

**OFFICIAL REPORT OF PROCEEDINGS****Wednesday, 6 January 1982****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  
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 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 ALAN JAMES SCOTT, C.B.E., 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 GERALD PAUL NAZARETH, O.B.E., Q.C.  
LAW DRAFTSMAN

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 COLVYN HUGH HAYE, J.P.  
DIRECTOR OF EDUCATION

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

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

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

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

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

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

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

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

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

DR. THE HONOURABLE HENRY 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.

THE HONOURABLE CHARLES YEUNG SIU-CHO, O.B.E., J.P.

DR. THE HONOURABLE HO KAM-FAI, O.B.E., J.P.

THE HONOURABLE ALLEN LEE PENG-FEI, J.P.

THE HONOURABLE DAVID KENNEDY NEWBIGGING, O.B.E., 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 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 DAVID WYLIE McDONALD, C.M.G., J.P.  
SECRETARY FOR LANDS AND WORKS

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

THE HONOURABLE WILLIAM CHARLES LANGDON BROWN, 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):—

*Subject* *L.N. No.*

## Subsidiary Legislation:

Evidence Ordinance.	
Evidence (Authorized Persons) (No. 20) Order 1981 .....	415
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Port Control (Cargo Working Areas) Ordinance.	
Port Control (Public Cargo Working Area) (No. 2) Order 1981 .....	417
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Public Order Ordinance.	
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Stamp Duty Ordinance 1981.	
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## Sessional Papers 1981-82:

- No. 27—Annual Report of the Director of Accounting Services with the accounts of Hong Kong 1980-81
- No. 28—Report and Certificate of the Director of Audit on the accounts of the Hong Kong Government for the year ended 31 March 1981
- No. 29—Public Accounts Committee Report No. 4—December 1981.
- No. 30—Consumer Council—Annual Report 1980-81

## Oral answers to questions

### Revision of Mass Transit Railway fares

1. MR. SO asked in Cantonese:—

政府可否考慮，規定地下鐵路公司，在調整票價時，需要事先得到總督會同行政局的批准？

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

*Will Government consider requiring the Mass Transit Railway Corporation to obtain the Governor in Council's prior approval for any future revision of its fares?*

THE CHIEF SECRETARY:—Sir, under *section 6(2) (f)* of its Ordinance, the Mass Transit Railway Corporation is empowered to determine fares payable by its passengers. Although the Ordinance does not require such fares to be approved by the Governor in Council, it has always been the practice for the Corporation to inform the Governor in Council, through the Administration, of any intended revision of fares in advance.

But under *section 13* of the Ordinance, the Corporation is required to conduct its business according to prudent commercial principles and to ensure as far as possible, taking one year with another, that its revenue is at least sufficient to meet its expenditure. The Corporation must seek, therefore, to earn enough revenue to meet operating and other costs and to service its debts. Eventually, it would be reasonable to expect the Corporation to earn a return on capital invested.

Nevertheless, *section 20* of the Ordinance enables the Governor in Council, if it is thought that the public interest so requires, to give directions of a general character to the Corporation. However, this is subject to the proviso that the Corporation shall be fully compensated by the Government in respect of any direction requiring it to act contrary to prudent commercial principles. There could be a loss of revenue, for instance, if the Governor in Council were to direct the Corporation to lower fares or to refrain from increasing fares for non-commercial reasons.

These three sections of the Ordinance, taken together, are designed to ensure that the public interest is safeguarded, but in a manner which is consistent with the Corporation's obligations. They were the subject of debate in this Council in April and May 1975 and it is not the Government's view that the terms of any of them require to be altered.

MR. SO asked in Cantonese:—

閣下；和其他公共交通事業比較，地下鐵路公司得到不同待遇的論點在何處？我所講的其他公共交通事業，包括中巴，九巴，纜車，油麻地小輪，天星小輪等等。

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

*Sir, what is the rationale behind differentiating the M.T.R. and other modes of public transport, which means, China Motor Bus, K.M.B., cable car, Hong Kong Yaumati Ferry and 'Star' Ferry?*

THE CHIEF SECRETARY:—The public utility undertakings to which Mr. So refers are privately owned companies and are subject to schemes of control. The Mass Transit Railway Corporation is a wholly-owned subsidiary of the Government and the Ordinance setting it up is designed to ensure that the Corporation conducts its affairs in a way which is consistent with the public interest.

### **Multi-Fibre Arrangement extension**

2. MR. TIEN asked:—*Has Hong Kong now formally accepted the protocol of the extension of the Multi-Fibre Arrangement?*

THE FINANCIAL SECRETARY:—Sir, in the case of proposed accession to multilateral treaties of clearly major significance, it is appropriate that the concurrence of the Executive Council should be sought. This is being arranged. If so agreed, it should be possible for Hong Kong to ask H.M.G. to sign the protocol on our behalf by the end of January.

MR. TIEN:—*Sir, would the Financial Secretary inform this Council the implications of this protocol for the future Hong Kong textile and clothing exports?*

THE FINANCIAL SECRETARY:—Sir, there are considerable implications. There are several elements of major interest, and rather than detail them here I will ask the Director of Trade Industry and Customs to provide Members with a written statement.

(The following written reply was provided subsequently by the Director of Trade, Industry and Customs.)

The elements and their implications are now described in the following paragraphs:—

Paragraph 5 (of the Protocol) recalls the agreement of the M.F.A. participants to resolve “any serious problems of textile trade” through consultations and negotiations conducted under the relevant provisions of the M.F.A. This makes clear that problems should be resolved under the provisions of the M.F.A. *only* and is a counter-balance to paragraph 6 of the Protocol, which the E.E.C. may seek to use to justify cutbacks on certain dominant exporters, including Hong Kong.

Paragraph 6 (of the Protocol) recalls the goodwill expressed by certain dominant exporting countries to finding and contributing to mutually

acceptable solutions to particular problems. In addition to this goodwill clause there has been an exchange letters between the E.E.C. and Hong Kong, Korea and Macau expressing a willingness to seek mutually acceptable arrangements leading to bilateral solutions which take account of the E.E.C.'s 'unique problems'. Paragraph 6 of the protocol is, however, a long way from the original demands of the E.E.C. for the *unilateral right* to cutback the so-called dominant suppliers and impose bilateral compensation in the form of outward processing—a system whereby quantities of apparel additional to the cutback quota limits but below the original limits can be shipped provided they are manufactured from E.E.C. fabrics.

Paragraph 9 (of the Protocol) reaffirms that the M.F.A. permits lower than 6% growth in exceptional cases and recalls that in specified circumstances any *mutually acceptable* arrangements regarding flexibility may be agreed upon.

A major concern of the importing countries was the alleged threat of a sudden surge of imports in categories with previously under-utilized restraint levels. Paragraph 10 of the Protocol provides for mutually acceptable solutions to be sought to avoid such difficulties; but at the same time it provides for equitable and quantifiable compensation to the exporting participant who may be disadvantaged thereby.

Paragraph 14 (of the Protocol) deals with shipments which find their way into an importing country by fraudulent means and evade the quota control system operated by the exporting countries. It provides for negotiated arrangements for debiting the export limits of the country of origin of the goods fraudulently shipped.

Perhaps the most important single feature of the Protocol is that it extends the M.F.A. in its original (1974) form, without the so-called 'reasonable departures' provision of the 1978 extension. All the qualifications in the current Protocol require mutual agreement.

MR. TIEN:—*Sir, does the Government consider that the new M.F.A. is satisfactory?*

THE FINANCIAL SECRETARY:—*Sir, I do not regard the new M.F.A. arrangements as satisfactory, and this is a considerable understatement. I do, however, agree with the advice of the Textiles Advisory Board that the new protocol is better than no overall multilateral M.F.A. arrangement at all. The possible alternative of unilateral establishment by the developed countries of import controls, which might well spread beyond textiles, is profoundly depressing to anyone who abhors protectionism. Of course, the real testing time for Hong Kong will come with the re-negotiation of the bi-lateral arrangements which expire this year under the terms of the new protocol. We should bear in mind that the new protocol has achieved three things: Firstly, the removal of the much-abused reasonable departure clause. Secondly, it has left the original text, letter and spirit of the M.F.A. untouched and, thirdly, except where provided for in the*

M.F.A. itself, it has denied importing countries any unilateral right to take actions to meet their requirements in the last resort. All measures taken under the terms of the protocol have to be mutually agreed.

MISS DUNN:—*Given that the new multilateral framework has certain potentially very damaging features in it from Hong Kong's point of view, may I be assured that the Government will not allow any of the escape clauses or other understandings arrived at during the protracted negotiations in the Textile Committee in Geneva, to be used unfairly to Hong Kong's disadvantage?*

THE FINANCIAL SECRETARY:—Sir, I think the answer to that is that we will do our best, but I cannot commit Government now to what the course of bi-lateral negotiations will be.

### **'Loan sharking' and the Money Lenders Ordinance**

3. MR. SO asked in Cantonese:—

自從對付高利貸問題的「放債人條例」於一九八〇年十二月十二日制訂以來，請問：

- (甲) 曾經搜查過多少放債人的樓宇，包括領有牌照或無牌者；
- (乙) 加以檢控及裁定有罪者各有若干宗；
- (丙) 政府是否認為這項法例有效？

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

*Since the enactment of the Money Lenders Ordinance on 12 December 1980 to tackle the problem of 'loan sharking':*

- (a) *how many money lender premises, whether licensed or not, have been searched;*
- (b) *how many prosecutions and convictions respectively have there been; and*
- (c) *is Government satisfied with the effectiveness of the Ordinance?*

THE ATTORNEY GENERAL:—Sir, 59 search warrants have been issued since the enactment of the Ordinance, though 11 of these were cancelled subject to their being executed for various reasons. Secondly, there have been 48 prosecutions launched under the Ordinance; of these 13 have resulted in conviction, 3 in acquittal and the balance of 32 are still awaiting trial. So far as the effectiveness of the Ordinance is concerned, it undoubtedly has had a beneficial effect by tightening the control over money-lenders generally and thus diminishing the extent of 'loan sharking'. Certain detailed problems have come to light while the Ordinance has been started to be worked; for instance, it has been shown that it is necessary to extend the list of exempted organizations to encompass such organizations as foreign banks, such as members of the International Union of Credit and Investment Insurers, and also certain organizations set up to guarantee finance for export and for trade.

The Ordinance is at the moment the subject of review by the Registrar General, the Police and other interested departments and any weaknesses that

that Review reveals will be dealt with, because it is the determination of the Government to do all in its power to stamp out 'loan sharking'. On a secondary point as to the effectiveness of the Ordinance, of course, much will depend upon the sentencing policy which is adopted by the Judiciary in this field in respect of those people who are convicted under the Ordinance.

MR. LOBO:—*Sir, may I know, of the cases prosecuted what was the rate of interested charged?*

THE ATTORNEY GENERAL:—*Sir, of 13 individual cases, in six the interest rate was over 1,300%, five the interest rate was between 117% and 514% and two were between 63% and 77%. The fines: one person has been in prison in respect of those who have been convicted; the fines in the other cases have ranged between \$500 and \$20,000, or 3 months suspended for 12 months. Of course, there are difficulties when prosecutions take place. It sometimes happens that there are difficulties in getting before the court the real ringleaders. Nevertheless, honourable Members may feel that these sorts of rates of interest are a social evil which ought to be discouraged, if possible, not just by executive action but by any other action that is possible.*

#### **Criteria for renewal of recreation leases for private clubs**

4. MR. F. K. HU asked:—*As the recreation leases for many private clubs will expire shortly, will the Government state the criteria for the renewal of these leases?*

SECRETARY FOR HOME AFFAIRS:—*Sir, all existing private recreational leases on expiry will be renewed subject to there having been no breach of lease conditions, to the sites in question not being required for a public purpose, and to certain special conditions.*

Two special conditions are required in the broader interests of the community and to widen the use of the clubs grounds. In layman's terms they are that:—

- (a) the clubs adopt a membership policy that does not discriminate on grounds of race, religion, or sex or in the order in which applicants are given membership although priority membership may be warranted in special circumstances;
- (b) and secondly, the clubs should make their grounds available to outside bodies when required to do so by the authority.

MR. F. K. HU:—*Sir, can the Secretary for Home Affairs clarify how the Government can ensure that the clubs concerned could comply with the special conditions concerning membership?*

SECRETARY FOR HOME AFFAIRS:—*Sir, no leases have actually been renewed under this policy although it was determined in 1979. On the first condition, one*



would look at the articles and rules of the club and on the second condition, I think we would mainly proceed by complaint, though it would be possible for the authority to look at each club.

### **Legal immigration from China**

5. MISS DUNN asked:—*Sir, now that the influx of illegal immigrants from China has been reduced, will the Government say how many legal immigrants have been entering Hong Kong daily during the past year from China and whether it is concerned at the level of this inflow?*

SECRETARY FOR SECURITY:—*Sir, 54 267 legal immigrants entered Hong Kong from China during 1981 without onward travel documents. This gives a daily average of 149. The figures for 1980 were similar.*

As you, Sir, said in your address to Council on the 7 October—'After the flood of the last few years we need a respite. It would be helpful to reduce the numbers coming here for permanent settlement while at the same time providing for genuine visitors whose return to their homes in China was assured.' The Government is therefore concerned about this inflow. But again if I may quote from your address 'we can only act in co-operation with the Chinese authorities for whom I know this is not an easy matter.'

MISS DUNN:—*Sir, does the Government realize that a flow of legal immigrants of the order of some 55 000 a year is not far short of the natural increase of the population, and therefore has serious implications for our ability to up-grade the quality of life for the very large resident population already here?*

SECRETARY FOR SECURITY:—*Yes, Sir, and the Government is in touch with the Chinese authorities about the continuing high level of legal immigration. We hope that a means will be found to reduce the numbers coming for permanent settlement.*

### **Urban and N.T. taxis interchange facilities**

6. MR. CHARLES YEUNG asked:—*Will Government make a statement on the reasons for the lack of interchanging facilities for N.T. and urban taxis?*

SECRETARY FOR TRANSPORT:—*Sir, Mr. YEUNG is perhaps referring more to the locations of interchange facilities rather than their number. These facilities exist for passengers to change from N.T. taxis, which have defined operating limits, to urban taxis, which may operate throughout the Territory.*

The N.T. taxi boundary areas are defined away from the new towns, for several reasons:—

- First, they are intended to serve the rural areas.
- Second, they operate at lower fares than urban taxis.
- Third, mass carriers are better able to serve the corridors into the new towns;  
and
- Fourth, clear separation is necessary to enable proper enforcement.

The existing policy was laid down by the Governor in Council in May 1976 and the necessary legislation was passed in this Council.

The Government is however aware of and sympathizes with the hope of some that N.T. taxis should be able to travel, for example, into the middle of Sha Tin; but for the reasons I have given, I do not see this as practicable. The situation should be considerably improved during 1982 as the electrification of the K.C.R. comes into effect, and with the opening of the M.T.R. Tsuen Wan Extension. These improvements will also release buses from the corridor routes for re-deployment elsewhere in the New Territories.

MR. CHARLES YEUNG:—*Sir, is Government aware that New Territories residents will not be able to take a New Territories taxi out, for example, from Sai Kung right to the Mass Transit station, or from Ting Kau to Tsuen Wan to take advantage of the Mass Transit facilities?*

SECRETARY FOR TRANSPORT:—Yes, Sir, we are aware of this and this is the crux of the question. But as I have tried to explain, there are reasons why the New Territories taxi boundaries are defined away from the centre of new towns. Our view is—and this has been carefully looked at recently in the Standing Conference on Road Usage and the Transport Policy Co-ordinating Committee—our view is that it is not practical to do this, that it could not be properly enforced if we were to allow N.T. taxis into the centres mentioned by Mr. YEUNG. It is theoretically possible, but it would require a considerable increase in Police and frankly I do not think I could urge the Commissioner of Police to re-deploy his resources, in the light of his present priorities.

MR. CHARLES YEUNG:—*Sir, the reason given by the Secretary for Transport is mainly on technical grounds but this is contrary to the aspiration and hopes of the New Territories residents.*

SECRETARY FOR TRANSPORT:—Sir, may I reply, although that appeared to be a statement. I am very much aware of their aspirations and hopes. I have tried to explain that with a combination of improving public transport and an increasing number of New Territories taxis, we can provide a better service for the residents.

### **Immunization against poliomyelitis**

7. DR. HO asked:—*What measures is Government taking to remind parents, particularly recent arrivals from China, to arrange for their children to receive the full polio immunization course?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, constant and regular advice is being given to all parents attending the Family Health Service clinics to have their children immunized against poliomyelitis.

The parents are also reminded by post or telephone to return to the clinics for completion of their full course of immunization.

Further, if necessary, health visitors during their course of home visits also urge parents to have their children receive the full immunization course.

In addition to the above measures, annual immunization campaigns against the infectious diseases of childhood, including poliomyelitis, are carried out to remind the mothers of the importance of completing the immunization schedule for their children. In connection with such campaigns, aside from the distribution of pamphlets and posters, special talks on 'Health for the Family', which include the subject of immunization, is broadcast over radio specially directed at the mothers and their children. Also, during the campaigns, special teams of inoculators visit housing estates, squatters and other areas to remind parents regarding immunization programmes for their children and in appropriate cases to administer inoculations on the spot.

Dr. HO will be glad to hear that judging from our experience in the Family Health Service clinics, the intensive efforts described above have been quite effective in that, by and large, mothers, including recent arrivals from China, are well aware of and are utilizing the whole range of family health services, including anti-polio immunization. I may add that not the least of the attractiveness of these services is the fact that besides being highly efficient, they are also free of charge.

DR. HO:—*Sir, in spite of such a thorough, intensive effort made by the Family Health Service, five children had missed the inoculation and, in recent weeks, contracted the terrible disease. Can the Director of Medical and Health Services explain how this has happened?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, in the best of programmes there will always be people who are either complacent or careless about bringing their children to the clinics for immunization, and this is, I think, what has happened. However, we are intensifying our efforts in the usual way to bring to the notice of anybody who is a defaulter from these programmes, the need for immunization.

### **Re-designation of Statue Square as pedestrian precinct**

8. MR. WONG LAM asked in Cantonese:—

鑒於聖誕日中區發生人群聚集，難以控制的問題，政府可否考慮恢復實行數年前的措施，在週末及公眾假期，將皇后像廣場一帶劃為行人專用區？

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

*In view of the crowd control problems experienced in the Central District on Christmas Day, will Government consider re-designating the area around Statue Square as a pedestrian precinct, on week-ends and public holidays, as was done some years ago?*

SECRETARY FOR SECURITY:—Yes, Sir.

MR. WONG LAM asked in Cantonese:—

閣下，我很喜歡聽到保安司話「會」，但請問何時才可實行？

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

*Sir, I am glad to hear the reply from the Secretary for Security but when will this be implemented?*

SECRETARY FOR SECURITY:—Sir, the Secretary for Transport is in the final stages of discussions with those concerned, and it is hoped that it will be recreated by the end of this month.

REVD. JOYCE M. BENNETT:—*Sir, will this be in time for the Lunar New Year Holiday?*

SECRETARY FOR SECURITY:—Probably not, Sir, but there is already power under the regulations for the Commissioner of Police to designate or to close certain roads. If this is regarded as necessary or sensible, he will do so.

MR. WONG LAM asked in Cantonese:—

請問所謂最近，可否定出日期呢？而最近所指的是近到何時呢？

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

*May I ask, will there be a date for the result. May we have a date?*

SECRETARY FOR SECURITY:—Sir, as I have said the Secretary for Transport hopes that this pedestrian area will be re-designated by the end of this month.

MR. WONG LAM asked in Cantonese:—

我再想問，和運輸司商量到何時才可實行呢——一個月，兩個月或半年？

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

*I want to ask about the date. You have just said as soon as possible but I want an accurate date. Will it be one month, or half a year, or several months, please?*

SECRETARY FOR SECURITY:—The Secretary for Transport has to make final arrangements with a number of authorities. He hopes to have completed these discussions by the end of this month and for the arrangements then to be brought into force.

### **Quarters and private tenancy allowances for doctors of subvented hospitals**

9. REVD. JOYCE M. BENNETT asked:—*In view of the vastly increased population of East Kowloon and the workload of the United Christian Hospital, which is the only acute general hospital serving the area, will Government provide, until the new hospital extension is completed, private tenancy allowances to doctors employed in certain of the hospital's departments (Emergency, Anaesthetics, Orthopedics, Pathology and Radiology) which are experiencing serious recruitment and staff retention difficulties?*

SECRETARY FOR SOCIAL SERVICES:—Sir, it is accepted policy that subvented hospitals should be provided with doctors' quarters to meet their operational needs.

In the case of United Christian Hospital quarters are provided for about 80 per cent of the medical staff. If its operational needs are not adequately met by its stock of quarters, the Medical and Health Department is prepared to consider applications for private tenancy allowances on a case by case basis, in lieu of leasing by the hospital.

REVD. JOYCE M. BENNETT:—*Sir, because of the doctors' acute workload and the difficulty of finding sufficient local doctors which causes the employment of overseas doctors, will Government consider making it possible for all the doctors to receive tenancy allowances if they do not have quarters?*

SECRETARY FOR SOCIAL SERVICES:—Sir, the Government's policy has been clearly stated. If there are insufficient quarters and there is this need for quarters for them, then clearly the Government will be prepared to consider on a case by case basis any applications put by the hospital authorities.

### **Industrial safety**

10. MR. STEPHEN CHEONG asked:—*Will Government inform this Council what steps are being taken in ensuring that both employers and employees adhere to industrial safety regulations, especially in the construction industry?*

COMMISSIONER FOR LABOUR:—Sir, the Factory Inspectorate of the Labour Department is working extremely hard to improve industrial safety in Hong Kong in three main ways—by enacting and enforcing safety legislation; by educating industrial employees and employers on safety at work; and by

arousing the safety consciousness of all employees and employers through publicity.

In the legislative field, the main effort in 1981 has been directed towards increasing the penalties for breaches of the Factories and Industrial Undertakings Ordinance and all 20 sets of safety regulations. The penalties have been increased by up to \$50,000 in the five most important sets of regulations. As for new safety laws, in addition to the fire safety regulations which were introduced in June last year, I hope to table the proposed electricity safety regulations in this Council shortly. Also in the pipeline for enactment are the regulations concerning the protection of workers' hearing, the employment of safety officers, and amendments to the Construction Sites (Safety) Regulations aimed at the protection of persons working at height in construction sites. To ensure that this legislation is properly observed by both employers and employees, the Factory Inspectorate in 1981 conducted 55 000 visits and inspections to factories and construction sites. In addition, the inspectorate carried out 4 000 investigations and follow-up visits in connection with industrial accidents. These visits resulted in 3 800 prosecutions and fines totalling \$4,700,000.

On the education side, the Industrial Safety Training Centre of the Labour Department has been expanding its activities in conducting industrial safety training programmes for workers in industry. In 1981, a total of 7 900 participants benefitted from courses run by the Industrial Safety Training Centre. The training officers of the Centre also visited and gave talks on industrial safety to technical and vocational training institutions, factories, secondary schools and various trade associations. A total of 10 000 workers and students heard these talks and lectures. The Construction Industry Training Authority is also playing its part by incorporating safety instruction in its training course. The establishment of a second Construction Industry Training Centre next year will help increase the number of construction workers who have acquired proper knowledge of work safety.

As regards publicity, in 1981 programmes to promote safety awareness and enhance safety sense amongst employers and employees in industry became more sophisticated and extensive. They covered a wide range of educational publicity activities such as seminars, conferences, TV programmes, press coverage, posters, advertisements, mobile theatre shows and various types of competitions. A number of these projects have been undertaken jointly with trade associations, trade unions and employers' organizations whose support has been most welcome. Approximately \$1,100,000 has been spent on these activities by Government and a further \$650,000 has been contributed by commercial sponsors. Next month, an audio visual exhibition on industrial safety will be held at the Keswick Hall of the Hong Kong Polytechnic, which I understand will be the first of its kind ever held in the Far East. I am most grateful for the professional services rendered by the staff of the Information Services Department in the planning and organizing of these programmes.

In addition, the tripartite Committee on Industrial Safety and Accident Prevention formed under the auspices of the Labour Advisory Board has now set up four safety sub-committees on an individual industry basis. These cover the construction industry, the textile industry and, in the course of formation, the ship-building and ship-repairing industry and the plastics industry. I hope that these safety sub-committees will encourage and involve both employers and employees in these industries in the promotion of industrial safety. The main committee also organized two seminars on industrial safety for senior management and employees respectively in 1981 and the Construction Industry Safety Sub-Committee organized a seminar for workers in the construction industry last month. All these seminars, I am glad to say, were extremely well attended.

Finally, the Factory Inspectorate is continuing with its 5-year expansion programme. In 1981, 43 new officers joined the inspectorate, increasing the strength to a total of 165 officers. It is hoped that by 1984, the Strength of the inspectorate will have increased to 250.

MR. STEPHEN CHEONG:—*Sir, it certainly is reassuring that so many steps are being taken to enhance, generally speaking, industrial safety standards, but in view of the so many serious accidents occurring in the construction industry recently, will Government consider mounting a special short-term campaign in trying to reduce these serious accidents?*

COMMISSIONER FOR LABOUR:—I would certainly be prepared to consider that, Sir, if Mr. CHEONG would give me some indication of what sort of campaign he has in mind. My experience is that campaigns of this kind require considerable preparation and a crash programme, I do not think, would necessarily be particularly helpful.

MR. STEPHEN CHEONG:—*What I had in mind, Sir, was publicity as well as more inspectors visiting construction sites.*

COMMISSIONER FOR LABOUR:—The Inspectorate are at full stretch in the matter of inspections. Whether we can mount any additional publicity at short notice I will examine further, Sir.

### **Accidents involving lifting appliances on construction sites**

11. MRS. CHOW asked:—*How many accident involving the failure of lift devices have happened at construction sites in 1981 compared with the previous year, and what are the main causes of these accidents?*

COMMISSIONER FOR LABOUR:—Sir, in 1980, 83 persons were injured and 10 killed due to accidents from all causes involving the use of *all* types of power-driven

lifting appliances on construction sites. The provisional figure available for 1981 is 199 workers injured and eight killed. Accidents attributable specifically to the failure of the suspension systems of lifting appliances in the years 1980 and 1981 were three deaths and five injured and two deaths and seven injured, respectively. However, a detailed analysis of all lifting appliance accidents which occurred in the year 1979 on construction sites indicated that the highest proportion of injuries involved the manual handling of loads suspended by lifting appliances while the highest proportion of fatalities were caused by the failure of suspension systems. The cause of such failures are mainly poor maintenance, overloading or unsafe working methods.

All lifting appliances used in construction sites are covered by the Construction Sites (Safety) Regulations which require such appliances to be thoroughly examined at regular intervals. A competent examiner must certify that the equipment is safe after each examination and factory inspectors, during their inspections to construction sites, check the certificates issued by the competent examiners to ensure that the regulations have been properly observed.

MRS. CHOW:—*Sir, as the causes for such failures are mainly due to poor maintenance, over-loading or unsafe working methods, what is Government doing to ensure that these causes are eliminated?*

COMMISSIONER FOR LABOUR:—There are regulations covering over-loading and poor maintenance. Unsafe working methods is largely a matter of training and education which I have perhaps covered somewhat extensively in my previous answer.

MR. ALEX WU:—*Sir, may I enquire, how regular are regular intervals?*

COMMISSIONER FOR LABOUR:—It depends on the nature of the appliance, but I imagine the one with which most people are concerned is those hoists which are used to carry persons which must be inspected by a competent examiner, that is normally an engineer every 6 months. They are required also to be inspected weekly by their operators.

REVD. JOYCE M. BENNETT:—*Sir, is it discovered that sometimes these regulations are not observed?*

COMMISSIONER FOR LABOUR:—Regretfully, Sir, Yes.

REVD. JOYCE M. BENNETT:—*Sir, what has the Government been doing about it?*

COMMISSIONER FOR LABOUR:—We have, as I am sure Miss BENNETT will be aware, been prosecuting cases of this kind. For prosecutions falling within this category, that is, examining lifting appliances, in the year 1980 there were 116 prosecutions and in 1981, 101.



### **Objects thrown from high-rise buildings**

12. MRS. CHOW asked:—*What measures are being taken by Government to protect the public from objects being thrown from high-rise buildings?*

SECRETARY FOR SECURITY:—Sir, when I answered a question in this Council on 23 July 1980 on this subject, I explained that there were two main measures available to the Government to counter this deplorable and anti-social behaviour.

The first measure is Police action to investigate reports of objects falling from high buildings, and whenever possible to initiate the prosecution of those responsible. As I advised honourable Members in my answer on 23 July 1980, the detection of such offenders is very time-consuming work. Nevertheless, a total of 406 prosecutions were initiated during 1981 mostly in respect of construction sites.

The second and probably more important measure is public preventive education. Television and radio have continued to broadcast regular announcements on the penalties that those convicted for this offence may expect to incur. In Eastern District, where most of the reports and publicized incidents have occurred, the City District Office has approached all the Mutual Aid Committees and Owners Incorporations of the district's high-rise buildings to re-emphasize the dangers of throwing objects from upper floors. This message has been reiterated through all the normal channels of contact between City District staff and responsible District organizations. Further publicity is planned as part of a programme of District Board activities after the Chinese New Year festival.

Obviously it is in everyone's interest in this crowded territory to do all they can to counter this thoughtless and dangerous activity. I appeal therefore to everyone and especially to parents, school teachers and young people to stress the need for care and consideration for others and not make life more dangerous than it needs to be for those on lower floors and in the streets.

MRS. CHOW:—*Sir, does the Government think that the two main measures have been successful in the last six months, and can we be informed of the number of deaths and injuries which have occurred as a result of such accidents in the six months?*

SECRETARY FOR SECURITY:—Sir, these measures are, of course, measures which are taken by the Government. Most of the incidents are unfortunately incidents which private people perpetrate. As a result of their actions, there have been 253 reported injuries in 1981 and four deaths.

MISS DUNN:—*Sir, of the 406 prosecutions initiated in 1981, can Mr. DAVIES say how many of these resulted in convictions and what were the maximum penalties?*

SECRETARY FOR SECURITY:—Sir, I can't say because it would mean, as we undertook on the last occasion, an analysis—a separate analysis—of each case. But for the information of Council, when we undertook a similar examination in the period ending July 1980, we found that three-quarters of the prosecutions resulted in convictions and that sentences ranged from \$10 to a maximum of \$3,000. The maximum penalty prescribed under the Ordinance is \$10,000 or six months' imprisonment. There was a sentence of one imprisonment.

MR. PETER C. WONG:—*Sir, does the present legislation aimed at preventing such nuisances, which I believe was strengthened some three years ago, need further strengthening?*

SECRETARY FOR SECURITY:—I don't know on what basis the honourable Member comes to that conclusion?

MR. PETER C. WONG:—*Sir, if I may make myself more specific. Does the Secretary think the fines imposed, the penalties prescribed by the legislation, are sufficient to deter such nuisances?*

SECRETARY FOR SECURITY:—Obviously, Sir, if there were no such incidents then the deterrent would be wholly effective. The fact that there are incidents and that, notwithstanding the fact that there are incidents, people are prosecuted, suggests that the Courts might perhaps increase the penalties which they impose. It is a fact that on rare occasions only is the maximum penalty provided by law imposed.

## **Statement**

### **Public Accounts Committee Report No. 4—December 1981**

MR. S. L. CHEN:—Sir, in accordance with Standing Order 60A, the Report of the Director of Audit on the Accounts of the Hong Kong Government for the year ended 31 March 1981 is laid on the table today, together with the fourth Report of the Public Accounts Committee of this Council. As in previous years we have not investigated in detail all the points raised by the Director, but have confined our attention to the more serious irregularities reported.

The Committee held four meetings in all. Ten Branch Secretaries and Heads of Departments gave evidence to the Committee on the items relevant to their responsibilities. At these meetings we were assisted by the Director of Accounting Services. On behalf of my Unofficial Colleagues I would like to take this opportunity to express our appreciation to the Government officials who appeared before us and to those who assisted the Committee in its deliberations. Their positive and co-operative approach has made our task easier.

I am pleased to say that there are no major matters outstanding from our third Report. The Committee did receive in September an account of the progress made on matters outstanding in the Government Minute dated 25 March 1981 and it was able to clear up a number of points without recourse to calling witnesses. We trust the Government Minute in response to our present Report will be laid on the table of this Council within the stipulated period of three months from today.

We consider it is important for the Committee to monitor progress on remedying weaknesses in the bureaucratic machinery and the decision-making processes, which are brought to light in the Annual Report of the Director of Audit and our Report, in order to ensure that everything that can be done is being done.

We also consider it essential that the audit of the accounts of the Government is carried out to the reasonable satisfaction of the Director of Audit. For this reason we note with some concern in his Report that, because of recruitment difficulties, the degree of check applied in many areas was much lower than that which he would normally consider desirable although he goes on to state that the situation has improved in the current financial year. By the same token, I would like to see more attention being given to the performance of the vast number of public bodies and voluntary agencies who are sharing a fairly substantial slice of the public expenditure. As in the case of Government departments, they are also accountable to the taxpayers for the expenditure of their funds.

## **Government business**

### **Motions**

#### **TRAFFIC ACCIDENT VICTIMS (ASSISTANCE FUND) ORDINANCE**

THE SECRETARY FOR SOCIAL SERVICES moved the following motion:—That this Council approves the amendments to the Traffic Accident Victims Assistance Scheme.

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

The purpose of the Traffic Accident Victims Assistance (T.A.V.A.) Scheme is to provide some immediate financial relief to any person who sustains an injury, (or in the case of death, his dependents) as a result of a traffic accident. One condition of eligibility for assistance is that the injury sustained is sufficiently serious and has caused the victim the loss of at least seven days' earning capacity. However, since the implementation of the Scheme on 1 May 1979, it has become apparent that the 7-day rule has made it difficult for traffic accident

victims suffering from less serious injuries to qualify. Between May 1979 and March 1980, out of a total of 194 applications rejected, 129 (or 66.5%) were due to the fact that the sick leave which the injured party was given was less than seven days. Between April 1980 and March 1981, it was 214 (or 60.8%) out of 352 rejected applications. It is now proposed that the loss of three days' earnings should be the revised criterion. This will also bring the T.A.V.A. Scheme into line with the Criminal and Law Enforcement Injuries Compensation Scheme as well as the paid sick leave arrangements under the Employment Ordinance.

The levies charged on vehicles, trade licences and driving licences for the purpose of financing the assistance scheme were originally set having regard to the expected outlay of the scheme based on the payment per case under the Criminal and Law Enforcement Injury Compensation Scheme. Experience has shown that expenditure has been over-estimated. Firstly, the average payment per case under the T.A.V.A. Scheme was lower than that under the C.L.E.I.C. Scheme, and secondly, the application rate for T.A.V.A. assistance against the number of traffic casualties has not been as high as originally estimated. Between May 1979 and March 1980, there were only 3 832 applications (or 21.1%) against 18 128 casualties reported to the Police and 4 964 (or 23%) against 21 556 reported casualties between April 1980 and March 1981. In the circumstances, it is considered that the levies should be reduced by 60%. For vehicle licences and full driving licences, for example, the levies will be reduced from \$75 p.a. to \$30 p.a. and for other driving licences from \$25 p.a. to \$10 p.a. It is intended that the reduced levies should come into effect on 1 May 1982 and any advanced renewal of driving licences (under regulation 6(1A) of the Road Traffic (Driving Licences) Regulations) and of vehicle licences (under regulation 19(7) of the Road Traffic (Registration and Licensing of Vehicles) Regulations) between 1 January and 30 April 1982 will be charged the reduced levies, if the licences are to become effective on or after 1 May 1982.

I should also mention that the rates of payment under the T.A.V.A. Scheme which are linked to the Emergency Relief Fund Payment Schedule (Section A) have been increased by 35% (except in the case of burial grant which has been raised to \$3,000) with effect from 23 December 1981.

Sir, I beg to move.

*Question put and agreed to.*

### **TRAFFIC ACCIDENT VICTIMS (ASSISTANCE FUND) ORDINANCE**

THE SECRETARY FOR SOCIAL SERVICES moved the following motion:—That the Schedule to the Traffic Accident Victims (Assistance Fund) Ordinance be amended, with effect from 1 May 1982, as follows—

- (a) in Part I, by deleting '\$75' in items 1, 2, 3 and 4 and substituting in each case the following—  
'\$30'; and

- (b) in Part II—
- (i) by deleting ‘\$25’ in items 1, 3 and 4 and substituting in each case the following—  
‘\$10’; and
  - (ii) by deleting ‘\$75’ in item 2 and substituting the following—  
‘\$30’

He said:—Sir, my remarks on the first motion standing in my name also cover the subject of the second motion standing in my name on the Order Paper. I, therefore, beg to move.

*Question put and agreed to.*

### **First reading of bills**

#### **HONG KONG POLYTECHNIC (AMENDMENT) BILL 1982**

#### **VOCATIONAL TRAINING COUNCIL BILL 1982**

#### **CORRUPT AND ILLEGAL PRACTICES (AMENDMENT) BILL 1982**

#### **URBAN COUNCIL AND DISTRICT BOARDS (ELECTIONS AND APPOINTMENT OF MEMBERS) (MISCELLANEOUS PROVISIONS) BILL 1982**

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

### **Second reading of bills**

#### **HONG KONG POLYTECHNIC (AMENDMENT) BILL 1982**

THE SECRETARY FOR EDUCATION moved the second reading of:—‘A bill to amend the Hong Kong Polytechnic Ordinance’.

He said:—Sir, I move the second reading of the Hong Kong Polytechnic (Amendment) Bill 1982. The amendments that I am proposing have been recommended by the Council of the Hong Kong Polytechnic.

The main object of the Bill is to make better arrangements for delegation. First, clause 2 of the Bill amends section 9 of the Ordinance to enable the Council to delegate any of its powers and duties to any committee which it appoints, subject to any restrictions or conditions which the Council lays down and to certain important functions being excluded from this power of

delegation. There is a further amendment to section 9 of the Ordinance that provides for any committee appointed by the Council to consist partly of persons who are not members of the Council.

The second amendment to facilitate delegation is by clauses 3 and 4, which create the new sections 11 and 11A. Under the terms of the present Ordinance, there is provision for the Council to delegate to the Director any of its powers, but not for the further delegation of these powers by the Director to any of his staff. These amendments provide for the Director to delegate to any person or committee any of his powers and duties, including those which have been delegated to him by the Council. In delegating these powers and duties, the Director may impose restrictions or conditions. Also, any restrictions or conditions that were determined by the Council when delegating its powers to the Director will apply when these powers are further delegated by the Director.

These changes will assist the Polytechnic to discharge its growing volume of business, by avoiding unnecessary reference to higher authority for the ratification of less important decisions.

Sir, I move that the debate on this motion be adjourned.

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

*Question put and agreed to.*

## **VOCATIONAL TRAINING COUNCIL BILL 1982**

THE SECRETARY FOR EDUCATION moved the second reading of:—‘A bill to provide for the establishment, functions and management of a Vocational Training Council and for purposes connected therewith’.

He said:—Sir, I move the second reading of the Vocational Training Council Bill 1982.

The purpose of this Bill is to establish the Vocational Training Council which will co-ordinate the development of a comprehensive system of technical education and training for industry and commerce intended to suit the developing needs of Hong Kong. The intention is that the Council will be responsible not only for advisory functions similar to those of the present Hong Kong Training Council but also for the executive function of establishing and operating technical institutes and industrial training centres.

The proposals embodied in the Bill arise from two sources. Firstly, the Advisory Committee on Diversification in 1979 made three recommendations relating to industrial training. Briefly, these were that training schemes recommended by the Training Council should be implemented as soon as

practicable; that these schemes should be financed by General Revenue; and that a new statutory authority should be created and charged with the responsibility for developing industrial training. Second, whilst these recommendations were being considered, it was recognized by the Committee to Review Post-Secondary and Technical Education which Your Excellency appointed in 1980, that technical education and industrial training are equally essential in the development of the skilled manpower necessary to sustain our industry and commerce. This Committee, therefore, recommended that the new statutory body already proposed by the Advisory Committee on Diversification should be entrusted also with the task of overseeing the provision of technical education in the technical institutes.

Clause 4 of the Bill establishes the Council and clauses 5 and 6 lay down its objects and functions. The membership of the Council is given in clause 8. It is proposed that there should be four public officers and 18 unofficials appointed as members by you, Sir. In making the unofficial appointments, care will be taken to ensure that there is a balanced distribution of representatives from the industrial and educational fields and that our obligations under the relevant conventions of the International Labour Organization regarding consultation and co-operation with workers' and employers' organizations are also met.

The Bill also envisages, in clauses 9 and 10, a new department of Government through which the Council will discharge its functions and whose Director will be the Council's chief executive. Staff currently employed in the Education Department at the technical institutes will be transferred to the new Department, along with those of the Technical Education Division of the Education Department and the Training Council and Apprenticeship Divisions of the Labour Department.

It is envisaged that the Council will operate, like the present Hong Kong Training Council, through a complex of Training Boards and general committees and clause 11 allows for the appointment of these bodies. But in addition, the Council will need its own committees to assist it in the performance of its functions and clause 12 permits these to be formed.

Part IV of the Bill covers the financial provisions of the Council. Significant amongst these provisions are clause 15 which relates to the submission to the Governor by the Council of an annual programme of activities and estimates for the next financial year for approval and clause 20 which will make it obligatory for the Council to submit a report of its activities in the previous financial year, together with various financial statements audited by the Director of Audit, to the Governor who will then cause the reports and statements to be laid upon the table of this Council.

The concluding clauses of the Bill will give the Council powers to make rules, which will be subsequently laid on the table of this Council; and these clauses will give you, Sir, the power to give directions to the Council with which it must comply; and will add the Council to the public bodies listed in the Schedule to the Prevention of Bribery Ordinance.

If the Bill is enacted, it is proposed to bring its provisions into force on different days. Broadly speaking all provisions other than those relating to the new department and financial matters will be brought into effect as soon as possible and the remainder probably from 1 April, this year.

The aim of the Council will be to upgrade our industrial training and technical education and thereby strengthen our industrial base. There is no doubt that an educated and trained labour force is vitally important for Hong Kong. But there are differences in concept between education and training and both elements are equally necessary in developing the skills which our labour force will require in the future. It seems right, therefore, that there should be arrangements for joint planning and oversight of both elements and this Bill provides the framework necessary to achieve this result.

Sir, I move that the debate on this motion be adjourned.

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

*Question put and agreed to.*

## **CORRUPT AND ILLEGAL PRACTICES (AMENDMENT) BILL 1982**

THE REGIONAL SECRETARY (NEW TERRITORIES), CITY AND NEW TERRITORIES ADMINISTRATION moved the second reading of:—‘A bill to amend the Corrupt and Illegal Practices Ordinance’.

He said:—Sir, I move the second reading of the Corrupt and Illegal Practices (Amendment) Bill 1982.

This Bill seeks to remove the existing restrictions in law which prohibit a candidate for election or his agent from making any payment for the transportation of voters to and from a polling station, and any person from using any commercial vehicle for the free transportation of voters at an election.

District Board elections will be held in the New Territories in March, and some 200 000 people have registered for these elections, which is indicative of the public interest in them. Although there will be 125 polling stations in the New Territories it is not possible to set up a polling station in each village, and voters in some areas of the New Territories may need to travel some distance to cast their votes. It is therefore proposed that in order to encourage a higher turnout of voters, the existing legal restrictions on any payment for the conveyance of electors to or from the poll should be removed.

This will not give any advantage to the wealthy candidates, because any expenses incurred by a candidate or his election agent for the transportation of electors to a polling station will have to be accounted for under the election expenses limit of \$10,000.



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 REGIONAL SECRETARY (NEW TERRITORIES), CITY AND NEW TERRITORIES ADMINISTRATION.

*Question put and agreed to.*

### **URBAN COUNCIL AND DISTRICT BOARDS (ELECTIONS AND APPOINTMENT OF MEMBERS) (MISCELLANEOUS PROVISIONS) BILL 1982**

THE REGIONAL SECRETARY (NEW TERRITORIES), CITY AND NEW TERRITORIES ADMINISTRATION moved the second reading of:—‘A bill to make additional provisions for the election and appointment of members to the Urban Council and to District Boards and in particular to provide for the continuance in force of certain provisions of the Urban Council Ordinance relating to elections for the purposes of filling vacancies on the Urban Council declared under section 18 of that Ordinance before 1 January 1983 and for consequential and related amendments to certain Ordinances and for incidental and connected matters’.

He said:—Sir, I move the second reading of the Urban Council and District Boards (Elections and Appointment of Members) (Miscellaneous Provisions) Bill 1982.

This Bill seeks to make certain miscellaneous provisions supplementing the main legislation enacted in July last year in respect of the election and appointment of members to the Urban Council and the District Boards.

If enacted, the effects of the Bill are, first, to make it unnecessary for a separate register of electors to be compiled under the existing Urban Council Ordinance in 1982. A full scale exercise for the registration of electors in the urban areas will be conducted in March and April this year. Those who register in the urban area will be entitled to vote at both the Urban Council elections and the urban District Board elections. Secondly, if there is a need to hold a by-election to the Urban Council before 31 December 1982, the final register of electors for the Urban Council which was compiled in December 1980 and the existing electoral provisions in the Urban Council Ordinance will be used. Thirdly, election petitions under the Electoral Provisions Ordinance, like election petitions under the Urban Council Ordinance, will not qualify for legal aid. Fourthly, in line with the provisions for the Urban Council and the District Boards, persons who have been convicted in the past ten years of an offence under the Prevention of Bribery Ordinance will be disqualified from being elected or appointed to certain public bodies. And lastly the Bill makes provision enabling any urban resident, who has applied for registration as an elector and whose application has been received by the Registration Officer, to

be appointed to the New Territories District Boards to be established in April 1982.

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 REGIONAL SECRETARY (NEW TERRITORIES), CITY AND NEW TERRITORIES ADMINISTRATION.

*Question put and agreed to.*

## MISCELLANEOUS LICENCES (AMENDMENT) BILL 1982

### Resumption of debate on second reading (23 December 1982)

*Question proposed.*

MR. SO delivered his speech in Cantonese:—

督憲閣下：近來，電子遊戲中心在本港各處開設，一如雨後春筍。政府一向無意取締電子遊戲機遊戲中心的開設，但訂有條例管制。

從壞的方面看來，電子遊戲可能導致青少年沉迷玩耍，荒廢學業，浪費金錢；遊戲中心容易為不良份子混跡其間等社會問題。

但是從好的一面來說，電子遊戲機是科學和技術的產品，有助啓發兒童對電子的興趣。內容方面，若能排除那些以戰爭、侵略和毀滅為遊戲形式的，而鼓勵安設以益智為內容者，亦將能吸引玩者，無異為青少年增設康樂設施。

本法案的目的，是堵塞原有條例出現的漏洞，同時亦配合科技的發展，對意欲開設符合規格電子遊戲中心的經營者，應無重大影響！

督憲閣下，本人謹此陳辭，支持這項動議。

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

Sir, lately, automatic machine establishments are proliferating throughout the territory. It has never been the intention of Government to prohibit these establishments and there is legislation to regulate their existence.

Accusations against automatic machine games are that the youngsters might indulge in the games, be lured away from their studies and waste their money. There might be other social problems that automatic machine establishments could easily become the favourite haunts of undesirable elements.

Looking at it from a favourable point of view, automatic machines are the product of science and technology. They may arouse children's interest in electronics. With regard to the content, if themes relating to war, invasion and destruction could be excluded in favour of educational ones, the games would be no less an attraction to players while serving as added recreational facilities for our young people.

The purpose of this Bill is to plug current loopholes in the principal Ordinance. This Bill enables the law to keep pace with technological developments. It should have no more than minimal effect on operators of up-to-standard automatic machine establishments.

With these remarks, Sir, I support the motion.

MR. CHAN KAM-CHUEN:—Sir, I rise to support this Bill which will bring the Miscellaneous Licences Ordinance into the electronic age.

There is much controversy between Government and many operators of existing automatic machine establishments over the proposed amendment and associated policy guidelines. I have given the issue an independent look.

#### *Control*

I am strongly in favour of imposing control over automatic machine establishments. It is argued by some operators that as such game sets are available for sale in shops and allowed to be played at home, no control by Government is required. If we follow this argument, one could say that all restaurants need not be licensed since no one is required to get a licence to take food at home. The reasoning of the operators is an obvious fallacy.

#### *Overcrowding*

Some operators allege that the present licensing conditions are too harsh, especially the nine square metre per machine rule. Instead they suggest that the appropriate ratio should be one machine per 35 square feet of gross floor area as used for calculating residence in Government public housing. To this, I disagree. It is apparent that the operators have not included their own staff in the calculation and the fact that there are always far more onlookers, who stand by the machines to watch a game or wait for their turn to play, than the actual number of players. Overcrowding poses many problems, such as difficulty of escaping in case of fire and friction amongst players and onlookers.

#### *Noise Nuisance to Neighbours*

After 11 p.m. all noise nuisances must be stopped so that the public could rest peacefully after a good day's work. This has a lot to do with one's productivity on the following day. I suggest we should require all automatic machine establishments to close at 11 p.m. A friend of mine who lives near one of these establishments is disturbed not only by the noise of the machines and players but also by the roar of motorcycles which are too often associated with the players of automatic machine games who frequent such establishments at night.

#### *Viability and Unemployment*

According to a finding of operators of automatic machine establishments, each player spends not more than \$5 on the game per day. This appears to be a small sum which, however, may well be a student's lunch allowance for a day!

I do not believe the claim of some operators that they could not have a viable business if they are required to observe all the licensing conditions imposed by Government. I notice that each automatic machine game, at \$1 per game, is played up within seconds. At such a speed, operator should not have much difficulty in maintaining a lucrative business. They could afford to follow the current licensing conditions and make such establishments decent places of gathering. That the number of automatic machine establishments could multiply so quickly in recent months is strong evidence that such business is highly profitable. In addition, there is no substantial ground to believe that the enactment of the proposed amendment will lead to a drop in their business large-scale, and closure of such establishment and unemployment, as some operators have suggested.

### *Sociological Effects*

It is claimed that such games can help youngsters to establish confidence in dealing with complex learning situations and to overcome their fear of computers. Should this be the case, such games should be suitably modified for introduction into schools and integrated with the curriculum so that our students are familiarized with the operation of computers (*laughter*). In that case, we could avoid exposing our children to possible bad influence in commercial game centres.

I agree that all work and no play makes Jack a dull boy but all play and no work makes Jack an unserviceable boy. Indulgence in automatic machine games will result in youngsters being lured away from their studies and spending their limited pocket money on things other than constructive intellectual and artistic recreation and wholesome athletic pursuits.

I would also like to stress that there is only a very thin dividing line between playing a game and gambling; the difference is whether a game is played purely for pleasure or with a bet. The British Betting and Gaming Acts are in fact a gambling legislation. Whenever a skill is required to play a game, people would easily be tempted to make bets on the results of the game. Whether automatic machine games would develop to a stage when a worker would decide to quit his job so as to concentrate on playing the games for a living is a social problem that Government should put under close surveillance.

Some operators claim that the present automatic machine establishments are not centres of criminal activities. I think it is too early to draw any conclusion. Any lucrative business which does not require much capital investment and technical know-how is always vulnerable to the penetration by the criminal underworld.

The present protest against the proposed legislation comes mainly from those operators who realize that they could unlikely comply with the licensing conditions set by Government. As to those applicants who are prepared to abide by the law, they should have little to worry about. In my opinion, the licensing conditions are fair and necessary.

In view of the recent proliferation of automatic machine establishments and the fact that the majority of them are sub-standard, I support that the Bill should be passed as soon as possible. I do not think there is a need for a grace period for the present unlicensed operators who are simply taking advantage of the existing legislation which has been outdated by technological developments. However, it is strongly recommended that after the enactment of the Bill, a swift sorting out of the applications for licences should be made and that the applicants should be advised of the outcome as soon as possible so that any cause for complaint on Government efficiency should be eliminated.

With these observations, Sir, I have much pleasure in supporting the motion.

MR. STEPHEN CHEONG:—Sir, the introduction of the Miscellaneous Licences (Amendment) Bill 1982 is very timely. Whereas one would readily agree that our citizens ought to be exposed to the advanced technologies of this world, one must also agree that it is very important such exposures have to be correctly guided in order to avoid any possible ill effects most of which has been eloquently voiced by my honourable Colleagues who spoke before me.

The mushrooming growth recently of a great number of so called automatic machine entertainment centres which are so poorly designed as to disregard public safety and other public interests must be regulated. The Government is to be commended on its efforts in trying to lay down specific criteria to which any of these centres must meet before any licence application is to be approved. In Government's careful deliberations over the criteria, I was given to understand that more than six months were taken and that prior to the gazetting of the Bill on 18 December 1981, the Commissioner for Television and Entertainment Licensing had already acknowledged receipt of over 800 applications for licences to operate such game centres. In this regard, Sir, to be fair to those applicants, may I respectfully urge that, upon enactment of this Bill, the processing of these backlogged applications be speeded up, preferably within a targeted time frame of, say, three months, so as to minimize any misrepresentations that Government usually drags its feet in the execution of policies. One final point, Sir, I am quite certain that upon enactment of this Bill, the relevant authorities will try their very best in enforcing its provisions. Nevertheless, without being too repetitive, I wish to take this opportunity to emphasize the importance of continuous and efficient enforcement operations. Otherwise any lapsing of efforts for whatever reason will make a mockery of the good intentions of every honourable Member who intends to vote for the motion in this Council this afternoon.

Sir, I support the motion.

SECRETARY FOR HOME AFFAIRS:—Sir, I am grateful for the support of honourable Members for this Bill though it has naturally aroused the displeasure of those who have taken advantage of the loophole in the law.

Perhaps I may first deal with the points raised here in Council before commenting on other representations which have been made to me and which I should account for.

Mr. SO makes the valid point that some of the games are very much less desirable than others. The most macabre I have heard of was one the Commissioner for Television and Entertainment Licensing saw in Singapore when he was studying their arrangements. In this game the player was the driver of a car speeding down a road crowded with pedestrians. The object was to knock down as many as possible (*laughter*), each kill being marked by the appearance of a cross. No such game will be allowed in Hong Kong. The Commissioner's approval will be required for each machine used and he has very much in mind the sort of consideration Mr. SO mentioned.

Mr. Stephen CHEONG—perhaps I may take it out of order as I didn't get the order in which they were delivered this afternoon—Mr. Stephen CHEONG now urges a speeding up of the process of licensing—an aim everyone would like to achieve. A great deal of misleading nonsense has been put about on processing time and I should like to put the record straight.

Up till 1 June 1981 the Commissioner worked under a very restrictive set of guidelines which amounted to an almost total prohibition of these games. It had been recognized that the position was generally unacceptable and a new set of guidelines was adopted with effect from 1 June. The Commissioner's procedurally correct action on nearly all the applications received before 1 June would have been to reject them out of hand. Perhaps he should have done: but instead he took a more sensible and less bureaucratic line. While it was impossible to process these applications until the revised guidelines were adopted he kept them on file. In order that none should have an advantage from applying at a time when the only course of action was rejection all applications on file on 1 June were taken as applications received on 1 June and processed in an order fixed by ballot. He even had the I.C.A.C present during the ballot to see fair play.

Although the guidelines adopted on 1 June were a great improvement on the earlier ones they still led to the rejection of some applications. During the consideration of appeals against rejection it was felt that the guidelines contained such a large measure of discretion and personal judgment that an applicant had very little idea whether his proposals would be accepted or not. The guidelines were therefore modified again and a new set adopted on 15 December, last year. These guidelines lay down with great clarity just what is expected of an applicant. The only area for an important exercise of discretion is that the Commissioner will ensure that there is no excessive concentration of centres in any area.

While the second set of modified guidelines was being drawn up it became clear that certain applications which should have been rejected under the guidelines of 1 June might come within the scope of revised guidelines. Again

these were not rejected though this would have been the strictly correct course of action but they could not either be dealt with until new guidelines had been adopted.

The Commissioner's commonsense way of handling applications which should have been turned down out of hand has led to the people who tried to jump the gun accusing him of inordinate delay. This accusation is totally rejected.

What then is the state of play? Up to yesterday 5 January, 1 096 applications had been received. 408 have been dealt with—that is, licences have been issued or they have been approved subject to alterations of the premises, or applications have been withdrawn or they have been rejected. Processing of most of those remaining will be completed within the next few weeks. Unless we are flooded out with an even greater rush of applications than we have now, the Commissioner assures me that applications now coming in can be dealt with within two months—one month faster than my honourable Friend asked for.

Mr. CHEONG also urged the importance of continuous, efficient, uniform and indiscriminating enforcement of the operations. The Police will continue to attach importance to this. There have been 44 successful prosecutions up to date and 11 cases are pending. This is not however, the sort of activity that can be carried on clandestinely and profitably in the face of competition from properly licensed centres in popular locations. I would expect therefore that there should be no great enforcement problem in the long run.

I am grateful to Mr. CHAN for his detailed study of the problem. He has pointed out the fallacy in comparing game machines with space to live in. If we were talking about warehousing game machines the criticism—indeed ridicule—of the nine square metre space per machine would be valid. This measurement is a metricated version of the 100 square foot rule we have had for a long time and avoids overcrowding. Numerous applications for licences in expensive areas have been received from prospective operators who expect to enjoy reasonable profits on their operations.

Mr. CHAN says noise control is important—hence the requirements that centres be enclosed. As to the motor-bikes, well, the Summary Offences Ordinance will still remain in force. The children's centres will be required to close by 10 p.m. but the adults centres may remain open till 2 a.m.

It has been represented to me that the Bill is inadequate on legal grounds and an Opinion by an eminent Queen's Council has been prepared. I too have taken legal advice. While it has long been known that the principal Ordinance is far from perfect and has shown signs of strain in coping with situations for which it was never intended, I see no reason to withdraw this Bill on the grounds advanced. And lest any Member feel uneasy of what he has been told, I can assure him that the Bill will not require us to license our pocket calculators.

I should now like to answer those who have represented to me, and I believe to some honourable Members, that if this Bill is passed to-day the Government

will have behaved unfairly. It is being suggested that the video games centres which will require licensing on enactment of the Bill are an innocent and popular and legal amusement which gives pleasure to many, profits and a livelihood to some and cause no harm. The Government's action is portrayed as arbitrary and repressive.

Sir, it is nothing of the sort. As I said on moving this Bill everybody has known perfectly well that games centres in Hong Kong as in so many other places should be licensed. The deficiency in the law was suspected in the autumn and carefully examined. We reached the conclusion that there was indeed a loophole. Drafting instructions for an amendment to the law were simple and drawn up immediately. At the same time as these drafting instructions were completed an announcement was made on 12 November 1981 of the Government's intentions. What must have been obvious to any knowledgeable observer seeing the introduction of the games not covered by the legal definition was spelled out in clear terms in the Government statement of 12 November. To claim now that the rush of recently opened centres was started innocently by people who had no premonition that controls were on the way is to make excessive demands on our credulity.

Lest it be thought that an operator who wished to start a proper licensed centre with these games was unable to do so I should add that any application which has been made has been processed as if a licence was required so that upon enactment of this Bill it can be issued without delay.

Sir, we are asked for a period of grace. It started on 12 November if not before and will terminate upon enactment of this Bill.

(Mrs. Selina CHOW declared an interest and abstained from voting on this 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).*

### **Committee stage of bill**

Council went into Committee.

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

Clauses 1 and 2 were agreed to.

Council then resumed.



**Third reading of bill**

THE ATTORNEY GENERAL reported that the

MISCELLANEOUS LICENCES (AMENDMENT) BILL 1982

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

*Question put on the Bill and agreed to.*

Bill read the third time and passed.

**Adjournment and next sitting**

HIS EXCELLENCY THE PRESIDENT:—In accordance with Standing Orders I now adjourn the Council until 2.30 p.m. on Wednesday, 20 January 1982.

*Adjourned accordingly at five minutes to four o'clock.*