

**OFFICIAL REPORT OF PROCEEDINGS****Tuesday, 24 July 1984****The Council met at half past two o'clock****PRESENT**

HIS HONOUR THE DEPUTY TO THE GOVERNOR (*PRESIDENT*)  
THE HONOURABLE THE CHIEF SECRETARY (*Acting*)  
SIR. DENIS CAMPBELL BRAY, C.M.G., C.V.O., J.P.

THE HONOURABLE THE FINANCIAL SECRETARY (*Acting*)  
MR. DOUGLAS WILLIAM ALFRED BLYE, C.M.G., O.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 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 LYDIA DUNN, C.B.E., J.P.

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

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

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

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

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

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

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

THE HONOURABLE ANDREW SO KWOK-WING, O.B.E., J.P.

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, O.B.E., J.P.

THE HONOURABLE STEPHEN CHEONG KAM-CHUEN, J.P.

THE HONOURABLE CHEUNG YAN-LUNG, M.B.E., J.P.

THE HONOURABLE MRS. SELINA CHOW LIANG SHUK-YEE, J.P.

THE HONOURABLE MARIA TAM WAI-CHU, O.B.E., J.P.

DR. THE HONOURABLE HENRIETTA IP MAN-HING

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

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

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 YEUNG PO-KWAN, C.P.M.

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

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

THE HONOURABLE IAN FRANCIS CLUNY MACPHERSON, O.B.E., J.P.  
SECRETARY FOR HOME AFFAIRS (*Acting*)

THE HONOURABLE JAMES JOHN O'GRADY  
LAW DRAFTSMAN (*Acting*)

DR. THE HONOURABLE RUDY KIAN KANG KHOO, J.P.  
DIRECTOR OF MEDICAL AND HEALTH SERVICES

THE HONOURABLE GORDON LOUIS MORTIMER, J.P.  
SECRETARY FOR SECURITY (*Acting*)

THE HONOURABLE MICHAEL LEUNG MAN-KIN, J.P.  
DIRECTOR OF EDUCATION (*Acting*)

#### **ABSENT**

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

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

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

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

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

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

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

#### **IN ATTENDANCE**

THE CLERK TO THE LEGISLATIVE COUNCIL  
MR. ROBERT IAN WILLIAM UPTON

**Papers**

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

<i>Subject</i>	<i>L.N. No.</i>
Subsidiary Legislation:	
Road Traffic Ordinance	
Taxis (Hong Kong and Kowloon Taxis) (Limitation on Number) (No. 2) Notice 1984 .....	212
Road Traffic Ordinance	
Taxis (New Territories Taxis) (Limitation on Number) Notice 1984.....	213
Evidence Ordinance	
Evidence (Authorized Persons) (No. 4) Order 1984.....	216
Public Health and Urban Services Ordinance	
Public Health and Urban Services (Designation of Libraries) (No. 4) Order 1984 .....	217
Revised Edition of the Laws Ordinance 1965	
Revised Edition of the Laws (Correction of Error) (No. 2) Order 1984 .....	218
Shipping and Port Control (Typhoon Shelters) Regulations	
Shipping and Port Control (Typhoon Shelters) Regulations (Amendment of Schedule) Order 1984 .....	219
Shipping and Port Control (Dwelling Vessels) Regulations	
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Supreme Court Ordinance	
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Public Health and Urban Services Ordinance	
Pleasure Grounds (Amendment) (No. 3) By-Laws 1984.....	223
Public Health and Urban Services Ordinance	
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## Oral answers to questions

### Disclosure of transactions of publicly listed companies

1. MR. STEPHEN CHEONG asked:—*Will Government inform this Council—*

- (a) the current statutory position in relation to requiring publicly listed companies to fully disclose all the relevant facts on material transactions disclosed publicly by public companies which would have an important bearing on the interest of public investors; and*
- (b) whether Government will undertake to investigate fully into the possibility of insiders trading in relation to recent events involving a major publicly listed company?*

SECRETARY FOR ECONOMIC SERVICES:—Sir, the Companies Ordinance requires a public company, whether listed or not, to disclose certain information in its annual return, accounts and directors' report. There are, however, no statutory provisions governing statements published by the management of such a company with regard to pending or current material transactions unless a prospectus is involved.

Disclosure of information relating to material transactions has been regulated to some extent by the rules and regulations of the stock exchanges. Thus, a listed public company is required *firstly* to give immediate notice to the listing exchange of any acquisition or loss of assets of a substantial nature, and of any information necessary to enable the shareholders to appraise the position of the company, and *secondly* to avoid the establishment of a false market in the company's securities.

The Government recognises the importance of timely disclosure of commercial information for a healthy and informed stock market. For this reason, the Executive Council in September 1983 endorsed in principle the Securities Commission's recommendations regarding disclosure of shareholdings and commercial information. The Commission has been asked to draft statutory rules under section 14 of the Securities Ordinance, which will require listed public companies to make known details of any agreement regarding a material transaction affecting the company. Under these rules an announcement by the company will also have to be cleared by the exchange and the Commissioner for Securities prior to its public release.

The Commission, in consultation with the Hong Kong Federation of Stock Exchanges and other interested parties, is now in the process of finalising the draft rules, which should be submitted to Executive Council for consideration in a few months' time. We hope that they may be brought into effect before the end of this year.

Sir, as to part (b) of Mr. CHEONG's question, the Office of the Commissioner for Securities monitors share price movements on a daily basis. Whenever there is an indication that insider dealing or any other improper trading practice has

taken place in relation to the securities of a publicly listed company, investigations are initiated.

MR. STEPHEN CHEONG:—*Sir, I understand that the question of disclosure has been under consideration for a long time. Can the Secretary please explain the reasons for the delay in introducing appropriate measures?*

SECRETARY FOR ECONOMIC SERVICES:—*Sir, the question of company disclosure has indeed had a long tangled history. In the report of the Companies Law Revision Committee, the majority view was that Hong Kong should not have disclosure. But that recommendation was made some time ago. Since then the market has developed and, I think, matured. The question of company disclosure is a very complex issue on which there are very many diverse views. Formulation of appropriate measures which meet the particular needs of Hong Kong is certainly not an easy task. As I have said the Securities Commission hopes to be able to finalise the draft rules to which I have referred. We should be able to make some move before the end of the year.*

MR. STEPHEN CHEONG:—*Sir, is the Secretary in a position to indicate whether the proposed statutory rules would have been of any assistance had they been in operation earlier this year?*

SECRETARY FOR ECONOMIC SERVICES:—*Sir, I think possibly we all know what we are talking about and on that assumption I shall answer the question. Briefly the answer is yes. One of the specific provisions in the draft rules would require a listed public company to publish a brief press notice on the day following that on which the company reaches an agreement regarding any material transaction affecting the company. That published notice would be required to contain brief particulars of the transaction. Sir, it would at least alert people to what was going on, but in addition, under the rules as at present drafted there would be a provision requiring a listed public company to forward a circular to its listing exchange, the shareholders and the Commissioner for Securities, and that circular would give much more comprehensive details of any material transactions entered into by the company.*

MISS DUNN:—*Sir, the Secretary for Economic Services just now mentioned the peculiar circumstances of Hong Kong. In what way is Hong Kong different to other countries where disclosure rules are found to be effective?*

SECRETARY FOR ECONOMIC SERVICES:—*Sir, I think it is really a matter of evolution. Some of the markets where a disclosure has been introduced have been active for much longer. Various regulatory authorities and mechanisms have had much more time to develop. They have developed over a period of many years. We started down this course at a much later date. And we are now making progress. I don't think it is so much a matter of difference between Hong Kong and these other market; it is a matter of evolution.*

MR. STEPHEN CHEONG:—*Sir, in relation to Part (b) of my question, the Secretary for Economic Services has said that whenever there is an indication that insider dealing or any other improper trading practices there would be investigations being initiated. May I ask the Secretary for Economic Services what steps have been taken in relation to the recent events that I have mentioned?*

SECRETARY FOR ECONOMIC SERVICES:—*Sir, I do not think that this afternoon I should disclose details of any investigations that may be pending. I can however assure Members of this Council that the Commissioner for Securities is very conscious of public concern in relation to this matter and will take whatever steps may be appropriate.*

### **Electronic Road Pricing**

2. MR. SO asked in Cantonese:—

閣下：自一九八二年四月起，註冊私家車的數量不斷減少，現時政府還認為值得推行電子道路收費試驗計劃嗎？

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

*In view of the fact that the number of registered private motor vehicles has been decreasing since April 1982, does Government still consider it worthwhile to proceed with the E.R.P. Pilot Scheme?*

SECRETARY FOR TRANSPORT:—*Sir, notwithstanding that the number of registered private cars has dropped from 218 570 on the 1 May 1982 to 192 245 on the 1 July 1984, it is considered that the pilot scheme, to which Government is contractually committed, should be carried out as scheduled. It has indeed been reported randomly by some travellers that the duration of peak hour congestion in some locations is on occasions not as bad as it used to be and for that at least we should be grateful, but this small improvement is not yet significant enough to be quantifiable.*

MR. SO asked in Cantonese:—

閣下：試驗計劃的費用是多少，同時政府打算在那一個月份進行試驗，合約上有沒有說明，假如政府一旦回頭是岸取銷這個試驗計劃，合約上有沒有說明要賠償多少費用？

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

*What is the cost of the pilot scheme and when shall this pilot scheme commence? Is there any provision in the contract which states that we can withdraw from the pilot scheme, and how much do we have to pay in terms of compensation if we were to cancell the pilot scheme?*

SECRETARY FOR TRANSPORT:—Sir, the funds provided by the authority of Finance Committee was HK \$35 million. The full working of the pilot scheme will begin on the 28 January 1985. At present, I cannot say whether the contract provides for withdrawal. I would imagine that it would provide for it by agreement as to how much should be paid. So far we have paid just over one-half of the \$35 million total cost of the scheme, and I have no doubt that we are committed to rather more than that.

### **Environmental clearances in districts**

3. MR. CHAN YING-LUN asked:—Sir, regarding environmental clearances carried out under the auspices of District Boards over the past two years, will Government inform this Council—

- (a) *how many clearances have been carried out in each district;*
- (b) *how many residents were involved;*
- (c) *how many clearees were resettled; and*
- (d) *what difficulties have been encountered and what steps will be taken in future to minimise confrontation with residents?*

SECRETARY FOR LANDS AND WORKS:—Sir, a total of 404 environmental clearances have been carried out under the auspices of the District Boards over the past two years. About 3 248 people were involved in these clearances of whom 849 were resettled. A breakdown of the figures by district is tabled (see Appendix).

In general, no major difficulties have been encountered. The large majority of the clearances were carried out smoothly without untoward incidents. Only in a few exceptional cases was resistance encountered.

The policy and procedures governing these clearances have recently been reviewed. Consideration is being given to extending the same *ex-gratia* compensation and rehousing that apply to development clearances to environmental clearances. This would mean that compensation and rehousing would be available to clearees provided they meet the usual eligibility criteria. This would, I hope, ensure that future clearances proceed even more smoothly.

### *APPENDIX*

*Environmental clearances carried out under the auspices of District Boards over the past two years*

<i>District</i>	<i>Number of clearances</i>	<i>Number of people involved</i>	<i>Number of clearees resettled</i>
Central & Western	16	85	23
Wan Chai	21	179	60

<i>District</i>	<i>Number of clearances</i>	<i>Number of people involved</i>	<i>Number of clearees resettled</i>
Eastern	12	500	87
Southern	47	138	84
Sham Shui Po	24	70	64
Mong Kok	83	177	125
Yau Ma Tei	40	117	97
Kowloon City	42	321	92
Wong Tai Sin	45	115	0
Kwun Tong	21	1500	175
Yuen Long	14	0	0
Sai Kung	0	0	0
Tai Po	0	0	0
Tuen Mun	6	0	0
Sha Tin	2	14	10
Islands	9	0	0
North	22	32	32
Tsuen Wan	0	0	0
Total:	404	3248	849

MR. CHAN YING-LUN:—*Sir, why is it that about three quarters of the people involved in environmental clearances do not require to be resettled?*

SECRETARY FOR LANDS AND WORKS:—Most of the people involved were occupying the illegal structures for non-residential purposes. Some were carrying out commercial activities and many of these structures were also used for storage. That explains the reason that only about a quarter of the people were found to be resident in the illegal structures and found to be genuinely homeless, and of course there were some people who had alternative accommodation.

MR. CHAN YING-LUN:—*Sir, whereas I agree that consideration should be given to improving the compensation and rehousing arrangements for environmental clearances, is the Government aware that it might encourage re-occupation of the sites cleared and what action will it take to prevent this from happening?*

SECRETARY FOR LANDS AND WORKS:—Yes, we were aware that this enhanced compensation may encourage more of this kind of illegal structures. The Lands Department and other departments concerned will of course take steps to patrol the sites cleared to ensure that they are not re-occupied. Physical barriers may be placed in suitable cases to prevent actual erection of illegal structures and of course re-clearance action will be taken if the need arises.



**Departmental Interpretation and Practice Note on Inland Revenue (Amendment) Ordinance 1984**

4. MR. POON asked:—*When will Government make available to the public the Departmental Interpretation and Practice Note on the Inland Revenue (Amendment) Ordinance 1984 including the meaning of ‘carrying on business in Hong Kong’?*

THE FINANCIAL SECRETARY:—Sir, the Commissioner of Inland Revenue hopes to be able to issue the Departmental Interpretation and Practice Note on the Inland Revenue (Amendment) Ordinance 1984 to which Mr. POON has referred by the end of August this year.

**Illegal use of soft drugs by youngsters**

5. MR. CHEUNG YAN-LUNG asked:—*Regarding the illegal use of soft drugs by youngsters in Hong Kong, will Government inform this Council:—*

- (a) how many prosecutions have been brought over the past three years for such offence;*
- (b) what has been the range of penalty imposed;*
- (c) whether there are sufficient deterrent effects in the current legislation; and*
- (d) what other actions will Government take to combat this kind of criminal activities?*

SECRETARY FOR SECURITY:—Sir, among the 11 301 persons reported to the Central Registry of Drug Abuse in 1983 as actually abusing drugs, 96.4% abused heroin as the primary drug. Of the remainder, 2.3% abused opium, 0.9% abused other narcotic substances such as codeine, physeptone, dipipanone and morphine, and only 0.4% or 45 persons were reported as abusing psychotropic drugs, mainly cannabis. Of those 45 persons, 22 were under 21 years old.

It can be seen, therefore, that the number of persons abusing psychotropic drugs, so called ‘soft drugs’, to the extent that they come to the notice of the registry is very small. There are, of course, others who may be occasional abusers of psychotropic drugs who have not so far come to the notice of the authorities for being in unlawful possession of such drugs.

The use of psychotropic drugs in Hong Kong is strictly controlled under the Pharmacy and Poisons Ordinance. The law provides a fine of \$10,000 and 12 months’ imprisonment for contravention of the Pharmacy and Poisons Ordinance. Where there is epidemiological evidence of widespread abuse of a substance in other countries or when the abuse of a substance in Hong Kong appears to be increasing, the substances concerned are listed in Part I of the First Schedule to the Dangerous Drugs Ordinance. The most stringent controls are applied and offences under the Ordinance carry severe penalties extending

to life imprisonment. Psychotropic substances included in Part I of the First Schedule to the Dangerous Drugs Ordinance include cannabis, amphetamine and its derivatives, phencyclidine and methaqualone.

In 1983 a total of 73 persons under 21 were prosecuted for being in unlawful possession of psychotropic drugs. The range of penalties imposed by the court for such offences range from a fine of several hundred dollars to several months' imprisonment. Figures for 1982 and 1981 are not available because a breakdown by age was not made until 1983.

It is generally felt that there are sufficient deterrent effects in the current legislation, i.e. the Dangerous Drugs Ordinance and the Pharmacy and Poisons Ordinance. However, to curb the incidence of abuse of psychotropic drugs, a working party was established in 1983 to look into the control of psychotropic and non-opiate narcotic substances. An interim report of the working party has been submitted to the Action Committee Against Narcotics for its consideration on 16 August 1984.

At present, staff of the Narcotics Division are visiting junior secondary schools to give talks to pupils aged between 13 and 15 on the dangers of drug abuse, including psychotropic substances, and the help of parents, teachers and social workers in steering young people away from drugs is being sought.

## **Government Business**

### **Second reading of bills**

#### **INLAND REVENUE (AMENDMENT) (NO. 3) BILL 1984**

##### **Resumption of debate on second reading (11 July 1984)**

*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).*

#### **RATING (AMENDMENT) (NO. 2) BILL 1984**

##### **Resumption of debate on second reading (11 July 1984)**

*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).*

## **LEGAL AID (AMENDMENT) BILL 1984**

### **Resumption of debate on second reading (11 July 1984)**

*Question proposed.*

MISS TAM:—Sir, I rise in support of the Legal Aid (Amendment) Bill 1984 which introduces a supplementary Legal Aid Scheme to the ‘Sandwich Class’.

In giving ward consultation service to the public in my capacity as an Urban Councillor since 1979, and at times when I serve as a duty roster member at the UMELCO Office, I have come across cases in which members of the public asked for legal assistance because they failed the means test for legal aid, and yet they could not afford to engage private solicitors and counsels to pursue their lawful action for damages against those who had committed a breach of contract or those who had committed a common law duty against them.

I am grateful to Professor Peter WILLOUGHBY who had accepted my referral of two of these cases to him in order to obtain professional legal assistance from his ex-students; and to the friends in the profession for taking on another two. The fifth one was already statute-barred by the time it reached me because much time had been wasted on appealing against a rejection of legal aid, and thereafter on looking for a private lawyer the complainant could afford.

At present the Legal Aid Scheme in civil cases is estimated to cover two-thirds of the population of Hong Kong, leaving 1.4 million unprotected. In 1981, the working party on this scheme reported that between April 1980 to March 1981, 13 754 individuals applied for legal aid, of whom only 5 756 were successful, that is 42%, leaving 7 998 cases unaided; and out of these seven thousand odd cases 1 709 were refused because the applicants had failed the means test, although the cases had merits.

Sir, I thank the Attorney General for giving his attention to this worthwhile scheme and helping to deliver it from the wilderness to the civilised world. This imaginative and yet practical loan scheme will be repaid by successive and successful litigants to make it, one day, self-financing. Although it is at present available only in cases of personal injury, it has the potential to make legal justice available to many of the unprotected one-third of our population in the years to come. It has the full support of the legal profession and has been met with favourable public response. And I wish this scheme every success.

THE ATTORNEY GENERAL:—Sir, I am grateful for the welcome given by Miss Maria TAM to the supplementary Legal Aid Scheme proposed by this Bill. Indeed I hope it will ease some of the calls upon her service while she is doing her ward consultation duties. Indeed we are grateful for the support of the other Unofficial Members.

Sir, as a result of further consultation with the Registrar of the Supreme Court, and need has arisen for several minor amendments to this Bill. I should be moving these at the committee stage, and I am confident that they will improve the Bill without departing from the principles I stated in moving the second reading. The principal amendment is clause 7. The Registrar of the Supreme Court thinks that the provision of transcript of evidence is too wide, especially in respect of criminal trials. The amendment to clause 7 therefore defines more precise to the right of the age of a person to be supplied with documentation arising from other relevant proceedings. In addition, there is a minor amendment to clause 26 which has the effect of defining certain technical terms more fully. There is no issue of policies, Sir, in these amendments.

*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. 2) BILL 1984**

### **Resumption of debate on second reading (18 July 1984)**

*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).*

## **BUSINESS REGISTRATION (AMENDMENT) BILL 1984**

### **Resumption of debate on second reading (11 July 1984)**

*Question proposed.*

MR. CHAN KAM-CHUEN:—Sir, I rise to support the Business Registration (Amendment) Bill 1984, which is a major step in the right direction in the protection of the working class.

As a member of the Working Group on Problems Experienced by Workers of Companies in Receivership and a signatory of the group's report, I wholeheartedly endorse the recommendations made therein and would look forward to speaking more on the other principles on the main legislation. For this reason, I shall keep my speech short on this Bill, the purpose of which may be likened to the procurement of supplies before an army actually moves.

The Chinese name for wages is (血汗錢) i.e. 'Blood and Sweat Money'. The part about 'sweat' is well understood and clear in the Holy Bible which said 'with the sweat of thy brow thou shalt earn thy bread'. The part about 'blood' is the consequence of injury at work which cannot be totally eliminated unless we use robots to take over all dangerous jobs. However, the concerted tripartite efforts in educating workers about industrial safety and the Employees Compensation Ordinance have alleviated some of these miseries.

Not only employees but also good employers would agree that some protection should be given to wages in receivership cases. It is also important that it should be paid swiftly for the needy workers who would by then be unemployed.

After some discussion, the group finally decided in December 1982 that the employers and not the employees or the public coffers should pay the proposed \$100 levy and that the Business Registration Certificate is an existing simple and efficient, hence economic vehicle for the collection of this levy. But on 23 February 1983, we heard in this Chamber that the Financial Secretary announced an increase in Business Registration Certificate fees and my heart sank knowing that it would be difficult to raise another levy in the same year.

There was some criticism in the press about the equity in raising a flat levy of \$100 per certificate regardless of large or small business. First of all, I must point out to those critics that we had considered several methods of raising the levy and a slightly more equitable method would entail a lot of work and hence a huge drain on public expenditure and delay in the establishment of this worthy fund.

As an equity, a good example is T.A.V.A., Traffic Accident Victim Assistance, levied at a flat rate of \$30 for a large group cruiser or for a mini-car. But before critics start to argue that this is not comparing like for like, I would like to refer them to the Business Certificate Annual Fee of \$330 itself. It is applicable to a large or a small business alike, with certain exemptions in approved cases. If there was no argument in the principle of this fee, then why the resistance on the proposed levy?

In fact, this 'flat' levy still divides businesses into three main categories:—

- (a) The larger employers with more capital and employees would probably have more branches each paying an extra \$100 per certificate. Their stronger financial position may make them a smaller bankruptcy risk than smaller businesses.
- (b) The very small business, licensed hawkers, non-profit making charitable institutions etc. which are at present exempted from Business Registration Certificate fees and hence also this levy.
- (c) The main bulk of one-unit establishments which pay only \$100 per annum or 27.4 cents per day. With a package of cigarettes now selling at about \$7 or  $33\frac{1}{3}$  cents per cigarette, the so called daily burden for each establishment is about one cigarette bud like the one extinguished with the fried egg as shown on the television. If there is still hardship then the early establishment of this fund would benefit the employees of this shaky business establishment.

After taking all factors into consideration, we believe that this is the best method available within the time limit and the importance is to get the fund established. If a better method could later be found, we shall be pleased to consider it. As time goes by, no piece of legislation could always remain perfect otherwise we do not have something called the 'Amendment Bill'. Good legislation improves with time but needs not give up fundamental principles.

With these observations, Sir, I support the motion.

MR. STEPHEN CHEONG:—Sir, the Business Registration (Amendment) Bill 1984 follows from the recommendation of the Working Group on the Problems Experienced by the Workers of Companies in Receivership. And the working group suggested to set up a Protection of Wages on Insolvency Fund for protecting workers against the possible hardship faced by them when they were unable to obtain their wages due to the insolvency of their employers. The report of the working group was considered and supported in principle by the Executive Council in September last year. This Business Registration (Amendment) Bill mainly seeks to find the means to finance the Insolvency Fund.

A number of points had been received during the Bill's consideration by the Legislative Council *Ad Hoc* Group and these points included, among others, the view that a flat rate of \$100 levy is inequitable to small businesses resulting in small businesses subsidising large ones; and there were proposals of using parameters such as work force, capital structure and turnover etc. to determine the level of the levy. These views had been considered carefully and in detail both by the Administration and the Working Group of this Council.

Although the views put forward from the representation may have some degree of logic, we believe that the most important thing is that the method and

system of collecting the levy ought to be simple, efficient and cost-effective. I understand that the Working Group on the Insolvency Fund had put forth a large number of alternatives for consideration and the final option chosen was really a balance between equity and simplicity. We have heard just now the dissertation by the Honourable K. C. CHAN on the question of equity, and the most important thing is that in order to give an early start to such noble cause, the current suggestions as embodied in this Bill is in my view, acceptable. I understand that the Administration would review the rate of levy including the question of branch certificates in the future. Therefore, in order to enable first payments from the Protection of Wages on Insolvency Fund to be made as early as possible, I have the pleasure in supporting the motion.

SECRETARY FOR EDUCATION AND MANPOWER:—Sir, I am most grateful for the support of Mr. K. C. CHAN and Mr. Stephen CHEONG and Members generally for this important first step in the setting up of a Protection of Wages on Insolvency Fund.

*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).*

## **FIXED PENALTY (CRIMINAL PROCEEDINGS) (AMENDMENT) (NO. 2) BILL 1984**

### **Resumption of debate on second reading (11 July 1984)**

*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).*

## **LIMITATION (AMENDMENT) BILL 1984**

### **Resumption of debate on second reading (18 July 1984)**

*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).*

## **FIREARMS AND AMMUNITION (AMENDMENT) BILL 1984**

### **Resumption of debate on second reading (11 July 1984)**

*Question proposed.*

MR. CHARLES YEUNG:—Sir, the news media has depicted an increasing trend in the use of firearms generally and in robberies in particular. This trend has been verified by police statistics.

In August 1983, a Working Group on the Use of Firearms in Crime was set up under the auspices of the Fight Crime Committee to examine, among other aspects, whether existing legislation was adequate. It was noted that the penalties provided for firearms offences were relatively low in comparison with those in the Southeast Asian region.

The possession and particularly the use of firearms and converted or imitation firearms in the furtherance of a crime is very serious and often leads to death and injury both of members of law enforcement agencies and of innocent bystanders, whom our law is committed to protect. The Fight Crime Committee has, therefore, recommended stiffening the penalty for possession and use of firearms so that offenders may be imprisoned for life thus protecting our community from heinous and hard core criminals and at the same time providing a deterrent to 'would be' offenders.

The object of this Bill is therefore to implement the recommendation of the Fight Crime Committee. Specifically, it seeks to amend the principal Ordinance by increasing the penalties for offences involving the use of firearms or imitation firearms in crime and by making it possible to convict a person of a lesser alternative offence of simple possession under the Ordinance, if the prosecution should fail to prove a graver charge of possession of imitation firearms with criminal intent.

In this context, the proposed increase of maximum penalties from 14 years to life imprisonment for serious cases of possessing, carrying or using firearms with criminal intent or with intent to endanger life or for the purpose of resisting arrest is most appropriate and has the support of the Unofficial Members of this Council.



SECRETARY FOR SECURITY:—Sir, I thank the Unofficial Members for the support they have given to this Bill.

I share their concern about the use of firearms in crime and consider that these amendments, when enacted, will become a valuable tool in our fight to combat such activity.

*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).*

## **TATTOOING OF YOUNG PERSONS BILL 1984**

### **Resumption of debate on second reading (11 July 1984)**

*Question proposed.*

MR. CHAN KAM-CHUEN:—Sir, I rise to support the Tattooing of Young Persons Bill 1984.

Tattooing has a long history and may be found on Egyptian mummies dating back to about 2000 B.C. In Europe, the Romans tattooed their criminals and slaves but this was subsequently forbidden by the advent of Christianity. But in the rest of the world, tattooing was still widely practised among the various tribes such as Eskimos, Red Indians, Polynesians, etc.

The word 'tattoo' itself is from Tahiti. When James COOK's expedition in 1769 rediscovered this lost art, it flourished again in Europe through the returning seamen. By the 19th century it was even fashionable in the English upper classes for a short time.

In modern times, it was again used for identifying released U.S. convicts, British army deserters, inmates of Siberian prisons and Nazi concentration camps. The underworld also used it as a means for membership identification.

In ancient China, an 'inking penalty' (黥或墨刑) i.e. tattooing of criminals' faces, was imposed before they were exiled to remote places. This provided an easy and reliable identity for catching exiles who escaped and returned to civilisation within the Great Wall of China. However, those who were subsequently pardoned had to use a small piece of ointment to hide the permanent mark of disgrace on their faces. Voluntary tattooing was absent from most of China, possibly due to the Confucian teaching of (身體髮膚，受之父母，不敢毀傷，孝之始也) 'Do not injure or damage one's body, hair and skin

as these are bequeathed by one's parents. To observe this is the first step to filial piety.'

Perhaps decoration may be the most common motive in tattooing nowadays, but whether this enhances one's beauty or image is a matter of opinion. What is certain is that tattooing was once used for infamous identity, it is difficult to erase and its damage to the skin is permanent. Hence this piece of legislation is necessary to protect our youths from doing something, which is irrevocable, on the impulse of conformity or to identify themselves with the bad company they keep.

It is also recommended that the younger generation should be educated by a publicity campaign not only on the undesirable implications of tattooing but also the possible harm of skin cancer and hepatitis which may result from unsterilized needles and carcinogenic paints.

With these observations, Sir, I support the motion.

MR. CHEUNG YAN-LUNG delivered his speech in Cantonese:—

代理港督閣下：本人已超過十八歲，不受一九八四年限制青年人紋身法案所影響，故適宜就這個法案講幾句話。

本法案規定禁止對任何未滿十八歲之青少年施行紋身，但由註冊醫生因醫學理由，則不在此限，本人對於此等建議，當表贊同。

今日香港，紋身的青少年隨處可見，他們在身體各部位上紋上不同的圖案，有朋友的名字、黑社會的會徽、動植物的圖案、及宗教或迷信的象徵，動機是標奇立異，尋找刺激，表示勇敢，或祈求好運等等，亦有不少青少年，心智欠成熟，因出於好奇或受朋友唆擺而紋身。他們紋身的決定，往往是一時之念，既沒有徵得父母同意，亦沒有深思熟慮紋身以後所帶來的各種後果。可是紋身的藝術，時至今日，祇是發展至祇能「烙印」，不能消除的階段，青少年一經紋身便終身與此等圖案「深身」相印，風雨不改，永不能移。日後，當他們長大的時候，後悔紋身所帶來的各種影響，至發覺無計可想的時候，身心的負擔是沉重而痛苦的。有見及此，政府希望青年人在這個決定關係「終身」的紋身手術時，必要經過審慎考慮，並以十八歲作為界線，十八歲以上的成年人，有一定程度上的成熟心智可決定自己的個人意願，但在十八歲以下的青少年，家長需要扶持及幫助他們作此「終身」的決定，因此，本人以為，除非已徵得父母同意或個別充分理由，替十八歲以下的青少年紋身應受到懲罰。其實，同樣的法案，早在一九六九年已在英國推行，目的是對青年人的「終身」決定負上一個承擔，幫助他們達到心智成熟合法年齡後才決定他們自己的命運。

我們不是不尊重青年人的個人興趣及品味，祇是希望他們了解「紋身」手術，一旦烙下不能消除，此烙印足以影響一生；因此，我們希望這樣重要的事情，未達到一個心智成熟的年齡，深思熟慮的階段，不宜過早決定，以免他日後後悔莫及，終生痛苦。

對於十八歲以上欲考慮紋身人士，本人亦希望他們在作出決定之前，慎重考慮一下。紋身雖然是一種藝術，但社會人士普遍對此不大存有好感；兼且，若紋身處理不當，亦可能會帶來某幾類病毒性醫療問題，如皮膚傳染病或肝炎等，因此，本人希望成年人在考慮這個「終身」決定的時候，理應三思而後行。

本法案通過之日，便是法案生效之時；本法案的基本精神是「既往不咎，來者可追」；過往已紋身者期望社會人士接納他們，不要對他們產生任何歧見或反感，幫助他們投入社

會，不要予以排斥或藐視。特別是已紋身的青少年罪犯，不必過於自卑，祇要他們決心改過，社會是樂意接受他們的。而政府當局亦應多方考慮各項措施幫助他們重返社會，更要積極制訂全面性政策，加強社會教育，以免青少年人誤入歧途，防範於未然，方為上策。

閣下，本人謹此陳詞，支持動議。

(The following is the interpretation of what Mr. CHEUNG Yan-lung said.)

Sir, being over 18 years of age, I am no longer affected by the Tattooing of Young Persons Bill 1984 and therefore it is appropriate for me to comment on the subject.

The Bill serves to prohibit the tattooing of any young person under the age of 18 but the restriction will not apply to tattoos performed for medical reasons by a registered medical practitioner. To all these proposals I lend my support.

Nowadays in Hong Kong, it is not uncommon to come across young people with tattoo designs on various parts of their bodies. The designs can be the names of their friends, the emblems of triad societies, patterns of animals and plants and religious and superstitious symbols. The motive behind having tattoos is very often to make oneself outstanding, to seek excitement, to show grit or to pray for good luck. Not a few of them who are immature do so out of curiosity or on the persuasion of their friends. Often, the decision to have tattoos is made on the spur of the moment without the consent of their parents and without thoroughly considering the consequence. At present, the 'branding' made by the art of tattooing are difficult to remove and, therefore, the young people, once tattooed, have to *go with* the tattoo marks rain or shine for life. Later, when they grow up they have no alternative but to bear the consequence of this irreversible decision with regret, which apparently is a painful burden both physically and mentally. In view of this, the Government hopes that the young people will exercise great discretion when they make the important decision to have tattoos which will result in them carrying the marks for the rest of their lives and therefore sets the line at the age of 18. People over this age are comparatively mature-minded and can make the decision on their own. However, the young people under the age of 18 need the advice of their parents in this important decision which, once made, will affect them forever. Hence, unless with the consent of his parents or with adequate reasons in individual cases, I propose to make it an offence to tattoo a young person under the age of 18. In fact, a similar Act was passed in the U.K. as early as 1969 which aims at restricting the tattooing of minors until they reach the the age of consent when they have a mature-mind to make such a fateful decision.

It is not that we have no respect for the personal interest and taste of the young people. We hope only that they will understand once a tattoo is made, it is irremovable and the stigma may affect the rest of their lives. Thus, we hope that the young people, before reaching an age of mental maturity and a stage of mature deliberation, will not make too early a decision on such important matters, otherwise they may have to repent and feel painful for life.

For those above the age of eighteen who think of having themselves tattooed, I hope that they will consider it seriously before making the decision. Though tattoo is an art, people are generally averse to it. Moreover, tattoos done badly may cause a number of virus diseases, such as skin infections or serum hepatitis. Therefore, I hope that the adults, when making this 'lifelong' decision, will think of it thrice before they act.

Once the Bill is passed, it will come into effect. The basic principle of the Bill is 'Forget about the past and think of the future'. It is hoped that the tattooed will be accepted by society. There will be no discrimination against them and no dislike for them. They will be helped to rejoin society which will not exclude them or show contempt for them. In particular, the tattooed young offenders should not look down upon themselves. Society is willing to welcome them back if they are determined in reforming themselves. The Government should also consider various measures to help them back to society. It should formulate positively a comprehensive policy to strengthen social education so as to prevent young people from going astray. Prevention is indeed the best policy.

Sir, with these remarks, I support the motion.

SECRETARY FOR SECURITY:—Sir, I am grateful to Mr. K. C. CHAN and Mr. CHEUNG Yan-lung for the support given to the Tattooing of Young Persons Bill and for the support of other Unofficial Members.

*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. 3) BILL 1984**

Clause 1

THE FINANCIAL SECRETARY:—I move that clause 1 be amended as set out in the paper circulated to Members.

*Proposed amendment*

**Clause 1**

That clause 1 be amended by deleting ‘No. 3’ and substituting the following—  
‘(No. 2)’.

The amendment was agreed to.

Clause 1, as amended, was agreed to.

Clauses 2 and 3 were agreed to.

**RATING (AMENDMENT) (NO. 2) BILL 1984**

Clauses 1 to 3 were agreed to.

The Schedule was agreed to.

**LEGAL AID (AMENDMENT) BILL 1984**

Clauses 1, 3 to 6, 8 to 13, 15 to 25, 27 to 29 were agreed to.

Clauses 2, 7, 14 and 26.

THE ATTORNEY GENERAL:—I move that the clauses specified be amended as set out in the paper circulated to Members.

*Proposed amendments***Clause 2**

That clause 2 be amended in paragraph (h)—

(a) in the definition of ‘Supplementary Legal Aid Scheme’ by deleting ‘applies.’ and substituting the following—  
‘applies;’;

(b) by inserting after the definition of ‘Supplementary Legal Aid Scheme’ the following—  
“‘transcript’ includes the transcript of the official shorthand note and any official typescript of the Judge’s manuscript note.’.

**Clause 7**

That clause 7 be amended by deleting paragraph (a) and substituting the following—

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

“(a) make such inquiries as he thinks fit as to the means of the applicant and as to the merits of the case and, for the purpose of the latter, he shall be entitled to be supplied free of charge—

(i) with a copy of the minute or relevant extract from the register referred to in section 35A of the Magistrates Ordinance in any relevant proceedings and in accordance with the provisions of that section;

(ii) with a transcript of the evidence in any proceedings to which the application relates and, in the event of there being any other relevant proceedings (being proceedings to which sub-paragraph (i) does not relate), with a transcript of the relevant evidence in such other proceedings and also, if such other proceedings are criminal proceedings, of the Judge’s summing up in such other proceedings;”’.

#### Clause 14

That clause 14 be amended by deleting new section 16B(d) and substituting the following—

‘(d) except in Privy Council proceedings, he shall be entitled to be supplied free of charge with a transcript of the evidence in any proceedings to which the certificate relates and, in the event of there being any other relevant proceedings, with a transcript of the relevant evidence in such other proceedings and also, if such other proceedings are criminal proceedings, of the judge’s summing up in such other proceedings;’.

#### Clause 26

That clause 26 be amended—

(a) in new section 32—

(i) in subsection (5) by deleting all words after ‘a court order’ and substituting the following—

‘or under a compromise arrived at to avoid or bring to an end the proceedings.’;

(ii) by inserting after subsection (5) the following—

‘(6) References in this section to the property recovered or preserved for the aided person in the proceedings shall be construed in accordance with section 18A (3).’;

(b) in new section 33(2) by deleting ‘personally’.

The amendments were agreed to.

Clauses 2, 7, 14 and 26, as amended, were agreed to.

**BUILDINGS (AMENDMENT) (NO. 2) BILL 1984**

Clauses 1 to 3 were agreed to.

**BUSINESS REGISTRATION (AMENDMENT) BILL 1984**

Clauses 1 to 20 were agreed to.

**FIXED PENALTY (CRIMINAL PROCEEDINGS) (AMENDMENT) (NO.2) BILL 1984**

Clauses 1 and 2 were agreed to.

**LIMITATION (AMENDMENT) BILL 1984**

Clauses 1 and 2 were agreed to.

**FIREARMS AND AMMUNITION (AMENDMENT) BILL 1984**

Clauses 1 to 7 were agreed to.

**TATTOOING OF YOUNG PERSONS BILL 1984**

Clauses 1 to 3 were agreed to.

Council then resumed.

**Third reading of bills**

THE ATTORNEY GENERAL reported that the

RATING (AMENDMENT) (NO. 2) BILL

BUILDINGS (AMENDMENT) (NO. 2) BILL

BUSINESS REGISTRATION (AMENDMENT) BILL

FIXED PENALTY (CRIMINAL PROCEEDINGS) (AMENDMENT) (NO. 2) BILL

LIMITATION (AMENDMENT) BILL

FIREARMS AND AMMUNITION (AMENDMENT) BILL and the

TATTOOING OF YOUNG PERSONS BILL

had passed through Committee without amendment, and the

INLAND REVENUE (AMENDMENT) (NO. 3) BILL and the

LEGAL AID (AMENDMENT) BILL

had passed through Committee with amendments. He then moved the third reading of the Bills.

*Question put on the Bills and agreed to.*

Bill read the third time and passed.

### **Adjournment**

*Motion made. That this Council do now adjourn*—THE ATTORNEY GENERAL.

3.22 p.m.

HIS HONOUR THE PRESIDENT:—Eight Members have given notice of their intention to speak. Although I am sure they will be concise, I do not think we can finish in a half-hour. So I propose to exercise my discretion under Standing Orders 9(7) and 9(8) to allow Members such time as is necessary to complete their speeches and such time as is necessary for the Official Member of reply to these speeches, before putting the question on the adjournment.

### **Social system and the future of Hong Kong**

DR. FANG:—Sir, the subject of this afternoon's debate is very wide ranging indeed. It is one with which all our lives are intimately bound up with. My Unofficial Colleagues and I therefore, believe it to be of crucial importance to encourage men and women of every walk of life to express their views on the social system they would like to see after 1997. The key component of our social system is well known and I have no doubt that there will be a wide divergence of views on matters such as education, health and welfare, labour and employment, religion and culture. But I think that the vast majority will wish to see, post 1997, a framework within which our social system can continue to evolve and improve to the betterment of every member of our community.



My Unofficial Colleagues will be speaking on different aspects of our social system, ranging from education, religion, work and employment, ownership of property, privacy, the media, thought and speech and association. Together they make up the social fabric of our society and have as essential a role to play in the maintenance of our prosperity and stability as our administrative and economic systems. Underpinning all these systems is the freedom to do what one likes, subject only to the rule of law and to the dictates of one's conscience. 'Freedom' is the key word and one which must always be kept in the forefront of the current negotiations to decide our future. Freedom has become second nature to us all and it is all too easy to take it for granted. But experiences elsewhere should serve to remind us that freedom can just as easily be wrested from one through the decrees of men. Freedom of choice is what has made Hong Kong and there will be no quicker road to instability and erosion of confidence than to subordinate the free will of men to the dictates of the Government.

Sir, I believe that it will be the wish of all in our community that the best features of our social system should be maintained. These might be described as our work ethos, ingenuity and creativity, tolerance and non-violence and 'positive non-intervention' on the part of the Government.

Our philosophy of hardwork has served us exceedingly well and must continue to be the cornerstone of our prosperity and growth in future. But hardwork on its own is not enough. There must be knowledge that one can keep the just rewards of one's toil and labour. Hong Kong is filled with success stories of men and women of very humble beginnings who have made it to the top through their own efforts. Social mobility has provided the driving force and the extent to which such mobility is possible in Hong Kong must surely be one of the most remarkable features of our society. We must ensure that our future social framework will continue to provide scope for such mobility. The best guarantee lies in the provision of an adequate and progressive educational system, which encourages free intellectual development to the best of one's ability, and freedom in the subsequent choice of work.

Initiative, enterprise and creativity have played no less a part in our achievements to date. The unlimited scope for those qualities to find expression is perhaps one of the more enduring and commendable hallmarks of our capitalistic society and we need feel no shame in acknowledging this. No one here is subject to pressures of any particular ideology. We are free to build, create and consolidate, sometimes against great odds. Our people have an almost insatiable appetite for all things new whether it be in commerce, in industry, fashion or culture. There is little doubt in my mind that the meeting of East and West in Hong Kong has allowed us to draw on the best of different cultures. People of different nationalities have contributed to our community and I hope that the future will allow us to retain and nurture our cosmopolitan outlook. This can only be possible if individuals, whatever their ethnical background, can be assured that they will continue to have a useful role to play in Hong Kong after 1997.

Although Hong Kong lacks the visible trappings of a modern democracy, I believe that our people enjoy a greater degree of freedom than many other democratic countries in this region. We have freedom of expression which allows everyone to have his say but without the right to impose his will on others. We are essentially a peaceful community whatever banner headlines in the mass media may say. Freedom of expression is one of the best means of keeping any government on its toes and a responsive government will encourage such expressions as a way to progress. Take away this freedom and you will have distrust, divisiveness and apprehension—the very stuff that instability breeds on.

Finally I am persuaded that the best social system in the world requires that judicious guiding hand of the government—what I would call ‘positive nonintervention’, to use the catch phrase of the day. It is not easy to know when to intervene and when not to—and there are many occasions when we have got it wrong. No doubt these hits and misses will continue. But by and large we have not done badly and I also believe that it will be necessary for the future government to continue to protect and to meet the aspirations of the weak, the needy, the sick and the handicapped without, however, stifling individual initiatives and independence. Let the strong look after themselves.

Sir, no one could claim that our existing social system is perfect. There are still inequalities which we must strive to remove. But the ingredients for continued progress are there, and we must forge ahead. If our much avowed objective of continued stability and prosperity is to be achieved, it will be important to give equal attention to the preservation of the basic tenets of our social system and I commend these to our negotiators. Our social system has taken many years to evolve and it has been well tried. Let us be allowed to build on this foundation so that our generation and future generations to come can continue to help Hong Kong grow and prosper. In this, lies our best guarantee for the future.

REVD. P. T. MCGOVERN:—Sir, the pattern in which the growth of social services took place in Hong Kong, especially since World War II, has been that individuals or voluntary groups saw particular social needs and tried to do something about relieving them. When the needs and the remedies became clear the usual process was that Government would then either help the voluntary agency by subventions or would undertake some of the work itself. Up to a decade or so ago voluntary agencies depended heavily on funds from overseas. As these funds dried up the burden of financing social services fell more and more on government funding so that we now have our comprehensive system of a large number of subvented voluntary agencies engaged in a great variety of social services, including for the purposes of this debate, education and medicine.

It so happened historically that many of these voluntary agencies owed their origins either directly to organised religious bodies and churches or indirectly to the religious motivation of individuals. That is why the fears and hopes of people and agencies engaged in social services are not unconnected with the fears and hopes expressed in an earlier debate on the subject of freedom of belief. Any limitation of the practice of benevolence and caring for others—the old in homes, the young in schools and clubs, the sick in hospitals and clinics, and so on—would be for many also a limitation of their freedom of belief.

I do not intend to go into details of a very wide subject, but would stress particularly the need to safeguard the rights enjoyed by voluntary bodies in the field of education. The basic right to decide what sort of education a child should have lies with the parents of the child. Unable in modern society to engage full-time in academic education themselves, parents in so far as they can in an imperfect world, express their preferences by their choice of school. While I agree there is room for improvement in our education system, I also agree that the base on which it is built is correct. We have a broad curriculum including knowledge of religion for those who want it, and scope for what many parents with no religious affiliation want, a sound foundation in ethical, moral and civic principles. These parents' rights, expressed through their choice of voluntary bodies and aided by government subvention must be preserved, and I hope, improved in the years ahead.

I mention one other right which must be guaranteed in whatever agreement and basic law is forthcoming, and which has not yet been spelt out in these debates. That is the right to organise and be a member of free trade unions. By free I mean free from the domination of any political party. As I have often been misunderstood and misquoted on this subject by both left and right wing unions I must take a little of your time to make myself clear on what I mean by 'free'. I have never advocated that trade unions should not take part in political life. It is the duty of a good union to use its influence, and if necessary its power, to advise or pressurise governments to protect the rights of workers if governments are neglecting their duty in that field. This is of course a political activity. But it is very different from being dominated by a political party.

The danger in too close a connection with a party is that the workers and the power of a union will be used for the political purposes of the party rather than the protection of the union members. In a non-Marxist country for example the unions can be used either to disrupt the economy and thus try to overthrow the elected government, or by futile strikes make the workers so desperate and poor that they resort to violence, and, are from the Marxist point of view, ripe for revolution. An obvious example of some of these is the present miners strike in Britain fomented by a Marxist minority within the union. Within a Marxist country of course it is very different. There the union is under the strict control of the party, and by and large, is used to enforce discipline, sometimes in conjunction with the factory security or the militia. This, as far as I can gather, is still so in China for example, and this in spite of the reforms and separation of

powers which are now beginning as a result of the 10th National Congress of Unions in October 1983.

Such control and pressure from a political party is of course contrary to the whole idea of the freedom in which union members can decide for themselves what they want, balanced of course in a free society by due regard for the rights of owners and the good of the community.

It is true that in Hong Kong the free union movement is still very weak due to a variety of reasons. But even if not exercised, the right to organise is there and must be protected in the future—otherwise the freedom to work in the employment of one's choice, and all those other workers' rights protected by free unions will be endangered.

DR. HO:—Sir, it is difficult for economic progress to be sustained for long without a sound social system which upholds the principles of a just, free and cohesive society. A social system encompasses a set of inter-locking institutions, like education, health, social welfare, labour and religion, each making its unique contributions to the prosperity and stability of society.

In Hong Kong, people have grown accustomed to the social welfare services and have taken them for granted. If the new administration of the Hong Kong Special Administrative Region after 1997 intends to maintain the current living standards and lifestyle of the people undisturbed, it is imperative at least to preserve the existing social welfare provision. To this end, certain conditions must be kept or met. These conditions should be enshrined in the Agreement or the Basic Law and they are as follows:—

- (1) The future government must recognise the tenets of individual dignity and human rights, so that the wishes and aspirations of the individual citizen would not be subordinated to political and ideological needs.
- (2) The provision of welfare services is to maximise the development of human potential rather than to serve political objectives and propaganda.
- (3) Voluntary agencies are being recognised and allowed to freely offer their services in accordance with their sponsors' beliefs in and judgment of social priorities, without intervention from central government.
- (4) A definite commitment must be made of public resources to support voluntary sector welfare services by way of subvention or funding of services.

A strong and dynamic voluntary sector functioning in partnership with the Government to provide different sorts of social services is inevitably in the best interest of the community. It will not only expand the scope and range of social welfare provision by mobilising manpower and finance which may otherwise have laid dormant, but also serve to harness the creation of a caring and self-reliant community spirit.

The concept of voluntary participation is not restricted to social welfare institution alone. At present, there are hundreds of thousands of local people serving on government consultative/advisory boards and on executive/management committees of social service organisations in the private sector. They have made significant contributions to the community. However, difficulties have begun to surface. Enthusiasm for voluntary activity are being dampened by the uncertainties surrounding 1997 and fewer people are ready to offer themselves voluntarily to public services. Government should waste no time in the search for new ways and means for exploiting this vast pool of human resources.

Sir, another way in which human resources can be put into most effective use is to give people the right to free choice of employment. People here take up a job according to their training, preferences or personal circumstances. Work is more than a means of livelihood; it is a legitimate avenue for self-fulfilment. When a man is able to choose his own job, he will readily hold himself responsible for his performance and make every effort to improve it. These qualities of self-discipline and initiative are vital to the successful operation of a free enterprise. Furthermore, this free choice of employment releases human talent and harnesses productivity in the interest of the economy. Article 23 of the United Nations' Universal Declaration on Human Rights proclaims this freedom as a basic human right. I therefore urge that the agreement or the Basic Law should embody a provision in support of this form of freedom as a pledge of the belief of supremacy of man over political and economic considerations.

MRS. CHOW:—Sir, how vividly do I remember the picture taken a year ago of the Chinese negotiator YAO Guang under siege to a barrage of microphones, instrument that belonged to zealous members of the Hong Kong press! And did Chairman DENG not say only three months ago that even he felt intimidated by our reporters? And was it not only last month that reporters waited for three hours, skipping lunch, at the door of UMELCO waiting for an announcement on the Peking visit? And what about the full turnout at the Hong Kong and Peking airports each and every time that His Excellency the Governor departs for and returns after each round of talks. I can go on to name endless examples to prove that our dedicated reporters are performing an admirable service to our community in spite of sometimes frustrating conditions. Opening anyone of our numerous newspapers and more often than not we will find a fantastic coverage of both local and international news. The choice of style, language and presentation is unsurpassed in any other major cities in the world. Our electronic media keeps us informed with great efficiency both technically and journalistically. In spite of complaints from news chiefs, editors and reporters, they do enjoy a reasonable accessibility to information. Furthermore, journalistic privilege is by and large respected. A little known fact is that even our government station, Radio Television Hong Kong, operates independently of Government as far as news and public affairs are concerned, and they enjoy the same rights and freedom and achieve the same results as their non-government

counterparts. These include the right to protect their sources, and frequent reports on confidential material or even inadequacies of government department, much to the displeasure or delight of officials and unofficials, whichever the case may be.

Visitors never cease to be amazed by the freedom that our media enjoys, particularly when our Government is not, strictly speaking, a democratic one. Apart from Australia and Japan, Hong Kong undoubtedly enjoys the highest degree of freedom in this regard in the whole of Asia.

Such freedom would not have been possible without the tolerance of our Government which, in spite of its being constitutionally colonial, has acknowledged and respected the role of a free press as an essential mirror of public opinion in our unique administrative system. This policy of least governmental interference has enabled our press to develop according to market demands. As a result we have a very vibrant and competitive press comprising 68 newspapers with a total circulation of 1 550 000 copies per day. In addition millions of viewers and listeners are served by our television and radio broadcasts.

We have now come to a point when we should examine how the role of our media needs to be preserved or developed against the background of 1997.

The size of our media should not be arbitrarily tampered with by future authorities. Many believe there is safety in numbers, for healthy competition functions as checks and balances within the profession while offering a choice to the public. Journalists are also keen to point out that the present healthy market situation could be upset and unemployment unnecessarily created should Government in future step in to cut down the number.

Our media has served us well by assuming the role of our social conscience. This must not only be upheld but be allowed room to develop further. It should be given the opportunity to continue to monitor social justice through informed, responsible and objective commentary and criticism without fear of persecution. There must not be pressure of censorship, visible or invisible, by the State. Furthermore there must be no administrative, legal or fiscal deterrent to the dissemination as well as reception of news.

Concern has been voiced by many journalists about the Control of Publications Consolidation Ordinance whereby the Government is given extensive power to control and regulate the press. In reality the Government has adopted an extremely liberal attitude and has only taken action when the administration of justice has been seriously threatened. There is anxiety however that this practice could end if the State should at sometime in the future choose to adhere to the letter of the law, and consequently the freedom that is being enjoyed by the media could be seriously undermined, or worse still, completely stifled. I urge that in their study of the Hong Kong Law in the context of 1997, members of our legal profession should give consideration to this particular Ordinance so as to prevent any retrogression of the freedoms of the media that we have come to take for granted today.

The Sino-British agreement could provide much assurance if it were to contain specific mention to the effect that present practices will be allowed to continue beyond 1997. Furthermore there should not be double standards applicable to foreign and local journalists and journalism. In other words the free flow of information within Hong Kong as well as into and out of Hong Kong must be preserved. Anything less will threaten the existing international profile of Hong Kong in the world arena, and jeopardise our position as a communication, trade and finance centre.

The subject of a Press Council for Hong Kong has come up from time to time, the most recent being a call from the Attorney General. The Journalists Association is advocating a Media Council to include the extremely influential electronic media. I support the latter, for it is proposed not only as a means to self-regulate and upgrade the standard of professional journalism but also as a safeguard against direct or indirect interference of the free media. I appeal to Government to initiate the move towards the setting up of such a council as a matter of priority.

Freedom of the media has been a contributory factor to our prosperity and stability and is by now an inherent part of our lives. It is not a privilege but a right that we should all guard jealously so that the current atmosphere of freedom of speech and expression which affects each and everyone of us in this community will persist into the future.

MR. CHAN YING-LUN delivered his speech in Cantonese:—

閣下：長久以來，香港的社會制度，提供了自由企業的基礎，讓市民可以致力於個人財富的創造，使今日在香港繁榮富裕，成為世界上少有的經濟發展迅速地區，這些成績，都直接和間接地與自由企業制度有關。今日，無論市民是漁民、小販、工人、白領，或是投資者、實業家，大家都能滿足衣、食、住、行的基本需要外，還努力地創造和累積自己的財富—漁民可能購買金飾、小販購買樓宇、白領買賣股票等等，這些積少成多的財富累積活動，在香港市民的生活中已是很等閒的事了。

個人財富累積的動力，可以溯自香港社會中的一個基本權—財產物業私有權，有了這個基本的權利，市民的產權得到了法律的保障，而可以安心地去保有自己的物品和財產了。因此不少的小家庭，他們努力積蓄，為的是支付樓宇分期，使小家庭得以享受安居之樂。為了達到這個目標，很多家庭都要節省其他的開支，但他們亦在所不惜了。

能誘發市民擁有自己物業的需求，當然法律給予私有物業權益的保障至為重要，市民知道物業是自己所屬，則產生歸屬感、親切感和安全感，亦安心在社會上努力生活以改善自己的環境，而香港的經濟，亦是在市民努力工作爭取改善生活環境下創造出外人驚訝的奇跡。

面對九七問題，香港人關心到九七年後物業和產權能否繼續的問題；關心土地的年期問題，亦關心物業的承繼權問題。眾所週知，所有樓宇都有或長或短的年期限制，有跨越九七年的，也有九七年六月或以前便期滿的，但我認為，為了香港將來的繁榮，無論何時期滿，政府都要設法保障九七年後的物業擁有權，使年期限制不會影響置業者的信心，同時保障投資者、地產商和小業主私有物業的權益。市民若果明確知道這些權利的維持，加上承繼物業的權利可以延續下去的話，則市民在生活的計劃中便可以清楚一點，目標明朗一

點，而心理上亦更加安寧，則對於社會的安定和穩固作用上，有很大的幫助。

閣下，因此我希望中英談判協議中應詳細列明保障市民私有產權一項，使市民對物業的權益有充份的保障。

(The following is the interpretation of what Mr. CHAN Ying-lun said.)

Sir, for a long time, the social system of Hong Kong has provided a base for free enterprise, which allows the people of Hong Kong to strive for the creation of their own wealth and brings about her prosperity and affluence, turning her into one of the rare territories in the world with such rapid economic developments. These fruitful results are both directly and indirectly related to the system of free enterprise. Today, apart from satisfying their basic needs of clothing, food, housing and transportation, the people of Hong Kong, be they fishermen, hawkers, workers, white-collars, or even investors and entrepreneur, all work hard to create and accumulate wealth—fishermen buying gold and jewels; hawkers, properties and white-collars, shares, etc. The accumulating wealth little by little is very common in the everyday life of local citizens.

The drive of accumulating personal wealth can be traced to a basic right in Hong Kong—ownership of private properties. With this basic right, ownership of properties is protected by the law and the people can rest assured that they could retain their belongings and properties. This is why most small families painstakingly save up their money to purchase by instalments a flat in which they could lead a life of comfort. In order to achieve this, most families have to cut down on other expenses. But they are prepared to do so.

To encourage the people to own properties, it is essential that the law safeguards their ownership of private properties. Knowing that the properties are owned by no one but themselves, they would develop a sense of belonging, a feeling of closeness and safeness and would devote themselves to working diligently in order to improve their living conditions. The industrious efforts of the people of Hong Kong in seeking a better living has a miraculous impact on the economy of Hong Kong which outsiders found astonishing.

In connection with the issue of 1997, the people of Hong Kong are deeply concerned for the preservation or otherwise of their ownership of private properties after 1997, the problem of land tenure and the question of the right of inheritance. It is commonly known that all premises here are subject to the limitation of tenure, be it long or short. Some have their terms of lease extending beyond 1997 while others, expiring in or before June 1997. In my opinion, however, no matter when the tenure expires, the Government should ensure future prosperity by safeguarding, within possible means, the ownership of properties after 1997, because the limitation of tenure might shake up the confidence of potential property buyers. At the same time, the right of owning private properties of investors, estate dealers and small owners should be safeguarded. If the people are certain that this right would be maintained and that the right of inheritance to properties would be preserved, their plans for



the future would be more definite; their goals, clearer and their minds, more at ease, thus helping considerably in bringing peacefulness and stability to the community.

Sir, I therefore hope that the Sino-British agreement will include detailed provisions for the safeguard of local people's right of owning private properties, so that their rights over their properties could be sufficiently guaranteed.

MRS. FAN:—Sir, the people of Hong Kong look forward to a government with a high degree of autonomy after the year 1997, and to preserve their present style of life for as long as possible.

The Secretary of State, Sir Geoffrey HOWE, reassures us on 20 April 1984 in Hong Kong that:—

‘Our chief concern has been to preserve the way of life of Hong Kong, a way of life which lies at the heart of territory's success. We know that the preservation of that way of life depends upon continuity: continuity in the essentials of the legal, economic, social and administrative system; and maintenance of the freedom that people in Hong Kong now enjoy.’

Taking these important remarks to heart, the people of Hong Kong hope, above all things, that they will become reality through the endeavour of the British and the Chinese Governments.

The main objective of today's adjournment debate is to draw attention to the essentials of the social system as far as possible, while recognising that we can hardly do justice to every aspect of the system. Therefore I confine myself to plead for the continuity, preservation, and maintenance of academic freedom in our education system after 1997.

The future of Hong Kong rests with our next generation. We require intelligent people with open, inquiring and analytical minds. Our young people need to be equipped with qualifications that are recognised by other countries in order to enhance the international status of Hong Kong. To develop people with these qualities, we need academic freedom. For example:—

We need freedom in planning academic curricula that suit Hong Kong's environment.

We need freedom to pursue ways and means of gaining international recognition for our qualifications.

We need freedom to select staff irrespective of the candidates' race or political inclination.

We need freedom for students to choose courses on their own free will.

We need freedom to select students in higher education.

We need freedom in conducting research.

The existence of academic freedom has to be jealously guarded against political influence and indoctrination. Only with such freedom can our students be exposed to different ideas, materials, attitudes and beliefs which cut across geographical, racial and political barriers and thus develop tolerant and understanding attitudes to opposing views. The respect for academic freedom will ensure the continuation of the large number of schools operated by independent sponsoring bodies to offer range and variety in our school system. Hong Kong students and their parents can therefore have a wider choice of schools. In this way, we can continue to retain the heterogeneous, or rather cosmopolitan, characteristic of our citizens, who can live in harmony and pursue the common objective of 'Prosperity', 'Stability' and 'Freedom'.

Presently in higher education, there exists a relationship between the Government, the University and Polytechnic Grants Committee (U.P.G.C.), and the institutions concerned, whereby the Government exerts minimum interference over the institutions, but relies heavily on the judgement of U.P.G.C. The latter is an independent body consisting of distinguished academics from developed countries and well known local figures. The members possess amongst themselves expertise and experience in higher education as well as a thorough understanding of local needs. The institutions work closely with U.P.G.C. and receive its advice. However, basically, the institutions enjoy autonomy and academic freedom, and in turn, are subject to public scrutiny and criticism. The development of higher education in past years confirmed the effectiveness of this relationship and the significant contribution made by U.P.G.C. which is not part of the Government. The system has worked, and there is every reason for it to be maintained and developed.

In our education system, there are schools promoting different religious beliefs, philosophies, and even political ideologies. This is also a reflection of the extent of our academic freedom. I see value in preserving this freedom, because it is the essence for developing an open and tolerant attitude amongst Hong Kong people which forms the basis for a stable and harmonious society. Moreover, academic freedom ensures better intellectual development and motivation of our young people to achieve higher standard and qualifications, which will equip them to contribute more effectively towards the prosperity of Hong Kong.

There is therefore a direct correlation between the maintenance and continuation of academic freedom with the future stability and prosperity of Hong Kong. I firmly believe that it is the Hong Kong Government's responsibility, now and in future, to protect academic freedom, to allocate appropriate resources for education, and to refrain conscientiously from political interference and indoctrination.

MRS. NG delivered her speech in Cantonese:—

代理港督閣下：香港的前途與下一代息息相關。年青的一代，是香港未來的主人翁和社會棟樑，因此，在構思香港前途問題的時候，我們的重點之一是要為下一代設想，為下一代打算，而最直接的途徑，就是他們的教育。

在香港，辦學的團體有不同的宗教和思想背景，然而，學生有接受和不接受一種信仰或思想的自由，這種自由選擇的權利，在就學階段中已可以體驗得到，亦為香港市所寶貴和珍惜，因為，自由選擇的權利使市民在生活中充份體驗個人的獨特性和尊嚴。不過，真正能充份發揮個人的獨立思考而作出理智的選擇，則有賴於成長期的家庭、學校和公民教育，使每個人的性情和才幹，得以充份發揮，每一個人都能夠做到慎思明辨，而不被謊言所蒙蔽。

在學校裏，同學都認識到個人的私有物品不會和不應被外界侵擾，物主享有百份之一百控制的權利，因此同學們都知道無故打開別人的書包，翻看別人的日記，拆開別人的信件，都是不道德的，亦是侵犯個人享有私人事務和物品的自由權，這種權利，已經在香港生了根，市民亦珍惜個人私生活所享受到的保障權利，並希望能繼續保有這種權利。

以上我談及了兩種優良因素——自由選擇權及私人生活保障權。這兩種權利是目前香港社會制度下所擁有的，亦為市民所珍惜的，因此，我們在想及未來香港的同時，便有責任去努力建設一個合乎情理的架構，使下一代能充份保有既存在的優點和成功要素，使這些因子得以恒久地在瞬息萬變的社會中得以保存。此外，香港的將來能否比今日更進步，則完全視乎人的因素，因此，我們極需要從家庭、學校和公民教育三方面入手，使年青一代認識到個人與社會的關係、個人對社會的權利和義務；及參與社會、建設社會的重要性。我認為提高學生的民主意識，實在有助於培養學生了解、參與和建設社會的興趣，使同學能獨立思考，把現有制度的優點發揚、把缺點改善，所以我強調民主教育的開展，實在刻不容緩。

代理港督閣下，栽培下一代，使下一代的潛能積極發揮，從而貢獻於社會之中，是我們所應努力達致的重要目標。

(The following is the interpretation of what Mrs. NG said.)

Sir, the future of Hong Kong is closely related to the younger generation. The younger generation is the future masters and pillars of Hong Kong. Hence, when thinking about the future of Hong Kong, one of our focal points is to show concern and plan for the younger generation, their education being the most direct access.

In Hong Kong, school-operating bodies have different religious and ideological backgrounds. However, students are free to accept or refuse any belief or ideology. Such freedom of choice is available at school and is something which the people of Hong Kong value and treasure. The freedom of choice enables the people to fully appreciate their individuality and dignity in their daily life. However, it depends on the family, the school and civic education to help the young people to genuinely give full play to independent thinking and make a sensible choice, to give full play to their personalities and talents, to have a clear head and not be hoodwinked by a pack of lies.

In school, students come to know that the personal property of an individual would not and should not be tampered with by others. Owners of property have 100% controlling rights. Hence, students know that it is immoral to open the school-bags of others without any reason, to read the diaries of other people or to unseal others' letters. Such actions infringe upon the rights of others who are

entitled to enjoy privacy and to keep their personal property. These rights are deep-rooted in Hong Kong. The people treasure the right that protects their private life. They hope that they will be able to go on retaining such a right.

I have mentioned two favourable factors above—freedom of choice and protection of private life. These two rights are enjoyed under the present social system of Hong Kong, and are also treasured by the people. Therefore, when we consider the future of Hong Kong, we have the responsibility to try our best to construct a reasonable framework which will enable the next generation to retain the present merits and successful factors, so much so that these factors can be maintained perpetually in this ever changing society. Furthermore, whether Hong Kong can outpace its present achievements in future depends entirely upon the human factor. In view of this, it is essential that we should begin within the family, the school and civic education so as to enable the younger generation to understand the relationship between an individual and society, the rights and obligations of an individual towards society and the importance of participating in and making contributions to society.

In my opinion, enhancing the students' democratic awareness will help them foster an interest to understand, to participate and to contribute society. It will also help the students to think independently, to further develop the good points of the existing system and to rectify the defects. That is why I stress that the development of democratic education admits of no delay.

Sir, to foster the younger generation and to help them to give full play to their potentials so that they may make contribution to society are the important targets which we must strive to achieve.

MR. YEUNG PO-KWAN delivered his speech in Cantonese:—

代理港督閣下：今日香港是一個中西文化交流自由港。它是社會主義與資本主義的匯合點。藉着吸取各方面所提供的資源、知識及人才，在自由競爭的大原則下，市民發揮了高度的謀生適應能力和靈活的企業及創業精神。除了客觀條件外，這可說是香港人共同努力的成果。但更重要的是香港社會中存有的法治制度。在這個法治社會中，基本人權獲得保障。司法獨立，人人在法律面前平等。人人享有信仰、思想、言論、教育、就業、通訊、出版、居住、旅行、結社、集會、請願等自由。學界有學術、研究及教學自由；文化界有創作、表達及傳播自由；而工商界亦有充份企業自由。法治與自由造成香港現有的安定繁榮，促進香港的現代化，這種現況必須持續，不容破壞，而香港能成爲一個多元化開放的社會是有目共睹的。

教育是由社會提供給個人義務之一。教育的首要目標是人的培養。透過教育過程，使學生在德、智、體、群、美各方面得到均衡的發展。因此，教育是包括培養學生獨立思考、創作、分析、綜合及批判的能力。要學生認識個人的權利，對社會、國家、民族的義務和責任，使他們有服務的精神，以致創造美好的社會。事實上，決定香港前途的因素顯然是落在今日正在求學的青年人身上。他們是未來社會主人翁。他們的思想及才能將是發展社會的原動力而他們也必須務求「博學、慎思、明辨」三方面均能照顧週全。

教育的任務與目標是與社會生活和文化環境唇齒相依的。香港的教育制度是香港繼續繁榮安定的基礎。大家都知道，社會是在不斷轉變中。個人與家庭生活亦隨着科技的進展而

產生變化。一個良好的教育制度應該能夠給予每個人有發展自己潛能的機會。一九六五年教育白皮書指出「所有教育政策的最終目標，必須以家長及社會能夠負擔的費用為每個兒童提供其所能接受最佳教育」。此項目標已被認為教育重責首先落在家長身上，然後始及於社會，家庭有責任及義務教育兒童而政府則有責任幫助家庭實行其義務。政府能維持社會安定，每一家庭及每一公民可自由地實行其權利以享受存在的繁榮，因此政府必須協助及鼓勵家庭之活動，並尊敬家庭固有之權利，在這方面，家庭成員享有的教育權利應該是繼續按個人的哲學思想和宗教信仰而有所抉擇。隨着九十年代的來臨，香港社會將出現一定程度的改變，但不論如何改變，這種教育權利絕對不應因個人家庭背景、社會背景及宗教背景而被剝奪。

總括來說，教育整體長遠目標必須以促進社會公平、培養民主參與精神、繼承民族傳統文化、五育均衡發展及投資人力推動經濟，以確保香港未來繁榮安定和進步。香港教育全面檢討必須沿着長遠目標發展以便符合未來的需要。這些需要包括新科技的需求、普通話的應用、中英語文的重要、人才培養、政治意識及公民責任的加強。實現港人治港，就要配備各種人才（政治、經濟、法律、文教、管理及科研等）才能使香港得以繼續跟上世界潮流，並要努力培養出中英文較好的學生，才能配合香港社會未來發展的需要。在明白到香港前途問題是每一個香港人問題的時候，青年學子（特別是中學生及大學生），作為社會的未來棟樑，就必須清楚了解自己擁有的教育權利，把握機會主動地探求這方面的知識，以期能夠創造及保持一個更美好的社會制度。

(The following is the interpretation of what Mr. YEUNG Po-kwan said.)

Sir, today, Hong Kong is a free port where there are interflow of the Chinese and Western cultures. It is also a focal point of socialism and capitalism. The people of Hong Kong absorb resources, knowledge and talents from all quarters and display a high degree of adaptability in making a living and an ingenious enterprising spirit under the broad principle of free competition. This we can say is the result of our common effort, apart from objective conditions. But what is more important is the rule of law in our society. In our society where the rule of law prevails, the basic human rights are protected and judicial independence is also preserved. All men are equal before the law, and all enjoy freedoms of belief, thought, speech, education, employment, communication, publication, habitation, travelling, association, assembly and petition. Academic circles enjoy freedoms to learn, research and teach; cultural circles enjoy freedoms of creation, expression and dissemination while commercial industrial circles enjoy full freedom of enterprise. Such freedoms and the rule of law bring about the present stability and prosperity of Hong Kong as well as promote its modernisation. Such conditions must be preserved and safeguarded against sabotage. It is evident to all that Hong Kong has become a diversified and open society under these conditions.

One of the obligations of society towards individuals is to provide them with education. The prime target of education is to train up men. Through the process of learning, students achieve a balanced development in the aspects of moral, intellectual, physical, social and aesthetic education. Hence, education is to nurture the ability of the students to think independently, create, analyse, synthesise and criticise; to enable students to understand their rights as an

individual, their duties and obligations towards society, their country and their people so that they will have in them a spirit to serve and to make their society a better place to live in. As a matter of fact, young people at school today will obviously be the elements to determine Hong Kong's future. They will be the masters of our society. Their thoughts and ability will be the impetus that helps our society move forward. So they must also have 'wide learning, careful thinking and discerning intelligence'.

The tasks and objectives of education are closely related with social life and cultural environment. Our education system is the basis for continuing prosperity and stability of Hong Kong. As we all know, the community is constantly changing, personal and family life is also affected by the advancement in. A good education system should provide every individual with the opportunity to develop his potential. The White Paper on Education Policy published in 1965 states: 'The ultimate aim of any education policy must always be the provision of the best education for every child at a cost that the parent and the community can afford.' In the light of this, the grave responsibility of education rests first on the shoulders of the parents and subsequently on the community. The family has the responsibility and obligation to provide education for the children while the Government's responsibility is to help the family to fulfil this obligation. If the Government can maintain stability in society, every family and every member of the community would be able to freely exercise their rights to enjoy that prosperity. Hence, the Government must assist and encourage family activities and respect the rights traditionally enjoyed by the family. In this respect, members of a family should continue to enjoy their rights by being allowed to choose the type of education according to their personal philosophy and religious beliefs. With the coming of the nineties, the society of Hong Kong will undergo certain changes. No matter what the changes may be no one should be deprived of this right in education on account of his family, social or religious background.

To sum up, the overall long-term objectives of education is to promote social justice, to cultivate willingness to participate in a democratic system, to carry forward the Chinese cultural heritage, to maintain a balanced development of the five aspects of education and to produce the necessary manpower for the promotion of the economy in order to ensure the future prosperity, stability and progress of Hong Kong. The education system in Hong Kong must be subjected to an overall review and it must develop along the lines of these long-term objectives so as to meet future needs. These needs include the demand for new technology, the wide application of Putonghua, the emphasis on both the Chinese and English languages, the cultivation of local talents and an enhancement of political awareness and civic-mindedness. To implement the 'Hong Kong people to administer Hong Kong' proposal, we need people with talents (in politics, economy, law, culture and education, management, scientific research and so on) so that Hong Kong could continue to catch up with the trends of the world. We must also endeavour to cultivate students with a good

command of both the Chinese and English languages in order to cater for the needs of the future development of Hong Kong. Realising that Hong Kong's future is a problem to be faced by everyone in the territory, young students in Hong Kong, (especially the secondary school students and undergraduates) who are the future pillars of the community, must clearly understand their rights in education and must make use of every opportunity to seek knowledge in this respect with a view to establishing and maintaining a better social system.

4.14 p.m.

SECRETARY FOR DISTRICT ADMINISTRATION:—Sir, the subject of today's adjournment debate concerns one of the more intangible qualities of our life in Hong Kong: its social system. It defies definition and it has occupied the busy hours of many experts to try to pin down the secret of its success—and our success in the harsh world of today. The people of Hong Kong will be glad to hear the spirited support from Members in the Council this afternoon for the system that has evolved here. I believe that without this system, for all its elusiveness, we would not be here today, concerned about maintaining Hong Kong's stability and prosperity: for there would be no stability and prosperity to maintain.

It is from those essential elements of our society, which Dr. FANG and other Members have described in their speeches today, that this unique community has grown, and there is a direct correlation between our social system and the fact that we enjoy a level of prosperity which is among the highest in this part of the world and which is beginning to overtake many of the hitherto richer, developed countries with vast natural resources at their disposal. Hong Kong has no resources but its five million people: so it is within our social system that must lie the secret of its success; and at the heart of that system lies the freedom which has been emphasised so eloquently by the previous speakers.

For our young people there is an education system guided by policies which have been freely debated by the people and by Members of this Council and which are expressed in White Papers confirming those policies. Schools and other educational institutions are largely provided, guided and supervised by organisations which are free, within the law, from government control or intervention, and we owe a great debt to the many organisations, churches and other bodies which have contributed and are contributing so much to the instruction and moral education of our young people.

So, there you have, in this single field, freedom to debate, freedom of choice, freedom of religion and freedom from government interference!

Ours is a cosmopolitan society, and although the burden of learning English weighs heavily on our young people, it opens a window on the world through which there is a free flow and renewal of ideas. And, as Mrs. FAN has pointed out, we have the advice of international experts which permits our higher education courses to be validated with international accreditation. Our students

and our teachers study abroad and expert teachers are recruited from overseas. We thus enjoy an academic interchange and a continual refreshment of the system. This international dimension is another of the components of our educational structure and our whole way of life which gives it strength and which we must preserve.

So, too, if we look at other features of our society, we will see these same freedoms at work binding the system together with invisible links; not the links of excessive rules and regulations and an oppressive bureaucracy. Our schemes of social assistance and welfare, and our medical schemes have been devised, after taking the advice of the people they affect, and are similarly enshrined in guiding policy documents debated in this Chamber.

Ours is a young society and one which has grown by roughly one million people every ten years. In it there is great social mobility with freedom of opportunity and just rewards for hard work. Our workers, as Father MCGOVERN has said, are free to work where they will and to join together to organise, and to be members of trade unions and to protect their rights.

As Mrs. CHOW has emphasised, we enjoy free speech, are free to criticise and condemn and to praise. Each day an avalanche of words and information, in the press and on the air, of every shade of opinion ensures a lively debate and enables the men and women of Hong Kong to decide things for themselves and to form their own opinions. Mrs. CHOW'S specific proposal with regard to the law governing publications and the need for a Media Council will need to be examined in further detail. Other speakers have mentioned the freedom to own property and the freedom of our economic system.

Freedom, then, is the essence of Hong Kong society, but as the Attorney General pointed out a few weeks ago 'there can be no society in which the strong are held in check and the weak protected, in which personal freedom exists alongside the force and power necessary for good order and government, *without* laws to declare rights and duties, and courts to make them effective'.

These are the principles of freedom, of social equality, and of the law which binds them together, which have carried Hong Kong to great heights of achievement and enabled it to overcome enormous difficulties which have won it the envy and admiration of the world. These are the principles which the Chinese and the British Governments are seeking to preserve as they work steadily towards an agreement, to enable 'the continuation' as Sir Geoffrey HOWE said 'of a society which enjoys its own economic and social systems and distinct way of life'. With an agreement reached and, containing these assurances of continuing freedoms and continuing systems, we can go on to build this remarkable place into a great city of the twenty-first century.

*Question put and agreed to.*



**Adjournment and next sitting**

HIS HONOUR THE PRESIDENT:—In accordance with Standing Orders, Standing Order 8(5) having been suspended for the purpose, I now adjourned the Council until 2.30 p.m. on Wednesday, 25 July.

*Adjourned accordingly at twenty-two minutes passed four o'clock.*