does Government plan to open further marriage registries to cope with increasing public demand?

SECRETARY FOR SECURITY:—Yes, Sir, additional marriage registries are being planned in Central District, Tsim Sha Tsui and Tsuen Wan.

It is also planned to open an additional marriage room in the City Hall Registry, the target date for which is October, to extend the Sunday morning marriage service at City Hall Registry to Saturday and Sunday afternoons, and to provide a Sunday morning marriage service at Yau Ma Tei and Tai Po Registries later this year.

Social Welfare Department's regionalization scheme

8. DR. HO asked:—*Will Government make a statement regarding the progress of the Social Welfare Department's regionalization scheme introduced in April 1979?*

DIRECTOR OF SOCIAL WELFARE:—Sir, in April, 1979, the Social Welfare Department was reorganized. The operational side of the Department was regionalized, and new branches at Headquarters were created to deal with planning and development and the administration of subventions. This reorganization, which has come to be known as regionalization, was the culmination of a process that began with the appointment of a Management Review Team in late 1977. No substantial changes have been made to the structure of the Department since April 1979. However, since the beginning of this year, an internal review of regionalization has been carried out. During this review, it has become apparent that regionalization has worked well. Indeed, it has been considerably more successful than many of the staff affected by it had expected before the event. The review will be completed within the next month or so, and proposals for changes, if any, will be considered in Government with a view to introducing them as soon as possible.

DR. HO:—*Sir, in the mean time can Government give some examples to show concretely how the regionalization scheme has been successful as stated?*

DIRECTOR OF SOCIAL WELFARE:—Sir, the introduction of a regionalized structure has enabled the Department to be more responsive to local needs. District Social Welfare Officers are responsible for the operation of all

departmental services in their districts and for liaison with all voluntary agencies operating there. Regionalization has also enabled closer liaison with these voluntary agencies, closer supervision of departmental units and, above all, quicker decisions on operational matters.

Dental health service in the New Territories

9. MR. YEUNG asked:—*What form of dental health service is at present offered by Government to the inhabitants of the New Territories and what plans are there to improve the situation?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, at present treatment for acute cases is provided to the public at six Government dental clinics in various parts of the New Territories. Specialist dental service as part of the general medical treatment for appropriate cases is also available at the regional hospital, i.e., Princess Margaret Hospital.

In regard to the second part of my friend's question, similar facilities for treatment of acute cases will also be provided as part of the service available at six additional clinics which are being planned for the New Territories within the next five years.

Further, in accordance with the aims of the 1974 White Paper on Dental Development, concrete steps have been taken to establish a school dental service and a dental teaching hospital—the former to introduce and provide good dental hygiene and dental care service for primary school children, and the latter to increase the number of qualified dentists to serve the general public.

Thus, in addition to the one school dental clinic which has commenced operation in November 1979 on Hong Kong Island, three more such clinics will be available for serving school children in the New Territories by 1985 and the first batch of 60 dental students should graduate as fully qualified dentists and be ready to serve the public of Hong Kong including the New Territories by the same time.

MR. YEUNG:—*Sir, what is the position for non-acute cases?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, as I said, at the moment only treatment for acute cases are given at dental clinics of Government; but according to the White Paper the aim is to provide more dentists for serving the general public of Hong Kong.

MR. PETER C. WONG:—*Is the Director in a position to estimate when specialist dental care will be available in the New Territories?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—I am afraid not, Sir.

Inspection of drainage installations

10. MR. WONG LAM asked in Cantonese:—

請問政府現已進行若干次渠道檢查工作，並且現正採取何種預防措施，以免因豪雨而造成水浸？

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

Will Government state the number of inspections carried out on drainage installations and the precautionary measures being taken against flooding from heavy rains?

DIRECTOR OF PUBLIC WORKS:—Sir, inspections of drainage installations are carried out about once per week on average throughout the year. Any minor blockages found are cleared immediately and where more extensive works are necessary they are ordered directly on the maintenance contractors.

During the wet season, drainage specialist gangs, operating on a 24-hour stand-by system, are available to deal promptly with blockages in the storm water drainage system. The number of stand-by personnel is increased when heavy rain is forecast and can be supplemented as necessary by contract labour.

It should also be noted that staff of the Urban Services Department regularly clear road gullies as part of their cleansing duties. Despite these arrangements gullies and stormwater drains can still be blocked by rubbish washed from the road or footpath surfaces in the intervals between clearings and, if this coincides with torrential rain, flooding can occur. However, problem spots are generally known and by paying special attention to these, the frequency of local flooding is minimized. In this connection, the co-operation of the general public in keeping the roads and footpaths free of litter would go a long way in reducing the risk of flooding.

MR. WONG LAM asked in Cantonese:—

閣下，政府可否在雨季時，設立一個專線電話，廣泛宣傳在大雨時二十四小時內市民可直接投訴，對減低水浸的危險，會否有幫助呢？

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

Sir, will Government consider the installation of a hot line during the wet season so that it operates on a 24-hour basis to minimize the risk of flooding?

DIRECTOR OF PUBLIC WORKS:—Sir, there are emergency lines to the Public Works Department and these deal fully with this sort of situations.

MR. WONG Lam asked in Cantonese:—

閣下，這些電話有沒有廣泛宣傳，使市民知道呢？市民會不會不知這些電話，而沒有用電話投訴？應該設立較多電話。

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

Sir, is the public aware of the existence of this telephone line? Is it because the public is ignorant of this so that there are few complaints?

DIRECTOR OF PUBLIC WORKS:—Sir, I believe the public is fully aware of these hot lines but nevertheless arrangements can be made for further publicity on this subject.

REVD. JOYCE M. BENNETT:—*Sir, why are there such problem spots on such important roads as Princess Margaret Road and Kwun Tong Road near the Choi Hung roundabout?*

DIRECTOR OF PUBLIC WORKS:—Sir, I am afraid I am not immediately aware of the difficulties at these particular spots, but I suggest that mainly it is due to the public and contractors who are careless about depositing litter.

MR. WONG LAM asked in Cantonese:—

閣下，我想知道政府怎樣巡視這些馬路，可否作一聲明怎樣巡視這些黑點，使市民知道呢？

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

Sir, I would like to know how and by what system the Government visits these problem spots?

DIRECTOR OF PUBLIC WORKS:—Sir, as I have said there are specialist gangs which, during particularly wet weather, are on a 24-hour stand-by system to visit these problem spots.

MR. WONG LAM asked in Cantonese:—

閣下，我唔清楚所謂專家他用什麼方式巡視呢？我想知道怎樣巡視，使市民知道怎樣巡視這些黑點。

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

I don't understand what is meant by specialist gangs, what methods do they employ? And how they go about in the area to let the public know?

DIRECTOR OF PUBLIC WORKS:—Sir, these are drainage specialist gangs which are simply equipped to clear drains and they have the sort of equipment which will clear drains. I am afraid I cannot answer the question as to how they let the public know.

(The Director of Public Works subsequently wrote to Mr. WONG Lam's follows, providing him with more detailed information on both communications

with the public (relevant to flooding and blocked drains) and the action taken by the Highways Office, including some description of the equipment used.)

Communications with the Public

In the Government section (under P.W.D., Highways Office) of the 'Business' Telephone Directory telephone numbers are given for Emergency Control (typhoons, rainstorms and other emergencies) for the three districts of Hong Kong Island, Kowloon and the N.T. Also listed under the heading 'Complaints' are telephone numbers for the three districts to which routine complaints can be made either during office hours, or outside office hours. (There is always a drainage maintenance gang on stand-by to deal with complaints of flooding or blocked drains.)

Many complaints are, in fact, received. These are received from the public directly, and via the Police, City District Offices and the Urban Services Department, etc. As an illustration of the wide use to which the complaints system is put the recorded complaints in respect of flooding or blocked drains for the Kowloon district alone were:

in 1977—15,180

in 1978—18,540

in 1979—22,690;

and in the first four months of 1980, 8,250 complaints have already been received. Usually there will be a number of complaints in respect of each incident, so the figures are not a guide to the number of cases dealt with by the Highways Office.

When flooding occurs the Police will normally be the first to hear of this—radio announcements of such flooding incidents are made. The Highways Office maintains close contact with the Police during emergency situations and will endeavour to continue to see that the public are kept advised through the radio of the current situation. I have also taken steps to ensure that when heavy rain is forecast, and during periods of prolonged heavy rain, suitable radio announcements will be made in both Chinese and English to remind the public of the machinery that exists for telephoning complaints about flooding.

Highways Office, Action and Methods

The Highways Office is aware that there are several spots where there are known drainage problems and these are inspected regularly by supervisory staff. In the dry season, nullahs are desilted by P.W.D. maintenance contractors to a planned preventive maintenance programme. It is sometimes necessary to repeat this process during the wet season if silt and sand accumulate in nullahs.

When flooding is reported specialist drainage gangs are despatched to deal with the problem. There are ten of these gangs in Hong Kong, nine in Kowloon and three in the N.T. These gangs have their own transport and in some cases are linked by radio to the respective Highways Office control rooms. In times of emergency these gangs are supplemented by labour and plant provided by the various maintenance contractors employed by Highways Office. The specialist gangs themselves are employees of the Highways Office who deal exclusively with drainage problems. Normally a gang consists of three to four labourers under the charge of a Drain Chargeman assisted by a Leading Sewerman. The gangs in each district are under the control of an Inspector of Works assisted by a Works Supervisor.

Obstructions in drains and sewers are cleared using the following equipment:

- (i) hand digging;
- (ii) by rodding with sectional rods;
- (iii) by water jetting—this consists of a 2,500 gallon tanker mounted on a lorry chassis. A separate pump operates a water jet at a pressure of 4,000 lb. per sq. in which is sufficient to clear most sewer pipe blockages. One water jetting vehicle is attached to each district;
- (iv) suction units lorry mounted for emptying road gully sumps (employed by the Urban Services Department).

The specialist gangs are also supplied with safety apparatus and rescue equipment to detect dangerous gases. They are also provided with breathing apparatus.

Multi-Fibre Arrangement

11. MR. TIEN asked:—*What steps are being taken to ensure that Hong Kong's trading interests are fully protected in the renewal of the M.F.A.?*

DIRECTOR OF TRADE, INDUSTRY AND CUSTOMS:—Sir, the Multi-Fibre Arrangement, or M.F.A., under which Hong Kong's current bilateral textile agreements are negotiated, does not expire until the end of 1981.

It will, however, be the subject of a major review in the autumn of this year, following which the participants will meet in Geneva around the end of 1980 to consider, in the words of the Arrangement, whether it should be extended, modified or discontinued.

It is too early to say how we would seek to protect Hong Kong's trading interests throughout the renegotiation process, for it will first be necessary to see what is being sought by the *demandeurs*; that is to say those who seek continued special protection for their textile and clothing industries beyond the 20 years of such protection which they will by then already have enjoyed.

In the interim it will be our aim to ensure that when negotiations are eventually held they will be based upon a factual and complete appraisal of world conditions in the textile and garment trade and industry. The circumstances which were held to justify previous Arrangements cannot be assumed to be automatically valid this year. Nor can an extended M.F.A., in any form, be justified by problems faced by industries in the developed countries, such as uneven growth in trade between E.E.C. countries and associates or unemployment caused by improved productivity, which are not of a nature the M.F.A. was designed to alleviate.

We shall be seeking, through our regular contacts with developing and developed countries, to gain support for this approach during the coming months.

MR. TIEN:—*Sir, are his Department's overseas resources adequate for the difficult tasks which he has just described?*

DIRECTOR OF TRADE, INDUSTRY AND CUSTOMS:—*Sir, I think the answer to that question is yes. The main burden will fall upon my Geneva Office which I do believe is adequately staffed, and upon the Brussels Office which I am happy to say has just had a small but significant improvement to its establishment approved.*

London/Hong Kong air route appeal

12. MR. WU asked:—*Will the Government say what response, if any, has been made or will be made to British Caledonian Airways representations to the Secretary of State for Trade in connection with the London/Hong Kong air route appeal?*

THE FINANCIAL SECRETARY:—*Sir, under the United Kingdom Civil Aviation Authority Regulations, both Cathay Pacific Airways and Laker Airways have appealed against the Civil Aviation Authority's decision to grant to British Caledonian Airways only a licence to operate on the Hong Kong/London route. Notices of the appeals, setting out their grounds and arguments were, in accordance with the C.A.A. Regulations, served upon, among others,*

British Caledonian Airways and the Hong Kong Government. Both British Caledonian Airways and the Hong Kong Government submitted written representations within the time allowed by the Regulations. This brings me to my honourable Friend's question. I'm afraid the answer is that the C.A.A. Regulations do *not* make provision for the Hong Kong Government to make a response to the British Caledonian Airways' submission, nor indeed for British Caledonian Airways to make a response to the Hong Kong Government's submission.

MR. WU:—*Sir, will the Government assure this Council that any unfair, or should I say tendentious, criticisms of the Hong Kong Government in connection with the appeal referred to in my question, which adversely affect the Government's creditability and which may influence the views of the Secretary of State for Trade in discharging his responsibilities towards Hong Kong, are properly answered and refuted?*

THE FINANCIAL SECRETARY:—Yes, Sir, informally.

MR. WU:—*Sir, could my honourable Friend assure this Council that the steps taken will be reported to the Council?*

THE FINANCIAL SECRETARY:—Sir, this is rather a difficult point to answer. At the present time of course the question of the appeal against C.A.A.'s decision is subjudice. I would like to consult with my honourable Friend the Attorney General before stating whether or not I could be in a position, or the Government, I am sorry, could be in a position to inform this Council of what it submits to the Secretary of State for Trade.

MR. PETER C. WONG:—*Sir, is it correct that the C.A.A. has the final say in this matter?*

THE FINANCIAL SECRETARY:—No, Sir, the Secretary of State for Trade has the final say.

MR. PETER C. WONG:—*Then, Sir, was it not a waste of time to have the hearing in the first place here in Hong Kong for the application of the licence?*

THE FINANCIAL SECRETARY:—No, Sir, it was necessary under the present laws of both Hong Kong and the United Kingdom that there should be two hearings, one in Hong Kong and one in Britain. One of them had to occur first and, in relation to the submissions made to the appropriate authorities, the Hong Kong one, the Hong Kong hearing, came before the Civil Aviation Authority hearing.

Statements

Television Advisory Board Hong Kong—7th Report

SECRETARY FOR INFORMATION:—Sir, I wish to speak on the 7th Report of the Television Advisory Board for the period from July 1978 to December 1979, which has been laid before this Council today.

The most significant recommendation put forward by the Television Advisory Board is that the licences held by Hong Kong Television Broadcasts Ltd. (T.V.B.) and Rediffusion Television Ltd. (R.T.V.) should be renewed with effect from 31 December 1980 for a further period of eight years, subject to certain terms and conditions. The recommendation has been made after a detailed examination of the performance of the two companies over the past five years. The Board has accepted that in broad terms both stations have provided a generally satisfactory service; this recommendation is accepted in principle by the Government.

But this does not mean to say everything in the garden is roses, and the Board has made recommendations aimed at raising the standard, quality and control of television broadcasting in Hong Kong. These recommendations fall mainly within two areas:

- (a) firstly those related to deficiencies and problem areas in television programming which could be remedied by amendments to the Codes of Practice issued by the Television Authority;
- (b) secondly those concerned with the shareholdings of the companies and conditions of licences, which if approved, will require amendments to the Television Ordinance itself.

As indicated by the results of a recent survey on television viewing, there is some concern about the amount of violence and the use of bad language on television. Controls over programme standards on television already exist under the Television Ordinance and in the Codes of Practice which enable the Television Authority to act as a watchdog on any breaches of programme *standards*. But the Television Advisory Board took the view that a more determined effort was needed on the part of the licensees to control *their own* programmes. They reached this conclusion because it would be very difficult, if not impossible, to write into the Codes of Practice guidelines governing every situation. In any case a company licensed to broadcast television programmes has a clear responsibility to the community to ensure that high standards are maintained and in recognition of this the Board recommended that the stations should be required to lay down guidelines for their own staff spelling out their responsibilities to the public. In cases where, in spite of this, companies continue to breach standards, the Board recommended that there should be greater readiness on Government's part to impose financial penalties under the Television Ordinance. The Government

endorses these proposals and I am sure they will also be welcomed by the community.

I would not wish to give Members the impression that the Television Ordinance lacks teeth. It contains detailed provisions to deal with matters of paramount importance such as public security, to ensure that television services as a whole are operated in the public interest and to prevent financial consideration from having an overriding influence on the quality of programmes and the standard of broadcasting generally. In the field of programme standards as a whole, which is usually one of subjective judgment and is continually qualified by changing public attitudes, the law obviously cannot do more than lay down broad guidelines.

The Television Advisory Board has also made several recommendations to improve the programme scheduling policy of the stations which would ensure that material which is positively unsuitable for children is not shown during the afternoon and the early part of the evening. *Firstly*, the Board recommends that at least 1½ hours of children's programmes should be broadcast daily and that at least an hour of these should be between the hours of 4.00 p.m. and 6.30 p.m. It is accepted that the broadcasting of children's programmes at these times would not take account of the viewing interests of students who attend afternoon only school sessions. But they would still cater for the majority of children who attend morning and fullday sessions. *Secondly*, the Board proposes to establish family viewing hours between 4.00 p.m. and 8.30 p.m., during which time any material which is positively unsuitable for children should not be broadcast. The need for this provision is particularly felt in Hong Kong where television viewing is often a family affair. I should add, Sir, that this should not be taken as an indication that standards would be relaxed generally after the family viewing hours. Incidentally it is the Government's view that this recommendation should not be affected by findings in the recent survey of television viewing habits which suggested that a substantial proportion of parents allowed their children to watch television until 10 p.m. The Board's recommendations would we hope strengthen the hand of many parents who are struggling to limit the amount of television their children watch.

Although by and large the Board was satisfied with the quality and quantity of the news programmes produced by the two stations, it was, however, concerned that there had been a tendency in the last two years to schedule news programmes at times outside the peak viewing hours. The Board has therefore recommended that at least two news bulletins should be scheduled between 6.00 p.m. and 12.00 midnight and that not more than 3½ hours should elapse between the beginning of one news programme and the commencement of the next. They have also recommended that commentary and analysis of news topics should be kept separate and clearly distinguishable from news broadcasts.

In considering the mid-term renewal of the licences, the Television Advisory Board made a recommendation fully supported by the Government, that the television stations be required to bring their own programming more in line with the pattern promised in their original tender submissions. There are certainly shortfalls in quality and quantity terms in the areas of public affairs programmes, children's programmes, educational and enrichment programmes. I know of course that in Hong Kong, as elsewhere, television is primarily an entertainment medium. But turning again to the survey of television viewing there was a clear indication of a demand for more documentary programmes which both inform and entertain. The tremendous popularity of R.T.H.K. programmes shown in that survey is a clear endorsement of this. The argument often produced by the television stations that public affairs programmes have a low audience rating cannot be necessarily sustained unless and until the companies are prepared to put the same amount of effort and money into the production of public affairs programmes as they do into entertainment programmes. It is hardly surprising that if the viewers can only compare cut rate public affairs programmes with lavishly produced entertainment programmes they will go on preferring the latter.

The Board has considered all aspects of the Television Ordinance and is generally satisfied that it provides a satisfactory basis for the administration of the companies' licences and for the proper regulation of television in the public interest. *In the matter of shareholdings*, the Board concluded that some changes were necessary. Under section 11 of the Ordinance there is requirement on the licences to make available to the public not less than 25% of their voting shares within a specified period. This obligation has already been postponed by the Government until December 1980 because it was felt that it would not be in the best public interests to require the companies to float their shares. As one newspaper commented this morning, a television licence is no longer a permit to print money. The Board noted that from information available to members it appeared that total revenues from television advertising were, on the most optimistic calculations, only marginally greater than the combined operational costs of both stations. It is the view of the Board that it is unable to look forward to any improvement in this situation. The Board recommends therefore that the *obligation* which requires the companies to float their shares be removed but that they would be *allowed* to retain the right to go public if they wish to do so.

Sir, all the Board's recommendations contained in the report have been made known to the two licensees. They have had the opportunity to comment on them and the measures proposed to implement them. I am glad to say that the companies are generally in agreement with and accept the Board's recommendations.

In addition to the Board's recommendation, the Government is considering measures to amend the conditions of licences under section 10 of the Ordinance to control the appointment of persons with criminal records to

important managerial positions with the stations and to streamline the appeals procedure in respect of programme standards. Ways of implementing these proposals are being examined and will be outlined in more detail when the amendments are introduced into this Council later in the year.

Sir, I would like to take this opportunity to thank the Members of the Television Advisory Board for their enthusiasm, hardwork and invaluable advice. They tread a narrow and difficult path. On one side they face the pressures of commercially hungry television stations pushing the limits of programming and advertising standards in search of an audience; on the other the views of the traditional and naturally protective older viewer anxious to prevent his family being corrupted through the medium of the little square box high on his sitting room wall. But as is clear from the recent survey, the Board's advice to the Television Authority has helped him reflect the views of the community in establishing and maintaining standards which are acceptable to the vast majority of people in Hong Kong. This is a clear endorsement of the Board's judgment and wisdom and I congratulate them on this and on their report.

Annual Report by the Commissioner of the Independent Commission Against Corruption 1979

MR. LOBO:—Sir, I refer to the Annual Report by the Commissioner of the Independent Commission Against Corruption for 1979 which is tabled today at this Council.

The past year has been a busy and successful one for I.C.A.C. without any major setbacks. More people were charged in courts during that period than in any of the six years of the Commission's existence. The conviction rate remained high at 76% of the cases completed during the year. In the corruption prevention field, the study of practices and procedures in Government departments and in public bodies continued bringing the total number of completed assignment reports to 261 at the end of the year. The third arm of the Commission, the Community Relations Department, has increased considerably its range of activities to persuade the community as a whole that corruption is unacceptable and that it must be stopped.

However, while the staff of the Commission should be congratulated for their hard work and dedication, the fight against corruption cannot be won without the support of private citizens. In this regard, the report for 1979 also serves as a record of the community's efforts in this formidable task.

The Commissioner emphasized his indebtedness to the men and women who devote so much of their time and attention to guide the Commission by serving as members on its advisory committees. In this context, a special tribute is due to Sir Y. K. KAN who retired after the report was drafted. I know he has been unstinting in his support of the Commission ever since

its inception in 1974, by serving first as Chairman of the Citizen's Advisory Committee on Community Relations and later as Chairman of the Advisory Committee on Corruption until his retirement at the end of March 1980. I have no doubt Sir Y. K. KAN will continue to take a close interest in the Commission's activities in his other capacities.

Sir, I agree with the Commissioner that I.C.A.C. should not stand alone in the fight against corruption. Every one with the good of Hong Kong at heart must play his part.

Government business

Motions

HONG KONG EXPORT CREDIT INSURANCE CORPORATION ORDINANCE

THE FINANCIAL SECRETARY moved the following motion:—In exercise of the power conferred by section 23 of the Hong Kong Export Credit Insurance Corporation Ordinance, that the contingent liability of the Hong Kong Export Credit Insurance Corporation under contracts of insurance shall not at any time exceed the sum of two thousand and five hundred million dollars.

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

Almost three years have passed since the Financial Secretary last proposed an increase in the maximum contingent liability of the Export Credit Insurance Corporation. On that occasion, the Council agreed an increase from HK\$1,750 million to HK\$2,000 million. Since then the Corporation's liability under contracts of insurance has risen by HK\$441 million, and at the end of last month (April 1980) stood at HK\$1,934 million.

The Corporation now services 1,102 policies and protects exports on credit terms to virtually all Hong Kong's markets. The exports insured by the Corporation amounted to approximately HK\$3,500 million in the last financial year.

The increases in the contingent liabilities the Corporation is assuming are brought about both by the Corporation issuing new policies and by increases in the value of insurable businesses carried out by existing policy holders. The maximum liability of each policy is calculated as 50% of the value of the insurable business covered by each policy for short-term cover, and as 90% of the amount at risk for each large export contract requiring medium-term cover.

At present the contingent liabilities of the Corporation are increasing at the rate of HK\$40 to HK\$50 million each quarter. This rate can fluctuate widely if, for example, the Corporation issues large medium-term policies. In the circumstances, the Corporation's Advisory Board considered that the existing statutory limit may be reached shortly and have unanimously advised that the maximum contingent liability be increased to HK\$2,500 million now. Failure to raise the limit would result in the Corporation having to turn away further business. Indeed, the need to increase the liability limit had already been foreshadowed in the statement made by me as Secretary for Economic Services when the Report and Accounts of the Corporation for 1978-79 were tabled on 2 January this year.

I should perhaps explain that this maximum liability is a theoretical amount, never likely to be at risk at any one time. The Corporation estimates the actual amount presently at risk at any one time at HK\$950 million.

Sir, I beg to move.

Question put and agreed to.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

THE SECRETARY FOR HOME AFFAIRS moved the following motion:—

That—

1. the functions exercisable by the Commissioner of Police by virtue of section 22(1A) of the Gambling Ordinance with respect to the authorizing by licence of the organization and conduct of a trade promotion competition by a person engaged in trade or business be transferred to the Commissioner for Television and Entertainment Licensing;
2. the Gambling Ordinance and the Gambling Regulations be amended to the extent and in the manner set out in the second column of the Schedule.

SCHEDULE

[para. 2.]

Gambling
Ordinance.

1. Section 2 is amended by deleting the definition of 'Commissioner'.
2. Section 22 is amended—
 - (a) in subsection (1)(a) by inserting after sub-paragraph (iii) the following—

'(iv) the organization and conduct of a trade promotion competition by a person engaged in trade or business;';
 - (b) by deleting subsection (1A);
 - (c) in subsection (2) by deleting 'or (1A)';
 - (d) in subsections (3) and (4) by deleting 'or the Commissioner of Police, as the case may be,' wherever it occurs;

- (e) in subsection (5) by deleting 'or the Commissioner of Police' in both places where it occurs.

3. Section 26 is amended by inserting after 'Commissioner' the following—

'of Police'.

Gambling
Regulations.

- 1. Regulation 2(2) is amended in Column A by deleting 'section 22(1A)' and substituting the following—
'section 22(1)(a)(iv)'.

2. Regulations 4 and 5 are amended by deleting 'or the Commissioner of Police, as the case may be,' wherever it occurs.

3. The First Schedule is amended—

- (a) in Form 4 by deleting 'of Police' and substituting the following—

'for Television and Entertainment Licensing';

- (b) in Forms 6, 7 and 8 by deleting '/Commissioner of Police' wherever it occurs.

4. The Second Schedule is amended in Form 4A—

- (a) by deleting 'of Police' and substituting the following—

'for Television and Entertainment Licensing';

- (b) by deleting '*of Police*' and substituting the following—
'*for Television and Entertainment Licensing*'.

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

This Resolution seeks to transfer the authority vested in the Commissioner of Police under section 22(1A) of the Gambling Ordinance to the Commissioner for Television and Entertainment Licensing in respect of Trade Promotion Competition Licences, and to amend the Ordinance and Regulations accordingly.

Sir, this Council approved on 13 July 1977 a similar transfer of a number of licensing functions on the ground that those licensing functions were non-constabulary in nature and that the transfer would enable the Police Force to devote its resources to the fight against crime. The present transfer of responsibility in respect of Trade Promotion Competition Licences is also made in accordance with this policy.

This transfer of authority will not result in any change in the existing licensing policy and that the Police will continue to be responsible for the enforcement of the conditions specified in the licences.

Sir, I beg to move.

Question put and agreed to.

First reading of bills**INLAND REVENUE (AMENDMENT) BILL 1980****FIRE INVESTIGATION (AMENDMENT) BILL 1980**

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

Second reading of bills**INLAND REVENUE (AMENDMENT) BILL 1980**

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

He said:—Sir, I move that the Inland Revenue (Amendment) Bill 1980 be read the second time.

Section 28 of the Inland Revenue Ordinance provides for exemption from tax of interest payable by the Government, by licensed banks and by certain specified public utilities, provided that the rates of interest do not exceed the percentage rate specified by the Financial Secretary, from time to time, by notice in the *Gazette*; the Financial Secretary’s authority to specify the rate of exemption is in turn subject to a ceiling set in section 28(1) of the Ordinance.

The rate of exemption has, for many years, been varied to accord with the rate paid by banks on savings accounts, which is also the rate paid on its surety deposits by one of the power companies. If this interest were not exempted, large numbers of small depositors and consumers of power would become liable to tax, which the banks and the utility companies would be obliged to deduct and account for; there would, subsequently, be a large number of claims for refunds under the provisions for personal assessment.

In the course of last year the Exchange Banks’ Association progressively raised the ceiling on various deposit rates, and the note-issuing banks raised their best lending rates, in response at different times to the internal pressure of an excessive growth rate of bank lending, and to the external pressure caused by rising interest rates in other countries on the exchange value of the Hong Kong Dollar. In accordance with these interest rate increases, the ceiling on the Financial Secretary’s authority to specify the rate of exemption for the time being was raised from 5% to 9¼% during the year.

In March this year the Exchange Banks’ Association again raised the rate of interest on savings accounts, and on certain other deposits, from 9¼% to

10½%, and the note-issuing banks raised their best lending rate from 14½% to 16%. These increases followed sharp increases in interest rates in the U.S.A. and in other major countries.

The Bill before honourable Members today accordingly seeks to raise from 9¼% to 10½% the ceiling on the Financial Secretary's authority to specify the rate of exemption. The Bill was brought into force on 11 March by means of a Revenue Protection Order, and on the same day I, as Financial Secretary, signed the notice specifying 10½% as the rate of exemption for the time being.

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 CHIEF SECRETARY.

Question put and agreed to.

FIRE INVESTIGATION (AMENDMENT) BILL 1980

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

He said:—Sir, I move the second reading of the Fire Investigation (Amendment) Bill 1980.

If a fire takes place or there is reason to suppose that an attempt has been made or is about to be made to set fire to any premises, the Commissioner of Police may, under the Fire Investigation Ordinance, take possession of the premises, initiate an inspection and make a written report to a Magistrate. The Magistrate shall then carry out an inquiry unless he considers one unnecessary.

Section 5 of the principal Ordinance provides that, on conclusion of the inquiry, the Magistrate may order the premises to be released from Police possession if the investigation has not disclosed an offence, or if an offence has been disclosed but there is no suspect.

In a case which occurred last year the Police took possession of certain premises and the resulting investigation disclosed an offence of arson. A person was arrested and charged. An application was then made for release of the premises but the Magistrate held that the existing law did not empower him to release premises where an offence had been disclosed and a person charged. Obviously Magistrates should be empowered to order the release of premises in all appropriate circumstances, whether or not an enquiry is carried out, and whether or not any person is charged with an offence. The Bill if enacted will provide accordingly.

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 —THE SECRETARY FOR SECURITY.

Question put and agreed to.

PLACES OF PUBLIC ENTERTAINMENT (AMENDMENT) BILL 1980

Resumption of debate on second reading (17 April 1980)

Question proposed.

MR. WU:—Sir, I support the Bill to amend the Places of Public Entertainment Ordinance. It would be unreasonable to oppose a measure which will not in fact produce any substantive change in the present situation.

As the Secretary for the Environment has said, cinemas above ground in multi-storey building have already been permitted under section 168 of the subsidiary regulations, which allows the Building Authority ‘in collaboration with the licensing authority’ to grant modifications on the grounds of ‘special or structural circumstances’.

Considering the sizes and prominence of some of the cinemas which have been permitted by administrative action it is certainly desirable to amend the legislation so that everyone can see what is and what is not allowed.

It is also realistic to drop all references to ‘mini-cinemas’. What are involved at present are substantial cinemas and that phrase could well have been misleading.

Although this appears to be a relatively small amendment to regularize an existing procedure, the proposal gave my colleagues and me the occasion to look at the legislation as a whole.

It is, to say the least of it, untidy and out-of-date on many things besides cinemas. The existing Ordinance goes to great length about melodrama and something called ‘burleta’, but it has not heard about discotheques (*laughter*).

The main fault however is its complexity and the complexity of the procedures which arise from it.

It is interesting that this was precisely the complaint made by an Unofficial Member in 1919 when the Ordinance was first introduced as consolidating legislation. The Hansard record shows that even reading the procedures required for a licence was so tedious that your predecessor asked my predecessor to stop (*laughter*).

If anything the present procedures are more cumbersome, bewildering and frustrating. There is a diversity of authority which is undesirable in itself and, of course, there are new forms of entertainment which do not necessarily fall comfortably into the provisions of an ordinance which was out-of-date when it was enacted 60 years ago.

Perhaps the problem is that this legislation represents the wrong approach to the control of entertainment.

As was pointed out 60 years ago there are pages and pages of minutely detailed regulations about the size of premises and their layout and measurements which can all be modified anyway by administrative action.

Of course structural controls are important and safety in cinemas, for example, requires constant vigilance. But even there the legislation is a mess. Controls for air-conditioning have been grafted on legislation which virtually predates its invention and come side by side with provisions for limelights, gaslight, oil lamps and candles (*laughter*).

What this type of legislation misses altogether is the social impact of entertainment and the activities which the term covers.

It is nearly impossible to deal properly with the social impact when the starting point is legislation laying down the height of the pit and the stall above street level and the number of tiers of seats.

It is very unsatisfactory that we have had to graft on, again, to legislation of this type our arrangements for controlling the content of entertainment.

I know this is a contentious subject but I don't think anyone believes there should be no concern at all for the content of what may be offered as public entertainment.

The important thing is to take a clear view of all the responsibilities which we have in the area of entertainment as it affects safety, health, the environment, behaviour and law and order, and to frame legislation which meets modern conditions.

I welcome the news that the Government is considering further legislation in this area and I hope that it will be based on this approach.

With these remarks, Sir, I support the motion.

SECRETARY FOR THE ENVIRONMENT:—Sir, I thank Mr. WU for supporting this Bill, albeit with praise so faint that it hardly registered even in the good acoustics of this Chamber (*laughter*).

Nevertheless the modest change proposed will enable regulations to be made which govern the construction aspects of cinemas above the ground floor in multi-storey buildings.

Sir, in his other remarks Mr. WU went rather beyond the intentions of this Bill. In reply I can only say that, although the Places of Public Entertainment Ordinance and Regulations are in many respects obsolete, they are workable (*laughter*). I can, however, promise that a serious examination will be made of the whole legislation as it affects construction and related safety matters after a study now being conducted on fire safety in buildings has been completed and in the light of amendments to the Buildings Ordinance which are also under consideration.

As regards licensing, Sir, and what Mr. WU terms the social impact of entertainment, a working party under the chairmanship of the Commissioner for Television and Entertainment Licensing has been studying these aspects and has made certain recommendations. These are now being considered with a view to drawing up new legislation which will be more suited to present day conditions.

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.

PLACES OF PUBLIC ENTERTAINMENT (AMENDMENT) BILL 1980

Clauses 1 to 3 were agreed to.

Council then resumed.

Third reading of bill

THE ATTORNEY GENERAL reported that the

PLACES OF PUBLIC ENTERTAINMENT (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 Wednesday, 28 May 1980.

Adjourned accordingly at thirty-eight minutes past three o'clock.