

**OFFICIAL REPORT OF PROCEEDINGS****Wednesday, 21 December 1983****The Council met at half past two o'clock****PRESENT**

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

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

THE HONOURABLE THE FINANCIAL SECRETARY  
SIR JOHN HENRY BREMRIDGE, K.B.E., J.P.

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

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

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

THE HONOURABLE DAVID AKERS-JONES, C.M.G., J.P.  
SECRETARY FOR DISTRICT ADMINISTRATION

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

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

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

THE HONOURABLE CHEN SHOU-LUM, 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.

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

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

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

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

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

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

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

THE HONOURABLE HU FA-KUANG, J.P.

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

THE HONOURABLE DONALD LIAO POON-HUAI, C.B.E., J.P.  
SECRETARY FOR HOUSING

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

THE HONOURABLE CHAN KAM-CHUEN, J.P.

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

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

DR. THE HONOURABLE HENRIETTA IP MAN-HING

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

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

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

THE HONOURABLE CHAN YING-LUN

THE HONOURABLE MRS. RITA FAN HSU LAI-TAI

THE HONOURABLE MRS. PAULINE NG CHOW MAY-LIN

THE HONOURABLE PETER POON WING-CHEUNG, M.B.E., J.P.

THE HONOURABLE JAMES NEIL HENDERSON, O.B.E., J.P.  
SECRETARY FOR EDUCATION AND MANPOWER

THE HONOURABLE GEOFFREY THOMAS BARNES, J.P.  
SECRETARY FOR HEALTH AND WELFARE (*Acting*)

**ABSENT**

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

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

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

THE HONOURABLE RONALD GEORGE BLACKER BRIDGE, J.P.  
COMMISSIONER FOR LABOUR

THE HONOURABLE YEUNG PO-KWAN, C.P.M.

**IN ATTENDANCE**

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

**Papers**

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

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Subsidiary Legislation:	
Road Traffic Ordinance	
Road Traffic (Parking and Waiting) (Amendment) (No. 4) Regulations 1983 .....	383
Road Traffic Ordinance	
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Road Traffic (Temporary Car Parks) (Amendment) (No. 2) Regulations 1983 .....	385
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Public Health and Urban Services Ordinance	
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<i>Subject</i>	<i>L.N. No.</i>
Interpretation and General Clauses Ordinance Rectification of Errors Order 1983 .....	395
Import and Export Ordinance Import and Export Manifests Notice 1983 .....	396

Sessional Papers 1983-84:—

- No. 24—Report of the Brewin Trust Fund Committee on the administration of the fund for the year ended 30 June 1983.
- No. 25—The MacLehose Fund Trustee's Report for the period 10 March 1982 to 31 March 1983.
- No. 26—Grantham Scholarship Fund—Income and expenditure account with balance sheet and certificate of Director of Audit for the year ended 31 August 1983.
- No. 27—Chinese Temples Fund—Income and expenditure account with balance sheet and certificate of Director of Audit for the year ended 31 March 1983.
- No. 28—General Chinese Charities Fund—Income and expenditure account with balance sheet and certificate of Director of Audit for the year ended 31 March 1983.
- No. 29—Police Welfare Fund—Income and expenditure account with balance sheet and certificate of Director of Audit for the year ended 31 March 1982.
- No. 30—The accounts of the Lotteries Fund for 1982-83.

**Oral answers to questions**

**Computer confidentiality**

1. MR. CHEUNG YAN-LUNG asked:—*Since the Chief Secretary's reply in this Council on 11 May 1983 regarding the formation of an ad hoc Working Group to examine in more detail whether legislation is required in Hong Kong to protect personal data stored in computers, will Government inform this Council what progress, if any, the Working Group has achieved?*

THE CHIEF SECRETARY:—Sir, the Working Group, known internally as the Working Group on P.D.P., that is to say, the Working Group on Personal Data Protection, was set up in June this year and has been meeting regularly since then.

Its Terms of Reference are—

- (1) to identify all those computer systems in which personal data are stored;
- (2) to ascertain what measures are taken at present to protect the confidentiality of personal data stored in those computer systems;
- (3) to consider whether existing personal data protection measures are adequate; and, if not,
- (4) to advise on what further measures should be taken by the Government to ensure that the confidentiality of personal data stored in computer systems is adequately protected, including whether there is a need for legislation on the subject and, if so, what that legislation should contain.

The Working Group is conducting this exercise in three stages:

Stage One, an examination of the present position in Government departments;

Stage Two, an examination of the present position in the private sector; and

Stage Three, in the light of the results of these two research exercises, an examination of the need for legislation covering both Government departments and the private sector.

Stage One, that is, an examination on the present position in Government departments, is well in hand. A substantial amount of information has been collected by the Working Group about those computer systems containing personal data which are being operated by Government departments; and the Government Data Processing Agency has been commissioned by the Working Group to determine just how personal data is being handled at present by computer systems in selected Government departments. At the same time, the Working Group has been collecting information about the action that is being taken in this field in other countries, including the U.K., where a Data Protection Bill is now before Parliament; and, in the light of this information, the Working Group has been considering what general principles of data protection might be suitable for adoption in Hong Kong.

For Stage One, membership of the Working Group has been comprised solely of officials. However, when the Working Group moves on to Stage Two of the exercise, namely, an examination of the position in the private sector, which should be fairly soon, representatives of the private sector will be invited to take part.

So progress is being made, but this is a complex subject which was under study in Britain for ten years before the Data Protection Bill finally reached Parliament. It will be some time yet, therefore, before the Working Group will be in a position to present its final report to me.

I should add, Sir, by way of a postscript, that the Law Reform Commission has recently appointed a sub-committee to examine the law relating to breach of confidence actions. To ensure that the work of this sub-committee complements

the exercise on which the Working Group on Personal Data Protection is engaged, the Secretary of the sub-committee is the Attorney General's representative on the Working Group.

MR. CHEUNG YAN-LUNG:—*Sir, what interim measures are being taken to protect personal data stored in computers pending the outcome of the Working Group's report?*

THE CHIEF SECRETARY:—I think, Sir, for the time being we can simply rely—and I am quite confident of this—on the integrity of those concerned with managing these systems.

### **Depreciation of the Hong Kong dollar**

2. MR. PETER C. WONG asked:—*Will Government make a brief statement of the effects on the Hong Kong economy in general and the cost of living in particular as a result of the depreciation of the Hong Kong dollar in recent months?*

THE FINANCIAL SECRETARY:—Sir, since the currency stabilization scheme was announced on 15 October the Hong Kong dollar has not depreciated. The effective index rate against a basket of currencies has actually appreciated from 63.9 to 68.6 last night. The rate at 12.30 p.m. today was 68.8. Against the linked rate of HK\$7.80 to US\$1 the movement of the Hong Kong dollar has been limited to 0.25%. This is remarkable given the extraordinary recent strength of the U.S. dollar, which has created havoc with other major internationally traded currencies. In other words, so far our new currency arrangements have fulfilled their purpose. But damage was done earlier, and this is what I imagine Mr. Peter WONG has in mind.

In respect of prices, the depreciation of the Hong Kong dollar up to the low point in September 24 resulted in higher import prices in Hong Kong dollar terms. The rate of inflation (in terms of the Consumer Price Index) stayed at around 9% during the first nine months of this year, but picked up to 12.7% in October. The average for 1983 as a whole is likely to be around 10%, roughly the same as in 1982.

The increase in the G.D.P. deflator is expected to be only 6%, less than that for the C.P.I. primarily because of the very low increases (decreases in many cases) in the property sector and the effect of the lower salary increase for the Civil Service on the Government consumption expenditure deflator.

Because it takes some time for higher import prices to work through the economy, retail prices to consumers are affected only after a time lag of several months. Thus, the rate of inflation in the fourth quarter of this year and in the early months of next year is likely to rise higher as a result of the rapid depreciation in September.

The effect of the depreciation of the exchange rate on prices is, however, likely to be dampened by a number of other more favourable factors. Locally, aggregate demand for resources in the economy is not imposing much pressure on aggregate supply and the general price level; and the underlying growth rate of the money supply is moderate. Externally, the rate of inflation in Hong Kong's major trading partners has slowed down. Moreover, the currency stabilization measures will certainly have a dampening effect on the rate of inflation in due course. The outlook for 1984-85 is thus encouraging.

Moreover, the depreciation of the Hong Kong dollars has enhanced Hong Kong's external competitiveness and has contributed to the impressive performance of the export sector this year. Another major factor is the economic recovery in the U.S. and several other export markets. The year-on-year growth rate in real terms of domestic exports accelerated to 18% in the third quarter, from 3% in the first quarter and 14% in the second quarter.

With domestic demand still relatively weak, the recovery of the export sector has provided the main impetus to economic growth and has resulted in more employment opportunities, so that the unemployment and underemployment rates are now considerably below their peaks recorded earlier this year.

I shall of course produce estimates of inflation and C.P.I. increases for 1984-85 in my budget speech on 29 February. These issues are intrinsic to my budgetary strategy, and I am well aware of the problems—particularly for the ordinary man and woman.

MR. PETER C. WONG:—*Sir, the Financial Secretary said that domestic demand is still relatively weak (this is in the latter part of his answer). Is the Financial Secretary in a position to say whether, in his view, domestic demand is likely to pick up in the near future?*

THE FINANCIAL SECRETARY:—I would not have said, Sir, that domestic demand was weak if I hadn't meant it.

### **Money-changers**

3. MR. CHEUNG YAN-LUNG asked:—*Is the Government aware that some money-changers do not display their charges prominently, thus leading to disputes with their clients on the level of charges, and if so, are there any plans to regulate money-changers?*

THE ATTORNEY GENERAL:—Sir, there have been many complaints from tourists that some money changers in Hong Kong do not sufficiently advertize the very substantial commissions that they charge. By the time customers discover just how much they are, the currency has been exchanged. Sharp practices of this kind are not, of course, confined to Hong Kong.

The Government has no plans at the moment to introduce legislation but it is worrying that many visitors to Hong Kong have complained. I am very glad to see that the Hong Kong Tourist Association through their guide book is warning tourists about this matter and is drawing attention to the alternative services available through banks.

Although money-changers are carrying on a lawful business, and it is a fact that since 1978 they have not been subject to any controls, there might be a case for legislative intervention to give customers a fair chance of deciding in advance whether they wish to do business on the terms offered. Those who seek their services would be well advised meanwhile to shop around for the best deal and to be sure before dealing that the terms of business offered are acceptable.

MR. CHEUNG YAN-LUNG:—*Sir, is the Government aware that some money changers are charging their customers commissions as high as 7%, and does the Government consider that as reasonable?*

THE ATTORNEY GENERAL:—The answer to the first part is: yes, commissions of 7% have been reported. The Government does not consider those to be reasonable rate.

#### **District Board and District Management Committee**

4. REVD. P.T. MCGOVERN asked:—*Given the fact that all major issues are first considered by District Management Committees before being referred to District Boards, is Government aware that many D.B. members perceive the District Management Committees as assuming a more important position than the D.B.s in the consultative process, and will Government review the working relationship between District Management Committees and District Boards?*

SECRETARY FOR DISTRICT ADMINISTRATION:—Yes, Sir, I am aware that some District Board members have this feeling but I believe it arises from a misconception of the respective roles of the two components of District administration.

The District Board and the District Management Committee are partners in District Administration. One advises while the other responds to that advice. Some matters are resolved quickly and result in executive action being taken by the Management Committee without reference outside the district. Other advice and recommendations of the Boards may have wider implications and require reference to central Government departments. If, after this consideration, the district advice cannot be accepted because of the wider public interest, the Board will be informed with supporting reasons. There is no question of one being superior to the other. However, if particular members of a District Board are dissatisfied in any way with the responsiveness of the Management



Committee or in the manner in which matters are referred to the Board by the Management Committee, there can be no better place to raise it than in a meeting of the Board. Rather than have a special review of this working relationship, I would try to improve and correct as imperfections and omissions arise.

REVD. P. T. MCGOVERN:—*Will the Secretary consider circulating his reply to the District Boards so that they may know the suggested procedure and act on it?*

SECRETARY FOR DISTRICT ADMINISTRATION:—Certainly, Sir.

### **Medical facilities in Tai Po district**

5. MR. CHAN YING-LUN asked:—*In the light of complaints by Tai Po District Board members on the adequacy of medical, and, in particular out-patient facilities available in the district, will Government make a statement on what action will be taken to remedy the situation?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, I have to thank Mr. CHAN for this opportunity for me to take stock of the existing facilities available at present in the Tai Po district and to state the plans for scheduled improvements.

Tai Po is at present served by the Tai Po Jockey Club Clinic which provides a wide range of facilities including general out-patients, eye, maternal and child health, family planning, chest and special skin services. It also provides facilities to cater for accident and emergency cases on a 24-hour basis.

An additional consulting room, making a total of four, has been put into operation in this clinic since April this year.

Also, in anticipation of the increasing population in Tai Po, a second outpatient clinic, namely, the Wong Siu Ching Clinic is planned to meet their needs. Construction of this clinic is now well in hand and it is scheduled for completion by the second half of next year.

Thus, it is considered that the existing facilities, together with the scheduled improvement in the next future, are adequate to serve the needs of the community at Tai Po.

MR. CHAN YING-LUN:—*Sir, will Government consider opening an evening clinic in Tai Po?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, as I have said, with the addition of a consulting room at the clinic as from April this year, and since a second out-patient clinic will be brought into operation shortly, the needs of the people for clinic services in Tai Po are adequately served. The introduction of

evening clinic services will be considered in the light of the utilization pattern of the present as well as the future clinic services, and subject to the availability of resources.

MR. STEPHEN CHEONG:—*With the completion of the Wong Siu Ching Clinic by the second half of next year, is it safe to assume that the medical facilities offered to the general public will be doubled from what it is?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—As far as the clinic services are concerned, these will be about doubled.

DR. IP:—*Sir, in comparison with other districts in Kowloon and the New Territories with a similar population, is there any difference in the number of day or night general clinic sessions per thousand population? If so, why?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, this is a rather vague question, but I will try to answer in a general way. The criteria for establishing clinics, of course, is to see that the basic objectives of such clinics are served. Generally the aim is to provide a clinic or a health centre for about every hundred thousand people. This ratio is but a general planning guideline which has to be applied flexibly to meet the local needs of the people in the district, and so there are factors—used for fine-tuning, factors such as the size and structure of the population, the trend of attendance rate, the turnaway factor, the number of cases seen per doctor session, number of doctor sessions per consulting room per year and the availability of other medical facilities in the vicinity. All these factors are taken into account in the planning, and these factors are applied generally to all the areas.

DR. IP:—*Sir, I think my question is quite specific and is quite statistical. I will repeat: In comparison with other districts in Kowloon and the New Territories with a similar population, is there any difference in the number of day or night general clinic sessions per thousand population? If so, why? Perhaps the answer is not readily available, I would be prepared to accept it in writing, Sir.*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, as I have said, if the factors that have been mentioned are applied to all areas, then the answer is yes.

(The following written reply was provided subsequently.)

As I have stated, the factors which are taken into account of in the planning for clinics are:

- (a) the size and structure of the population;
- (b) the trend of attendance rate;
- (c) the turnaway factory;

- (d) the number of cases seen per doctor session;
- (e) the number of doctor sessions per consulting room per year; and
- (f) the availability of other medical facilities in the vicinity.

Thus, for districts in Kowloon and the New Territories with *similar* population and *assuming that all factors are equal*, then there should not be a difference in the provision of clinic facilities for all districts. However, *in practice*, even if the size of the population is the same for certain areas, other factors mentioned are bound to be different for different areas. For example, the trend of attendance rate and the availability of other clinic facilities in the vicinity between two areas usually vary. It follows therefore that while the same factors are applied to all districts in our planning for clinics, such factors, being different for different districts due to the variation in magnitude among the factors, the actual provision of clinic facilities must therefore be different. I must emphasize that while there is a general planning guideline, the local situation in a district calls for a flexible approach in the actual provision of facilities. Therefore, despite the fact that the number of the population may be the same or similar in different areas, there may still be a difference in the actual number of day or night general clinics per thousand population—hence, my answer to Dr IP's last question is "yes". The reason for the difference is explained above.

### **Oyster farming**

6. MR. CHEUNG YAN-LUNG asked:—*What assistance has been offered to oyster farmers in Deep Bay to minimize the impact of pollution on the industry arising from rapid urbanization of Yuen Long?*

SECRETARY FOR ECONOMIC SERVICES:—Sir, the Director of Agriculture and Fisheries offers technical assistance to oyster farmers in Deep Bay to improve farming techniques and, more important, to identify alternative sites suitable for oyster farming.

Research undertaken by the Director in the early 1970's showed that farming oysters in cages suspend well clear of the sea bottom would not only improve yield by halving the growth cycle but also would reduce the risk of the oysters being contaminated by the silt and other pollutants suspended close to the sea bottom. An alternative site suitable for oyster farming and relatively free from pollution was identified in Tung Chung Bay on Lantau Island. But no oyster farmers have moved there.

The results of the research carried out by the Director of Agriculture and Fisheries were passed to the oyster farmers in Deep Bay. It seems, however, that few, if any, oyster farmers have taken advantage of this research.

## Shop-lifting

7. MR. SO asked in Cantonese:—

- (甲) 過去三年來，當局曾檢控多少宗高買事件？
- (乙) 請將同期內因高買而被定罪的人士按年齡分類。
- (丙) 政府現正採取甚麼措施以教導市民，特別是年輕人，在商店內行竊是嚴重罪行？

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

- (a) *How many cases of shop-lifting have been prosecuted over the past three years?*
- (b) *What is the age distribution of the persons found guilty of shop-lifting in the same period?*
- (c) *What action is taken by Government to educate the people, especially the younger ones, that shop-lifting is a serious offence?*

SECRETARY FOR SECURITY:—

(a) Sir, 2 216 persons were prosecuted for shop-lifting in 1981, 2 142 in 1982 and 2 744 from 1 January to 30 November this year.

(b) Statistics on the age distribution of those *found guilty* of shop-lifting in this period are not, I am afraid, readily available. But attached to the written version of this reply are two sets of other statistics (see Appendices A and B). One shows the number of persons by age group and sex *prosecuted* for shoplifting. The other the number of persons, also by age group and sex, *arrested* for shop-lifting and *discharged* under the District Police Superintendent's discretion scheme (this is a scheme, Sir, whereby District Superintendents are authorized to caution a first offender aged between 7 and 16, providing the offender admits the offence and providing his parents or guardians and the person against whom the offence was committed, agree). Putting these two sets of figures together, one striking fact emerges. From January to November this year, 48% of the total number of persons prosecuted or cautioned for shop-lifting were between 12 and 20 years of age. The next most significant age group was those aged 21 to 30, representing approximately 24% of the total.

(c) So shop-lifting is a crime primarily committed by young people. Turning to the third part of Mr. SO's question, the answer is that the Government is involved in a wide range of activities aimed at educating this age group about the seriousness of becoming involved in crime in general and in shop-lifting in particular. The Police, Education and Social Welfare Departments and voluntary agencies all provide services designed to discourage young people from anti-social behaviour and to provide guidance to those who have already strayed. In addition, this year's Fight Youth Crime Campaign includes a full programme of publicity and activities targetted at young males aged between 14 and 20. Within this age group, the Standing Committee on Unruly and Delinquent Behaviour in Schools co-ordinates efforts directed at school children in particular. A high proportion of the crimes school children commit

are shop-lifting and other miscellaneous thefts. In each police district, there is a Police Community Relations Officer, part of whose function is to give lectures on crime prevention in schools. In their lectures the Community Relations Officers are paying particular attention to shop-lifting.

Also, Crime Prevention Units advise shopkeepers on ways of discouraging and detecting shop-lifting.

In addition to these activities, Sir, involving direct contact with the young and with shopkeepers, publicity on shop-lifting concentrates on warning the public generally about the serious effect that a conviction for shop-lifting would have on their lives and on advising shopkeepers how to protect their wares from such crimes. As statistics indicate that shop-lifting is more prevalent during these months, the publicity is more intensive in December, January and March (and I am allowing for the fact that February is a short month). As examples of methods used for this publicity, Crime Prevention Bureau officers have recently been interviewed on the subject of shop-lifting on Chinese and English radio channels. The results have been given wide coverage in the press. A new poster emphasising that shop-lifting is a serious offence, is now being printed and will be available to all supermarkets and large department stores next month. And, the opportunity is being taken to issue warnings about shop-lifting through police radio and television programmes.

To sum up, Sir, every effort is made, directly and indirectly, to make it clear that shop-lifting is, in fact, theft, for which offenders can be sentenced to imprisonment; and to encourage shopkeepers to look after their property. It is important that these two facts are fully appreciated by both young people and their parents who, more than any Government department or other agency, must bear ultimate responsibility for the behaviour of their children.

Finally, Sir, the Fight Crime Committee will keep an eye on what is happening in respect of this offence and will consider further counter-measures if it persists at the present level.

## Appendix A

### Number of persons prosecuted for shop-lifting by age group and by sex

Age group	1981			1982			1983 (Jan-Nov)		
	M	F	Total	M	F	Total	M	F	Total
Under 12 years	38	21	59	32	8	40	54	34	88
12-13 years	100	36	136	61	27	88	123	47	170
14-15 years	133	103	236	66	53	119	128	76	204
16-20 years	234	211	445	188	174	362	303	230	533
21-30 years	353	308	661	395	316	711	433	374	807
31-40 years	155	170	325	224	209	433	226	246	472
41-50 years	73	95	168	100	88	188	98	100	198
51-60 years	49	64	113	58	53	111	78	76	154
61 years and over	43	30	73	51	39	90	80	38	118
Total	1 178	1 038	2 216	1 175	967	2 142	1 523	1 221	2 744

## Appendix B

**Number of persons arrested for shop-lifting  
and discharged under District Superintendent  
discretion scheme by age group and sex**

Age group	1981			1982			1983 (Jan-Nov)		
	M	F	Total	M	F	Total	M	F	Total
Under 12 years	89	50	139	105	47	152	125	95	220
12-13 years	114	81	195	104	79	183	139	84	223
14-15 years	96	71	167	107	77	184	118	70	188
Total	229	202	501	316	203	519	382	249	631

MRS. CHOW:—*May I ask a question on the discretionary discharge scheme which is being practised by the police? May I ask the Secretary for Security how successful this scheme has been, and in fact whether there are any offenders who have been discharged before under the scheme?*

SECRETARY FOR SECURITY:—I am afraid I do not have the statistics with me on the recidivism in respect of those who have been cautioned by District Superintendents, but I'll certainly find out whether the statistics are available elsewhere. If they are, I'll reply to my honourable friend in writing, if I may.

(The following written reply was provided subsequently.)

Statistics are not readily available on this subject and I have asked the Commissioner of Police to compile some figures from the records which he keeps. One of the problems involved is that all records of warnings given under this scheme are destroyed when the juveniles concerned reach their sixteenth birthdays.

(The following written reply was further provided.)

I have now been informed by the Commissioner of Police that it is not possible to extract statistics from the present records. There are two reasons for this. First, as I mentioned in my last letter, all records of warnings given under this scheme are destroyed when those concerned reach their sixteenth birthday. Second, if during this period the juvenile commits a further offence, that offence is dealt with under normal procedures and the informal record of the warning under this scheme is destroyed. Thus no records presently exist from which to compile the statistics you have requested.

In order to answer your query, I have asked the Commissioner of Police to keep the following records for the next twelve months:

- (a) the number of juveniles dealt with under this scheme; and
- (b) the number of records destroyed and the reasons for their destruction, i.e. whether the offenders committed other offences or reached the age of 16.

### Widening of Ting Kok Road

8. REVD. P. T. MCGOVERN asked:—*Will the Government say what has happened since the Tai Po District Board was given an undertaking in January 1982 that the priority of certain projects, including the widening of Ting Kok Road would be reviewed?*

SECRETARY FOR LANDS AND WORKS:—Sir, the programme for the widening of Ting Kok Road was reviewed immediately after the District Board meeting in January 1982. Due to the need to clear some 3 000 squatters in order to implement the scheme, and the lack of a suitable resite for these squatters, an early commencement of work was not possible.

This project, and other Capital Works projects in Tai Po, are included in the Development Programme for the Tai Po New Town, which is prepared and updated annually after consultation with Government departments and Policy Branches, and the views of the District Board having been taken into account. Full consideration is given to the priority of individual projects within normal engineering, planning and financial constraints, and with due regard to the need for the overall balanced development of the new town. The review of the Development Programme is an on-going process, and where changed circumstances require a review of the priority of any individual project with a view, perhaps, to advancing the starting date, this is done.

The Tai Po District Board's views were taken into account therefore when the 1982 Edition of the Tai Po Programme was prepared, and the Board was apprised of the outcome when it reviewed this Programme in January this year. The 1983 Edition of the Development Programmes for the New Towns are expected to be reviewed by the District Boards next month.

According to the latest Edition of the Tai Po Programme, which has been noted by the Public Works Sub-Committee of Finance Committee, work was due to start on the detailed design and the preparation of contract documents for the first stage of the Ting Kok Road upgrading in September this year. This work has not actually commenced, but the P.W.S.C. has already recommended the upgrading to Category A of an item for it, and a start is anticipated very shortly on this design work which will now cover the whole project, that is including the second stage of the upgrading as far as Tai Mei Tuk.

It is expected that tenders for the construction of Stage One from the Tai Po Industrial Estate to Shuen Wan will be invited before the end of next year and that work on site will start about April 1985 and be completed by mid-1987, as programmed. Construction of the second stage from Shuen Wan to Tai Mei Tuk is scheduled to commence in 1988, with completion due by 1991.

REVD. P. T. MCGOVERN:—*Does the design of the proposed wider road include cycle-tracks?*

SECRETARY FOR LANDS AND WORKS:—Yes, Sir, the proposed widening envisages a continuation of the dual carriage way with cycle-tracks and foot-paths on either side.

REVD. P. T. MCGOVERN:—*In view of the hazard to cyclists using the Ting Kok Road for access to the Bride's Pool Country Park and the cycling area, Plover Cove Dam, will Government consider trying to find out some ways of advancing or speeding up the planned widening of the road?*

SECRETARY FOR LANDS AND WORKS:—Sir, as I said in my main reply, the programme for this project had been reviewed but, due to the need for clearance of squatters and the lack of a resite for them, an earlier timing was not possible.

### **Battered wives**

9. MRS. CHOW asked:—*Is there an estimate of the percentage of cases of battered wives that are being reported? What action is Government taking to:*

- (a) assist the victims; and*
- (b) reduce the problem?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, there is no reliable estimate of the number of *unreported* cases of battered wives and a percentage figure of reported cases is therefore difficult to estimate. In the twelve months ending October 1983 the Social Welfare Department itself handled 42 cases at its family services centres. Earlier in the year a survey conducted by the Hong Kong Council of Women was reported to have shown a very much higher figure of more than 300 cases for a three month period in 1982, and it is possible that the real figure is higher than this. It is a social problem, not, I hope, as extensive as many others in Hong Kong, but nevertheless sad, deplorable and often difficult to resolve, and, for the abused person, something which can be a painful, frightening and degrading experience.

The Administration accepts that those who have been assaulted in this way, or who are in fear of imminent assault, should receive help directly from the Government, or from voluntary agencies subvented by the Government. In cases reported to the Social Welfare Department, social workers are deployed to investigate the circumstances of the case and the family background, and to offer counselling or other forms of help. If reconciliation between husband and wife appears improbable assistance is given in finding alternative accommodation.

Next year the Social Welfare Department is planning to open a reception centre where women at risk, including battered women, and their children, can obtain shelter until longer term alternatives can be arranged. Various organizations are alive both to the problem of spouse abuse and the need for



refuge facilities, and have expressed interest in becoming more actively involved in providing assistance. The Government will be prepared to consider financial assistance to any voluntary agency with the necessary expertise which might come forward with a proposal to run a shelter for battered women.

On the preventive side, the family casework services run by the Department and voluntary agencies offer counselling and other forms of assistance to help families cope with problems such as marital breakdowns which may lead to violence in the family. The family life education programmes use community education methods to the same end.

A greater understanding of the extent of the problem in Hong Kong is necessary. The Health and Welfare Branch will consider the establishment of guidelines for the handling of cases of this type, and also a system for reporting and recording the incidence of cases. The Social Welfare Department is already trying to assess more accurately what is required and is carrying out a detailed analysis of family cases handled by the Department and voluntary agencies, accompanied by discussion with departments, agencies and women's groups.

MRS. CHOW:—*Sir, from the vast discrepancy in figures given in the first paragraph of the answer and in view of the nature of the problem, it can be assumed that there is general resistance to reporting actual cases. Will Government co-ordinate Government departments such as the Police, hospitals, Social Welfare Department and other voluntary agencies to bring cases to attention so that help can be provided?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, I envisage this as being a possible outcome of the consideration that will be given to this subject by the Health and Welfare Branch and the Social Welfare Department.

MRS. CHOW:—*Sir, with reference to paragraph 3 of the answer and given the urgent need for a place of refuge, can we be informed of the target date by which the centre will be set up?*

SECRETARY FOR HEALTH AND WELFARE:—The target date is the end of 1984, Sir.

MR. STEPHEN CHEONG:—*Sir, could we be informed of the planned capacity of the reception centre?*

SECRETARY FOR HEALTH AND WELFARE:—40, Sir.

MRS. CHOW:—*Sir, is the present legislation adequate in assisting victims by way of allowing for injunctions and power of arrest, etc.?*

SECRETARY FOR HEALTH AND WELFARE:—I have no reason to believe the existing legislation is deficient, Sir.

### Stock index futures market

10. MR. POON asked:—*What is the present position regarding the proposals to establish a stock index futures market in Hong Kong and does the Government consider that the development of such a market could enhance Hong Kong's position as a major financial centre?*

SECRETARY FOR ECONOMIC SERVICES:—Sir, two sets of proposals to establish a stock index futures market in Hong Kong have been submitted to the Commissioner for Securities and Commodities Trading. One proposal was prepared by a consortium of ten banks and the other by the Hong Kong Commodity Exchange Limited.

On 1 December 1983 the Securities Commission and the Commodities Trading Commission sitting together considered in principle whether a market in stock index futures should be established in Hong Kong. The Commissions were asked whether they wished to make a joint recommendation to the Government to the effect that such a market would be good for Hong Kong. It was felt by members of the Commissions that further investigations should be made, and to this end the Commissioner for Securities and Commodities Trading is carrying out studies with the interested parties. In order to assist him in his deliberations, the Commissioner has established a committee with representatives from the financial community to examine various aspects of the problem. The committee is meeting for the first time today.

Once the Commissioner for Securities and Commodities Trading has completed his further investigations, the matter will be referred back to the two Commissions for consideration.

In answer to the second part of Mr. POON'S question concerning Hong Kong's position as a financial centre, Hong Kong is a free economy and if there is a demand for a particular type of investment which is not opposed to community well-being, then generally it is advantageous if that demand can be met by the local market. Stock index futures have been found elsewhere to be of value in providing hedging facilities for underwriters and other institutional investors. But a market of this nature must be regulated in order to prevent abuse, and the possible effect of a stock index futures market must be carefully examined in order to ensure that it does not lead to undesirable consequences. Hence the need for further studies.

MR. POON:—*Sir, will the consideration of the stock index futures market delay the consideration by Government of the financial futures market?*

SECRETARY FOR ECONOMIC SERVICES:—Sir, I think the two markets ought to run together, so it is possible that a delay in considering the feasibility of one market might hold up the other, but we would hope to make progress with both.

**Factory canteens in industrial building**

11. MR. WONG LAM asked in Cantonese:—

政府可否說明批准在工廠大廈開設食堂的政策？

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

*Will Government state its policy on the allowance of factory canteens in industrial buildings?*

SECRETARY FOR LANDS AND WORKS:—Sir, since the problems relating to canteens in industrial buildings were reviewed in detailed by the Governor in Council in 1981, the Government's policy has recognized the importance of providing eating facilities for factory workers and allows canteens, subject to health and safety requirements being met and there being no conflict with industrial operations including vehicular access and egress and related loading and unloading facilities. The licensing authority will normally issue a licence provided the minimum requirements relating to health and safety are met.

In some cases canteens are not permitted under the lease conditions, but the Director of Lands is normally prepared to modify the conditions to accommodate canteens provided the area they will occupy does not exceed 10% of the premises on the lot; is not required for vehicular access, parking, loading or unloading; and is not at or near ground floor level with exclusive direct access to the street other than for emergency use. These restrictions are necessary principally to avoid increasing traffic congestion and parking problems in industrial areas and because canteens are only intended to serve workers in factories in the particular building and not the general public.

MR. WONG LAM asked in Cantonese:—

閣下，請問有多少間設在工廠大廈的食堂受批地條件所限而被逼停業呢？

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

*Sir, how many canteens within industrial buildings have to stop business because of restrictions of the lease conditions?*

SECRETARY FOR LANDS AND WORKS:—Sir, from action taken by the Lands Department over the last 12 months, there are 43 factory canteens which do not comply with the lease conditions. However, so far the remedy of re-entry and vesting has only been taken in respect of one case. But as I said in my main reply, the Director of Lands is quite prepared to modify the lease conditions to accommodate factory canteens in industrial buildings provided that certain criteria are met. The guidelines are not so restrictive as to prevent adequate canteen facilities being provided in industrial buildings.

MR. WONG LAM asked in Cantonese:—

閣下，假如這四十三間之中，將有部份被逼停業，請問當局有甚麼設施去解決工友的午膳問題呢？

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

*Sir, if some of the 43 canteens have to stop business in the future, what measures does the Government have to help the workers solve the lunch problem?*

SECRETARY FOR LANDS AND WORKS:—Well, there are already some 16 cooked-food centres in industrial areas and I understand the Urban Council has 14 more cooked-food centres under planning for construction over the next few years. In addition, a pilot scheme is under way to issue licences for the operation of fast food vans in industrial areas.

MR. STEPHEN CHEONG:—*Sir, given the changing for the better standard of living of our general workforce, is it time that the Government reviewed the criteria and restrictions that factory canteens cannot be at the ground floor level?*

SECRETARY FOR LANDS AND WORKS:—They *are* permitted on the ground floor level provided they do not use up space earmarked for vehicular access, egress, parking, loading or unloading, so I think the problem can be solved at the design stage as a developer develops an industrial building.

MR. STEPHEN CHEONG:—*One last question, Sir. Regarding the proposed licensing of travelling food vans, would that not create more traffic congestion problems?*

SECRETARY FOR LANDS AND WORKS:—I understand this is a pilot scheme. Obviously the effect of that scheme will be evaluated before further proceeding on that line.

MR. WONG LAM asked in Cantonese:—

閣下，請問當局會否考慮在發出工廠食堂牌照的程序之前，會否加強各有關部門的聯繫？

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

*Sir, will the Government consider, before issuing licenses for factory canteens, stepping up the liaison between the various Government departments?*

SECRETARY FOR LANDS AND WORKS:—Sir, I believe liaison is already adequate between the departments but there may be room for improvement in the coordination of the different policies of Government. I agree that we shall look into this matter.

## **Water pollution**

12. MR. CHAN YING-LUN asked:—*What action is being taken to reduce the level of pollution in streams in the Tai Po area, particularly as these streams all run into Tolo Channel which has been declared a Water Control Zone under Water Pollution Control Ordinance?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, in recognition of the problem of pollution to the streams and rivers of the New Territories, including those around Tai Po, a Central Steering Group on Watercourse Maintenance and Management has been set up to co-ordinate remedial action.

The first task of the Group has been to identify priority areas. Five rivers have been selected including the Lam Tsuen River, which runs into Tolo Harbour through Tai Po, and the Shing Mun River, which also enters the Water Control Zone at Sha Tin. Plans to improve the quality of these watercourses are being developed by District Working Groups which will report to the Central Steering Group by the end of March next year. The plans being developed will cover such matters as the control of pollution discharges as well as such remedial measures as desilting and dredging, refuse clearance and improvement of the flow.

In addition certain legislative measures are being developed. Regulations under the Water Pollution Control Ordinance to control discharges into the Water Control Zone are being prepared and are expected to be put before the Executive Council in the second quarter of 1984. These will be aimed initially at discharges from industrial processes. Complementary controls on the disposal of agricultural wastes are also being developed under the Public Health (Animals and Birds) Ordinance and the Waste Disposal Ordinance. The intention is to replace the present practice, whereby most such wastes are sluiced into the streams, with sanitary means of waste disposal imposed through a licensing system.

In view of the population increase in the Tolo Harbour area the Government has embarked upon a major programme for the construction of sewage treatment plants at Sha Tin and Tai Po. These plants, with their attendant sewerage, will divert and treat polluting emissions which would otherwise be discharged directly into the streams, surface waters or stormwater drains in the zone.

## **Fire hazards in buildings**

13. MRS. FAN asked:—*Will the Government inform this Council what action is taken to remove from buildings illegal structures and obstructions which pose a fire hazard and say what members of the public should do when they detect such obstructions?*

SECRETARY FOR SECURITY:—Sir, Fire Services officers deal with illegal structures and obstructions which pose fire hazards under the fire hazard abatement procedure laid down in the Fire Services Ordinance.

Under this procedure, they first conduct an investigation to find out who is responsible for causing the hazard. If they find who is responsible, they orally warn the person concerned and asked him to remove the hazard. If they cannot find out who caused the hazard, they ask the owner or the occupier of the premises to remove it. In about 40% of cases, the person concerned does what he has been asked to do. For the other 60%, the Fire Services officers serve Fire Hazard Abatement Notices defining the hazard, explaining what must be done to abate it and setting a reasonable time limit within which action must be completed. No offence is committed until the time limit has expired and the fire hazard has still not been removed. When this stage is reached, the persons on whom the notice has been served are prosecuted. In practice, prosecution is necessary in only 10% of such cases. For the other 90%, the notices are complied with before the expiry of the time limit.

The action I have just described is taken in normal circumstances. In exceptional cases, when the fire hazard poses an immediate threat to life or when a person repeatedly offends, the Director of Fire Services is empowered under the Fire Services Ordinance to remove the illegal structures and obstructions. Only rarely has it proved necessary for him to fall back on this provision.

Illegal structures on rooftops causing fire hazards are referred to the Building Ordinance Office for clearance.

But as in all such matters, better no obstructions in the first place. So publicity to discourage illegal structures and obstructions in buildings is part of the Government's fire prevention campaign. The publicity includes regular "announcements of public interest" on T.V. and radio, the distribution of leaflets and the prominent display of posters. Also, operational fire crews and officers of the Fire Protection Bureau visit buildings to give advice to owners and tenants on fire prevention measures.

Despite all these efforts, Sir, satisfactory levels of fire safety in buildings can be achieved only with effective building management and with the full cooperation of the general public. The lack of building management particularly in older buildings, is a major problem. The Regional Secretary (Hong Kong & Kowloon) has set up a committee to see how management could be improved.

Turning to the second part of Mrs. FAN'S question, members of the public who come across obstructions causing fire hazards should report them to the Fire Services Department, through any fire station, either by telephone or in person, or via the Fire Services hotline (Tel. No. 5-281224), which the Department mans 24 hours a day. The Fire Services welcome such reports, for they can then deploy their staff straight at the problem. So it is gratifying that

the public are making increasing use of the hotline. So far this year, it has been used for 4 873 complaints compared with 3 112 during the whole of 1982.

MRS. FAN:—*Sir, can the Secretary for Security give an indication of the average time taken for such illegal structures inside buildings or on rooftops to be cleared after the matter has come to the attention of the relevant departments?*

SECRETARY FOR SECURITY:—*Sir, because so many different processes are involved, I think honestly it would be virtually impossible to produce any meaningful figures to answer my honourable friend's question. Nevertheless, I will consult the Director of Fire Services, and if he can produce some indication I will let my honourable friend have it in writing.*

(The following written reply was provided subsequently.)

The Director of Fire Services has advised that the time taken varies from case to case, depending on the seriousness of the fire hazard, the nature of the illegal structure, and whether or not the person who is responsible for causing the fire hazard can be readily found.

### **Building site plot ratio**

14. MR. SO asked in Cantonese:—

- (甲) 請問政府根據甚麼標準去訂定一個建築地盤的地積比率？
- (乙) 政府每隔多少時間才按照各區的最新需求，重新檢討上述標準？
- (丙) 最近一次檢討尖沙咀區標準的日期為何？

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

- (a) *What criteria are used to determine the plot ratio of a particular building site?*
- (b) *How frequent are the criteria reviewed to take account of the changing needs of a district?*
- (c) *When were the criteria for, say, the Tsim Sha Tsui area last reviewed?*

SECRETARY FOR LANDS AND WORKS:—*Sir, the plot ratio of a particular site is normally determined by applying the Building (Planning) Regulations. However, in some cases, the maximum plot ratio may be determined by the application of other limits such as those laid down under the rules governing density zoning, town planning, building height restrictions related to the safe operation of the airport, and lease conditions.*

Under the Building (Planning) Regulations, plot ratio is determined by dividing the gross floor area of a building by the area of the site on which it is built.

The two main factors which determine plot ratio under the Building (Planning) Regulations are the height of the building and the class into which the site falls. The height is decided by projecting an imaginary plane at 76° from the horizontal from the centre line of the streets onto which it fronts to meet the vertical plane from the boundary of the site. The class of a site is determined according to the number and disposition of streets which it abuts.

Whether development on a site is to be domestic or non-domestic also affects the extent of plot ratio permissible.

Density zoning rules, which are based on policy decided by the Governor in Council, restrict the intensity of development permitted on a site having regard to its urban, suburban or rural location and use.

Maximum permissible plot ratios are prescribed in some statutory town plans, for example those covering the Peak area and Kowloon Tong. The reasons are generally to preserve or achieve a certain standard of amenity or environment, to prevent infrastructure and services becoming overloaded, or to avoid geotechnical problems.

The reasons for building height restrictions relating to the safe operation of the airport are, I think, self-evident.

In certain circumstances, limitations on plot ratio may also be prescribed in lease conditions to achieve development of a certain type and limited density below what is permissible under other means of restriction already mentioned.

Regarding the second part of Mr. So's question, the criteria governing plot ratio embodied in the Building (Planning) Regulations have not been reviewed since their introduction in 1962 and the density zoning rules date from (April) 1966. As regards statutory plans, airport-related restrictions and lease conditions, it is difficult to be precise about the frequency of review in every case in such an answer as this; however, it can be said that all restrictions are subject to review from time to time.

The answer to the last part of Mr. So's question is that as already stated, the building regulations and density zoning rules, which apply generally, date from 1962 and 1966 respectively. However, the overriding restriction on building development of the size occurring in Tsim Sha Tsui nowadays, and therefore on plot ratio which can in effect be achieved, is that relating to the safe operation of the airport. So long as Kai Tak airport continues in operation this restriction is most unlikely to be changed.

### **Government assistance to the poor**

15. MRS. CHOW asked:—*What service or assistance is Government prepared to offer to the poor should severe cold set in?*



SECRETARY FOR HEALTH AND WELFARE:—Sir, two weeks ago in this Chamber I described the positive measures offered to street sleepers in cold weather. Such assistance in the form of shelter, blankets, hot drinks and so on is also available to anyone else with little or no resources of their own who might be without clothing or shelter in very cold weather.

Public Assistance would also normally be available to such persons all the year round, and more immediate help can be provided by the Social Welfare Department from charitable trust funds. Where necessary an issue of warm clothing can be arranged directly by the Department.

MRS. CHOW:—*Sir, should there be a sudden drop in temperature will the Social Welfare Department make it a point to inform the public the exact points where relief and assistance will be provided?*

SECRETARY FOR HEALTH AND WELFARE:—Yes, Sir. I would like to expand a little bit on that. The actual text of the present radio announcement, which advises the public at the outset of cold weather that Community Centres will be opened, does in fact refer to street sleepers only, although the Department assures me that anyone wishing to avail himself of this facility may do so. I have taken steps to ensure that in future such announcements will make it quite clear that it is not only street sleepers who are intended to have this facility.

### **Withdrawal of ferry services**

16. MR. CHARLES YEUNG asked:—*Will Government state what assessment it makes of the effect on the daily needs (for example, educational, commercial, social and transport) of communities whose scheduled ferry services are withdrawn and how it ensures when this occurs that these needs continue adequately to be met?*

SECRETARY FOR TRANSPORT:—Sir, the withdrawal of a scheduled ferry service is not considered unless it is losing money. The desirability of providing transport services for what are usually small outlying communities has to be weighed carefully against the need to ensure sensible financial viability of public transport operations.

When the withdrawal of such a service is suggested, a survey is conducted to establish the travel characteristics of the passengers using it. This includes determining the passengers' points of origin and destination, the purpose of their trips and the frequency of their travel. Alternative transport services are examined to establish the level of their use and adequacy. If, after this process, there appears to be a reasonable case for the withdrawal of the service, the proposal is submitted to the appropriate District Board for discussion. The District Board of course will have close knowledge of the needs of the travellers concerned.

After this consultation, the proposal is put to the Transport Advisory Committee. If that Committee is satisfied, the proposal is then submitted to the Governor in Council for a decision.

The situation after the withdrawal of a service is monitored closely to ensure that the alternative transport services are reasonably adequate, or improved, to reduce the inconvenience to the travellers concerned.

MR. CHARLES YEUNG:—*Sir, apart from the pre-withdrawal survey conducted to establish the travelling characteristics, is there any assessment of the effect on the daily needs, for example, educational, etc. and, if so, has such assessment been made available to the District Board for their meaningful deliberation, and what happens if the District Board's advice is contrary to the withdrawal and how is the post-withdrawal monitoring carried out?*

SECRETARY FOR TRANSPORT:—*Sir, if I could give an example of the sort of information that is sought: the Tai O/Central service which I suspect my friend Mr. YEUNG may have in mind. Three particular villages were concerned here— Sha Lo Wan, Sham Wat and Sham Chek Tsuen. It was found by the survey that this particular service was carrying less than 100 passengers per day; only two of these were found to be using the service regularly. So much for the use of the service. As to the three villages concerned, there were about 700 villagers, mainly old people and children of pre-secondary school age. As to the knowledge of the District Board, I think that the District Board concerned was made aware of all these facts. It discussed them. As I say, the Board can be expected to have a very close knowledge because it is their constituents who are the subject of the proposed withdrawal of service. In this particular case the District Board would have preferred not to have the service withdrawn. As I said in my original reply, we have to balance the economics, the financial viability of the service, against the disadvantages of withdrawal. I can only say we try and do the best we can.*

MR. CHARLES YEUNG:—*The Secretary pre-empts what I ask. I am asking about the Tap Mun Ferry actually. I have not yet heard that there is any assessment as to financial loss or educational opportunity loss to the residents. Is any assessment being made on that aspect particularly?*

SECRETARY FOR TRANSPORT:—*Yes, most definitely.*

MRS. CHOW:—*Sir, may I ask whether financial viability should be the only criterion taken into account when assessing whether a service should be withdrawn—because it appears in the answer that that weighed against the request of the District Board seemed to be the criterion chosen?*

SECRETARY FOR TRANSPORT:—*I thought, Sir, that I had made it clear that it certainly is not the only criterion and I would have thought that my original answer emphasised also that it is not the only criterion.*

MR. STEPHEN CHEONG:—*Sir, is it not true that even if a ferry service is withdrawn every effort is being made to provide alternative services. Could the Secretary for Transport confirm that?*

SECRETARY FOR TRANSPORT:—Yes, Sir, I confirm that with pleasure.

### **Public housing tenants' enquiries**

17. MR. BROWN asked:—*Will the Government explain what arrangements exist for tenants and prospective tenants of housing estates to make enquiries of the Housing Department and say whether the services available for this purpose are adequate?*

SECRETARY FOR HOUSING:—Sir, the management offices in the housing estates maintain close contact with tenants totalling 2.3 million or 44% of our population, and handle all enquiries concerning individual tenancy problems. A large number of such enquiries are raised with the management staff during their monthly door-to-door rent collection rounds.

When tenants move into new estates, they are briefed on the facilities and services available in the area. In addition, the Department has, since 1981, set up Tenant's Advice Centres in a number of new estates to help families to settle down in their new environment.

As to more general enquiries, members of the public seeking information about housing services which are centrally administered, such as application for public housing, Home Ownership Scheme, and clearance rehousing, are dealt with by the respective offices in the Housing Department's headquarters.

And, of course, public enquiry service is also available at all District Offices, where advice and information can be obtained about various aspects of Government policies and procedures including public housing.

The services provided are, therefore, adequate. During the past 12 months, we have received more than a million enquiries about public housing, of which about one-third was through the public enquiry counters and two-thirds through the Housing Department's headquarters and estate offices.

MR. BROWN:—*Sir, it is very clear that the Housing Department handles enormous numbers of enquiry with commendable efficiency. However 1 000 000 enquiries in relation to 2.3 million tenants suggest that a lot of effort is expended in this activity by the Department. Could I ask has thought been given to producing an information pamphlet to be given to tenants covering those matters which frequently cause them concern such as the policy regarding transfer and exchange of public housing units?*

SECRETARY FOR HOUSING:—Sir, such information is readily available through the larger number of estate offices scattered about evenly over the territory and the public enquiry services. In addition, the Department also announces through the mass media the position with regard to waiting list numbers due for investigation and allocation, which creates the largest number of enquiries, and also successful applicants are informed in advance of flats available in various districts during the coming months. This, again, is the subject of many impatient tenants' enquiry.

MR. BROWN:—*Sir, I understand that specific enquiries have to be handled specifically but I also understand that about 20% of the enquiries received—and we are talking about 1 000 000 enquiries—do relate to matters of a general nature. And although the information is available, could I ask again is it available in pamphlet form and, if not, would the Department consider producing a pamphlet which could be given to the tenants of these estates?*

SECRETARY FOR HOUSING:—Sir, I can assure Mr. BROWN that there are a very large number of pamphlets available.

MR. BROWN:—*Could I request that some are sent to UMELCO because they haven't actually heard of these pamphlets (laughter) and it would assist them in answering the many enquiries they receive?*

SECRETARY FOR HOUSING:—Sir, the number of cases which are dealt with by UMELCO is 1 300 which represents less than 1% of the total number of enquiries. These are mainly complaints against staff or against Housing Department decisions and requests for favourable treatment. These are cases which are unsuccessful ones and naturally they tend to appeal to UMELCO.

### **Private streets maintenance**

18. DR. HO KAM-FAI asked:—*Will the Government say what steps are taken to ensure that private streets are maintained in a clean and sanitary condition?*

SECRETARY FOR DISTRICT ADMINISTRATION:—Sir, the Urban Services Department provides a daily cleansing service to private streets which are not maintained in a clean and sanitary condition by the owners or the developer. It must however be appreciated that its actions in this respect are restricted by the fact that these streets are private land.

Government is well aware of the serious sanitary, environmental and traffic problems which result from the lack of maintenance of private streets and we are currently considering the possibility of resuming private streets and maintaining them thereafter as public roads. In order to test the practicability of this proposal we shall shortly embark on a pilot scheme which will involve

the resumption of seven streets in Hong Kong and Kowloon under the Roads (Works, Use and Compensation) Ordinance.

DR. HO:—*Sir, may I know how long the pilot project will take to complete and whether the results of the pilot project will be shared with the relevant District Boards in order to keep to the minimum the practical difficulties in resumption?*

SECRETARY FOR DISTRICT ADMINISTRATION:—I would hope it would be completed during 1984, Sir, so that we can evaluate the proposal at the end of the year.

(The following written reply was provided subsequently.)

I confirm that the results of the pilot project will be shared with District Boards.

## **Government business**

### **Motions**

#### **ROAD TRAFFIC ORDINANCE**

THE SECRETARY FOR TRANSPORT moved the following motion:—That the period for which there remains in force the limit on the number of motor vehicles which may be registered as Lantau taxis, specified in the Taxis (Lantau Taxis) (Limitation on Number) Notice 1983 published as Legal Notice No. 304 of 1983, be extended to 22 February 1984.

He said:—Sir, I rise to move the motion standing in my name on the Order Paper. It provides, under section 7E(3) of the Road Traffic Ordinance (Chapter 220), that the period for which there remains in force a limit on the number of motor vehicles which may be registered as Lantau taxis, be extended to 23 February 1984. The limit, which is specified in Legal Notice No. 304/83 of 1983, is 20.

Question put and agreed to.

#### **CRIMINAL PROCEDURE ORDINANCE**

THE LAW DRAFTSMAN moved the following motion:—That the following rules, made by the Chief Justice on 5 December 1983, be approved—

- (a) the Criminal Procedure (Appeal against Discharge) Rules 1983; and
- (b) the Criminal Procedure (Applications under Section 16) Rules 1983.

He said:—Sir, I move the first motion standing in my name on the Order Paper. The motion seeks this Council's approval of two sets of rules made by the Chief Justice under the Criminal Procedure Ordinance.

Honourable Members will recall the enactment in August of the Criminal Procedure (Preliminary Proceedings on an Indictable Offence) Ordinance 1983. That was the Ordinance which introduced the new style of committal proceedings designed to save time and unnecessary expense. It provides for the virtually automatic committal for trial by the High Court of a person who has been served with a copy of the charge and evidence. But this, in effect, would only be with the agreement of that person as he is given a right to elect for an old style preliminary enquiry. Even if an accused person does not elect for an old style preliminary enquiry, he will not lose his valuable right of applying for a discharge on the basis that there is no case to answer. The legislation enacted in August expressly provides a person committed under the new procedure with a right to apply to a High Court judge for a discharge. It also provides for such a discharge to operate as an acquittal.

On the other side of the coin, the legislation provides the Attorney General with a right to appeal to the Court of Appeal against such an acquittal.

In the accepted way, the legislation only contains fundamental provision for these matters, leaving ancillary matters and matters of procedure and detail to be provided by subsidiary legislation. The Chief Justice has now made the necessary subsidiary legislation in the form of the two sets of rules I mentioned. These rules take to its conclusion the legislative scheme mapped out by the working party chaired by Mr. Justice ADDISON.

The Criminal Procedure (Application under Section 16) Rules 1983 make provision for applications for discharge, and the Criminal Procedure (Appeal against Discharge) Rules 1983, as their name suggests, for appeals against discharge. Both sets of Rules have been circulated and as honourable Members will have seen, they provide for the procedures to be followed, forms of application and appeal, service on the other side, certain restrictions on media reporting appropriate to pre-trial proceedings, power to waive non-wilful failure to comply with the rules, and so on.

If honourable Members approve the Rules, it is intended to bring the new procedure into operation without delay, that is, to apply it to all committal proceedings that commence on or after 1 January 1984.

Sir, I beg to move.

*Question put and agreed to.*

## **CRIMINAL PROCEDURE ORDINANCE**

THE LAW DRAFTSMAN moved the following motion:—That the Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 1983, made by the Chief Justice on 5 December 1983, be approved.

He said:—Sir, I move the second motion standing in my name on the Order Paper. This seeks honourable Members' approval of the Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 1983 made by the Chief Justice on 5 December 1983.

The Criminal Procedure (Witnesses' Allowances) Rules provide for the payment of a loss allowance to a witness in a criminal case to compensate for the loss of remuneration or for expenses incurred. The loss allowance is a maximum of \$50 per day, or \$25 where the absence from home or work does not exceed four hours.

Both these amounts of \$50 and \$25 were fixed in 1978. Since then increased remuneration rates and inflation have made them increasingly unrealistic. The Rules for which approval is sought will raise them to \$90 and \$45 respectively.

These new limits do not affect the allowances for professional and expert witnesses, for which separate provision is made by the principal Rules.

Sir, I beg to move.

*Question put and agreed to.*

## TELEPHONE ORDINANCE

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

- (a) in item 8 by deleting “\$50” and substituting the following—  
“\$90”; and
- (b) by deleting item 9 and substituting the following—  
“9. For—
- |  |                    |
|--|--------------------|
| (a) a thunderstorm warning service (minimum period 12 months)— |                    |
| (i) registration   | \$90.              |
| (ii) service   | \$240 per annum.   |
| <br>   |                    |
| (b) a flood warning service (minimum period 12 months)—        |                    |
| (i) registration   | \$90.              |
| (ii) service   | \$144 per annum.’. |

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

The Hong Kong Telephone Company offers its subscribers a Thunderstorm and Heavy Rain Warning Service at a charge of HK\$50 for initial registration and an annual charge of HK\$144. The same scale of charges applies also in respect of the Company's Tropical Cyclone Warning Service. These charges were last adjusted in April 1981, and the Telephone Company considers that they are now due for revision.

In addition to seeking a revision of the charges for its weather warning services, the Telephone Company also proposes to break down its Thunder- storm and Heavy Rain Warning Service into two new, separate services, a Thunderstorm Warning Service and a Flood Warning Service. This change will reflect a similar distinction which the Royal Observatory introduced in May of this year in its own weather information warnings, in an attempt to differentiate between two related but distinct weather conditions.

The purpose of this motion is to amend Part V of the Schedule to the Telephone Ordinance so as to implement the revised nomenclature and increase certain charges attaching to the weather warning services provided by the Telephone Company. In each case, the registration fee will be raised by \$40 to \$90. The fee for the new Thunderstorm Warning Service will be \$240 per annum compared with the annual charge of \$144, which remains the same, for the other services. The proposed charges are based directly on the cost of handling registration procedures and running the services in question. The Postmaster General considers the proposed new charges reasonable.

Sir, I beg to move.

*Question put and agreed to.*

### **First reading of bills**

#### **SUMMARY OFFENCES (AMENDMENT) BILL 1983**

#### **IMPORT AND EXPORT (AMENDMENT) (NO. 2) BILL 1983**

#### **INDUSTRIAL TRAINING (CLOTHING INDUSTRY) (AMENDMENT) BILL 1983**

#### **CROWN LANDS RESUMPTION (AMENDMENT) 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**

#### **SUMMARY OFFENCES (AMENDMENT) BILL 1983**

THE ATTORNEY GENERAL moved the second reading of:—‘A bill to amend the Summary Offences Ordinance’.

He said:—Sir, I move that the Summary Offences (Amendment) Bill 1983 be read the second time.



The purpose of the Bill is to make an amendment to the Summary Offences Ordinance which is intended to assist the police in their fight against crime.

In recent years in Hong Kong there have been several instances of people being found by the police in suspicious circumstances, carrying articles which could be used to immobilize or restrain a victim while he is robbed or kidnapped or his home burgled. It is thought desirable that the police should have power to arrest and charge a person found in possession of such articles without lawful excuse.

If section 17 of the Summary Offences Ordinance is amended as proposed, it will mean that any person who has in his possession any wrist restraint or other instrument or article manufactured for the purpose of physically restraining another person, or in possession of handcuffs or thumbcuffs, intending to use such article for an unlawful purpose or being unable to give satisfactory account of his possession of it, will be guilty of an offence and liable to a fine of \$5,000 or to imprisonment for two years.

Handcuffs have been used in the course of some 57 crimes committed in 1982 and the first half of 1983 so honourable Members may well be disposed to agree that there should be some prohibition on the possession of handcuffs without lawful excuse. Thumbcuffs are a modern variation of an ancient device which have no conceivable use except for restraint. It is difficult to envisage any lawful excuse for their possession. Possession of other forms of wrist restraint will be similarly unlawful where they have been specially manufactured for the purpose.

Sir, care has been taken to ensure that the amendment is not too widely drawn. Possession of a handkerchief or a piece of string has been excluded (*laughter*), although of course they are capable of being used for restraint. The amendments are solely directed to articles manufactured for restraint. Nor are the police required to prove the purpose of possession, which is notoriously difficult.

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

*Motion made. That the debate on the second reading of the Bill be adjourned—* THE ATTORNEY GENERAL.

*Question put and agreed to.*

### **IMPORT AND EXPORT (AMENDMENT) (NO. 2) BILL 1983**

THE SECRETARY FOR TRADE AND INDUSTRY moved the second reading of:—‘A bill to amend the Import and Export Ordinance.’

He said:—Sir, I move that the Import and Export (Amendment) (No.2) Bill 1983 be read the second time.

Hong Kong's import and export controls are kept to a minimum, and either stem from our obligations under various international undertakings, or are applied for health, safety or security reasons. Such measures as are essential for the maintenance of Hong Kong's integrity in international trade are kept constantly under review, to ensure that they are both effective as controls, and on the other hand recognize the genuine needs of the legitimate trade.

This Bill seeks to increase the maximum custodial sentence for importing and exporting unmanifested cargo from six months to two years, to bring it into line with licensing offences. Under existing legislation, it is an offence to make a false statement or to alter a licence, and to facilitate the enforcement of licensing and declaration requirements, the Bill would make it an offence to cause a false statement to be made, to forge a licence or to use a forged or altered licence. Finally, the Bill seeks to extend the liability for licensing and declaration offences committed by a corporation to the directors and manager of that corporation, unless they can prove that they did not know the offence was being committed, or did all they reasonably could to prevent it.

Sir, these proposals are supported by the trade through the Trade Advisory Board and the Textiles Advisory Board, and I can assure Council that the provisions of this Bill are necessary for the effective enforcement of our import and export control system, and will strengthen our ability to maintain Hong Kong's integrity as a responsible trading partner without disruption to the legitimate trade.

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—*  
SECRETARY FOR TRADE AND INDUSTRY.

*Question put and agreed to.*

### **INDUSTRIAL TRAINING (CLOTHING INDUSTRY) (AMENDMENT) BILL 1983**

THE SECRETARY FOR TRADE AND INDUSTRY moved the second reading of :—‘A bill to amend the Industrial Training (Clothing Industry) Ordinance’.

He said:—Sir, I moved that the Industrial Training (Clothing Industry) (Amendment) Bill 1983 be read the second time.

This Bill seeks to raise from \$5,000 to \$10,000 the maximum fine and the maximum surcharge which may be imposed on an exporter who makes a false declaration or fails to lodge such a declaration. Similar provisions already exist in the Import and Export Ordinance, and this proposal will remove the inconsistency between separate pieces of legislation for the same offence.

The Bill further seeks to provide greater relief to traders involved in the shipment of clothing samples. Under existing legislation, the export of samples with a value below \$500 is exempted from the declaration requirements. To make account of present day costs, the Bill seeks to increase this value limit from \$500 to \$1,000.

The opportunity is also taken to amend the reference to the Hong Kong Training Council to the name of its successor body, the Vocational Training Council.

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—*  
SECRETARY FOR TRADE AND INDUSTRY.

*Question put and agreed to.*

### **CROWN LANDS RESUMPTION (AMENDMENT) BILL 1983**

THE SECRETARY FOR LANDS AND WORKS moved the second reading of:—‘A bill to amend the Crown Lands Resumption Ordinance’.

He said:—Sir, I move that the Crown Lands Resumption (Amendment) Bill 1983 be read the second time.

The main purpose of the Bill is to provide for the fees of professional advisers engaged by owners whose land is the subject of resumption under the Crown Lands Resumption Ordinance to be taken into account in compensation claims and payments. Clauses 2, 3, 4 and 5 seek to introduce suitable provisions regarding professional fees into sections 4A, 6, 8 and 10 of the Ordinance respectively.

Section 10 is also amended to enable all owners or occupiers of property which is the subject of resumption to claim relocation expenses reasonably incurred in connexion with the resumption. At present, claims can only be submitted when business are affected. This will enable existing arrangements under which *ex-gratia* “setting-up” allowances are paid to be dispersed with.

These amendments recognize the general principle that no one should suffer a financial loss as a result of the resumption of property and bring the Ordinance into line with other legislation which provides for the resumption of land.

Clause 6 of the Bill seeks to bring section 12(d) of the Ordinance into line with the corresponding provision in the United Kingdom’s Land Compensation Act 1961 by introducing a reference to “a willing seller” in relation to valuations. This will give greater certainty to the law and remove any difficulty in applying decided cases to the Ordinance.

Clause 7 proposes to add to the Ordinance a new section 16A to enable provisional payments of compensation to be made while claims are being determined by the Lands Tribunal. Finally, clause 8 seeks to amend section 17 to give a statutory basis to the long-standing practice of paying interest where claims are settled by agreement.

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 LANDS AND WORKS.

*Question put and agree to.*

## **INLAND REVENUE (AMENDMENT) (NO. 5) BILL 1983**

### **Resumption of debate on second reading (7 December 1983)**

*Question proposed.*

DR. HO:—Sir, the issue of separate tax assessment for married women has generated considerable discussion. It appears to me that there are two aspects to this issue. Firstly, it concerns the status and self-esteem of the working wife in our community. Secondly, it pertains to the potential tax saving advantage for the family unit.

The proposals introduced by this Bill are designed primarily to deal with the first aspect. They seek to remove the provisions deemed to be offensive to women from the Ordinance and permit spouses to make tax return jointly with each spouse being responsible for his or her share of the tax liability. The effect will be to remove the stigma and seemingly second-class status hitherto attached to the working wife. She will in the future function as a full-fledged independent member of the family, being fully recognized for her economic contributions and fully responsible for her financial obligations. These changes will meet the aspirations of women in particular and will bring the Ordinance in line with developments of our community in general, but still preserve the traditional concept of the family unit as the fiscal unit of charge.

As regards the second aspect, that is the potential financial gain derived from separate assessment, this Bill does not address itself to it. The Financial Secretary made it loud and clear in his introductory speech that the proposals will not give rise to any savings in the total tax payable by the family unit. However, if the husband and wife were taxed separately, the Financial Secretary has estimated in March 1983 that in the year of implementation, the cost could be in the order of \$285 million. This is not an insignificant sum to forego for the annual budget, and is almost equivalent to the Government subventions to

social welfare services provided by the voluntary organizations for 1983-84. The shortfall in revenue may have to be recouped either by increase in tax rates or by new taxes, with the effect of passing the taxation burden back onto the tax paying public. Therefore any such proposals have to be considered in the wider perspective, with due regard to the prevailing fiscal conditions and the long-term performance of our economy.

With these remarks, Sir, I support the Inland Revenue (Amendment) (No. 5) Bill 1983.

MISS TAM:—Sir, although the question of separate taxation has always been identified as a woman's issue in seeking recognition of her own identity, this is in fact only a very narrow interpretation of the reasons behind this "quest" for reform. As I have explained in March this year during the budget debate in this Council, the reason why a married woman takes employment is either because the family needs the second wage packet she earns; or that she has the ability to work so as to fulfil her aspiration, or both. It is probably for the same reason that her husband takes employment, and hence there is no reason to deny her the recognition of her own identity, her contribution to the family or social economy.

In the Inland Revenue (Amendment) Bill before this Council today, the amendments proposed would repeal and replace, *inter alia*, section 10 of the Inland Revenue Ordinance Cap. 112 which provides that "the income of a wife not being a wife living apart from her husband shall, (for the purposes of salaries tax payments), be deemed to be the income of the husband and shall be chargeable accordingly in his name". Likewise, section 15B which provides that for profits tax purposes a wife living with her husband "shall be deemed to be one and the same person as her husband", will also be repealed. The spouses can now take the option of making a joint return but pay their own respective shares of their total tax because they are no longer "deemed" to be the same person.

These amendments answer the criticism based on the "narrow view" that our law fails to move with the changes of time.

However, as I have expressed in the same budget debate, a broader view of the significance of separate taxation for married women is that, if the wife's tax liability is assessed on her income independent of that of her husband, there can often be a saving on the tax payable on the top slice of the couples' income (re page 730 of the Hong Kong Hansard of 24 March 1983).

Going through the comments by members of the public as reported in the press in March 1983, I think it is a correct assessment to say that the expatriate community would welcome the proposed amendments in that they recognize the wife's separate identity; but the Chinese community was far more interested in the tax savings which the broader interpretation of the concept of separate taxation may offer.

Sir, accepting the financial constraints that we are at present under and that it is unrealistic therefore to ask for the tax concession the Government has to make in a truly separate assessment of the wife's income; and hoping that this proposed Bill indicates only the first step towards further reforms and tax concessions when possible, I support the motion.

MR. POON:—Sir, in recent years, more and more women are playing an ever greater role in economic as well as in other areas of society and two-income families are getting to be the norm rather than the exception. It is therefore understandable that the unfair tax treatment of working wives under our Inland Revenue Ordinance has been a subject of complaints.

These complaints usually fall within two main categories. Firstly, under other branches of law, notably the law of property, married women have long been conferred a completely free and individual legal personality distinct from their husbands. The provisions under the present Ordinance which provide that a wife is one and the same person as her husband and that the wife's income is her husband's are therefore deemed to be archaic and offensive to women. Secondly, by aggregating the wife's income with that of her husband's, the law may impose a greater tax liability on her than if she were taxed as a single person.

The Inland Revenue (Amendment) (No. 5) Bill 1983 goes a long way to satisfying the first complaint. It gives identity to the married women, removes the provisions deemed to be offensive to women and gives husbands and wives an option to make an election for a joint return with separate payment of their respective shares of the tax bill.

However, some long-suffering husbands have complained that they have been paying their wives' taxes without ever enjoying their wives' shares of incomes. Thus many will welcome the proposal of separate assessment but may still be rather unhappy that such application can only be made jointly by both spouses and not by either individual as permitted in the United Kingdom.

However "separate assessment" must not be confused with "separate taxation". The former gives the wife no potential tax advantage, but merely apportions the tax bill. It is therefore obvious that the second complaint will not be met by this Bill. There will still be a lot of outcry from women about discrimination and that for tax purposes, it is better to live in sin than to be married. This has been considered by the Government to be somewhat over-dramatised. The effect under our present system of low tax rate and "family unit" of assessment is not as great as in those countries which adopt separate taxation. Furthermore, tax advantage would not arise in all cases. In the case of high income couples, the ceiling is the standard rate of fifteen per cent, separate taxation or otherwise. Also, under our existing law, a married man gets twice the "additional allowance" as a single person, i.e. \$15,000 instead of \$7,500. This helps in some small way to alleviate the inequity.

There are other complications in “separate taxation” but one important consideration not often mentioned is the “preservation of financial secrecy between husband and wife”. This is not possible under all circumstances with joint return. Nevertheless, it does not appear to be appropriate at this time to consider such basic change in the present economic climate.

As in “My Fair Lady”, the question is “why can’t a woman be more like a man?” and I can hear the Financial Secretary retorting loud and clear “Simply because it costs too much!”

With that final remark, Sir, I support the motion.

THE FINANCIAL SECRETARY:—Sir, I am grateful for the constructive and wise and indeed, witty comments of Mr. HO, Miss TAM and Mr. POON. This Bill is designed to remove what seemed to me quite offensive provisions. It is not intended to alter our basic salaries tax structure. The contentious issues involved have been exhaustively, indeed vehemently, debated for several years and may well again feature in next year’s budget debate. The Government raises revenue to meet expenditure sanctioned by this Council. It is entirely proper that the methods adopted should be critically examined. I believe myself that tax on the family unit is appropriate in Hong Kong. I respect other opinions. If, however, we do one day decide to change to separate taxation, Members should have no doubt that the burden removed from a few women must be transferred elsewhere. And the complications and cost would be great indeed.

Sir, I support the motion.

*Question put and agree to.*

Bill read the second time.

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

## **JUBILEE SPORTS CENTRE (AMENDMENT) BILL 1983**

### **Resumption of debate on second reading (7 December 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).*

**BUILDINGS (AMENDMENT) (NO. 3) BILL 1983****Resumption of debate on second reading (7 December 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.

**INLAND REVENUE (AMENDMENT) (NO. 5) BILL 1983**

Clauses 1 to 35 were agreed to.

**JUBILEE SPORTS CENTRE (AMENDMENT) BILL 1983**

Clauses 1 and 2 were agreed to.

**BUILDINGS (AMENDMENT) (NO. 3) 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

INLAND REVENUE (AMENDMENT) (NO. 5) BILL

JUBILEE SPORTS CENTRE (AMENDMENT) BILL and the

BUILDINGS (AMENDMENT) (NO. 3) BILL

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

*Question put on the Bills and agreed to.*

Bills read the third time and passed.



**UNOFFICIAL MEMBERS' BILLS****Second reading of bills****THE METHODIST CHURCH, HONG KONG, INCORPORATION BILL 1983****Resumption of debate on second reading (7 December 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 SEA CADET CORPS BILL 1983****Resumption of debate on second reading (7 December 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.

**THE METHODIST CHURCH, HONG KONG, INCORPORATION BILL 1983**

Clauses 1 to 11 were agreed to.

The Schedule was agreed to.

**HONG KONG SEA CADET CORPS BILL 1983**

Clauses 1 to 17 were agreed to.

The Schedule was agreed to.

Council then resumed.

**Third reading of bills**

MISS TAM reported that

**THE METHODIST CHURCH, HONG KONG, INCORPORATION BILL**

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

*Question put on the Bill and agreed to.*

Bill read the third time and passed.

MR. F. K. HU reported that the

**HONG KONG SEA CADET CORPS BILL**

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

*Question put on the Bill and agreed to.*

Bill read the third time and passed.

**Adjournment and next sitting**

HIS EXCELLENCY THE PRESIDENT:—Before I adjourn the Council may I wish all Members a very happy Christmas and a successful New Year. In accordance with Standing Orders I now adjourn the Council until 2.30 p.m. on Wednesday 11 January 1984.

*Adjourned accordingly at sixteen minutes past four o'clock.*