

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 19 November 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
SIR JACK CATER, K.B.E., J.P.

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

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

THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS
MR. DENIS CAMPBELL BRAY, C.M.G., C.V.O., 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 DAVID WYLIE McDONALD, C.M.G., J.P.
DIRECTOR OF PUBLIC WORKS

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

THE HONOURABLE DAVID GREGORY JEAFFRESON, J.P.
SECRETARY FOR ECONOMIC SERVICES

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

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

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

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

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

THE HONOURABLE GRAHAM BARNES, J.P.
DIRECTOR OF HOME AFFAIRS

THE HONOURABLE SELWYN EUGENE ALLEYNE, J.P.
DIRECTOR OF SOCIAL WELFARE

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

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

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

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

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

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

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

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

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

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

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, J.P.

THE HONOURABLE DAVID KENNEDY NEWBIGGING, J.P.

THE HONOURABLE ANDREW SO KWOK-WING, J.P.

THE HONOURABLE HU FA-KUANG, J.P.

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

THE HONOURABLE WILLIAM CHARLES LANGDON BROWN, J.P.

THE HONOURABLE CHAN KAM-CHUEN, J.P.

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

ABSENT

THE HONOURABLE ALEX WU SHU-CHIH, O.B.E., J.P.
THE HONOURABLE ALLEN LEE PENG-FEI, J.P.

IN ATTENDANCE

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

Papers

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

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Government business

Motion

MOTION OF THANKS

Resumption of debate (23 October 1980)

SECRETARY FOR THE ENVIRONMENT:—Sir, I detect from the speeches made by my Unofficial Colleagues in this debate a certain shift of emphasis in some of their concerns compared with recent years. There may even be a grudging recognition—and I say ‘grudging’ because it largely manifests itself by omission—that the Government’s recent performance in providing new formed land for development might, after all, not have been too bad. Miss DUNN has actually used the words ‘quite good’, which is indeed praise of the highest order (*laughter*). But, before I am accused of quoting Miss DUNN out of context, I note that her description applies only to the years 1981-82 to 1983-84 and that, thereafter, we continue to be on probation (*laughter*). I can only assure her that we will do our best to retain her confidence.

The same sentiments cannot, I am afraid, be attributed to Mr. T. S. LO, whose maiden speech in this Council and that’s, if he will forgive me the expression, as Chairman of the T.A.C. has put transport questions firmly into the forefront of current concerns.

Mr. LO’s speech, for me at least, had about it a curiously nostalgic flavour of *deja vu* (*laughter*), for virtually all the matters he raised have been thought about and debated long and hard over the years, both within the Administration and in the T.A.C. Mr. LO started off by making great play with percentages of total capital expenditure devoted to roads and railways without mentioning that actual expenditure through the Public Works Programme on roads and railways has, in fact, been increasing substantially. The figures are \$260.5 million in 1976-77, \$361.1 million in 1977-78, \$584.6 million in 1978-79, \$741.9 million in 1979-80 and \$1,312 million provided for this year. Furthermore, Mr. LO did not make it clear that by ‘railways’ he was referring only to the K.C.R. He omitted the M.T.R. perhaps because, to draw attention to M.T.R. expenditure on this particular occasion, would rather spoil his argument (*laughter*).

In hastening to rectify this omission I would point out that capital expenditure on the M.T.R. amounted to \$545 million in 1976, \$918 million in 1977, \$1,504 million in 1978 and \$2,090 million in 1979. This year expenditure is expected to be about \$1,270 million, reflecting the completion of the modified initial system and the continuation of work on the Tsuen Wan Extension. So total expenditure on roads and railways, including the M.T.R., was about \$2,800 million last year and will be about \$2,600 million this year and I submit that this is not a bad record by any standards.

To put some flesh and bones on these bare figures, a considerable number of new road and railway developments will be coming into operation in the next two

years. I refer especially to the Aberdeen Tunnel and the associated overhead road system through Happy Valley to Canal Road; the East Kowloon Way and the Airport Tunnel; further improvements to the West Kowloon Corridor; parts of the Tsuen Wan by-pass; the second carriageway of the Tuen Mun Road; the Tsuen Wan Extension of the M.T.R.; and the electrified K.C.R., interchanging with the M.T.R. system at Kowloon Tong. A start has also been made on two ambitious, expensive and much needed highways, namely the Island Eastern Corridor and the coastal road from Sha Tin to Tai Po.

Here I would also mention, for Mr. NEWBIGGING's benefit, that a great deal of work is currently being done on the shape of the future transport system most suitable for the Hong Kong Island Corridor, and it is hoped that a decision on this will be reached in the very near future. The issue is being approached in a positive spirit and, whichever choices are made, they are bound to involve considerable expenditure in the years to come. In the longer term, also, consideration is being given to the relative merits of various possibilities for future harbour-crossings. And the idea, hinted at by Mr. NEWBIGGING, of a rail link from Eastern Hong Kong Island to the existing M.T.R. at Kwun Tong is not being lost sight of.

Mr. LO next accuses the Government of not starting work on any of the 49 routes for bus only lanes identified by the Transport Department. This is really hardly fair. The facts are that feasibility studies have already been completed on five bus only lane schemes on the mainland and they are awaiting implementation. Basic data collection work has also started on six other schemes on the mainland. On Hong Kong Island, three important schemes affecting King's Road, Connaught Road Central and Pok Fu Lam Road are moving ahead and the first two will be fully introduced by the end of this year. I must emphasize that the designing, testing and final introduction of bus only lanes is not a straightforward task. Most of them have to be related to various other traffic management measures and they all involve the concerted efforts of various departments. Nevertheless, the target that has been set is to develop most, if not all, of the 49 schemes over a period of about 18 months.

I should add also that bus lanes are not used exclusively by franchised buses. Private omnibuses and emergency vehicles are allowed to use all bus lanes and maxicabs are usually permitted as well. To extend the permits further will require careful consideration as there are various competing claims and they could increase the problems of supervision and be open to abuse. Nevertheless, the possibility of doing so will be kept open.

Work is also proceeding on improving the movement of container traffic and, indeed, of all goods traffic on the roads. A great deal of the problems in this area are due to indiscriminate parking and loading and unloading on street and steps are being taken to strengthen the law to deal with these abuses. A consultancy is also just about to be let on means to improve the operations of the container trade generally so as to increase the throughput at the container port and alleviate congestion in its environs.

As regards developments over ferry piers, Mr. LO will of course be aware that the Governor in Council recently approved the redevelopment of the Jubilee Street pier with associated commercial facilities. Consideration will be given to similar developments at other ferry piers, where this is practicable, and any arrangements made will probably be included in franchises to be issued under the new Ferries Services Bill now under preparation.

On car parking provision, I cannot really go along with much of what Mr. LO says. For instance, to provide as many car parking spaces as would meet demand in very congested areas such as Central, Tsim Sha Tsui and Causeway Bay would only worsen congestion and not relieve it. And the same is true in some congested residential areas. What we must do is to provide sufficient off-street parking spaces to match the capacity of the roads to take the traffic and to charge appropriately for them. If there is excessive illegal parking on the streets it needs to be dealt with by more enforcement action. Of course, there are locations where the provision of additional off-street car parking facilities is sensible. And here I refer especially to park and ride facilities at key M.T.R. stations, such as Kowloon Tong and Choi Hung, and at K.C.R. stations in the New Territories. I am glad to say that steps are now being taken to provide these facilities.

At this point I must admit to agreeing with Mr. LO. I accept that a large part, if not the greater part, of Hong Kong's transport problems stem from the growing numbers of vehicles on the roads, particularly private cars. Over the last twelve months there has been a net increase of some 27,000 cars registered, or 17 per cent. This, together with the continued growth of other types of vehicles, is the major reason for the worsening of road congestion for all users, including public transport passengers. So I fully agree with Mr. LO that measures will need to be taken before long to curb this growth if it is not to overwhelm us and, to quote Mr. NEWBIGGING, to be 'the cause of our undoing'.

Finally, Sir, Mr. LO repeats throughout his speech a call for what he refers to as 'a strong Transport Secretariat'. Here I think he under-estimates the measures that have already been taken to improve the co-ordinating machinery among departments in this field. Apart from the T.A.C., there is within the Government a strong overall co-ordinating committee, with all the departments and branches involved represented at Head of Department, or Head of Division, level. Underneath this, and subject to its authority, is a network of inter-related inter-departmental groups dealing with particular subjects, some permanent and some *ad hoc*, to oversee, for instance, particular consultants' or other studies. This system is now working well and it is periodically examined to see whether further improvements can be made.

To turn briefly to another subject, Sir, I welcome the support given by Mr. NEWBIGGING and Mr. F. K. HU to the proposed new 'Keep Hong Kong Clean' Campaign. I agree with Mr. HU that, if the campaign is to be a success, the co-operation and involvement of the public must be enlisted. Detailed planning for the campaign has now started and public education and involvement will be one

of several fronts on which it will be waged, with different sectors of the community being involved at different stages.

Both Mr. NEWBIGGING and Mr. HU call for a stepping up of enforcement and for heavier fines for littering. I agree with them in principle but can only say, at this stage, that ways and means by which this may be done are being explored.

Mr. HU has also recommended that, in order to cut down the amount of refuse delivered to the streets for collection, the law should be amended to make the provision of refuse storage chambers in all new buildings a compulsory requirement, and that they should be accessible to refuse collection vehicles. I note that this proposal, which has a long and rather frustrating history behind it, has recently been taken up again by the Urban Council. This time I hope that the response will be more positive and I can assure Mr. HU that the possibility of introducing legislation along the lines he has suggested is being given serious consideration.

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

SECRETARY FOR ECONOMIC SERVICES:—Sir, my honourable Friend Mr. S. L. CHEN correctly placed the significance of the recommendations of the Advisory Committee on Diversification in the context of our rapidly increasing population and stressed the importance of giving top priority to implementing them.

This we have been doing and as you said, Sir, the progress reports submitted to Executive Council are being sent to Members of this Council as well. But I would like to touch briefly on two aspects honourable Members raised in this debate.

First, my honourable Friend Mr. P. Y. WONG mentioned the need for ‘increased financial assistance and better co-ordination’ towards ‘promoting and co-ordinating our own research and development efforts in a more positive manner’. The basis of his argument was the need to have local research and technical back-up services sufficient to provide our industry with a solid technological basis for its advancement into the upper end of the international market.

The Advisory Committee considered this point in detail. The Government has accordingly established a standing Industrial Development Board under the chairmanship of the Financial Secretary with the terms of reference the Advisory Committee recommended. The Board is specifically charged with drawing up programmes in respect of technical research and development work, in respect of transfers of technology and in respect of applied research of relevance to the development of Hong Kong’s industries; and it will monitor the implementation of these programmes.

The words ‘of relevance to the development of Hong Kong’s industries’ are particularly important. They are focusing attention on research and development work in those specific areas which, being client orientated, will lead to a more prudent and relevant use of resources than would be the case if research and

development work were done here for its own sake. My honourable Friend referred specifically to the need better to co-ordinate the activities of the major industrial organizations involved. The Board is paying particularly attention to this aspect also.

Second, my honourable Friend Mr. S. L. CHEN fears that the prevailing investment climate is not conducive to investment in industry. He reminded this Council of the proposal his colleagues put forward in the 1979 budget debate for the creation of a financial institution to assist industries.

The Advisory Committee on Diversification considered the rate of capital investment in Hong Kong and concluded on the evidence available to it then that Hong Kong's manufacturing industries were not under capitalized. Subsequent evidence indicates that, if anything, Hong Kong's industries are now better capitalized. For example, retained imports of industrial machinery (and I am not including construction machinery) in 1978 were 29% higher in *real* terms than they were in 1977. They were 27% higher in 1979 than in 1978. And in the first eight months of 1980, the growth rate in real terms was 16% compared with retained imports in the first eight months of 1979. The Advisory Committee pointed out that industry in Hong Kong has relied mainly on the commercial banks to provide capital finance. It concluded that commercially viable businesses did not seem to have encountered difficulty in raising capital finance from this source, a view which the main industrial organizations had generally endorsed.

Now the particular relevance of the references to the findings of the Advisory Committee is that, in responding in the 1979 budget debate to the pleas for a special institution to give financial assistance to industry, the Financial Secretary said he would prefer to await the outcome of the Advisory Committee's deliberations. As I have indicated, the Committee's conclusions were not such as to justify pursuing further the possibility at least for the time being.

Sir, with these remarks, I support the motion.

SECRETARY FOR HOUSING:—Sir, it is a pleasant change that, in contrast to previous years, housing is one of the lesser issues judging from the speeches from honourable Members. I am sure, however, that this does not indicate that Members consider housing to be any less of a problem. On the contrary, I hope I can assume that this is an indication that Members agree with the general direction of housing policies and the pace of the housing programme. This assumption is in line with the conclusions of the latest review of the supply of and demand for public and private housing and of current housing policies.

This study shows a steadily improving housing situation since 1973 and further improvement is forecast to continue into the mid-eighties. Given the recent measures introduced by Government to contain immigration and assuming the current high level of production of 65,000 flats per year overall is maintained, then the percentage of households in permanent domestic accommodation is

expected to increase significantly. If this level of production can be improved by a steady growth of say 5% annually from the mid-1980s, the shortfall of self-contained housing will be substantially reduced by the end of the present decade. Every effort is now being made to obtain sufficient land and other resources to this end.

Public Housing

All these efforts accord with Dr. Henry HU's suggestion that the production of public housing should further be increased. It must, however, be remembered that our current level of 35,000 flats a year is very high by any standards and has resulted from concerted effort and planning by all concerned over a number of years. Any increase, therefore, must be gradual and must take into account the availability of resources.

The current high level of production has made it possible for the Housing Authority to be more flexible in its allocation policies and to be more responsive to the needs of special groups. A case in point was mentioned by Dr. HO Kam-fai: the need to rehouse elderly persons at present living in poor conditions. I am happy to report that in addition to existing programmes for this group, the Housing Authority has recently agreed to set aside a quota of flats each year for priority allocation to groups of three elderly persons who have registered on the Housing Authority's waiting list.

Redevelopment

This flexibility is also shown in our plans for improving the housing conditions of families in the old Mark I and II Estates. The Redevelopment Programme, started in 1972, has already rehoused more than 100,000 people in modern, self-contained accommodation and is steadily continuing in the estates concerned. In addition, families in all these estates have the opportunity of transferring to new and better flats under various arrangements. These include the programme for the relief of overcrowding and the additional allocation this year of 4,000 new flats in connection with the primary housing scheme. As a result of all these efforts, the overall population of all the Mark I and II estates has already been reduced during the last eight years by more than 36% and this movement will accelerate in the coming years.

Private Housing

Recent years have seen an increasing demand for home ownership in Hong Kong and a high level of completions by the private sector has provided a large number of flats for sale to aspiring home owners. Production from this sector is expected to reach the high level of 30,000 flats this year and it is Government's intention to ensure that the private sector is given every encouragement to maintain and, when possible, improve on this level of production.

To supplement the private sector's efforts, Government intends to continue its Home Ownership Scheme, to provide at least 5,000 flats a year under the public housing programme. A new programme for middle income families will be

introduced from 1983-84 onwards as an extension to the current Home Ownership Scheme. Eligibility for this new scheme will be announced nearer the time of completion of the flats and this will make a contribution towards solving the housing problems of what has become known as the 'sandwiched society'. It is intended that the development of this programme will be implemented in co-operation with private developers on the lines of the successful Private Sector Participation Schemes.

In working towards a solution to Hong Kong's housing problems it is clear that the continued application of resources by both Government and private developers will be needed for many years to come. The role of public sector rental housing will continue to be the provision of subsidized accommodation for those households whose incomes are insufficient to be able to afford to rent or purchase homes in the private sector; and to cater for households displaced by Government action and special categories such as compassionate cases and the elderly. Private sector production will continue to meet the demand for home ownership and to provide rental accommodation for households who do not meet the Housing Authority's income criterion. This will increasingly include joint schemes with Government.

Sir, I have pleasure in supporting the motion.

COMMISSIONER FOR LABOUR:—Sir, I would like to express my appreciation for Mr. WONG Po-yan's wise remarks on industrial relations, the need for employers to show more consideration for their workers, and to be sensitive to the aspirations of a work force that has been changing in character with their better education and more leisure than the work force of the 'fifties'. I have been making similar points in a recent conference and the main message I gave there would perhaps bear repeating here today: that it is essential that employers actively evaluate their arrangements for handling the labour relations in their firms in the light of the changing circumstances of this decade—what may have been good enough in the last ten years may not be good enough for the next ten!

In the Department we have now been able to take the step of setting up a promotional unit within the Labour Relations Service. These officers will have no responsibilities for dealing with claims and disputes, but only for advising employers and employees on suitable arrangements and machinery for improving labour relations and employer-employee communications. The Labour Relations Service has attempted this function in the past, but it has been difficult where disputes and claims have always had to take priority in the time available to the staff concerned. With some staff provided now specifically for the promotional work I hope employers will feel free to seek their advice, as well as being receptive to them when these officers undertake promotional visits to firms.

I should however like to place Mr. WONG Po-yan's remarks about the 'spate of labour disputes' in perspective. There is no marked deterioration in the position in the *private sector* as some people appear to think is the case. The figures for both the number of work stoppages and the number of working days lost up to

the end of October this year are less than the equivalent figures for 1978 and 1979 with the figure for the number of trade disputes only marginally higher. In comparative terms these figures are in any case low, and for example the 20,000 working days lost so far this year—14,000 are attributable to one dispute only! Nonetheless I agree that lack of consideration for the employees in some redundancy or transfer of ownership situations has quite unnecessarily exacerbated the position in a few cases. It would not, I think, be practicable to legislate for prior notification in these cases, and it is as Mr. WONG Po-yan says ‘through the establishment of effective and sincere two-way communication’ that the way must be found for improvement for the future. However we are drawing conclusions from the pattern and course of disputes over the last year or two, and we are currently reviewing the legislative provisions for severance pay on redundancy to see where improvements and amendments may be necessary. There is a clear need to examine the field of ‘unreasonable dismissals’ and this we are also undertaking with a view to making proposals for consideration and consultation.

Finally Mr. WONG Po-yan raised points about recreation, and I am sure we would all wish to see further developments in this field within our resources. However I do not think it would be practicable to make priority arrangements for industrial employees in the use of recreational and sporting facilities. As I understand Mr. WONG’s point, it arises from the difference in holidays available to industrial employees as opposed to, say, office workers or students. In the longer term I think rather we should tackle the disparity between office and industrial workers in this area. At the moment, the disparity arises because of the difference between the effect of general holidays under the Holidays Ordinance (which are seventeen in number) and the paid statutory holidays granted under the Employment Ordinance (which are ten in number). Speaking very generally—office workers tend to benefit with being monthly paid from all the general holidays, but industrial workers tend to benefit only from the paid statutory holidays. This is a great over-simplification of what happens in practice in many particular firms or companies—but it is probably a realistic reflection for the majority in the two broad categories. Historically the number of general public holidays has been kept high in Hong Kong—largely because the provision of other types of holiday was lacking. The number of general public holidays at seventeen is probably the highest in South East Asia. But now that we have the legislation covering rest days, paid statutory holidays and more recently the seven days consecutive holiday—this argument has less force. So a review of holiday policy would be timely. And the Government will therefore be carrying out a more detailed examination of the general holiday and statutory paid holiday position next year so the expression of public views on this question would be very welcome in the next few months.

I am very grateful to Dr. Harry FANG for his concern for the welfare of injured workers and for his suggestions for improving the present employees’ compensation system in Hong Kong.

I understand that the Canadian Workmen's Compensation system, to which Dr. FANG referred, is based on two main principles; collective liability on the part of employers and compulsory insurance in a state fund. All costs of compensation are borne by employers and in each province the law is administered by a virtually autonomous body with full and final authority to determine all matters arising in the administration of the law. This is not dissimilar to the format we have adopted for the pneumoconiosis scheme with its very special problems, but such a system is not necessarily justified for the broad general run of compensation cases. In addition to determining claims for compensation and making payments to the injured workers, the Workmen's Compensation Boards in each province provide medical and hospital benefits and are responsible for the physical and vocational rehabilitation of injured workers and may themselves run institutions for the purpose.

Although I have no doubt that the Canadian system has much to commend it and that it works very well in Canada, I am not sure that it would necessarily be the most suitable system for Hong Kong, where our social, geographical and economic circumstances are very different, and public services are much more centralized both organizationally and by locality than in a Federal system.

However, I do agree that there is room for improvement in our present system of employees' compensation. Our most immediate priorities now must be to streamline our procedures wherever possible to enable injured persons to receive the payments due to them more speedily. To this end, I intend to introduce several further amendments to the Employees' Compensation Ordinance later this session. One of these proposed amendments will dispense with the need for employers and workers to enter into agreements concerning the amounts of compensation to be paid in cases involving temporary incapacity of less than 14 days and no permanent disability. Instead, such cases will be dealt with by certificates issued directly by the Labour Department. This new procedure will cover the majority of accidents and should cut down the time required to deal with such cases very considerably although of course allowing appeal to prevent arbitrary decision. Another amendment will stipulate that in more serious cases where the employer does have to enter into an agreement with the injured employee as to the amount of compensation to be paid, the employer will be required to do this within 21 days of the assessment of the employee's disability being made by the compensation assessment board. This amendment will prevent unscrupulous employers from deliberately delaying entering into agreements with injured workers. Our next main priority after these measures must be the enactment and implementation of the policy of compulsory insurance to which you, Sir, referred in your address to this Council.

Nevertheless, even under the present system only a very small minority of injured workers have to go to departments other than the Medical and Health Department and the Labour Department for their needs to be met; and only fatal cases and disputed non-fatal cases have to be referred to the courts for settlement. In such cases the Labour Department always helps the injured person or his

dependants to obtain assistance from the Legal Aid Department and the Social Welfare Department, where necessary, and close liaison is, of course, maintained with all these departments to ensure that these cases are dealt with as quickly as possible. I doubt that such necessary cross-reference between departments that there is, is on anything like sufficient scale or inconvenience to warrant setting up a new and large separate statutory body. In any case our immediate efforts and resources for the next period must be devoted to enacting and effecting the improvements to which I have referred and the introduction and administration of compulsory insurance.

Finally, may I say a word, Sir, about industrial training dwelt on by my friend Dr. TIEN and touched on also by my friend Mr. S. L. CHEN. More particularly there has been a wide difference of opinion in recent times on the method of financing industrial training—by levy or from the general revenue. I cannot match Dr. TIEN in his range of quotation or use of analogy on this subject, though I feel I must suggest an alternative to his seeing the policy decision as a version of the traffic U-turn. I would see it rather in terms of the cricket match, where the wickets are bowled at from either end and although the bowlers are at 180° from each other—the object is still to hit the wicket from either end. To carry the analogy a little further what has happened is that you, Sir, as ‘Captain-in-Council’ have decided that there has been a change in the weather conditions of the cricket ground and some slow left-arm bowlers will now be more effective as wicket-takers than the medium right-arm seamers who have been bowling up to now. In the present circumstances it has been decided by ‘Your Excellency in Council’ that the time has come to replace the ‘levy’ bowlers with the ‘revenue’ bowlers (*laughter*). Now there are two important features of this analogy, firstly the bowlers though changed are all on the *same* side (*laughter*) and secondly that the objective—hitting the wicket—remains the *same* whichever style of bowler is bowling. So, with industrial training the objective of initiating and developing the necessary training institutions remains. Those who have been unsettled by the difficult choice of bowling for the prevailing conditions must join together as part of the team’s effort to achieve that objective, and I must join with my honourable Friends Dr. TIEN and Mr. S. L. CHEN in welcoming the fact that the decision has been taken. There is much work to be done, and I will do my best to see that after the necessary consultations with the Hong Kong Training Council and others that the required legislation to set up a statutory Industrial Training Authority to be financed from the general revenue by a block grant is brought before this Council later in the session as proposed by Your Excellency in your opening address.

Sir, I beg to support the motion.

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, I am most grateful to Dr. FANG for his kind remarks that the Government is making significant progress in the expansion of the medical and health services. The concrete achievements and plans as outlined by Your Excellency is proof of our serious intention to improve the medical and health services both in quality and quantity in the next ten years.

The recent amendment to the Immigration Ordinance will hopefully plug the loophole which has been at the root of much of our problems in recent years. If the level of the massive immigration can be brought down by the effects of the amendment to the Immigration Ordinance, our ambitious development plans for the improvement of medical and health services will definitely be seen much more clearly and significantly within the next decade.

I shall now take up some of the specific points raised by Dr. FANG, namely, hospital administration, public health and communicable diseases and geriatric care.

It is entirely coincidental that when my honourable Friend made his suggestions for a corporate board system of management for hospitals that my Department should have already been considering similar arrangements in the course of our review of the structure and system of the Medical and Health Department some time ago. In fact, the technical term for such a system is the 'cogwheel system'. I myself was recently in England and had the opportunity of seeing such a system in action in a well known teaching hospital.

Briefly, the system envisages that a regional hospital be managed by a management team consisting of a chairman who will also be chairman of a medical committee elected and appointed from amongst consultants. The term of office for the chairman who will in effect function as a part-time administrator to the regional hospital, should be, say, three to five years and that the chairmanship should be rotated among suitably qualified consultants. The chairman would be supported by a Senior Hospital Administrator and a Chief Nursing Officer. Within this system there will be other smaller divisional committees consisting of consultants and other practitioners grouped into specialties, dealing with various subjects in the hospital. The chairman of such divisional committees will be represented on the main medical committee. In this way, all interests are represented and co-ordinated and an opportunity for management is given to those persons who are directly involved and who have an interest in the efficient operation of the facilities within the hospital. Thus, the whole machinery as it is will turn in unison with various divisional committees serving as the 'cogwheels' of the whole system—hence, the term. The day-to-day administration of a hospital will be co-ordinated by a smaller hospital management committee consisting of the chairman, the Senior Hospital Administrator, the Chief Nursing Officer and other relevant staff depending on the matters under reference.

Honourable Members will appreciate that this is a comparatively new concept in Hong Kong and that the establishment and success of such a system will depend on a variety of factors, among which is the essential prerequisite of being able to select individuals among the consultants and other staff of the right calibre and who must also be willing to accept the responsibility to serve on such committees, aside from other administrative and practical problems. This being the case, it is proposed, when the whole subject has been considered further in depth and some of the preliminary problems resolved, that we should carry out a

pilot project in a selected hospital based on the cogwheel system, as soon as it is practically possible. If the scheme is workable, it will be extended gradually to all other major hospitals.

I have to thank my professional colleague, Dr. FANG, for allowing me the opportunity to speak on public health and preventive medicine which are subjects especially close to my heart as they are within my own special field of training and experience.

However, on setting out to comment on the suggestions that there should be health screening and health education for immigrants, one is immediately confronted with difficulties in defining health screening and communicable diseases as they are but general terms capable of lending themselves to various interpretations and definitions. I shall therefore have to seek honourable Members' indulgence, if only for the sake of clarity, to spare me a little time so that the communicable diseases of public health importance may be categorized and thence for me to explain the accepted professional principles and practice in the control of such diseases by any competent health authority.

Dr. FANG is no doubt aware that there is a great variety of diseases which may be regarded as 'communicable' ranging from a very virulent disease such as smallpox associated with extremely high mortality and morbidity, to the ordinary common cold. Health screening for the former involves very stringent quarantine measures while action on the latter may well consist only of the rather impractical suggestions sometimes made by the medical authorities that one should avoid crowds and even refrain from perfectly normal social activities such as kissing one's neighbour (*laughter*). Health screening and control measures against different communicable diseases, therefore, will vary greatly depending on the nature of the individual disease itself.

For the purpose of prevention and control, communicable diseases of public health importance in a territory usually fall into two main categories.

The first category are those diseases which are subject to the International Health Regulations (I.H.R.), formerly known as the quarantinable diseases of which at present there are only four, namely, smallpox, yellow fever, cholera and plague. These are the dangerous communicable diseases which in the past have proven to have caused sickness and death of a very high order and which are considered to be of international importance. It is obligatory on the part of any member of the United Nations (U.N.) to report to the U.N. specialized agency, i.e., the World Health Organization (W.H.O.) if any of these diseases should occur in their country or territory and to declare itself infected. Stringent measures are then taken by other countries in accordance with the provisions of the I.H.R. against arrivals from the infected country which may include inspection of persons, health documents and vehicles, isolation and treatment of suspects, cases and contacts by the Port Health Authority of the recipient country depending on circumstances.

Honourable Members may be glad to hear that as far as we in Hong Kong are concerned, our Port Health Authority has maintained stringent vigilance in regard to the relevant diseases in accordance with the I.H.R. In fact, smallpox and yellow fever and even cholera pose little or no danger to us from an epidemic point of view. Smallpox has virtually been eradicated by all countries in the world in view of the successful campaign under the auspices of the W.H.O. It is envisaged that eventually this disease will be taken off the list of diseases subject to the I.H.R. There have never been any indigenous cases of yellow fever in Hong Kong on record simply because of the absence of the specific mosquito vector responsible for the transmission. As for El Tor Cholera, it has been found from experience that the most essential and effective measure against the spread of this disease lies in the maintenance of a good water supply and a good standard of environmental and personal hygiene. In any case, inspection at points of entry for gastro-enteric diseases including cholera does little or nothing to detect or prevent the spread of such diseases. Thus, our experience of the occurrence of a few cases of cholera from time to time bears witness to the fact that generally our preventive measures and general standard of environmental health are good. As for plague, vigorous anti-plague measures basically aimed at rodents and their fleas in accordance with the I.H.R. are and will be taken against any immigrants or visitors from any country which is listed by W.H.O. as being infected by this disease. Thus, such special measures have been imposed on immigrants from Vietnam.

The second category of communicable diseases of public health importance are those which are by and large endemic within a territory and associated with low mortality and morbidity. These are the so-called notifiable diseases, i.e. diseases which are required by law within a territory to be notified to its health authority. These diseases are being kept at a comparatively low level in regard to incidence and will not under normal circumstances assume epidemic proportions by a system of preventive and control mechanism which has been established over the years. In Hong Kong this mechanism consists of the comprehensive network of maternal and child health clinics, specialist clinics, casualty departments, out-patients clinics as well as all clinics and hospitals operated by private medical practitioners, providing, as it is, the means of surveillance and diagnosis. This system of prevention and control is further complemented by the facilities available in the various Government laboratories, health offices and regional hospitals for laboratory diagnosis, isolation, investigation and treatment of contacts and cases. As long as this control mechanism is efficient and well maintained there is little danger of endemic diseases affecting the community in epidemic proportions.

An essential factor that has contributed to the efficient working of the control mechanism has been that from our long experience, immigrants from the Chinese Mainland (which contributed the bulk of our immigrants) have shown much the same prevalence and pattern of communicable diseases that already exist in Hong Kong. In fact, in my recent visit to Canton, I have the opportunity of meeting my counterparts of the Guangdong Provincial Public Health

Department and was much reassured to be able to confirm that this picture has remained by and large similar and constant. This is to be expected because of the close geographical and identical climatic and ethnic factors and the practically free movement of people over the years to and fro across the common border. Thus, from the point of view of the epidemiology of communicable diseases, immigrants from the Chinese Mainland may be regarded as a homogenous group which can and is most conveniently and appropriately covered by the normal control mechanism which I have just described.

It is conceivable, from time to time, especially when there is an influx of immigrants, that there may be an increased incidence in certain endemic diseases. Such temporary increase, however, has been and can be contained by the normal surveillance and control mechanism. This mechanism was seen to have functioned quite efficiently in the recent outbreak of rabies when the first human case was diagnosed clinically and confirmed by laboratory methods in the shortest possible time in spite of the fact that the disease has been absent in Hong Kong for a quarter of a century. Detection in turn set in motion immediately and without panic the necessary preventive and other control measures on the part of both the Agriculture and Fisheries Department and my Department. I might add that rabies is a communicable disease which primarily affects warm-blooded mammals usually of the four-footed variety with notable exceptions. Its epidemiology is such that any health screening directed at symptomless immigrants would be quite unproductive and, I am sure my honourable Friend will agree, would not be in accordance with the principles and practice of good public health and preventive medicine.

Following from what I have stated, it is therefore not surprising that Hong Kong has for many years enjoyed a conspicuous absence of epidemics due to communicable diseases. In fact, in the area of public health and communicable diseases control, we may with due humility but excusable pride, claim to have excelled in comparison with many advanced countries in the world. This achievement is all the more significant in that we have been an oasis free from major epidemics in the midst of territories where communicable diseases of public health importance exist either in epidemic or endemic form. That we have remained such an oasis over a considerable number of years, I venture to say, cannot be due just to coincidence, accidents or even providence as suggested by my friend but that my professional colleagues in both the public and private sectors have provided and maintained an effective preventive health care system, which, together with the co-operation of the public, have contributed significantly to our success in keeping communicable diseases at bay under quite unfavourable circumstances.

In regard to health education, this is again recognized by experts to be an activity which, to be effective, is not a one-way process in that information must not only be given, but must be received and acted upon. Health education is not a once-and-for-all exercise, hurriedly and unsystematically passed on to immigrants at the point of entry or over some counter. Thus, health education

activities are incorporated into the preventive health care system so that the correct information is given to the right audience at the appropriate time and any immigrant who is received into our community will be able to benefit from systematic health education. The Central Health Education Unit which has been established sometime ago in my Department complements the Health Education activities at the maternal and child health clinics and other departmental units in carrying out systematic activities in different areas for various subjects on a regular basis.

In summary, effective health screening and health education activities are already incorporated into our Port Health and preventive health care system for the whole community. That this system has proven reliable and efficient for a considerable length of time in the past, having, *inter alia*, withstood the impact of constant as well as sudden and repeated massive influx of immigrants, is strong testimony that it is still our best defence against epidemics of communicable diseases.

Sir, at this stage, my apologies are due to honourable Members for having led them into thinking, albeit unintentionally, that I may have usurped the place of my colleague, the Director of Public Works, in discussing 'cogwheels' and 'mechanisms' and so I shall return post haste to more familiar grounds, i.e. the subject of geriatric care for our senior citizens. I should like to reassure Dr. FANG that the needs of the elderly are uppermost in our minds as reflected in our planning. As he is aware, one of the principal objects of the current rapid development of the Community Nursing Service is to provide supportive care for geriatric patients in their own homes. The first geriatric unit was opened in the Princess Margaret Hospital in 1975. This geriatric unit is complete with facilities for in-patients as well as a day hospital for those who need care on an out-patient basis. A special physiotherapy section complements both the out-patient and day hospital facilities.

Dr. FANG is, of course, also aware that geriatrics as a specialty has also been included in the development of the Caritas Medical Centre whose Medical Committee has the good fortune of having him as the Chairman.

In addition to such facilities, all out-patients clinics have special arrangements to enable the elderly to be given priorities for attention and wherever possible special arrangements are made to serve them. Further, plans to develop special geriatric units are incorporated in all our new projects and which will no doubt be of great benefit to the elderly.

While recognizing that geriatric is a sub-specialty, it must be remembered that there are many diseases which affect adults irrespective of age and many of these in the elderly are already being taken care of by the general medical facilities available. In view of the present comprehensive plans for the development of geriatrics, we should concentrate our efforts and resources to bring these to fruition rather than to embark on other schemes such as geriatric care on the lines of the School Medical Service as suggested.

Sir, with these comments, I support the motion.

SECRETARY FOR SOCIAL SERVICES:—Sir, I am encouraged by the range of points raised by my Unofficial colleagues in this debate which touch on the social services. However, many of these issues also impinge on other programme areas and it falls to me to answer this afternoon only some of the matters raised by Dr. FANG, Mr. WU, Dr. HUANG, Mr. S. L. CHEN and Mr. CHAN Kam-chuen.

Rehabilitation Subventions

Dr. FANG is right in his observation that with the establishment of the Rehabilitation Development Co-ordinating Committee (R.D.C.C.), advice on social welfare rehabilitation services is no longer the primary responsibility of the Social Welfare Advisory Committee (S.W.A.C.). It is precisely for this reason that a separate subhead was created in the 1979-80 Estimates under Head 80 Social Welfare Subventions for grants towards the social welfare rehabilitation services. When the R.D.C.C. was established the allocation of funds was not included in its terms of reference because it was thought important not to distract the Committee from its main role of advising on co-ordination and policy, including the *principles* of subvention. The same consideration holds good today. Indeed, it is proposed in the Report of the Working Party on Provision of Social Welfare and Subvention Administration that S.W.A.C. too should no longer be involved in individual subvention applications.

Accordingly, I consider it would be a retrograde step to involve R.D.C.C. in individual cases, particularly as subventions for rehabilitation services do not all come from Social Welfare Subventions: many agencies receive their grants from the Medical and Education Subventions Heads in the same way as other institutions whose activities do not come under purview of the R.D.C.C. However, I can assure Dr. FANG that the Director of Social Welfare will personally consider all appeals and he has confirmed that he will not turn down any such appeal without again reviewing the case with me.

Access for the Disabled

In regard to the provision of dropped kerbs along the pavements in the Central District for the crossing of persons in wheelchairs, I think Dr. FANG is referring to the crossings at Chater Road from the Star Ferry Subway and at the junction of Chater Road and Ice House Street where dropped kerbs are provided on one side of the road only. These dropped kerbs were constructed as part of the reinstatement works by the Mass Transit Railway Corporation following the completion of Chater Station. The Director of Public Works has now made arrangements for the missing dropped kerbs on the pavement opposite to be provided. Work has already started and is scheduled to be completed before the end of this month.

Dr. FANG's proposal to amend the Buildings Ordinance to allow builders an increase in building volume when they provide access for wheelchairs has already been put in June 1980 to the Public Works Department's Review Committee on the Code of Practice for Access for the Disabled to Buildings. Further consideration will be given to this proposal when the final report of the Review

Committee is received and when the R.D.C.C. has had a chance to consider and advise on the matter.

Institutional Care for the Elderly

I agree with Dr. FANG that there is an urgent need to build more care and attention facilities or infirmaries in order to accommodate the large number of elderly people who require care, but not in hospital beds. I am afraid that the shortage of care and attention units in homes for the aged will continue for another two years or so. At present, eleven sites have already been identified, and an additional 1,400 such places are expected to become available by 1982. I can assure this Council that efforts at locating suitable sites will be sustained in order that our target of meeting full demand may be achieved by about 1983.

The Medical and Health Department is at present carrying out a survey to obtain up-to-date information on the number of elderly patients in Government and subvented hospitals requiring care in infirmaries—that is, those requiring intensive nursing care. On completion of this survey early next year proposals to meet demand will be put to the Medical Development Advisory Committee.

In making these observations I wish to emphasize that it remains the Government's policy, and aim, to encourage care for the elderly by their families, and within the community, and only those who have no other recourse should be placed in institutions.

Housing for Middle-Income Elderly

Dr. FANG proposes that the Government should support schemes for the elderly of middle income background, who are ineligible for public housing, who do not have access to ordinary facilities for the elderly, but who require personal care or companionship, by providing either a loan or land at concessionary premia. There is no denying that the Government's policy should be to provide care in welfare institutions on a priority basis to the elderly of limited means, and who are in need of this care. I agree that the relatively less vulnerable group referred to by Dr. FANG should also deserve some encouragement from the Government although this should, in all fairness, attract much lower priority in any resource allocation. Until such time as there are enough sites to meet the essential demand of other types of welfare and public institutions under planning, it is difficult to justify the grant of land to them on concessionary terms. However, I can see no reason why a public charity sponsoring a project for the elderly of middle income background, who have a clearly demonstrated social need for these facilities, should not apply to the Lotteries Fund for a building loan, provided they obtain the necessary land on which to build such homes through their own efforts.

Old Age Allowance

Mr. CHAN Kam-chuen proposes that the qualifying age for the old age allowance should be lowered from 70 to 65. I accept that as our society becomes more affluent, and as our social services become more developed, this qualifying age could well be lowered. This was last done two years ago when the qualifying age

was reduced from 75 to 70, and I can assure him that this matter will continue to be kept under review. However, I have to add that the elderly who are in financial need already qualify for an equivalent old age supplement from the age of 60 through the Public Assistance Scheme.

Tertiary Education

Mr. WU, Dr. HUANG and Mr. S. L. CHEN touched directly or indirectly on higher education. Insofar as these points concern the development of this sphere of education to provide for our future, they are within the terms of reference for the Committee to Review Post-Secondary and Technical Education Your Excellency has appointed under Mr. TOPLEY's chairmanship, and announced yesterday. Honourable Members will have noted that the urgency for this review mentioned in the address has been written into the terms of reference with the requirement for the Committee to report within six months.

When this review was ordered by Your Excellency in Council, the University and Polytechnic Grants Committee was asked at the same time to work on a 4% annual growth rate in university places for the 1981-84 triennium and to advise on the implications of this in terms of resources. U.P.G.C. was also asked to assume this 4% growth rate for the 1984-87 triennium. This should result in an increase of over 700 university places by the 1986-87 academic year. It will, of course, be open to the Review Committee to increase or modify this growth rate for the 1984-87 triennium but preliminary planning to provide for these extra numbers need not be delayed.

I share Mr. WU's regret that Her Majesty's Government has not distinguished between students from the dependent territories from other overseas students in their revised fee charging policy commencing this autumn, particularly as some foreign students are granted home student status. As I stated in this Council on 30 April this year we have made strong representations to the Secretary of State for Foreign and Commonwealth Affairs, and it is only fair to say that these representations have been received with sympathy and understanding. Although we have lost out for the present academic year, I can assure honourable Members that we are continuing to press our case.

I fear I do not have exact figures of the numbers of Hong Kong students taking degree courses in British universities and polytechnics (or elsewhere overseas). The reason is that students do not have to apply for such places through the Education Department. The latest available published British statistics of overseas students for 1978-79 also do not distinguish between polytechnic degree and other advanced further education courses, and these figures of Hong Kong students do not include those who had been attending United Kingdom schools for three years or more before university entrance, as such students were classified as home students for fee purposes at that time. Having said all this, I think Mr. WU's figure of between 2,000 and 3,000 Hong Kong students taking degree courses at various stages in British universities and polytechnic in 1979-80 is about as good an estimate as we can get.

Having regard to these uncertainties it will not be easy to determine the precise effect of the higher fees on new admissions. Indeed, with the change in classification in status from 'home' to 'overseas' with effect from September 1980 of Hong Kong students who had been attending United Kingdom schools for three years or more before university entrance, British statistics may well show little change, or even an increase, in new admissions of Hong Kong students to British universities this autumn. However, the number of applications received by the Immigration Department for United Kingdom student visas in respect of first degree courses for the first ten months of 1980 show a drop of 256, or 39%, from the figure for the corresponding period of last year. This reduction in undergraduate students proceeding to Britain is roughly offset by a proportional increase in student visa applications for places in North American institutions. These overall figures thus indicate no more than a marginal decline, if any, in the numbers of Hong Kong students seeking places at tertiary institutions abroad. What is apparently happening is a significant move away from the United Kingdom to Canada and the United States: if this trend continues in the longer term it can only mean a further weakening of our links with the United Kingdom.

I am, therefore, very grateful for the constructive suggestion by Mr. WU that we should consider giving some subsidy towards places occupied by Hong Kong students on degree courses in Britain. But our major concern here involves a matter of principle: Britain's responsibilities towards her dependencies, including Hong Kong, with particular emphasis on the maintenance of our links. Nevertheless, Mr. WU's proposal will be borne in mind particularly as the marginal savings which may accrue to Her Majesty's Treasury through a decline in our student's taking their degree courses in the United Kingdom will undoubtedly be less than the economic fees at overseas students' rates had there been no such decline. Of course, the feasibility or desirability of instituting public scholarships for degree courses in the United Kingdom (or elsewhere) is a specific item in the terms of reference of the Review Committee.

Mr. S. L. CHEN recommends that tuition fees at the universities and the Polytechnic should reflect the full costs, provided the needy are subsidized under an adjusted Student Finance Scheme. This is an heroic suggestion which we had not hitherto contemplated and I doubt its practicability, even if for no other reason than the range of courses offered. However, on the advice of the Executive Council it has been decided that the Government should review each year the level of fees to be taken into account by the University and Polytechnic Grants Committee for grant purposes in four years' time. Accordingly the fees for this purpose for 1984-85 should be declared in 1981. This will enable a student enrolling for a course of four years or less to be aware of the fees payable throughout the course from his date of enrolment. It also enables the U.P.G.C. to determine the fee income to be assumed in any triennium. I will add that it is the Government's policy to adjust automatically the level of assistance under the Student Finance Schemes to cover any increased tuition fees. Furthermore, the administrative arrangements governing the operation of these schemes are

currently being reviewed so that any anomalies which have become evident in their operation may be ironed out before the next academic year.

Sir, I support the motion.

SECRETARY FOR HOME AFFAIRS:—Sir, you referred to the increase in juvenile crime as ‘disturbing and bewildering’. Five Members spoke on this subject and it is clearly a matter of public concern. Something very astonishing has happened and has happened very recently. For at least 14 years from 1964 to 1978 the number of children aged seven to 15 prosecuted per 100,000 of the population in that age group remained very steady at 150 to 200 prosecutions each year. In 1979 the figure was 300 and this year I am afraid it will reach 500. The sudden upsurge in the last two years is unlike any other series of social statistics I have ever seen, and I have tried to show this on a graph which I now table (see Appendix).

When anything quite so dramatic is discovered the first thing is to check the figures. We have disposed of one common source of such changes in statistics—namely a change in the facts recorded. There has been none. We have looked at geographical distribution, at seasonal variation, at occupational and residential distribution. Some unevenness has been discovered. Somewhat higher figures have been found in new towns and in two urban districts. There was no increase in summer holidays—indeed it was the spring months that were slightly above average. An increasing proportion was students—but by now practically everyone in this age group should be at school anyway. Disproportionately more came from housing estates than elsewhere. None of these variations though is very substantial.

Several causes have been suggested but none has explained the sudden departure from past experience. All the causes advanced were to a greater or less extent present over the preceding fourteen years as well. Nor has it been convincingly explained why such causes, although present for years, should suddenly have such devastating effects in 1979 and in 1980.

Juvenile crime has been of concern to the Fight Crime Committee since it was started. In 1973 the Committee commissioned the Social Research Centre of the Chinese University to undertake a scientific survey on the causes of juvenile crime and delinquency. Their report was published in August 1975. Apart from indicating causes the report made some very important recommendations on remedial action, mostly in the form of providing preventive social services to young people. These recommendations were subsequently endorsed by the Fight Crime Committee and a programme plan has been drawn up by the Secretary for Social Services to establish the various services in a co-ordinated and systematic manner.

These services are beginning to take root but they compete for scarce resources, especially for trained social workers. The Programme Plan for Personal Services among Young People is in its second year of operation. It has only been possible to aim for a very basic standard of service in the three main areas which

are school social work, outreaching social work and family life education. Once this is achieved, in most cases by next year, the plan envisages an improvement in standards and the quality of services.

The head of the Social Research Centre team which undertook the 1973 study, Dr. Agnes NG, has been continuing her work in this area and has this year produced a follow-up study on 'Family Relationships and Delinquent Behaviour', and she has kindly let me have a copy of it. It provides some valuable insights into the general causes of delinquent behaviour. Dr. NG has also helped to draw up a programme of study aimed specially at the new situation revealed by the 1979 and 1980 figures.

The statistics clearly need further investigation for we are not much nearer to identifying the causes of the upsurge yet. I do not intend to go into all the suspected causes at this stage but I would like to assure honourable Members that we have adopted a multi-disciplinary approach to the study. In particular I would like to assure the Revd. Joyce BENNETT that the Committee, whose terms of reference have been widened from those quoted by her, has instituted a 'multi-pronged investigation' and has already consulted widely on the subject.

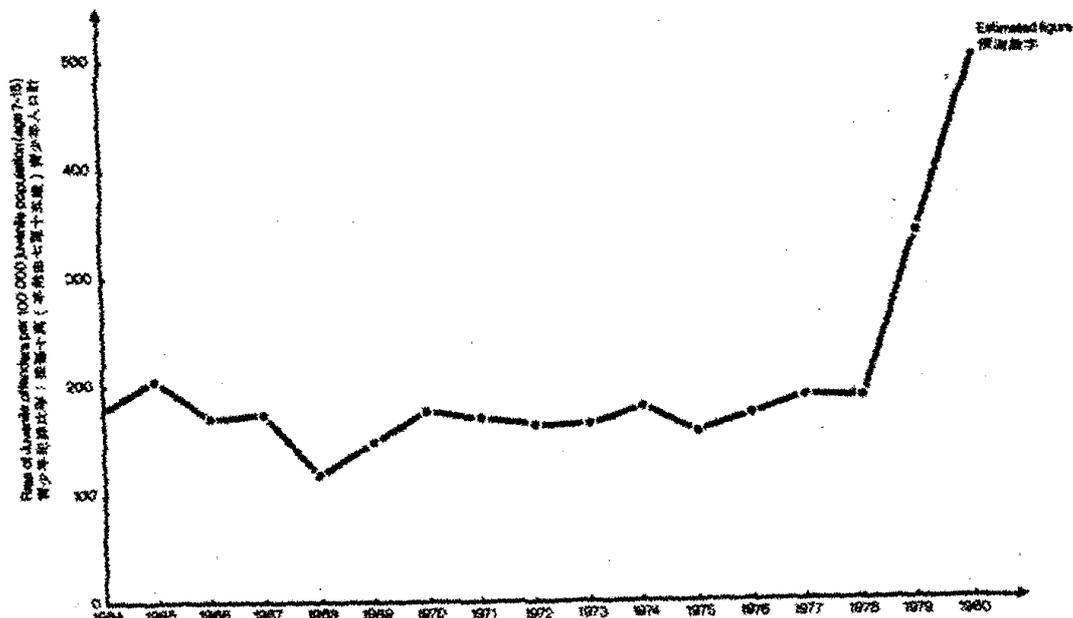
Looking at causes is one thing. Dealing with the results is another and this is what the programme plan is about. The Fight Crime Committee feels that the targets and resource priorities of that plan should be reviewed, taking into consideration any further recommendations arising from the Committee's own further study. It is also hoped that sufficient resources will be made available in time to strengthen the effort in this field. And in this respect I share Members' concern at the shortfall of trained social workers (including probation officers) I understand from the Director of Social Welfare that positive action is being undertaken to tackle this pressing problem.

I am grateful to those honourable Members who have raised some quite detailed points concerning the recent upsurge. They are being considered by the Fight Crime Committee. The Committee has also received a number of thoughtful papers from both individuals and organizations.

Sir, even today less than five in a thousand youngsters are involved each year—much less, incidentally, than in other major cities in the world. The difficult thing will be to spot these five in a thousand before they go astray and to prevent them from doing so.

Sir, with these remarks I support the motion.

APPENDIX

JUVENILE CRIME 青少年罪案

DIRECTOR OF EDUCATION:—Sir, Members have concentrated attention on the quality and effectiveness of our education, our back-up measures and the pastoral care given to pupils, all in the light of the increasing rate of juvenile crime. I too will concentrate on these matters.

To begin with, we did not expect the extension of compulsory education to be painless. We have, with our eyes open, taken problems from our streets and transferred them to the classroom. We have given ourselves a hard task by lengthening the span over which children are expected to be in school and not at work. As Miss BENNETT points out, not all children wish to study for three years in a secondary school.

The rate of school attendance has been rising steadily over the last several years as the following figures show. For the 6-11 age group, attendance in day schools rose from 98% in 1975 to 99% in 1977, and reached 100% in 1978. In 1977, before the Secondary School Entrance Examination was abolished, the proportion of Primary VI leavers who proceeded to Form I was 85%. This rose to 96% in 1978 when junior secondary education became free, and to 97% in 1979 when junior secondary education became compulsory. In 1979, the overall proportion of 12 and 13-year olds attending day and evening schools was 96%.

Discussion of non-attendance and drop out must be seen in this context.

As regards the machinery for enforcement which is linked with pastoral care, the Government's intentions are incorporated in a programme plan for School Social Work and provide that primary schools shall be provided with Student Guidance Officers and secondary schools with Social Workers. Details of the

scheme are set out in the 1977 Green Paper on 'The Development of Personal Social Work among Young People in Hong Kong' and the 1979 White Paper 'Social Welfare into the 1980s'.

During the period September 1979 to August 1980, we investigated more than 13,000 cases of non-attendance in primary schools and 3,000 cases in secondary schools. Excluding 2,000 primary and 2,300 secondary pupils who were untraceable, over-aged or sick, about whom no further action could be taken, 93% of the primary pupils and 72% of the secondary school pupils were found to have transferred to another school or were brought back to school as a result of our efforts. For the rest, investigation still is proceeding.

There were only 76 Student Guidance Officers on the ground last year, but the grade is now the subject of open recruitment and the signs are very hopeful that the strength should rise to 148 by January 1981 and to 180 by September 1981. Miss BENNETT does not appear to approve of our Student Guidance Officers but I am myself impressed with their dedication and with the effective work which they are doing in enforcing compulsory education and, more importantly, in helping children with their educational and personal problems. I am confident of the very forceful contribution which they will be able to make when at full strength. (Indeed the most frequent comment of Principals and others in a review conducted of the scheme this year by the Research Section of the Social Welfare Department was that what was needed was more Student Guidance Officers.)

As regards secondary schools, our plans call for 90 Social Workers and in fact there are 87 full-time equivalents in post. We shall keep a careful check upon the progress of this scheme.

Both Dr. Harry FANG and Miss BENNETT call for a new approach to the secondary school syllabus. Dr. Ho Kam-fai asks that we consider the motivation of the under 15s to their schooling and Dr. Henry HU raises the question of moral education.

It is clearly true that once education is made compulsory up to 15 then these issues come into relief. At the time of the 1974 White Paper on Secondary Education in which the Government for the first time undertook to provide universal junior secondary education, it was realized that the traditional academic syllabus would not be suitable for all. Syllabi have been rewritten to provide a core curriculum for all pupils in Forms I to III. These syllabi can be taught at various depths and with degrees of extension in breadth. Practical and technical subjects have been introduced into academic secondary schools. More pre-vocational schools are being built. Increasing attention is being given to moral education within the syllabi of social studies and other subjects. Teachers of course naturally are meeting problems in teaching the less academic pupils previously not encountered in secondary schools. But perhaps of greatest concern is still the parents who show a marked preference for full academic syllabus leading to the Hong Kong Certificate of Education. Change must come but we must beware of any arrangements that give to any sector of education a

reputation of being second-rate. I do not think we can contemplate a fifth of our pupils studying in special classes. The pre-vocational schools have a very good reputation, are clearly doing an excellent job and it may be that we should make them an increasing segment of our system. But they need special skill and dedication to operate and we must be most careful to see that they do not suffer any loss of reputation through too rapid developments.

Clearly we must monitor developments in school attendance and school discipline most carefully. This we are doing.

That we are beginning to encounter problems of discipline and indifference in our secondary schools is true and was to be expected and the connection with compulsory education seems obvious enough. As I have said, we have taken certain problems from our streets and transferred them to the classroom. It does not follow that the increase in juvenile crime is due to the extension of compulsory education. In fact, the trend established itself before compulsory education was introduced.

What is clear is that schools cannot solve all problems of society, particularly crime. But the schools *will* do their part. Teachers have their part to play working with pupils who do not fit in and we must look to our defences to see they are strengthened through the arrangements for school social work. We can give further consideration to the curriculum and we are at present contemplating a wholesale restructuring of the Curriculum Development Committee. We shall try to find other ways of making moral education more effective. Indoctrination—telling people what to think—cannot surely be the whole of the answer, though we do rather a lot of it, particularly with the younger children. We must face pupils with moral dilemmas and give them the materials with which to work out the answers. But I would be dishonest if I didn't draw attention to a dilemma of the dilemma. If we really face pupils, our children, with moral problems we must not be surprised or too much upset if they reach conclusions, particularly at first, which do not agree with our own. The issue of human freedom is not a simple or a painless one. It may be also that we shall need special institutional arrangements close to the schools for pupils who are, it is to be hoped, only temporarily recalcitrant. Certainly a central register of all pupils would be expensive but a powerful guide for tracking their progress through the system. I must be frank in stressing the role of parents. In the final analysis it is parents who must care for their children. We hope by requiring all children to study until they are 15 that they will be better prepared for life, but not all parents see their children as other than a kind of investment in the family. There are other aspects. Society and the children themselves have their own claims. Not all children wish to or are capable of meeting their parents' ambitions. They need a different kind of education to enable them to realize themselves and to find their own place in society. Their parents need to recognize this. Only then can the school syllabi fit the needs of our children. We cannot expect all children to proceed to and be really successful in the Hong Kong Certificate of Education Examination as it stands. And any other less onerous examination will have a markedly lesser

status in the eyes of the pupils, parents and employers. As I have indicated and I agree with Miss BENNETT here, we must look to the interests of pupils and provide them with other skills. This will take time and patience if we are not to destroy the very alternative we are trying to provide. Mr. CHAN Kam-chuen has suggested education in family budgetting and this is indeed the sort of thing we should try and develop. Miss BENNETT has proposed educational vouchers but this may not be so applicable within the first nine years of education as it might be at higher levels.

In summary on this broad topic, I believe too that our defences need strengthening and more can be done for and with the recalcitrant, but I believe that our main thrust should be toward making school more attractive rather than a prison for the unwilling.

I am sure Mr. Alex WU will be pleased to hear that a pilot scheme of teaching Mandarin is now under way. As part of the scheme, the Education Department is offering training courses this year for some 160 serving teachers. The intention is to start Mandarin in 20 pilot schools and about 80 voluntary schools in Primary IV in 1981 and gradually extend the scheme to Form III. The progress of this pilot scheme will be closely monitored.

Finally, I should like to refer to Mr. F. K. HU's remarks concerning the Keep Hong Kong Clean Campaign. The Community Youth Clubs in secondary schools are already actively engaged in this campaign. I am sure that schools will continue to do their part.

With these remarks, Sir, I support the motion.

THE ATTORNEY GENERAL:—

Juvenile Crime

Sir, in her thoughtful speech, my honourable Friend, Miss Joyce BENNETT, raised the question of whether or not it is the time to increase the number of juvenile courts and the number of Magistrates dealing with juvenile offenders. I have had the opportunity, Sir, of consulting with the Chief Justice on this matter, and it appears to be the case that the need has been met by the Government and the Judiciary. The rise in the case load in the juvenile courts over recent years has in fact demonstrated that there is such a need. The number of cases has risen from 4,124 in 1977 to 4,531 (a 10% increase) in 1978, to 5,533 (a 22% increase) in 1979, up to a projected total of 6,617 (a 19% increase) in 1980. And that need, Sir, raises two problems if it is to be met—first, providing sufficient and suitable training and suitable Magistrates to deal with the cases and secondly, accommodation to house them.

So far as the problem of dealing with the juvenile offenders is concerned, it is particularly a delicate and difficult one. It requires special characteristics of insight in the Magistrate entrusted with the task, so that the right blend of firmness and understanding, of authority and informality is achieved. And there are, for a number of reasons, only a limited number of Magistrates or people who have this particular gift.

The second problem is court accommodation. It is important, and indeed is the law, that juveniles should be segregated from adult offenders whilst their cases are being heard. And at the moment I regret the accommodation position is not satisfactory. Magistrates have to use for juvenile cases their ordinary courts which on other days they will be dealing with other adult offenders. These are frequently large courts where it is difficult to produce the informal atmosphere which is sometimes required in juvenile cases. Nor are there usually separate detention facilities for juveniles in the adult courts so that they are kept sometimes in so-called custody in waiting rooms and corridors. Consideration has been given by the Government to the proposal of whether or not it would be right to provide one central building to house all the juvenile courts for the territory, and it is felt that that is not the ideal answer because it would impose difficult burdens on parents attending courts, sometimes in respect of less serious cases, from far distant parts of the territory. It is felt better, and proposed, that as and when new court buildings are built over the next five years or so, for instance at Kwun Tong, Tuen Mun, Sha Tin and Wan Chai, separate juvenile courts facilities should be made available within those new court buildings. However, until these buildings are completed, it will be necessary to continue the somewhat unsatisfactory expedient of adapting existing buildings to meet juvenile court needs.

So far as the number of courts are concerned, there were two at the beginning of this year operating in the Colony—one at San Po Kong Magistracy, a full-time court which dealt with all the cases from the New Territories and from Kowloon; at Causeway Bay, a second court which sat three days a week and dealt with the Hong Kong cases and the cases from the Outlying Islands. There are now three courts sitting, as honourable Members may know, the third court opened at Tsuen Wan in September which now sits two days a week and helps deal with the load from the New Territories. It is intended in December that another court will commence to sit in Kowloon, so that by December there will be four courts sitting where previously at the beginning of this year there were but two. And it is hoped that next year there will be another court opening in Causeway Bay.

It is, I hope, and I hope Members will agree, reasonable to accept that the provision of these courts in place of the two will help to reduce the workload of the Magistrates dealing with juvenile cases to manageable proportions and avoid at least some of problems to which Miss BENNETT has made reference.

Of course the principal objective of the Government must be to prevent juvenile crime happening at all, for prevention obviously is better than cure. Perhaps to prevent it entirely is like wishing for paradise. So the juvenile courts must inevitably continue with their two-fold task and play the important two-fold role, both of punishing offenders and at the same time, if possible, preventing the repetition of offences both by those offenders and by others who see what happens to them. To fulfil these roles they must be properly staffed and accommodated.

Sir, may I now turn to deal with the matters raised by my learned and honourable Friend, Mr. Peter WONG.

Law of Property Bill

He spoke first of the Law Property Bill. It is true that the matter of this Bill has been under consideration for some considerable time. Between 1966 and 1973 under, I think, the chairmanship of an honourable Member of this Council, the Law Society of Hong Kong considered the matter, or a sub-committee of it did. And after seven years of deliberation produced proposals which were put into the draft Bill by the Government in 1973. These proposals were based upon the English Law of Property Act of 1925 which has not been so far implemented in Hong Kong. Having had the Bill drafted there was then further consultation with the Law Society after drafting had taken place, and it became clear then that considerable difficulty and problems would arise because the new Bill would have required all solicitors doing conveyancing in Hong Kong to become familiar with a totally new system, and the task of education, it was felt, would have been a difficult and time-consuming one. The Law Society advised that this was likely to cause chaos if it were undertaken and accordingly the Bill was dropped, I think, not through the fault of the Government. In 1977 and 1978 further discussions did indeed take place between the Registrar General's Department and the Law Society and those discussions, I am happy to say, were fruitful, and produced drafting instructions for a new and less comprehensive bill which were received by the Law Draftsman in May 1979. A delay of some nine months then ensued whilst the views of Heung Yee Kuk were obtained and final drafting approval was not given for the Bill until February 1980. A draft Bill had been prepared by early October 1980 and since then has been circulating for comments.

So what progress the Bill gets depends on the comments that come from interested departments and from outside bodies such as the Law Society. It is too early to give a firm indication as to when this Bill may come before this Council. But in fairness to the Law Draftsman and his staff, I would like to point out, to my honourable Friend and to others, that this measure was in the Law Drafting Department in the course of preparation only for some seven months out of a total of 32 months, the matter has in fact been under consideration elsewhere since 1978. Moreover, during that seven-month period, as honourable Members are of course aware, a variety of other important bills had to take their place and compete in the queue with the Law of Property Bill.

Stamp Ordinance

Sir, my learned Friend also referred to the Stamp Ordinance. Remarks I have made about the proposed Law of Property Bill applies with equal force to the drafting of that. Here too the priority accorded to other legislation has meant the drafting work on that new Bill has to be postponed until August of this year. I may say that very extensive preparatory work had already been undertaken in revising the existing law before drafting commenced. The present position is that the first draft of the Bill is completed and is out for consultation. It has been referred to, I think, by my honourable Friend, the Financial Secretary, and indeed by Mr. WONG, as a tidying-up bill. But that, I would with respect suggest is hardly the case. The new Stamp Bill runs to 66 sections and four schedules and

is a complete redraft of the existing provisions of the most venerable area of the law in Hong Kong, based as they are on the 1981 English Act. And the intention with the new Bill is to remove the archaic language, to remove the anomalies that have come up over the years and, without altering the underlying principles, to put forward the proposals which my learned, my honourable but not learned (*laughter*), Friend the Financial Secretary referred to in his two budget speeches.

Legislative Drafting

Sir, so far as legislative drafting generally is concerned, Mr. WONG also asked if the Law Drafting Division was short-staffed and over-worked and whether this is a reason for some delays in bringing forward legislation—an important question. So far as this is concerned, I think that one ought to scrutinize for a moment some of the reasons for the so-called delay. First, I hope honourable Members will bear in mind that the function of the legal draftsman is primarily, but not solely, to translate into legislation policy which is decided by others. Too often when it is really the underlying policy that has gone wrong, it is the draftsman who is alleged to have drafted the law badly. Indeed, I have myself, Sir, on some occasions attended meetings with Unofficial Members of this Council to discuss bills which were before the Council. It is my personal experience that on the overwhelming majority of occasions where criticism of a bill is made, it is found to be, on analysis, the underlying policy where there is a difference of views rather than the words in which it is couched. Yet again, far too often it is the Law Draftsman and his Department whom people turn to and suggest may be those at blame.

Sir, the so-called delay may arise from many causes. It cannot, I would suggest, reasonably be suggested that the cause of most of the delays rests with the draftsman. There is an underlying difficult problem in Hong Kong. There is a growing volume of legislation and that in Hong Kong certainly has. But the trend in addition is towards increasingly more complex and sophisticated legislation to provide solutions to problems for a society which is itself increasingly sophisticated and complex both in the social and in the economic field. This trend affects the whole of the Government and not just the lawyers, it makes greater demands upon all of us. A complex legislation inevitably takes longer to produce than the simple ordinances of yesteryear. Moreover unless there are limitless resources available, which obviously in drafting there are not, matters have to take their turn in the legislative queue and there has to be a balancing of competing needs against the available resources. I have already referred to the Stamp Bill which had to take its turn for two years in the legislative queue because other more pressing matters leap-frogged it. To give but two examples: rent control, illegal immigration and a host of others which will come to all of our mind. And the problem is a continuing one and there will always be a need for priorities as regards legislation. It is inevitable that there are going to be in the future as in the past some bills which won't be brought forward as quickly as we all should like.

Thirdly, if legislation is to be effective, then it is essential in my opinion that as wide a consultation as possible should take place, not only at the policy-making stage but also when policy has been enshrined in a draft bill. For example, when one looks at the details then one can see where the shoe perhaps pinches. For this reason arrangements have been made in recent months by the Law Draftsman for bills in certain cases to be out for comments by the Law Society on the drafting and technical aspects of them, to the Bar Association and to the Law Faculty of the University in some cases. Consultation with other bodies is also necessary on occasions such as the Heung Yee Kuk on the Law of Property Bill. Such consultation takes time. Busy men cannot give consideration to difficult problems and reply by return of post. Yet too often the blame for the delays inherent in that process is unfairly laid at the door of the draftsman.

However, having said all these, nevertheless I recognize that there is a shortage of older and more experienced staff in the Drafting Division and that inevitably has caused some delay. It also has the effect of casting a very heavy burden upon the Law Draftsman and his Deputy, and I would like personally and publicly, here and now, to pay a tribute to each of them. We are very lucky in my opinion to have them in Hong Kong, and in my opinion they are as expert in this work as any draftsmen you will find elsewhere in the Commonwealth. So too with many of the officers in their Division. But we mustn't lose sight of the fact that there is a grave shortage of draftsmen, not just in Hong Kong but throughout the Commonwealth. Now in a recent recruitment exercise which we undertook, we were fortunate enough to attract a senior draftsman from London whom it is hoped will join us next February. But we were unable, on the terms offered, to attract people of sufficient calibre to fill for the moment two such other posts. And the result is that we must continue the slower process of in-house training of younger and less experienced people so that in the end we produce our own senior and experienced draftsmen. But that supervision and training of those people will in itself inevitably not only cast a burden upon their seniors but lead inevitable to some delays. Draft sometimes have to be redone. People don't work as smoothly if they are junior as they do when they are more experienced and senior. Now I ask honourable Members to act with some forbearance to some of those more junior people, particularly when they come before them. Again, it may be that some of those people when trained will be lost to Hong Kong for a variety of reasons, so it will have to be a continuing process. One aim of the reorganization of my Chambers recently approved by the Finance and Establishment Committees of this Council was to create a career structure designed to hold in Hong Kong some of the very able but comparatively inexperienced young lawyers presently employed. And I hope that that will be successful.

I hope, Sir, from these remarks, I have made it clear to honourable Members that these problems have been receiving attention over the past year or so from the Law Draftsman and myself. I am of course prepared to try to rectify any justified criticism of the Drafting Division—as indeed of any other Division in my Chambers. But so far as the Drafting Division is concerned, whilst, like every other organization, no doubt there is some room for improvement, nevertheless

all in all I feel personally that it is composed of dedicated and hard working men and women, and that it serves Hong Kong well. I am confident, Sir, that honourable Members will on reflection agree that that is so.

Sir, I beg to support the motion.

THE CHIEF SECRETARY:—Sir, once again, Unofficial Members of this Council have spoken interestingly, and very much to the point, on a wide range of subjects in this annual debate. Their speeches were a reflection of the fact that more often than not it is with the aid of Unofficial Members' deep concern for the community, their specialist knowledge, their careful deliberations and their constructive suggestions that policies and programmes are shaped to meet the ever-changing needs of our community. I thank them for the quality of their speeches and for their devotion to the service of this Council and of the public. I pay tribute to them for the energy and enthusiasm with which they enliven the business of this Council: together we can look forward to another year of discussion and debate on important and complex issues, and to the efficient discharge of legislative responsibilities.

Before I turn to a number of points made in the speeches of Unofficial Members, perhaps I may be permitted to say how pleased I am to be able to take part in *this* year's annual debate!

Mandarin Interpretation

Mr. Alex WU has suggested that the interpretation facilities in this Council might be extended to Mandarin. I take his point of course: an encouragement to the broader use of Mandarin in Hong Kong—but there are very considerable practical difficulties involved. A three-way interpretation system to cover Mandarin as well as Cantonese and English would mean at least doubling and more likely trebling the team of simultaneous interpreters required. As Members will know, it is already very difficult to find sufficient qualified people for this important task even with existing commitments. And as we are all aware down here in the better seats, this Chamber of ours can be uncomfortable: it is substantially worse up in the Gods where our hard-pressed simultaneous interpreters work: the physical constraints make it virtually impossible to fit in more interpreters and their necessary equipment. In any event, and without being too discouraging, I think we must—to coin a phrase—wait until the time is ripe: until more of our Hong Kong people can speak and understand Mandarin before we consider such an extension. In the meantime we shall be making strenuous efforts to improve the facilities for simultaneous translation from Cantonese to English and vice versa, not only in this Chamber but in other meeting rooms as well.

Role of Unofficial Members—Advisory Boards and Committees

In an incisive and intelligent speech Miss Lydia DUNN has ably taken us to task—I am tempted to say yet again—on a number of matters. Miss DUNN enquired whether the Working Group reviewing unofficial participation in

Government boards and committees has completed its study; if so, what conclusions have been reached; and have those conclusions (if reached) any implications for the way in which the network of boards and committees is organized and used.

The Group, appointed in 1978, produced two reports in 1979. After considering whether all existing boards and committees were still serving a useful function, the Working Group reviewed the extent and nature of the participation of unofficials and the procedure for appointment; also the location, frequency and timing of meetings; and the need for simultaneous interpretation and translation facilities.

The Group found that, on the whole, the system is working well and that a comprehensive cross-section of the community is making an important contribution to the administration of Hong Kong across a broad spectrum of the Government's activities. It was clear, however, that there remains a need for continuing and increasing efforts to be made to locate suitable and willing members of the community to come forward so that those already serving do not find themselves required to sit on too many committees.

The group found that out of 307 statutory and non-statutory boards and committees, 299 were still serving a useful purpose, the remainder having completed a particular task; that the 75 per cent unofficial membership quoted by Miss DUNN is about right; and that the input from Unofficial Members is effective and appreciated.

In order that the system may continue to serve current needs we propose undertaking regular reviews every two years. The first such review will take place in January next—i.e. January 1981. And without getting too far ahead of myself, I might perhaps here add that the proposals in the Green Paper on District Administration, if put into practice, would greatly increase the input from, and participation of, the community in our administration at the district level: that hopefully an important outcome of such involvement will be the identification of potential Members of this and other Councils.

As part of this biennial exercise, heads of departments will be asked whether boards and committees in their areas of responsibility can be chaired by an unofficial, if they are not already. As Miss DUNN has stated, approximately 50 per cent of all boards and committees already have unofficial chairmen; some are required by law to have an unofficial chairman; others are so closely related to the operational side of Government activities that an unofficial chairman would not be appropriate. However, in principle I am glad to confirm that there is a bias, though not an automatic bias, in favour of unofficials as chairmen of committees. Recent examples of this trend, to which Members of this Council can attest, are the Transport Advisory Committee, chaired by Mr. T. S. Lo, and the Special Committee on Land Production and the Provisional Board of Management for the Prince Philip Dental Hospital both of which are chaired by—Miss DUNN.

Sir, Miss DUNN also spoke of inviting Unofficial Members of this Council to exercise a 'supervisory-cum-monitoring role' over Government departments. Precisely what she has in mind I don't know (*laughter*). But the supervisory and monitoring role in our organization is, as implied in Miss DUNN'S succinct analysis, already provided by boards and committees which, in my experience, do not hesitate to make known their views on the Government and on the Government's performance. It is already the practice that Unofficial Members of this Council specialize in various areas of Government activity which are of particular concern to them, and that they serve on a large number of important boards and committees in those areas. In total, Members of this Council serve on some fifty major boards and committees, including the Board of Education, the Housing Authority, the Trade Development Council, the various Textiles, Trade and Industry Advisory Boards, the Industrial Development Board, the Social Welfare Advisory Board, the Aviation Advisory Board and the Fish Marketing Advisory Board.

As Miss DUNN rightly pointed out, the U.M.E.L.C.O. system of standing and ad hoc groups also exercises a monitoring function on various aspects of Government's activities, and U.M.E.L.C.O. Members are regularly informed by means of both verbal and written briefings about progress on all important aspects of the administration. The fact that Unofficial Members of this Council already do sit on standing committees and specialist ad hoc groups, and that they do watch over public expenditure through the Public Accounts Committee suggests to me that we have gone a long way towards developing a system of accountability for the Administration in Hong Kong.

Sir, I do not think that all of this represents, as Miss DUNN suggests, a subtle change of attitude from 'tolerant acceptance' to something more positive, or that this has been discernible only in recent years. Admittedly we err, or fall by the way-side, or occasionally lose our enthusiasm, but taking one year with another it is part of a conscious and continuing policy to increase the scope of unofficial participation and to expand the role of Unofficial Members. It does fall short of linking unofficials with executive responsibility (an idea put forward by Mr. Dhun RUTTONJEE as long ago as 1965), but it is by no means clear that such a division of executive responsibility would be in the interests of efficiency or that it would fit in with the system that has been evolved.

Public Sector—Containment

Miss DUNN suggested that serious consideration should be given to hiving off some Government activities to the private sector. Her argument is that it is not so much the size of the public service as the scope of its activities that gives cause for concern: her premise is that civil servants are, in the nature of things, unable to run activities of a commercial nature as efficiently as their counterparts in the private sector. She graciously concedes that 'civil servants are efficient administrators'—not, please note, just 'some' or a 'few', as someone less generous might have said (*laughter*). Unhappily she then qualifies this praise by adding 'within the constraints of the public service' (*laughter*). Still, a slight

compliment, one might think: not to be looked in the mouth. But then, quite unnecessarily harshly, she goes on: 'they develop a knack of minimizing the influence of those constraints, or avoiding them (and sometimes of turning them to their advantage when they are anxious to win an argument)'. Obviously Miss Lydia *Dunn* must have suffered at the hands of some unnamed Government servant or servants—I wonder who (*laughter*)? but whoever they are, if they had the wit and the ability to out-debate the formidable Miss DUNN, then clearly they are men (or perhaps women?) of some considerable talent and, as such, worthy of recognition (*laughter*).

Miss DUNN's suggestion to hive off has been made on a number of occasions and in various contexts.

It is true that there are some Government activities which we regard as being of a commercial, or semi-commercial nature. But that is not to say they are necessarily activities which may appropriately be undertaken by private enterprise. It is one thing to strive to make an activity pay its way, and even show a reasonable return on the average net fixed assets employed—which is what we try to do with our trading departments—and at the same time provide a good service to the public. It is quite a different thing to turn the operation into a profit-making and profit-distributing business, which is perhaps what Miss DUNN has in mind.

There are a variety of reasons why we have not done so in the case she has cited, or for that matter cases which other Members of this Council have mentioned on previous occasions. The main reason is that matters such as land supply, social policy, political considerations and security requirements dictate that the Government should not put them into private hands. There are also some undertakings in which it is neither possible nor advantageous to separate actual management from policy, and such undertakings must remain a Government responsibility.

I assure Miss DUNN that the Government would gladly hive off activities where there were clear advantages in doing so. The Government's view was stated by my predecessor in his budget speech in 1978: he said that if it can be demonstrated clearly that any of the services provided by Government departments could be run more economically, more efficiently and provide a better service to the public, under some other regime, the Government would be prepared to consider it. I am told that, up to now, no such evidence has been produced: I believe that no such evidence has been seriously sought either—but I shall return to this later.

Sir, I do not accept Miss DUNN's contention that the Commissioner for Transport runs the Lion Rock Tunnel badly: certainly that is not my experience—and perhaps more to the point, not my wife's experience either (*laughter*). The rapid development of Sha Tin in the last few years has added strains to its already doubled capacity: for example, over long periods last year lorries carrying spoil to Sha Tin were making some 2,000 trips daily through this tunnel. It would not necessarily be best for the community for the Lion Rock Tunnel to

be run on strictly commercial lines: if profitability were an important factor—and I imagine that it would be—then conceivably it could lead to higher charges.

This does not mean to say that Government-owned and operated public utilities cannot be improved. We have worked steadily towards improvements in recent years, for instance in the production of standard operating accounts to assist us in developing rational pricing and capital investment policies. And clearly we must continue to seek ways and means of improvement wherever practicable.

But having said all that, Sir,—and to fulfil my earlier promise—I do believe that Miss DUNN has a valid point in proposing we should seriously consider, or reconsider suggestions made in the past to hive off some Government activities: we should also positively seek out areas which might with advantage be ‘hived-off’ either to the private sector or some other regime. Not necessarily, nor only, in the broad areas suggested in the past, but any part of Government which could more efficiently, more economically be ‘hived-off’ in the public interest, and provide the public with a better service. A task, I must warn, which will no doubt take time, but which nevertheless should—and will—be undertaken.

Green Paper on District Administration

I am grateful to Dr. Henry HU, Mr. WONG Lam, Mr. Charles YEUNG, Dr. Ho Kam-fai, Mr. F.K. HU and Mr. WONG PO-yan for the positive support they have given to the broad thrust of the proposals in the Green Paper on District Administration. In particular, I am pleased to learn that the main proposals for the establishment of District Boards and District Management Committees throughout the territory have been received so well.

Some of the points made were concerned with the details of implementing the Green Paper proposals. Such details were not covered by the Green Paper, which was deliberately written in broad terms in order to encourage public discussion on matters of principle. I assure Members, however, that Government will very soon be giving thought to a wide range of details of implementation. Consideration is now being given to the comments on the proposals contained in the Green Paper by members of the public and by various organizations. The views expressed and the points raised by Members in the Council will of course also be given due, and most careful consideration.

Illegal Immigration

Sir, since the debate began, major changes in our immigration policy have been made. On 23 October the Immigration (Amendment) (No. 2) Bill was enacted by this Council, providing means of enforcing the ending of the ‘reached base’ policy hitherto enjoyed by illegal immigrants from China. Following the announcement of the change in policy, nearly 7,000 persons claiming to be in this category attended at the Special Registration Centre in Victoria Barracks and almost 3,000 here illegally from places other than China subsequently reported to the Immigration Department. The universal carrying of proof of identity became obligatory on 30 October, and from 3 November it became an offence for an employer to have in his work force anyone without proper proof of identity.

It is still too early—far too early—to say whether the prime purpose of the new policy, namely to deter further long-term illegal immigration, has been achieved. Certainly, the first indications are not discouraging: the numbers arrested by our Security Forces have always provided a yardstick for the rate of inflow and these figures have fallen from over 400 a day between 1 and 23 October to 25 a day over the last seven days. Undoubtedly the high level of activity by the Chinese Security Forces has made an important contribution to this dramatic change and I should like to record my appreciation of their co-operation at this critical juncture. But it is beyond doubt that *our* measures are having their effect too. Reports suggest that news of them has reached the communes of South China and that as a consequence Hong Kong has lost its attraction: no prospect of work, no chance of obtaining services from Government departments (and for that matter many other organizations) and a real and constant risk of detection and removal. A daunting picture, with a clear message: you are not wanted in Hong Kong: if you try to come we shall send you back.

But these are still early days and we must above all avoid complacency: there must be no relaxation of our vigilance. Twice in the last 18 months we have seen sudden sharp reductions in the numbers coming across, and twice we have seen those numbers rise again as it became clear to would-be immigrants that the deterrents were not being maintained. So we must make sure that we keep our guard up and enforce our counter-measures doggedly and effectively in the months, in the years ahead. Our Security Forces will remain on the alert, strengthened next year by additional troops as the fifth battalion is formed. Immigration Department, Police and Labour Department will be equally active in seeking out these unwelcome illegal would-be residents. In all this, the Government is fortified by the support it is receiving in the words, actions and attitudes of the community at large and many groups and organizations in particular, not least the employers, who have a vital part to play. In the large number of checks and examinations which the enforcement agencies have already carried out, the co-operation and understanding they have received have been noteworthy.

Concern has been expressed regarding the position of those illegals from places other than China. I must once again stress that these people have always been liable to removal if detected, unlike those from China 'reaching base'. There is therefore no question of bad faith or retroactive treatment on the part of the Government. It is simply a question of the previous policy continuing unchanged. To allow any form of amnesty for these people would not only be unfair to those who have followed lawful procedures, but would set a precedent which would not be lost, for example, on the tens of thousands we know are waiting in Macau. At the same time, I should like to reassure members of the public, who may have misgivings, that such persons will not be removed hastily nor without full consideration of their personal circumstances: if genuine hardship and distress would result, then their case will be handled with understanding and sympathy.

23 October 1980 may prove to have been a turning point in recent events. Only time—months or even years—will tell. Until this threat to the whole fabric of our society is clearly and finally removed, I ask fellow Members and the people of Hong Kong for their continued support.

Concluding Remarks

Sir, in conclusion, I wish to state that I am very grateful indeed to all members of the civil service for the patience and dedication with which they have carried out their duties. As our community grows, and our social programmes expand and develop, the civil service comes increasingly under strain. This is not always fully appreciated, for the public service is so often seen to ‘rise to the occasion’ no matter what calls are made upon it. In expressing my deep appreciation, I wish to record especial thanks for the way so many have discharged their duties most admirably, even under great pressure.

But it would be unwise, an error of judgment to expect this to happen always, automatically. In our determination to press ahead with new programmes, to expand existing services, we have too often neglected the interests of our own civil servants—the very people we rely upon to carry out the new programmes, the expanded services—to make them work. Man-management and staff-consultation are not luxuries; not the crack-pot theories of the liberal-minded: they are essential requirements in today’s circumstances: as head of the civil service I fully recognize this and am determined that there shall be improvement, that we shall, fully and properly, recognize and accept the importance of improved staff relations. For that reason I warmly welcome the recommendations of the Standing Commission concerning staff consultative machinery: they come not before time.

Sir, I move that this Council thanks the Governor for his Address.

Question put and agreed to.

First reading of bills

OFFENCES AGAINST THE PERSON (AMENDMENT) BILL 1980 UNDESIRABLE MEDICAL ADVERTISEMENTS (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

OFFENCES AGAINST THE PERSON (AMENDMENT) BILL 1980

THE SECRETARY FOR SOCIAL SERVICES moved the second reading of:—‘A bill to amend the Offences against the Person Ordinance and to make consequential amendments to the Criminal Procedure Ordinance’.

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

This Bill prescribes three circumstances where an abortion may be performed in the interest of a pregnant woman, specifies a time limit for permitted abortions where none exists at present, introduces a new offence of child destruction and transfers into this Ordinance certain provisions in the Criminal Procedures Ordinance.

At present an abortion may be carried out legally only if two registered medical practitioners are of the opinion formed in good faith that the continuation of the pregnancy would involve risk to the life of the pregnant woman or injury to her physical or mental health, greater than if the pregnancy were terminated. Without limiting this general provision in any way clauses 4(a) and (b) of the Bill prescribe the following specific circumstances where a pregnancy may be terminated:

Firstly, where in the opinion of two registered medical practitioners there is a substantial risk that the child would be born with such physical and mental abnormality as to be seriously handicapped.

Secondary, where the pregnant woman is under the age of 17 years.

Thirdly, where the pregnancy is the result of incest, rape or intercourse procured by threats, false pretenses or drugs, provided that such alleged offence is reported to the Police within three months.

As regards the provision which seeks to permit the abortion of an abnormal foetus, and arising from the publication of the Bill for general information last April, it has been suggested by a few individuals in letters to newspaper editors that the Government's aim here is to save public expenditure. I wish to assure this Council that this proposal arises wholly from a desire to save a woman from the stress of bearing an abnormal child she would rather not have, and a family from the distress and burden of having an unwanted handicapped member which with advances in medical knowledge can be predicted in certain circumstances. I will go further. If a pregnant woman carrying a substantial risk that her baby will be born seriously handicapped wishes to take that risk and have her baby, the Government fully accepts the baby's and the family's entitlement to screening and special education services and disability allowance, where appropriate, arising from our policy for integrating the disabled in the community and from our social security arrangements. That is money we are glad to spend to alleviate the disadvantages of the handicapped, and we shall press on vigorously with the implementation of our policy in that regard irrespective of other considerations. I therefore feel it bears repeating that our sole aim in connection with this provision in the Bill is the welfare of the woman and the family unit concerned and their freedom of choice.

The provision to permit abortions for girls under the age of 17 is to protect minors, who are not yet ready for the responsibility of motherhood, against unwanted pregnancy. This provision, if enacted, will recognize statutorily that in

such circumstances, the continuation of the pregnancy would involve risk of injury to the physical and mental health of the young woman greater than if pregnancy were terminated. Of course, there is no requirement for the young woman concerned to have an abortion if she wishes to continue her pregnancy to full term.

In cases where a pregnancy is the result of incest, rape or rape-related offences, an abortion may be carried out provided the victim has made a report to the Police within three months of the alleged offence. I think it will be self-evident that the victim of such a heinous crime should no longer be required to suffer a double penalty by having to endure an unwanted pregnancy as well. This provision, if enacted, will recognize statutorily that in such unfortunate circumstances, where a victim has been impregnated as a result of an act to which she was not a consenting participant, the continuation of the pregnancy would involve risk of injury to the physical and mental health of the pregnant victim greater than if her pregnancy were terminated.

Under existing legislation, an abortion may be performed at any stage of pregnancy. In order to provide statutory protection for a viable foetus, a new subsection (2B) to section 47A set out in clause 4(b) proposes that no abortion should be carried out where a pregnancy is of more than 24 weeks' duration, except in a case where it is necessary to save the life of the mother. The Bill also introduces, in clause 5, a new offence of child destruction on lines similar to the Infant (Life Preservation) Act 1929 to protect an unborn child capable of being born alive but before it has an existence independent of its mother. For the purpose of this new offence, if enacted, it is presumed that a woman pregnant for 28 weeks or more was at that time pregnant with a child capable of being born alive. The professional medical associations, as well as the Professor of Obstetrics and Gynaecology at the University of Hong Kong, have been consulted and the time limits were generally endorsed by all of them.

The opportunity has also been taken to transfer the offence of infanticide—the killing of a child under one year of age by its mother when the balance of her mind is disturbed by reason of her not having fully recovered from the effects of giving birth to the child or by reason of the effect of lactation—from section 78 of the Criminal Procedure Ordinance, and to repeat provisions in existence in the Criminal Procedure Ordinance to enable the courts to convict on alternative or lesser offences where the evidence does not support conviction on a more serious charge. These proposals are also included in clause 5 as new sections 47C and 47D.

Clause 6 rephrases the definition of disposing of the dead body of a child with intent to conceal the fact of its birth without any substantive changes.

The penalties for illegal abortion and other related offences have also been reviewed. It is considered appropriate that the maximum penalty for an illegal abortionist (life imprisonment) should be somewhat higher than that attached to a woman for procuring her own abortion (which is seven years' imprisonment).

The Bill also empowers a court to impose monetary penalties in addition to awarding terms of imprisonment.

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 SECRETARY FOR SOCIAL SERVICES.

Question put and agreed to.

UNDESIRABLE MEDICAL ADVERTISEMENTS (AMENDMENT) BILL 1980

THE SECRETARY FOR SOCIAL SERVICES moved the second reading of:—‘A bill to amend the Undesirable Medical Advertisements Ordinance’.

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

There is no denying that an illegal back-street abortion may cause permanent injury to a woman through infection or other cause, even where the desired miscarriage is apparently procured successfully. With greater publicity on the availability of legal abortion, it is hoped that women genuinely in need will be persuaded to seek attention in approved hospitals and clinics. But we must also safeguard these women who are entitled to a therapeutic abortion by stiffening the law against those who seek to lure them into taking an apparently easy, but actually dangerous, way out.

The previous Bill maintains the maximum penalty of life imprisonment for an illegal abortionist and the Undesirable Medical Advertisements (Amendment) Bill 1980 now seeks to prohibit the publication of advertisements for procuring abortion or relating to instruments, services or facilities for abortion, except those published with the written authority of the Director of Medical and Health Services.

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 SECRETARY FOR SOCIAL SERVICES.

Question put and agreed to.

Valedictory to Mr. BREMRIDGE

HIS EXCELLENCY THE PRESIDENT:—Honourable Members, this is the last sitting of this Council Mr. BREMRIDGE will attend before he leaves Hong Kong on retirement. And I would like to pay my tribute to the very great contribution he has made. His record of public service is exceptionally distinguished and wide, and I would remind you just some of the elements of it—the University and Polytechnic Grants Committee, one of the most exacting of all tasks, of which he has been Chairman over the last two years, the Advisory Committee of the

Independent Commission Against Corruption, the Public Service Commission, the Trade and Industry Advisory Board, the Trade Development Council, the Hong Kong Tourist Association, the Aviation Advisory Board, the Port Committee, the Transport Advisory Committee and so on. He was first appointed to the Legislative Council in 1974 and also to the Executive Council in 1977. He has been unsparing in the devotion of his time to the Council's affairs, as he has to all public business he has taken up, and he has enlivened and enriched our proceedings with both sound advice and wit, for which we are most thankful.

We will miss him and his wife, and I know all Members will join me in wishing them a very long and happy retirement.

MR. CHEUNG:—Sir, Unofficial Members would wish to join in the tribute you have just paid to Mr. BREMRIDGE.

I don't want to gild the lily, but I would be very remiss if I did not refer to the one attribute of Mr. BREMRIDGE for which Unofficial Members will best remember him, and that is his supreme ability to distinguish between different shades of grey (*laughter*). Anyone can tell black from white, first class from standby (*laughter*), but it was given to Mr. BREMRIDGE to pick his way deftly between the niceties of a 3% or a 4% growth in student numbers in the universities, between priority A1 or A2 for the flyover in Stubbs Road (*laughter*), D3 or D4 for the new post of Deputy Director of the Department for the Preservation and Application of the Wise Counsel Contributed by Unofficial Members (*laughter*); and the like.

We shall much miss—if I may use the term without misunderstanding—an old comrade. He tells me he has bought himself for use in England a Mini Minor, which, he assures me, he will get into comfortably (*laughter*), provided, I suspect, Mrs. BREMRIDGE drives it (*laughter*); but when he has had his fill of going to Birmingham by way of Beachy Head, it would not surprise any of us to see him in action again; it may be elsewhere, for he may think that the nuisance of the tropics is the sheer necessity of fizz (*laughter*). It has been a superb Act I; we look forward to the curtain rising on Act II; but I see that, like a good playwright, he is not going to let on.

Whatever it is that he and his wife decide to do, the good wishes of Unofficial Members go with them.

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, 3 December 1980.

Adjourned accordingly at five o'clock.