

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 10 August 1983****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
SIR JOHN HENRY BREMRIDGE, K.B.E.

THE HONOURABLE THE ATTORNEY GENERAL
MR. MICHAEL DAVID THOMAS, Q.C.

THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS (*Acting*)
MR. DAVID AKERS-JONES, C.M.G., J.P.

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

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

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

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

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

THE HONOURABLE LYDIA DUNN, C.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 ALAN JAMES SCOTT, C.B.E., J.P.
SECRETARY FOR TRANSPORT

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

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

THE HONOURABLE ERIC PETER HO, C.B.E., J.P.
SECRETARY FOR TRADE AND INDUSTRY

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 ANDREW SO KWOK-WING, J.P.

THE HONOURABLE HU FA-KUANG, J.P.

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

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

THE HONOURABLE WILLIAM CHARLES LANGDON BROWN, O.B.E., J.P.

THE HONOURABLE CHAN KAM-CHUEN, J.P.

THE HONOURABLE COLVYN HUGH HAYE, C.B.E., 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, O.B.E., J.P.
SECRETARY FOR DISTRICT ADMINISTRATION (*Acting*)
REGIONAL SECRETARY (NEW TERRITORIES), CITY AND NEW TERRITORIES
ADMINISTRATION

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

DR. THE HONOURABLE HENRIETTA IP MAN-HING

THE HONOURABLE HENRY CHUNG, C.B.E., J.P.
SECRETARY FOR HEALTH AND WELFARE

THE HONOURABLE LAWRENCE WILLIAM ROBERT MILLS, J.P.
REGIONAL SECRETARY (HONG KONG AND KOWLOON), CITY AND NEW TERRITORIES
ADMINISTRATION

THE HONOURABLE CHAN NAI-KEONG, J.P.
SECRETARY FOR LANDS AND WORKS

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

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

THE HONOURABLE YEUNG KAI-YIN, J.P.
SECRETARY FOR ECONOMIC SERVICES (*Acting*)

THE HONOURABLE PATRICK JOHN WILLIAMSON, J.P.
SECRETARY FOR SECURITY (*Acting*)

THE HONOURABLE HARNAM SINGH GREWAL, E.D., J.P.
SECRETARY FOR THE CIVIL SERVICE (*Acting*)

THE HONOURABLE DAVID ROBERT FORD, M.V.O., O.B.E., J.P.
SECRETARY FOR HOUSING (*Acting*)

DR. THE HONOURABLE JAMES WILLIAM HAYES, J.P.
COMMISSIONER FOR LABOUR (*Acting*)

ABSENT

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.

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

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

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

IN ATTENDANCE

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

Papers

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

<i>Subject</i>	<i>L.N. No.</i>
Subsidiary Legislation:	
Air Pollution Control Ordinance 1983. Air Pollution Control (Appeal Board) Regulations 1983	246
Air Pollution Control Ordinance 1983. Air Pollution Control (Smoke) Regulations 1983	247
Public Health and Urban Services Ordinance. Library (New Territories) (Amendment) Regulations 1983	248
Pensions Ordinance. Pensions (Amendment) Regulations 1983	249
Registration of Persons Ordinance. Registration of Persons (Application for New Identity Cards) (No. 4) Order 1983	258
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Air Navigation (Overseas Territories) Order 1977. Authorization by the Governor.....	262
District Boards Ordinance. New Territories District Boards (Numbers of Appointed and Elected Members) (Amendment of Schedule) Order 1983.....	263
Legal Practitioners Ordinance. Legal Practitioners (Fees) Rules 1983	264
Supreme Court Ordinance. Rules of the Supreme Court (Amendment) (No. 3) Rules 1983	265
Probate and Administration Ordinance. Non-contentiour Probate (Amendment) Rules 1983.....	266
Hong Kong Royal Instructions 1917 to 1980. Standing Orders of the Legislative Council of Hong Kong.....	267

Sessional Papers 1982-83:

No. 65—Supplementary provisions approved by the Urban Council for the first quarter of the financial year 1983-84.

Oral answers to questions

Translation of legislation into Chinese

1. MR. WONG LAM asked in Cantonese:—

請問決定某一項法例應否譯成中文的準則為何？

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

What are the criteria in deciding whether a certain piece of legislation should be translated into Chinese?

SECRETARY FOR HOME AFFAIRS:—Sir, the general principle followed in deciding whether a certain piece of legislation should be translated in Chinese is whether the piece of legislation is considered to be of wide public interest to enable a better understanding of the law by those affected by it.

Following this criteria, a number of laws and subsidiary legislation have been translated into Chinese largely in response to specific requests by Government departments. Sir, I should also like to point out that the translated Chinese version is intended solely for information and guidance and has no legal effect. Under existing policy, there is no requirement for all ordinances and subsidiary legislation to be translated into Chinese except in special cases where the translation would facilitate a much larger section of the community to understand the law.

Additionally, and independently of the translation of the laws of Hong Kong, explanatory booklets are produced in Chinese of the more important ordinances to facilitate better understanding of a piece of legislation which is of general interest.

And, lastly, the amount of translation that can be done is subject to the manpower resources and expertise available within the Chinese Language Division.

MR. WONG LAM asked in Cantonese:—

閣下，甚麼叫做對廣大市民有關的法例？民政科怎樣鑑定這一類法例呢？在此問題上，有沒有諮詢區議會呢？

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

Sir, what type of law is considered to be of public interest and have the district boards been consulted on this?

SECRETARY FOR HOME AFFAIRS:—The district boards have not been consulted but this has been considered by a number of language committees, and the last report was written by the Chinese Language Committee in 1971. That report recommended that the laws of Hong Kong be translated into Chinese by stages and they divided the stages into the more important ordinances and subsidiary legislation affecting the general public, those ordinances and subsidiary legislation affecting the general public but of comparatively lesser importance, and the third stage was ordinances and subsidiary legislation affecting special sectors of the public.

MR. WONG LAM asked in Cantonese:—

政府是否有意在目前的情況從新檢討一九七二年的政策呢？

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

Sir, does the Government intend, under the present circumstances, to review the policy of 1972?

SECRETARY FOR HOME AFFAIRS:—That is a useful suggestion, Sir, and it will be followed up.

MR. ALEX WU:—*Sir, is the Government satisfied that the number of legislation translated so far is sufficient to give the public enough information about the structure of Hong Kong laws and their rights under the legislation?*

SECRETARY FOR HOME AFFAIRS:—Yes, Sir, we are satisfied with the progress made so far and I should like to draw attention again to what I have said in my reply that we have published about 1 000 pamphlets and booklets which explain the law, and this is perhaps more important than the translation of the law itself because in the Law Courts the English version prevails and is used.

MR. CHARLES YEUNG:—*Sir, is it possible for an English technical legal term to be aptly interpreted or translated into Chinese with all the shades and meanings of that English term incorporated into the translation so that no misunderstanding can be achieved?*

SECRETARY FOR HOME AFFAIRS:—Sir, that is one of the special difficulties in translating the laws.

MR. WONG LAM asked in Cantonese:—

閣下，政府有沒有計劃訓練符合資格的人員來解決對翻譯法例的工作所遇到的人手問題呢？

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

Sir, does the Government have plans to train those eligible to solve the problems encountered in translating laws in Hong Kong?

SECRETARY FOR HOME AFFAIRS:—Sir, we have a small group of specialist translators and if we needed to increase the output of this group of translators then we would have to draw on resources from outside.

Recreational facilities in country parks

2. DR. HENRY HU asked:—*Will Government inform this Council what types of recreational facilities for young persons are available in country parks, and whether there are plans to provide additional facilities?*

DIRECTOR OF AGRICULTURE AND FISHERIES:—Sir, a wide range of recreational facilities is available to young people in country parks, catering for all need from the sedentary to the very active and taking into account the special needs of the handicapped. Local Ranger Posts and Visitor Centres provide information and advice on the various facilities in individual country parks. These centres also provide emergency services and assistance to visitors.

Basic facilities, such as barbecue pits and picnic benches of which there are over 2 600 of each, are sited throughout the parks. These are by far the most popular facilities with the eight million people who visit the parks each year. Many of the bigger picnic and barbecue sites have rain shelters, toilets and recreational areas for children. A number of these facilities has been so designed that they can be enjoyed by the handicapped and the able-bodied alike.

Camping is becoming an increasingly popular recreation among young people and 31 permanent camp sites complete with toilets, and in some cases showers, and picnic facilities are situated in suitable areas within the parks. In addition some less easily accessible areas are used by the more adventurous individual campers.

To cater for those interested in hill walking there is a network of 130 kilometres of footpaths, mostly way-posted, including the ever popular and challenging MacLehose Trail. For those visitors with special interests, nature trails, educational walks, fitness trails and jogging trail are provided.

In addition the Agriculture and Fisheries Department in conjunction with the Education Department organizes forestry work camps where groups of young people can spend a week or so enjoying the countryside while learning about it and contributing to its care. Some 2 000 youngsters take advantage of these camps annually.

Comprehensive details of all facilities available in country parks are provided in a wide selection of leaflets obtainable free of charge from offices of the Agriculture and Fisheries Department, Government Information Services outlets and from the Visitor Centres and Ranger Posts in country parks.

The provision of additional facilities in country parks is a continuing, ongoing procedure and on this I receive valuable advice from the Country Parks

Board. 21 new Ranger Posts, three large public toilets, two of which have been specially designed for the handicapped, and the first major purpose built Visitor Centre are presently under construction. Additional camp sites, picnic places, barbecue pits and play facilities are being provided. Existing worn-out areas and over-used facilities are being regularly redeveloped and refurbished.

Two long distance hiking trails, one round Hong Kong Island and one round Lantau Island, are at an advanced stage of planning. The construction of special cycling tracks is being considered together with the Commissioner for Recreation and Culture and the provision of facilities for horse riding is being discussed with the Royal Hong Kong Jockey Club.

It is hoped that over the next four to five years four new Visitor Centres will be provided and basic recreational facilities introduced to two new areas at Ma On Shan and Northern Tai Lam Chung.

DR. HENRY HU:—*Sir, is the Agriculture and Fisheries Department the executive arm of the Country Parks Board?*

DIRECTOR OF AGRICULTURE AND FISHERIES:—Yes, Sir.

DR. HENRY HU:—*Are we intending to have more country parks?*

DIRECTOR OF AGRICULTURE AND FISHERIES:—Sir, there are no immediate plans for more country parks but as the need develops so we will consider this need in relation to the resources available.

Primary One Allocation system

3. REVD. JOYCE M. BENNETT asked:—*With regard to the new system of Primary One Allocation, will Government state:—*

- (a) how many children have refused to take up the Primary one place offered to them by central allocation; and*
- (b) how many extra primary one classes in private schools have to be opened this September to cater for those children?*

DIRECTOR OF EDUCATION:—Sir, we will not have precise figures until we get enrolment returns from schools in September, but preliminary indications are that about 900 children of the 80 000 who participated in the new Primary One Allocation system will not take up public sector places offered to them. They will account for about 20 classes in private schools. Until the September enrolment returns are analysed it is not possible to say for certain whether these classes will be additional to the normal Primary One intake in private schools which averages about 9 000 to 10 000 each year.

I cannot accept the suggestion that the new system of allocation is driving children into private schools. Parents have always been free to choose between the public and private sectors, and many of them hedge their bets. This year we know that the parents of 2 100 children covered by central allocation had already secured places for them in private schools. Of these, the parents of the 900 I mentioned have said they prefer private places, while parents of the remaining majority, 1 200, have opted for the public sector. In this sense then, the new arrangements have given parents a fair choice, and the trend appears to be from private to public sector schools, which is encouraging.

REVD. JOYCE M. BENNETT:—Sir, I am not very clear about the sentence ‘This year we know that the parents of 2 100 children covered by central allocation had already secured places for them in private schools.’ and the next sentence says ‘Of these, ... parents of the remaining majority, 1 200, have opted for the public sector’. Can you clarify that? It seems to me to be contradictory.

DIRECTOR OF EDUCATION:—Sir, it is a fairly simple matter of arithmetic. 2 100 children: we know the parents of these children had hedged their bets, that is they had covered both public and private sector places. Now these 2 100 were offered public sector places. Of them, 900 prefer to stay in their private school places, and the remaining 1 200, making up 2 100, have decided to take up the offer of public sector places.

REVD. JOYCE M. BENNETT:—*I thank the Director for his clarification and I would ask one other question. Will this new scheme then mean that some privated primary schools will gradually have to close down?*

DIRECTOR OF EDUCATION:—I don’t think so, Sir, because there seems to be a steady demand among some parents for private school, which can of course take their children right through the system. I can’t see this number declining appreciably. It’s remained about a hundred for the last several years.

Access for the disable to buildings

4. MR. SO asked in Cantonese:—

訂定建築物設計必須為傷殘人士設有進出通路的工作進度，是否因為對樓宇業主的賠償問題而受到延誤？若然，政府可否解釋，樓宇設計工作守則檢討委員會的原議既無該項條款，為何需要作出賠償？

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

Has the progress on establishing a mandatory building design on the provision of access for the disabled to buildings been delayed over the question of compensation to owners of buildings, if so, can Government explain why such compensation is necessary where the original proposals of the Committee on the Review of the Code of Practice did not contain such an element?

SECRETARY FOR LANDS AND WORKS:—Sir, it was an Executive Council decision that the provision of access for the disabled to buildings should be made mandatory subject to it being possible to devise an element of compensation with restricted application to the access to a building and awarded by way of a bonus plot ratio formula. That decision was reached, to the best of my belief, as a means of minimizing the impact of, and possible opposition to, the introduction of a mandatory Code.

Investigation into the possibility of devising such an element of compensation has admittedly taken some considerable time which, in view of the innumerable design solutions which could be adopted to meet any one design requirement, is perhaps not surprising.

The investigation has now been concluded and the results will be submitted to the Executive Council in the near future.

DR. FANG:—*Sir, is Government aware that in countries where access to buildings for the disabled are made mandatory there is no element of compensation?*

SECRETARY FOR LANDS AND WORKS:—Yes, Sir, the Administration is aware of this fact.

DR. FANG:—*Sir, may I ask when Government would implement this Code of Practice?*

SECRETARY FOR LANDS AND WORKS:—Sir, the result of the investigation will be reported to the Executive Council. Subject to the decision of the Executive Council, it is the intention to have the new legislation enacted in the next session of this Council.

Law and order in Temporary Housing Areas

5. DR. HO asked:—*Will Government make a statement on the state of law and order in Temporary Housing Areas and support it with crime and enforcement statistics by comparing them with those in ordinary residential and public housing estates?*

SECRETARY FOR SECURITY:—Sir, separate statistics are not kept of *crimes* in Temporary Housing Areas. However, the 1981 Crime Victimization Survey gives some indication of the situation though these must be treated with caution since they include unreported crime.

For personal crime the rates disclosed by the survey were 39.4 in Temporary Housing Areas, compared with 41.3 in public housing and 37.4 in private housing areas per thousand of the population aged 12 years and over.

I should add that for the purposes of this survey, temporary housing included both Temporary Housing *and* squatter areas.

The state of law and order in Temporary Housing Areas, compared with that in other residential areas, is not, therefor, dramatically worse. Nevertheless, the Commissioner of Police is concerned about the higher incidence of certain types of crime, in particular burglary. Police and Housing officers are liaising on how to improve security in these areas.

Whilst I have no statistical information on *enforcement* I can say that in June of this year the Commissioner of Police requested Regional Commanders to examine ways of improving their methods of policing these areas which are often remote and difficult to include in normal beat systems.

DR. HO:—*Sir, referring to the examination of ways of improving methods of policing these areas as stated in the last paragraph of the answer, may I ask the Secretary for Security if he would ask the Commissioner of Police to consider establishing in or nearby Temporary Housing Areas neighbourhood police units or police report centres which are at present not available in these areas?*

SECRETARY FOR SECURITY:—Yes, Sir.

Accident and Emergency Services

6. MISS DUNN asked:—*The Director of Medical and Health Services stated in this Council on 27 July 1983 that the Governments's Accident and Emergency Services were 'overworked', would the Government state what are the implications to the patients and the staff of this state of affairs and whether any measures are being taken to rectify it?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, I am grateful to the Honourable Miss DUNN for giving me a chance to provide her with an acceptable answer after my unsuccessful attempt to answer her supplementary in this Council a fortnight ago. Accident and Emergency Departments in hospitals throughout the world have one thing in common in that the services they provide are in such great demand that as a result, the staff are usually overworked. Hong Kong Government hospitals are no different. This is because the A. & E. Departments are very important first doctor contact services for many patients.

In some countries because of this situation, patients are turned away when the A. & E. Departments have reached their quota for the day. This does not occur in Hong Kong; as Government has adopted a policy of no turn aways. Everyone presenting is seen and treated first and questions asked later.

Furthermore the A. & E. Departments of the regional hospitals act as the 'long-stop' for accident and emergency cases that spill over from the peripheral

and district hospitals. The implications thus are that the staff are working under a certain amount of pressure. However, having said that I would like to assure Miss DUNN and Members of this Council that the patients are provided with an efficient service.

Measures to improve the service are continuously being taken. In the short term, in the front line of the reception room is stationed a Nursing Officer who sees the patients when they first appear. Her responsibility is to determine priorities so that the more seriously ill or injured are taken care of first and without any delay. The staff—medical, nursing paramedical and technical have, when available been increased both in quantity and quality. Take for example the medical staff. Over the past two-three years more senior posts of Consultants and Senior Medical and Health Officers have been created. These senior posts are not only because of the need for expertise in patient care and junior staff supervision but also to satisfy the requirements of the Royal Colleges of Surgeons of Edinburgh and England in order that these A. & E. Departments be accredited as post-graduate training institutions. Such recognition signifies the attainment of the highest standard in British Medicine.

In the medium term more physical accommodations have been planned and there will be larger and more commodious A. & E. Departments in the extensions of the three regional hospitals, the Queen Mary, the Queen Elizabeth and the Princess Margaret Hospitals. These when completed will add to the comfort of patients and staff and will also enable us to increase the service that we are providing.

In the long term, subject to the availability of funds there are plans for A. & E. Departments in all new hospitals and to improve the hospital back-up facilities for existing Departments. The A. & E. Department of the Prince of Wales Hospital in Sha Tin is planned to open in 1984. The new Ruttonjee Hospital which will be an acute district hospital for the Wan Chai district will be the back-up for the Tang Shiu Kin A. & E. Department and is planned for 1987.

There are also A. & E. Departments in the plans for the Tuen Mun Hospital in 1987, the Eastern District Hospital of Hong Kong and the East Kowloon Hospital—both scheduled for the end of the decade.

All responsible governments accept that it is their duty to provide services to save the lives and limbs of their citizens. With these A. & E. Services the demand is insatiable and no increase in quantity can completely satisfy ever rising expectations. It is paradoxical, but nonetheless true that the improvement of quality will generate more attendances and in ending, may I quote what Dr. THONG said at the Annual Budget Debate of this Council on the 13th of April this year when referring to the staff working in the Accident and Emergency Departments: 'I must emphasize that their dedication and hard work often under very difficult and trying conditions, deserve our utmost admiration'.

MISS DUNN:—*Sir, it is precisely the dedication and hard work of staff under very difficult conditions that this question is about. Does the Government agree that quite apart from the implications to the patients, at the very least it is bad for morale when staff are constantly overworked?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—*Sir, I entirely agree with Miss DUNN that when staff are constantly overworked it is bad for morale but every effort is made to make sure that they are working at under at least optimum satisfactory working conditions.*

DR. IP:—*Sir, does the Government Medical and Health Services lay down some criteria or guidelines as to what it considers an emergency case and can therefore provide us with a breakdown of the percentages of patients treated at the Government's Accident and Emergency Services who are, one, accident victims, secondly emergency cases, thirdly, neither?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—*I am a little overpowered by Dr. IP's verbosity (laughter) but I can assure her that there are guidelines as regards the definition of emergency and non-emergency cases. As I said emergency cases are where the patients's life and limb are at stake and, as far as the non-emergency cases are concerned, it depends on who classifies the case as a non-emergency. A young man suffering from sun burn in the middle of the night with pain is an emergency case to that particular person but it may not be an emergency case to a professional doctor.*

REVD. JOYCE M. BENNETT:—*Would the Director consider that staff in the Accident and Emergency Department are more under pressure than staff in other parts of our hospitals?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—*Yes, Sir.*

REVD. JOYCE M. BENNETT:—*Sir, then, should we not be providing more staff to ease that burden in the Accident and Emergency Department in order to prevent staff opting to work in other sections of the hospital and neglect the Accident and Emergency Departments?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—*Yes, Sir. We are providing all the encouragement we can. First of all, we provide a comfortable environment like air-conditioning for the whole department and providing commodious accommodation. In the bid for equipment priority is also given to the staff to enable them to decrease the manual workload. Staff working hours are also constantly changed to suit their individual preferences. Furthermore, more post-graduate study leave is allocated to these staff to keep them up with modern changing technology and patterns of diseases. These are all apart from the generous leave which they get as civil servants.*

MR. ALEX WU:—*Sir, is there a system that monitors the classification of emergency accident cases in the Department, and is there a system registering the public's complaints of any ill or rather less attention given to cases which they think are emergency cases?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—*Sir, I can assure Mr. WU there is a system of registering public complaints. As far as the classification of emergency and non-emergency cases, as I said, this depends on who is looking at the picture.*

DR. IP:—*Sir, as I did not get a satisfactory answer of my supplementary question and as this is the last debate of the Session and I would not like to wait three months for the next answer, may I repeat my supplementary question. Could the Director of Medical and Health answer it in context based on professional judgement on whether a case is an emergency or not?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—*Sir, I am sure that Dr. IP would know that an emergency case is defined as a case where life and limb are at stake.*

DR. IP:—*Sir, based on that, then, could the Director of Medical and Health answer the rest of the question which is: What is the percentage breakdown of the patients admitted who are accident victims, emergency cases as defined by Dr. LAM, and thirdly, neither?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—*Sir, the breakdown of the different types of cases as presented in the Accident and Emergency Departments are as follows: accident cases vary from 30% to 40%, this would include home accidents like that of an old lady tripping and breaking her hip, or traffic accidents and industrial accidents which can vary from a little cut on the fingertip to a crushed hand. Acute emergency like an acute appendix or pneumonia would account for about 30% to 35% of the cases presenting at the A. & E. Department. Non-emergency cases as I have said—the young man with a severe sun burn—may present at the A. & E. Department and they constitute about 20% to 25% of cases. Then we have the remaining 10% which is a hotch potch of cases like psychiatry, police cases, fights by inebriated clients of some Wan Chai establishment and eccentric long haired beggars (*laughter*).*

MISS DUNN:—*Sir, don't these figures bear out the fact which we tried to bring out at the last sitting that at least 35% of cases are non-emergency, and if these were diverted this would reduce the pressure on the Accident and Emergency Departments?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—*Sir, I entirely agree with Miss DUNN that if they were diverted they certainly would reduce the pressure on our Accident and Emergency Services.*

DR. IP:—*Sir, in direct response to the answer given by the Director of Medical and Health Department to Miss DUNN, I would like just to ask: What can Government do in the short term to make the dedicated and hardworking doctors' conditions of work at the A. & E. Department less 'difficult and trying'?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—*Sir, we are doing all we can in the short term. For example, we have increased the number of staff, we have increased the number of senior staff, and also we try to make the working conditions better by giving them shorter working hours and longer leave and, in between, longer periods of rest so that these exhausted medical officers can recharge their batteries.*

Training in sports

7. MR. F. K. HU asked:—*Will Government make a statement on its policy of training in sports?*

SECRETARY FOR HOME AFFAIRS:—*Sir, the Government's policy for training in sports is, on the advice of the Council for Recreation and Sport which is Government's principal advisory body on sports and recreation, to provide funds to assist and to encourage the governing sports bodies to organize their own training programmes. Superb training facilities are provided at the Jubilee Sports Centre and a scheme of transport subsidy has been devised to encourage young sportsmen of 18 and below to undertake training at the Centre. For this financial year, \$4.61 million is made available for the general promotion of sports which includes support for training under the Promotion of Sports Vote.*

In furtherance of this policy objective, the Council for Recreation and Sport has recently put forward certain proposals which would provide more support for the training of the representative teams of the major sports in Hong Kong. These proposals include support for year-round programmes in skill and fitness training, residential training sessions at the Jubilee Sports Centre, and more intensive precompetition training. These proposals are supported by the Government and savings will be identified as far as possible from the Promotion of Sports Vote to go some way towards implementation within this financial year.

MR. F. K. HU:—*Sir, how much funds can be provided from the Promotion of Sports Vote in 1983-84 for implementing the new training policy and to what extent will it affect the grant for sports competitions?*

SECRETARY FOR HOME AFFAIRS:—*Sir, proposals for expenditure next year will be examined during the preparation of the draft estimates. The provision of funds subsequently will depend upon the decision of this Council.*

MR. F. K. HU:—*Sir, will the scheme of transport subsidy referred to in S.H.A.'s reply provide assistance directly to the individuals involved or to the related governing body?*

SECRETARY FOR HOME AFFAIRS:—My understanding is, Sir, that it will be mainly through the governing bodies.

Registration of watchmen

8. Mr. SO asked in Cantonese:—

看守人條例(香港法例第二九九章)規定，一切看守人及護衛員，包括受聘負責住宅大廈保安事宜的護衛員，均須經警務處處長登記。請問政府如何確保所登記的人士，都有良好行爲紀錄，並適宜受僱以保障其他人士的安全？

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

With regard to the Watchmen Ordinance (Cap. 299) which provides that watchmen and security guards, including those employed to look after the security of residential buildings, are required to be registered with the Commissioner of Police, will Government state how does it ensure that the persons so registered have a record of good conduct and are suitable to be employed to protect the safety of other persons?

SECRETARY FOR SECURITY:—Sir, all applicants for a watchman's permit are required to provide the Commissioner of Police with their full personal particulars. Before they are given permits, they are interviewed and a check is made to establish whether they have a criminal record.

MR. SO asked in Cantonese:—

閣下，除了核對申請人有沒有犯罪紀錄之外，申請人的居港期間、年齡及體能，會不會是考慮的登記前條件？

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

Apart from an investigation whether they have a criminal record, will their period of residence in Hong Kong, age and physical strength be taken into account also?

SECRETARY FOR SECURITY:—No, Sir.

MR. SO asked in Cantonese:—

沒有的話，政府會不會考慮剛才所講的作為登記條件之一，而且再請問目前負責看守大廈保安事宜的護衛員總數有多少及他們的平均年齡為何？

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

If not, will Government consider my proposal as one of the requirements? How many security guards do we have at the present and what is their average age?

SECRETARY FOR SECURITY:—Yes, Sir, we will consider Mr. SO's suggestion. As to the second part of his question, there are at present 42 000 registered watchmen.

MISS DUNN:—*Sir, what are the personal interviews intended to establish?*

SECRETARY FOR SECURITY:—The character of the individual who is applying.

MISS DUNN:—*Sir, is it right that the Police should have this responsibility?*

SECRETARY FOR SECURITY:—I can think of no more appropriate authority to do so, Sir.

REVD. JOYCE M. BENNETT:—*How many such permits are refused on average?*

SECRETARY FOR SECURITY:—Sir, approximately 1 100 new applications are processed each month over which, on average, 8% are refused.

Stray dogs

9. MR. CHEUNG YAN-LUNG asked:—*What actions are being taken to remove stray dogs from public pleasure grounds such as the Kowloon Park?*

DIRECTOR OF AGRICULTURE AND FISHERIES:—Sir, Dog Control Teams of the Agriculture and Fisheries Department operate daily throughout the territory and particular attention is given to public thoroughfares and public pleasure grounds. Public pleasure grounds are visited regularly by the Teams and special visits are made in the early morning and at night when stray dogs tend to congregate. Reports of stray dogs in pleasure grounds are given special priority and followed up immediately.

Kowloon Park is at present a particular problem area and receives very frequent visits from Dog Control Teams. It is a large open area where the physical catching of alert stray dogs by dog catchers is difficult and to augment their activities baited cage-traps are now being used in this Park with promising results. In addition the Dog Control Teams have been visiting work sites in the vicinity of the Park as such sites are a prime source of stray dogs.

Since 1 April this year 3 158 stray dogs have been caught in the urban area. Of these, 72 were caught in public pleasure grounds, including 14 caught in Kowloon Park during the past two months.

REVD. JOYCE M. BENNETT:—*Are similar arrangements made for stray cats (laughter)?*

HIS EXCELLENCY THE PRESIDENT:—That does not follow strictly from the original question but I will permit it (*laughter*).

DIRECTOR OF AGRICULTURE AND FISHERIES:—Sir, the catching of stray cats constitutes a particularly difficult problem (*laughter*). However, traps are working fairly successfully for stray cats and since April this year, we have caught 106 stray cats in the traps.

Hooding of suspects

10. MR. CHAN KAM-CHUEN asked:—*Are there any regulations regarding the hooding of suspects when arriving at and leaving Court premises?*

SECRETARY FOR SECURITY:—Yes, Sir, though by way of a Police Headquarter General Order rather than by regulations.

The Commissioner's policy is that hooding should only be carried out in cases where the identity of the guilty party may be a matter for the Court to resolve. Hooding is also recommended when the premature disclosure of a suspect's identity could prejudice his case or his safety.

MR. CHAN KAM-CHUEN:—*Sir, as every citizen should be equal in the eyes of the law and given equal treatment by law enforcing personnel, why is it that in recent weeks the public could see a certain handcuffed but unhooded suspect in the local television and newspapers?*

SECRETARY FOR SECURITY:—I do not think it will be appropriate for me to answer a question on that particular case, Sir, which is still before the Court.

Acquired Immune Deficiency Syndrome (A.I.D.S.)

11. MR. CHAN KAM-CHUEN asked:—*Would Government state whether there have been any reported cases of A.I.D.S. (Acquired Immune Deficiency Syndrome) in Hong Kong and if so, state to which sector of the community the victims belong?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, no case of Acquired Immune Deficiency Syndrome (A.I.D.S.) has been reported to my Department or in the local medical literature. We have been monitoring this condition since it was reported in International medical literature and will continue to do so.

A.I.D.S. have been reported in homosexuals, intravenous drug abusers, Haitians and patients with bleeding diseases (haemophiliacs) needing frequent and prolonged blood replacement treatment.

MR. CHAN KAM-CHUEN:—*Sir, I understand that in the United States, of the 788 cases reported last year 72% and 16% are homosexuals and drug addicts respectively and that the annual mortality rate is 40%. Will Government mount a public health publicity campaign to warn the public and, perhaps at the pain of death, it may save some of those prospective A.I.D.S. victims in the first and second categories?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—We have already mounted a public education programme. In the last exhibition which was opened by the honourable Mr. WONG, A.I.D.S. was publicized quite well. As far as the other part of the question is concerned, I do not think I am in position to answer.

MISS DUNN:—*Sir, do we buy any blood from abroad—as this disease is known to be transmitted by blood?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—*Sir, we don't buy blood per se as blood from abroad, but we do buy blood products from abroad. The blood that is given as blood is all provided for locally.*

Birth rates in Vietnames refugee centres

12. MRS. CHOW asked:—*Will Government inform this Council*

- (a) How many births have been recorded to Vietnamese Refugees in Hong Kong camps during the last 12 months and what percentage of refugee population growth this represents;*
- (b) how this figure compares with that for the previous 12 months; and*
- (c) whether the birth rate in Jubilee Camp is higher than in other camps because a lack of family planning programmes?*

SECRETARY FOR SECURITY:—*Sir,*

- (a) In the 12 months to 30 June 1983, 544 births were recorded in Vietnamese refugee centres, amounting to an increase in the refugee population of 4.3%.*
- (b) During the preceding 12 months a total of 406 births were recorded in the centres, an increase of 3.3%; and*
- (c) To date the birth rate in the Jubilee Transit Centre has been marginally higher than that in the Kai Tak Transit Centre and the closed centres. There are several reasons for this: for instance, the age and origins of the refugees in this particular centre and the length of time they have been in Hong Kong. As to family planning, Caritas who manage the Jubilee Centre, and very well, if I may say so, in very difficult circumstances, run a family life education programme there not only for married couples but also for girls in the relevant age bracket.*

MRS. CHOW:—*Sir, of the 544 births (the figure given in (a) in the answer), how many are recorded in the Jubilee Transit Centre and what are the up-to-date figures on pregnancies?*

SECRETARY FOR SECURITY:—The figure for the Jubilee Centre, Sir, is 156. The present position on pregnancies is that there are about 125 Vietnamese refugees in the Jubilee Centre who are pregnant.

MRS. CHOW:—*Sir, is it true that the only family planning service available in this particular centre is a once a week visit by the Medical and Health Department to administer I.U.D.s and that there is no family planning and birth control education programme being conducted there? And if not, will it be introduced?*

SECRETARY FOR SECURITY:—Sir, as I said in my answer to the question, Caritas are now running a family life education programme in the centre.

HIS EXCELLENCY THE PRESIDENT:—With respect that does not answer the question, Secretary for Security.

SECRETARY FOR SECURITY:—That is the only family planning service which is available within the Centre itself to the refugees.

MRS. CHOW:—*With due respect to the Secretary for Security, there is a vast difference between family planning programme and family life education programme. May I ask whether the Government intends to introduce a family planning programme in this centre bearing in mind the tremendous birth rate we are facing now and the pregnancy rate?*

SECRETARY FOR SECURITY:—No decision has yet been taken that the Family Planning Association should operate in the Centre, although I am discussing it at the moment with the United Nations High Commission for Refugees, the Association and the camp management.

Admission into the Hong Kong Technical Teachers' College

13. REVD. JOYCE M. BENNETT asked:—*Will Government inform this Council what consideration has been given to administering admission into the Hong Kong Technical Teachers' College centrally along with the other three Colleges of Education so that:*

- (a) the candidates will not be required to complete separate applications forms, and*
- (b) potential teachers of commercial/technical subjects who may also be eligible for training in other academic subjects can make an easier decision on their first choice of subject to teach?*

DIRECTOR OF EDUCATION:—Sir, we have thought about it, but have concluded that the Technical Teachers' College, which was established for the specific purpose of training teachers of technical and commercial subjects for secondary schools, should continue to make its own arrangement for admission.

The other three general Colleges of Education, which offer a wider range of academic, practical and cultural subjects for primary and secondary schools, have joint selection procedures.

These arrangements seem to be clearly understood by most applicants, but some potential teachers of technical and commercial subjects may wish that they could take subjects offered else where as additional major options. The present arrangements do not preclude applications to the Technical Teachers' College and other Colleges of Education, but in the end would-be teachers must decide where their priorities lie.

I can see the convenience of one application form but I am not entirely clear as to how Miss BENNETT's proposal would enable applicants to make an easier decision on their first choice of subject. If she would care to elaborate, in writing (*laughter*), I shall certainly ask the Principals of the four Colleges of Education to reconsider.

HIS EXCELLENCY THE PRESIDENT:—That does not preclude you, Miss BENNETT, from asking supplementary questions (*laughter*).

REVD. JOYCE M. BENNETT:—*Is the Director of Education aware that some students may wish to teach Accounts as well as Economics and Mathematics but the training of teachers of Accounts only occurs in the Hong Kong Technical Teachers College and the other three teacher—training Colleges do not list Accounts and Typewriting among the list of subjects whose grades they will count and consider in assessing students for their eligibility for admission?*

DIRECTOR OF EDUCATION:—Yes, Sir, I am aware of that.

REVD. JOYCE M. BENNETT:—*Sir, is it then possible that this is making it difficult for students to know where to place their 'bet' (as he referred to them in his earlier question) as it may very well be to their disadvantage?*

DIRECTOR OF EDUCATION:—Sir, as I remarked, most people seem to have no difficulty making up their minds, but, of course, some people, inevitably, will have rather more difficulty than others.

REVD. JOYCE M. BENNETT:—*Sir, was one of the reasons for not bringing all four colleges into one teacher-training programme because of the inferior facilities of the Hong Kong Technical Teachers College?*

DIRECTOR OF EDUCATION:—No, Sir.

Government business**Motion****TELEPHONE ORDINANCE**

THE SECRETARY FOR ECONOMIC SERVICES moved the following motion:—That Part V of the Schedule to the Telephone Ordinance be amended by adding after item 17 the following

‘18. For an abortive visit due to mis-reporting of line fault when terminated on equipment not supplied by the company—

- | | |
|---|-------------------|
| (a) between 8 a.m. and 5 p.m. on weekdays or
between 8 a.m. and 12.30 p.m. on Saturdays. | \$95 per visit. |
| (b) outside the hours mentioned in paragraph (a) | \$195 per visit.’ |

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

As from 1 July this year, the Hong Kong Telephone Company Limited ceased providing private automatic branch exchanges—generally called P.A.B.X.s for short—because this area of its activities was removed from its scheme of control with effect from that date. Consequently P.A.B.X. suppliers may now obtain permission from the Telephone Company to connect their equipment to the telephone network, but maintenance of the equipment is the responsibility of the supplier or the user, and not of the Telephone Company.

There will be occasions when faults are reported to the Telephone Company by P.A.B.X. users. It will then be necessary for the Telephone Company to arrange to test the lines to the P.A.B.X. in accordance with their standard telephone line maintenance procedures. If a fault proves to be a line fault, it will be the Telephone Company’s responsibility to rectify it. However, if the fault lies with the equipment, the Telephone Company propose to levy a charge on the P.A.B.X. user for an abortive visit.

The proposed charge will apply equally in respect of other types of equipment which, in the future, will also be available on a competitive basis and connected to the telephone network.

For such visits, the Telephone Company have proposed two levels of standard charge based on average man-hours per visit. The charge per visit outside normal business hours is just over twice that for a visit during normal business hours because it involves both calling out staff from places other than their normal place of work and the overtime payments. The Postmaster General has examined these charges and considers them reasonable.

Sir, I beg to move.

Question put and agreed to.

First reading of bills

DEPOSIT-TAKING COMPANIES (AMENDMENT) BILL 1983

BANKING (AMENDMENT) BILL 1983

PAWNBROKERS BILL 1983

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

Second reading of bills

DEPOSIT-TAKING COMPANIES (AMENDMENT) BILL 1983

THE FINANCIAL SECRETARY moved the second reading of:—‘A bill to amend the Deposit-taking Companies Ordinance’.

He said:—Sir, I move that the Deposit-taking Companies (Amendment) Bill be read the second time. Because this Bill and the Banking (Amendment) Bill are intertwined, I shall speak on both together.

In my Budget speech earlier this year I said that I would be engaging in discussions to ensure that legislation continued to provide an appropriate degree of protection to depositors and investors. I am anxious that we continue to demonstrate that we learn from experience. So far as the Deposit-taking Companies Ordinance and the Banking Ordinance are concerned, a careful review has now been carried out, and proposed amendments to these Ordinances are contained in the two Bills before you today. They include some proposals which arise principally from our experiences around the turn of this year when a small number of D.T.C.s failed, as well as a number of other miscellaneous amendments. Let me add en passant that despite alarmist and often irresponsible criticism the implementation of the three-tiered banking system has now been completed as planned with little trouble. Our banking arrangements are sounder as a result.

I shall first briefly explain the proposed amendments to the D.T.C. Ordinance, since this is the area where the need for action was most clearly identified.

There are a number of amendments concerning the revocation or suspension of a D.T.C. registration or licence. Thus, the circumstances under which the commissioner may revoke a registration, or the Financial Secretary a licence, are extended, and there is a new provision for the Financial Secretary to suspend a licence in the same way as the Commissioner may already suspend a registration. I propose moreover that all the circumstances which are grounds for revocation should also be grounds for suspension, whether of a registration or a licence. This should serve to avoid a repetition of an awkward situation which arose at the beginning of the year, when the Commissioner found that he could not suspend a registration during the statutory notice period prior to revoking it. The Bill also seeks to clarify and improve the administrative procedures relating to revocation and suspension.

Next, the Bill aims to clarify and tighten up some of the restrictions on lending by a D.T.C., both to certain single customers or groupings, and, particularly in the case of a registered D.T.C., to directors, their relatives and connected entities. And the joint limit on holdings of shares and interests in land is lowered for a registered D.T.C. There is a new provision — again prompted by a particular instance — giving the Commissioner discretionary power to limit placements by either category of D.T.C. with foreign banks. These steps share the simple purpose of aiming for a prudent disposition of assets.

An entirely new section of the Ordinance is proposed, whereby the Financial Secretary may appoint an inspector to investigate the affairs of a D.T.C., or a former D.T.C., and its directly associated companies. It will be the duty of anyone, inside or outside the D.T.C., who possesses relevant information, to co-operate with the investigation. The scope of such an investigation is thus considerably wider than that of any examination which the Commissioner is permitted to undertake, since the Commissioner is confined to examining an existing D.T.C. and only its personnel. On receipt of the inspector's report the Financial Secretary would be permitted to refer it to the Attorney General if he considered that an offence might have been committed, or to apply for the company to be wound up.

At the same time a modest but important relaxation of the secrecy provision is being made, so as to permit the disclosure of information in the circumstances of criminal investigations or proceedings, or to the Financial Secretary in particular instances. I must emphasize that this relaxation is limited to what I consider to be absolutely essential for the proper investigation of offences and the execution of our responsibilities to depositors. Let me emphasize that disclosure of information to the Attorney General or the Police or the Financial Secretary does not imply disclosure to the public at large; though it might later conceivably do so, for example, in the event of court proceedings. In general, D.T.C.s and their customers can rest assured that the confidentiality of their dealings will continue to be zealously safeguarded.

Another new proposal is that an auditor should report to the Commissioner if, in the course of his duties as auditor, he becomes aware of anything which may adversely affect the financial position of the D.T.C. to a material extent, or if he discovers contraventions of certain areas of the Ordinance. You will know that similar provisions already exist in both the Securities Ordinance and the Commodities Trading Ordinance.

I am aware that the accountancy profession has reservations about this proposal. I well understand their preference for their duty remaining solely to the shareholders who appoint them. But I really cannot accept that this modest requirement, based on existing precedent and aimed at achieving the timely reporting of problems, particularly ones that may have arisen since the Commissioner's examiners were last looking at the company, will impose a significant burden on an auditor. Moreover, it is difficult to accept that timely reporting to the Commissioner is likely to be contrary to the interests of the majority of shareholders. It is surely in the interests of the community. I should add that I have no wish to give auditors comprehensive and more specific responsibilities under this Ordinance, because the Commissioner already carries out regular examinations. Thus my proposal is deliberately limited. It aims only at the timely reporting of matters which may come to a diligent auditor's attention in the normal course of his duties.

The Bill contains a number of other amendments which I judge to be of less general interest or significance. I shall not attempt to list them all this afternoon. they include:

- (a) putting dealers in commodities on a par with dealers in securities, as exempt under the Ordinance in respect of clients' funds which they hold;
- (b) providing for specified liquid asset status to be denied to any funds placed with a D.T.C. which has had its registration or licence suspended and is itself illiquid;
- (c) providing for a defence of due diligence in the case of certain prosecutions arising from the Ordinance, and providing for the consequences in civil law of contraventions of the Ordinance.

As for the Banking (Amendment) Bill, it merely incorporates those provisions of the D.T.C. (Amendment) Bill which it seems appropriate to apply also to banks. These include clarification and modest tightening of certain limitations on lending, including granting to the Commissioner the discretionary power to limit placements with foreign banks; the provision for an inspector to be appointed to conduct an investigation; essential but very limited easing of the secrecy rules; and the same proposal regarding auditors.

Sir, I believe that these two Bills will provide a clearly improved legislative framework for D.T.C.s and banks, which is in the interests both of depositors

and the community as a whole. No doubt as the years go by we shall find other areas that require improvement.

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 FINANCIAL SECRETARY.

Question put and agreed to.

BANKING (AMENDMENT) BILL 1983

THE FINANCIAL SECRETARY moved the second reading of:—‘A bill to amend the Banking Ordinance’.

He said:—Sir, I move the second reading of the Banking (Amendment) Bill 1983 on which I have already spoken. I therefore move that the debate on this motion be adjourned.

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

Question put and agreed to.

PAWNBROKERS BILL 1983

THE SECRETARY FOR SECURITY moved the second reading of:—‘A bill to provide for the licensing of pawnbrokers and for the regulation and control of certain pawnbroking transactions; to make certain provisions in respect of goods pawned; to provide for matters connected with or incidental to the foregoing; and to repeal the Pawnbrokers Ordinance 1930’.

He said:—Sir, I move that the Pawnbrokers Bill 1983 be read the second time.

The purpose of this Bill is to provide an improved legal framework within which the business of pawnbroking may be conducted;

The Bill provides for the Commissioner of Police to continue to screen applicants to determine their suitability to engage in pawnbroking, and for substantially increased penalties.

The Hong Kong and Kowloon Pawnbrokers Association has petitioned the Governor proposing two important amendments and these have been taken into account:—

- Firstly, the Association proposed that the loan limit should be raised from the existing level of \$5,000 which was set in 1970 to \$50,000. This proposal has been carefully examined but it is considered that a revised limit of \$25,000 would be more appropriate in view of the depreciation in the value of money since 1970 and the traditional concept of pawnbroking in making modest loans to the poorer sections of the community.
- Secondly, s.13(1) of the existing Ordinance specifies rates of interest which may be charged and lays down a fixed scale relating to the size of the loan. The (special rates) regulations provide for rates of interest which may be charged in lieu of the scale set out in s.13(1) for particular classes of goods such as watches, precious stones curios etc. The Association proposed that the rates of interest specified under s.13(1) should be abolished and be replaced by a standard rate of 3% per month. They also proposed that the rates laid down in the special rates regulations should be replaced by a standard rate of 5% per month. The Bill provides for a maximum rate of interest of 3½% per lunar month for *all* loans. This rate, expressed as an annual rate of interest, is less than the 48% per annum over which rates of interest are presumed to be extortionate in the Money-Lenders Ordinance.

Because of the scope of these revisions it is more appropriate to repeal the existing Ordinance and this is also proposed. The new law is intended to make it easier for pawnbrokers and their clients to go about their business and it will not involve any significant strengthening or relaxation of Police powers.

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—SECRETARY FOR SECURITY.

Question put and agreed to.

SUPPLEMENTARY APPROPRIATION (1982-83) BILL 1983

Resumption of debate on second reading (27 July 1983)

Question proposed.

Question put and agreed to.

Bill read the second time.

CRIMINAL PROCEDURE (AMENDMENT) BILL 1983**Resumption of debate on second reading (27 July 1983)**

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).

CRIMINAL PROCEDURE (AMENDMENT) (NO. 2) BILL 1983**Resumption of debate on second reading (27 July 1983)**

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).

CRIMINAL PROCEDURE (PRELIMINARY PROCEEDINGS ON AN INDICTABLE OFFENCE) BILL 1983**Resumption of debate on second reading (27 July 1983)**

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) BILL 1983**Resumption of debate on second reading (27 July 1983)**

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).

HONG KONG BAPTIST COLLEGE BILL 1983**Resumption of debate on second reading (27 July 1983)**

Question proposed.

REVD. JOYCE M. BENNETT:—Sir, I am glad to have the opportunity to express my support for the Hong Kong Baptist College Bill 1983. I can remember the interest shown by secondary schools when the Hong Kong Baptist College was founded in 1956 and I can recall the delight that year of one of my students at gaining admission to it when it was not possible for her to proceed to any other tertiary institutions. Over the years educationalists have watched with pleasure the success of the graduates and the expansion of Baptist College to its present position where in a few years' time many of its students will be able to gain degrees. Until that day, Baptist College will continue to lose some of its best students to overseas institutions, like one of my students who has just completed her second year in the College and will transfer to the second year of Warwick University for a degree in history. Yes, Baptist College deserves to be upgraded and placed under the University and Polytechnic Grants Committee.

However some will no doubt be wondering whether this Bill, with the increased Government control on financial affairs, will reduce its Christian influence and its Christian philosophy of the education of the whole man. Sir, I wish to place on record my belief that in this free and open society which we enjoy in Hong Kong today Christian or other religious bodies do not need to worry when their institutions receive more Government aid and find themselves controlled by Codes of Aid. All religious bodies in Hong Kong have tremendous opportunities to influence our young people for their good. Regulations and codes of aid are introduced to ensure that public money is not used wastefully, immorally or illegally. Clearly Baptist College and the other institutions to which I have referred do not wish to misuse public money; they desire the good of their students. Institutions that are offered more Government

aid but refuse it on grounds of increased Government control are depriving their students of better facilities and of better education. I am delighted that the Baptist College is taking a lead to these other institutions in allowing itself to submit to this new Bill. I am sure the College and its students will benefit from it. I urge Caput Schools to follow their example and to take up the full aid which is still open to them.

Sir, I have much pleasure in supporting this Bill and wishing Baptist College a successful future in providing a first-class higher education for our young people.

DR. HO:—Sir, I rise to support the Hong Kong Baptist College Bill 1983 for two reasons.

Firstly, the Bill introduces a legislative framework whereby the governance structure of the College will be brought in line with other publicly funded higher education institutions. With that the status of the College will be considerably enhanced. To students, the further development of the College will widen their opportunities for a recognized higher education; to the College, it will enable students of the highest calibre to be attracted.

Secondly, public funds will be made available to the Baptist College through the University the Polytechnic Grants Committee. This steady source of funding will allow the College to recruit and retain a high quality teaching staff and to build up a well-stocked library. Both improvements will not only benefit the students in the College, but also consolidate its standing as an international academic institution.

Sir, it is apparent that this Bill will lead to the provision of a better trained manpower to our community and the aspirations of our young people for higher education being met. I therefore have much pleasure in supporting the motion.

Question put and agreed to.

Bill read the second time.

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

HEUNG YEE KUK (AMENDMENT) BILL 1983

Resumption of debate on second reading (27 July 1983)

Question proposed.

MR. CHEUNG YAN-LUNG:—Sir, I rise to speak in support of the motion before the Council.

In so doing, I deem it appropriate for me to pay tribute—ever though belatedly—first of all, to the farseeing and resourceful founder members of our unique institution, whose personal integrity and reliability so inspired the confidence of the then Governor, Sir Cecil CLEMENTI, that in 1926, the latter chose personally to give the institution a new name, ‘Heung Yee Kuk’, which has since been enshrined within the principal Ordinance; secondly, to the great generosity of a philanthropist, Mr. CHU Yan-kit of Tai Po, who donated as a free personal gift to the Heung Yee Kuk for the promotion of education, substantial tracks of privately owned but good agricultural land located in the Fanling/Sheung Shui areas. This land has since first been turned into ‘Letter B’ and subsequently into cash, with which the Heung Yee Kuk has already built one Secondary School in Yuen Long, and is completing yet two more in Island and Tai Po, forming part of an ambitious Secondary School Development Programme for the New Territories.

Sir, the amendment is necessary. When the principal Ordinance was enacted in 1959, it was apparently not foreseen that the privately acquired old building at Sung Tak Street, near the old Railway Station at Tai Po Market, had well served its purposes for over 30 years. The building used to house, not only the Heung Yee Kuk, but also the Tai Po Chamber of Commerce, and a primary school, the Sung Tak School. It was a simple village type two-storey structure, with timber flooring and tile-roof, and was falling to pieces. It had to be redeveloped. Hence in 1979, I represented the Kuk and entered into a development agreement with its co-owner, the Tai Po Chamber of Commerce (or sheung wui) to develop the site. By then, new homes had already been found for the Kuk, the Chamber, and the primary school.

When redeveloped into a six-storey mixed commercial/residential building, the units therein could be sold by the respective parties. It was always the intention of the Kuk to sell those units it rightfully owns and to credit the proceeds realized to the Kuk’s ‘education promotion fund’, after repaying its lawful debts.

Sir, from the preamble of the principal Ordinance enacted in December 1959, it was apparently thought appropriate that the Heung Yee Kuk need only to function as an advisory body and as a forum where leaders of opinion in the New Territories could exchange views. Events have proved that the communities in the New Territories have also seen fit to entrust the Kuk with tasks other than the principal Ordinance had provided for, hence the necessity for the two amendments; namely, clause 2 to complete its legal entity, and clause 3 to enable the Kuk to discharge its duties pertaining to the responsibilities with which it is entrusted.

Sir, with these remarks, I beg to support the motion.

Question put and agreed to.

Bill read the second time.

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

SMOKING (PUBLIC HEALTH) (AMENDMENT) BILL 1983

Resumption of debate on second reading (27 July 1983)

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).

MASSAGE ESTABLISHMENTS BILL 1983

Resumption of debate on second reading (27 July 1983)

Question proposed.

MR. PETER C. WONG:—Sir, I welcome the introduction of the Massage Establishments Bill 1983. It is definitely a step in the right direction. The working party of the Home Affairs Branch deserves credit for some positive and clear thinking.

At present, massage establishments come under the Miscellaneous Licenses Ordinance which was enacted some 50 years ago. Obviously, this Ordinance and the Regulations made thereunder, though revised and up-dated on no less than 14 and 31 occasions respectively, are hopelessly out of date and badly in need of replacement. Circumstances to-day require a more sophisticated system of licensing and control, and this is what the proposed legislation seeks to establish.

In introducing the second reading of the Bill, the Secretary for Security eloquently summarized the provisions of the Bill and the rationale for introducing a new system. I need only add that the Legislation Scrutiny Group of the Unofficial Members are in general agreement with the new proposal. Detailed consultations with the Administration resulted in the following agreed amendments, most of which are of a technical nature—

1. *Clause 2*
The definition of ‘massage establishment’ will be broadened by the inclusion of the word ‘service’.
2. *Clause 3(c)*
Beauty parlours will also be exempted. They are in fact in the same category as hairdressers.
3. *Clauses 6 and 7*
The phrase ‘enter into force’ will be substituted by ‘be valid’.
4. *Clause 8 (d)*
This clause will be split into two parts—
 - (a) Where a person is convicted of an offence relating to vice establishments contrary to section 139 of the Crimes Ordinance, any license held by him shall be revoked. The revocation will be mandatory and not discretionary.
 - (b) Where the convicted person does not hold a license but the conviction was for an offence contrary to the said section 139 and related to premises specified in a license, the license may be revoked. Here, the revocation is discretionary.

The distinction between (a) and (b) is of some practical importance.

5. *Clause 13 (1)*
It was felt that the phrase ‘Any person who on any occasion while operating, keeping, managing, assisting in any capacity’ might present difficulties in the prosecution of offenders. This will now read ‘Any person who on any occasion operates, keeps, manages, assists in any capacity’.

The advantages of the new system are many. Among other things, the proposed legislation will—

1. provide more effective and flexible control of massage establishments;
2. make it easier to prosecute unlicensed massage establishments and provide heavier penalties for repeated offences;
3. allow for flexibility regarding hours of operation. The Licensing Authority, however, will only fix the hours of operation after consultation with the District Officers through the Secretary for District Administration. Government has agreed to give an undertaking to this effect;
4. disallow future applications for licenses in respect of massage establishments located in domestic premises. The few licensed establishments already in such premises will be allowed to remain but they will not be permitted to benefit from the new rules;
5. impose duties of personal supervision on licensees;
6. provide for appeal to the Governor in Council by any person who is aggrieved by a decision of the Licensing Authority;
7. allow the administration of massage by members of the opposite sex. The Secretary for Security has rightly stressed that clients should be given the

freedom to choose and that if it is used as a cover for vice, Police will take action under the Crimes Ordinance. Careful consideration has been given to this new rule and the consensus is that since massage per se by members of the opposite sex is socially acceptable in most parts of the world, there is no reason why it should not be allowed in Hong Kong. It is not thought that the relaxation would give rise to opportunities for vice or corruption. Government's view is that it would reduce such opportunities and result in a better and more effective use of police resources.

To ensure the success of the new system, the Licensing Authority must administer it in such a manner that it will reflect the spirit of the new legislation. It must be seen to be fair and just, not only to the licensees but also in the public interest. With the introduction of more realistic rules, it is envisaged that *bona fide* massage establishments, which at the moment are not licensed, will be encouraged to come forward and apply for a license under the new legislation. Appropriate publicity of the new arrangement will certainly help in this regard.

Sir, subject to the agreed amendments, I support the motion.

REVD. JOYCE M. BENNETT:—Sir, I wish to express my support for this Bill and to say how glad I am that the Government is continuing to tighten control over such establishments which in the past have too easily become covers for vice establishments.

Anyone who has found benefit from the services of masseurs knows that a properly conducted massage establishment is a great benefit to those working hard and under pressure. Therefore we can welcome the relaxation regarding the opening hours of these establishments.

However we must remain determined to stamp out all undesirable unlawful establishments. which have lured men and women into lives that are unwholesome and by law of this territory termed illegal, I am delighted to see that this Bill will make it much more difficult for the licensee to shake of responsibility for what goes on at the premises of which he is the licensee. I am glad to note that the level of fines is to be increased, so that the payment of the fine cannot be regarded by the proprietor as a regular overhead of the business. I believe clause 8 will provide the Licensing Authority sufficient power to revoke, suspend or refuse to renew the licence of any establishment run contrary to the public interest.

I note that future applications for licence will not be granted in respect of massage establishments located in domestic premises. This is good news, but it also reveals how lax has been our control of the uses to which domestic premises are frequently put. This is a matter of concern as the small and powerless tenants of other flats in the same building often find themselves powerless to prevent flats in their block being used in breach of the conditions of the grant of the site. I would like to place on record the need for further work to be done to clean up other domestic premises. I think we should also take this opportunity

to thank a number of District Boards for taking action in these matters and to encourage other District Boards also to clear vice establishments from our territory.

With these few words of congratulation, I wish to support this Bill.

MRS. CHOW:—Sir, I rise to state my support for this Bill, since it redefines in legal terms the operation of massage parlours and renders the control of such establishments much more realistic and enforceable.

Initially, I did have reservations about certain of the points contained in this Bill. My reservations stemmed mainly from the discretionary power that the Bill provided for the Licensing Authority to impose optional licensing conditions.

The Administration has since explained that the imposition of such conditions needs to be given flexibility to cover varying circumstances. We have also been informed that the District Officers concerned will also be consulted from time to time when imposition of optional conditions is being considered. However, as there is no legal provision to necessitate such consultation, the Administration has agreed to update Members periodically on optional conditions as and when they are added onto the list. This has gone some way towards allaying my worries, but I would urge the Administration to be extremely cautious and to prevent abuse as well as inconsistency.

With these remarks, I support the Bill.

SECRETARY FOR SECURITY:—Sir, I thank the Unofficial Members for the support they have given to this Bill and for the care with which they have scrutinized its provisions. The amendments to the Bill mentioned by Mr. Peter WONG have my full support they include one significant change: this provides for the mandatory revocation of a licence held by a licensee who has been convicted of an offence relating to vice establishments under the Crimes Ordinance. This is a new provision which reflects our resolve to stop the use of massage establishments as covers for vice activities.

Both Mrs. CHOW and Mr. Peter WONG have drawn attention to the need for the Licensing Authority to consult the Secretary for District Administration when fixing the conditions to be applied to any particular licence. I take this opportunity to reassure Members that this will invariably be done.

I am pleased to learn that Mrs. CHOW also supports the Bill. Optional conditions are indeed necessary to meet particular requirements. I confirm that the Licensing Authority will regularly pass to UMELCO lists of the optional conditions that have been imposed.

In endorsing the Bill Miss BENNETT drew attention to the more general question of lease enforcement in domestic buildings. I will ensure that her views are drawn to the attention of the appropriate departments.

Sir, the Bill when amended will represent a small but very sensible improvement in our continued efforts to bring our laws up to date. For this reason alone it merits our support.

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).

POLICE FORCE (AMENDMENT) BILL 1983

Resumption of debate on second reading (27 July 1983)

Question proposed.

MR. PETER C. WONG:—Sir, the purpose of the Bill is to facilitate the investigation of indictable offences. Very often proceeds resulting from criminal activities are deposited in banks or deposit-taking companies, and stolen or illegal goods are kept in safety deposit boxes or otherwise held in the safe custody of a bank.

The Bill therefore seeks to confer power on the Commissioner of Police to require banks and deposit-taking companies to inform him whether a specified person has or had an account with the bank or deposit-taking company or has placed a safety deposit box or other thing with a bank.

The Bill, however, does not confer power on the Commissioner to ask for information regarding the precise nature of the accounts, safety deposit boxes or stored items. These will continue to require the presentation of a search warrant issued by a Magistrate. The information laid before a Magistrate for the application of a warrant must be precise and hence it is essential to know whether a suspected person has or had an account with a particular bank or deposit-taking company. The same precise information applies to applications for search warrants relating to safety deposit boxes and other stored items.

Unofficial Members generally support the Bill. However, after consultation, the Administration has agreed to certain amendments, which will be moved by Miss Maria TAM at the committee stage. She will elaborate on these amendments in her speech.

Mr. Andrew So opposes the Bill in principle. He will be expressing his views in the course of this debate.

Mr. Bill BROWN, our distinguished banker, will be speaking on this with his support.

Sir, subject to the agreed amendments, I support the Bill.

MR. SO deliver his speech in Cantonese:—

督憲閣下：香港作為一個國際金融財務中心，有今天的成就，殊非僥倖，實有很多因素，交易的保密和客戶的信心就是其中之一。隨着電子科技的進步，銀行業務的處理和記錄方法亦日新月異。「無現金無票據的社會」的來臨將會比我們想像中更早。透過電腦系統，不但銀行界可以加強連繫，信貸機構，零售商，消費者亦可連成一龐大網路。交易上的保密和客戶的信心將更形重要。

本法案的目的是方便警方偵查任何公訴罪項，銀行及接受存款公司得在特定期限內向警方透露彼所指的人士有否或曾否開設戶口，又或有否在該銀行租用保管箱，及存放物品或享有開啓保管箱或檢取該物之權。保安司在動議二讀本法案時雖指出目前總督特派廉政專員在這方面的權力更為廣泛。本人認為因為一時之便而間接影響本港維持國際金融財務中心的地位，雖則可以協助捉拿多幾個壞蛋，但恐怕會因小失大。

督憲閣下，本人謹此陳辭棄權表決這個法案。

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

Sir, it is not by sheer good luck that Hong Kong has managed to achieve her present status as an international financial centre. There are many factors attributable to her success, among which are confidentiality in business transactions and trust placed by the clientele. With the progress of electronic technology, there have been rapid changes in the way banks handle business and keep their data. The day of 'doing away with cash and bills' will come sooner than we expect. Through the computer system, not only will inter-bank connections be strengthened, credit companies, retailers and consumers will also be linked up in an extensive information network. Confidentiality in business transactions and the trust of the clientele will have to be more highly stressed.

The object of this Bill is to enable the Commissioner of Police to require banks and deposit-taking companies, for the purpose of aiding the investigation of an indictable offence, to disclose within a stated period whether a person specified by him has, or has opened an account with them, or has hired a safety deposit box from a bank and deposited things in it or has access to such a box and the contents. While moving the second reading of the Bill, the Secretary for Security mentioned that the Commissioner of I.C.A.C. has already been given even more extensive power in this respect. Nonetheless, I consider it unwise to sacrifice the status of Hong Kong as an international financial centre only for the convenience of catching a few more villains as more harm than good would be done.

Sir, with the above observations, I abstain from voting.

MR. BROWN:—Sir, views have been expressed that this proposed amendment to the Police Force Bill will hurt Hong Kong's prestige as a leading financial centre. In addition arguments have been advanced that it will somehow infringe upon the rights and the freedom of the customers of our financial institutions.

Declaring my interest as the Chairman of the Hong Kong Association of Banks I can say that the banking industry does not share these views, nor does it believe the other arguments put forward have any substance.

In the first instance the only persons who can be affected by this legislation are those suspected of having committed an indictable offence, and even then the Police Force is only empowered to enquire whether a bank or a deposit-taking company maintains an account or holds articles in safe custody for the suspected person.

It must be emphasized that the Police will *not* be empowered under this amendment to obtain details of accounts held by banks and deposit-taking companies, nor will they be able to inspect items held in safe custody. Should the Police Force desire to do this it will be necessary for them to obtain a search warrant from a Magistrate in the normal way as is required under existing law.

It should also be noted that safeguards against abuse are built into the Bill insofar that the Commissioner of Police may only delegate his powers to officers of the rank of Assistant Commissioner or above, and it is only when officers of this senior rank are satisfied that a suspect has committed an indictable offence that their approval can be given to make enquiries.

It seems to be a common belief that proceeds of crimes are laundered through accounts held in banks and deposit-taking companies in Hong Kong, although there is very little real evidence that this is done on any significant scale. However, it would be silly to suggest that this does not happen in some cases, and our financial institutions are more than happy to co-operate with the Police Force if it assists them in their fight against crime. Should this Bill result in criminals being less willing to conduct their business through Hong Kong, then the only business we would lose is business we would rather not have.

Sir, the enactment of this legislation will increase the efficiency of those investigating serious crime. As such it deserves our endorsement and I am pleased to support the motion.

MISS TAM:—Sir, in examining the contents and proposals in this Bill the Members of the Legislation Scrutiny Group have taken particular care to ensure that the Police Force is not given excessive power and that any danger of abuse is reduced to the minimum. On the other hand, crime detection has to be backed up by proper authority in order to be effective in its operation. Taking note of the following safeguards against abuse of power, the majority of the Members of the Legislation Scrutiny Group decided to support this Bill with proposed amendments.

The safeguards against abuse are:—

- (i) that before the Commissioner of Police can issue a notice to the bank or deposit-taking company there has to be evidence to show an indictable and therefore serious offence has been committed;

- (ii) that there is a particular person suspected of having committed that offence;
- (iii) that the disclosure required of the bank or deposit-taking company must relate to the same person under suspicion and no one else;
- (iv) that bank or deposit-taking company needs only disclose whether that same person has access to any safe deposit box or account. They are not required to disclose the details;
- (v) that the Commissioner of Policy must apply to a magistrate for a warrant if he wishes to get such details from the bank or deposit-taking company under section 50(3) of the Police Force Ordinance; and
- (vi) that the power given in this Bill must be exercised by a Police officer or an officer of the Custom and Excise Service not below the rank of Assistant Commissioner who is authorized in writing by his Commissioner in that behalf.

Hence the power of investigation is restricted to a particular person's involvement in a particular crime. There is in fact no general power to require disclosure of information on bank or deposit-taking company's clients. In Part III of the Prevention of Bribery Ordinance Cap. 201 there are in fact far more extensive powers of investigation than that proposed in this Bill.

The proposed amendments to this Bill suggested by Members of the Legislation Scrutiny Group are as follows:—

- (a) under section 67(1) that the period specified for compliance with a notice from the Commissioner of Police should be modified from 'within such period as may be so specified' to allow for a 'reasonable' period for compliance;
- (b) under section 67(5)(i) and (ii) that the penalty for any bank or deposit-taking company officer or employee failing to comply with the notice issued under section 67(1) or giving false information should be reduced from three years' imprisonment to one year on a conviction on indictment, and from one year to six months imprisonment on a summary conviction;
- (c) under section 67(6)(i) and (ii) that the penalty for any individual wilfully causing or procuring the bank or deposit-taking company not to comply with a section 67(1) notice should be similarly reduced.

These suggestions have been accepted by the Administration and I shall later on move the amendments.

Sir, I support the motion.

SECRETARY FOR SECURITY:—Sir, I am most grateful for the support which Unofficial Members have given to this Bill and for the amendments that Miss TAM is suggesting.

Mr. Peter WONG, Miss TAM and Mr. BROWN have all noted the limited scope of the Bill: it will not change the existing requirement for the Police to obtain a

search warrant from the magistrate in order to obtain *details* of accounts or articles held in safe custody. Whilst I appreciate the wholly commendable concern expressed by Mr. Andrew So that we should not interfere with the confidentiality that is a necessary part of legitimate business, I fully endorse the conviction expressed by Mr. BROWN that the Bill will not jeopardize this confidentiality: it will only put at risk those whose business is crime. As Mr. BROWN has said, this is the sort of business we do not want, indeed we must deter and detect it. The purpose of the Bill is to enable the Commissioner to do so more effectively.

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).

POLICE SUPERVISION (REPEAL) BILL 1983

Resumption of debate on second reading (27 July 1983)

Question proposed.

Question put and agreed to.

Bill read the second time.

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

Committee stage of bills

Council went into Committee.

CRIMINAL PROCEDURE (AMENDMENT) BILL 1983

Clauses 1 to 4 were agreed to.

CRIMINAL PROCEDURE (AMENDMENT) (NO. 2) BILL 1983

Clauses 1 to 2 were agreed to.

CRIMINAL PROCEDURE (PRELIMINARY PROCEEDINGS ON AN INDICTABLE OFFENCE) BILL 1983

Clauses 1 to 6 were agreed to.

SUPREME COURT (AMENDMENT) BILL 1983

Clauses 1 to 7 were agreed to.

HONG KONG BAPTIST COLLEGE BILL 1983

Clauses 1 to 35 were agreed to.

Preamble was agreed to.

HEUNG YEE KUK (AMENDMENT) BILL 1983

Clauses 1 and 2 were agreed to.

SMOKING (PUBLIC HEALTH) (AMENDMENT) BILL 1983

Clauses 1 and 2 were agreed to.

MESSAGE ESTABLISHMENTS BILL 1983

Clause 1 was agreed to.

Clauses 2 and 3

MR. PETER C. WONG:—I move that clauses 2 and 3 be amended as set out in the paper circulated to Members. I have already explained what these amendments are.

*Proposed amendments***Clause 2**

That clause 2 be amended in the definition of ‘massage establishment’ by inserting after ‘similar’ the following—

‘service or’.

Clause 3

That clause 3(c) be amended by inserting after ‘a hairdresser’ the following—

‘,or of a beauty parlour’.

The amendments were agreed to.

Clauses 2 and 3, as amended, were agreed to.

Clauses 4 and 5 were agreed to.

Clauses 6 to 8

MR. PETER C. WONG:—I move that clauses 6 to 8 be amended as set out in the paper circulated to Members. I have already explained what the amendments are.

*Proposed amendments***Clause 6**

That clause 6(6) be amended by deleting ‘enter into force’ and substituting the following—

‘be valid’.

Clause 7

That clause 7(6)(a) be amended by deleting ‘enter into force’ and substituting the following—

‘be valid’.

Clause 8

That clause 8 be amended—

- (a) by being renumbered as subclause (1);
- (b) in paragraph (b), by inserting after the semicolon the following—
‘or’;
- (c) in paragraph (c), by deleting ‘;or’ and substituting a full stop;
- (d) by deleting paragraph (d); and
- (e) by inserting at the end the following—

‘(2) Where a person is convicted of an offence contrary to section 139 (Cap.200.) of the Crimes Ordinance—

- (a) the licensing authority shall revoke any licence that was held by the convicted person at the time the offence was committed and which is still in force;
- (b) where the convicted person does not hold a licence but the conviction was for an offence which was, in the opinion of the licensing authority, related to or connected with premises specified in a licence, and was committed whilst the licence was in force, the licensing authority may revoke the licence.'

The amendments were agreed to.

Clauses 6 to 8, as amended, were agreed to.

Clauses 9 to 12 were agreed to.

Clause 13

MR. PETER C. WONG:—I move that clause 13 be amended as set out in the paper circulated to Members. I have already explained what the amendment is.

Proposed amendment

Clause 13

That clause 13(1) be deleted and replaced by the following—

‘(1) Any person who on any occasion operates, keeps, manages, assists in any capacity in the operation of, or assists in the management of, a massage establishment in regard to the operation of which a licence has been issued under this Ordinance otherwise than in accordance with the conditions of the licence commits an offence.’

The amendment was agreed to.

Clause 13, as amended, was agreed to.

Clauses 14 to 18 were agreed to.

The First and Second Schedules were agreed to.

POLICE FORCE (AMENDMENT) BILL 1983

Clause 1 was agreed to.

Clause 2

MISS TAM:—I move that clause 2 be amended as set out in the paper circulated to Members. I have given the reasons for the amendments in my speech supporting the motion.

Proposed amendments

Clause 2

That clause 2 be amended in the proposed new section 67—

(a) in subsection (1), by inserting after ‘in such manner and within such’ the following—

‘reasonable’;

(b) in subsection (5)—

(i) in paragraph (i), by deleting ‘3 years’ and substituting the following—

‘1 year’; and

(ii) in paragraph (ii), by deleting ‘12’ and substituting the following—

‘6’; and

(c) in subsection (6)—

(i) in paragraph (i), by deleting ‘3 years’ and substituting the following—

‘1 year’; and

(ii) in paragraph (ii), by deleting ‘12’ and substituting the following—

‘6’.

The amendments were agreed to.

Clause 2, as amended, was agreed to.

POLICE SUPERVISION (REPEAL) BILL 1983

Clauses 1 to 3 were agreed to.

The Schedule was agreed to.

Council then resumed.

Third reading of bills

THE ATTORNEY GENERAL reported that the

CRIMINAL PROCEDURE (AMENDMENT) BILL

CRIMINAL PROCEDURE (AMENDMENT) (NO. 2) BILL

CRIMINAL PROCEDURE (PRELIMINARY PROCEEDINGS ON AN INDICTABLE OFFENCE) BILL

SUPREME COURT (AMENDMENT) BILL

HONG KONG BAPTIST COLLEGE BILL

HEUNG YEE KUK (AMENDMENT) BILL

SMOKING (PUBLIC HEALTH) (AMENDMENT) BILL and the

POLICE SUPERVISION (REPEAL) BILL

had passed through Committee without amendment, the

MESSAGE ESTABLISHMENTS BILL and the

POLICE FORCE (AMENDMENT) BILL

had passed through Committee with amendments and the

SUPPLEMENTARY APPROPRIATION (1982-83) BILL

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

Question put on each Bill and agreed to.

Bills read the third time and passed.

End of Session

HIS EXCELLENCY THE PRESIDENT:—Honourable Members, that ends our formal business in this the 22nd sitting of the 1982-83 Session of this Council. In any circumstances, but particularly in difficult economic circumstances and as we pass through a period of uncertainty which can be tiring and uncomfortable at times, the work of the Legislative Council is vital to good government and is greatly appreciated by the Governor as he seeks to develop, and implement, all our wide ranging plans for the long term well being of Hong Kong.

During this Session some 73 bills have been passed, of which 19 were amended at the committee stage, a reflection of the critical scrutiny of legislative proposals by Unofficial Members in their working groups and *ad hoc* groups. In addition, 45 resolutions were made. During the 1981-82 Session 75 bills were

passed and 72 resolutions made. But the complexity of the legislative proposals before Members this year was probably greater and, therefore, involved more time-consuming effort.

During this Session Unofficial Members asked 194 questions, 34 more than during the 1981-82 Session: and these were followed up by 340 supplementary questions (including a remarkable 36 today), an increase of 69 on the last Session.

Unofficial Members also dealt with 326 Finance Committee agenda items and papers, 289 Public Works Sub-Committee papers and 45 Establishment Sub-Committee papers, all of which entailed many hours of private study apart from meetings.

But these statistics only tell part of the story: there have been several what one might describe as qualitative developments this Session. To begin with, this Session will be remembered for a number of vigorous, and at times impassioned, debates on subjects as far apart as air pollution, driving offences, Schemes of Control and education, which have enlivened our proceedings.

If I may say so, Unofficial Members have also demonstrated their ability to respond rapidly and effectively to matters of public concern—a recent example being the treatment of chickens with hormones—and Official Members will remember this Session for the barrage of penetrating supplementary questions which, contrary to belief in some quarters, are not made known to them in secret conclave in advance.

The amendments to the Standing Orders which were approved at the last sitting also represent a significant step in the history of this Council and they should result in even more spontaneous debate in the future and help to reflect more clearly the very considerable contribution made by Unofficials in the formulation of legislation and the control of public expenditure. In particular, the holding in public of those meetings of Finance Committee at which Heads of Departments are questioned in detail on the funds sought by them in the annual Appropriation Bill should contribute greatly towards public understanding of this aspect of the Council's work.

So, without further ado, on behalf of both the Governor and myself and the Clerk and the Deputy Clerk of Councils may I wish you all a relaxing if not restful recess, and a safe return to those of you travelling abroad.

I now declare the 1982-83 Session of the Council to be at an end. The first sitting of the 1983-84 Session will be held on Wednesday, 5 October next when the Governor will address the Council.

Adjourned accordingly at twenty-five minutes past four o'clock.