

**OFFICIAL REPORT OF PROCEEDINGS****Wednesday, 10 October 1984****The Council met at half past two o'clock****PRESENT**

HIS EXCELLENCY THE ACTING GOVERNOR (*PRESIDENT*)  
THE HONOURABLE THE CHIEF SECRETARY  
SIR CHARLES PHILIP HADDON-CAVE, K.B.E., C.M.G., J.P.

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

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

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

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

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

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

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

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

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

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

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

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

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

THE HONOURABLE ANDREW SO KWOK-WING, 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 JOHN JOSEPH SWAINE, O.B.E., Q.C., J.P.

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

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

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

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

THE HONOURABLE MARIA TAM WAI-CHU, 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 DAVID GREGORY JEAFFRESON, C.B.E., J.P.  
SECRETARY FOR SECURITY

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

THE HONOURABLE CHAN YING-LUN

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 KIM CHAM YAU-SUM, J.P.

THE HONOURABLE KEITH LAM HON-KEUNG, J.P.

THE HONOURABLE CARL TONG KA-WING  
THE HONOURABLE MICHELANGELO PAGLIARI, J.P.  
SECRETARY FOR EDUCATION AND MANPOWER (*Acting*)

**ABSENT**

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

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

THE HONOURABLE MRS. RITA FAN HSU LAI-TAI

**IN ATTENDANCE**

THE CLERK TO THE LEGISLATIVE COUNCIL  
MR. LI WING

**Papers**

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

*Subject* *L.N. No.*

## Subsidiary Legislation:

Revised Edition of the Laws Ordinance 1965.	
Revised Edition of the Laws (Correction of Error) (No. 3) Order 1984 .....	336
Labour Tribunal Ordinance.	
Labour Tribunal (Fees) (Amendment) Rules 1984.....	337
Lands Tribunal Ordinance.	
Lands Tribunal (Fees) (Amendment) Rules 1984.....	338
Small Claims Tribunal Ordinance.	
Small Claims Tribunal (Fees) (Amendment) Rules 1984.....	339
Factories and Industrial Undertakings (Cartridge-Operated Fixing Tools) Regulations.	
Factories and Industrial Undertakings (Cartridge-Operated Fixing Tools) (Amendment of Schedule) (No. 2) Notice 1984.....	340
Hong Kong Royal Instructions 1917 to 1984.	
Standing Orders of the Legislative Council of Hong Kong Beginning of 1984-85 Session .....	341
Inland Revenue Ordinance.	
Inland Revenue (Interest Tax) (Exemption) (Amendment) (No. 13) Notice 1984.....	342
Tax Reserve Certificates (Fourth Series) Rules.	
Tax Reserve Certificates (Rate of Interest) (No. 8) Notice 1984.....	343

## Sessional Papers 1984-85:

- No. 1—Clothing Industry Training Authority—Annual Report for the year 1983.
- No. 2—Construction Industry Training Authority—Annual Report 1983.
- No. 3—Social Work Training Fund—Twenty Third Annual Report by the Trustee for the year ending 31 March 1984.
- No. 4—Police Welfare Fund Income and Expenditure Account with Balance Sheet and Certificate of the Director of Audit for the year ended 31 March 1983.

- No. 5—Changes to the approved estimates of expenditure approved during the quarter ending 31 March 1984 (Final).
- No. 6—Marine Fish Scholarship Fund Report for the period 1 April 1983 to 31 March 1984.
- No. 7—Agricultural Products Scholarship Fund Report for the period 1 April 1983 to 31 March 1984.
- No. 8—Fish Marketing Organisation—Statement of Accounts for the year ended 31 March 1984.
- No. 9—Vegetable Marketing Organisation—Statement of Accounts for the year ended 31 March 1984.
- No. 10—Hong Kong Housing Authority Annual Report 1983-84.
- No. 11—Hong Kong Housing Authority—Accounts with Balance Sheet and Certificate of Director of Audit for the year ended 31 March 1984.
- No. 12—Television Advisory Board, Hong Kong—10th Report.
- No. 13—Hong Kong Tourist Association Annual Report 1983-84.

### **Oral answers to questions**

#### **Proceedings against Mr. CHOI Yuk-fai**

1. MR. SWAINE asked:—*On the 30 May 1983, a man CHOI Yuk-fai was acquitted on a charge of possessing dangerous drugs, after spending 55 days in custody. He was not allowed bail because of certain irregularities in the way he was charged. His case was reported to the Administration by interested persons including the Administrator of the Law Society Scheme and the Chairman of the Bar Association for enquiry and possible compensation, and the Attorney General promised to investigate and report. Will the Government inform this Council of the outcome of his investigations?*

THE ATTORNEY GENERAL:—Sir, I am grateful to the honourable Member for raising the matter of CHOI Yuk-fai. A senior member of my Chambers has investigated the matter and I accept that the proceedings against CHOI Yuk-fai were not handled in a satisfactory manner. CHOI, who had a criminal record and was an addict, allegedly the buyer and intended user of a small quantity of heroin, was arrested on 6 April 1983. By the first of a series of mishaps he was charged before Tsuen Wan Magistrates' Court with an inappropriate charge,

that of trafficking in dangerous drugs rather than possession of dangerous drugs. On 13 April 1983 after the charges had been properly amended, a second mishap occurred in that Correctional Services were misinformed by the Clerk at the Magistracy that CHOI was remanded on both the trafficking and the possession charge, although by then the prosecution had dropped the trafficking charge against him. This resulted in serious injustice because on 6 May 1983, on a review of whether bail should be granted, the magistrate was quite wrongly informed that CHOI faced another charge of unlawful trafficking in drugs, for which he would have to be remanded in custody in any event. The truth was, of course, that this referred to the charge that had by then already been dropped. This statement removed all prospect of him getting bail. If the application for bail had been dealt with, with reference to the possession charge alone, then I believe the magistrate would have granted bail. This incident was not the fault of the Correctional Services in any way. It was an error that could and should have been sorted out by the prosecution. In consequence, CHOI spent another 24 days in custody and lost the chance of retaining his employment as a stonemason.

Sir, I am satisfied that this is a wholly exceptional case in which a series of errors as unfortunate as they were unintended, resulted in injustice and economic loss. Therefore the Administration acknowledges these shortcomings and is paying or indeed has paid an *ex gratia* sum of \$12,000 to CHOI Yuk-fai, calculated on the basis of his losses.

However, that is not the end of the matter. The investigation has recommended improvements in the system and these are being pursued with the police, the Registrar of the Supreme Court and other relevant people and bodies.

Sir, I am grateful to Mr. John MILLER, the Administrator of the Law Society's Scheme, Mr. Henry LITTON and Professor Peter WILLOUGHBY for raising the matter. I hope that the mishaps of CHOI Yuk-fai will remain unique and exceptional, and that his case has served to remind all those involved in the prosecution process and in the courts of the importance and value of personal liberty.

MR. SWAINE:—*Sir, would the Government please state how the ex-gratia sum of \$12,000 was arrived at and whether CHOI was independently advised as to this payment?*

THE ATTORNEY GENERAL:—*Sir, as to the second point, Mr. John MILLER of the Law Society Scheme investigated CHOI's employment history and independently assessed the appropriate sum of compensation and I am grateful to him for providing the services to CHOI Yuk-fai. As to the first, the sum was assessed by reference to the loss of wages suffered by CHOI as a result of being in custody and*

that during the period of unemployment subsequently and in addition it included the general sum for loss of his liberty.

MR. S. L. CHEN:—*Has any disciplinary measure been taken against those who made the mistakes in the first place?*

THE ATTORNEY GENERAL:—There has been no disciplinary action presently taken but the matter has been very fully investigated. One of the difficulties in the course of the investigation we have undertaken has been our inability finally to resolve some of the conflicting statements and circumstances and it has not been possible to form a final view as to where any particular fault laid. I think it is right to regard it an unhappy case in which there was a series of errors which led unfortunately to the consequences.

MR. PETER C. WONG:—*Sir, will the Attorney General elaborate on the improvements in the system recommended?*

THE ATTORNEY GENERAL:—Sir, I'll be glad to deal with those perhaps on a different occasion as a whole series of recommendations which have been made to me each of which has been followed through, and each of which deals with very precise procedures which ought to be followed by the various different parties who are involved in these matters, as the Correctional Services, the police, prosecution, court, clerk of court and so on. So I can't recapitulate all the improvements which we hope to obtain.

### **Disposal of written submissions to the Assessment Office**

2. MR. CHAN KAM-CHUEN asked:—*Would Government state whether any of the signed letters submitted by the public to the Assessment Office be treated confidentially and destroyed after assessment?*

SECRETARY FOR HOME AFFAIRS:—Sir, I have been informed by the Commissioner of the Assessment Office that the names and addresses of individuals who write to the Assessment Office will not be published or disclosed, although the contents of such letters will be taken into account in the assessment. It is the Commissioner's intention to publish the text of submissions from main organisations as annexes to the Assessment Report unless they specifically request otherwise.

The Assessment Report together with all supporting documents will be submitted by the Governor to the Secretary of State. The Commissioner of the Assessment Office has confirmed that no records will be kept here in Hong Kong in the Assessment Office.

MR. CHAN KAM-CHUEN:—*Sir, has the Government added these important assurances to the advertisement of the Assessment Office?*

SECRETARY FOR HOME AFFAIRS:—*Sir, we have attempted to draw attention to these arrangements by publicity other than in the advertisement.*

MISS DUNN:—*Sir, the question was whether the Assessment Office would treat these letters confidentially and would these letters be destroyed after assessment. I don't think the question has been answered.*

SECRETARY FOR HOME AFFAIRS:—*No, I think in fact I said the papers will not be destroyed. They will be sent to the Secretary of State in London, and any papers submitted to the Secretary of State will fall to be dealt with under section 5 of the Public Records Act 1958, as amended by the Act of 1967, which provides adequate safeguards against the premature disclosure of information received in confidence.*

MISS DUNN:—*Sir, in that case will specific steps be taken to protect the identity of those who write to the Assessment Office?*

SECRETARY FOR HOME AFFAIRS:—*I don't think I can really add much more to what I have said. Once the papers are public documents submitted officially to the Secretary of State, they fall to be dealt with under the Public Records Act of 1958 which as I said has safeguards against the premature disclosure of information received in confidence. In other words, there is machinery to ensure through the office of the Lord Chancellor that premature disclosure of information, by which I mean in terms of years, is not made.*

MR. PETER C. WONG:—*Is it correct that under the relevant section the period is 30 years, and that during that 30 years the records will be kept in Hong Kong?*

SECRETARY FOR HOME AFFAIRS:—*No, Sir. I said the papers will be sent with the assessment report by the Governor to the Secretary of State long before 30 years, in fact, before the end of this year. Once in London, they do not necessarily have to be exposed after 30 years. The Lord Chancellor may, with the approval, or at the request, of the minister or of any other person, who appears to him to be primarily concerned, for the time being, prescribe that, as respects any particular class of records they should not be disclosed.*

HIS EXCELLENCY THE PRESIDENT:—*I think that point has been firmly established—the destination of the papers.*

MR. PETER C. WONG:—*There is just one further supplementary.*

HIS EXCELLENCY THE PRESIDENT:—May I hear it?

MR. PETER C. WONG:—*Do I understand from the Secretary for Home Affairs that no documents will be kept in Hong Kong?*

SECRETARY FOR HOME AFFAIRS:—Yes, Sir.

HIS EXCELLENCY THE PRESIDENT:—Mrs. CHOW, you have a question? I overlooked you five minutes ago.

MRS. CHOW:—*You just ruled out my supplementary, Sir.*

MR. SWAINE:—*Sir, I would like to ask whether there is any reason why the names and addresses of people who do write to the Assessment Office should not be expunged from the documents that are sent to London after they have been verified in Hong Kong?*

SECRETARY FOR HOME AFFAIRS:—It's certainly not being thought that that's the appropriate way to deal with the documents. I think once the documents are in London, it will be for the Secretary of State to consider the assessment report as a whole with the documents going with it.

HIS EXCELLENCY THE PRESIDENT:—Miss DUNN, have you another question?

MISS DUNN:—*Yes, Sir, I am sorry. Given the concern expressed about confidentiality, is the Government satisfied that the present procedure would not inhibit people from coming forward with their views?*

HIS EXCELLENCY THE PRESIDENT:—You mean the intended procedure.

MISS DUNN:—*Yes, the intended procedure, I beg your pardon.*

SECRETARY FOR HOME AFFAIRS:—I think I can't answer that question because it must be put to the people who have this problem in their mind. What I can say is that I'm quite satisfied that the procedure proposed will not lead to the divulging of names prematurely. By prematurely I don't mean in a matter of weeks, I'm talking about many many years, and I do not think this will happen under the intended procedure or cause any embarrassment.

MR. ALLEN LEE:—*Are there any provisions for destroying such documents in the U.K. in this case?*

SECRETARY FOR HOME AFFAIRS:—I am afraid I am not familiar enough with the Act to give you an answer to that question, but as I understand it, they are not normally destroyed.



MRS. CHOW:—*Sir, if there are specific requests by people who submitted their views that their documents be destroyed within, say a certain period of say a year, would such submissions be then taken into account or would they just be dismissed?*

SECRETARY FOR HOME AFFAIRS:—I think I would require notice of that question which goes way beyond the original, and I would have to take it up separately. I don't know the answer to your question, Mrs. CHOW.

(The following written reply was provided subsequently.)

Now that it has been decided that such submissions will not be forwarded to the Secretary of State but will be kept here and destroyed after ratification of the joint agreement the answer to your question is now obvious: such statements will be taken account of.

### **Use of roads by heavy lorries and over-sized vehicles**

3. DR. HO asked:—*What is the Government policy on the use of roads by heavy lorries and over-sized vehicles with regard to the safety of other road users and pedestrians?*

SECRETARY FOR TRANSPORT:—Sir, government policy recognises that heavier and larger lorries may be the most efficient for various tasks, but that the use of such lorries must be carefully controlled in the interests of safety of other road users, including of course pedestrians. In practice, this means that new roads are designed and constructed to accommodate such vehicles; restrictions on the use of certain roads are set according to the types and classes of heavy and large vehicles; and the size, weight and positioning of loads are regulated for all goods vehicles. In addition, there are special controls on the timing, route and manner for the carriage of certain special or over-size loads.

The road traffic legislation prescribes construction and maintenance requirements which include minimum braking efficiency. The proper maintenance of all lorries is encouraged and enforced by the vehicle examination which all goods vehicles manufactured before 1976 must take before they can be relicensed at four monthly or annual intervals.

And finally, the police play an important part in enforcing the traffic legislation. There were for example 4 072 prosecutions for overloading in the first six months of this year, compared with a total of 6 714 in 1983.

DR. HO:—*Sir, in more concrete terms, under what conditions will heavy lorries be prohibited from using roads with a steep gradient?*

SECRETARY FOR TRANSPORT:—It depends, Sir, on how you define a steep gradient. I will now try. A number of factors related to the road environment do affect the safe and possible operation of heavy vehicles. They include not only the steepness of the gradients, they include the alignment, how narrow it is, how winding, and structural weaknesses which may occur in the road itself due to the passage of these heavy vehicles. These factors can occur in combination and they can be aggravated by other factors such as the presence of hawkers or other obstructions. Heavy vehicles are prohibited from roads in a combination of ways, they can either be totally prohibited or they can be prohibited by various weight groupings. I think the real point is that we have to take into account all these factors and the effect on the people who live in the area and workers, businesses operated there, shops and so on in such a road before you can decide. Generally speaking, the maximum gradient which engineers recommend as safe is between 4 per cent and 10 per cent. However, in the case of certain roads due to the heavy construction costs and the effect on the livelihood of the people in those roads, gradients steeper than 4 to 10 per cent have to be tolerated for heavy vehicles. Greater than 15 per cent we try to avoid altogether but I would give you an example: the Blue Pool Road, which has a gradient of approximately 23 per cent and which of necessity has heavy goods vehicles on it, and of course it is a high frequency bus route.

DR. HO:—*Sir, I recall some months ago, a very long container truck caused fatal injury to a pedestrian on a road at a bend and I wonder what steps the Government will be taking to prevent this kind of accident?*

SECRETARY FOR TRANSPORT:—I can't call to mind, Sir, the particular accident but the steps taken would be within the policy of safety for pedestrians as well for other drivers in the particular case you mentioned. They include examining the geometry of the roads, the possibility of routing such traffic in different ways and so on. If it is necessary for a vehicle like a container vehicle to go through a road which is prohibited or which normally seems to be unreasonable for such a vehicle, they will either get a special permit and/or have police assistance and be accompanied by police on that route.

### **Dental graduates**

4. MISS TAM asked:—*Regarding the graduates of the Prince Philip Dental Scheme, will Government inform this Council:*

- (a) how many will qualify in 1985 and 1986;*
- (b) has Government any plans to absorb some of these graduates into the Government Dental Service, if so, how many will be employed and where will they be stationed;*

- (c) *is there any plan to employ some of these new graduates in government subvented establishments; and*
- (d) *will these dental graduates be able to find jobs in the private sector?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, I shall answer Miss TAM'S four questions in order:

- (a) The numbers of dental students expected to qualify in 1985 and 1986 are 69 and 71 respectively.
- (b) There are plans to absorb some of these graduates into the Government Dental Service in accordance with the normal recruitment procedures. Taking into account the existing and anticipated staffing positions and posts arising from planned projects, it is envisaged that there will be about 50 vacancies available for open recruitment from now to early 1986. Those graduates who are found suitable and recruited will be posted to various government dental clinics, hospitals and the school dental service.
- (c) There are no plans to employ these new graduates in government-subvented establishment as there are no vacancies in these hospitals at present.
- (d) Members may recall that one of the major objectives of establishing the Dental Faculty in the University of Hong Kong was to produce dentists who would be expected to serve the community by practising in the private sector. This is still the case with the new dental graduates of the university.

However, the actual placement of the new graduates in the private sector will largely be dependent on circumstances and market forces which can only be apparent after they have graduated. It is therefore not possible to predict with any degree of accuracy the extent of such placement at this stage. The situation will be monitored.

MISS TAM:—*Sir, at the inception of this particular dental scheme, was there any ratio planning as to the shortfall of dentists in the community, and in particular, in the private sector? If the answer is yes, is the shortfall large enough to absorb your graduates in the next two years?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, the answer is of course, yes, because when anything as large as the Dental Faculty was planned, shortfalls and the needs for services of dentists for the community are always identified. At the time, when the Dental Faculty was first conceived, an arbitrary ratio for the purpose of planning was set for one dentist to 6 000 population. In fact, the view of the international health authorities is that there is no optimum ratio as such. An arbitrary figure for planning as I have said has to be set. In point of fact, this ratio of one dentist to 6 000 population has not yet been reached at this

point in time. Therefore, the direct answer to your question is that presumably there will be room for accommodating the dental graduates in the private sector.

MISS TAM:—*Sir, I would appreciate if I can have some specific figures as to the estimated shortfall?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—*Sir, the number of dentists on the register when the Dental Faculty was first conceived in 1974 was only 440. The overall dentist-population ratio was then one to 9 000. It was hoped that if the training institution was established to produce dentists locally at the rate of say, around 60 a year, then, according to the assumptions then, we would be able to reach the target of 1:6 000 by about 1990.*

DR. IP:—*Sir, I would like to follow on that question to find out, that although in 1974 when the school was about to be established, there was one dentist to every 9 000 as quoted, but obviously in 1984, the situation is different now, and I would like rather for the Director of Medical and Health Services to give us the up-to-date assessment of the situation as regards to, prior to the qualifications in 1985 of the new graduates, what is the existing ratio now?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—*Sir, as I said just now, the existing ratio is now one to 7 200. Therefore we have not reached the target yet.*

DR. IP:—*Thank you, but I have another supplementary question. Sir, are all these 50 vacancies as mentioned by the Director of Medical and Health Services suitable for the newly qualified graduates?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—*Sir, again as I said just now, these posts are available for open recruitment according to normal procedures, so the new graduates have an equal chance to compete for such posts.*

DR. IP:—*I think I have been misunderstood in the sense that as was said in the answer it is envisaged that there will be about 50 vacancies but it was said in the answer that 'those graduates who are found suitable', but obviously one will know now whether these jobs that will come up are suitable or not for newly qualified graduates, and this is my supplementary question.*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—*Well, perhaps there is some misunderstanding about the use of the word 'suitable'. By 'suitable', I mean that finally, in competition with others, they are the best of all the candidates we can choose. As far as qualifications are concerned, they must be 'suitable' so that the candidates may apply for the posts.*

DR. IP:—*May I ask another supplementary, Sir?*

HIS EXCELLENCY THE PRESIDENT:—One more question, and one only.

DR. IP:—*Since 90 dentists in 1985 will not find jobs in government dental services based on existing government plans, will Government consider plans to offer more government dental services to the community but at cost, rather than at heavy subvention so as without any financial burden to the tax-payers be able to absorb more of these newly qualified graduates?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Perhaps again I did not make myself clear just now. When the Dental Faculty was established, the basic reason for establishing it is to produce dentists to practise in the private sector and therefore the whole intention is really for them to practise in the private sector rather than for Government to create jobs to accommodate such graduates.

HIS EXCELLENCY THE PRESIDENT:—The subject might be taken further at some further date in an adjournment debate but I think we're wandering into rather distant waters at the moment.

### **Fire hazards at the Blue Box Industrial Building**

5. MISS DUNN asked:—*Is it true that the Fire Services Department was alerted about fire hazards at the Blue Box Industrial Building by the Fire Insurance Association one year before the fire in that building last month? If so, what preventive measures were taken by the Department?*

SECRETARY FOR SECURITY:—Sir, I can confirm that in 1983 the Fire Services Department did receive a complaint from the Hong Kong Fire Insurance Association about a fire hazard in this building. It was a specific complaint about an obstruction on the 13th floor lift lobby. The Fire Services dealt with the complaint promptly and the proprietor of the factory on the floor cleared the obstruction. No legal action was required. In fact this complaint was only one of many going back some years. The Fire Services Department has served a total of 30 Fire Hazard Abatement Notices on the proprietors of various factories in the building. When the proprietors did not remove the hazards, or having done so put them back again, the Department prosecuted the offenders.

MISS DUNN:—*Sir, is the Government satisfied that the present legislation regarding fire hazards provide adequate deterrent against those who choose to contravene the law?*

SECRETARY FOR SECURITY:—Sir, speaking personally, neither the Director of Fire Services nor myself are at all satisfied. The fact of the matter is that it is not an offence to create a hazard; it is only an offence not to remove it having been told by the Fire Services Department to remove it, or having removed it, to put it back again. Now this state of affairs may be fine in a place where factory buildings are normally owned by one proprietor and normally are of one or two storeys but I think in Hong Kong's situation of multi-storey factories and buildings with multi-ownership this part of the law is not satisfactory. I have asked the Director of Fire Services to look into the possibility of amending the law and he will be putting forward his proposals, I hope, in the fairly near future, but he will have a fair amount of consultation to do, with particularly, the Trade and Industry Departments.

### **Companies (Amendment) Ordinance 1984**

6. MR. POON asked:—*In view of the complexity of the Companies (Amendment) Ordinance 1984, what measures is Government taking to explain its provisions to the public and professional advisers generally and in particular regarding the filing of documents?*

SECRETARY FOR ECONOMIC SERVICES:—Sir, companies legislation is of interest primarily to the business community, and the amendments introduced by the Companies (Amendment) Ordinance 1984 were the result of many years of consultation with professional bodies and members of the business community. The Bill was first published for information in July 1980 and was discussed at a number of seminars organised by various bodies. Staff of the Registrar General's Department participated in some of these seminars with a view to explaining the legislation. It may be of interest to Members of this Council that at this moment, a two-day seminar on the subject is underway.

In the circumstances, the Government is not taking measures to provide any general explanation of the contents of this lengthy amendment Ordinance, which covers so many aspects of company law. It would be impractical to try and produce a comprehensive guide. The Registrar of Companies does, however, issue circulars to professional bodies on various aspects of the Companies Ordinance, and notes on certain provisions of the Companies Ordinance with special reference to documents which have to be filed in the Companies Registry are also available on request. These latter notes are being updated to take into account any amendments to the principal Ordinance.

MR. POON:—*Can the Secretary for Economic Services give any indication when the updated circular or notes to professional advisers will be available?*

SECRETARY FOR ECONOMIC SERVICES:—Sir, the up-dating is a continuous process and in fact some amended circulars have already been issued. As far as the notes that are issued from time to time are concerned, I can't give an exact date this afternoon but certainly Mr. POON'S concern has been taken into account by the Registrar of Companies and the amendments will be available as soon as possible.

MR. POON:—*As the time for compliance with the new filing requirement is only one month, which in fact expired on 30 September 1984, will Government take a sympathetic view as regards penalties for slight or reasonable delays in compliance with the new filing requirements?*

SECRETARY FOR ECONOMIC SERVICES:—Sir, I think this would be a matter for the court. If a prosecution were brought before the court, it would be for the court to take a sympathetic view, not the Government.

MR. PETER C. WONG:—*Sir, the Secretary said it would be impractical to produce a comprehensive guide in view of the length of the Ordinance but would he agree that it would be invaluable to produce a simple guide on the salient and more important points of the Ordinance?*

SECRETARY FOR ECONOMIC SERVICES:—Sir, I think it would be difficult to produce a simple guide that would not be a misleading guide. In any event I am sure that professional advisers would wish to read the Companies (Amendment) Ordinance in its entirety so that they may advise their clients appropriately.

HIS EXCELLENCY THE PRESIDENT:—A very good answer.

### **Traffic safety in Eastern Street**

7. MISS TAM asked:—*Will Government state what short term and long term measures will be taken to improve traffic safety in the Eastern Street area in the Western District in Hong Kong?*

SECRETARY FOR TRANSPORT:—Sir, work has started on laying skid resistant material on widening the footpaths on Eastern Street between Queen's Road West and Second Street. Other short term measures include erecting signs with the warning 'Steep hill/Keep in low gear' on Eastern Street between High Street and Second Street, and 'Give Way' signs and markings which have been placed at the junction of Eastern Street, Second Street and Hospital Road. Skid resistance tests have been carried out on the remaining steep section of Eastern Street, and on Centre and Western Streets, to establish whether further safety measures are necessary.

The scope for further improvements is limited in these narrow, steep streets with residential, commercial and industrial buildings which have to be served by goods vehicles. Longer term improvement will depend upon the large scale redevelopment of the area. In conclusion, and to some extent in mitigation, I should point out that most traffic using Eastern Street and the neighbouring roads comprises vehicles requiring access to buildings. Through traffic travels via Queen's Road West, Bonham Road, Pok Fu Lam Road and the Hill Road flyover.

MISS TAM:—*Sir, referring to long-term measures, considering that Central and Western area is not a priority area for urban renewal and at the moment redevelopment is confined to isolated domestic premises, would the Secretary for Transport consider, for example, re-routing of traffic to avoid heavy vehicle from coming downhill and let them only go, for example, uphill?*

SECRETARY FOR TRANSPORT:—I am grateful for the suggestion, Sir, which I think came up at the Central and Western District Board recently. We are looking at it. It does of course involve one-way routing which may not be too easy in that rather congested area, but we shall be looking at it.

### **Right to land of Hong Kong residents**

8. MR. CHAN YING-LUN asked in Cantonese:—

香港居民在外國入籍後返回香港時，政府對他們在本港的居留權問題採取什麼政策？

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

*What is the policy regarding the right of abode of Hong Kong residents who return to Hong Kong from a foreign country after having acquired the nationality of that country?*

SECRETARY FOR SECURITY:—Sir, 'right of abode' is an expression used in the United Kingdom Immigration Act. The rough equivalent of it under Hong Kong law is 'right to land'. A person who has the 'right to land' is free from immigration control and may remain in Hong Kong free of any limit or condition of stay. Persons who have the 'right to land' under the Immigration Ordinance include British Dependent Territories (Hong Kong) citizens, and Chinese residents. Persons who have the right to land in Hong Kong will not lose that right after they have acquired a foreign nationality. In practice they can obtain a 'right to land' endorsement in their travel documents enabling them to re-enter Hong Kong freely.

MR. CHAN YING-LUN asked in Cantonese:—

閣下，香港居民在外國出生的子女的入境權是怎樣的？



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

*Sir, what is the policy regarding the right to land of children born in foreign countries if their parents are Hong Kong residents?*

SECRETARY FOR SECURITY:—Sir, generally speaking, these children would have the right to land under the law of Hong Kong if their parents were British Dependent Territories citizens at the time of their birth.

MR. CHAN YING-LUN asked in Cantonese:—

閣下，對於以前的香港居民，他們持有中國的單程或雙程的出境證來到香港，政府的政策若何？

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

*Sir, what is the policy regarding Hong Kong residents returning from China on one-way or two-way Chinese exit permits?*

SECRETARY FOR SECURITY:—Sir, Hong Kong residents returning from China regardless of whether they have entered on one-way or two-way exit permits will not lose their right to land provided they have satisfactory evidence that they have at any time been ordinarily resident in Hong Kong for a continuous period of not less than seven years but I have to emphasise that under the Immigration Ordinance a person shall not generally be regarded as ordinarily resident in Hong Kong if he is in Hong Kong illegally, or as a refugee, or is in prison. Thus for a Hong Kong resident returning from China, the onus is on him to prove that he has at any time been legitimately ordinarily resident in Hong Kong for a continuous period of not less than seven years before he can be regarded as having acquired the right to land in Hong Kong.

MR. CHAN YING-LUN asked in Cantonese:—

一個前香港居民，他持有中國的單程出境證來到香港，因他以前在香港居留，所以有入境權，請問他應該辦何種手續，來申請入境權的批簽呢？

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

*What should a Hong Kong resident returning from China on a one-way Chinese exit permit who has a right to land by virtue of previous residence do to obtain his right to land endorsement?*

SECRETARY FOR SECURITY:—Initially, Sir, one-way permit holders are allowed only on a limited period of stay. If during this period they want to claim right to land they should provide the Immigration Department with as much documentary evidence as possible of their previous seven years' residence in Hong Kong. If necessary, while the Immigration Department complete its investigations into their claims, they should apply to the Extension Office at New Rodney Block, Queensway, for an extension of their stay in Hong Kong.

**Statement****CHANGES TO THE APPROVED ESTIMATES OF EXPENDITURE APPROVED DURING THE QUARTER ENDING 31 MARCH 1984 (FINAL)**

THE FINANCIAL SECRETARY:—Sir, in accordance with section 8(8)(b) of the Public Finance Ordinance, I now table the schedule of supplementary provision for the fourth (final) quarter of the financial year 1983-84 for Members' information. It covers a total amount of \$12.8 million. \$10.5 million of this arises from various salary adjustments arising mainly from the 1983 pay increase for the civil service, and \$1.5 million from a loan to the Hong Kong Arts Centre.

Members will note with pleasure that there is no net increase in expenditure resulting from the supplementary provision covered by the schedule. It was offset either by savings under the same head of expenditure or by the deletion of funds under the additional commitments votes. The controls are working well.

All except one of the items included in the schedule have been approved under delegated authority and resulting changes to the approved estimates of expenditure have been reported to the Finance Committee. The remainder have been approved by the Finance Committee.

**Government business****Motions****CRIMINAL PROCEDURE ORDINANCE**

THE ATTORNEY GENERAL moved the following motion:—That the Criminal Appeal (Amendment) Rules 1984, made by the Chief Justice on 4 August 1984, be approved.

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

The Criminal Procedure Ordinance and Criminal Appeal Rules require that a note should be kept of every trial on indictment, recording the course of the proceedings. This note is used for the purpose of preparing a transcript in the event of an appeal.

The requirement in the Legislation is a requirement to keep a shorthand note, a term that does not take full account of modern developments in

mechanical and electronic methods of stenography and transcription. To keep the law in step with current practice in this field, the Chief Justice has made the Criminal Appeal (Amendment) Rules 1984 introducing definitions of the terms 'shorthand note' and 'shorthand writer' which embrace the modern technology, and enable that technology to be properly used in the courts.

These amendments cannot take effect without the approval of this Council, under section 9 of the Criminal Procedure Ordinance, and it is the purpose of this motion to obtain that approval.

Sir, I beg to move.

*Question put and agreed to.*

### **MAGISTRATES ORDINANCE**

THE ATTORNEY GENERAL moved the following motion: — That the Magistrates (Forms) (Amendment) Rules 1984, made by the Chief Justice on 2 August 1984, be approved.

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

The Magistrates (Amendment) Ordinance 1984, which was enacted in May this year, introduced a new procedure to deal with offences attracting a penalty not exceeding a fine of \$10,000 and imprisonment for six months.

Under the new procedure, prescribed forms have to be used by the prosecution. The Chief Justice has prescribed the necessary forms in the Magistrates (Forms) (Amendment) Rules 1984. The forms include a notice of prosecution for a minor offence, a notice of non-payment of penalty, a notice of hearing of a review, and a summons to a defendant. But before the Rules can become law they require, under the enabling power in section 133 of the Magistrates Ordinance, the approval of this Council, which I now seek.

Sir, I beg to move.

*Question put and agreed to.*

### **First reading of bills**

#### **SUPPLEMENTARY APPROPRIATION (1983-84) BILL 1984**

#### **CHARTERED BANK (CHANGE OF NAME) BILL 1984**

#### **CIVIL LIABILITY (CONTRIBUTION) BILL 1984**

**COMMUNITY SERVICE ORDERS BILL 1984****PRIVATE BILLS (AMENDMENT) BILL 1984****PUBLIC BUS SERVICES (AMENDMENT) (NO. 2) BILL 1984****DENTISTS REGISTRATION (AMENDMENT) BILL 1984****SCHOOL MEDICAL SERVICE BOARD INCORPORATION (AMENDMENT) BILL 1984****DEMOLISHED BUILDINGS (RE-DEVELOPMENT OF SITES) (AMENDMENT) BILL 1984**

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

**Second reading of bills****SUPPLEMENTARY APPROPRIATION (1983-84) BILL 1984**

THE FINANCIAL SECRETARY moved the second reading of:—'A bill to approve a supplementary appropriation to the service of the financial year which ended on 31 March 1984'.

He said:—Sir, I move that the Supplementary Appropriation (1983-84) Bill 1984 be read a second time.

Section 9 of the Public Finance Ordinance states that 'If at the close of account for any financial year it is found that expenditure charged to any head is in excess of the sum appropriated for that head by an Appropriation Ordinance, the excess should be included in a Supplementary Appropriation Bill which should be introduced into the Legislative Council as soon as practicable after the close of the financial year to which the excess expenditure relates.'

The accounts for the financial year 1983-84 were finalised by the Director of Accounting Services in July and gazetted in August. Actual revenue amounted to \$30,400 million and total expenditure to \$33,393 million. The final deficit is thus \$2,993 million as compared with an estimated \$3,100 million mentioned in my concluding speech in the Budget debate last April. As you know the deficit originally budgetted was \$3.2 billion.

While the actual expenditure on General Revenue Account for the whole of the financial year is \$2,082 million less than the total approved estimate of \$35,475 million in the Appropriation Ordinance 1983, the expenditure charged to 31 heads is in excess of the sum appropriated for those heads by the Ordinance. This is because sufficient offsetting savings could not be found

within the heads concerned. In accordance with section 9 of the Public Finance Ordinance, this excess has now been included in the Supplementary Appropriation (1983-84) Bill now before Members. It seeks to give final legislative authority for the amount of supplementary provision approved in respect of particular heads of expenditure by the Finance Committee or under powers delegated by it.

The total net supplementary appropriation required in respect of the 31 heads of expenditure is \$537.7 million. This excess is largely accounted for by the 1983 salaries revision for the Civil Service (\$186 million) and government subvented organisations (\$193 million) and for the payment of pensions, retiring allowances and gratuities to contract officers (\$55 million). Other major contributing factors include the approved increases in rates and increased caseloads in respect of child care centres fee assistance, public assistance and special needs allowance and the grant to the Vocational Training Council to meet cash flow requirements which could not realistically be assessed at the time of preparing the Estimates.

Savings made in other subheads are due to continued tight control over public expenditure. I would like again to thank the many civil servants who have so signally contributed to restraint.

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

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

THE FINANCIAL SECRETARY.

*Question put and agreed to.*

### **CHARTERED BANK (CHANGE OF NAME) BILL 1984**

THE FINANCIAL SECRETARY moved the second reading of—'A bill to make provision in various Ordinances for a change in the name of the Chartered Bank and for matters arising therefrom'.

He said:—Sir, I move that the Chartered Bank (Change of Name) Bill 1984 be read the second time. The main purpose of the Bill is to amend where necessary the Laws of Hong Kong to reflect the change of name of The Chartered Bank to Standard Chartered Bank.

In June 1983 The Standard Chartered Bank announced that in order to Strengthen its group corporate identity throughout the world, it had decided to make the widest possible use of the name Standard Chartered in its operating companies. To this end, under the Standard Chartered Bank Act 1984, The Chartered Bank is to undergo a change of name. From 1 January 1985 it will be known as Standard Chartered Bank.

The Bill amends references to the bank in the various Ordinance specified in the Schedule and in clause 3. The Hong Kong (Rehabilitation) Loan Ordinance (Chapter 76) also contains reference to The Chartered Bank. However, as this Ordinance is of spent application, clause 4 of the Bill provides for it to be repealed.

There will be bank notes in circulation bearing the name of The Chartered Bank when the change of name comes into effect, and in addition there will be unissued stocks of such notes on hand, the cost of which falls on Government through the Exchange Fund. Accordingly clause 5 of the Bill makes provision for The Chartered Bank to continue to issue bank notes bearing its present name, notwithstanding the change of name, for a period of five years from 1 January 1985 or to such later date as may be fixed by this Council. This will only enable them to use up existing stocks of particular denominations. All old style notes, which will remain legal tender, will naturally be withdrawn from circulation when they are unfit for further circulation.

A new series of notes will be introduced shortly by both note issuing banks. These will be smaller than those now in circulation thus providing a saving in paper costs. Because the notes will be produced by the same printer, they will incorporate features which will be standard for the notes issued by both note issuing banks. Some of the new notes which will be issued shortly will be processed at De La Rue's new factory on the Tai Po Industrial Estate, which is expected to begin operating in November this year. Soon after opening, it will be used to produce all of Hong Kong's bank note requirements.

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

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

THE FINANCIAL SECRETARY.

*Question put and agreed to.*

#### **CIVIL LIABILITY (CONTRIBUTION) BILL 1984**

THE ATTORNEY GENERAL moved the second reading of:—'A bill to make new provision for contribution between persons who are jointly or severally, or both jointly and severally, liable for the same damage or debt and in certain other similar cases where two or more persons have paid or may be required to pay compensation for the same damage or debt; to amend the law relating to proceedings against persons jointly liable for the same debt or jointly or severally, or both jointly and severally, liable for the same damage or debt'.

He said:—Sir, I beg to move that the Civil Liability (Contribution) Bill 1984 be read the second time. This Bill changes the law that deals with the way in which

wrongdoers can be made to contribute to an award of damages by the Court. This arises when a plaintiff has sustained loss or damage as a result of the act or omission of two or more other persons in circumstances that are so connected that both or all the wrongdoers can be said to have contributed to the plaintiff's losses.

The law of this topic is presently contained in section 19 of the Law Amendment and Reform (Consolidation) Ordinance which is based on an English statute of 1935. The Law of England was found to be defective and it was amended there by statute in 1978. In 1981, the state of the Law in Hong Kong was referred to the Law Reform Commission and in 1983. A distinguished sub-committee chaired firstly by Mr. Edmund Y. S. CHEUNG and latterly by Mr. Robert ALLOCK, took account of these developments in English law and completed a report after consulting widely in the community. At the beginning of this year, the Law Reform Commission endorsed their recommendations and this Bill will carry them into effect. I have no doubt that it will substantially improve the law in Hong Kong and give the court greater power to do justice between those who are found liable in respect of the same damage.

The Bill enables contribution to be obtained from a second wrongdoer who would be liable to the plaintiff no matter how the liability of the first wrongdoer arose, whether in tort or for breach of contract or for breach of trust or otherwise. Let me give an example of how this will arise. Suppose a purchaser buys a television set from a shop and it blows up the first time it is used. The purchaser may sue the shop for breach of contract, and he would probably succeed because there is an implied condition in such contracts of sale that the television set is fit for its purpose. Although the purchaser could also sue the manufacturer of the television set, he would have to prove negligence which might be more difficult. So he might only sue the shop. And suppose he wins. Under the present law, the proprietor of the shop could not then claim a contribution from the manufacturer towards the damages he must pay the purchaser. This Bill will therefore enable the proprietor of the shop to claim a contribution to the damages from the manufacturer. It might all have been the fault of the manufacturer. So it would only be fair if the manufacturer were to finish up paying most or all of the damages that the purchaser recovers from the proprietor of the shop.

There are many other useful provisions in the Bill. It provides for example where a defendant in good faith settles a claim by paying up on it without waiting for a judgment of the court, he can still recover a contribution to the damages from another wrongdoer who would be liable in respect of the same loss.

Sir, honourable Members would not thank me for describing all the legal niceties which the Bill addresses on this somewhat esoteric area of the law. But those who study it will, I am confident, welcome its provisions as a useful

measure that will make it easier for the courts to ensure that those who are really the cause of damage end up paying for it.

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

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

THE ATTORNEY GENERAL.

*Question put and agreed to.*

## **COMMUNITY SERVICE ORDERS BILL 1984**

THE ATTORNEY GENERAL moved the second reading of:—'A bill to make provision for criminal offenders to be required to perform unpaid work of benefit to the community in place of, or in addition to, other sentences, and for incidental matters'.

He said:—Sir, I beg to move that the Community Service Orders Bill 1984 be read the second time.

The object of the Bill is to introduce to Hong Kong a new form of punishment of offenders. It fills a vacuum between a sentence of imprisonment and a probation order. It will give the court the opportunity to allow the offender his freedom if he is prepared instead during his leisure time to do unpaid work that is useful to the community. In that way, by disciplined effort under supervision, he will have the chance to rehabilitate himself and acknowledge his wrongdoing in a constructive way. This additional sentencing option has already been introduced with success in several other countries, including England and Wales, Northern Ireland, Australia and New Zealand.

For that reason, the possibility of introducing it in Hong Kong was referred to the Law Reform Commission in November of 1981. A sub-committee under the chairmanship of my honourable friend, Mr. F. K. HU, examined the idea and consulted widely with voluntary agencies and with government departments. Their recommendations were accepted by the Law Reform Commission which published its report in April of 1983. This Bill incorporates their recommendations, and in particular that Community Service Orders should be introduced initially on an experimental basis as a pilot scheme.

Sir, there are a few essential points that ought to be made about Community Service Orders in general. They will only be made for offences punishable by imprisonment and where the offender is over 14 years of age. They will only be made where the offender agrees to cooperate. They will only be made if the offender is recommended by a Probation Officer to be a suitable person to undertake community service; the violent offenders, psychopaths and the like will not in general be recommended. And they will only be made if suitable work



is available near the offender's home and family. Among the types of work that might be suitable are decoration of old people's homes, clearing litter and debris, building creative playgrounds, and the like. A maximum of 240 hours of work will be set by the Bill; and the court will in each case fix an appropriate number of hours for the offender. The work will be carried out under the general supervision of a Probation Officer who will be bound to bring the offender back before the courts if he does not carry out his allocated tasks. Within these constraints however, Sir, I have no hesitation in saying that Community Service Orders have a proper place in the range of sentencing options, both as a form of punishment and as a form of rehabilitation.

However, it's simply not possible to introduce them overnight. And it is in any event desirable to proceed cautiously with a pilot scheme to make sure that they are suitable for the circumstances of Hong Kong. This first step was recommended by the Law Reform Commission and is strongly supported by my honourable friend, the Secretary for Health and Welfare.

The Bill enables the scheme to be introduced in stages. Only when the necessary additional administrative facilities have become available will the scheme be extended. There will be power to enable Community Services Orders to be made only by those courts which have been notified by the Director of Social Welfare that facilities for the administration of such orders exist in their area. This will enable the scheme to be introduced in Hong Kong gradually, Sir, it is intended that the pilot scheme, limited to certain magistrates' courts, will run for two years. It will be monitored by a standing committee to be set up for that purpose.

I therefore commend to this Council the objectives of this Bill and the methods proposed to implement them.

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

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

*Question put and agreed to.*

#### **PRIVATE BILLS (AMENDMENT) BILL 1984**

THE ATTORNEY GENERAL moved the second reading of:—'A bill to amend the Private Bills Ordinance'.

He said: —Sir, I now beg to move the Private Bills (Amendment) Bill 1984 be read the second time.

The main amendment in this Bill is to increase the fee payable by the promoters of a private bill. The present fee of \$500 was fixed as long ago as 1915 when the principal Ordinance was first enacted. With the passage of time, it has become a derisory sum in view of the resources that are incurred at public expense by the Law Drafting Division in processing a private bill, and ensuring that it complies with Standing Orders and is in the form of Hong Kong legislation. The proposed figure of \$25,000 is not cost-related as the amount of Legal Department work required in each case varies very considerably. It seems a reasonable fee for the time and effort involved in this important work. In fact, the majority of private bills are for a charitable purpose and in such cases the Chief Secretary is empowered to waive payment of the whole or any part of the fee.

The other minor provisions are explained in the explanatory memorandum to the Bill.

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

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

*Question put and agreed to.*

## **PUBLIC BUS SERVICES (AMENDMENT) (NO. 2) BILL 1984**

THE SECRETARY FOR TRADE AND INDUSTRY moved the second reading of:—'A bill to amend the Public Bus Services Ordinance'.

He said:—Sir, I move that the Public Bus Services (Amendment) (No. 2) Bill 1984 be read the second time.

This Bill seeks the repeal of section 17 of the principal Ordinance which stipulates that, unless the Governor permits otherwise, buses used by a franchised company for providing a public bus service must be of Commonwealth manufacture. This provision is a relic of the Commonwealth Preference Scheme which was dismantled in 1975.

Although no application for the purchase of a bus made outside the Commonwealth has ever been refused, this section nevertheless represents a non-tariff barrier to trade which is inconsistent with Hong Kong's policy of free trade and full compliance with the GATT. As our standing in GATT is wholly dependent on the consistency of our policy, and the example we set, the earliest possible deletion of this offending clause is essential.

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

*Motion made. That the debate on the second reading of the Bill be adjourned—*SECRETARY FOR TRADE AND INDUSTRY.

*Question put and agreed to.*

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

THE SECRETARY FOR HEALTH AND WELFARE moved the second reading of:—‘A bill to amend the Dentists Registration Ordinance’.

He said:—Sir, I move that the Dentists Registration (Amendment) Bill 1984 be read the second time.

This is a straightforward Bill mainly designed to give due recognition to the Faculty of Dentistry of the University of Hong Kong. It does so in two important ways.

First, it provides for the dental degree from the university to be acceptable as a qualification for registration to practise dentistry. This is timely as the university will produce its first dental graduates in January 1985. Second, it provides for a member of the Faculty of Dentistry to sit on the Dental Council, and it extends to dentists on the full-time teaching staff of the faculty certain privileges and exemptions enjoyed by other dentists in the public service.

The Bill also seeks to limit recognition given in Hong Kong to dentists registered with the General Dental Council of the United Kingdom. At present, any person who is registered with the General Dental Council of the United Kingdom is qualified to be registered to practise in Hong Kong. As the General Dental Council is now obliged to register persons who are qualified as dentists in European Community countries, these dentists are automatically eligible to be registered to practise here. The Bill seeks to remove this loophole, while maintaining the position in respect of dentists who hold qualifications actually awarded by examining bodies in the United Kingdom, the Commonwealth or the Republic of Ireland, and giving the Hong Kong Dental Council discretionary powers to recognise other overseas dental degrees.

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

*Motion made. That the debate on the second reading of the Bill be adjourned—*SECRETARY FOR HEALTH AND WELFARE.

*Question put and agreed to.*

**SCHOOL MEDICAL SERVICE BOARD INCORPORATION (AMENDMENT)  
BILL 1984**

THE SECRETARY FOR HEALTH AND WELFARE moved the second reading of:—‘A bill to amend the School Medical Service Board Incorporation Ordinance’.

He said:—Sir, I move the second reading of the School Medical Service Board Incorporation (Amendment) Bill 1984, the main purpose of which is to delete from the Ordinance the requirement for the vice-chairman of the board to be appointed from amongst Unofficial Members of this Council. It will, of course, still be possible to make such an appointment should this be desired.

While the existing requirement gives an assurance of quality, it could pose practical problems by restricting the choice of vice-chairman to a relatively small field of busy people. There is clear advantage in a less restrictive arrangement.

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

*Motion made. That the debate on the second reading of the Bill be adjourned*—SECRETARY FOR HEALTH AND WELFARE.

*Question put and agreed to.*

**DEMOLISHED BUILDINGS (RE-DEVELOPMENT OF SITES) (AMENDMENT)  
BILL 1984**

THE SECRETARY FOR LANDS AND WORKS moved the second reading of:—‘A bill to amend the Demolished Buildings (Re-development of Sites) Ordinance’.

He said:—Sir, I rise to move the second reading of the Demolished Buildings (Re-development of Sites) (Amendment) Bill 1984.

The purpose of the Bill is to amend the Demolished Buildings (Redevelopment of Sites) Ordinance so that a redevelopment order served under section 4(1) may require that a replacement building be erected of at least the same gross floor area rather than the same gross volume as the building demolished.

The word ‘volume’ in the Ordinance derives from the Building (Planning) Regulations of 1956 in which re-development potential of buildings was controlled by ‘volume’. The current Building (Planning) Regulations, however, control re-development potential of buildings by ‘gross floor area’.

Old buildings normally have fairly high floor-to-ceiling height, and hence a large volume, whilst modern buildings with lower ceiling heights have less volume for an equivalent gross floor area. This has resulted in recent redevelopment cases where the volume requirement cannot be fulfilled except by unnecessarily raising the floor-to-ceiling height beyond that required in the Building (Planning) Regulations.

For these reasons, it would be appropriate for ‘gross floor area’, instead of ‘volume’, to be referred to in redevelopment orders, thus bringing the Ordinance into line with current building legislation and practice.

Sir, I move that the debate be adjourned.

*Motion made. That the debate on the second reading of the Bill be adjourned—*  
SECRETARY FOR LANDS AND WORKS.

*Question put and agreed to.*

### **Unofficial Member's Bill**

#### **First reading of bill**

#### **STANDARD CHARTERED ASIA LIMITED BILL 1984**

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

#### **Second reading of bill**

#### **STANDARD CHARTERED ASIA LIMITED BILL 1984**

MR. J. J. SWAINE moved the second reading of:—‘A bill to provide for the vesting in Standard Chartered Asia Limited of the undertaking of MAIBL Bermuda (Far East) Limited; and for purposes incidental and ancillary thereto’.

He said:—Sir, I move the second reading of the Standard Chartered Asia Limited Bill 1984, which as the long title states is to provide for the vesting in Standard Chartered Asia Limited of the undertaking of MAIBL Bermuda (Far East) Limited. Both companies are registered deposit-taking companies in Hong Kong, engaged in the wholesale lending business, and both are subsidiaries of the Standard Chartered Bank group. Their proposed merger is with a view to group rationalisation. No deposits from the public are involved because MAIBL's borrowings are inter-bank.

Under normal commercial practice the proposed merger would have been achieved by an exchange of shares, but this method is not available because of the restriction contained in the Deposit-taking Companies Ordinance which prevents a deposit-taking company from investing more than 25 per cent of its capital and reserves in the shares of another company. The implementation of the proposed merger by means of a private Members Bill has the support of the Commissioner of Banking and the Secretary for Monetary Affairs. The Bill itself has been cleared with the Law Draftsman's office.

Under the terms of the Bill, MAIBL Bermuda (Far East) Limited will cease to be a deposit-taking company although it will retain its legal existence with a small nominal capital and become a subsidiary of Standard Chartered Asia Limited.

Other portions of the Bill are of a technical nature directed to ensure the effective vesting in Standard Chartered of the property and liabilities of MAIBL with consequential provisions as to accounting treatment, evidence and bankers' books.

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

*Motion made. That the debate on the second reading of the Bill be adjourned—* MR. J. J. SWAINE.

*Question put and agreed to.*

### **Adjournment and next sitting**

HIS EXCELLENCY THE PRESIDENT:—In accordance with Standing Orders I now adjourn the Council until 2.30 p.m. on Wednesday, 15 October 1984.

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