

**OFFICIAL REPORT OF PROCEEDINGS****Wednesday, 23 December 1981****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 CHARLES PHILIP HADDON-CAVE, K.B.E., C.M.G., J.P.

THE HONOURABLE THE FINANCIAL SECRETARY  
MR. JOHN HENRY BREMRIDGE, O.B.E.

THE HONOURABLE THE ATTORNEY GENERAL (*Acting*)  
LAW DRAFTSMAN  
MR. GERALD PAUL NAZARETH, O.B.E., 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 CITY AND NEW TERRITORIES ADMINISTRATION

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

THE HONOURABLE KENNETH WALLIS JOSEPH TOPLEY, C.M.G., J.P.  
SECRETARY FOR EDUCATION

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

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

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

THE HONOURABLE ERIC PETER HO, C.B.E., J.P.  
SECRETARY FOR 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 WILLIAM DORWARD, O.B.E., J.P.  
DIRECTOR OF TRADE, INDUSTRY AND CUSTOMS

THE HONOURABLE JOHN MORRISON RIDDELL-SWAN, O.B.E., 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.  
REGIONAL SECRETARY (HONG KONG AND KOWLOON), CITY AND NEW  
TERRITORIES ADMINISTRATION

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

THE HONOURABLE IAN FRANCIS CLUNY MACPHERSON, J.P.  
REGIONAL SECRETARY (NEW TERRITORIES), CITY AND NEW TERRITORIES  
ADMINISTRATION

THE HONOURABLE CHAN NAI-KEONG, J.P.  
SECRETARY FOR LANDS AND WORKS (*Acting*)

THE HONOURABLE MICHAEL LEUNG MAN-KIN, J.P.  
DIRECTOR OF EDUCATION (*Acting*)

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

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

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

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

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

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

DR. THE HONOURABLE HO KAM-FAI, J.P.

THE HONOURABLE ALLEN LEE PENG-FEI, 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.

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

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

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

THE HONOURABLE MARIA TAM WAI-CHU

#### **ABSENT**

THE HONOURABLE ALAN JAMES SCOTT, J.P.

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

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

#### **IN ATTENDANCE**

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

**Papers**

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

<i>Subject</i>	<i>L.N. No.</i>
Subsidiary Legislation:	
Ferries Ordinance. Excluded Ferries (Passenger Ferry Service between Hong Kong Central District and Mei Foo Sun Chuen) (Amendment) Regulations 1981 .....	384
Ferries Ordinance. Excluded Ferries (Passenger Ferry Service Across Tsau Wan) (Amendment) Regulations 1981 .....	385
Ferries Ordinance. Excluded Ferries (Ma On Shan and Ma Liu Shui) (Amendment) Regulations 1981 .....	386
Public Health and Urban Services Ordinance. Public Cleansing and Prevention of Nuisances (New Territories) (Amendment) Regulations 1981 .....	387
Registrar General (Establishment) Ordinance. Registrar General (Establishment) (Amendment of First Schedule) Order 1981 .....	392
Electoral Provisions Ordinance 1981. New Territories District Board Constituencies (Number of Elected Members) Order 1981 .....	393
Post Office Ordinance. Post Office (Amendment) (No. 2) Regulations 1981 .....	394
Professional Accountants Ordinance. Professional Accountants (Amendment) By-laws 1981 .....	395
Corrupt and Illegal Practices Ordinance. Urban Council and District Boards Election Expenses Order 1981 .....	396
Corrupt and Illegal Practices Ordinance. Heung Yee Kuk Election Expenses Order 1981 .....	397
Evidence Ordinance. Evidence (Authorized Persons) (No. 19) Order 1981 .....	398
Public Health and Urban Services Ordinance. Public Health and Urban Services (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 5) Order 1981 .....	399

<i>Subject</i>	<i>L.N. No.</i>
Public Health and Urban Services Ordinance. Hawker (Amendment) By-laws 1981 .....	400
Public Health and Urban Services Ordinance. Public Cleansing and Prevention of Nuisances (Amendment) By-laws 1981 .....	401
Public Health and Urban Services Ordinance. Pleasure Grounds (Amendment) (No. 3) By-laws 1981 .....	402
Interpretation and General Clauses Ordinance. Amendment of the Definition of 'British Territory' .....	403
Interpretation and General Clauses Ordinance. Specification of Public Office.....	404
Urban Council (Amendment) (No. 2) Ordinance 1981. Urban Council (Amendment) (No. 2) Ordinance 1981 (Commencement) Notice 1981 .....	405

Sessional Papers 1981-82:

- No. 22—Supplementary Provision for the quarter ended 30th September 1981.
- No. 23—Report of the Brewin Trust Fund Committee on the Administration of the Fund for the year ended 30th June 1981.
- No. 24—The Accounts of the Lotteries Fund for 1980-81.
- No. 25—Report on the Administration of the Fire Services Welfare Fund for the year ended 31st March 1980.
- No. 26—Samaritan Fund—Report and Certificate of the Director of Audit on the Accounts for the year ended 31st March 1981.

**Oral answers to questions**

**Legal aid in tenancy cases of the Lands Tribunal**

1. MR. PETER C. WONG asked:—*Will Government consider, as a matter of urgency, extending legal aid to the Lands Tribunal to cover tenancy cases?*

THE CHIEF SECRETARY:—Sir, the Government is already considering proposals which, if approved, would mean that legal aid would continue to be available to eligible applicants in tenancy cases under Part II of the Landlord and Tenant Ordinance when the jurisdiction to hear them is transferred from the District Courts to the Lands Tribunal.

## Water charges

2. MR. SO asked in Cantonese:—

政府可否證實，建議中增加水費一舉，並非表示將海水化淡廠恢復生產的操作費用轉嫁給用戶？

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

*Will Government confirm that the proposed increase in water charges has nothing to do with passing on the operating costs of the re-activated desalter?*

THE FINANCIAL SECRETARY:—Sir, no increase in water charges has yet been formulated, much less proposed. If, as is likely, this soon becomes necessary I confirm that the water tariff charges will continue to remain unaffected by the operation of the desalter. The latter is a useful strategic and emergency standby. It is not regarded as a component of normal water supply operations.

## Sign interpretation of television programmes for deaf viewers

3. DR. FANG asked:—*Will Government state:*

- (a) *whether any agreement has been reached between the Television Authority and the television stations to provide sign language and/or captions to selected programmes for the benefit of the deaf; and*
- (b) *whether public interest and educational programmes produced by RTHK, in addition to the present weekly 'News Review', could be provided with sign interpretation and/or captions?*

SECRETARY FOR HOME AFFAIRS:—Sir, this proposal was put by the Commissioner for Television and Entertainment Licensing to the commercial television stations late last year. Both stations said that while they were sympathetic to the request, they were unable for the time being to provide such facilities for a minority section of the audience because of the demand on financial, but it is really manpower, resources.

From June of last year, a news review programme has been produced by RTHK, with the assistance of material supplied by Television Broadcasts (TVB). This has been broadcast on Sunday mornings. The news review programme is particularly well-suited to adaptation for the deaf, because it affords the producers sufficient time to prepare the additional material. In addition to this, many films on television—ordinary entertainment films—carry sub-titles in Chinese so that the deaf here in Hong Kong enjoy a much greater variety of television entertainment than in many other places.

While RTHK does provide as part of its service to the community a range of programmes for minority audiences, including air-time in other Chinese languages than Cantonese, and programmes catering to the needs of the socially

disadvantaged and the physically handicapped, the constraints including time, and manpower (the real thing) and other resources do not readily permit the expansion of this service at present.

DR. FANG:—*Sir, will Government consider to persuade the commercial stations to at least have the headlines of main news items captioned once a day?*

SECRETARY FOR HOME AFFAIRS:—Sir, an accurate reproduction for news programmes is about the most difficult thing there is to produce in this way, but I take the honourable Member's point. He is interested in headlines and I should be very glad to arrange for discussion with the television companies.

REVD. JOYCE M. BENNETT:—*Is the Government aware that two out of the three commercial broadcasting stations in the U.S.A. have captions on their programmes for three hours daily?*

SECRETARY FOR HOME AFFAIRS:—No, Sir, I was not aware of that. The broadcast for the deaf in Hong Kong—for about 12 000 people who really can't hear what goes on—is about the same as that in the United Kingdom.

### **Monitoring of major public works**

4. DR. Ho asked:—*Is Government satisfied that its monitoring of major public works projects such as the Airport and Aberdeen Tunnels is effective?*

THE CHIEF SECRETARY:—The Government is satisfied, Sir, that its system of monitoring major public works is adequate and I would assure Members that the system is reviewed from time to time to see whether it can be improved.

But no monitoring system can, in itself, necessarily ensure that works projects will always be completed, and satisfactorily completed, on time. On large and technically complex projects, particularly civil engineering contracts, unforeseen circumstances can and do arise which cause delays, the cost of which is borne by the contractor or the client department, depending on the general and special conditions of contract. Of course, the monitoring system does give early warning that delays may occur, enabling corrective action to be put in hand but, as I have just said, Sir, it is not always possible to avoid delays as such.

DR. Ho:—*Sir, in the case of the Aberdeen Tunnel may this Council know what corrective actions have been taken in order to minimize the delay of the opening of the Tunnel?*

THE CHIEF SECRETARY:—Sir, the delays which have been experienced sadly in the completion of the Aberdeen Tunnel have been due to a number of reasons, practical problems met during construction, contractual problems which

required extended negotiations and administrative action to resolve them; and at the present time, delays are being experienced in the supply of electronic control equipment, but I understand that the equipment has now been factory- tested and cleared for shipment in Hong Kong. Now throughout this process, every effort has been made by the client department, the Public Works Department, to resolve the difficulties encountered, but I am afraid that, in the end, delays have occurred.

### **Kowloon-Canton Railway development**

5. MR. CHARLES YEUNG asked:—*Will Government make a statement on K.C.R. development progress, giving details of:*

- (a) the various phases of electrification and double tracking and the respective dates of their completion and operation; and*
- (b) the target travelling time, from Sheung Shui to Hung Hom, and passenger train frequency after the improvements are concluded?*

SECRETARY FOR TRANSPORT:—Sir, as regards the first part of the question it is now expected that electrified and double tracked services between Kowloon and Sha Tin, including the new station at Kowloon Tong to connect with the M.T.R., will commence in May 1982, that is in under five months' time. The electric services should be extended to the new Tai PO Market Station by February 1983 and to the final section through to Lo Wu in the summer of 1983.

On the second part of the question, the average journey time of the new electric trains from Sheung Shui to Hung Hom should be 36 minutes compared with 65 minutes on the existing diesel trains. When the full electrified service is in operation there will be 16 trains an hour in each direction between Kowloon and Sha Tin during peak periods, and eight of these will continue through to Sheung Shui or Lo Wu and vice versa. During off-peak periods there will be nine trains per hour in each direction between Kowloon and Sha Tin, of which four in each direction will continue to, or come from, Sheung Shui or Lo Wu.

### **Semi-voluntary contributory sickness, injury and death benefit scheme**

6. MR. SO asked in Cantonese:—

一九七七年「為最不能自助者提供援助」的社會保障發展計劃綠皮書，倡議推行半自願性供款的僱員傷病人壽保險計劃，請問有那種困難，以致政府不繼續進行這項計劃？

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

*May this Council be informed of the nature of the difficulties which have persuaded Government not to proceed with a semi-voluntary contributory sickness, injury and death benefit scheme, as advocated by the 1977 Green Paper 'Help for Those Least Able to Help Themselves'?*

SECRETARY FOR SOCIAL SERVICES:—Sir, before reaching the conclusion referred to at paragraph 77 of Your Excellency's Address in this Council on 7 October 1981 that the semi-voluntary sickness, injury and death benefit scheme mooted in the 1977 Green Paper would be too difficult to apply, the Government had given most careful consideration to the proposal. This consideration included an opinion survey of employers and employees, the obtaining of actuarial advice as well as discussions with both sides of industry through the Labour Advisory Board (L.A.B.).

In the first place the survey which covered 560 establishments and interviewed 2 089 employees in various occupations and industries indicated that only 4.2 per cent of the employees interviewed had life insurance policies, 1.5 per cent bought medical insurance and one per cent sickness insurance. This alone cast considerable doubt on the actual support a voluntary contributory scheme—which is a form of voluntary insurance—would receive.

Actuarial advice indicated that a voluntary arrangement would add considerably to the administrative complexities of any contributory social insurance plan. The voluntary element would also make it difficult to estimate with any accuracy income from contributions and hence to set benefits at the right level from the outset. Furthermore it was feared that any such voluntary scheme would tend to attract the older and less healthy members of the workforce for whom the chance of claiming benefits was greater than for younger people. If this were to happen the scheme would not have been successful as it was essential for the bulk of young employees to support it, as they too ought to be covered for benefit because the scheme was also designed for them.

In the L.A.B. discussion of the Green Paper proposals in 1978 the employees' representatives felt that the scheme was unattractive because the amount of benefit was small. They were generally in favour of a compulsory scheme with 5 per cent contributions from both the employer and the employee, as against the 2 per cent suggested in the Green Paper. However, it was noted from the opinion survey that 55.9 per cent of the employees interviewed were not prepared to pay more than 2 per cent of their salary as their contribution to a contributory scheme.

It was apparent that informed opinion inclined to the view that if any contributory scheme were to be successful it must be made compulsory. However, in the opinion survey specially mounted, while 35.8 per cent of employers and 41 per cent of employees interviewed supported compulsory contributions by employees, 47.5 per cent of employers and 48 per cent of employees disagreed. Furthermore, a compulsory contributory scheme might undermine the well-established public assistance scheme under which the poorest benefit on a non-contributory basis, and might conceivably lead to accusations from certain quarters that the Government was seeking to reduce the charge on the general revenue by transferring a proportion of clients to a compulsory contributory scheme.



The administration of any contributory social insurance scheme would also require the establishment of a major new organization, whether under the aegis of the Social Welfare Department or as a free standing agency. With the vast expansion of the machinery of Government in recent years which is already resulting in staff shortages in a number of sectors, this prospect did not add to the attractiveness of the proposed scheme.

For this combination of reasons, coupled with the concensus emerging from the public opinion survey for the proposed scheme to concentrate on the provision of sickness and injury benefits, the Government decided to develop alternative proposals to cover those risks through an amendment of the Employment Ordinance without involving any contribution from the employee. Where the death grant to be incorporate in these proposals is not payable by the employer an equivalent grant would be payable under an augmented special needs allowance scheme administed by the Social Welfare Department.

### **Street-sleepers**

7. MR. SO asked in Cantonese:—

請問政府現正採取甚麼行動，以協助街頭露宿者，特別是那些神經不健全的人？

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

*What measures is Government taking to help street-sleepers, particularly, those who are mentally deranged?*

DIRECTOR OF SOCIAL WELFARE:—Sir, the Social Welfare Department maintains a central register of street sleepers in order to facilitate the provision of services to them. For those who are willing to accept help, assistance by way of accommodation, financial aid, employment and counselling is given. During cold spells blankets are distributed to all street sleepers and the department's community centres are kept open as overnight shelters.

But what street sleepers probably need most urgently is housing, particularly housing in central and convenient locations. The problem here is that most of the public housing becoming available is in the New Territories. We do give priority to meeting the needs of the old, the infirm and the disabled, the aim being to ensure that these vulnerable groups are offered genuine alternatives to street sleeping as soon as possible.

The mentally deranged, or those who appear to be so, is a difficult group to assist mainly because of the problems of communication. They are undoubtedly an unwelcome sight on our streets, but they generally keep to themselves and as long as they do not disturb the peace or cause obstructions they are not asked to move on.

## Employment of disabled persons

8. MR. CHAN KAM-CHUEN asked:—*Will Government inform this Council:*

- (a) how many disabled persons are presently employed by Government departments and subvented organizations?*
- (b) what is the comparable figure for last year? and*
- (c) whether Government will consider persuading major Government contractors to employ more disabled persons?*

SECRETARY FOR SOCIAL SERVICES:—*Sir, as at 1 April 1981 there were 878 disabled persons employed in the civil service as compared with 683 persons a year earlier: an increase of 195 persons or 28.2 per cent.*

I regret that similar information is not readily available for the subvented organizations and in the time available it would not have been feasible to mount a survey to obtain such information, there being over 1 400 subvented agencies or units in the education, social welfare and medical fields alone.

As regards fostering the employment of the disabled, the Government aims to provide such comprehensive rehabilitation services as are necessary to enable disabled persons to develop their physical, mental and social capabilities to the fullest extent which their disabilities permit. The Government believes that with the realization of their full potential the disabled have more abilities than disabilities. Accordingly, the Government wishes to encourage all employers, big and small and whether contractors to the Government or not, to employ more disabled persons.

Apart from the upgrading of vocational training facilities for the disabled as provided for under the Rehabilitation Programme Plan, and the good example which the Government itself provides, our most important task is to enlighten the public about the disabled. The main aim behind the various activities organized by, or through, the Central Co-ordinating Committee for the I.Y.D.P. or International Year of Disabled Persons, which is under the distinguished Chairmanship of Dr. FANG, is to educate prospective employers about the skills, abilities and, above all, the *employability* of the disabled on the basis of ordinary employment standards. These activities, coupled with the impressive achievements by our disabled themselves in so many different fields of endeavour which have been brought to the fore by I.Y.D.P., are beginning to bear fruit. With the continuation of this public education programme beyond 1981, the continued good work of the disabled themselves and the promotional visits to prospective employers by the staff of the Selective Placement Service of the Labour Department, I am sure employers, including major Government contractors, will be persuaded to employ more disabled workers on the basis of their proven abilities.

## Water supply in the New Territories

9. MR. CHEUNG YAN-LUNG asked:—*As at the end of November this year, will the Government state:*

- (a) how many N.T. villages (totally) have standpipe water supplies and how many applications for standpipe connections are outstanding; and*
- (b) how many villages (totally) have metered water supplies and how many metered supply applications are outstanding?*

SECRETARY FOR LANDS AND WORKS:—Sir, at present, 348 villages in the N.T. have standpipe water supply, while seven standpipe applications are out-standing and are being processed by the Water Supplies Department.

With regard to the second part of the question, 505 villages presently have metered supply and as of now, we have a total of 2 869 outstanding applications from 150 villages under processing. About 2 000 of these fall within the supply zones where it is readily feasible to provide a connection. In such cases it should be possible to complete processing of the application and have the necessary works carried out on site in two to three months. For the remainder, a metered supply is dependent on implementation of additional installations required to extend the supply system. In this regard, each proposed additional supply area is considered on its merits in determining priority for allocation of staff, financial and other resources for the implementation of the necessary works.

MR. CHEUNG YAN-LUNG:—*Sir, when will it be possible to supply water to those cases outside of the water supply zone?*

SECRETARY FOR LANDS AND WORKS:—As indicated in my reply, approximately 869 applications fall outside the supply zones. Of these about 400 are in the north-west part of the New Territories where extension of the supply system by the laying of further sub-mains is currently underway and we expect the works to be completed within 1982. Then, for the remainder, we aim to extend the supply system to be able to connect up to the villages at the end of 1983.

REVD. JOYCE M. BENNETT:—*Sir, could the Secretary clarify please how long the 2 000 of these have been on application? 2 000 can be done now within two to three months; how long have they been under application?*

SECRETARY FOR LANDS AND WORKS:—Sir, it is not possible to tell exactly how long each application has been outstanding with information available at hand, but the Water Supplies Department has a capacity to deal with 6 000 to 7 000 applications a month and for the 2 000 outstanding, really, the speed of completion depends on what is available on site—whether a connection can be given readily.

### Corporal punishment in schools

10. MISS DUNN asked:—*In the light of recent cases suggesting the excessive or illegal use of force in schools, is the Government satisfied that head teachers and other staff are aware of the regulations governing the use of corporal punishment in schools?*

DIRECTOR OF EDUCATION:—Sir, I am aware of the public concern on this matter, and I think it may be helpful if I first make clear what is the legal position under the Education Ordinance and Regulations.

Under the terms of section 58 of the Education Ordinance, the principal of a school is responsible for discipline and for this purpose has authority over the teachers and pupils of the school. Corporal punishment is subject to regulations 58 and 59 of the Education Regulations. Corporal punishment of girls is totally prohibited. Corporal punishment of boys may only be administered by the principal or by a teacher specifically authorized by him.

I have no reason to believe that principals and teachers are unaware of these regulations. Discipline and classroom management are dealt with in our courses of teacher-training, including in-service training. My inspectors of schools give advice and guidance on these matters during visits to schools, and they are also discussed in meetings and seminars for principals and teachers.

Sir, I am satisfied that principals and teachers are aware of the regulations and of the importance Government attaches to them. Any complaint of a breach of these regulations is, of course, immediately investigated by my Department.

MISS DUNN:—*Sir, given the checks and balances in the system which the Director just outlined, can he explain how the recent cases of excessive and illegal use of force actually happened?*

DIRECTOR OF EDUCATION:—Sir, there are only four cases recently. Of these four cases, two arose because of an excessive use of violence in a particular school, because of the teacher over-reacting to a certain situation; as for the other two cases, they are under the course of legal proceedings and it is not appropriate for me to comment on them.

MISS DUNN:—*Sir, is the Director satisfied that the screening process in recruitment is such as to identify persons who are temperamentally unsuited to be in the teaching profession?*

DIRECTOR FOR EDUCATION:—Sir, in these four cases, all the teachers are permitted teachers; in other words, they are not qualified teachers but they are allowed to teach under certain conditions. I do not think we use a test to test the temperaments of those teachers concerned, but certainly the principal of a

school is always the one responsible for ensuring that the teacher of pupils are temperamentally appropriate to teach pupils.

MISS DUNN:—*Sir, is he satisfied that the recent cases reported were isolated cases and that all cases involving the illegal use of violence in schools are eventually reported to the proper authorities?*

DIRECTOR FOR EDUCATION:—Certainly, Sir, I think these cases are exceptional and coincidental and they are very isolated cases.

REVD. JOYCE M. BENNETT:—*Sir, do the regulations allow the principals to dismiss teachers who have administered corporal punishment without valid reason or without permission?*

DIRECTOR FOR EDUCATION:—Sir, I can check the regulations for Miss BENNETT and I will inform her in writing.

(THE FOLLOWING WRITTEN REPLY WAS PROVIDED SUBSEQUENTLY.)

As I explained in my earlier reply, the principal of a school is responsible for discipline under the terms of section 58 of the Education Ordinance. The principal is not, however, responsible for the employment or termination of employment of teachers. This is the responsibility of the management committee, under the terms of regulation 76 of the Education Regulations, which is as follows:

‘76. The appointment and dismissal of any member of the teaching staff of any school shall be determined by a majority vote of all the members of the management committee of that school.’

I would certainly expect the principal of a school to draw to the attention of the management committee any circumstances indicating that there might be doubts as to a teacher's suitability for employment. However, the decision on the matter would rest with the management committee.

REVD. JOYCE M. BENNETT:—*Sir, one further question; is it possible that the supervisors of the schools may think differently from the principals in these matters, where the principal is not the same person as the supervisor?*

DIRECTOR FOR EDUCATION:—Sir, the principal under the Ordinance is the one responsible or, authority, over the pupils and teachers of the school.

### **Tsuen Wan Extension of the Mass Transit Railway**

11. MR. CHARLES YEUNG asked:—*Will the Government say whether or not there will be through train services from Kwun Tong and Tsuen Wan to Tsim Sha Tsui*

*when the Tsuen Wan Extension is opened and, if not, what are the reasons for this inconvenience?*

SECRETARY FOR TRANSPORT:—Sir, when the Tsuen Wan Extension opens there will be a through service from Tsuen Wan to Tsim Sha Tsui and Central. The trains from Kwun Tong will enter the Nathan Road corridor on a separate parallel line and terminate at Waterloo Station.

This arrangement is designed to move the greatest number of trains through the junction at Mong Kok and was adopted following careful consideration of some 20 alternative schemes. It has the merit of providing through trains from the Tsuen Wan branch, which is expected to be more heavily utilized than the Kwun Tong branch. If both branches were to provide through trains down the main line the frequency of trains on each branch would need to be cut virtually in half and this would not be acceptable. On the other hand, if each branch were to provide alternative through trains and reversing trains, additional running tunnels would be required at considerable cost for what would at the most be only a marginal improvement in service. This also was considered to be unacceptable.

The passenger interchange facilities between the two lines will be provided at Prince Edward, Argyle and Waterloo Stations and the track layout and platform configuration at these Stations have been worked out so as to minimize inconvenience to passengers. At Prince Edward Station there will be easy cross-platform interchange for passengers travelling between Kwun Tong and Tsuen Wan and vice versa. Similar cross-platform interchange will be available at Argyle Station for those coming from Kwun Tong and travelling to stations south of Waterloo or the other way round. Alternatively, passengers will be able to interchange between the two lines at any of the three stations by moving to different platform levels.

MR. CHARLES YEUNG:—*Sir, it is noted from the previous answer to my question (Question 5) by the Secretary for Transport that, from Sheung Shui to Hung Hom, it will take 36 minutes when the electrification has been completed. May I ask how much time will be taken for a passenger to take a train, alight in Kowloon Tong, to reach Tsim Sha Tsui with the two interchanging stations' time covered?*

SECRETARY FOR TRANSPORT:—Sir, Mr. YEUNG has set me rather a sum but I will attempt to answer (*laughter*). From Sha Tin to Kowloon Tong will be 5 minutes and then another interchange another 3 minutes—about 8 minutes, and I suppose about, then, 20 minutes—I would say about 28 minutes including interchanging in north Nathan Road at Argyle.

MR. CHARLES YEUNG:—*Sir, in view of the distance concerned, would that be termed as a bad design in the Mass Transit planning lay-out at the junction of Mong Kok or alternatively on the line system itself?*

SECRETARY FOR TRANSPORT:—No, Sir, I think that considering the huge numbers of passengers that will be moving, these facilities will be up to the best standards you can have anywhere in the world.

REVD. JOYCE M. BENNETT:—*Sir, does this mean then that the Hong Kong M.T.R. will be less convenient than the London underground which has provided, for the last 50 years or so, similar facilities required by the Kwun Tong line passengers?*

SECRETARY FOR TRANSPORT:—No, Sir, I don't recall any London underground line where you have cross platform interchange between one line and another. You usually have to walk through a tunnel (*laughter*).

MR. STEPHEN CHEONG:—*Sir, will the Secretary please inform us whether he has considered the possibility of a Tsuen Wan train coming through to Central as full—absolutely full?*

SECRETARY FOR TRANSPORT:—Sir, the Mass Transit Railway Corporation have assured the Government and the K.C.R., who asked the same question, that this will not be the case. They will have eight-car trains and that the frequency of trains, at something like two-minute intervals, will be sufficient for everybody to get on.

REVD. JOYCE M. BENNETT:—*Sir, is the M.T.R. and the Government aware that already the Kwun Tong line train is extremely full by the time it gets to these interchange stations?*

SECRETARY FOR TRANSPORT:—Sir, this is because of a very high peaking at a certain time of the day. The peak crossing the harbour towards Central in the morning is something like 19%, which is extremely high for Hong Kong conditions.

REVD. JOYCE M. BENNETT:—*Sir, will the peaking then stop once the Tsuen Wan line has been opened?*

SECRETARY FOR TRANSPORT:—Sir, people will adapt their habits ... as they usually do (*laughter*).

MR. CHARLES YEUNG:—*Will the M.T.R. be prepared to employ pushers?*

SECRETARY FOR TRANSPORT:—Sir, if that is necessary at a later stage, no doubt it will be adopted (*laughter*). But I am sure it will not be necessary within the next few years.

**Lift safety**

12. MR. ALEX WU asked:—*In the interest of public safety, will the Government state whether the lift involved in the recent accident in a Wong Chuk Hang industrial building was fitted with safety devices and when such devices were last inspected?*

SECRETARY FOR LANDS AND WORKS:—Sir, the lift in question was fitted with safety devices in accordance with the requirements of the Building (Lifts) Regulations of the Building Ordinance Cap. 123. These include:

- (a) Overload device.
- (b) Emergency light in the lift.
- (c) Safety gear operated by a governor system—for use in case of overload.
- (d) Bell alarm signal.
- (e) Emergency exit (hatch door).
- (f) Emergency stop push button (for perforated car gate).
- (g) Spring buffers for shock absorbing.

The last annual test as required under s.23(1)(a) of the Lifts and Escalators (Safety) Ordinance Cap. 327 was carried out by the registered lift engineer on 19th December 1980. A full rated load test which is required once in not less than five years in accordance with s.23(1)(b) of the Lifts and Escalators (Safety) Ordinance Cap. 327 was carried out in December 1978.

MR. ALEX WU:—*Sir, what was the cause of the accident?*

SECRETARY FOR LANDS AND WORKS:—Sir, from our investigations the cause was overloading.

MR. ALEX WU:—*Sir, did the overload device and/or the safety gear operated by a governor system fail to operate?*

SECRETARY FOR LANDS AND WORKS:—Sir, that was the case.

MR. ALEX WU:—*Finally, Sir, is the Government satisfied that the frequency and effectiveness of the inspections and tests mentioned in the reply are sufficient to provide the safeguard expected of them?*

SECRETARY FOR LANDS AND WORKS:—Sir, it so happened the last annual test was just a few days over one year ago and we are generally satisfied with the present system of annual tests and the full rated load test once in not less than five years as required by the present legislation. Of course there is always room for improvement and the Electrical and Mechanical Office is always reviewing the situation. In 1981 there was a total of 13 accidents related to lifts, known to us, but only three of them could be attributed to the failure of the lift mechanism. So, in this context, we are satisfied that the present legislation is adequate.



REVD. JOYCE M. BENNETT:—*Sir, would it be worth considering giving more frequent tests as the lifts get older?*

SECRETARY FOR LANDS AND WORKS:—*Sir, this is something that the E and M Office could consider.*

## Government Business

### Motions

#### MASS TRANSIT RAILWAY CORPORATION ORDINANCE

THE FINANCIAL SECRETARY moved the following motion:—Under section 12(1) of the Mass Transit Railway Corporation Ordinance that the Schedule to the Resolution of the Legislative Council published as Legal Notice No. 242 of 1975 in the *Gazette* on 31 October 1975 as amended from time to time be further amended by adding as items 36, 37 and 38 the following—

- |   |   |
|---|---|
| ‘36. Supplier’s credit facilities to finance contracts placed in Japan.                       | Hong Kong Dollars Seven Hundred and seventy Seven Million (HK\$777,000,000) and such amounts as may become payable in respect of interest and other charges.  |
| 37. Export credit arranged by Hill Samuel & Co. Ltd. to finance a contract placed in U.K.     | Hong Kong Dollars Eleven Million (HK\$11,000,000) and such amounts as may become payable in respect of interest and other charges.  |
| 38. Export credit arranged by Lazard Brothers & Co. Ltd. to finance a contract placed in U.K. | Hong Kong Dollars Five Hundred and Seventy Million (HK\$570,000,000) and such amounts as may become payable in respect of interest and other charges including deferred interest provided that the liability of the Government in respect of deferred interest shall be limited to Hong Kong Dollars One Hundred and Thirty Million (HK\$130,000,000).’ |

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

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

The motion I introduce today seeks authority for three Government guarantees to cover repayment of three loans totalling HK\$1,358 million and such amount as may become payable in respect of interest and other charges.

The sums borrowed under these guarantees will be used to finance the Island Line contracts covering rolling stock, construction works for tunnels and stations at Admiralty, Causeway Bay, Tin Hau and Fortress Hill, and site formation works at the Chai Wan Depot.

If Members approve this motion, the Government's total guarantee commitment in respect of outstanding loans available to the Mass Transit Railway Corporation will be HK\$7,184 million. This contingent liability is provided for within our reserves.

Sir, I beg to move.

*Question put and agreed to.*

### **CROSS-HARBOUR TUNNEL ORDINANCE**

THE SECRETARY FOR TRANSPORT moved the following motion:—That the Cross-Harbour Tunnel (Amendment) By-laws 1981, made by the Cross-Harbour Tunnel Company Limited on 6 November 1981 be approved.

He said:—Sir, I rise to move that the Cross-Harbour Tunnel (Amendment) By-laws 1981, which were made by the Cross-Harbour Tunnel Company on 6 November 1981, be approved by this Council. The purpose of this amendment is to formalize the revised 'Exact Toll' sign which the Company is now using following the introduction of the new round 5-dollar coin.

Sir, I beg to move.

*Question put and agreed to.*

### **HONG KONG AND YAUMATI FERRY COMPANY (SERVICES) ORDINANCE**

THE SECRETARY FOR TRANSPORT moved the following motion:—With the consent of the Company, that the Schedule to the Ordinance be amended—

- (a) in paragraph 2 by deleting '31 December 1981' and substituting the following—  
'30 June 1982';
- (b) in paragraph 6(6) by inserting after '1981' the following—  
'and the first 6 months of 1982';
- (c) in paragraph 7(2) by deleting 'and 1981' and substituting the following—  
' , 1981 and the first 6 months of 1982'; and

- (d) in paragraph 22A by deleting '31 December 1981' and substituting the following—  
'30 June 1982'.

He said:—Sir, I rise to move the second motion standing in my name on the Order Paper. It provides, under section 5 of the Hong Kong and Yaumati Ferry Company (Services) Ordinance (Chapter 266), for the extension of existing concessions and has been agreed by the Company.

The Government is preparing a new draft Ferry Services Bill to replace the existing Ferries Ordinances and the new Bill should be submitted to this Council within the next few months. Among other things the Bill will seek to provide for franchises to be granted to major ferry operators, including the Hong Kong and Yaumati Ferry Company and for licences to be issued to minor operators.

The new arrangements, which will cover every aspect of the Company's ferry operations, are both detailed and complicated and negotiations have taken longer than anticipated. They have, in particular, been prolonged by the need to give thorough consideration to arrangements for the construction of new ferry piers and possible associated commercial developments. It is, however, expected that the new legislation can be enacted by the 30 June 1982 and this motion therefore seeks to extend the existing provisions for a further six months.

Sir, I beg to move.

(Mr. Alex WU declared an interest and abstained from voting on the motion.)

*Question put and agreed to.*

### **'STAR' FERRY COMPANY (SERVICES) ORDINANCE**

THE SECRETARY FOR TRANSPORT moved the following motion:—With the consent of the Company, that the Schedule to the Ordinance be amended—

- (a) in paragraph 5(6) by inserting after '31 December 1981' the following—  
'and the period ending on 30 June 1982';
- (b) in paragraph 13(2) by inserting after '31 December 1981' the following—  
'and the period ending on 30 June 1982'; and
- (c) in paragraph 19A by deleting '31 December 1981' and substituting the following—  
'30 June 1982'.

He said:—Sir, I rise to move the third motion standing in my name on the Order Paper. It provides, under section 5 of the 'Star' Ferry Company (Services) Ordinance (Chapter 274), for the extension of existing concessions by amending the Schedule to the Ordinance. The amendments proposed have the consent of the Company.

The proposed new Ferry Services Bill, to which I have already alluded, will also replace this Ordinance and it will provide for a new franchise for the 'Star' Ferry Company. The intention of this motion is, therefore to extend the existing concessions to the 'Star' Ferry Company for six months to 30 June 1982.

Sir, I beg to move.

*Question put and agreed to.*

## **CRIMINAL PROCEDURE ORDINANCE**

THE ATTORNEY GENERAL moved the following motion:—That the Legal Aid in Criminal Cases (Amendment) Rules 1981, made by the Chief Justice on 22 April 1981, be approved.

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

If legal aid is as important as all of us accept, it is no less important that those who apply for it and are refused, should know why. The Legal Aid in Criminal Cases Rules prescribe a form to notify refusal and record the reasons. Unfortunately that form is said not to achieve the perfect simplicity and total clarity that all Government forms do try to achieve. It is even said the form is cumbersome and possibly ambiguous.

The amendment Rules for which approval is sought seek to replace that form. That this single form will be replaced by no less than three forms should not disenchant Members (*laughter*). Each new form is aimed at particular and different reasons and should produce greater clarity, and for that reason the Rules are commended.

Sir, I beg to move.

*Question put and agreed to.*

## **CRIMINAL PROCEDURE ORDINANCE**

THE ATTORNEY GENERAL moved the following motion:—That the Legal Aid in Criminal Cases (Amendment) (No. 2) Rules 1981, made by the Chief Justice on 14 December 1981, be approved.

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

The amending rules for which approval is sought increase the maximum amounts payable by the Director of Legal Aid to legal practitioners for work in criminal cases. The amendments are required in order to alleviate the great

difficulty experienced by the Director in engaging private legal practitioners of the right calibre to defend criminal cases. The current scale of fees prescribed by the Legal Aid in Criminal Cases Rules is now unrealistically low when compared with the going market rate, and both the Bar Association and the Law Society have made representations to the Director of Legal Aid for an increase in fees.

Sir, I beg to move.

*Question put and agreed to.*

### **Motion (in Committee)**

#### **SUPPLEMENTARY PROVISION FOR THE QUARTER ENDED 30TH SEPTEMBER 1981**

*Council went into Committee, pursuant to Standing Order 58(2), to consider the motion standing in the name of the Financial Secretary.*

THE FINANCIAL SECRETARY moved the following motion:—That this Council approves the proposals set out in Paper No. 22.

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

The schedule of supplementary provision for the second quarter of the financial year 1981-82 covers a total amount of \$894 million. The major items include \$473 million for expenditure on public works projects including provision for 26 projects upgraded to or included for the first time in Category A of the Public Works Programme; \$130 million for payments to operators arising from the Student Travel Scheme; \$100 million for taxes and duties payable as a result of the formation of the Hong Kong Subsidiary of Cable and Wireless Limited; \$54 million for repayment of the outstanding loan for the desalting plant under the Loans (Asian Development Bank) Ordinance; and \$17 million for payments of home purchase allowance for civil servants.

The supplementary provision covered by the schedule resulted in a net increase of \$100 million in the expenditure approved for the year, the remainder being offset under other heads of expenditure and by the freezing of funds under the two Additional commitments votes.

The Finance Committee has approved all the items in the schedule. The purpose of this motion is simply to seek the covering authority of this Council.

Sir, I beg to move.

*Question put and agreed to.*

Council then resumed.

THE FINANCIAL SECRETARY reported that the motion had been agreed to in committee without amendment.

*Question agreed by the whole Council pursuant to Standing Order 58(4).*

### **First reading of bill**

#### **MISCELLANEOUS LICENCES (AMENDMENT) BILL 1982**

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

### **Second reading of bills**

#### **MISCELLANEOUS LICENCES (AMENDMENT) BILL 1982**

THE SECRETARY FOR HOME AFFAIRS moved the second reading of:—‘A bill to amend the Miscellaneous Licences Ordinance’.

He said:—Sir, I move that the Miscellaneous Licences (Amendment) Bill 1981 (*pause*) be read the second time. There is a pause here because I believe that the Bill will be called the ‘Bill 1982’ in accordance with past convention or that although the Bill is moved in 1981 it is not likely to be enacted before 1982.

This is a Bill to block a loophole in the law about licensing public video game centres.

Everybody knows perfectly well that the law was meant to regulate centres where video games could be provided. Unfortunately the technology has temporarily overtaken the draftsman (*laughter*) so the latter is now catching up. The explanatory note to the Bill explains with commendable brevity just what is involved.

Small though the loophole was, it will not come as a surprise to honourable Members that Hong Kong entrepreneurs darted through it (*laughter*). They must have known we should be after them. While we cannot begrudge the legal profits they may have reaped no one should shed tears when we catch up and close down these unlicensed centres. They are noisy, over-crowded, badly ventilated, and a nuisance to their neighbours. No age limit is enforced. Quite rightly these centres have given rise to much public concern and we are now acting.

Once the Bill is passed, immediate Police action will be taken against unlicensed centres. And anyone convicted of an offence relating to the running of an unlicensed centre will not be able to get a licence for a legitimate centre for at least five years.

Sir, I am sure many of us will be giving electronic games for the children over Christmas—they are great fun, but we must get it right. I move that the debate on this motion be adjourned.

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

*Question put and agreed to.*

## **STAMP DUTY (AMENDMENT) BILL 1981**

### **Resumption of debate on second reading (9 December 1981)**

*Question proposed.*

(Mr. D. K. NEWBIGGING declared an interest and abstained from voting on the motion.)

*Question put and agreed to.*

Bill read the second time.

*Bill committed to a committee of the whole Council pursuant to Standing Order 43(1).*

## **SUPPLEMENTARY APPROPRIATION (1980-81) BILL 1981**

### **Resumption of debate on second reading (9 December 1981)**

*Question proposed*

*Question put and agreed to.*

Bill read the second time.

## **ADMINISTRATION OF JUSTICE (MISCELLANEOUS AMENDMENTS) BILL 1981**

### **Resumption of debate on second reading (9 December 1981)**

*Question proposed.*

*Question put and agreed to.*

Bill read the second time.

*Bill committed to a committee of the whole Council pursuant to Standing Order 43(1).*

### **LAW REVISION (REPEALS) BILL 1981**

#### **Resumption of debate on second reading (9 December 1981)**

*Question proposed.*

*Question put and agreed to.*

Bill read the second time.

*Bill committed to a committee of the whole Council pursuant to Standing Order 43(1).*

#### **Committee stage of bills**

Council went into Committee.

### **STAMP DUTY (AMENDMENT) BILL 1981**

Clauses 1 to 7 were agreed to.

### **ADMINISTRATION OF JUSTICE (MISCELLANEOUS AMENDMENTS) BILL 1981**

Clauses 1 to 12 were agreed to.

First to Third Schedules were agreed to.

### **LAW REVISION (REPEALS) BILL 1981**

Clauses 1 and 2 were agreed to.

The Schedule was agreed to.

Council then resumed.



**Third reading of bills**

THE ATTORNEY GENERAL reported that the

STAMP DUTY (AMENDMENT) BILL

ADMINISTRATION OF JUSTICE (MISCELLANEOUS AMENDMENTS) BILL and

LAW REVISION (REPEALS) BILL

has passed through Committee without amendment and that the

SUPPLEMENTARY APPROPRIATION (1980-81) BILL

having been read the second time, was not subject to committee stage proceedings in accordance with Standing Order 59. He then moved the third reading of each of the Bills.

*Question put on each Bill and agreed to.*

Bills read the third time and passed.

**Adjournment and next sitting**

HIS EXCELLENCY THE PRESIDENT:—Before I adjourn the Council may I wish Members a very happy Christmas and a particularly prosperous New Year. In accordance with Standing Orders I now adjourn the Council until 2.30 p.m. on Wednesday, 6 January 1982.

*Adjourned accordingly at twenty-six minutes past three o'clock.*