

**OFFICIAL REPORT OF PROCEEDINGS****Wednesday, 13 October 1982****The Council met at half past two o'clock****PRESENT**

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)  
SIR EDWARD YOUDE, K.C.M.G., M.B.E.

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

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

THE HONOURABLE THE ATTORNEY GENERAL (*Acting*)  
MR. ERNEST RAYMOND ASTIN

THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS  
MR. DENIS CAMPBELL BRAY, C.M.G., C.V.O., J.P.

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

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

THE HONOURABLE DAVID WYLIE McDONALD, C.M.G., J.P.  
SECRETARY FOR LANDS AND WORKS

THE HONOURABLE LO TAK-SHING, C.B.E., J.P.  
THE HONOURABLE FRANCIS YUAN-HAO TIEN, O.B.E., J.P.

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

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

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

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

THE HONOURABLE LYDIA DUNN, O.B.E., J.P.  
DR. THE HONOURABLE HENRY HU HUNG-LICK, O.B.E., J.P.  
THE REVD. THE HONOURABLE PATRICK TERENCE MCGOVERN, O.B.E., S.J., J.P.  
THE HONOURABLE PETER C. WONG, O.B.E., J.P.

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

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

DR. THE HONOURABLE RAYSON LISUNG HUANG, C.B.E., J.P.  
THE HONOURABLE CHARLES YEUNG SIU-CHO, O.B.E., J.P.

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

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

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

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

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

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

THE HONOURABLE WILLIAM DORWARD, O.B.E., J.P.  
SECRETARY FOR TRADE AND INDUSTRY

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

THE HONOURABLE COLVYN HUGH HAYE, J.P.  
DIRECTOR OF EDUCATION

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

DR. THE HONOURABLE HENRIETTA IP MAN-HING

THE HONOURABLE PIERS JACOBS, O.B.E., J.P.  
SECRETARY FOR ECONOMIC SERVICES

THE HONOURABLE MICHAEL SUEN MING-YEUNG, J.P.  
SECRETARY FOR TRANSPORT (*Acting*)

#### **ABSENT**

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

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

THE HONOURABLE ALLEN LEE PENG-FEI, O.B.E., J.P.

THE HONOURABLE HU FA-KUANG, J.P.

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

THE HONOURABLE MARIA TAM WAI-CHU, J.P.

#### **IN ATTENDANCE**

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

**Papers**

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

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No. 8—Hong Kong Tourist Association—Annual Report 1981-82

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No. 11—Urban Council—Annual Report 1982

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### Oral answers to questions

#### Floating refuse

1. MR. SO asked in Cantonese:—

請問政府已採取甚麼行動控制在本港港口及沿岸海面漂浮的垃圾？又各有關部門怎樣分擔這方面的職責？

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

*What action is Government taking to control floating refuse in the harbour and other coastal waters of Hong Kong; and how are the responsibilities in this matter divided among departments concerned?*

SECRETARY FOR HOME AFFAIRS:—Sir, two sorts of action are taken.

First, we try to prevent the refuse getting into the water.

Second, since our first efforts are not entirely successful, we pick it out of the water when it gets in.

The first area of action is very widespread. Refuse dumped almost anywhere is likely to be washed into the sea if it is left lying about long enough but I should mention six programmes directed specially at preventing refuse from getting into the sea.

First, the contents all sewers discharging into the harbour are screened of solids by the Engineering Development Department. The solids are mostly rubbish like plastic bags that finds its way into the system.



Second, open nullahs are the subject of special efforts by the Urban Services Department.

Third, squatter area refuse clearance has recently been stepped up by the Urban Services Department.

Fourth, the Port Works Division of the Engineering Development Department does its best to stop timber and other refuse from floating off from reclamations.

Fifth, a free boat to boat refuse collection service is operated in five typhoon shelters by the Marine Department.

Sixth, a free refuse collection service is provided to all ships in the harbour by the Marine Department.

From boats and ships alone about 2 000 tonnes of refuse have been collected this year. I do not have figures of the quantities collected by the other four operations, and there are conceptual difficulties in defining how much of it would have got into the sea with less effective services. All these operations make substantial contributions to reducing the amount of refuse getting into the sea. It must be our first aim to reduce the amount of the stuff getting there.

Worthy though these efforts are the amount of floating refuse around the harbour shows they are not completely successful. So when all else fails we pick it up from the sea. Some 5 000 tonnes has been picked up this year by the Marine Department's specialized vessels. This year the department expects to spend \$6.2 million on the job. It has an expansion plan which, when completed in 1986-87 should see a doubling of the fleet of specially designed vessels.

Apart from special operations, floating refuse is only picked up from the waters of the harbour.

I do not think the present position is satisfactory. We have done all the obvious things but to go further is likely to cost a good deal. We want to be sure we are not wasting the money. The Environmental Protection Agency is therefore drawing up a plan to do more serious research into finding out where floating refuse comes from, the routes it follows in various combinations of wind and tide and where it finishes up. They hope to start work on this in November.

In the meantime it is pretty clear to everyone involved that the bulk of refuse found floating in the harbour starts off its life as waste by being dumped as litter on land. Since comprehensive refuse collection services are provided on land the strict answer to the question is that the responsibility for controlling floating refuse does not lie with any Government department at all but with the people who dump it in the first place.

REVD. JOYCE M. BENNETT:—*Sir, does the Government think it is doing enough to catch those who dump rubbish into open nullahs and streams?*

SECRETARY FOR HOME AFFAIRS:—We certainly are not stopping all of it, Sir, but a good deal of refuse is taken out of nullahs; of course, we would like to do more and it is a question of resources.

### **Firearms carried by off duty Police officers**

2. MISS DUNN asked:—*What are the rules relating to the carriage, use and safeguard of guns by off duty Police officers?*

SECRETARY FOR SECURITY:—Sir, only Police officers who are permitted to carry arms when off duty are issued with revolvers on personal charge.

Under current policy such issues are made to junior officers who by the nature of their duties are most likely to be called upon to perform duty at short notice, and be required to deal with dangerous situations whether on or off duty. In practice issues are restricted to junior officers in the Criminal Investigation Department and to some in Special Branch (except those permanently engaged on indoor duties). In special circumstances other officers may also be issued with personal arms with the approval of a directorate officer.

The rules governing the use of firearms by Police officers are the same whether the officers concerned are on or off duty. A Police officer may use a firearm to protect himself or any other person from death or serious injury, or to arrest any person whom he has reason to believe has committed a serious and violent crime. Whenever it is officially known that a police revolver has been either drawn from its holster or fired during the course of an incident, a thorough investigation follows. If there is evidence to show insufficient justification for such action, disciplinary or criminal proceedings may be instituted against the officer concerned.

The regulations concerning carriage and safeguarding of arms by an off duty Police officer are as follows:

- (a) he may carry his revolver provided his intended activities are compatible with its security;
- (b) if his intended activities are incompatible with its security he must deposit the revolver in the armoury of a police station; and
- (c) if he is at home he must unload the revolver and lock it and the ammunition in a secure place and take adequate precautions to secure the key used.

MISS DUNN:—*Sir, how many Police officers have been subject to disciplinary proceedings in, say, the past two years as a result of their off duty activities being in fact incompatible with the carrying of their revolvers?*

SECRETARY FOR SECURITY:—Sir, the figures that Miss DUNN requires can perhaps be best given in respect of the last four years. There have been 24 cases

in which a subsequent enquiry indicated that 19 were justified; of the remaining five which were not justified, two officers were subsequently charged with criminal offences, one of whom was imprisoned, the other was found not guilty and was subject to disciplinary proceedings. The third officer has been charged with a criminal offence and his case will be heard later this year, and action is still being considered in the case of the remaining two.

MR. S. L. CHEN:—*Sir, is the recent incident that happened in the bath house one among the 24 cases?*

SECRETARY FOR SECURITY:—I can't answer that question in the terms in which it's asked, but I can say that that particular case is the subject of an enquiry which is currently proceeding.

### **Medical facilities in the eastern district of Hong Kong Island**

3. DR. HO asked:—*Will Government make a statement on the adequacy of medical and health facilities provided in the eastern district of Hong Kong Island?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, in order that my Friend's question may be answered in proper perspective, I shall first have to re-state the principle and the Government's policy behind the planning and provision of medical and health services in Hong Kong.

Facilities are planned and provided for on a regional rather than on an electoral district basis and for such purposes there are four regions of which Hong Kong Island as a whole is one.

The basic reason for this arrangement is obvious but bears re-emphasis on this occasion. Resources, in terms of finance and trained manpower as well as the Public Works Building Programme for the provision of medical and health services, are not unlimited. Priorities in regard to the planning and development of medical projects are subject to severe competition not only from other areas of Governmental activities but also among the projects within the medical plan itself.

My Department, in order to achieve the maximum, effective and economical utilization of such limited and precious resources, adopted a regionalization scheme for the medical and health services commencing April 1977. Under this scheme a wide range of both curative and preventive health services are provided for the people in the region as a whole. In the provision of hospital and clinic services, the whole arrangement is based on a number of clinics, polyclinics, and district hospitals together with a major hospital in the region. Patients are seen and treated at different levels, consistent with their health needs and medical conditions.

Thus, under the regionalization scheme, the eastern part of Hong Kong Island is served by existing Government facilities which consist of four Government and subvented hospitals and seven out-patients and polyclinics.

It is recognized, however, that owing to population shifts and growths, coupled with other problems, notably transport and traffic, over the last decade, there is some need for the improvement of medical facilities for the eastern part of Hong Kong. There are plans therefore for the expansion of two existing hospitals, i.e., the Tang Shiu Kin Hospital and the Ruttonjee Sanatorium as well as the building of two clinics, one polyclinic and three maternal and child health centres. Extensive and up-to-date facilities are also scheduled to be built as a major extension project at the hospital serving the region, i.e., the Queen Mary Hospital. All the projects which I have just described are scheduled to be in operation just after the mid-1980s. Further, a new hospital is also scheduled to be built at Chai Wan by the end of the decade.

In the meantime, Dr. Ho will be pleased to know that plans are already in hand to establish additional treatment facilities at the Chai Wan Clinic for taking care of emergency cases.

In view of both the existing facilities and the scheduled improvements, the overall facilities for the eastern part of Hong Kong, which comprise a wide range of medical and health services, are considered to be satisfactory.

DR. HO:—*Sir, with reference to the planned emergency facilities to be added to the Chai Wan Clinic, can the Director of Medical and Health Services inform this Council about when these emergency facilities will come into operation?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—*Sir, hopefully, and subject to the availability of resources, between three to six months.*

### **Exhibition Centre**

4. MR. STEPHEN CHEONG asked:—*Will Government inform this Council what progress has been made on the Exhibition Centre project?*

SECRETARY FOR TRADE AND INDUSTRY:—*Sir, the second stage of the consultancy for this project was awarded in July to a Canadian/German consortium which has formed a local company for the purpose. Their terms of reference call for a detailed brief and specifications for a multi-storey development to include an exhibition centre of about 20 000 square metres, with ancillary facilities; and to estimate the capital and recurrent costs involved and the revenue which could be generated.*

The consultancy is being overseen by a Non-Statutory Board under the chairmanship of Mr. Michael SANDBERG and comprising public and private sector representatives. Regular meetings are being held between the Board and the Consultants, whose final report is due in January 1983.

On receipt of the Board's assessment of that report and its recommendations as to how to proceed, proposals will be put to Executive Council.

MR. STEPHEN CHEONG:—*Sir, assuming all goes well according to plan this time, is it possible for the Honourable Secretary for Trade and Industry to give a guesstimated date when the Centre can be of use to Hong Kong's industry?*

SECRETARY FOR TRADE AND INDUSTRY:—*Sir, Mr. CHEONG's question calls for an assumption about the outcome of the consultancy which is rather difficult for me to make. The time required to process their proposals is impossible to predict until we actually have them to hand. The decision which might be made on those proposals—it would be equally presumptuous of me to try to predict at this stage. And therefore I could say no more than I assume that if a building was to go ahead, from the time it did go ahead, it would take some two to three years.*

### **Statutory fire safety standards in high-rise buildings**

5. MR. CHEUNG YAN-LUNG asked:—*Is Government satisfied that the statutory fire safety standards in respect of high-rise buildings are properly enforced?*

SECRETARY FOR SECURITY:—*Sir, the statutory fire safety standards are being adequately enforced in many high-rise buildings which have proper management. However, for buildings where such management does not exist, particularly those with multi-ownership, the position is less satisfactory.*

In view of recent public concern it may be helpful if I elaborate on this answer.

The Fire Services Department examines plans for all new buildings, to ensure that appropriate fire services installations and equipment are included. On completion, each building is inspected to ensure that these requirements have been met. At this stage fire safety standards are satisfactory. However, difficulties arise following the occupation of a building where management is either not provided, or where it is ineffective.

The law requires the owner of any premises in which fire service equipment is installed to keep such equipment in efficient working order. The Director of Fire Services is responsible for enforcing this requirement but this is difficult in multi-ownership buildings, where many individual owners are responsible for the one fire service installation in the building. This problem does not arise where buildings have owners' incorporations or property management companies are engaged.

In these circumstances the maintenance of satisfactory standards of fire safety can only be achieved with the co-operation of those occupying the building. To this end the Fire Prevention Campaign Committee has been working with the

Fire Services Department and other Government agencies to increase public awareness of fire safety standards and their enforcement. At the same time the Fire Services Department will continue their inspections and will respond to any complaints regarding fire hazards on other breaches of the regulations.

So far a satisfactory solution to the problems posed by some multi-ownership buildings, including the difficulties sometimes experienced in forming a management organization and the establishment and operation of an adequate management system thereafter, has not been found.

MR. CHEUNG YAN-LUNG:—*Sir, how frequently are the fire services installations in high-rise buildings checked by the Fire Services Department to ensure that there are no breaches of fire safety rules?*

SECRETARY FOR SECURITY:—*Sir, the responsibility for inspection falls upon the registered contractor and he is required to make an annual inspection. The responsibilities of the Fire Services are to respond to complaints, which they do, and to take the necessary action which they are entitled to take under the Fire Services Ordinance regarding the issue of fire hazard abatement notices or fire hazard orders. These are, however, controlled by legislation and by the courts.*

(THE FOLLOWING WRITTEN REPLY WAS PROVIDED SUBSEQUENTLY.)

In answering your first supplementary question in the Legislative Council on Wednesday I misled you when I said that responsibility for inspecting fire services installations falls upon the registered contractor, who is required to make an annual inspection.

In fact, the law requires the owner of any premises in which such equipment is installed to keep it in efficient working order at all times and to have it inspected by a registered contractor at least once a year. The onus, therefore, is placed on the owner of the building, not the contractor.

As I said in the Council, enforcement of this requirement poses few problems in the case of buildings which are properly managed but is less easy in the case of multi-ownership buildings, where many individual owners are responsible for the one installation in their building. In the latter case and in practice it falls to the Fire Services Department to respond to complaints and to issue fire hazard abatement notices where infringements are discovered.

MR. CHEUNG YAN-LUNG:—*Sir, will Government consider setting up courses or seminars to brief the managements of high-rise buildings on basic fire fighting regulations when there is a management in the building?*

SECRETARY FOR SECURITY:—Sir, where there is a competent management, we do not, frankly, have problems. The difficulty is where there is not a very competent management or where, for one reason or another, there is no management at all. So far as I know where there is a competent management, those concerned are alive to and discharge their responsibilities for fire safety. The difficulty is in the relatively few, but nonetheless, quite significant buildings which as yet have not been able to get a management organization together, and therefore it would be difficult in these circumstances for the Fire Services to have an agency with whom they could collaborate.

MISS DUNN:—*Sir, are owners and management committees required to establish fire escape procedures and the residents informed of such procedures?*

SECRETARY FOR SECURITY:—I am afraid I don't know the answer to that question but I will let Miss DUNN have it in writing.

(THE FOLLOWING WRITTEN REPLY WAS PROVIDED SUBSEQUENTLY.)

There are no statutory or administrative requirements for owners or management committees to establish fire escape procedures in buildings.

However, the Fire Services Department has for many years responded to requests for advice and guidance on the formulation of fire orders for buildings. These requests are usually from managements of institutional buildings, such as hospitals, homes for the elderly, schools and hotels and Fire Services officers assist by drawing up fire escape procedures and conducting fire drills.

So far this year officers of the Fire Protection Bureau have given lectures on fire prevention to more than 18 000 persons, including office, hotel and factory workers, MACs, squatters, residents of public housing estates and Temporary Housing Areas as well as students. This is an on-going commitment.

## **Statements**

### **The Sixth Annual Report of the Clothing Industry Training Authority and the Sixth Annual Report of the Construction Industry Training Authority**

MR. TIEN:—Sir, laid before this Council are the sixth annual reports of the Clothing Industry Training Authority and the Construction Industry Training Authority. The reports cover the calendar year 1981.

The clothing industry continues to be the largest manufacturing industry in Hong Kong. Because the industry is fashion oriented requiring rapid changes in style and fabric construction, large scale application of fully automatic

machines is difficult. An adequate supply of well-trained manpower is still the key to higher productivity and better quality. In support of further developments in the clothing industry, the Clothing Industry Training Centre started a training course for fur sewing operators in mid 1982. As the demand for skilled workforce still far exceeds the training capacity of the existing Clothing Industry Training Centre, the Government has granted a piece of land for a second training centre at Kowloon Bay and construction work for the centre will soon commence. I would therefore like to take this opportunity to thank the Government for its continuing support generally and particularly for the grant of this piece of land, free of premium, to the Clothing Industry Training Authority.

In the year under review, the construction industry has maintained a high level of activities, particularly in the public sector. In order to meet the demand for trained manpower in the industry and continue to upgrade the skills of the industry's workforce, the Construction Industry Training Authority has increased its training capacity by setting up a second training centre in Kwai Chung on land also granted by the Government. The second centre is now in operation. At the request and on the behalf of the Construction Industry Training Authority, I would also like to express my gratitude to the Government.

### **Report on the Prince Philip Dental Hospital for the period 1.4.81 to 31.3.82**

MISS DUNN:—Sir, tabled today is a report on the activities of the Prince Philip Dental Hospital and a statement of accounts for the first complete financial year from 1 April 1981 to 31 March 1982.

The Hospital was in an early stage of development during the period under review. Apart from budgetary matters, the Board of Governors devoted much of its attention developing appropriate administrative and management arrangements for an institution which is wholly devoted to the support of University teaching.

The Hospital has been admitting an average of 250 patients a week since it was opened to the public on 7 October 1981. As a teaching institution, the numbers admitted are governed entirely by teaching requirements. Only those patients whose dental problems are considered suitable for teaching purposes are accepted for a full course of treatment although, of course, patients requiring emergency and simple conservative treatment are also admitted.

The first students to embark upon the Bachelor of Dental Surgery curriculum are now entering the third year of their studies and the first batch of some 70 students will graduate in early 1985. Thereafter, around the same number of graduates will join the dental profession each year thus providing badly needed relief of the present shortage of dentists.



The Hospital also provides various training courses for parodontal workers, usually in co-operation with the Hong Kong Polytechnic. To date 13 Extended Duty Dental Assistants, 33 Dental Surgery Assistants, 14 Dental Hygienists and 56 Dental Technicians have qualified.

The Hospital continues to attract many visitors locally as well as overseas including many eminent personalities in the dental field. Without exception, they have commented favourably on the Hospital's design and facilities. I think we can be justly proud that we have in The Prince Philip Dental Hospital one of the most modern and best equipped dental hospitals in the world, and I am sure the very large investment of public funds involved, which the Financial Secretary does not miss the opportunity to remind me of, will prove to be worthwhile.

## Government Business

### Motions

#### MASS TRANSIT RAILWAY CORPORATION ORDINANCE

THE FINANCIAL SECRETARY moved the following motion:—Under section 12(1) of the Mass Transit Railway Corporation Ordinance that the Schedule to the Resolution of the Legislative Council published as Legal Notice No. 242 of 1975 in the *Gazette* on 31 October 1975 as amended from time to time be further amended by adding as items 51, 52, 53, 54 and 55 the following—

- |   |  |
|---|--|
| ‘51. Export Credits arranged by Lazard Brothers & Co., Ltd. to finance contracts placed in U.K. | Hong Kong Dollars Three Hundred and Ninety One Million (HK\$391,000,000) 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). |
| 52. Supplier's Credit Facilities to finance contracts placed in Japan                           | 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.   |

- |  |  |
|--|--|
| 53. Export Credit to finance a sub-contract placed in France                                   | Hong Kong Dollars Thirty Six Million (HK\$36,000,000) 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 Fifteen Million (HK\$15,000,000).  |
| 54. Export Credit arranged by Antony Gibbs & Sons Limited to finance a contract placed in U.K. | Hong Kong Dollars Forty Eight Million (HK\$48,000,000) 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 Sixteen Million (HK\$16,000,000). |
| 55. Export Credit arranged by Lazard Brothers & Co., Ltd.                                      | Hong Kong Dollars Sixty Million (HK\$60,000,000) and such amounts as may become payable in respect of interest and other charges.’.  |

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

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

Authority is now sought for a Government guarantee to cover repayment of a loan of HK\$965 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 supply, installation and commissioning of dual mode locomotives, additional rolling stock, an environmental control system, chillers, station and tunnel ancillaries and depot services.

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\$10,638 million. This contingent liability is provided for within our reserves.

Sir, I beg to move.

*Question put and agreed to.*

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

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

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

The aim of the Traffic Accident Victims Assistance (T.A.V.A.) Scheme is to provide some immediate financial help to victims of traffic accidents, or their dependents, in the case of injuries sustained or fatal accidents respectively. One criterion for eligibility for assistance is at least three days' loss of earnings or earning capacity as certified by a registered medical practitioner. In accordance with the basic aim of the scheme, as stated above, non-wage earners, including elderly and young victims have been provided with appropriate assistance on their production of a doctor's certificate providing for a number of rest days or sick leave in excess of three days.

Legal advice now indicates that three days loss of earnings or earning capacity is not necessary the same as three days of rest or hospitalization. Whilst loss of earning capacity does not presuppose that an eligible victim must be in gainful employment, he must have a capacity to work which he is capable of losing. Accordingly, persons who, through youth, infirmity, or mental or physical disability, are incapable of working cannot be eligible for this assistance when they are hurt in an accident. Of course, this is contrary to both the intention and purpose of the T.A.V.A. Scheme and other relief arrangements such as the Criminal and Law Enforcement Injuries Compensation and the Emergency Relief Schemes.

In order to ensure that road traffic accident victims with no earning capacity are not excluded from assistance, it is proposed to amend the eligibility criteria by inclusion of a clause to the effect that, without prejudice to the generality of the requirement of three days loss of earnings or earning capacity, a person shall be deemed to have suffered three days loss of earnings or earning capacity if he is on sick leave or in hospital for three days whether he is a wage earner or not.

Sir, I beg to move.

*Question put and agreed to.*

**MATRIMONIAL CAUSES ORDINANCE**

THE LAW DRAFTSMAN moved the following motion:—That the Matrimonial Causes (Fees) (Amendment) Rules 1982, made by the Chief Justice on 26 August 1982, be approved.

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

The Administration of Justice (Miscellaneous Amendments) Ordinance 1981, which this Council passed in December, provides for the transfer of jurisdiction in matrimonial matters from the Supreme Court to the District Court. In consequence, some of the functions for which fees are prescribed will be discharged by the District Court and not the Registrar of the Supreme Court.

On 26 August, the Chief Justice made the Matrimonial Causes (Fees) (Amendment) Rules 1982 to reflect this change in the principal Rules. The amendments consist essentially of deleting references to the Registrar. The actual fees remain unchanged.

This motion now seeks the approval of this Council that is necessary before the amending Rules can become law.

Sir, I beg to move.

*Question put and agreed to.*

## TELEPHONE ORDINANCE

THE SECRETARY FOR ECONOMIC SERVICES moved the following motion:—That the Telephone Ordinance be amended with effect from 1 January 1983 by deleting the Schedule and substituting the following—

### ‘SCHEDULE

[s. 26.]

#### PART I EXCHANGE LINE CHARGES

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>
1.	<i>For an exchange line used for business purposes—</i>	
	(a) exclusive service	\$768 per annum.
	(b) two party service	\$564 per annum.
2.	<i>For an exchange line in a bona fide place of residence—</i>	
	(a) exclusive service	\$516 per annum.
	(b) two party service	\$372 per annum.
3.	<i>Associated charges for items 1 and 2—</i>	
	(a) installation	\$525.
	(b) removal within the same building	\$200.
	(c) removal to a different building	\$525.

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>
4.	For an exchange line by radiotelephone service to a fixed location—	
	(a) rental	\$5,520 per annum.
	(b) installation and removal	A charge calculated in accordance with a costing formula agreed from time to time by the Postmaster General.
5.	For a temporary exchange line to a ship—	
	(1) by landline—	
	(a) installation	\$400.
	(b) rental for the period between installation and recovery	\$62 per day.
	(2) by harbourphone radio service—	
	(a) each visit to a vessel or a mooring buoy	\$150.
	(b) installation	\$400.
	(c) rental for the period between installation and recovery	\$150 per day.
6.	For a 'Hunting' exchange line	\$864 per annum.
7.	For a 'Direct Dialling In' exchange line	\$2,448 per annum.
<i>Note:</i>	An exchange line is a direct line from a subscriber to one of the Company's exchanges.	

## PART II

EXTENSION, LEASED CIRCUIT AND SUBSIDIARY  
APPARATUS CHARGES

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>
1.	For an internal extension within the same curtilage as the main installation—	
	(a) rental—	
	(i) with standard telephone instrument	\$120 per annum.
	(ii) with socket only	\$84 per annum.
	(b) installation or removal	\$200.

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>
2.	For an external extension routed between a building and a telephone exchange—	
	(a) rental, per 2 wire circuit presentation	\$504 per annum.
	(b) installation or removal to a different building	\$290.
	(c) removal within the same building	\$200.
3.	For an external extension between two telephone exchanges, per 2 wire circuit presentation (inclusive of any line conditioning equipment)—	
	(a) not exceeding a radial distance of 2 kilometres	\$768 per annum.
	(b) for each additional 500 radial metres or part thereof (inclusive of any line conditioning equipment)	\$252 per annum.
4.	For an external extension by radio link, per 2 wire circuit presentation (subject to prior agreement with the Company)—	
	(a) rental	\$1,200 per annum.
	(b) installation	\$100.
5.	For an external extension automatic relay set in an exchange—	
	(a) rental	\$132 per annum.
	(b) installation	\$100.
6.	For a leased circuit within the same curtilage—	
	(a) circuit only—	
	(i) rental	\$120 per annum.
	(ii) installation or removal	\$200.
	(b) circuit with telephone equipment—	
	(i) rental	\$300 per annum.
	(ii) installation or external removal	\$290.
	(iii) internal removal	\$200.
7.	For a leased circuit routed between a building and a telephone exchange—	
	(a) rental—	
	(i) category 1	\$504 per annum.
	(ii) category 2	\$504 per annum.
	(iii) category 3	\$1,008 per annum.
	(iv) category 4	\$1,008 per annum.
	(v) category 5	\$1,008 per annum.
	(b) installation or external removal	\$290.
	(c) internal removal	\$200.

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>
8.	For a leased circuit between two telephone exchanges (inclusive of any line conditioning equipment) not exceeding a radial distance of 2 kilometres—	
	(i) category 1	\$768 per annum.
	(ii) category 2	\$768 per annum.
	(iii) category 3	\$1,560 per annum.
	(iv) category 4	\$1,632 per annum.
	(v) category 5	\$3,264 per annum.
9.	For each additional 500 radial metres or part thereof between two telephone exchanges (inclusive of any line conditioning equipment)—	
	(i) category 1	\$192 per annum.
	(ii) category 2	\$252 per annum.
	(iii) category 3	\$504 per annum.
	(iv) category 4	\$516 per annum.
	(v) category 5	\$816 per annum.
10.	For a leased circuit radio link per 2 wire presentation (subject to prior agreement)—	
	(a) rental	\$1,200 per annum.
	(b) installation	\$100.
11.	For a leased circuit automatic relay set in an exchange—	
	(a) rental	\$132 per annum.
	(b) installation	\$100.
12.	For a wideband leased circuit routed between a building and a telephone exchange—	
	(a) not exceeding a radial distance of 1 kilometre	\$24,000 per annum.
	(b) each additional 500 radial metres or part thereof	\$6,000 per annum.
	(c) installation	\$2,000.
13.	For a wideband leased circuit routed between two telephone exchanges—	
	(a) not exceeding a radial distance of 2 kilometres	\$9,600 per annum.
	(b) each additional 500 radial metres or part thereof	\$1,200 per annum.

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>
14.	For a switching equipment (all colours)—	
	(a) with battery eliminator	\$156 per annum.
	(b) with battery	\$300 per annum.
15.	For an extension bell—	
	(a) small size	\$60 per annum.
	(b) large size	\$72 per annum.
	(c) installation or removal	\$200.
16.	For a non-standard instrument—	
	(a) coloured	\$24 per annum.
	(b) push button	\$180 per annum.
	(c) weather proof	\$144 per annum.
	(d) coin box private payphone	\$6,000 per annum.
	(e) Contempra (all colours)	\$72 per annum.
	(f) Siemens Masterset—	
	(i) Rotary dail	\$48 per annum.
	(ii) Multi-frequency push button	\$144 per annum.
	(iii) Decadic push button	\$204 per annum.
	(g) Atea telephone	\$144 per annum.
	(h) Wall phone	\$60 per annum.
17.	For a hands-free unit—	
	(a) Unit 1 rental	\$540 per annum.
	(b) Unit 2 rental	\$600 per annum.
18.	For a telephone pole, when provided for services other than a permanent exchange line service	\$300 per pole.
19.	For miscellaneous apparatus—	
	(a) bell cut-off switch	\$12 per annum.
	(b) plug and socket	\$24 per annum.
	(c) plug only	\$12 per annum.
	(d) watch receiver	\$36 per annum.
	(e) lamp signalling handset	\$48 per annum.
	(f) amplifying handset	\$72 per annum.
	(g) long connecting cord	\$10 per metre.

*Note:* In items 14, 16, 17 and 19 an installation fee of \$100 will be charged if no other installation fee is charged for associated work carried out at the same time.



## PART III

EXCHANGE CONNECTED INTERCOMMUNICATION  
SYSTEM (E.C.I.S.) CHARGES

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>	
		Annual Rent	Installation or Removal
1.	For 2+5 Keymaster System—		
	(a) Relay set	\$300	\$250.
	(b) Telephone instrument	\$276	\$250.
	(c) Long connecting cord	Nil	\$60 for 2 metres plus \$18 per extra metre. (See <i>Note</i> .)
2.	For 2+6 Dualine System—		
	(a) Relay set	\$468	\$290.
	(b) Telephone instrument — dial version	\$312	\$290.
	(c) Telephone instrument — push button version	\$396	\$290.
	(d) Long connecting cord	Nil	\$60 for 2 metres plus \$18 per extra metre. (See <i>Note</i> .)
3.	For 4+10 O.K.I. System—		
	(a) Relay set	\$852	\$350.
	(b) Telephone instrument	\$180	\$350.
	(c) Long connecting cord	Nil	\$60 for 2 metres plus \$18 per extra metre. (See <i>Note</i> .)
4.	For 4+10 N.T.K. System—		
	(a) Relay set	\$756	\$440.
	(b) Telephone instrument	\$276	\$390.
	(c) Long connecting cord	Nil	\$60 for 2 metres plus \$18 per extra metre. (See <i>Note</i> .)
	(d) Exchange line module	\$72	Nil.
	(e) Public address module	\$60	Nil. (See <i>Note</i> .)
	(f) Public address loudspeaker	\$48	\$100.
5.	For 4+10 Gold Star System—		
	(a) Relay set	\$960	\$440.
	(b) Telephone instrument	\$360	\$340.
	(c) Exchange line module	\$72	Nil.

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>	
		Annual Rent	Installation or Removal
6.	For 10+30 N.T.K. System—		
	(a) Relay set	\$1,500	\$470.
	(b) Telephone instrument	\$324	\$470.
	(c) Long connecting cord	Nil	\$80 for 2 metres plus \$25 per extra metre. (See <i>Note</i> .)
	(d) Exchange line module	\$72	Nil.
	(e) Public address module	\$120	Nil. (See <i>Note</i> .)
	(f) Public address loudspeaker	\$48	\$100.
	(g) Conference module	\$48	Nil. (See <i>Note</i> .)
7.	For 15+40 Gold Star System—		
	(a) Relay set	\$1,560	\$580.
	(b) Telephone instrument	\$420	\$470.
	(c) Exchange line module	\$72	Nil.
	(d) Direct Station selection unit	\$360	\$2,900.
	(e) Attendant station for direct station selection unit	\$480	\$470.
	(f) Interface for external extension	\$240	(See <i>Note</i> .)
	(g) Plug with S.T.C. operator headset	\$120	(See <i>Note</i> .)

*Note:* For items 1(c), 2(d), 3(c), 4(c), 6(c), 6(e), 6(g), 7(f) and 7(g) an installation fee of \$100 will be charged if no other installation removal fee is charged for associated work carried out at the same time.

#### PART IV

##### PRIVATE BRANCH EXCHANGE AND ASSOCIATED EQUIPMENT CHARGES

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>
1.	For a Private Manual Branch Exchange (5+20) Switchboard—	
	(a) rental	\$1,320 per annum.
	(b) installation or removal to a different building	\$2,000.
	(c) removal within the same building of switchboard only	\$500.
	(d) removal within the same building of associated apparatus	\$600.

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>
2.	For a Private Manual Branch Exchange (10+30) Switchboard—	
	(a) rental	\$2,400 per annum.
	(b) installation or removal to a different building	\$3,800.
	(c) removal within the same building of switchboard only	\$800.
	(d) removal within the same building of associated apparatus	\$1,100.
3.	For a Private Manual Branch Exchange (10+50) Switchboard—	
	(a) rental	\$3,600 per annum.
	(b) installation or removal to a different building	\$4,100.
	(c) removal within the same building of switchboard only	\$1,000.
	(d) removal within the same building of associated apparatus	\$1,200.
4.	For a Private Manual Branch Exchange (any other capacity) Switchboard—	
	(a) rental for capacity of 12 indicators or less	\$720 per annum.
	(b) rental for each additional indicator	\$60 per annum.
	(c) installation or removal to a different building	(See Note 1.)
	(d) removal within the same building	(See Note 1.)
5.	For a Power Supply circuit—	
	(a) using eliminator	\$120 per annum. (See Note 2.)
	(b) from public exchange (subject to prior agreement with the Company)	\$600 per annum. (See Note 2.)
	(c) standby equipment	(See Note 3.)
6.	For a Ringing Supply circuit—	
	(a) using eliminator	\$120 per annum. (See Note 2.)
	(b) from public exchange (subject to prior agreement with the Company)	\$600 per annum. (See Note 2.)
7.	For each additional operator's handset or headset	\$96 per annum. (See Note 2.)
8.	For a Private Automatic Branch Exchange owned by a subscriber—	

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>
	(a) installation and removals	(See <i>Note 3.</i> )
	(b) maintenance per installed extension for—	
	(i) strowger equipment	\$216 per annum.
	(ii) cross bar equipment	\$156 per annum.
	(iii) semi-electronic	\$168 per annum.
	(iv) electronic-analogue equipment	\$168 per annum.
	(v) electronic-digital equipment	\$264 per annum.
	(vi) other types of equipment	\$192 per annum.
9.	For a Computerized Business Telephone System (40+144)—	
	(a) rental (for a minimum period of 5 years)—	
	(i) 40+144 equipment cabinet with operator console	\$29,808 per annum.
	(ii) 4 channel exchange line card	\$696 per annum.
	(iii) 8 channel extension card	\$444 per annum.
	(iv) 16 channel coder/decoder card (connecting circuits)	\$828 per annum.
	(v) additional 48K memory card	\$2,676 per annum.
	(vi) 8 channel D.D.I. cards (per set)	\$2,028 per annum.
	(vii) 8 channel tie trunk cards (per set)	\$2,028 per annum.
	(viii) 8 channel off premises extension card	\$1,428 per annum.
	(ix) 16 channel E.T.S. interface cards (per set)	\$1,332 per annum.
	(x) electronic telephone set (E.T.S.)	\$984 per annum.
	(xi) automatic call distribution (software)	\$5,712 per annum.
	(xii) automatic network dialling (software)	\$4,644 per annum.
	(xiii) call queuing (software)	\$3,240 per annum.
	(xiv) call detail recording (software)	\$3,552 per annum.
	(xv) teletype for call detail recording	\$2,892 per annum.
	(b) installation	(See <i>Note 3.</i> )
	(c) maintenance—	
	(i) per installed working extension	\$264 per annum.
	(ii) per electronic telephone set	\$408 per annum.
	(iii) per teletype	\$456 per annum.

*Note:* 1. In items 4(c) and (d), a charge will be calculated in accordance with a costing formula agreed from time to time by the Postmaster General and shall not be less than \$1,250 in respect of item 4(c) and \$500 in respect of item 4(d).

*Note:* 2. In items 5(a) and (b), 6(a) and (b) and 7, an installation fee of \$100 will be charged if no other installation fee of associated work carried out at the same time.

*Note:* 3. In items 5(c), 8(a) and 9(b), a charge calculated in accordance with a costing formula agreed from time to time by the Postmaster General.

## PART V

## MISCELLANEOUS CHARGES

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>
1.	For changing a telephone instrument at request of subscriber	\$100.
2.	For changing a telephone number at request of subscriber	\$200.
3.	For changed number interception service (first month free of charge), subject to prior agreement with the Company	\$120 per month.
4.	For registration of change of name for an existing subscriber or user	\$100 per line.
5.	For registration of a different subscriber for an existing installation	\$100 per line.
6.	For reconnecting a service disconnected for non-payment of charges	\$100 per line.
7.	Administration charge for work undertaken but subsequently cancelled at request of subscriber	\$100 per request.
8.	For a tropical cyclone warning service (minimum period 12 months)—	
	(a) registration	\$50.
	(b) service	\$144 per annum.
9.	For a thunderstorm and heavy rain warning service (minimum period 12 months)—	
	(a) registration	\$50.
	(b) service	\$144 per annum.
10.	For an ex-directory unlisted telephone number where there is no additional telephone number listed in the same name at the same address (minimum period 12 months)—	

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>
	(a) registration	\$50.
	(b) service	\$72 per annum.
11.	For each additional entry in small type in either the English or Chinese section of the Telephone Directory (minimum period 12 months)—	
	(a) registration	\$50.
	(b) service	\$72 per annum.
12.	For each additional copy of the Telephone Directory in excess of free allowance	\$20 per volume.
13.	For connexion or disconnexion of privately owned apparatus	\$50 per item.
14.	For connexion device for privately owned apparatus	\$24 per annum.
15.	For maintenance of a concentrator manufactured by the Company, per circuit indicator	\$12 per annum.
16.	For a service at a subscriber's request which is not otherwise provided for in this schedule	A charge calculated in accordance with a costing formula agreed from time to time by the Postmaster General.
17.	Advice of duration of an outgoing international telephone call	\$1 per call.

## PART VI

## TELEPHONE CALL CHARGES

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>
1.	Local call from a public Pay Station	\$1.
2.	International telephone call	Such charges as are contained in the terms referred to in Section 25 of the Ordinance.

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>
3.	Local conference call	\$10 per party per 15 minutes or part thereof.
4.	International conference call—	
	(a) Originating party	\$30 per conference call.
	(b) Party in another country	Person to person international call charge.
	(c) Distant administration's connexion charge.	Charge as set by that administration.
	(d) Additional parties in Hong Kong	\$10 per party per conference call.

## PART VII

## RADIO PAGING CHARGES

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>
1.	For registration	\$100.
2.	For service	\$40 per month.
3.	For covering the receiving station licence fee paid by the Company	The fee specified for a receiving station licence in item 20 of the First Schedule to the Telecommunication Regulations (Cap. 106, sub. leg.)
4.	For group calling facility, per group	\$40 per month.
5.	For purchase of pager	The sale price as agreed from time to time between the Postmaster General and the Company. ?

He said:—Sir, I rise to move the motion standing in my name in the Order Paper. Section 26(2) of the Telephone Ordinance empowers this Council to amend, by resolution, the Schedule to that Ordinance to establish the maximum charges that may be levied by the Hong Kong Telephone Company.

Line rental charges were last increased by Resolution of this Council with effect from 1 September 1981 whereas installation, maintenance and certain miscellaneous charges were increased as from January this year.

In July the Telephone Company submitted an application to increase both line rentals and installation, maintenance and miscellaneous charges with effect from 1 January 1983, on the grounds that increases in the company's costs would make higher charges unavoidable. The major items in the Resolution comprise increased rentals for residential lines, business lines (including special facilities for business lines) and leased circuits. The average increase is 16%. Other increases proposed relate to individual maintenance charges for different classes of Private Automatic Branch Exchanges and various installation and removal charges to enable the company to recover the costs of providing the services in question.

An increased rental for *private* pay-phones is also proposed. This is required to cover the cost of additional equipment that has to be provided in the telephone system to cater for the users of these pay-phones. And, as foreshadowed in my speech on 30 July last year, the company has applied to raise the charge for the use of a *public* pay-phone from 50 cents to \$1 a call. This increase, if approved, would be the first increase since 1975 and is now incorporated in the Resolution.

The Resolution proposes that the new charges should take effect from 1 January 1983. The estimated additional revenue accruing from these increases should obviate the need for further increases during 1983. But I would be remiss if I did not forewarn this Council that rising costs will most probably necessitate further increases in tariffs early in 1984.

Sir, I beg to move.

*Question put and agreed to.*

## **FIXED PENALTY (TRAFFIC CONTRAVENTIONS) ORDINANCE**

THE SECRETARY FOR TRANSPORT moved the following motion:—

- (1) That \$140 is hereby prescribed as the fixed penalty under section 13 of the Fixed Penalty (Traffic Contraventions) Ordinance; and
- (2) that this resolution shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

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

This Council may, by resolution, increase the penalty payable under section 13 of the Fixed Penalty (Traffic Contraventions) Ordinance which relates to a range of parking offences. This motion proposes that the fixed penalty fine for such parking offences be increased from \$70 to \$140. This increase was ordered by the Governor in Council to restore the deterrent effect of the penalty which



has been eroded by general increase of prices and incomes since the last one in 1979.

The resolution will come into effect on a day to be appointed by the Governor by notice in the *Gazette*. To allow for time to order and print new fixed penalty tickets, this is expected to be 1 April 1983.

Sir, I beg to move.

MR. ANDREW SO delivered his speech in Cantonese:—

督憲閣下：本人希望就這個動議，發表意見，但首先，作為一架車齡十二年，剛取得驗車合格證和新行車證的汽車車主，本人謹此聲明這動議與本人有利害關係。

駕車人士往往是被迫才作違例停泊車輛之舉，因為在香港，合法的泊車位委實太少了。一九七一年的違例泊車罰款額是三十元，八〇年提高至七十元，八三年將會是一百四十元。在「僧多粥少」的情況下，就算按年遞增罰款額，一樣會有違例泊車者。因為目前每日在路上行駛的三十四萬部車輛，無論香港生活怎樣忙碌，總有引擎熄滅，稍事停泊的時刻。作一個不大文雅，但頗為貼切的比喻：假如我們沒有足夠的私用或公眾洗手間，就算見四處貼滿過往著名的「不得在此小便，如違送官究治」的阻嚇性告示，亦將無濟於事。有很多時候，駕車人士四處找尋合法泊車位的焦急情形，與生理上的需要，有過之而無不及。

運輸司剛才指出，這次增加罰款要到明年四月方才實行，主要原因是預定足夠時間，以備印製新的定額罰款通知書，這點雖然頗令人費解，但本人認為印製通知書不妨拖延，至於採取適當措施抑制私家車輛的增長，考慮是否有理由去限制貨車的增長，增闢道路，增建停車場，提供適當的修理汽車工場場地，處理棄置汽車等的措施則要加速進行。

督憲閣下，本人謹此陳辭，支持當前動議。

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

Sir, I wish to give my views on this motion. First of all, as the owner of a 12-year old motor vehicle which has recently been issued with a Motor Vehicle Certificate of Road Worthiness and a new Vehicle Licence, I must declare my interest in this motion.

As there are far too few legal parking spaces in Hong Kong, motorists are very often compelled to park their cars illegally. The fine for illegal parking was \$30 in 1971. It was raised to \$70 in 1980 and will be further raised to \$140 in 1983. In a situation where 'the gruel is meagre and the monks are many', there will still be illegal parkings even if the fine is to be increased annually. No matter how busy life is in Hong Kong, there are inevitable moments when some of the engines of the 340 000 motor vehicles running on the roads every day are switched off. To make a not-too-elegant but rather appropriate analogy: If there

were not enough private or public toilets, it would be of no effect putting up everywhere the once 'classical' poster which reads 'Urination here is prohibited. Offenders will be prosecuted.' Very often, the anxiety felt by motorists scouring everywhere for a legal parking space could be greater than to answer a call of nature.

The Secretary for Transport just pointed out that this proposed increase of fine will not be implemented until next April mainly because adequate time has to be allowed for the printing of the new Fixed Penalty Tickets. This is rather puzzling but I would not object too much to the printing of the new tickets being delayed. I think what is of more concern now is that actions to discourage the increase of private cars, to consider whether it is justified to limit the increase of lorries, to build more roads and more car parks, to provide suitable sites for car-repairing workshops and to dispose of abandoned motor vehicles should be taken expeditiously.

Sir, with these remarks, I support the motion.

*Question put and agreed to.*

### **First reading of bills**

**PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT) (NO. 2) BILL 1982**

**PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT) (NO. 3) BILL 1982**

**EMPLOYEES' COMPENSATION (AMENDMENT) BILL 1982**

**GUARDIANSHIP OF MINORS (AMENDMENT) BILL 1982**

**TRUSTEE (AMENDMENT) BILL 1982**

**ROAD TRAFFIC (AMENDMENT) 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**

**PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT) (NO. 2) BILL 1982**

THE SECRETARY FOR HOME AFFAIRS moved the second reading of:—'A bill to amend the Public Health and Urban Services Ordinance'.

He said:—Sir, I move that the Public Health and Urban Services (Amendment) (No. 2) Bill 1982 be read the second time.

This Bill provides the Authority with the wider powers necessary for the effective management and control of museums and for the better protection of the exhibits. The Explanatory Memorandum explains the additional powers given to the Authority by this Bill.

In addition to a number of administrative improvements, the Bill empowers the Authority to require a person causing damage to the structure of a museum or to an exhibit to repay the costs of repair or replacement, and to pay a surcharge equal to 20% of those costs.

This Bill is needed to improve the management of the three existing museums in Hong Kong—The Museum of Art in the City Hall, the Museum of History in Star House and its branch museum at Lei Cheng Uk, and the Space Museum in Tsim Sha Tsui. It will also provide management with adequate authority for several new museums as they are completed.

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 HOME AFFAIRS.

*Question put and agreed to.*

### **PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT) (NO. 3) BILL 1982**

THE SECRETARY FOR SOCIAL SERVICES moved the second reading of:—‘A bill to amend the Public Health and Urban Services Ordinance’.

He said:—Sir, I move that the Public Health and Urban Services (Amendment) (No. 3) Bill 1982 be read the second time.

The purpose of the Bill is to enable the making of regulations under section 55(1) of the principal Ordinance which empower the Director of Urban Services to amend any provision thereof.

Regulations will shortly be introduced to control metallic contamination and harmful substances in food for human consumption. As the maximum permitted level of such substances may need to be revised from time to time in the light of local and overseas scientific findings, it is desirable that some mechanism should exist for their speedy updating without constant reference to the Governor in Council. The present Bill, if enacted, will enable regulations to be made to authorize the Director of Urban Services to amend the maximum permitted concentrations of substances in food by notice published in the *Gazette*. As with all other subsidiary legislation, any such amendment has to be

laid before this Council in accordance with section 34 of the Interpretation and General Clauses Ordinance.

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

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

*Question put and agreed to.*

## **EMPLOYEES' COMPENSATION (AMENDMENT) BILL 1982**

THE COMMISSIONER FOR LABOUR moved the second reading of:—‘A bill to amend the Employees’ Compensation Ordinance’.

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

Members will recall that on 25 June 1980 when I moved the second reading of the Workmen’s Compensation (Amendment) Bill 1980, I said that because of the number and complexity of the recommendations of the Working Party on the Comprehensive Review of the Workmen’s Compensation Ordinance, I considered it necessary to implement them by two stages. Subsequently, those recommendations which needed to be implemented urgently, including the extension of compensation benefits to all employees, raising the various levels of compensation, payment for repair and renewal of prostheses and surgical appliances and the revision of the First Schedule, were effected by the Workmen’s Compensation (Amendment) Ordinance 1980. At the same time, the principal Ordinance was also re-named the Employees’ Compensation Ordinance.

The Bill now before honourable Members represents the second stage of implementation of the recommendations of the Working Party. The main objects of the amendments introduced by this Bill are to—

- (a) provide improved protection for employees;
- (b) improve procedures for the recovery of compensation;
- (c) introduce provisions to ensure that an employer fulfils his obligations;
- (d) introduce revised provisions for compulsory insurance of employees; and,
- (e) clarify various uncertainties or ambiguities in the Ordinance.

The assessment of an injured employee’s loss of earning capacity in an equitable and realistic manner has always been one of the most difficult areas in employees’ compensation legislation. The existing basis of assessment is built on the rigid application of the First Schedule of the Ordinance, which prescribes the percentage loss of earning capacity for a number of specified injuries. As the percentages are directly linked to the physical disability suffered by the injured employee without taking into account his particular circumstances, the results

of this basis of assessment have been found to be inadequate and unsatisfactory in some cases. For instance, under the existing provisions, a labourer who has lost a thumb or finger will have his compensation assessed on exactly the same basis as a musician who suffers the same loss, although the labourer may well return to his former usual employment after convalescence without much loss of earnings, the musician, who may have his career ruined and all previous training and experience rendered useless, will have to look for a new type of work or profession. The new *section 9(1A) in clause 6* has introduced an element of flexibility to cover such situations by providing that, when assessing the amount of compensation, consideration should be given to the special circumstances of the employee, including the nature of the injury in relation to the nature of his former usual employment and his qualifications, previous training and experience. This new provision, which is complementary to the existing section 9, is designed to provide a more realistic and equitable basis of assessment.

As the improved basis of assessment necessitates the use of a more discretionary approach, the machinery of assessment needs corresponding restructuring. Under the existing system, assessment of compensation depends solely on the results or findings of the non-statutory Medical Assessment Board, which is composed entirely of registered medical practitioners or dentists. *Clause 14* of the amendment Bill now provides for the establishment of a new, two-tier assessment machinery comprising the Employees' Compensation (Ordinary Assessment) Boards and the Employees' Compensation (Special Assessment) Boards. All claims likely to involve permanent incapacity will be referred in the first instance to an Ordinary Assessment Board which, comprising registered doctors or dentists and a Labour Officer, will assess the percentage of loss of earning capacity caused by the injury. Where the Ordinary Assessment Board considers that special circumstances are involved, it will refer the claim to a Special Assessment Board which, having as members, medical professionals, labour officers, and, where necessary, experts from specialized fields, will be responsible for assessing the true loss of earning capacity permanently caused to employees injured at work, taking into account both the medical facts and opinions, and the special circumstances which have a bearing on the claim. Unlike the former Medical Assessment Board, the new Ordinary Assessment Board and Special Assessment Boards are given statutory recognition and certificates of assessment issued by these Boards are to be admitted in evidence without further proof on their production in any court.

The amendment Bill has introduced a number of measures to improve the procedure of processing claims of employees' compensation. One such measure, as provided in *section 16A of clause 14*, is to empower the Commissioner for Labour to determine, by issuing certificates of compensation, claims in respect of minor injuries involving only temporary incapacity not exceeding 14 days. The issuing of certificates by the Commissioner replaces the existing time-consuming procedure of requiring both an employer and an employee to enter into an agreement to settle the claim of compensation. About 81.5% of the cases dealt with by the Labour Department in 1981 did not result in any permanent

incapacity and 71.3% of such cases involved temporary incapacity of less than 14 days. It is obvious that considerable time can be saved by adopting the new procedure. An appeal to the District Court remains for these cases as a safeguard against arbitrary determination. For the more serious cases involving permanent incapacity or temporary incapacity of over 14 days, the existing procedure of settlement by agreement is still retained, or to be determined by the District Court where agreement cannot be reached.

Another measure introduced by the amendment Bill to expedite the processing of employees' compensation cases, as provided in *section 17 of clause 15*, is to require employers to take all necessary and reasonable steps to enter into an agreement with the injured employee within 21 days after a 'relevant date', unless the employer does not intend to do so, in which case he must notify the Commissioner within 14 days after the 'relevant date', giving his reasons. The 'relevant date' is defined under the amendment Bill, depending on the nature of the circumstances.

Other measures designed as deterrents for delays in the payment of compensation include the stepping up of surcharges for delay of payment beyond three months after the expiry of the payment period, (*clause 15, section 17A*), empowering the Court to charge interest at such a rate as it thinks fit on the whole or any part of the compensation recovered by the injured employee (*clause 20*) and making the failure of the employer to pay, without reasonable excuse, periodical payments to an injured employee within a period of seven days after the date on which such payments fall due a prosecutable offence (*clause 7*).

The Bill has also introduced a number of miscellaneous amendments for the purposes of improvement, up-dating or clarification. As I do not wish to weary Members further with too much detail, I will just mention a few of the more significant changes or additions, the remainder being adequately explained in the Objects and Reasons accompanying the Bill:

- (a) *Firstly*, new provisions (*clause 4(b)*) have been added so that accidents in which an employee is injured while travelling to or from his place of work by any means of transport, other than part of a public transport service, provided by or arranged by his employer, will be deemed to be 'arising out of and in the course of employment', thereby enabling the injured employee to claim compensation. This provision follows similar legislation in other countries such as Singapore, Malaysia, New Zealand, Japan and the United Kingdom;
- (b) *Secondly*, *clause 8* removes the existing two-year limit in respect of medical expenses payable by employers. This enables Hong Kong to make an improved declaration on the application of Article 9 of International Labour Convention No. 17: Workmen's Compensation (Accidents) Convention 1925. As our records show that the number of cases of incapacity extending beyond two years is extremely small, the removal of the time-limit would not impose financial burden on employers;

- (c) *Thirdly, clause 17* improves the existing section 24 which places a responsibility on the ‘principal’ in respect of his ‘contractor’. The provision has given rise to no difficulties except that sometimes there may be arguments as to whether a ‘principal’ should be interpreted to mean a ‘principal contractor’ in the hierarchy of the contracting system, as is the intention of the law. The present amendment only seeks to clarify the position and introduces suitable enforcement procedures.
- (d) *Fourthly, section 25 as amended by clause 19* allows an employer to recover from an involved third party any sum which the employer is obliged to pay to the employee, whether by way of compensation or indemnity or by virtue of any contract or agreement entered into with the employee prior to the accident leading to the injury of the employee; and,
- (e) *Fifthly, clause 14 (section 16I), 15 (sections 17(7) and 26)* require an employer to give the necessary absence of leave with pay to an employee for the purposes of attending agreement reading, attending the Ordinary or Special Assessment Board, and attending the Prostheses and Surgical Appliances Board respectively.

The last major item introduced by the amendment Bill is compulsory insurance (*clause 28*). Members will be aware that Part IV of the existing Ordinance, which deals with compulsory insurance, was originally incorporated into the Ordinance in 1969, although this Part has never been brought into operation. Having examined the matter in great depth, it was found that Hong Kong differed from other countries in the region in that insurance for employees’ compensation remained voluntary. As available statistics indicate that a great majority of employers in Hong Kong have already voluntarily taken out insurance policies to cover their liabilities under the Employees’ Compensation Ordinance, it is considered that the time is now ripe to enforce compulsory insurance. This would eliminate hardships experienced by certain injured employees who could not get compensation due to the employers’ inability or unwillingness to pay. It would also dissuade employers from exploiting the ignorance of injured employees by entering into private agreements with them on terms to their disadvantage. With the substantial increase in compensation levels effected by the amendment Ordinance in 1980, the need for compulsory insurance becomes more evident, particularly with the multiplicity of employers with very small number of workers.

Briefly, the revised Part IV contains the following major provisions:—

- (a) Every employer is required to take out an insurance policy to cover his full amount of liability under the Ordinance and independently of the Ordinance (*section 40*);
- (b) In place of an insurance policy, an employer may obtain a written guarantee from a licensed bank to cover the full amount of liability he is required to be insured for (*section 41*). The Hong Kong Association of Banks, however, have made some comments on the proposal. I am

considering them and may have to seek the consent of this Council to move an amendment at the committee stage.

- (c) Every employer is required to display, in a conspicuous place on each of his premises of employment, a notice showing pertinent information of an insurance policy or a bank guarantee (*section 42*); and,
- (d) Details of power of enforcement and penalties are clearly set out (*sections 45A, 45B, 45C and 45D*).

Section 45E in Part IV also gives the Governor in Council the necessary power to make regulations requiring insurers to give advance notice of any proposed increase in premium rate, whether or not such increase is to apply in relation to a particular trade, industry or occupation. It is felt that such regulations would not normally be necessary and there is no intention to make any at present. This power would only be exercised if there was evidence of serious and exorbitant over-charging. It is considered at the moment that the highly competitive nature of the insurance market would normally be an adequate safeguard against this.

When I moved the second reading of the Workmen's Compensation (Amendment) Bill on 25 June 1980, I also said that it was my intention to review biennially the levels of compensation to take account of changes in wage levels and the cost of living. A review is being carried out and will be completed towards the end of the year. Any adjustment of levels of compensation would then be made by resolution of this Council.

Sir, with the multifarious amendments introduced by this Bill, the Employees' Compensation Ordinance has taken a new shape. The amendments, I expect, will provide much better protection to injured employees, who deserve to be properly cared for and compensated because they are the ones who have suffered in their efforts to contribute to the social and economic progress of the community at large. Only a few of the proposals of the Bill are likely to impose much extra expenses to employers.

In order to allow both employers and insurance companies sufficient time to make the necessary arrangement to comply with the new provisions, I intend to bring the provisions in the amendment Bill into operation by two stages. It will be proposed that all provisions, except those concerning compulsory insurance, should be brought into force six months after the date of publication of the amending Ordinance, if passed, in the *Gazette*, and the provisions on compulsory insurance should be brought into force some six months later.

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 COMMISSIONER FOR LABOUR.*

*Question put and agreed to.*



**GUARDIANSHIP OF MINORS (AMENDMENT) BILL 1982**

THE LAW DRAFTSMAN moved the second reading of:—‘A bill to amend the Guardianship of Minors Ordinance’.

He said:—Sir, I move that the Guardianship of Minors (Amendment) Bill be read the second time.

The Guardianship of Minors Ordinance provides that in court proceedings on the custody of minors and on certain related matters, the welfare of the minor shall be the first and paramount consideration. It also provides that in these custody and related matters, the mother and father shall have equal rights and that these rights can be exercised separately.

The Ordinance then goes on to say that neither of these two provisions that I have just mentioned shall apply to illegitimate children. The displacement of the provision for equal rights between parents is intentional and it enables the common law priority accorded to the claim of the mother of an illegitimate child, to take effect. In displacing at the same time the other provision making the welfare of a minor the paramount consideration, the Ordinance inadvertently went too far. In these matters, a child’s welfare should be paramount even if it happens to be illegitimate. The object of this Bill is to make that clear.

The opportunity has also been taken in the Bill to expressly provide that in these matters of custody and the like, due consideration should be given to the wishes of the minor if this is practicable, and also to any material information that is available at the hearing, including any report of the Director of Social Welfare.

This, Sir, is not a monumental measure but it is a useful and caring one, and I commend it to Members.

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 LAW DRAFTSMAN.

*Question put and agreed to.*

**TRUSTEE (AMENDMENT) BILL 1982**

THE LAW DRAFTSMAN moved the second reading of:—‘A bill to amend the Trustee Ordinance’.

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

Under the Common Law, a sole personal representative administering the estate of a deceased person can give a receipt for the proceeds of the sale of land,

and this is the general position in England today. It was also the accepted position in Hong Kong until 1971. In that year the Probate and Administration Ordinance was enacted and an incidental effect of one of its provisions is to cast considerable doubt as to whether a sole personal representative can still give such receipts.

There is, of course, no general reason why he should not do so, and the object of this Bill is to remove the doubts and confirm the power of sole personal representatives to issue receipts for the sale of land.

This object has been questioned only in one minor respect, and that is whether it might not endanger the inheritance of minor children in the hands of e.g. ill advised or improvident widowed mothers who are sole administrators. That danger was not overlooked by English Law which provides that where the interest of a minor child is involved, administration must be granted to a trust corporation or to not less than two individuals. We have adopted that safeguard in section 25 of our Probate and Administration Ordinance, and I believe it should prove as adequate here as elsewhere. The Law Society and Bar Association have been consulted and support the Bill. Furthermore, the point I have mentioned will no doubt be scrutinized by my Unofficial Colleagues in the Legislation Scrutiny Working Group. If it is thought that any further safeguard is desirable, prompt consideration will be given to it.

Meanwhile, 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 LAW DRAFTSMAN

*Question put and agreed to.*

## **ROAD TRAFFIC (AMENDMENT) BILL 1982**

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

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

This Bill has three objectives. First, it makes provision for taxis to operate on Lantau Island; second, it allows the Commissioner for Transport to be represented before a Transport Tribunal; and third, it provides for the appointment of a legal adviser to a Transport Tribunal. If the Bill is passed into law, amendment regulations providing for their implementation will then be formally made by the Governor in Council.

Clause 2 of the Bill amends the Road Traffic Ordinance to provide for the introduction of Lantau taxis as a separate class of vehicle for the purposes of registration and use. At present the only legal passenger car service on Lantau is

provided by 14 private contract hire cars. The proposed taxi service is required to meet the growing demands of both local residents and tourists for personalized transport.

Under the amendment regulations these new taxis would operate on the island of Lantau only and they would have a distinguishing livery, specified by the Commissioner for Transport. The right to register these taxis would be by open tender and the scale of fares would be the same as that for New Territories taxis.

Time will be required to assess accurately how many taxis will eventually be needed on Lantau Island especially as demands will fluctuate between weekdays and weekends. So it is intended that the number should initially be limited to 20, and be reviewed after six months.

The opportunity is taken to abolish the requirement that applicants for New Territories taxi licences must have held a driving licence for at least three years. This requirement dates from the introduction of New Territories taxis and no longer serves any useful purpose.

Clauses 3 and 5 of the Bill provide for the Commissioner for Transport to be represented before a Transport Tribunal. The terms of the existing legislation require the Tribunal to consider only the representations of the applicant, not those of the Commissioner. However, in practice, the Commissioner for Transport is represented by a departmental officer to state his case in a Transport Tribunal and the Tribunal makes its decision on all the evidence presented to it. In this respect, the Bill seeks to formalize the current practice of a Transport Tribunal hearing both sides of the issue.

Clause 4 of the Bill provides for the appointment to a Transport Tribunal of a legal adviser from a panel of legal advisers appointed by the Attorney General. This will serve to ensure that the complex legislation within the Tribunal's jurisdiction is properly interpreted and applied. The legal adviser would assist the Tribunal, but would not himself be a member. A Tribunal's membership will continue to comprise an unofficial chairman, an unofficial member from an appointed panel and an official, all appointed by the Chief Secretary.

To sum up, the provisions of this Bill, if enacted, will provide needed taxi services on Lantau Island and improve the operating efficiency of Transport Tribunals.

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 TRANSPORT.

*Question put and agreed to.*

**STOCK EXCHANGES UNIFICATION (AMENDMENT) BILL 1982****Resumption of debate on second reading (28 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 of bill**

Council went into Committee.

**STOCK EXCHANGES UNIFICATION (AMENDMENT) BILL 1982**

Clauses 1 and 2 were agreed to.

Council then resumed.

**Third reading of bill**

THE ATTORNEY GENERAL reported that the

STOCK EXCHANGES UNIFICATION (AMENDMENT) BILL

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

*Question put on the Bill and agreed to.*

Bill read the third time and passed.

**Adjournment and next sitting**

HIS EXCELLENCY THE PRESIDENT:—In accordance with Standing Orders I now adjourn the Council until 2.30 p.m. on Wednesday, 27 October 1982.

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