

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 28 July 1982****The Council met at half past two o'clock****PRESENT**

HIS EXCELLENCY THE ACTING GOVERNOR (*PRESIDENT*)
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 (*Acting*)
MR. DAVID AKERS-JONES, C.M.G., J.P.

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

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

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

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 COLVYN HUGH HAYE, J.P.
SECRETARY FOR EDUCATION (*Acting*)
DIRECTOR OF EDUCATION

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

THE HONOURABLE MRS. ANSON CHAN, J.P.
DIRECTOR OF SOCIAL WELFARE (*Acting*)

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

DR. THE HONOURABLE LAM SIM-FOOK, O.B.E., J.P.
DIRECTOR OF MEDICAL AND HEALTH SERVICES (*Acting*)

THE HONOURABLE JOHN RULE HEYWOOD, O.B.E., E.D., J.P.
SECRETARY FOR SECURITY (*Acting*)

THE HONOURABLE PETER TSAO KWANG-YUNG, C.P.M., J.P.
DIRECTOR OF TRADE, INDUSTRY AND CUSTOMS (*Acting*)

THE HONOURABLE HARNAM SINGH GREWAL, E.D., J.P.
SECRETARY FOR THE CIVIL SERVICE (*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 LO TAK-SHING, C.B.E., J.P.

THE HONOURABLE FRANCIS YUAN-HAO TIEN, 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 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, O.B.E., 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 WILLIAM CHARLES LANGDON BROWN, 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, J.P.

ABSENT

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

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

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

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

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

IN ATTENDANCE

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

Papers

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No. 62—Supplementary Provision for the quarter ended 31 March 1982.

No. 63—The Kadoorie Agricultural Aid Loan Fund—Report for the year 1981-82.

No. 64—J. E. Joseph Trust Fund—Report of the period 1 April 1981 to 31 March 1982.

No. 65—Annual Report of the School Medical Service Board for the year ended 31 March 1982.

No. 66—Report of the UMELCO Police Group for 1981.

G.N. (E) 83 of 1982

Hong Kong Telephone Company Limited: Permitted charges

Oral answers to questions

Illegal use of toxic preservatives by food factories

1. MR. PETER C. WONG asked:—*Will Government make a statement on the illegal use of toxic preservatives such as salicylic acid by food factories and the action being taken to prevent such use?*

SECRETARY FOR SOCIAL SERVICES:—Sir, the use of preservatives in food is governed by the Preservatives in Food Regulations made under the Public Health and Urban Services Ordinance (Cap. 132). These regulations, amongst other things, prescribe the specific preservatives and the maximum concentration of them which are permissible in specified food items.

Salicylic acid is not a permissible preservative.

As a matter of routine, the Urban Services Department conducts monitoring programmes and carries out the systematic sampling of food at food factories and retail outlets. In addition, as an emergency procedure, the department may also introduce daily inspections and sampling. In serious cases, for example, where salicylic acid is concerned, the Director of Urban Services may exercise the powers conferred on him by section 59 of the Public Health and Urban Services Ordinance by permitting officers authorized by him to mark, seal and seize any food which is unfit for human consumption.

Any person who sells or has in his possession for sale any food contrary to the provisions of these regulations commits an offence and is liable to a fine of \$2,000 and to imprisonment of three months.

In the 13 months from 1 December 1980 to 31 December 1981, the Urban Services Department carried out 16 207 inspections, examined 3 122 samples and took out 93 prosecutions, all of which were successful. 39 459 kilograms of food were either destroyed or required to be returned to their country of origin.

The use of preservatives in food is at present effectively controlled by the Urban Services Department with the assistance of the Government Laboratory and there is no evidence that the situation is getting out of hand. However, wherever necessary, action will be taken against specific food factories and retail outlets where the illegal use of toxic preservatives is discovered.

MR. PETER C. WONG:—*Sir, is it true that salicylic acid used as a food preservative can cause serious injury to the body?*

SECRETARY FOR SOCIAL SERVICES:—*Sir, my Concise Oxford Dictionary says salicylic acid is used as an antiseptic and for rheumatism. I understand that it is also used externally for the treatment of corns. Taken in a large amount, or in small amounts in cases of people with an allergic reaction to it, salicylic acid can affect the stomach lining and cause intestinal bleeding. However, the concentrations encountered so far are not sufficient to cause severe symptoms.*

MR. PETER C. WONG:—*Sir, does the Government consider that it may be desirable to increase the existing penalty of \$2,000 and three months?*

SECRETARY FOR SOCIAL SERVICES:—*Sir, to the extent that the penalty levels in the Preservatives in Food Regulations date back to 1960, a review may not be untimely (laughter).*

Fused plugs for domestic and industrial electrical appliances

2. MR. CHAN KAM-CHUEN asked:—*Will Government consider requiring over a phased period the compulsory use of fused plugs for all domestic and industrial electrical appliances to minimize the risk of electrocution by accident or through faulty wires or equipment?*

SECRETARY FOR ECONOMIC SERVICES:—*Sir, I did not realize what a complicated question electrical safety was until the experts tried to explain how I might answer my honourable Friend's question. My reply is going to be something of a simplification.*

Basically, fused plugs are designed to protect electrical appliances from the consequences of overloading or of short circuiting. They are *not* designed apparently to provide protection against electrocution. It is true that in certain rather precise and limited circumstances a blown fuse in what was a correctly fused plug *might* have saved someone from electrocution. But as I understand it

the chances of this happening are not very high and are not strong enough to justify making the use of fused plugs compulsory.

As far as I know, only in Britain are fused plugs used extensively. And nowhere are they compulsory.

Nevertheless, we sympathize with my honourable Friend's interest in safety and we will certainly bear his suggestion in mind.

Benefits and services for ex-Far East prisoners of war

3. MR. SO asked in Cantonese:—

政府可否發表聲明，說明當局為前遠東戰俘及其家屬提供之福利及服務，特別是：

- (甲) 根據香港法例第二〇二章義勇軍及海軍義勇隊長俸條例發給之現行退休金額；
- (乙) 根據香港法例第一〇二六章香港國殤紀念基金條例發給之補助金和津貼；
- (丙) 目前受惠的前遠東戰俘共有多少人，其中是否有生活困難者，如是，政府會否加以幫助？

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

Will Government make a statement on the benefits and services provided by the Administration to ex-Far East prisoners of war and their dependents, in particular,

- (a) the current rates of pensions payable under the Volunteer and Naval Volunteer Pensions Ordinance (Cap. 202);*
- (b) the grants and allowance payable under the Hong Kong War Memorial Fund Ordinance (Cap. 1026);*
- (c) how many ex-FEPOWs are receiving such benefits and whether any are found to be in hardship and if so, will Government provide a remedy?*

SECRETARY FOR SOCIAL SERVICES:—Sir, all former POWs, who were members of the Hong Kong Volunteer Defence Corps or the Hong Kong Naval Volunteer Force disabled in action or captivity, are entitled to pensions under the Volunteer and Naval Volunteer Pensions Ordinance (Chapter 202) at rates determined by Her Majesty in Council as the Naval, Military and Air Forces etc. (Disablement and Death Service Pensions Orders).

All former POWs who served in units listed in the First Schedule to the Hong Kong War Memorial Fund Ordinance (Chapter 1026) and are in need, including those Volunteer POWs who do not qualify for disability pensions under Chapter 202, are eligible for assistance from the War Memorial Fund.

Other former Far East POWs living in Hong Kong who did not serve in any of the units listed in the First Schedule to the Hong Kong War Memorial Fund Ordinance (Chapter 1026), but who are now in need, may apply to the Far Eastern Relief Fund administered separately by the War Memorial Fund

Committee. This Far Eastern Relief Fund was originally founded by a donation of £ 3,000 from the Lord Mayor's Fund (i.e. the Lord Mayor of London) which has been exhausted, but there is a procedure for the War Memorial Fund Committee to recommend deserving cases for assistance by way of a Government subvention voted by the Finance Committee of this Council.

In recent years, as the former POWs and other victims of the last war reach the end of their normal working lives, the Government has conducted a comprehensive review of what additional services and benefits may reasonably be provided for them having regard to our relevant circumstances. This review has resulted in:

- (a) the Free Medical Scheme announced in this Council by the then Chief Secretary, Sir Denys ROBERTS, on 27 July 1977, for civilians imprisoned and tortured by the enemy and all former Hong Kong POWs. This scheme which was originally available at Government clinics and hospitals only has since been extended to the Medical Group Practices of the Garrison, at the Government's expense, for those war victims wishing to be registered with them. This scheme has also been extended to the handful of ex-Far East POWs resident in Hong Kong;
- (b) the amendment of the War Memorial Fund Ordinance in 1979 to enable POWs in need to qualify for assistance without their having to prove incapacity arising out of the enemy attack on Hong Kong in 1941 and its aftermath;
- (c) the Government's underwriting of the War Memorial Fund to guarantee the discharge of its commitments to all potential beneficiaries; and finally
- (d) the introduction by the War Memorial Fund Committee, with effect from 1 December 1980, of a non-means-tested Special Needs Allowance for any member of a unit within the First Schedule to Chapter 1026 who was wounded in action, injured in service or captured and held in captivity by the enemy, or any civilian subjected to torture by the enemy during their occupation of Hong Kong; provided only that the person concerned is unable to earn a living, or having reached the age of 60, is no longer in employment or business. Some people describe this as a small pension. Of course, this allowance comes within the umbrella of the Government's guarantee to the War Memorial Fund.

The specific items of information sought by Mr. SO are:

- (a) the current rates of 100 per cent disability pension in payment under the Volunteer and Naval Volunteer Pensions Ordinance range from £ 2,733 or \$28,013 per annum for army captains to £ 2,518.50 or \$25,815 per annum for privates; widows pensions range from £ 2,145 or \$21,986 to £ 2,004.89 or \$20,550 per annum depending on the deceased husband's rank. There are also provisions for dependents, rent, education and other allowances. The average pensions now in payment, including allowances, is £ 1,874 or \$19,208 per annum: i.e. about \$1,600 per month;

- (b) the current rates of maintenance grants and allowances determined by the War Memorial Fund Committee are:
- (i) \$1,600 per month for a single person;
 - (ii) \$2,700 per month for a couple;
 - (iii) \$920 per month each for the first two children, and \$700 per month for each subsequent child, plus education allowances where due;
 - (iv) \$450 per month in respect of the Special Needs Allowance.
- (c) (i) 133 volunteer pensions are in payment to 63 widows and 70 disabled volunteers. Without checking every individual case I think we can safely assume that all 70 of the disabled volunteers were POWs: 64 of them are now living overseas and six are resident in Hong Kong. There are 167 families (comprising a total of 223 persons) who are beneficiaries of the War Memorial Fund, including 84 former POWs of whom 37 are living overseas and 47 in Hong Kong.
- (ii) The rates of payment under the Naval, Military and Air Forces etc. (Disablement and Death) Service Pension Orders are reviewed annually by Her Majesty in Council, the current rates being those promulgated on 23 November 1981.
- (ii) The grants and allowances payable by the War Memorial Fund are reviewed regularly by its administering Committee in the light of changes in the cost of living, and the current rates were introduced with effect from 1 June 1982. Any grant payable through the Far Eastern Relief Fund follows War Memorial Fund rates, but the Special Needs Allowance is not payable.
- (iv) I am confident that any case of hardship brought to the notice of the War Memorial Fund Committee will be given the most sympathetic consideration.

Sir, although I have already taken up a considerable amount of Members' valuable time I fear this reply will not be complete without my touching on the question of pensions for the ex-POWs as of right which a few of them seem to be claiming. On this point the Government's position remains as stated in my reply to Miss DUNN in this Council on 28 November 1979: unless Her Majesty in Council includes provision for such POW pensions in the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Orders there is no case for special arrangements to be made for them in Hong Kong beyond the measures I have already described.

Attempts have also been made to compare our ex-POWs with their Canadian comrades captured by the enemy in Hong Kong in December 1941. The Richardson Report, which is a comparative study of these veterans from the Japanese camps and their brothers who did not share that experience, is quoted in support, but the facts are glossed over. There were 1975 Canadian troops in Hong Kong in 1941, 457 of whom were killed in action or died in captivity, and 1 418 returned to Canada in 1945. By 1969 there remained 1 283 survivors of

whom 1 217, or 95 per cent, were assessed as disabled to some degree and were in receipt of disability pensions at the assessed rates. The Canadian Government later upgraded the disability status of these survivors. The civilian population of Canada also did not endure the horrors of war which our entire population lived through. The GDP per capita in Canada for 1980 was US\$10,646 as against Hong Kong's figure of US\$4,432 for the same year. There is also the further factor that the Hong Kong ex-POWs, on whose behalf claims for pensions as of right are pressed, were passed fit or affirmed their fitness on demobilization: at any rate they were not assessed as disabled. There is thus no basis for awarding them any disablement pension.

Finally, I do not believe anyone would accept that our ex-POWs are more meritorious of a special award than those who escaped from Hong Kong and fought till final victory.

MISS DUNN:—*Sir, whilst accepting the logic and validity of the answers given by the Secretary for Social Services, does he not think that it would be worthwhile making a more imaginative gesture towards the situation of the few remaining POWs alive in Hong Kong in order to bring this continuing controversy to an end?*

SECRETARY FOR SOCIAL SERVICES:—*Sir, I think it could be stated that the former POWs are already a privileged minority in the context of the entire population of Hong Kong, and I think in no other administration or territory anywhere else would the question of public pensions or other awards be considered by reference to external circumstances rather than to internal relativities.*

Development of senior secondary and tertiary education

4. MR. S. L. CHEN asked:—*Will Government make a statement on the progress in the development of senior secondary and tertiary education since the publication of the 1978 White Paper?*

SECRETARY FOR EDUCATION:—*Sir, the 1978 White Paper covers a great deal of ground which I shall traverse as swiftly as possible. Let me deal with progress in the development of senior secondary education first.*

In terms of quantitative expansion, the White Paper stated Government's intention to increase the number of places available to meet the full demand from students *suitable* for the courses provided by schools or other institutions during the early 80s. Since the publication of the White Paper there has been a significant increase in the provision of public sector places in Forms IV and V, the number of these places in September 1981 more than doubling those available in 1978. This September, 21 new secondary schools will come into full operation, raising subsidized Form IV places still further, and it is expected that by 1985, with the completion of the school building programme, the White Paper target of 57 000 senior secondary places will have been met. At the Sixth

Form level, the target of places for up to one-third of students entering subsidized Form IV places two years previously has already been achieved.

This quantitative expansion has been matched by qualitative improvements.

The White Paper said that the school system should be simplified, and to this end secondary modern schools have been converted into secondary technical schools, and 57 private non-profit-making schools with caput grant will become fully aided this September. Measures have been taken to encourage schools to broaden their curriculum, with greater emphasis on practical and technical subjects. There is increased provision of funds for equipment and consumables, additional accommodation by conversions or extensions to school buildings, and additional teachers for remedial and other teaching. There has been fresh thinking and progress in curriculum development with the addition of new subjects such as Human Biology, Social Studies and Computer Studies in senior Forms, additional funds for curriculum development teams involving practising teachers seconded from secondary schools, and consideration is being given to new approaches to examinations at the Certificate of Education level. Finally, fresh initiatives in the improvement of Chinese and English language teaching relate to the entire school system.

Other important qualitative developments include the introduction of newly designed two and three year teacher training courses at the Colleges of Education, the provision of financial assistance to approved post-secondary colleges which have restructured their courses to our requirements, and additional facilities and resources for Adult Education.

Progress in the field of tertiary education has complemented that in senior secondary schools.

Mr. CHEN and Members will agree that the commissioning of a Dental School at the University of Hong Kong and a Medical School at the Chinese University of Hong Kong have been notable developments. At the same time, the number of University students has seen healthy growth. Whereas the 1978 White Paper envisaged an annual growth rate of 3% at the Universities after 1980-81, the Government subsequently decided that this rate should be increased to 4% for the 1981-84 triennium, with a projected student population of 11 620 by 1983-84. A further recent review by the University and Polytechnic Grants Committee (U.P.G.C.) has resulted in a 4% growth rate until 1987-88, *and*, in addition, to create extra places (over and above the 4%) to cater specifically for Hong Kong's urgent requirements in the fields of medicine, law, social work, teaching and speech therapy. It is expected that these additional manpower targets will be met by 1987-88. Thus, it is envisaged that by the end of the triennium the two Universities combined will have some 15 000 undergraduate students, 3 000 in excess of the projection of the White Paper for the mid 1980's. Mention of the Universities will not be complete without reference to part-time or external degree programmes in which the C.U.H.K. has made a modest start, and H.K.U. is envisaging an ambitious programme which is now under consideration.

Developments in the Polytechnic field have made recent headlines. Mr. CHEN and Members will know that the Hong Kong Polytechnic, with the approval of the U.K. Council for National Academic Awards (C.N.A.A.), will be mounting degree courses in 1983-84. Consistent with this progress, and in acknowledgement of popular demand and the requirements of the economy, there is to be a second Polytechnic, and a recently appointed Planning Committee has already got down to work. The Hong Kong Polytechnic will expand on its present campus to a capacity for 13 500 full-time and equivalent part-time students, and the new Polytechnic will be designed initially for 8 000 full-time equivalent students, but capable of similar expansion to 13 500, if warranted, to provide both degree and non-degree courses by the end of the decade. These significant developments reflect the growing importance of Polytechnic education in meeting Hong Kong's needs for skilled and trained technicians and technologists.

Which brings me by natural progression to technical education. Enrolments at our five Technical Institutes continue to grow at both the craft and technician levels. Since the White Paper, a series of building programmes to expand the capacity of three existing Institutes has been under way, and further building is in line. Plans for a new Technical Institute (at Tuen Mun) have been finalized with a target date for 1985, and two more are intended. With the recognition that both technical education and industrial training are essential to the training of skilled manpower for the proper development of our economy, the Government established in February this year a Vocational Training Council (V.T.C.) responsible for co-ordinating the development of a comprehensive system of technical education and training in industry and commerce. This will, I am sure, result in a further strengthening of our industrial base.

Sir, my statement on the progress in the development of senior secondary and tertiary education *since* the publication of the 1978 White Paper has, of necessity, been in general terms. I shall be happy to supply detail on request, but I trust that Mr. CHEN will accept that a great deal has been accomplished.

MR. S. L. CHEN:—*Sir, I am most grateful to the Secretary for Education for his concise but informative reply to my question on a very broad subject. However, for the allocation of senior secondary subsidized places, there is a process known as the Junior Secondary Education Assessment Scheme, or in short J.S.E.A. Is the J.S.E.A. working satisfactorily or not, and, if not, what measures are being considered to improve the situation?*

SECRETARY FOR EDUCATION:—*Sir, the J.S.E.A. is working satisfactorily in that, after a trial, a very first run last year, a number of technicalities were looked at and it is rather significant that there has been very little outcry this year about the allocations of Form 3 pupils to Form 4. Part of this may be that this allocation has risen from some 58% to 65% of those taking part. In addition, some 80% of pupils in Form 3 were able to secure admission to their own*

schools and we feel that this is a distinct improvement. There is room, of course, for further improvement and a thorough going review of the system has been promised by 1983.

Admission to infirmaries and care and attention homes

5. DR. HO asked:—*Will Government make a statement on*

- (a) *how many elderly persons are currently on the waiting lists for admissions to infirmaries and care and attention homes respectively and for how long on average have they been on the lists;*
- (b) *what measures are being taken to meet the current and projected shortfalls of places in these institutions; and*
- (c) *how does Government ensure that priority placement is given to the most needy persons, i.e. those in poor health and with severe disabilities?*

DIRECTOR OF SOCIAL WELFARE:—Sir, I propose to deal with Dr. HO's question in two parts, firstly care and attention homes, and then infirmaries which come under the responsibility of the Director of Medical and Health Services.

Care and Attention Homes

- (a) 3 448 elderly persons are currently on the waiting list for admission to care and attention homes. On average they have been on the list for two and a half years.
- (b) There is an ongoing programme to secure suitable sites for purpose-built care and attention homes and to encourage voluntary agencies to operate such facilities with financial assistance from Government. The Social Welfare Department also proposes to provide such services directly in order to reduce the shortfall. 125 new places will be available towards the end of 1982-83. 14 additional homes are planned in the next two years with a total capacity of 2 055 places. On the basis of the present planning standard, the projected demand is expected to be met by the end of 1984-85.
- (c) All applications are screened by social workers and those found to require placement in a care and attention home are put on a central waiting list which is closely monitored by my department at headquarters level. Admission of cases is normally on a first-come-first-serve basis subject to verification of the individual's personal circumstances immediately before admission. However urgent referrals either from the Social Welfare Department or the Medical and Health Department may be given priority admission.

Infirmaries

- (a) The Director of Medical and Health Services has advised that there are about 230 elderly persons awaiting admission into infirmaries at any one

time. On average they have been on the waiting list for three months to one year.

- (b) The Medical Development Advisory Committee has estimated that the shortfall in infirmary beds would increase from 960 in 1982 to 1 600 by the end of the decade. 2 050 additional infirmary beds are planned in the next eight years. Provided that all these projects are completed as scheduled, there should be no shortfall of infirmary beds by the end of the decade. In order to meet part of the current shortfall, a new extension to the Wong Tai Sin Infirmary providing 300 beds has been completed this year.
- (c) Priority for admission to infirmaries is based on the clinical and social conditions of each patient as assessed by the attending doctor and the medical social worker. Beds in infirmaries are allocated to individual clinical units in acute regional hospitals and admission is directly from hospital to infirmary.

DR. HO:—*Sir, by how much will the average waiting period of 2½ years be reduced when the addition of 125 new places in the care and attention homes are made available by the end of 1982-83?*

DIRECTOR OF SOCIAL WELFARE:—*Sir, we hope to reduce the waiting period by at least six months, possibly by more.*

MISS DUNN:—*Sir, having regard to the apparent gap between the demand for these facilities for the elderly and the available supply, would the Government state what proportion of total expenditure on social welfare is devoted to the elderly?*

DIRECTOR OF SOCIAL WELFARE:—*Sir, I will supply a written answer.*

(THE FOLLOWING WRITTEN REPLY WAS PROVIDED SUBSEQUENTLY.)

I attach a breakdown of expenditure covering departmental expenditure, subventions to voluntary agencies and Lotteries Fund allocations.

EXPENDITURE ON ELDERLY SERVICES

| <i>Social Welfare Department Expenditure</i> | <i>Estimate for</i> |
|--|---------------------|
| | <i>1982-83</i> |
| Expenditure on Elderly Services | \$0.3m |
| Old Age Allowance | \$336.0m |
| | <u>\$336.3m</u> |

| | |
|--|---------------------------------|
| <i>Social Welfare Department Expenditure</i> | <i>Estimate for 1982-83</i> |
| Total departmental expenditure | \$965.5m |
| % of expenditure on Elderly Services | 34.8% |
| <i>Subvention to Voluntary Agencies</i> | |
| Allocation for Elderly Services | \$34.9m |
| Total Subvention Vote | \$289.0m |
| Percentage of Expenditure on Elderly Services | 12.1% |
| <i>Total Expenditure on Elderly Services</i> | |
| Total departmental expenditure including subventions | \$1,254.5m |
| Expenditure on Elderly Services | \$371.2m |
| % of expenditure on Elderly Services | 29.59% |
| <i>Lotteries Fund</i> | <i>81-82</i> |
| Allocation for Elderly Services | \$20.2m |
| Total Allocations | \$47.4m |
| Percentage | 42.2% |

Vice establishment in residential buildings

6. MRS. CHOW asked:—*What action is Government taking to control the growth of vice establishments in residential buildings?*

SECRETARY FOR SECURITY:—Sir, firstly, there is no positive evidence to show that there either is, or has been, a growth of vice establishments in residential buildings or, indeed, in any other type of building. There has, however, recently been an increased public awareness of the existence of what are accepted to be vice establishments and some prominence has been given in the media to them. These establishments may be located not only in residential buildings, but also in buildings designed and occupied for a variety of other purposes. Measures for the control of these establishments are not, therefore, confined only to those which exist in residential buildings.

The Police have an on-going programme to monitor vice establishments wherever and in whatever form they occur. Each Police District has an established Vice Squad, whose duties include the conduct of regular checks to ensure that no breaches of the law occur. Where evidence is found that offences, such as those defined in the Crimes Ordinance for example, are being committed, appropriate prosecution action is pursued.

In addition to the measures which the Police take, other forms of control are available, including action by various Government departments, as appropriate, such as:

- (a) the Urban Services Department, if there are breaches of health regulations or liquor licensing laws;
- (b) the Fire Services Department for non-compliance with Fire Regulations;
- (c) the Buildings Ordinance Office for infringements of the Buildings Ordinance; or
- (d) the Registrar General under the Business Registration Ordinance.

MRS. CHOW:—*Sir, may I ask the Secretary for Security whether there is any positive evidence to show that there is no growth of vice establishments in general and in residential buildings in particular. In other words, does he have a comparison between the number of such establishments this year and the number in previous years?*

SECRETARY FOR SECURITY:—As I have said, there is no positive evidence. Indeed, it would be very difficult to produce what might be described as a still picture of the situation regarding these establishments at any time, and so I am afraid, Sir, the answer is that I cannot give an answer to that question.

MRS. CHOW:—*Sir, is Government looking into controls which might specifically be applied to vice establishments in addition to the ones mentioned in the last paragraph of his reply which effectively controls general public gathering places such as restaurants, game centres and kindergartens but not necessarily vice establishments?*

SECRETARY FOR SECURITY:—Sir, the general view is that the provisions of the law are adequate to deal with vice establishments and the Administration is not looking into any further measures at this time.

MISS DUNN:—*Whereas it may be true that there has been no growth in the number of vice establishments as defined in the law, is it possible that the law defining a vice establishment is deficient?*

SECRETARY FOR SECURITY:—Sir, I have deliberately refrained from considering in my reply the definition of a vice establishment. When I refer to Vice Squads I may say that these squads attack gambling, drugs and sex offences and so there is a broad sweep in the attack on vice establishments already.

MISS DUNN:—Sir, I do not believe my question has been answered.

HIS EXCELLENCY THE PRESIDENT:—Would you like to repeat your question, Miss DUNN?

MISS DUNN:—*Is the law deficient in respect of the definition of vice establishments?*

SECRETARY FOR SECURITY:—No, Sir, I do not think the law is deficient. It may be helpful if I say that recently there have been a number of cases which have been taken to the Court of Appeal, and the results of these appeals which have been recently handed down make the law much clearer and I do not now think that there is a deficiency.

MISS DUNN:—*Does the law defining vice establishments include single occupants in residential accommodations who solicit sex as a business?*

SECRETARY FOR SECURITY:—No, Sir, I think the law does not include single occupants of these establishments.

Student suicide

7. MISS DUNN asked:—*Is the Government concerned about the incidence of suicides among students and can it say what are the major causes of these tragedies?*

DIRECTOR OF EDUCATION:—Sir, of course we are concerned, as a caring and compassionate administration.

One student suicide is one too many, but without detracting in any way from the tragedy, I would say that the very few student suicides we have had in recent years do not represent an incidence in the sense of trend or growth. Indeed, I am told by a practising psychiatrist, eminent in his field and whose opinion I value, that the trend, if anything, is for fewer such cases in Hong Kong.

It is very difficult to say with any certainty what are the major causes of these tragedies. A combination of factors I think among them a predisposition of character, and of course stress in the home, at school and in the way of life in Hong Kong.

I am told by my educational psychologists and medical advisers that predisposition is the key to any student breakdown—of which suicide is the extreme and sadly irretrievable form. Highly sensitive, imaginative children are particularly prone to pressures, wherever they come from. And if these are compounded by an unhappy home, they will not be helped by the more impersonal environment of school. A careful analysis of recent cases has prompted my educational psychologist to remark that in very, very few instances has academic pressure at school appeared to be the precipitating cause of student suicide. In *all* cases there have been contributing factors, and, in sadly too many, pressures at home.

This is not to say that student breakdowns cannot be checked. Alert and responsive parents and teachers can see trouble coming and with love and commonsense often meet and treat teenage problems before they get out of

hand. If behavioural trouble escalates there are the professional services of counselling and guidance teachers, social workers, psychologists and psychiatrists available; but the problem is and always has been diagnosis. If the approach of teenage breakdown is hard to diagnose, anticipating a student suicide is often impossible. A common factor in these sad cases is the utter surprise of parents, family, teachers and friends of victims.

I do not wish to labour the point, or spend too much time on what is clearly a very complex subject, but I would like to take this opportunity to make a final plea: let us try to keep student suicide in perspective. And here the media have an important role to play. For every tragic breakdown like this there are hundreds of thousands of happy, healthy children who have learnt to handle stress in their homes, schools and in our bustling, busy world. They have done this with the help of loving parents, caring teachers and a concerned society. But they have done it most of all, I would suggest, by courage and commonsense as individuals.

MISS DUNN:—*Sir, I thank Mr. HAYE for his most excellent answer which I entirely accept, but can he give an assurance that teachers are being advised how to diagnose the early signs of stress in vulnerable children?*

DIRECTOR OF EDUCATION:—*Sir, there is an element of this sort of preparation in the training of every teacher and certainly, with greater publicity of student suicide, I know that student counsellors have specifically been warned in this context. Certainly, in so far as our referral services are concerned we are particularly alert to the signs of student breakdown and more and more schools are in fact coming to us when they sense there is real trouble in the student population. As I have remarked, academic pressure is the least of our worries. Too often the trouble stems from a disturbed home relationship or trouble in adjusting to life generally. The short answer to Miss DUNN's question is, yes, teachers are being warned to look out specifically for the symptoms of student breakdown.*

U.K. entry requirements for Hong Kong passport holders

8. MRS. CHOW asked:—*Will Government make a statement on the entry requirements for Hong Kong passport holders who wish to enter the United Kingdom?*

SECRETARY FOR SECURITY:—*Sir, full details of the entry requirements specified by the U.K. Government for Hong Kong passport holders who do not have the right of abode in the United Kingdom are contained in a comprehensive, 40-page Statement of Changes in Immigration Rules laid before Parliament on 20*

February 1980 under section 3(2) of the Immigration Act 1971, an up to date copy of which is available in the Secretariat Library.

Briefly, and in general, those going to work in the U.K. require work permits or entry certificates depending on the type of employment.

Dependants of those working in the U.K., and others going there for long term residence require entry certificates.

However, the only entry requirements for a Hong Kong passport holder wishing to enter the U.K. for genuine *visit* purpose of up to six months are that there are no objections on medical, criminal or security grounds and that the visitor has adequate funds to maintain himself during his visit.

Similar provisions apply also to Hong Kong passport holders going to the U.K. for bona fide *study* purposes.

Entry certificates I would emphasize are *not* mandatory for either students or visitors.

Statements

Hong Kong Telephone Company Limited: Permitted Charges

SECRETARY FOR ECONOMIC SERVICES:—Sir, I rise to speak on the scale of charges for the Viewdata and Autoview services of the Hong Kong Telephone Company Limited set out in the paper laid on the table of this Council in accordance with the instructions of the Governor in Council in 1979.

The Telecommunication (Exemption from Licensing) Order, made by the Governor in Council in that same year, exempts non-telephonic services provided by the Telephone Company over the public telephone network, such as general data transmission, facsimile services and Viewdata, from licensing under the Telecommunication Ordinance. The exemption applies only to services approved by the Telecommunications Authority, and the Telephone Company's maximum charges are confined to those specified by the Authority in the *Gazette*.

The Telecommunications Authority has examined the scale of charges for Viewdata and Autoview services specified in the paper laid and has found them fair and reasonable.

Report of the UMELCO Police Group for 1981

SECRETARY FOR SECURITY:—Sir, included in the papers laid on the table this afternoon is the UMELCO Police Group Report for 1981. The Report has been

tabled without its Chinese translation. It has taken some time to finalize the 1981 Report and in order not to delay the publication further it has been decided that the English version of the Report should be tabled at this, the last sitting of the Council for this Session. To have delayed the presentation until the completion of the translation work would have delayed the publication of the Report until October. It is hoped that the Chinese translation would soon be ready and that the Report in both languages will be distributed in the usual way.

The Report provides a very clear account of the Group's work for the year and is amply supported by statistical detail. The importance of the Group's work can, in my view, best be summed up by quoting from paragraph 10 of the Report which states:

'Every complaint against the Police made directly, or referred to the Complaints Against the Police Office, is reported to the UMELCO Police Group.'

Sir, it simply remains for me to pay tribute to the painstaking work of the Honourable T. S. Lo as Chairman of the UMELCO Police Group and that of his colleagues all of whom have devoted so much time to the important work of ensuring that the Police Force does not, as they put it,

'flinch from policing itself'.

Government Business

Motions

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

THE FINANCIAL SECRETARY moved the following motion:—that on 1 August 1982—

1. The functions exercisable by the Director of Trade, Industry and Customs by virtue of the Ordinances specified—

| | |
|----------------|--|
| First Schedule | (a) in Part 1 of the First Schedule, be transferred to the Commissioner of Customs and Excise; |
| | (b) in Part 2 of the First Schedule, be transferred to the Director of Trade; |
| | (c) in Part 3 of the First Schedule, be transferred to the Secretary for Trade and Industry. |

2. The Ordinance specified in the first column of the Second Schedule be amended to the extent and in the manner set out in the second column of that Schedule.

3. References herein to an Ordinance be construed as including references to any subsidiary legislation made under that Ordinance.

FIRST SCHEDULE
PART 1
(D.T.I.C. to C.C.E.)

[para. 1.]

Copyright Ordinance (Cap. 39).
 Import and Export Ordinance (Cap. 60), except sections 3, 8, 9, 11, 33 and 36.
 Import and Export (Registration) Regulations (Cap. 60, sub. leg.)
 Places for Lodging Import or Export Declarations Notice (Cap. 60, sub. leg.).
 Tallyclerks (Licensing) Ordinance (Cap. 85).
 Dutiable Commodities Ordinance (Cap. 109).
 Miscellaneous Licences Regulations (Cap. 114, sub. leg.), regulation 21(b)
 Public Revenue Protection Ordinance (Cap. 120), section 4.
 Acetylating Substances (Control) Ordinance (Cap. 145).
 Reserved Commodities Ordinance (Cap. 296), sections 4, 5 and 10.
 Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Cap. 296, sub. leg.) regulations 7A, 9(2) and 21.
 Reserved Commodities (Control of Sales by Wholesale) Regulations (Cap. 296, sub. leg.), regulation 12.
 Industrial Training (Clothing Industry) Ordinance (Cap. 318).
 Protection of Non-Government Certificates of Origin Ordinance (Cap. 324).
 Customs and Excise Service Ordinance (Cap. 342).
 Trade Descriptions Ordinance (Cap. 362).

PART 2
(D.T.I.C. to D.T.)

Import and Export Ordinance (Cap. 60), sections 3, 5, 8, 9, 11, 33 and 36.
 Import and Export (Fees) Regulations (Cap. 60, sub. leg.).
 Import and Export (Strategic Commodities) Regulations (Cap. 60, sub. leg.).
 Export (Certificates of Origin and Commonwealth Preference Certificates) Regulations (Cap. 60, sub. leg.).
 Import (Radiation) (Prohibition) Regulations (Cap. 60, sub. leg.).
 Reserved Commodities Ordinance (Cap. 296), except sections 4 and 10.
 Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Cap. 296, sub. leg.), except regulations 7A, 9(2) and 21.
 Reserved Commodities (Control of Sales by Wholesale) Regulations (Cap. 296, sub. leg.), except regulation 12.
 Radiation Ordinance (Cap. 303), section 3(2)(a)(iii).
 Hong Kong Export Credit Insurance Corporation Ordinance (Cap. 1115), section 10(2)(a).

PART 3
(D.T.I.C. to S.T.I.)

Hong Kong Trade Development Council Ordinance (Cap. 1114), section 11(1)(b)(vi).

SECOND SCHEDULE

[para. 2.]

Ordinance

Amendment

Copyright Ordinance
(Cap. 39.)

1. In section 2(1), delete the definition of 'Director' and substitute—
 '“Commissioner” means the Commissioner of Customs and Excise and any Deputy or Assistant Commissioner of Customs and Excise;’.
2. Delete 'Director', wherever occurring, and substitute—
 'Commissioner'.

Ordinance
 Import and Export Ordinance
 (Cap. 60.)

Amendment

1. In section 2—
 - (a) after the definition of ‘aircraft’, insert—

“‘appointed officer’ means a person appointed by the Director under section 4A;”;
 - (b) in the definition of ‘authorized officer’, delete ‘Director under section 4’ and substitute—

‘Commissioner under section 4’;
 - (c) after the definition of ‘commander’, insert—

“‘Commissioner’ means the Commissioner of Customs and Excise and any Deputy or Assistant Commissioner of Customs and Excise;”;
 - (d) delete the definition of ‘Director’ and substitute—

“‘Director’ means the Director of Trade and, except where the expression “‘Director of Trade’” is used, any Deputy or Assistant Director of Trade;” and
 - (e) in the definition of ‘manifest’ delete ‘Director of Trade, Industry and Customs’ and substitute—

‘Commissioner’.
2. In section 3(9), delete ‘authorized officer’ and substitute—

‘appointed officer’.
3. After section 4, insert—

| | |
|----------------------|--|
| ‘Appointed officers. | <p>4A. The Director may appoint in writing any public officer to exercise any of the powers and perform any of the duties conferred or imposed on an appointed officer by this Ordinance.’.</p> |
|----------------------|--|
4. In sections 4, 7, 12, 13, 14, 19, 20, 21, 27, 28, 29, 30 and 31(1)(ab) and (ac), delete ‘Director’, wherever occurring, and substitute—

‘Commissioner’.
5. In sections 5, 6 and 31(1)(u), (w) and (x), before ‘Director’, wherever occurring, insert—

‘Commissioner or the’.
6. In sections 13 and 27, delete ‘Trade, Industry and Customs’, wherever occurring, and substitute—

‘Customs and Excise’.
7. In section 17, delete ‘Director of Trade, Industry and Customs’, wherever occurring, and substitute—

‘Commissioner’.
8. In section 22(1)(b) and (3), delete ‘or an officer of the Trade, Industry and Customs Department of or above the rank of Assistant Director of Trade, Industry and Customs’.

*Ordinance**Amendment*

9. In section 31(1)—
- (a) in paragraph (u), after ‘authorized officer’, insert—
‘, an appointed officer’; and
 - (b) in paragraph (z), delete ‘Trade, industry and Customs’ and substitute—
‘Trade’.
- Import and Export (General) Regulations (Cap. 60, sub. leg.) In regulation 7, delete ‘, Industry and Customs’.
- Import and Export (Registration) Regulations (Cap. 60, sub. leg.)
1. In regulation 2, in the definition of ‘Imports and Exports Classification List’, delete ‘Director of Trade, Industry and Commerce’ and substitute—
‘Commissioner’.
 2. Delete ‘Director’, wherever occurring, and substitute—
‘Commissioner’.
- Export (Certificates of Origin and Commonwealth Preferences Certificates) Regulations (Cap. 60, sub. leg.) Delete ‘authorized officer’, wherever occurring, and substitute—
‘appointed officer’.
- Places for Lodging Import or Export Declarations Notice (Cap. 60, sub. leg.) Delete ‘Trade, Industry and Customs’, wherever occurring, and substitute—
‘Customs and Excise’.
- Tallyclerks (Licensing) Ordinance (Cap. 85)
1. In section 2, in the definition of ‘sworn measurer’, delete ‘Director of Trade, Industry and Customs’ and substitute—
‘Commissioner of Customs and Excise’.
 2. In section 7, delete ‘Department of Commerce’ and substitute—
‘Customs and Excise Department’.
- Dutiable Commodities Ordinance (Cap. 109)
1. In section 2(1)—
 - (a) before the definition of ‘container’ insert—
“‘Commissioner’ means the Commissioner of Customs and Excise and any Deputy or Assistant Commissioner of Customs and Excise;” and
 - (b) delete the definition of ‘Director’.
 2. Delete ‘Director’, wherever occurring, and substitute—
‘Commissioner’.
- Dutiable Commodities Regulations (Cap. 109, sub. leg.) In Part VII of the Schedule, delete ‘Trade, Industry and Customs’ and substitute—
‘Customs and Excise’.
- Miscellaneous Licences Regulations (Cap. 114, sub. leg.) In regulation 21(b), delete ‘Director of Trade, Industry and Customs’ and substitute—
‘Commissioner of Customs and Excise’.

| <i>Ordinance</i> | <i>Amendment</i> |
|---|--|
| Public Revenue Protection Ordinance (Cap. 120) | <p>In section 4—</p> <p>(a) delete ‘Director of Trade, Industry and Customs’ and substitute— ‘Commissioner of Customs and Excise’; and</p> <p>(b) delete ‘Director’ and substitute— ‘Commissioner’.</p> |
| Acetylating Substances (Control) Ordinance (Cap. 145) | <p>1. In section 2(1)—</p> <p>(a) before the definition of ‘container’ insert— “‘Commissioner’ means the Commissioner of Customs and Excise and any Deputy or Assistant Commissioner of Customs and Excise;” and</p> <p>(b) delete the definition of ‘Director’.</p> <p>2. Delete ‘Director’, wherever occurring, and substitute— ‘Commissioner’.</p> |
| Reserved Commodities Ordinance (Cap. 296) | <p>1. In section 2(1)—</p> <p>(a) in the definition of ‘authorized officer’, delete ‘Director’ and substitute— ‘Commissioner’; and</p> <p>(b) delete the definition of ‘Director’ and substitute— “‘Commissioner’ means the Commissioner of Customs and Excise and any Deputy or Assistant Commissioner of Customs and Excise; ‘Director’ means the Director of Trade and any Deputy or Assistant Director of Trade;”.</p> <p>2. In sections 4 and 10, delete ‘Director’, wherever occurring, and substitute— ‘Commissioner’.</p> <p>3. In sections 3(1)(n), 5 and 13, before ‘Director’, wherever Occurring, insert— ‘Commissioner or the’.</p> |
| Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Cap. 296, sub. leg.) | <p>1. In regulation 2, in the definition of ‘manifest’, delete ‘Director of Trade, Industry and Customs’ and substitute— ‘Commissioner’.</p> <p>2. In regulations 7A, 9 and 21, delete ‘Director’, wherever occurring, and substitute— ‘Commissioner’.</p> |
| Reserved Commodities (Control of Sales by Wholesale) Regulations (Cap. 296, sub. leg.) | <p>In regulations 12 and 16(4), delete ‘Director’, wherever occurring, and substitute— ‘Commissioner’.</p> |

| <i>Ordinance</i> | <i>Amendment</i> |
|--|---|
| Radiation Ordinance (Cap. 303) | In section 3(2)(a)(iii), delete ‘Director of Trade, Industry and Customs’ and substitute— ‘Director of Trade’. |
| Industrial Training (Clothing Industry) Ordinance (Cap. 318) | <p>1. In section 2, delete the definition of ‘Director’ and substitute— — “‘Commissioner’” means the Commissioner of Customs and Excise and any Deputy or Assistant Commissioner of Customs and Excise;’.</p> <p>2. Delete ‘Director’, wherever occurring, and substitute— ‘Commissioner’.</p> <p>3. In section 30(2), delete ‘Trade, Industry and Customs’ and substitute— — ‘Customs and Excise’.</p> |
| Places for Lodging Export Declarations Notice (Cap. 318, sub. leg.) | Delete ‘Trade, Industry and Customs’, wherever occurring, and substitute— ‘Customs and Excise’. |
| Protection of Non-Government Certificates of Origin Ordinance (Cap. 324) | <p>In section 2—</p> <p>(a) delete the definition of ‘authorized officer’ and substitute— — “‘authorized officer’” means an officer of the Customs and Excise Department authorized in writing by the Commissioner to carry out duties under this Ordinance;’; and</p> <p>(b) delete the definition of ‘Director’ and substitute— “‘Commissioner’” means the Commissioner of Customs and Excise and any Deputy or Assistant Commissioner of Customs and Excise;’.</p> |
| Customs and Excise Service Ordinance (Cap. 342) | <p>1. Delete section 4 and substitute— — ‘Direction and Administration. 4. (1) (a) The Commissioner of Customs and Excise shall be the Commissioner of the Customs and Excise Service.</p> <p style="padding-left: 100px;">(b) A Deputy Commissioner of Customs and Excise designated by the Governor shall be the Deputy Commissioner of the Customs and Excise Service.</p> <p style="padding-left: 100px;">(c) An Assistant Commissioner of Customs and Excise designated by the Governor shall be the Assistant Commissioner of the Customs and Excise Service.</p> <p style="padding-left: 100px;">(2) The Commissioner shall be charged with the direction and administration of the Customs and Excise Service.’.</p> <p>2. In section 4A—</p> <p style="padding-left: 20px;">(a) in subsection (1), delete ‘the Director of Trade, Industry and Customs,’; and</p> |

| <i>Ordinance</i> | <i>Amendment</i> |
|---|--|
| | (b) in subsection (2), delete ‘Director of Trade, Industry and Customs, the’. |
| Trade Descriptions Ordinance (Cap. 362) | <p>1. In section 2—</p> <p>(a) in subsection (1)—</p> <p>(i) after the definition of ‘authorized officer’ insert—</p> <p>“‘Commissioner’ means the Commissioner of Customs and Excise and any Deputy or Assistant Commissioner of Customs and Excise;”; and</p> <p>(ii) delete the definition of ‘Director’; and</p> <p>(b) in subsection (2), delete ‘Director of Trade, Industry and Customs’ and substitute—</p> <p>‘Commissioner’.</p> <p>2. In section 30(4), delete ‘Trade, Industry and Customs’ and substitute—</p> <p>‘Customs and Excise’.</p> <p>3. Delete ‘Director’, wherever occurring, and substitute—</p> <p>‘Commissioner’.</p> |
| Hong Kong Trade Development Council Ordinance (Cap. 1114) | In section 11(1)(b)(vi), delete ‘Director of Trade, Industry and Customs’ and substitute— |
| | ‘Secretary for Trade and Industry’. |
| Hong Kong Export Credit Insurance Corporation Ordinance (Cap. 1115) | In section 10, delete ‘Director of Trade, Industry and Customs’, wherever occurring, and substitute— |
| | ‘Director of Trade’. |

He said:—Sir, I rise to move the first motion standing in my name in the Order Paper. This motion arises from the decision announced in this Council on 15 April 1982 to defederalize the Trade Industry and Customs Department.

With effect from 1 August 1982 there will be three separate and independent departments; an Industry Department, a Trade Department and a Customs and Excise Department. There will also be a new policy branch in the Government Secretariat, to be known as the Trade and Industry Branch.

To enable the Secretary of the Trade and Industry Branch and the Director of Industry, the Director of Trade and the Commissioner of Customs and Excise to assume their roles on 1 August 1982, certain statutory powers previously vested in the Director of Trade Industry and Customs need to be transferred to them. These are set out in detail in the First Schedule to the motion, while the consequential amendments required to the Ordinances concerned are set out in the Second Schedule.

Sir, I beg to move.

Question put and agreed to.

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 48, 49 and 50 the following—

- | | |
|---|--|
| ‘48. Suppliers Credit facilities to finance Contracts placed in Japan | Hong Kong Dollars Five Hundred and Ninety Million (HK\$590,000,000) and such amount as may become payable in respect of interest and other charges. |
| 49. Export Credits arranged by Standard Chartered Merchant Bank Ltd. to finance a Contract placed in U.K. | Hong Kong Dollars Forty Million (HK\$40,000,000) 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 Twelve Million (HK\$12,000,000). |
| 50. Export Credit to finance contracts placed in France | Hong Kong Dollars Four Hundred and Thirty Million (HK\$430,000,000) 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 Twenty Million (HK\$120,000,000).’ |

He said:—Sir, I move the second 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 Secretay, on behalf of the Government, to grant guarantees in respect of the repayment of loans and other indebtedness incurred by the Corporation.

Authority is now sought for a Government guarantee to cover repayment of a loan of HK\$1,060 million and such amount as may become payable in respect of interest and other charges.

The sum borrowed under this guarantee will be used to finance the Island Line contracts for the construction of the Chai Wan Depot, the Chai Wan Overhead Station, the Pak Sha Wan Station and the Causeway Bay West Concourse; the design, manufacture and installation of the signalling system, the escalators and the automatic fare collection equipment; and the main site formation works at Kornhill.

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\$9,673 million. This contingent liability is provided for within our reserves.

Sir, I beg to move.

Question put and agreed to.

LEGAL AID ORDINANCE

THE ATTORNEY GENERAL moved the following motion:—That Part I of the Schedule to the Legal Aid Ordinance be amended by inserting, immediately after paragraph 3, the following paragraph—

(Cap.7.) ‘4. Proceedings in the Lands Tribunal under Part II of the Landlord and Tenant (Consolidation) Ordinance.’.

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

Proceedings under Part II of the Landlord and Tenant (Consolidation) Ordinance are to be transferred from the District Court into the Lands Tribunal. It is anticipated that the Tribunal will assume this function on 1 October this year.

At the moment legal aid is available in such proceedings in the District Court. Without amendment of the Schedule to the Legal Aid Ordinance, legal aid would not be available in the Lands Tribunal.

I believe it would be wrong to deprive litigants of the opportunity which they currently have of applying for legal aid in respect of these proceedings especially because of the importance to the individual concerned of decisions in landlord and tenant matters. The resolution will allow the legal aid to be so available.

Sir, I beg to move.

Question put and agreed to.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

THE SECRETARY FOR SOCIAL SERVICES moved the following motion:—That—

1. The functions exercisable by the Secretary for Home Affairs by virtue of section 5 of the Emergency Relief Fund Ordinance (Chapter 1103) be transferred to the Director of Housing.
2. The Emergency Relief Fund Ordinance (Chapter 1103) be amended—
 - (a) in section 5(2)(b) by deleting ‘Secretary for Home Affairs’ and substituting the following—

‘Director of Housing’; and
 - (b) in the proviso to section 5—
 - (i) by deleting ‘the Secretary for Home Affairs and’; and
 - (ii) by inserting after ‘Administration’ the following—

‘and the Director of Housing’.

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

Section 5 of the Emergency Relief Fund Ordinance (Chapter 1103) establishes a Committee to assist the Trustee, the Director of Social Welfare, in administering the Fund. With the change in responsibility for City Districts, and as the Secretary for City and New Territories Administration is already represented on the Committee, it is felt that the Secretary for Home Affairs’ membership should now be transferred to the Director of Housing because of the latter’s heavy involvement in the provision of accommodation for victims of natural disasters, who are also assisted from the Fund. The rates of some of the grants payable out of the Emergency Relief Fund are also linked to the Domestic Removal Allowance payable by the Director of Housing in cases of clearances.

Sir, I beg to move.

Question put and agreed to.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

SECRETARY FOR LANDS AND WORKS moved the following motion:—That on 1 August 1982

1. The functions exercisable by the Director of Engineering Development by virtue of the provisions specified in the second column of the First Schedule be transferred to the Director of Electrical and Mechanical Services.
2. The Ordinances specified in the first column of the First Schedule be amended, in the provisions thereof specified in the second column of that

Schedule, by deleting ‘Director of Engineering Development’, wherever occurring, and substituting the following—

‘Director of Electrical and Mechanical Services’.

3. The Ordinances specified in the first column of the Second Schedule be amended, in the provisions thereof specified in the second column of that Schedule, by deleting ‘Engineering Development Department’, wherever occurring, and substituting the following—

‘Electrical and Mechanical Services Department’.

4. References herein to an Ordinance be construed as including references to any subsidiary legislation made under that Ordinance.

FIRST SCHEDULE

[para. 1.]

| <i>Ordinance</i> | <i>Provision</i> |
|--|---|
| Evidence Ordinance (Chapter 8) | Section 28(1)(b)(i) |
| Electricity Supply Regulations (Chapter 103, subsidiary legislation) | Regulations 2(c), 7, 8, 12, 13(1), 13(8), 13(9), 13(13), 13(14)(I)(b), 13(14)(II)(a)(iii), 13(14)(II)(b)(ii), 13(16), 13(18)(a)(iii), 13(18)(b)(iii), 21, 24, 32(1), 38 and 39(16) |
| Tramway Ordinance (Chapter 107) | Sections 25 and 33 |
| Aerial Ropeways (Safety) Ordinance (Chapter 211) | Section 2 |
| Peak Tramway Ordinance (Chapter 265) | Section 14 |
| Peak Tramway Rules (Chapter 265, subsidiary legislation) | Rule 22 |
| Lifts and Escalators (Safety) Ordinance (Chapter 327) | Section 2 and Schedule (Forms 1-21 inclusive) |

SECOND SCHEDULE

[para. 3.]

| <i>Ordinance</i> | <i>Provision</i> |
|--|---|
| Lifts and Escalators (Safety) Ordinance (Chapter 327) | Sections 36 and 43(2) and Schedule (Forms 1- 21 inclusive) |

He said:—Sir, I rise to move the motion standing in my name on the Order Paper. This motion arises from the decision to separate the present Electrical and Mechanical Office from the Engineering Development Department and establish it as an autonomous

Electrical and Mechanical Services Department.

To enable the director of the new department to assume full responsibility with effect from 1 August 1982 certain statutory powers need to be transferred to him from the Director of Engineering Development as was advised by the Chief Secretary in this Council on 10 March this year. These powers are set out in the motion and the attached schedules (above).

The motion ensures that under the Tramway Ordinance, Chapter 107, and the Peak Tramway Ordinance, Chapter 265, only those powers which relate to electrical and mechanical engineering are to be transferred to the Director of Electrical and Mechanical Services. Powers under these two Ordinances which relate to civil engineering works will remain with the Director of Engineering Development.

I would add, Sir, that although the creation of the post of Director of Electrical and Mechanical Services has been recommended by the Establishment Sub-Committee the recommendation cannot be approved by Finance Committee until that body meets later this afternoon. It is, however, desirable that the powers to be transferred are exercisable by the Director as soon as his Department comes into being and it is for that reason that I must seek the approval of this Council before the end of the current session. Without, therefore, in any way attempting to pre-empt or anticipate the decision of Finance Committee I would ask that Members adopt this Resolution subject to Finance Committee approving the creation of the necessary post.

Sir, I beg to move.

Question put and agreed to.

Motion (in Committee)

Supplementary provision for the quarter ended 31 March 1982

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. 62.

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

The schedule of supplementary provision for the fourth quarter of the financial year 1981-82 covers a total amount of \$3.2 billion. The major items include \$1 billion for various salary adjustments for the civil service and the implementation of the recommendations of the Standing Commission on Civil Service Salaries and Conditions of Service; \$942 million for land acquisition; \$678 million for expenditure on public works projects including provision for 28

projects upgraded to or included for the first time in Category A of the Public Works Programme; \$187 million for additional expenditure arising from the pensions and gratuities adjustments and the implementation of a revised retirement policy; and \$32 million to meet urgent and unforeseen expenditure on the operation and maintenance of the water supply system.

The supplementary provision covered by the schedule resulted in a net increase of \$2.7 billion 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.

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 bills

STOCK EXCHANGES UNIFICATION (AMENDMENT) BILL 1982

PEAK TRAMWAY (AMENDMENT) BILL 1982

ROAD TRAFFIC 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

STOCK EXCHANGES UNIFICATION (AMENDMENT) BILL 1982

THE SECRETARY FOR ECONOMIC SERVICES moved the second reading of:—‘A bill to amend the Stock Exchanges Unification Ordinance’.

He said:—Sir, I move the second reading of the Stock Exchanges Unification (Amendment) Bill 1982.

The management of the Stock Exchange of Hong Kong Ltd. (the unified exchange), and the election of its office-bearers are governed by its Articles of Association which are in part subject to provisions in the Stock Exchanges Unification Ordinance.

Two ways in which the Articles are subject to the Ordinance are that the Ordinance provides for the management of the Exchange Company to be vested in a Committee elected from its members; and section 9(4) prescribes that the Chairman of the Committee shall be elected annually by secret ballot of the members of the Company.

For administrative and practical reasons, the Committee of the Company has proposed an amendment to the Articles of Association to enable its Chairman and Vice-Chairmen to be elected by secret ballot of the Committee instead of by members of the Company. At a recent extraordinary general meeting, a special resolution of members of the Exchange Company approved this proposal in principle. In other words, support for the proposal is *not* limited to its Committee. The members support it as well.

Under the Stock Exchanges Unification Ordinance, an amendment to the Articles of Association cannot take effect until it has been approved by the Securities Commission. The Securities Commission, also, has given its approval to the proposal subject to the necessary amendment being made to section 9(4) of the Ordinance.

Accordingly, the Bill now before this Council seeks to repeal section 9(4), thereby removing all reference to the procedure for electing the Chairman in the principal Ordinance and leaving the Articles of Association of the Company, as approved by the Securities Commission, as the sole reference point for such matters.

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 ECONOMIC SERVICES.

Question put and agreed to.

PEAK TRAMWAY (AMENDMENT) BILL 1982

THE SECRETARY FOR TRANSPORT moved the second reading of:—‘A bill to amend the Peak Tramway Ordinance’.

He said:—Sir, I rise to move the second reading of the Peak Tramway (Amendment) Bill 1982.

Under section 21 of the Peak Tramway Ordinance (Cap. 265) a permit fee is payable by the Company. Under section 21(5), the Legislative Council may by resolution amend the rate of the permit fee, or amend that rate for any year. Any such resolution may have retrospective effect to the 1 January of the preceding year.

The Bill proposes to set the fee for the years 1981 and 1982 at the nominal sum of \$1,000. On 4 June 1982 the Governor in Council approved an increase in fares on the Peak Tramway and recommended that this Bill be introduced into this Council. The fare scales approved by the Governor in Council depend on the permit fee being set at a nominal level in order to allow the Company to make a reasonable profit without raising fares to an unreasonably high level.

Sir, I move that the debate be now adjourned.

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

Question put and agreed to.

ROAD TRAFFIC BILL 1982

THE SECRETARY FOR TRANSPORT moved the second reading of:—‘A bill to provide for the regulation of road traffic and the use of vehicles and roads and for other purposes connected therewith’.

He said:—Sir, I rise to move the second reading of the Road Traffic Bill 1982.

The present Road Traffic Ordinance (Cap. 220) was enacted in 1957 and a series of subsidiary regulations were made between 1957 and 1964. This legislation was largely based on practice in the United Kingdom, but since 1957 there have been many changes in ways of dealing with motoring offences, in methods of traffic control, safety measures and in the design and construction of motor vehicles. The structure of the legislation has become increasingly ill-adapted to present road traffic conditions, and over the years it has become increasingly difficult to respond to changing conditions by a process of fragmentary amendments to the Ordinance and regulations. The legislation has, frankly, become unnecessarily complicated, confusing and cumbersome.

A general revision of the Road Traffic Ordinance and its subsidiary regulations was therefore carried out by a Working Party. Opinion and advice was sought from the several Government departments concerned and from organizations with an interest in transport matters. Road traffic legislation in other countries, including various international conventions, was carefully examined. A major defect of the present legislation was that related subjects were spread across thirteen sets of regulations. The Working Party recommended a logical grouping and sequence of the subjects in a new Road Traffic Ordinance, that is, the Bill which I am now moving, with seven sets of regulations covering the registration and licensing of vehicles, the construction and maintenance of vehicles, safety equipment, driving licences, traffic control, parking and public service vehicles. The drafting of these regulations is now complete.

Changes in the content of the legislation have been made only where there is good reason, and so much of what this Bill and its regulations contain is in substance unaltered from the present legislation. Members will observe that the Bill has 114 clauses and 7 schedules, and may be relieved to learn that I shall remark only on those parts of the Bill which introduce significant changes.

The classification of motor vehicles is altered in one important respect: goods vehicles will be divided into three categories, light, medium and heavy, as set out in the First Schedule. I regret that a minor but necessary amendment will be needed to the Bill to require that light and medium goods vehicles weigh up to 5.5 tonnes and 24 tonnes inclusively and respectively. As presently drafted, the Bill requires light and medium vehicles to weigh *less* than 5.5 and 24 tonnes respectively. I shall move to necessary amendment at the committee stage. The new classification will enable greater control over the safety requirements and movements of such vehicles. It is desirable to provide driving tests and licences for different sizes of goods vehicles, rather than to allow a driver who has been tested on a relatively small vehicle to drive the largest vehicles. Clause 2 of the Bill provides that goods vehicles be classified by their gross vehicle weight, instead of by their unladen weight; weighing a vehicle with its load provides immediate evidence of a possible offence of overloading, compared with the present requirement to separate the vehicle and its load for weighing.

Clauses 26 to 32 of the Bill provide for an improved method of licensing the operations of public light buses and buses which are not subject to controls under the Public Omnibus Services Ordinance. The Commissioner for Transport can at present impose specific operating requirements by way of conditions on the individual vehicle licence, but this is clumsy, particularly when applied to a fleet of vehicles. The Bill proposes that operators of non-franchised public bus services, maxicab services, public light buses or private buses should have, in addition to the vehicle licence, a passenger service licence which will indicate the following in one document: the vehicles to be used, the purposes for which they may be used, any restrictions relating to areas or routes to be operated, garage facilities, and records which must be maintained. Each licensee will have a code number, to be displayed on his vehicle(s), so that the Police and Transport Department staff can readily check possible infringements of the licensing conditions. The Commissioner for Transport will be empowered to cancel, suspend or vary the conditions attached to a licence, subject to review by the Transport Tribunal if the licensee objects.

Some important changes are proposed in respect of traffic offences. The English Criminal Law Act of 1977 eliminated the offences of 'dangerous driving causing death' and 'dangerous driving', leaving only the alternative offences of 'reckless driving causing death' and 'reckless driving'. It is considered desirable to bring our law in Hong Kong into line with the United Kingdom legislation in this respect by replacing our 'dangerous driving' offences with those of 'reckless driving', and clause 36 does this. For the prosecution to establish that driving

was actually dangerous, proof is required that another person was endangered. The charge of reckless driving however refers to the manner or act of driving in particular circumstances, and not whether anyone who is in danger. Thus the concept of reckless driving is slightly different, but it is more in line with developing standards in the Criminal Law. It does not mean, however, a substantial change in the existing standards of conduct required of a driver and it will not be any easier to prove such an offence.

As in the past, only a minority of motorists are likely to be affected. In 1981, for instance, there were 77 prosecutions for dangerous driving causing death, five for dangerous driving causing grievous bodily injuries and 1 672 for dangerous driving. There must be stiff penalties for motorists who endanger the lives of other road users; hence the increased penalties included in the Bill. The penalties have not been revised for many years. The penalty for dangerous driving causing death has remained the same since 1957, while the maximum penalty for conviction on indictment for dangerous driving was last revised in 1964. Of course, even though the maximum penalties would be substantially increased if this Bill is approved, the Courts will retain their discretionary powers to impose penalties which they consider appropriate to the circumstances of each case.

By tackling reckless driving, I hope that we can reduce the tragic toll of accidents on our roads. In 1981, 478 people died and 23 602 people were injured on our roads. I must point out, Sir, that despite certain remarks made publicly in the last few weeks, we are not singling out reckless drivers for particular attention; clauses 44 and 47 of the Bill provide that pedestrians and cyclists who act recklessly commit offences and are subject to fines.

I have gone into this point at some length, Sir, because it has aroused fears among professional drivers in particular that the law is to be unnecessarily strengthened to their detriment. I do not think that law-abiding, sensible drivers have anything to fear and hope that Members will agree that any driver, professional or otherwise, who drives recklessly should be called to account before a court.

Speed limits are at present determined by the disposition of street-lights. Clause 39 of the Bill provides for a general speed limit of 50 kilometres per hour for the whole territory, except on roads signposted to indicate a higher limit or a lower limit. The Traffic Control Regulations will contain an up-to-date schedule of road signs based on the widely accepted international Convention, with some necessary variations. The Convention, for example, does not provide for rickshaws.

There are a number of minor but desirable changes: the age at which a child may ride a bicycle without adult supervision is raised from 8 to 11 years; a court may require a person convicted of certain driving offences to submit himself to a driving test; and the process for removal and disposal of abandoned vehicles is shortened.

To implement the provisions of this Bill and its regulations will involve much work, including: bringing in new licensing procedures for goods vehicles and passenger service vehicles; establishing new driving tests for goods vehicle drivers; manufacturing new road signs; revising the administrative arrangements for offences dealt with by fixed penalty tickets; finalizing a new edition of the Highway Code; and preparing explanatory leaflets, and so on. We estimate that the measures can be brought into operation about 18 months after enactment of the Bill and the making of the regulations. This period will allow members of the public, involved organizations and Government departments to prepare fully for the changes. Practical problems which could not be foreseen during the drafting will no doubt surface in this period, and necessary amendments can be made before implementation. Especial care will be taken to publicize the changes so that the public, drivers and pedestrians alike, will be fully aware of their part in improving safety and behaving sensibly on our roads.

This Bill, Sir, is the apex of a substantial pyramid of subsidiary legislation. The whole structure is interlocking, and I have given only a brief summary of it. May I assure this Council that it has been prepared with great care and although it is complex, I believe that congratulations are due to the Working Party and the legal draftsmen for producing a well ordered, understandable and practical framework for the administration of road traffic in Hong Kong.

The Bill and draft regulations will now be committed to the scrutiny of our Unofficial Colleagues, with a view to resuming the second reading in November.

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

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

Question put and agreed to.

LANDS TRIBUNAL (AMENDMENT) BILL 1982

Resumption of debate on second reading (14 July 1982)

Question proposed.

MR. SWAINE:—Sir, the jurisdiction of the Lands Tribunal has recently been enlarged by the transfer to it of cases under Part II of the Landlord and Tenant Ordinance which is concerned with the protection of tenants in post-war domestic premises, and by the enactment of the Roads (Works, Use and Compensation) Ordinance 1982 which will result in a new and important body of work.

Although the declared aim in regard to the transfer of the Part II jurisdiction is informality in accordance with the recommendation of the Landlord and Tenant Ordinance Review Committee, the proceedings under the new Roads Ordinance will, I am sure, be subject to stricter rules in view of the difficult questions which will arise. This should not present a real problem because the Lands Tribunal exercises an umbrella-like jurisdiction over a number of different but related fields, and different rules have been made and will no doubt continue to be made to cater for the separate components of its jurisdiction.

In view of its varied and important functions, it is right that steps should be taken to upgrade the constitution of the Lands Tribunal, and this is one of the major aims of the present Bill. A three-tier system is proposed, with a President who will be a Supreme Court Judge, Presiding Officers who will be District Judges, and members who will be either legally qualified or with relevant experience such as in land valuation. This will supersede the present two-tier system of President and members, in which the President is at District Court level. Appointments under the new system will be made by the Governor upon the advice of the Judicial Service Commission. There is thus no change from the present system in which the President and members are appointed in the same way.

Fears have however been expressed that this scheme of appointments might be construed as undermining the independence of the Judiciary, but the Legislation Scrutiny Group of Unofficials has not been persuaded by the argument. We would prefer to regard the proposals in their correct perspective, namely as an effort to upgrade the Lands Tribunal, within the present system.

We have also received very useful comments on the mechanics of the present Bill and have adopted two of the suggestions made, with the concurrence of the Attorney General, who will accordingly be moving two committee stage amendments. These will be respectively to enable Presiding Officers, as well as the President, to determine points of law which may be referred to them by a lay member of the Tribunal, and to provide that the Tribunal may review its own decisions both as to law and fact.

Sir, with these comments, I support the motion.

THE ATTORNEY GENERAL:—Sir, I am grateful to my learned and honourable Friend Mr. SWAINE for what he has said and there are three points that I would wish to make. First, I will be moving the amendments to which he has just referred. I shall be moving also a third amendment to insert a transitional provision in the Bill so that the work of the Tribunal may continue under its present scheme of functioning until such time as the new President is appointed.

Secondly, I am encouraged by the view expressed by the Unofficial Members who scrutinized the Bill, that informality in the operation so far as landlord and tenant work is concerned was most desirable and I am sure that the Judiciary

will, when they come to apply this, achieve a workable, sensible and just solution. And lastly, Sir, I would like to refer to the point made by my learned Friend as to the question of undermining possible the independence of the Judiciary. Certainly, no intention so to do is there in this Bill. It has been suggested by Unofficial Members, and it seems to me a sensible proposal, that the President, when appointed, and the members when appointed, should be appointed for a fix term in general circumstances so that, once appointed for that period, they will remain for that period. So that would, I think, give substance to the true concept that in Hong Kong the Judiciary are totally independent in their work. So far as I am aware there has never been an occasion when pressure has been brought to bear upon them in their work and I think an administrative procedure such as I have outlined would highlight that that is so, Sir.

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).

LEGAL PRACTITIONERS (AMENDMENT) BILL 1982

Resumption of debate on second reading (14 July 1982)

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).

ROADS (WORKS, USE AND COMPENSATION) (AMENDMENT) BILL 1982

Resumption of debate on second reading (14 July 1982)

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).

SUPREME COURT (AMENDMENT) (NO. 3) BILL 1982

Resumption of debate on second reading (14 July 1982)

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).

MERCHANT SHIPPING (ALIENS EMPLOYMENT) (AMENDMENT) BILL 1982

Resumption of debate on second reading (14 July 1982)

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).

MERCHANT SHIPPING (AMENDMENT) BILL 1982

Resumption of debate on second reading (14 July 1982)

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).

PILOTAGE (AMENDMENT) BILL 1982**Resumption of debate on second reading (14 July 1982)**

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).

PORT CONTROL (CARGO WORKING AREAS) (AMENDMENT) BILL 1982**Resumption of debate on second reading (14 July 1982)**

Question proposed.

Mr. TIEN:—Sir, I rise to support the Port Control (Cargo Working Areas) (Amendment) Bill 1982 which aims to facilitate better control over cargo handling operations at the public cargo working areas.

During the course of our deliberations, Members of the Unofficials' Economic Services Group visited two cargo working areas to see the problems prevailing there. Whilst the provisions of the Bill are acceptable, all my Unofficial Colleagues feel that it is desirable for the Director of Marine also to be given power to remove physically any vessels which may have been berthed in the public cargo working areas for an unduly period of time. I am glad to say that the Administration has agreed to this suggestion and I understand that a provision along these lines will be included in the Amendment Regulations to be made after the enactment of the Bill.

With these remarks, Sir, I support the motion.

SECRETARY FOR ECONOMIC SERVICES:—Sir, I would like to thank my honourable Friend Dr. Francis TIEN and the Members of the Economic Services Group for their careful consideration of the Bill and for going to the trouble of carrying out an on-site inspection of the problems at the public cargo working areas.

I welcome their suggestion that the Director of Marine be empowered to remove any vessels which have berthed for an unduly long period of time, as an additional provision to ensure more effective implementation of the control

measures in the new legislation. Accordingly, we will be proposing to the Governor in Council appropriate changes to the Regulations.

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).

TELECOMMUNICATION (AMENDMENT) BILL 1982

Resumption of debate on second reading (14 July 1982)

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).

SMOKING (PUBLIC HEALTH) BILL 1982

Resumption of debate on second reading (14 July 1982)

Question proposed.

Mr. WONG LAM delivered his speech in Cantonese:—

督憲閣下：本人絕對支持政府制訂反吸煙政策和法例，甚至認為社會事務司的提議可能仍未夠大刀闊斧，有進一步地採取更直截了當方法的必要。

吸煙有百害而無一利，此點即使吸煙者本身，相信也會同意，但為何吸煙者的數目仍然有增無已？本人認為這主要與兩點因素有關。其一是年青人錯誤地認為吸煙乃成熟的表現，在廣告的推波助瀾下，這觀念越來使越多人（尤其是年青人）掉下陷阱，以為吸煙者即是傑出和卓爾不凡的人。其二是吸煙是一種樂趣，既可提神又可鬆弛神經。這是令有煙癮者不肯放棄吸煙或自動減少吸煙的原因。

社會事務司的提議，雖然詳審，但恐怕不夠徹底，尤以針對上述兩項因素而言。本人認為對於所有香煙廣告，政府不妨加強管制，除了由目前的不干預進而不准在某些時間播出

外，更應進而全面禁播及不准將廣告刊登於任何大眾傳播媒介上，這樣雖然會減少部份傳播媒介的收入，但市民大眾的健康，肯定應受政府較優先的考慮。另一方面，政府不妨拍攝一些宣傳短片，揭露吸煙損害健康的實例。據悉有些拍攝香煙廣告的牛仔演員，因為吸煙而奄奄一息，正好作為這種宣傳片的題材。這些積極的做法，肯定會大大減少加入吸煙行列的年青人的數目。

對於已有長時間吸煙經驗的人，政府除了消極地阻止他們在公眾地方吸煙外，更應直接地幫助他們戒掉煙癮。目前只有極少醫院為煙癮深的市民提供這方面的幫助，這是不足夠的，希望政府在提供這項服務上有更積極的安排，以助有意戒煙的市民。

閣下，本人謹陳管見，並支持此項動議。

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

Sir, I fully support Government in formulating anti-smoking policy and legislations, to the extent that I think the proposals of the Secretary for Social Services are perhaps not drastic enough. It is necessary to move a step further by adopting more direct measures.

Smoking is absolutely harmful. Even smokers themselves will admit it. However, why does the number of smokers keep on increasing? I think that this is mainly related to two factors. First, youngsters have the wrong belief that smoking is a maturity symbol. Through the persuasive power of advertisements, more and more people (especially youngsters) have fallen into this trap, believing that smokers are outstanding and brilliant people. Secondly, smoking is believed to be a pleasure, and can refresh one's mind as well as ease one's tension. This is the reason why people taken to smoking are reluctant to give up or reduce smoking voluntarily.

Though the proposals of the Secretary for Social Services are detailed indeed, I am afraid they are not thorough enough, especially for dealing with the two factors mentioned above. In my opinion, the Government should perhaps impose stricter control over all cigarette advertisements. In addition to progressing from the present non-interference to prohibiting the broadcast of these advertisements at certain hours, further steps should be taken to ban such broadcasts completely and prohibit the publication of these advertisements on all mass media. Although these measures may reduce the income of those in the media, the health of the public should definitely be given priority. On the other hand, Government may make some short films for publicity using examples to illustrate that smoking is harmful to health. According to information, some cowboy actors who have played a part in cigarette advertisements are on the verge of death due to smoking. Their stories will be good material for publicity films. I am sure these vigorous measures will reduce considerably the number of youths taking to smoking.

To those who have been smoking for a long time, besides passively forbidding them to smoke in public places, Government should help them directly to quit

smoking. At present, only very few hospitals offer help in this respect to members of the public who are heavy smokers. This is inadequate. It is hoped that Government can make more positive arrangements in providing such a service to those who intend to get rid of smoking.

Sir, with these humble remarks, I support the motion.

DR. HO:—Sir, I rise to support the Smoking (Public Health) Bill 1982.

The provisions in the Bill aim at heightening the community's awareness of the danger of smoking to health and at restricting smoking in designated public places. This Bill is a piece of fairly well balanced legislation in that on the one hand it seeks to protect the interests of non-smokers, but on the other it still leaves smokers certain places to smoke. Personally, I believe it is appropriate for a government to take action to restrict smoking in the interest of public health when a substantial body of medical knowledge has pointed to a link between smoking and lung cancer, and when the majority in the community have expressly indicated their attitude against smoking.

The ultimate object of the legislation is to reduce the incidence of smoking. To achieve this, it is necessary to give further consideration to the following areas of activity simultaneously.

First, the enforcement of the anti-smoking measures, under this Bill, depends to a large extent not only on the self-discipline of the smokers, but also on the conscientious effort of the staff of the public entertainment and public transport concerned. To augment their effort, the Government must escalate their action on more aggressive and long-term mass education and publicity, directed in particular at the younger population. The purpose is to educate the smokers to be more considerate and to discourage young people and students from starting this health-damaging habit.

Secondly, control on cigarette advertisement must be extended to cover the content of the advertisement as well. Thus, the Code of Practice on tobacco advertising on radio, television and cinema screens must be tightened so that any advertisement purported to project the image of a successful or popular personality associated with smoking should be prohibited. Young people are prone to the influence of advertisement.

Finally, a word on sports activities. Young persons are increasingly interested in sports. Now, many sporting events and tournaments are, however, sponsored by tobacco companies. This kind of commercial sponsorship may mislead young people into linking excellency in sports performance with smoking. This will consequently negate the effects of most of the anti-smoking measures proposed to be taken. I would like to see, therefore, more financial support from public revenues being made available for sports, particularly the types of sports attractive mainly to youths and students.

With these remarks, Sir, I am happy to support the motion.

MR. CHAN KAM-CHUEN:—Sir, I rise to support the Smoking (Public Health) Bill 1982, which may be looked upon as a clean air bill in another form.

Tobacco is indigenous to the Americans and was originally used for religious and ceremonial purposes, and one always remembers the familiar scene of Red Indians smoking the pipe of peace in western movies. Smoking, however, can be hazardous in a number of ways. I should list the more important ones here.

Firstly, smoking creates fire hazards. There was a story which went like this. After the discovery of the New World and tobacco introduced into Europe, the servant of an early smoker poured a bucket of water over his master thinking that the latter was on fire. How true this story was, I do not know but what I do know is that chain smokers in bed is a fire hazard to themselves and to their neighbours. Recently, the press reported a tragic death suspected to have been caused in this manner. I have also eye-witnessed a waste paper basket going up in flames in an office caused by someone dropping a cigarette butt into it without checking whether it was completely extinguished. In the United States in one of the advertisements by an insurance company given as a public service, it was emphasized that a cigarette butt may be more dangerous than a bomb.

Secondly, smoking affects health. As early as 1859, a study of the harmful effects of tobacco in France showed that of 68 patients who had cancer of the lips, tongue, tonsils or other parts of the mouth all had used tobacco, and that 66 of them were short-stemmed clay pipe smokers. In 1954, after 3 years of statistical studies, the American Cancer Society and the British Medical Research Council reported independently that death rates of smokers were higher than non-smokers. In 1962, the Royal College of Physicians of London summarized the evidence on the disease-tobacco relationship and named cigarette smoking a serious hazard to health. The British Government then inaugurated a program of public education aimed at reducing the use of tobacco.

There is no doubt that excessive smoking shortens lives through chronic bronchitis, emphysema, lung cancer and other coronary artery diseases. If there is still any trace of doubt in the smokers' mind on its harmful effects on health, I should draw their attention to the heavy emphasis the cigarette advertisers place on filters, low tar and nicotine contents in cigarettes, which is nothing but a round about way to prove that tar and nicotine are the harmful ingredients. This fits the Chinese saying 此地無銀三百兩 (i.e. the 300 taels of silver is not hidden here). I should point out here, however, it is the nicotine and related alkaloids which have the habit-forming effects. Once addicted it is difficult for one to drop this habit unless one has strong will power or is given a life-or-death stern warning by his doctor. This is the reason why despite adverse publicity the number of smokers and sale of cigarettes increase revenue world wide.

Thirdly, smoking is a drain on one's resources. When money is tight, as in a recession, workers are generally advised to cut cigarettes first from their family budget. This suggests that smoking can take a lot off one's income which should more appropriately be spent on the family's necessities such as food.

Fourthly, smoking restricts personal freedom. Some smokers may view restriction on smoking as an infringement of their personal freedom, but this is indeed a selfish view. I view freedom as the right and liberty to do what one has to do without infringing on the freedom of others. Thus, in the same way that one does not have the freedom to rob another person of his goods, one should not have the freedom to smoke in a confined public place, thereby robbing non-smokers of their freedom to breathe smokeless air. Many a good Chinese meal is often spoiled by sitting next to a smoker when one begins with smoked-sharks-fin and ends with smoked-dessert (*laughter*). Here I do not intend to argue whether passive smoking is harmful or not. Suffice it to say that it is not good manners to smoke in confined or air-conditioned public places. While customs may differ in various lands, there is one thing fundamental in all good customs and manners and that is consideration for others.

Effective Measures

To make this Bill more effective, the following follow-up measures are recommended:—

- (1) Since the 'prohibition through taxation' method is used in respect of usage of private cars and gasoline, tax on tobacco could be increased substantially to bring in more revenue and in a bid to discourage people from smoking. This could, moreover, somewhat offset the social cost of fire and health hazards caused by smokers.
- (2) Plain clothes policemen could be deployed in public transport and in addition to their other duties should also take action on smokers violating the provisions of this Bill. The alternative of depending on bus drivers etc. to take action may be too passive a method.
- (3) The present anti-smoking publicity material used by Government is too low-key. If we could find a heavy smoker, who is a patient agonized by lung cancer, to volunteer to help the community by appearing on T.V. and posters, it would prove to be a stronger deterrent to smokers and prospective smokers (*laughter*).

With these observations, Sir, I support the motion.

MRS. CHOW:—Sir, the controversy arising out of cigarette smoking and health will rage on, and this is neither the time nor the place to go into that subject.

However in view of the fact that Father MCGOVERN is not here to defend his own interest, I feel I have to say just a few words on the P.C.S.P. (Persecution of Cigarette Smokers Package).

May I begin by declaring my interest. I am a reformed smoker, the kind that is most adversely sensitive to cigarette smoke. However, ever since I could remember, cigarette smoking has never been branded as a socially unacceptable act. On the contrary, it was very much a status symbol, and this image was used to entice new 'converts'.

To-day the scene has changed. Clean air is the fashion, the pursuit of health, the status symbol. But non-smokers should remember that smokers are just as entitled to the air as they are. Ours is a free society, and there should be a sense of balance. After all there are an estimated 888 400 smokers in our midst, and that is by no means a small minority. The sheer number justifies some consideration in the degree of persecution to be executed.

With a deep sense of apology to Fr. MCGOVERN and all smokers, I support the motion (*laughter*).

SECRETARY FOR SOCIAL SERVICES:—Sir, I would like to thank Mr. WONG Lam, Dr. HO, Mr. CHAN Kam-chuen, and Mrs. CHOW for their support of this Bill.

Enforcement will certainly be assisted if there is active public support; and it is intended that this will be achieved by more positive promotion of public health education. While I do not know whether it will prove feasible to ginger up our publicity in the manner suggested by Mr. WONG or Mr. CHAN, I assure Members that particular attention will be paid to the younger members of the community. Of course, the object of this exercise is not to persecute smokers, but rather to educate and eventually convert them. Echoing Mrs. CHOW I am sure that Father MCGOVERN will understand this approach, even though he may not appreciate being converted (*laughter*).

The content and manner of cigarette advertising on radio, television and on cinema screens has been the subject of close examination by the Commissioner for Television and Entertainment Licensing and a tighter code of practice has been produced. This will be brought into effect in 1983.

On Dr. HO's final point I fear the trend evident elsewhere of tobacco companies channelling a part of their advertising budget into the sponsorship of sporting events will be reflected here, and I would certainly welcome more financial support from other commercial sources for sporting events to augment the Government and the Urban Council's efforts in this area.

Sir, I beg to move.

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).

WIDOWS' AND CHILDREN'S PENSIONS (AMENDMENT) BILL 1982**Resumption of debate on second reading (14 July 1982)**

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).

INDUSTRIAL TRAINING (CONSTRUCTION INDUSTRY) (AMENDMENT) BILL 1982**Resumption of debate on second reading (14 July 1982)**

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).

EDUCATION (AMENDMENT) BILL 1982**Resumption of debate on second reading (14 July 1982)**

Question proposed.

DR. FANG:—Sir, the Social Services Group of the Unofficial Members of this Council received strong representations from an alliance of six educational groups on the Education (Amendment) Bill 1982 and the related Child Care Centres (Amendment) Bill 1982.

Our Group has met with the representatives twice, and once with the Administration. The representatives have handed to the UMELCO Office over 45 000 signatures collected from parents through 161 kindergartens, reported to be in support of their cause.

Whilst basically accepting the philosophy of the White Paper, namely the quality of pre-primary education and services should be improved, the representatives have grave anxiety over the proposed requirement that kindergartens running 'baby' or nursery classes for the three-year-olds (now under the Director of Education) be re-registered under the Child Care Centres Ordinance (under the Director of Social Welfare with different and more stringent requirements). They challenged the wisdom of using the age criterion as demarcation between kindergartens and child care centres. They also made a number of proposals, such as the need for a uniform set of standards for both institutions as determined by the needs of the four or five years old child; a review of the low salary levels of kindergarten teachers; higher levels of fee assistance for needy and eligible families; and better channels of consultation and discussion between kindergarten operators and the Administration.

I am relieved that the Director of Education has made reassurances that the key to the arrangements in implementing the White Paper proposals is consultation, publicity and flexibility, and that a similar approach is being taken by the Director of Social Welfare to dispel any worries or unease by kindergarten operators, the parents and teachers.

I am pleased that already the Director of Education and the Director of Social Welfare have personally met the kindergarten operators and heard their views and that the dialogue is continuing.

I would like to point out that by and large kindergartens and child care centres are run by the voluntary and private sectors, be they non-profit-making or profit-making. They have long been and are still providing a much needed service to pre-primary age children to the benefit of the community, for which the society and Government should be thankful.

In trying to uphold the very sound philosophy of the White Paper in improving the standards, Government is well advised to take heed of the practical difficulties and views of the responsible bodies in the field.

Full consultation and workable solutions must be sought—our Group has the assurance of the Administration that this will be done in the next three to six months.

We wish to recommend that in the case of pre-primary services, Government should set up a formal advisory body, like other levels of education, with the membership including professional expertise from the voluntary and private sectors. The body should be charged with the responsibility of advising the Administration on the policy and implementation aspects of this very important area of education and care for the very young child.

We also recommend that the Director of Education should clarify the definition and continued operation of the nursery classes by kindergartens for the three-year-olds within the ambit of the Education Ordinance.

It is of paramount importance that kindergarten operators who run nursery classes in the future should come under the direct control of one department, that is, the Education Department.

I am sure that with the willingness and flexible approach adopted personally by the Director of Education and Director of Social Welfare, all the practical difficulties can be solved before the end of the year.

Sir, my comments on the Education (Amendment) Bill 1982 also apply to the Child Care Centres (Amendment) Bill 1982 and, with the fore-going observations, I support the motion before Council.

MR. CHAN KAM-CHUEN:—Sir, I rise to support the Education (Amendment) Bill 1982, designed to implement the relevant recommendations of the 1981 White Paper on Primary Education and Pre-Primary Services. Since pre-primary services is also the main theme of the Child Care Centres (Amendment) Bill, my observations and support here are also relevant to that Bill.

The effects of industrialization brought about fundamental changes to our society. Mothers were encouraged to work to augment their family incomes due to inflation or other reasons. Better education opportunities also helped to bring women out of their homes to shoulder equally their social responsibilities with men. As a result, however, young children without the care and supervision of mothers at home would pose a social problem — delinquency — which, more often than not, may lead our younger generation down a dangerous path and make them eventually our social burden.

This is where the need for day nurseries or child care centres comes in. In addition, they can help sick and pregnant mothers, widowed or unmarried mothers who have no choice but to leave their children in the care of some competent persons in order to work and earn the only income for their families. These could well be a life-saver.

A good child care centre should be where young children are not only well cared for, but they should also be able to learn to do things and to co-operate with one another. Training in good habits and sound supervision of health are of importance. Hence, standards of space and health care should be set. Qualified teachers should provide a conducive learning environment which develops the individual child's interests and capabilities. The teachers should be able to understand the young child's physical, social, emotional and intellectual needs and be able to meet them.

My view is that basically child care centres should be an extension outwards of the home (hence under the charge of the Social Welfare Department) and kindergartens, an extension downwards of the primary school and hence under the Education Department.

However, this may lead to a splitting of an existing institution into two parts, namely kindergarten for the four or five-year-olds and child care centre for the three-year-olds, operating under two sets of different rules and requirements. As kindergartens with classes for the three-year-olds do serve a social need for the working class and have a lot to do with the release of a large proportion of manpower for our commerce and industry, Government should give them a helping hand. For administrative simplicity, I consider that the direct responsibility for such institutions should be vested with the Education Department.

It is observed that there has been a communication gap between the Government departments and the operators concerned about their rather uncertain future. Some of these operators do not regard profit-making as their only goal but have high ideals in the education and care of our young. I therefore recommend that an advisory body be established, comprising representatives from the policy Branches concerned, the Education and Social Welfare Departments and from the kindergarten and child care centre professions so that teething troubles in this very important programme area may be ironed out to ensure a smooth transition before the relevant White Paper recommendations are fully implemented by 1985. Sometimes ostensibly minor points may turn out to be Achilles' heel and threaten the very survival of these pre-primary educational and service institutions. Some examples are overall viability, higher salaries to raise the standards of teachers, sufficient Government subsidies to make fees within the reach of the lower income group, and simplification of the application procedure, etc.

With these observations, Sir, I support the motion.

MRS. CHOW:—Sir, I propose to speak on the Education (Amendment) Bill 1982 together with the Child Care Centres (Amendment) Bill 1982, since they share the same basic philosophy, as contained in the White Paper on Primary Education and Pre-Primary Services published in July 1981.

The main area of grievance voiced so far by kindergarten operators in response to the Bills surrounds the baby classes, which the Director of Education prefers to call nursery classes. These classes exist in most of the kindergartens, catering for children between three and four years old.

With the passing of the Education (Amendment) Bill 1982, children who are under three years eight months will not be admitted into these classes in September 1985 unless the classes become registered child care centres. This stimulated the following reactions:

1. Requirements under the Child Care Centres Ordinance are much more stringent than those for kindergartens, and therefore most of the existing premises used for nursery classes would not qualify as child care centres.

2. It would be grossly unfair to those operators who have conducted such classes with the tacit consent of the Education Department since 1971. Most operators fear the complication that may arise from both the transfer of jurisdiction and the subsequent fragmentation of responsibility between the Education Department and the Social Welfare Department. Being operators of both kindergartens and nursery classes, they will be required to deal with both departments which apply different standards.
3. There are currently approximately 20 000 children between three and three years eight months old. Should a large proportion of nursery classes be abolished then a large proportion of these 20 000 children would be forced to stay home as there is a shortfall in the provision of child care centres places.
4. Parents' enthusiasm to enrol their children in the last ten years in these baby classes has already demonstrated a social need for such a service.
5. Nursery classes should be distinguished from child care centres as they are half-day operation with more emphasis on informal education while the latter are usually full-day with more emphasis on care and supervision. Nursery classes serve a different purpose and cost considerably less than child care centres.

Such views presented should not be ignored, and I am indeed grateful to the Director of Education who said that he would study the situation regarding nursery classes and consult the interested parties, including operators and parents, with a view to formulating a practical solution. He expects the study to take six months, which means the results will be announced at the end of this year, so that the picture is clear by the time enrolment for next year starts.

Turning now to the Child Care Centres (Amendment) Bill 1982, I would like to comment on clause 2 thereof, which proposes that the number of children habitually received at the premises for the purposes of care and supervision should include members of any family ordinarily residing in the premises and are under the age of six. This inclusion is intended to prevent abuse of the spirit of the legislation.

However, I am somewhat concerned whether some of the child-minders would not be unfairly affected should they wish to take in a small number of children for care and supervision while their own small children are away attending kindergarten. The Director of Social Welfare has indicated that this will be kept in view.

Before I conclude, may I move on to the bigger subject of pre-primary services. I am most impressed with the spirit of co-operation between the Director of Education and the Director of Social Welfare in this particular area, and I understand a working group now exists between the two departments to oversee the implementation of the relevant White Paper recommendations. In echoing Dr FANG's proposal earlier, I feel this group can be expanded into a

centralized body for pre-school education development, with both official and unofficial participation. This is not only necessary, but long overdue.

Sir, I support the motion.

DIRECTOR OF EDUCATION:—Sir, I am grateful to Dr. Harry FANG, Mrs. Selina CHOW and Mr. CHAN Kam-chuen for their helpful suggestions and support for this Bill.

As you have heard, they were instrumental in alerting the Administration to the apprehensions of the operators of schools with kindergartens and so-called baby classes affected by legislation reflecting the White Paper on Primary Education and Pre-primary Services; and it was through the good offices of Dr. FANG and his UMELCO Social Services Group that the dialogue I promised with interested parties commenced.

I was relieved to find that there was no real quarrel with the philosophy of the White Paper and the concept of complementary child care and education. Fears, such as they were, stemmed from a misunderstanding of official intention, and apprehensions related to the practical administration of the respective Ordinances.

A start has been made in clearing misunderstandings, and we are looking into the practical difficulties relating to registration and administration. The suggestions made by Dr. FANG and his Colleagues will certainly be borne in mind as talks with school operators continue, and I hope that we will have solved most of our problems by the end of the year.

May I take this opportunity again to remind the operators of kindergarten schools with baby or nursery classes that the intention of the Education (Amendment) Bill of this year is not to put them out of business, but to improve their standards of operation. The interests of the children and the parents they claim to serve must always be paramount, and the bureaucracy which administers the institutions catering for the young and very young cannot be so inflexible as not to recognize and resolve practical difficulties in operation.

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).

CHILD CARE CENTRES (AMENDMENT) BILL 1982

Resumption of debate on second reading (14 July 1982)

Question proposed.

DIRECTOR OF SOCIAL WELFARE:—Sir, I am grateful to Dr. FANG, Mrs. CHOW and Mr. K. C. CHAN for their support for this Bill and wish to assure them that their suggestions will be considered carefully.

In associating myself with the remarks of my Colleague, the Director of Education on the related Education (Amendment) Bill, I would like to add a word of assurance to operators of child care centres on one specific point of concern which they have expressed in my discussion with them, and this assurance is that the Government fully acknowledges and encourages the 'educational' content of existing child care programmes, in the widest sense of this word. Indeed care and education are complementary when one considers the needs of pre-primary school children and the intention of improving standards in kindergartens is to bring some of their programmes and activities closer to those in child care centres. I believe we can take some pride in the quality of service available in our child care centres and I am sure that the public and parents readily acknowledge the positive contribution such services make to the growth and development of our very young children.

Mrs. CHOW has expressed concern over clause 2 of the Bill which seeks to clarify the definition of a child care centre. It was always the intention that in situations where more than five children are in care, the premises should be registered as a child care centre even though some of the children are children of the operator. This is to ensure that all children, irrespective of whose children they are, receive adequate care and supervision. I appreciate that the operator might well have young children attending kindergartens, but they are likely to be away from home for part of the day only. I am sure Mrs. CHOW will agree that whilst they are at home, they should receive proper care and attention. Mrs. CHOW may be assured that the law will not operate harshly in such circumstances and will be applied with common sense.

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).

MEDICAL REGISTRATION (AMENDMENT) BILL 1982

Resumption of debate on second reading (14 July 1982)

Question proposed.

DR. FANG:—Sir, the Unofficial Members' of the Social Services Group has examined the Medical Registration (Amendment) Bill 1982.

Clause 2 of the Bill amends, amongst other things, the definition of ‘registration’ under section 2 of the principal Ordinance by deleting the reference to section 7 thereof and substituting section 14. I am given to understand that this proposed amendment is purely a technical one.

To avoid any possible doubt or confusion, I would like to have the Administration’s assurances that this particular amendment will not in any way alter the substance of the main Ordinance, nor will it affect in any way the qualifications for registration as a medical practitioner.

On the main objects of this Bill, these are:

- to extend to the Chinese University of Hong Kong, with the establishment of its medical school, the same privileges which have hitherto been enjoyed by the University of Hong Kong under the existing Ordinance;
- to reduce the residential requirement or waiting period in respect of Licentiate Examination candidates from 12 months to six months, thus enabling them to sit for such examinations earlier; and finally,
- to waive the registration fees for doctors who work in the subvented hospitals, which are indeed part of the public medical sector and every effort should be made to ensure that they are so recognized.

Sir, with these comments and subject to the Administration’s assurances on the proposed re-definition of the word ‘registration’, I support the motion.

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, I thank my honourable Friend Dr. FANG for his support and would like to reassure him that the proposed amendment is a technical one. This particular amendment will not alter the substance of the main Ordinance, nor will it affect the qualifications for registration.

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).

SUMMARY OFFENCES (AMENDMENT) BILL 1982

Resumption of debate on second reading (14 July 1982)

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

Council went into Committee.

LANDS TRIBUNAL (AMENDMENT) BILL 1982

Clauses 1 to 8 were agreed to.

Clause 9

THE ATTORNEY GENERAL:—Sir, I move that clause 9 be amended as set out in the paper circulated to Members.

Proposed amendment

Clause 9

That clause 9 be amended by deleting paragraph (d) and substituting the following—

‘(d) in subsection (6), by deleting "shall be determined by the President" and substituting the following—
“may be determined by the President or a presiding officer” ’.

The amendment was agreed to.

Clause 9, as amended, was agreed to.

Clauses 10 and 11 were agreed to.

Clause 12

THE ATTORNEY GENERAL:—Sir, I move that clause 12 be amended as set out in the paper circulated to Members.

Proposed amendment

Clause 12

That clause 12 be deleted and the following clause substituted—

‘Amendment
of section 11A

12. Section 11A of the principal Ordinance is amended—

(a) in subsection (1), by deleting ‘decide to review any finding of fact in relation to such decision and may vary or confirm its previous decision’ and substituting the following—

‘review that decision and reverse, vary or confirm it’;

(b) by deleting subsection (2) and substituting the following

—
(2) The Tribunal may act under subsection (1)—

(a) on the application of any party; or

(b) on its own motion,

and on notice to all other parties to the proceedings."’.

The amendment was agreed to.

Clause 12, as amended, was agreed to.

Clauses 13 to 18 were agreed to.

New clause 19. ‘Transitional’.

Clause read the first time and ordered to be set down for second reading pursuant to Standing Order 46(6).

THE ATTORNEY GENERAL:—In accordance with Standing Order 46(6), I move that new clause 19 as set out in the paper circulated to Members be read a second time.

Question put and agreed to.

Clause read the second time.

THE ATTORNEY GENERAL:—I now move that new clause 19 be added to the Bill.

*Proposed Addition***New clause 19**

That the Bill be amended by adding, immediately after clause 18, the following clause—

‘Transitional

19. The President and members of the Lands Tribunal at the time of the commencement of this Ordinance shall continue to be the President and members until the appointment of a president and members under section 4 of the principal Ordinance.’.

The addition of the new clause was agreed to.

LEGAL PRACTITIONERS (AMENDMENT) BILL 1982

Clauses 1 to 8 were agreed to.

ROADS (WORKS, USE AND COMPENSATION) (AMENDMENT) BILL 1982

Clauses 1 and 2 were agreed to.

SUPREME COURT (AMENDMENT) (NO. 3) BILL 1982

Clauses 1 to 3 were agreed to.

MERCHANT SHIPPING (ALIENS EMPLOYMENT) (AMENDMENT) BILL 1982

Clauses 1 and 2 were agreed to.

MERCHANT SHIPPING (AMENDMENT) BILL 1982

Clauses 1 to 4 were agreed to.

PILOTAGE (AMENDMENT) BILL 1982

Clauses 1 and 2 were agreed to.

PORT CONTROL (CARGO WORKING AREAS) (AMENDMENT) BILL 1982

Clauses 1 to 5 were agreed to.

TELECOMMUNICATION (AMENDMENT) BILL 1982

Clauses 1 and 2 were agreed to.

SMOKING (PUBLIC HEALTH) BILL 1982

Clauses 1 to 15 were agreed to.

Clause 16

THE SECRETARY FOR SOCIAL SERVICES:—Sir, I move that clause 16 be amended as set out in the paper circulated to Members.

This amendment, if adopted, will enable samples of cigarettes to be withdrawn from bond for analysis by the Government Chemist. I need only add that this sampling method has the agreement of the tobacco industry, for whose co-operation generally during the preparation of this Bill, I am most grateful.

Proposed amendment

Clause 16

That clause 16 be amended by inserting after subclause (2) the following subclause—

‘(3) The power of a member of the Customs and Excise Service to take samples of any goods to which the Dutiable Commodities Ordinance applies conferred by section 11(1)(d) of that Ordinance shall extend to the taking of samples of cigarettes for analysis by the Government Chemist for the purposes of this section.’

The amendment was agreed to.

Clause 16, as amended, was agreed to.

Clauses 17 and 18 were agreed to.

WIDOWS’ AND CHILDREN’S PENSIONS (AMENDMENT) BILL 1982

Clauses 1 to 3 were agreed to.

INDUSTRIAL TRAINING (CONSTRUCTION INDUSTRY) (AMENDMENT) BILL 1982

Clauses 1 to 6 were agreed to.

EDUCATION (AMENDMENT) BILL 1982

Clauses 1 to 6 were agreed to.

CHILD CARE CENTRES (AMENDMENT) BILL 1982

Clauses 1 to 4 were agreed to.

MEDICAL REGISTRATION (AMENDMENT) BILL 1982

Clauses 1 to 5 were agreed to.

Clause 6

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—I move that clause 6 be amended as set out in the paper circulated to Members. These amendments are to correct two typographical errors.

Proposed amendments

Clause 6

That clause 6 be amended in the proposed new subsection (2) of section 8A the principal Ordinance—

(a) in paragraph (b)(i), by deleting ‘section 7(1)(a) or (b)’ and substituting the following—

‘section 7(a) or (b)’; and

(b) in paragraph (b)(iii) by—

(i) inserting a semicolon after ‘Immigration Ordinance’, in the first place it occurs; and

(ii) deleting the comma appearing after ‘Immigration Ordinance’, in the second place it occurs.

The amendments were agreed to.

Clause 6, as amended, was agreed to.

Clauses 7 to 9 were agreed to.

Clause 10

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—I move that clause 10 be amended as set out in the paper circulated to Members. The revised description of the public officer is thought to be more in line with current practice.

Proposed amendment

Clause 10

That clause 10 be amended by deleting paragraph (a) and substituting the following—

‘(a) by deleting paragraph (b) and substituting the following—

“(b) 1 registered medical practitioner, being a public officer, appointed by the Director;” and’.

The amendment was agreed to.

Clause 10, as amended, was agreed to.

Clauses 11 to 13 were agreed to.

SUMMARY OFFENCES (AMENDMENT) BILL 1982

Clauses 1 and 2 were agreed to.

Council then resumed.

Third reading of bills

THE ATTORNEY GENERAL reported that the

LEGAL PRACTITIONERS (AMENDMENT) BILL

ROADS (WORKS, USE AND COMPENSATION) (AMENDMENT) BILL

SUPREME COURT (AMENDMENT) (NO. 3) BILL

MERCHANT SHIPPING (ALIENS EMPLOYMENT) (AMENDMENT) BILL

MERCHANT SHIPPING (AMENDMENT) BILL

PILOTAGE (AMENDMENT) BILL

PORT CONTROL (CARGO WORKING AREAS) (AMENDMENT) BILL

TELECOMMUNICATION (AMENDMENT) BILL

WIDOWS' AND CHILDREN'S PENSIONS (AMENDMENT) BILL

INDUSTRIAL TRAINING (CONSTRUCTION INDUSTRY) (AMENDMENT) BILL

EDUCATION (AMENDMENT) BILL

CHILD CARE CENTRES (AMENDMENT) BILL

SUMMARY OFFENCES (AMENDMENT) BILL

had passed through Committee without amendment and the

LANDS TRIBUNAL (AMENDMENT) BILL

SMOKING (PUBLIC HEALTH) BILL and the

MEDICAL REGISTRATION (AMENDMENT) BILL

had passed through Committee with amendments and 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 ACTING GOVERNOR:—Honourable Members, before I adjourn this 22nd sitting of the 1981-82 Session of this Council, the Governor has asked me to say how much he regrets that another, albeit most important, commitment has prevented him from presiding today.

This has been a very impressive and constructive and productive Session, with 75 bills passed in all. 18 of these bills were amended at the committee stage largely as a result of many hours of close scrutiny and consideration by Ad Hoc Groups of Unofficial Members under the aegis of the UMELCO Office. In addition, 72 resolutions were made. Unofficial Members asked 157 questions and followed these up with 271 supplementary questions, including 11 today (*laughter*).

Unofficial Members also dealt with nearly 1 000 Finance Committee agenda items, Public Works Sub-Committee papers and Establishment Sub-Committee papers, all of which entailed for them many hours of private study and discussion before being considered at the actual meetings of these important Council Committees. The obligations placed upon Unofficial Members of this Council are by no means confined to the fortnightly sittings in this Chamber during the Session as I think the bare statistics I have just mentioned demonstrate; and I have not even attempted to describe here the many other activities within UMELCO itself such as the various Working Groups, the handling of complaints, the duty roster system and so on and so forth, and I haven't mentioned the other public duties undertaken by individual Members all of which are so clearly described in the Secretary-General's Annual Reports.

So, on the Governor's behalf, may I wish you all a restful recess. Whether or not that will be possible, in view of your other private commitments, it is certainly well deserved.

Council will now adjourn. The next sitting will be held on Wednesday, 6 October when the Session for 1982-83 will begin.

Adjourned accordingly at thirteen minutes to five o'clock.