

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 21 November 1984****The Council met at half past two o'clock****PRESENT**

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

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

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

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

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

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

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

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

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

THE HONOURABLE CHEN SHOU-LUM, 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. 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

THE HONOURABLE KIM CHAM YAU-SUM, J.P.

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

THE HONOURABLE CARL TONG KA-WING

ABSENT

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

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

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

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL
MR. LI WING

White Paper

The Further Development of Representative Government in Hong Kong

HIS EXCELLENCY THE PRESIDENT:—

Introduction

Honourable Members of the Legislative Council, in my address to this Council on 4 October this year I said that the Green Paper on the Further Development of Representative Government in Hong Kong had aroused intense interest in the community. I gave an account of some of the views which had been expressed on the main issues raised in it. I undertook that, after the Executive Council had considered all the views put forward, a White Paper would be prepared setting out definitive plans for the next stage in the development of representative government in Hong Kong.

The White Paper published today fulfils that undertaking. It sets out the Government's intentions on the election of members to the Legislative Council in 1985; and proposes an overall review in 1987 to consider, in the light of experience gained, what further development should take place thereafter.

Main Aims

In preparing the White Paper the Government has kept firmly in view the aims set out in the Green Paper. These were:

- to develop a system of government which is firmly rooted in our community; on which the views of the community are fully represented; and which is accountable to the people of Hong Kong;
- to develop this system progressively, building on our existing institutions, and on our well-established practice of government by consensus; and
- to give an opportunity for the proposals to be tested in the light of experience, and to hold a review of the position before deciding the direction and timing of any further developments of the system.

Those aims were strongly supported by the majority of the organisations and individual members of the public who commented on the Green Paper. They have been retained as the aims of the White Paper.

Since the Green Paper was published, the draft agreement between the Government of the United Kingdom and the Government of the People's Republic of China has been initialled. It contains provisions relating to the government, executive and legislature of Hong Kong after 1997. In preparing the White Paper the Government has borne in mind the provisions in the draft agreement.

Legislative Council

In the Green Paper it was proposed that a number of the members of the Legislative Council be elected indirectly. It was suggested that these members

should be chosen in part by an electoral college consisting of the members of the Urban Council, the new Regional Council and the District Boards; and in part by specific functional constituencies.

In public comment on these proposals the relative merits of direct and indirect elections were debated at length. There was substantial support for direct elections from some sections of the community who made their views public. But there was little demand for them to be introduced immediately. A number of people considered that a start might be made in this direction in 1988, with the number of directly elected members being increased progressively thereafter. Others wished to reserve judgment. There will undoubtedly be continuing debate in the community on this issue in the coming years. The experience gained in the indirect election of members and the evolution of public opinion which will accompany that process will be relevant to that debate.

Another widely expressed view was that the proposals in the Green Paper were too cautious and conservative. It was suggested that even in 1985 a greater number of the Legislative Council could be elected by the electoral college and by the functional constituencies; and that, as a corollary to this, the overall size of the Council should be increased so as to ensure that there was room for all sectors of our community to be properly represented.

The need to ensure a balanced representation of interests also figured prominently in discussion of the proposed electoral college. Some concern was expressed that the election of members on the basis of a single list might result in the elections being dominated by particular groups of District Board members. It was suggested that the members of the college should be divided into separate geographical groups to elect one member each, in order to ensure that all parts of Hong Kong would be fairly represented.

As regards the position of the appointed Unofficial members, there was wide public appreciation of the valuable service they have provided; and a general recognition that it would be wise to retain their experience and expertise at least for some years to come. It was also generally accepted that there will be a continuing need for a core of Official members to remain on the Council. It is only prudent to conclude that, if the Council is to deal efficiently with the wide range of legislative, financial and other business which comes before it, this experience and expertise must not be lost, at least until elected members have gained a similar knowledge and experience of the workings of government.

Taking all this into account, the Government has decided to make a number of changes to the original proposals in the Green Paper for the future composition of the Legislative Council.

First, the number of members who will be elected by the electoral college and the functional constituencies in 1985 will be increased, in both cases from six to 12.

Secondly, it is intended to divide the District Board members of the electoral college into ten geographical constituencies, based on groups of Districts, each of which will represent roughly half a million people. Details of these groups are given in the White Paper. In addition, the Urban Council and Regional Council members of the college will each form a separate constituency. These 12 constituencies within the electoral college will each elect one member to the Legislative Council in 1985.

Thirdly, the 12 Unofficial members from the nine functional constituencies to be elected in 1985 will represent the commercial, industrial, financial, labour, social services and education sectors of our community, and the legal, medical and engineering professions. They have been selected because each represents a major sector of the community, important to our economic and social progress; and because there are well established community-wide institutions and associations, or professional registers, to provide a basis for their electoral rolls. The commercial, industrial and labour constituencies will elect two members each; the other six will elect one member each. Details of the composition of these constituencies and how the elections will be organised are set out in the White Paper.

Fourthly, the number of appointed Unofficial members of the Council will be reduced to 22 in 1985, instead of 23 as was proposed in the Green Paper.

Fifthly, it is intended to reduce the number of Official members to ten, including the three *ex-officio* members, in 1985.

The overall result will therefore be to increase the total membership of the Legislative Council in 1985 to 56, of whom 24 will be elected Unofficials, 22 will be appointed Unofficials and ten will be Officials.

Review

It was proposed in the Green Paper that there should be a general review in 1989, after the 1988 elections to the Legislative Council had taken place, with a view to deciding what further developments should be pursued.

It can be argued that the increase in the number of elected members has brought forward to 1985 some of the arrangements originally proposed for 1988; and that there remains a case for allowing these arrangements to be tested over at least two elections before they are reviewed. Certainly we do not wish to risk the instability which could be caused by disruptive change. But there was strong support for the idea of a review, and also a widely expressed feeling that it should be held before the elections scheduled for 1988. It is also evident that our representative system must be developed progressively over the years to come: and there will be a need before the 1988 elections to consider further not only the question of direct elections but other issues raised in the Green Paper in the light of the provisions of the draft agreement on the future of Hong Kong.

Given these developments and the strong public feeling on the issue, the Government has decided to hold a general review in 1987. This will assess progress, and recommend what further measures should be pursued in the future.

Executive Council

As regards the Executive Council, it was proposed in the Green Paper that the Unofficial members of the Legislative Council should, in due course, elect the majority of Unofficial members from among their own number. There was some support for the arrangements proposed: others, however, considered that a future Chief Executive should be free to select his own Executive Council.

Ministerial System

There has also been considerable public comment on the possibility of introducing a ministerial system. Many people expressed support for the introduction of some form of ministerial system in future to give the Unofficial members of the Executive Council more authority to monitor and control the policies and operations of the Government.

But this is not the only way of proceeding. Nor can the proposal be considered separately from the wider issues of the future composition of the Executive Council, its relationship with the Legislative Council, and the future position of Official members of both Councils.

It is not intended to make any changes affecting the Executive Council in 1985. The whole question of the executive and its composition and role will remain open for further consideration and public discussion at a later stage.

The Governor

The proposal in the Green Paper that the Governor should be replaced in due course as President of the Legislative Council by a Presiding Officer elected by Unofficial members of the Legislative Council from among their own number was generally well received, although it is apparent that public opinion favours caution, and favours retaining the present position of the Governor unchanged in the next few years at least. It is therefore intended to reconsider this proposal in the 1987 review.

Any further proposals for change in the position and role of the Governor will need to have regard to the provisions of the draft agreement on the future of Hong Kong. These are important constitutional issues, which will also need to be addressed at a later stage.

Civic Education

Many people feel strongly that, if the people of Hong Kong are to understand fully proposals for future constitutional change, arrangements should be made

to educate them effectively in public and constitutional affairs. The White Paper records the Government's intention to promote and encourage such civic education.

Remuneration for Unofficial Members of the Legislative Council

There have been several suggestions that Unofficial members of the Legislative Council should be given adequate remuneration to ensure that prospective candidates are not prevented for financial reasons from standing for election, and to enable them to devote the proper amount of time and attention to their duties as Councillors.

The White Paper records the Government's intention to meet this need by providing a standard rate of remuneration, as well as payment of expenses, for Unofficial members of the Legislative Council. The level of remuneration is now under consideration with a view to introducing the scheme when the first elected members join the Legislative Council next year.

Conclusion

Honourable Members, the plans set out in the White Paper which I have described this afternoon represent the next stage in the development of representative government in Hong Kong. They take account of public comment on the Green Paper and the provisions of the draft agreement on the future of Hong Kong. They represent an important step forward in the constitutional development of Hong Kong. They will take us forward to 1987 when further developments will be considered in the light of experience.

I have no doubt that some will say that we are being too cautious; others that we are moving too fast. Some will ask why we have not decided at this stage the further stages of development after 1985; others will wish to see the changes proposed for 1985 given a chance to settle down for some years before any further changes are considered. But I believe that the great majority of people in Hong Kong accept that change must be gradual; that we must allow our own system to evolve naturally to meet the needs of present-day Hong Kong; and that the implications of future constitutional change are so important to the future well-being of our community that we cannot afford to make mistakes. For these reasons, the White Paper continues to adopt the step-by-step approach with the next review planned for 1987. I am confident that this approach will best ensure that we achieve our objective of developing a system of government on which the views of all sectors of our society are represented; which is responsive to the needs of our community; and which is responsible to the people of Hong Kong.

Papers

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

Subject

White Paper:

White Paper on the Further Development of Representative Government in Hong Kong.

Subsidiary Legislation:	L.N. No.
Road Traffic Ordinance.	
Road Traffic (Registration and Licensing of Vehicles) (Amendment) (No.4) Regulations 1984	374
Metrication Ordinance.	
Metrication Amendments (Miscellaneous Provisions) (No.3) Order 1984.....	375
Miscellaneous Licences Ordinance.	
Miscellaneous Licences (Amusement Game Centre) (Exemption) Order 1984	376
Telecommunication (Exemption from Licensing) Order.	
Telecommunication (Hong Kong Telephone Company) (Exemption from Licensing) (Fees) Order 1984.....	377
Consular Relations Ordinance.	
Consular Relations (Privileges and Immunities) (Commonwealth Countries and Republic of Ireland) (Amendment) Order 1984	378
Public Health and Urban Services Ordinance.	
Public Health and Urban Services (Designation of Libraries) (No.5) Order 1984	379
Electoral Provisions Ordinance.	
Urban Areas District Board Constituencies (Number of Vacancies) (Amendment) Order 1984	380
District Boards Ordinance.	
Urban Areas District Boards (Numbers of Appointed and Elected Members) (Amendment) Order 1984	381
Sessional Papers 1984-85:	
No. 23—Emergency Relief Fund—Annual Report by the Trustee for the year ending 31 March 1984.	

No. 24—Samaritan Fund—Income and Expenditure Account with Balance Sheet and Certificate of the Director of Audit for the year ended 31 March 1984.

No. 25—Hong Kong Productivity Council and Centre—Annual Report 1983-84.

Oral answers to questions

Control of commercial signboards

1. MRS. NG asked in Cantonese: —

繼張人龍議員於本年七月十一日提出有關商業招牌的問題，請政府說明在管制這些招牌的尺寸和內容方面有何進展？

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

Further to the question raised by the Honourable CHEUNG Yan-lung on 11 July 1984, will the Government make a statement on the progress regarding the control of size and content of commercial signboards?

SECRETARY FOR HOME AFFAIRS:—On 11 July 1984 Mr. CHEUNG Yan-lung asked about prosecution of the owners of dangerous signboards and measures to ensure public safety from insecure signboards.

The position was explained: No new proposals were made so the position now is much as it was four months ago.

Mr. CHEUNG suggested that special attention be paid to certain streets in Mong Kok and Yau Ma Tei. During the last four months 74 dangerous signs have been found in these districts and 69 have already been dealt with. Action on the remaining five is in hand.

MRS. NG asked in Cantonese:—

很高興知道在過去四個月內，油旺區內有六十九個招牌已經清拆，但在本港其他區域，仍然有很多殘缺招牌懸掛着，在昨天的灣仔區議會中，區議員亦提出質詢，這樣，請問政府有沒有全盤計劃，有效律地管制棄置招牌，因為它們不單對市容有損，而且對行人也構成潛在的危險？

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

Sir, I am very pleased to learn that 69 of these dangerous signboards have been taken down in Mong Kok and Yau Ma Tei, but there are many such dangerous signboards in other districts. At the District Board meeting in Wan Chai yesterday

afternoon, questions were raised by District Board members on that; so I would like to know whether the Government has an overall policy on how to tackle abandoned signboards because not only are they eyesores they are sources of danger.

SECRETARY FOR HOME AFFAIRS:—Sir, I think this position was explained in the answer to the July question. The measures taken to ensure public safety are by complaint or when signposts are observed by the Building Authority or the Fire authorities to be dangerous. I think that it is as a result of these observations that action has been taken in Yau Ma Tei and Mong Kok. I shall in due course supply the honourable Member with statistics on action in other districts, but I do not have these at hand at the moment.

(The following written reply was provided subsequently.)

The Urban Council, which is the authority for dangerous signs in the urban areas under section 105 of the Public Health and Urban Services Ordinance, Cap. 132, has now provided the following figures in respect of other districts in the urban areas—

Period: July 1984 to November 1984

	No. of dangerous signs found	No. dealt with	No. action in hand
Sham Shui Po	13	12	1
Eastern	13	3	10
Wan Chai	25	9	16
Central	3	3	0
Western	6	4	2
South	—	—	—
Kowloon City	4	—	4
Wong Tai Sin	1	1	—
Kwun Tong	—	—	—

As for the New Territories, the authority is the Director of Lands. The numbers of dangerous signs detected and dealt with are as follows—

Period: July 1984 to November 1984

	No. of dangerous signs found	No. dealt with	No. action in hand
Tsuen Wan	4	2	2
Yuen Long	6	2	4

Contracting out of annual examinations of private cars

2. MR. S. L. CHEN asked: —*In a reply to my question in February this year on the subject of contracting out testing and inspections of motor vehicles to the*

private sector, the Secretary for Transport informed this Council that a detailed scheme proposed by the working group representing Transport Department, I.C.A.C. and the Motor Traders Association will be considered by the Transport Advisory Committee later in the same month. May I know what progress has been made in this matter?

SECRETARY FOR TRANSPORT:—Sir, the February meeting of the Transport Advisory Committee was not in the event held. On 12 March T.A.C. members endorsed the working group's detailed scheme for the implementation of the proposed contracting out of the annual examinations of private cars over six years old. The scheme will be a further step towards improving road safety. It offers motorists fair vehicle examinations at a reasonable choice of garages and at a reasonable cost. Safeguards against possible corruption would be provided. Since March, work has proceeded to produce a specimen contract between approved garages and the Government, and the necessary draft legislation. The specimen contract has been agreed with the Motor Traders Association, and I expect to submit the draft legislation to the Governor in Council by the end of this year.

Assistance to foreign investors

3. MRS. CHOW asked:—*Will Government inform this Council what arrangements are made by Government to assist foreign investors who show interest in Hong Kong and which government department is responsible for them? Are such arrangements well publicised, both overseas and in Hong Kong?*

SECRETARY FOR TRADE AND INDUSTRY:—Sir, the Industry Department has the responsibility for providing this service, through the One-Stop Unit based in Hong Kong, and four overseas industrial promotion offices located in London, Tokyo, Stuttgart and San Francisco. These units are all staffed by specialist officers with industrial backgrounds.

The four overseas offices stimulate overseas interest in Hong Kong through calls on targeted companies, augmented by industrialists missions from Hong Kong, arranging and participating in seminars, attendance at industrial fairs and exhibitions, and by advertising—mainly in industrial and trade publications.

The One-Stop Unit in Hong Kong provides a quick and comprehensive service to foreign, as well as local, investors interested in the establishment of industrial ventures. The unit services referrals from the overseas offices and provides, for example, information on the availability of particular industrial support and technical back-up services in Hong Kong to sustain or develop technologies or production processes, arranges programmes for visiting foreign

investors—including site visits and meetings with potential joint venture partners—and liaison with other government departments regarding their regulatory requirements.

The Industry Department co-ordinates its annual programme of industrial promotion activities with the major trade and industrial organisations in Hong Kong and invites their participation. It maintains close contact with these organisations which assist in publicising the department's services to their members.

Sir, within the resources available, I can say that our arrangements are well publicised, both here and overseas.

MRS. CHOW:—*Sir, could the Secretary for Trade and Industry inform us whether the services being offered by the One-Stop Unit are made known to professionals such as lawyers and accountants through whom overseas investors are likely to make enquiries in Hong Kong?*

SECRETARY FOR TRADE AND INDUSTRY:—*Sir, the existence of the One-Stop Unit is generally publicised in Hong Kong although I am not certain whether all professional offices established in Hong Kong have been specifically informed of the existence of this unit.*

Customs and passenger-services facilities at Tai Kok Tsui Pier

4. MR. WONG LAM in Cantonese: —

政府是否有計劃擴充大角咀中港客運碼頭現有的海關及乘客服務設施，以應付日益增加的乘客量？

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

Does the Government have any plans to extend the present customs and passenger-services facilities at the Hong Kong-China Ferry Terminus at Tai Kok Tsui to cope with the increasing passenger traffic?

SECRETARY FOR SECURITY:—*Sir, in 1981, a little more than half a million passengers used the Tai Kok Tsui Ferry Terminal. In 1984 to date more than 1 320 000 have done so. This increase has inevitably imposed a great strain on a terminal which was not designated for international ferries, merely for local services.*

To help to meet this increase, last year the upper deck of the terminal was converted into a hall for the clearance of departing passengers, who had previously had to share the lower deck with those arriving. The result was a distinct improvement, since nullified by the continuing increase in the number of travellers. There is I am afraid no room for further expansion at Tai Kok Tsui. The Government is having to look elsewhere for means of relieving the pressure.

MR. WONG LAM asked in Cantonese:—

保安司說正在研究其他方法，請問他現在研究的是甚麼方法呢，可否告知本局？

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

Sir, I would like to know from the Secretary for Security what other means of relieving the pressure are being studied?

SECRETARY FOR SECURITY:—Sir, a number of short-term options are being considered. First is the use of the temporary Macau Wharf when it is vacated in the middle of next year with the opening of the new Macau Ferry Terminal. The second is the conversion of part of the lower deck of the Ocean Terminal into an Immigration and Customs hall for Chinese passengers. The attraction of this option would be that the largest China ferries would be able to go alongside. They cannot do so at Tai Kok Tsui and they will not be able to do so in the temporary Macau Wharf. A third short-term option, Sir, is the diversion of the smaller China ferries to the Tsuen Wan Pier. Because of its distance from the city centre, this is very much a last resort. These possibilities are at present being considered by a well established group of civil servants called the Marine Links with China Working Group. In the long run I think the solution probably lies in the construction of a China ferry terminal at Kowloon Public Pier No. 54 on Canton Road.

MR. WONG LAM asked in Cantonese:—

請問這些計劃何時才可以實行？

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

Sir, may I know how long it will take for these measures to be implemented?

SECRETARY FOR SECURITY:—Sir, the short-term measures will be implemented as quickly as they possibly can. There is, I might say, a considerable amount of disagreement between the various departments involved as to which provides the best solution, but the working group to which I referred is specifically designed to sort them out.

MRS. CHOW:—*Sir, may I just ask the Secretary for Security, what is the average processing time for these passengers to go through Tai Kok Tsui now?*

SECRETARY FOR SECURITY:—Sir, I am afraid I have no idea but I will give my honourable friend an answer in writing.

(The following written reply was provided subsequently.)

It is true that when the larger China ferries arrive fully loaded, with nearly 1 000 passengers on board, the clearance time can be as long as $1\frac{1}{2}$ hours. Immigration and Customs are able to handle the smaller craft more quickly. The average time for all types of vessel is around 50 minutes.

MRS. CHOW:—*May I suggest, Sir, the average waiting time is almost as long as an hour to an hour and a half and that there is a great urgency for this matter to be looked into and with no date set for the short-term solution, I am afraid this will be unsatisfactory. Can I ask for some kind of time frame in the working out of the solution?*

SECRETARY FOR SECURITY:—Sir, I do not think I can say more than we would get a solution on the ground as quickly as we possibly can.

Cattle quarantine depot

5. MR. CHEUNG YAN-LUNG asked in Cantonese:—

政府可否告知本局，是否準備用青衣牛隻檢疫站的計劃，去代替現時在馬頭角道和堅尼地城的檢疫站？若是，政府可否公佈有關這方面的進展情況？

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

Will Government inform this Council whether the Tsing Yi Cattle Quarantine Depot project is designed to replace the existing depots at Ma Tau Kok Road and Kennedy Town? If so, will Government make a statement on the progress towards this end?

SECRETARY FOR ECONOMIC SERVICES:—Sir, the Tsing Yi Cattle Quarantine Depot was originally designed to replace the existing cattle depots at Ma Tau Kok and Kennedy Town. But now China has become the principal supplier of cattle to Hong Kong, so that over 85 per cent of cattle come by rail or by road instead of by sea, the Administration has had to re-examine the suitability of the site.

In view of the Government's plan for a new abattoir to be constructed near the railway line in Sheung Shui we have come to the conclusion that Sheung Shui would be more suitable than Tsing Yi for the proposed depot. The Tsing Yi project was therefore cancelled in May this year.

Sir, the Administration is fully aware of the environmental problems and inconvenience caused by the existing depots in Ma Tau Kok and Kennedy Town and of the need for early reprovisioning. A study on the feasibility of moving cattle to the lairage in the Kennedy Town abattoir is underway. If circumstances permit, we hope then to close the Kennedy Town cattle depot.

In any event, we will do all we can to expedite the construction of the Sheung Shui lairage. It is intended, therefore, to seek the upgrading of the project so that it may be completed in the financial year 1987-88.

Congestion at Lo Wu K.C.R. station

6. MR. WONG LAM asked in Cantonese:—

政府是否有計劃擴展九廣鐵路羅湖火車站的候車範圍，以應付不斷增加的乘客量？

又是否有計劃增加開往九龍的火車班次，特別是在週末和公眾假期內加班，以減輕羅湖火車站的擠塞情況？

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

Are there any plans to extend the waiting areas at Lo Wu K.C.R. station to meet the ever-increasing volume of passengers, and are there any plans to increase the frequency of the Kowloon-bound K.C.R. train services to ease the congestion at Lo Wu K.C.R. station, especially during weekends and public holidays?

SECRETARY FOR TRANSPORT:—Sir, the throughput of passengers at Lo Wu is governed by the speed at which passengers can be passed through the necessary police and immigration processes. The K.C.R.C. has carrying capacity well above the present limit of 4 000 persons per hour in each direction imposed by those processes.

I think, Sir, Members of this Council are aware that the present arrangements for immigration facilities are temporary, and no one would dispute that they are inadequate. The construction of the permanent terminal, due to be completed early in 1987, will improve this situation considerably. The permanent terminal will be able to handle a maximum capacity of 5 000 people per hour in each direction; and the total waiting areas for immigration clearance in the permanent terminal will be five times larger than that available in the existing temporary arrangement.

As regards the K.C.R. services between Lo Wu and Kowloon, four trains run each day per hour during peak periods, with three trains per hour off-peak. The congestion at Lo Wu is due to the time necessarily taken for processing passenger, rather than to passengers waiting for train services to Kowloon.

MR. WONG LAM asked in Cantonese:—

閣下，請問可否告知本局，在過去三個月內，每日使用羅湖火車站的出入境平均人數呢？

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

Sir, can the Council be informed about the average daily number of people using the terminal?

SECRETARY FOR TRANSPORT:—Sir, I regret I don't have those figures with me at the moment. At the peak period in the Lunar New Year I believe it runs at 40 000 to 50000 in a day but the normal level I should think, is about a fifth of that. I emphasise that the figures are off the top of my head; may I give them in writing?

(The following written reply was provided subsequently.)

The average daily throughput, in both directions, was just under 25 000 in October 1983, and had risen to 36 256 per day in October 1984.

For the period of 14 days over the Lunar New Year 1984, the average both ways per day was 59 602.

MR. WONG LAM asked in Cantonese:—

閣下，請問運輸司在週末及公眾假期，每小時四班車可否疏道羅湖返香港的旅客呢？

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

Sir, will the Secretary for Transport inform us whether four trains per hour during weekends and public holidays are sufficient?

SECRETARY FOR TRANSPORT:—Sir, they are sufficient to take away the number of passengers who can be processed through the immigration and police facilities under the present arrangements that is 4 000 per hour. Four K.C.R. trains have a maximum capacity of 6 400 passengers. Usually, of course, these passengers have a certain amount of luggage but even so, they can cope adequately with the 4 000 per hour who can come through the facilities.

Illegal immigration

7. DR. HO asked:—*Will Government make a statement on—*

- (a) *the monthly figures of illegal immigrants from China caught in the last six months; and*
- (b) *the measures Government has taken to counter these incidents?*

SECRETARY FOR SECURITY:—Sir, the monthly figures for illegal immigrants from China caught in the last six months are:

May	989	August	1 091
June	971	September	1 617
July	816	October	1 400

Now as regards the measures the Government is taking to counter this increase in illegal immigration.

First to counter rumours being spread around by those organising illegal migration, we have repeatedly said that there will be no amnesty for illegal immigrants in Hong Kong when Britain and China sign the agreement on the future of Hong Kong. We will continue to return all illegal immigrants to China.

Second to make it virtually impossible for illegal immigrants to get away with illegal documentation for living in Hong Kong, we continue with the issue of the new identity card which is very difficult to forge.

Third the police have streamlined their procedures for checking identity cards with the result that with the help of their computer they can check substantially more each day.

Fourth to make it difficult for illegal immigrants to get work here, the police, Immigration and Labour Departments are maintaining a high level of operations against the employment of persons without valid identity cards, particularly in factories, restaurants and on construction sites.

Fifth the police, army, navy and immigration services are continuing to maintain their vigilance on our borders. For our sea borders, the police and the navy are to be reinforced with new vessels. On the land border, the fence with its lights and alarm system continues to prove effective. The army have recently deployed thermal-imagery equipment to improve their night viewing capability. The police have recently improved their capability on the land border by deploying additional manpower and by reorganising their command structure there.

Members will see from the statistics in the footnote to this reply that within the total figures I quoted for illegal immigrants arrested during the last six months, the significant increases have so far been in illegal immigrants arrested on entry, not in evaders who surface in Hong Kong itself. It may be still a bit too early to draw firm conclusions from these statistics, but given the improved methods we have for detecting evaders, it looks as if our forces on our borders are becoming even more effective at intercepting illegal immigrants as they try to cross into Hong Kong.

DR. HO:—*Sir, I thank the Secretary for Security for his comprehensive answer. However can he inform this Council whether there are indications of syndicates involved in smuggling illegal immigrants to commit criminal activities?*

SECRETARY FOR SECURITY:—No, Sir, we have no indication to that effect.

MR. ALLEN LEE:—*May I ask the Secretary for Security how many, with regard to illegal immigrants getting a job in Hong Kong, how many cases have been investigated and prosecuted and fined in the last six months?*

SECRETARY FOR SECURITY:—Sir, I am afraid I do not have those statistics with me but I will be pleased to write to my honourable friend and give them to him.

(The following written reply was provided subsequently.)

As it is not against the law for illegal immigrants to take up jobs in Hong Kong, they cannot be prosecuted. They are repatriated when they are caught. But any one who employs an illegal immigrant commits an offence under section 17I(1) of the Immigration Ordinance and will be prosecuted. Over the past six months from June to November, a total of 29 employers have been charged for employing illegal immigrants. Of these, 24 have been fined. We do not, I am afraid, keep statistics on the number of cases investigated.

Child abuse

8. MR. PETER C. WONG asked:—*In view of the increase in detected child abuse cases during recent years, what measures are being taken by Government to solve this problem? Is consideration being given to the setting up of shelters for these children and a central register for such cases?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, I am informed that there is no evidence of an increase in the incidence of child abuse in recent years. An increase in the number of reported cases would be a measure of the success achieved in implementing the new procedures which I outlined in this Council in May last year. Their purpose was to ensure that, as far as possible, all cases are brought to early official notice so that appropriate assistance may be given.

Temporary shelter is available for any abused child who needs to be placed under protection. Of course there is room for improvement in the facilities available, but it is a matter of priorities within limited resources. I assure Mr. WONG that no abused child is returned to his family, in disregard of his own interests, simply because no facilities are available for his temporary shelter.

I said in this Council in May last year that I believed that the need for a central registry of cases required examination, and that I hoped that such a registry would include cases handled by the voluntary agencies. Not surprisingly, the idea has not attracted general acceptance by all concerned, but I can assure Mr. WONG that active consideration is still being given to it in the Social Welfare Department.

MR. PETER C. WONG:—*Sir, while appreciating the question of priorities within limited resources, may I ask the Secretary whether the Government has drawn up plans for the setting up of permanent shelters when resources are available?*

SECRETARY FOR HEALTH AND WELFARE:—No, Sir, I think Mr. WONG possibly has misunderstood. I refer to temporary shelter meaning shelter on a temporary basis. These shelters themselves are permanent.

MR. PETER C. WONG:—*May I ask whether the Government is contemplating making these temporary shelters permanent shelters, that is, on a permanent basis?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, I do apologise; the shelters are permanent; they are used for the shelter of children on a temporary basis. We believe, Sir, that the best thing for the child is to be returned to his family.

Noise reduction at railway depots

9. MR. SO asked in Cantonese:—

鑑於地下鐵路及九廣鐵路車站上蓋不斷興建住宅樓宇，請政府告知本局，是否已制定有關減低噪音措施的指南或守則，規定發展商及／或地下鐵路公司及九廣鐵路公司遵守？

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

In view of the increasing number of residential developments above Mass Transit Railway/Kowloon-Canton Railway stations, will Government inform this Council whether there are any guidelines or code of practice with regard to noise reduction measures that the developer and/or the M.T.R. Corporation or K.C.R. Corporation have to abide by?

SECRETARY FOR LANDS AND WORKS:—Sir, the short answer to this question is that with regard to the suppression of railway noise which might affect residential developments above stations there are no guidelines or codes of practice with which the M.T.R.C. or the K.C.R.C., or their developers, must comply.

It is, I am afraid, inevitable that a railway depot generates noise and that such noise is particularly noticeable at night, when ambient noise is less, but when trains which have completed their day's work have to be stabled. Both the M.T.R.C. and the K.C.R.C. are aware of the problems and, within the constraints imposed by the need for safe railway working, are taking, or will take, measures to minimise the nuisance caused.

MR. SO asked in Cantonese:—

閣下，政府可否告知本局，現在九廣鐵路公司及地下鐵路公司減低噪音的辦法，主要有那幾種？

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

Will the Government inform us what measures are being taken by the M.T.R.C. and the K.C.R.C. to reduce noise pollution?

SECRETARY FOR LANDS AND WORKS:—At the existing depots of the Mass Transit Railway Corporation at Kowloon Bay and Tsuen Wan rail lubricators have

been installed in order to reduce the noise which has given rise to most complaints, namely the screeching noise caused by friction between the trainwheels and the rails on curved section of the tracks. This lubrication has achieved some success but the method has its limitations in that too much lubrication could cause the train to slide, particularly when the brakes are being applied. There are at present no residential development above K.C.R. stations and therefore the K.C.R. Rail Depot is not required to take any special measures yet.

Entry of Hong Kong B.D.T.C. passport holders into the United Kingdom

10. MR. SO ASKED IN CANTONESE:—

據政府所知，英國移民局是否有歧視持有英國屬土公民護照的香港居民？請政府向本局保證，若有上述情形發生，會向英國政府提出強硬的意見。

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

Is the Government aware of any discriminatory action taken by the U.K. immigration authorities against Hong Kong B.D.T.C. passport holders and may this Council be given an assurance that vigorous representations will be made to the U.K. Government should any such cases come to light?

SECRETARY FOR SECURITY:—Sir, the answer to the first part of Mr. So's question is 'no, Sir'. We are not aware of any established discrimination by U.K. immigration officers against Hong Kong B.D.T.C. passport holders. A person did write to a newspaper recently over a pen-name complaining about discrimination. The Director of Immigration Wrote to the same newspaper appealing to the writer to give him details. The writer answered, still over his pen-name, refusing to do so.

The Hong Kong Government is very conscious of the need to make sure that all travellers with B.D.T.C. passports issued in Hong Kong are treated properly by immigration authorities in the United Kingdom (and elsewhere for that matter). The Director of Immigration from time to time encourages people who feel they may have been discriminated against to tell him (for example he did so in a recent letter to another newspaper in response to an article in that paper).

If he got any genuine complaints I can assure Mr. So that we would make vigorous representations to the U.K. Government.

Relevant I think is that we have an arrangement with the U.K. Government whereby the Home Office sends the Director of Immigration details of all cases in which holders of Hong Kong travel documents are refused entry into the United Kingdom. If from these returns the Director thinks that a Hong Kong traveller has been treated unfairly, he takes the cases up with the Home Office.

MR. SO asked in Cantonese:—

閣下，請問持有英國屬土公民護照的香港居民，如果要去英國旅遊或做事，是否需要預先向香港移民局申請入境准許書呢？

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

Sir, does a Hong Kong citizen holding a British Dependent Territory Citizen passport have to apply to the Immigration Department for an Entry Certificate if he wishes to visit England or to work in England?

SECRETARY FOR SECURITY:—No. Sir, he is not required to apply to the Immigration Department beforehand if he is travelling as a visitor although he would be advised to get an Entry Certificate if he thought that he might have difficulties with the immigration authorities in Britain.

MR. SO asked in Cantonese:—

閣下，請問去年曾經申請去英國入境准許書，而被拒絕的有多少宗？

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

Sir, of the total number of people applying for Entry Certificates into England, how many cases had been rejected last year?

SECRETARY FOR SECURITY:—In 1983, Sir, 50 900 were admitted and 138 or 0.27 per cent were refused admission.

MR. SO asked in Cantonese:—

拒絕的理由是甚麼？

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

What are the grounds for their being rejected?

SECRETARY FOR SECURITY:—Sir, unfortunately I haven't got with me the detail of 138 individual cases (*laughter*) of people who were refused admission but I am sure there will be no reason why the Director of Immigration will be barred from letting my honourable friend know if he would like to have the details.

Insurance cover for College of Education students

11. MR. YEUNG PO-KWAN asked:—*Can Government inform this Council about its policy on insurance cover for College of Education students on teaching attachments to educational institutes and if so whether such policy is extended to students of the two universities pursuing certificate/diploma of education courses?*

SECRETARY FOR EDUCATION AND MANPOWER:—Sir, in line with the Government's general policy of being 'self-insured', there is no specific insurance cover for students of the College of Education on teaching attachments. The Government is, however, prepared to indemnify educational institutions in respect of any compensation for which they may be held liable as a result of any injury to a College of Education student arising out of his presence on the institution's premises to undertake training or education related to his course of study. The universities being self-governing institutions determine their own policies about insurance cover for their staff and students.

MR. YEUNG PO-KWAN:—*Sir, does the Government consider the present arrangements for compensation to be paid by the educational institutions concerned to be followed by indemnification by the Government too cumbersome? If so, will the Government consider taking up insurance cover direct for all College of Education students?*

SECRETARY FOR EDUCATION AND MANPOWER:—I hardly think the proceeding can be too cumbersome, Sir, because I am informed by the Education Department that very few, if any, of these cases have ever arisen.

Congestion at the checkpoint at Man Kam To

12. MR. CHEUNG YAN-LUNG asked in Cantonese:—

現時，貨車在繁忙時間通過文錦渡檢查站平均約需時四至五小時，請問政府有何計劃減輕檢查站的擠迫情況？

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

At present the average time taken for lorries to pass through the Man Kam To checkpoint is about four to five hours during peak hours; has Government any plan in hand to reduce the congestion caused at the checkpoint?

SECRETARY FOR SECURITY:—Sir, while it is my understanding that the congestion is not quite as bad as my honourable friend has indicated, there is no doubt that queues of up to two hours do occur at peak periods. This congestion is a feature on both sides of the Man Kam To border crossing at different times.

I am pleased to be able to report, Sir, that the Hong Kong Government and the Shenzhen authorities are working in close cooperation to overcome this congestion:

- (a) a second bridge has just been completed at Man Kam To and will open shortly. It will enable the Shenzhen side to use its new control facilities to better effect;

- (b) in March 1985, the completion of additional immigration and customs vehicle examination kiosks will triple our own capacity to clear vehicles; and
- (c) our new building to provide improved customs and immigration facilities for coach passengers will be completed at the end of 1985.

The opening of the new crossing point at Sha Tau Kok in January next year should also help to relieve congestion at Man Kam To by offering an alternative route across the border between the eastern New Territories and eastern Shenzhen. Sir, in the longer term our plans are to construct a new border crossing at Lok Ma Chau at the end of 1987.

MR. CHEUNG YAN-LUNG asked in Cantonese:—

閣下，我可否請問保安司曾否親自到文錦渡檢查站巡視，注視到有關時間問題，以及在這個過渡期間內，政府將採何種方法，以減輕擠塞？

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

Sir, could I ask the Secretary for Security whether he has personally made a site visit to the Man Kam To checkpoint and how has he arrived at the two hours that he mentioned. Has he noted the situation himself? During the interim period what measures will the Government take to ease congestion?

SECRETARY FOR SECURITY:—I am afraid. Sir, I must confess I did not go up there with my stop-watch. Nevertheless, the figures that I quoted are the ones that have been given to me by those people working up there. Frankly, I think, Sir, at this stage whether it's two hours or four is immaterial. The fact of the matter is that two hours is far too long. I am afraid that to answer the second part of my honourable friend's question, there is very little we can do to speed matters up until we get the various stages which I have already outlined completed.

Effect of passage tax on traffic congestion in the Cross-Harbour Tunnel area

13. MR. CHAN KAM-CHUEN asked: —*Will Government inform this Council whether the \$5 passage tax achieved the objectives of easing congestion in and around the Cross-Harbour Tunnel area?*

SECRETARY FOR TRANSPORT:—Yes, Sir, congestion around the entries to the Cross-Harbour Tunnel has distinctly improved, although on some occasions—such as breakdowns, rainy weather, and recreation-related—it is still severe.

Vehicles using the Cross-Harbour Tunnel between November 1983 and May 1984 averaged 110 729 per day. The passage tax was introduced on 1 June. The initial impact was to reduce overall traffic by 15 per cent at the end of June. At the end of October, the overall reduction of traffic had settled at 8.5 per cent.

Within this overall reduction, the figure for private cars and taxis is 10.9 per cent. These figures, making due allowance for inflation, are reasonably close to the predictions made by a 1980 study of the potential effect of a \$10 total passage charge for private vehicles and taxis.

Missing persons

14. MR. TONG asked:—*Will Government inform this Council:*

- (a) *the total number of persons on record as missing over the past five years with separate figures for male and female teenagers;*
- (b) *the success rate for recovering missing teenagers and teenage girls in the same period;*
- (c) *what are the main causes of their going 'missing'; and*
- (d) *are there any plans or is action being taken to find out the causes for these missing persons and to reduce the incidence of such cases?*

SECRETARY FOR SECURITY:—Sir, the answer to my honourable friend's question is that the total number of persons on record as missing over the past five years, from January 1979 to September 1984 is 27 081. Of those reported missing 5 662 or 21 per cent were male teenagers aged between 11 and 20 and 10 459 or 39 per cent were female teenagers. The full breakdown of these figures on a year by year basis including the number of missing persons found are in the footnote included with the written version of this reply.

The answer to the second part of my honourable friend's question is that over the past five years 94.4 per cent of all missing teenagers were recovered and 94.3 per cent of missing teenage girls. These overall figures hide a substantial improvement from 81.7 per cent for all teenagers in 1979 to 98.6 per cent in 1984 so far. In fact, in the first nine months of this year more male teenagers have been found than have been reported missing. (*laughter*)

The answer to the third part of my honourable friend's question is that according to those in the Social Welfare Department directly concerned with such cases, the causes stem from a mixture of factors of which the most common are failure at school and an unstable or uncaring family background. The great majority of those missing were found staying with friends or had returned home of their own accord.

Few cases involve anything more sinister or criminal. Teenagers are vulnerable to being lured into crime if they have problems. But although getting involved in crime might be a result of running away from home, it seems to be rarely a cause. Female teenagers are vulnerable to sexual exploitation. But only 3.6 per cent of females reported missing in the first nine months of this year were found in police raids on vice establishments.

Sir, the answer to the fourth part of my honourable friend's question is that the causes I have described have been adduced from the data available from cases and from the experience of those who deal directly with them. Having identified failure at school and family problems as the main basic causes, the Government's efforts are concentrated in those areas with a view to reducing the incidence of young people going missing.

When a young missing person is found, if the circumstances are appropriate, the police will immediately inform the Social Welfare Department's Family Services Division. The responsibility of the S.W.D. staff is then to assess whether the person or the family would benefit from the assistance and guidance of a social worker. If the gravity of the problems involved so justify, a Magistrate may issue a care and protection order and the person is held under supervision or in residential care. The idea is to reduce the risk of the young person going missing again.

On the preventive side, the Government provides a wide range of programmes and services aimed at supporting family life and at counselling those with problems at school. Social workers give guidance to those at school who have problems with their studies. They also concentrate on school dropouts and teenagers drifting into street gangs.

The need to support and strengthen family ties is recognised in the school curriculum by the inclusion of 'Family Life Education'.

At the instigation of the Fight Crime Committee the Education Department is also currently examining ways of improving the standard of counselling and moral education in schools and is considering the production of a pamphlet for schools and parents giving a clear description of the social services available to assist students in need.

The dangers of drifting into crime are also brought home to schools by means of visits and lectures local Police Community Relations Officers organise. Similarly, teams visit schools carrying the anti-drug message.

Sir, in brief, the measures taken to support family life, to help juveniles to keep away from crime, to give guidance and counselling to students in difficulty at school and to detect the exploitation of women and juveniles all contribute to keep down the incidence of missing persons and in particular missing teenagers. And when they do go missing, the recovery rate is now high. But, as with everywhere else in the world, the problem remains. We will maintain our efforts to deal with it.

MR. TONG:—*Sir, could the Secretary inform this Council when he refers to 'when the circumstances are appropriate the Social Welfare Department will be informed', what circumstances are normally appropriate and how many cases had been so referred last year?*

SECRETARY FOR SECURITY:—Sir, it is a matter for the decision of the police when they find a missing child to look at the circumstances and to determine whether or not it makes sense to refer the case to the Social Welfare Department. In a lot of cases it does not. I'm afraid I do not have the breakdown of the number of cases that have been so referred but I will inform my honourable friend in writing.

(The following written reply was provided subsequently.)

The Director of Social Welfare by contacting his field staff during December has collated the following figures. For the period January to November 1984 the number of missing teenagers (13 to 18 years of age) referred by the police to the Family Service Centres was 69, of whom 10 were boys and 59 girls. The total number of missing teenagers (11-20 years) reported missing to the police during this same period was 2 950.

As I indicated in my reply to you on 21 November, relatively few cases are referred to the Social Welfare Department. The relevant police orders establishing the procedures to be followed in cases of missing persons are—

(a) *Where there are suspicious circumstances:*

The case is dealt with by a Crime formation and the Family Services Division of the Social Welfare Department is informed if the missing person is under 18 years of age and has been missing for 24 hours or more; and

(b) *Where there are no suspicious circumstances:*

The case is investigated by the Regional Missing Persons Unit and the Family Services Division of Social Welfare Department is informed if the missing person is under 18, has been missing for 24 hours or more, *and has been under the supervision or care of the Division.*

Billiard saloon on Tsing Yi Island

15. DR. FANG:—*Will the Government explain the circumstances in which permission has been given to establish a large public billiard saloon in a residential property on Tsing Yi Island contrary to the express wishes of many residents?*

SECRETARY FOR HOME AFFAIRS:—Sir, the Licensing Authority in the New Territories consults the District Commissioner or District Officer, the Commissioner of Police, the Director of Fire Services and the District Lands Officer on all applications.

In this case neither the Commissioner of Police, the District Lands Officer nor the Director of Fire Services offered objections provided, in the case of the Fire Services Department, certain fire safety conditions were met.

The District Commissioner in his reply said that

‘Some of the residents of Mayfair Gardens have been consulted...and they do *not* favour the idea of establishing a Public Billiard Saloon at (these) premises’.

The District Commissioner went on to say that those residents who had been consulted feared that the presence of a billiard saloon would possibly have an adverse effect on the peaceful environment and that unlawful activities such as gang fights and noise might affect law and order in this residential area.

The Licensing Authority then called for a further inspection.

He was then satisfied that there was a sufficient degree of segregation of the proposed premises from the residential flats, that there was a separate access to the proposed billiard saloon and therefore no cause for concern on account of noise. He considered that this was an application for a lawful business, that the legislature had provided adequate safeguards in the Places of Amusement (N.T.) Regulations to ensure that good order could be maintained, and that the objections as conveyed to him by the District Commissioner were not strongly held.

The Licensing Authority accordingly advised the applicant that there was no objection in principle to the application subject to certain health and fire safety conditions being met.

It was only after the applicant’s contractor started to make the premises ready for development into the billiard saloon that the ‘express wishes of many residents’, to quote Dr. FANG’S words, became more pronounced.

The Licensing Authority’s legal advice was that once an assurance had been given to the applicant that a public billiard saloon licence would be issued to him provided he met the health and fire safety conditions, this could not then be withdrawn, even if the Licensing Authority would wish to reconsider his original decision. Since that advice was given, doubts have been expressed as to whether the legal position is as I have stated. The Attorney General is now urgently considering whether the advice given correctly states the law.

DR. FANG:—*Sir, may I ask, with respect to the Secretary for Home Affairs who just quoted the District Commissioner’s reply in paragraphs 3 and 4, but—*

- (1) *is it true that in his last paragraph the District Commissioner went on to say that the establishment of a public billiard saloon would definitely not meet with the approval of the residents?*
- (2) *is the Administration also aware that some 90 per cent of the residents expressed objections and that the District Office assisted in the conduct of the survey?*
- (3) *why was there no further consultation?*

SECRETARY FOR HOME AFFAIRS:—Sir, I did say that the District Commissioner went on to say that those residents who had been consulted feared the presence of a billiard saloon would have an adverse effect and so forth. Now that was before the licence was approved and before the applicant was told there was no objection in principle to the licence. I believe that this survey to which Dr. FANG referred took place only after the contractor had started work and that certainly 90 per cent of the residents have not been consulted before the applicant was told there was no objection in principle to the application.

MR. POON:—*Will the Government say what weight is attached to local views when applications of this nature are being considered and will Government take steps to ensure that some prior explanation is given at least to the district elected representatives when local advice cannot be given?*

SECRETARY FOR HOME AFFAIRS:—Sir, I think this is a matter for the Licensing Authority who in this case is a public official with parallel power being exercised in the urban area by the Urban Council. The measures that could be taken are under review and I suspect they will be reviewed again for these powers in due course to be passed to the Regional Council when it is established.

DR. FANG:—*Sir, is it not true that there has been an apparent breakdown in the communication and the consultation between the two government departments concerned and between the Government and the people? Are there any means by which this undertaking to issue licence may be withdrawn?*

SECRETARY FOR HOME AFFAIRS:—Two questions were asked, Sir, in the first place I don't think there was a breakdown. The question really was how much effort had been put into consultation and did the people consulted know what was going on. Did they understand what was happening before they saw the contractors at work? Clearly they didn't. The second part of the question refers to the legal situation which is at present under review.

MR. TONG:—*Sir, can the Secretary tell us whether the District Board was consulted or was advised of this and if not, why not?*

SECRETARY FOR HOME AFFAIRS:—No, Sir, the District Board was not consulted. As I explained just now, in the urban area the licences are issued by the Urban Council. I don't think it would be sensible to introduce a new procedure in the few months remaining before the establishment of the Regional Council, where these powers will probably be redeployed. It will then be for the Regional Council to consider what sounding of opinion it should take before it issues the licence.

MRS. FAN:—*Sir, may I ask the Secretary for Home Affairs has that licence been issued? Will it be reviewed annually or for a period of two years?*

SECRETARY FOR HOME AFFAIRS:—The licence hasn't been issued. They are still tinkering about the place complying with these fire objections and safety requirements. When it is issued it would be subject to an annual licence fee.

Statement

Annual Report of the Hong Kong Productivity Council for the year ended 31 March 1984

MR. ALLEN LEE:—Sir, among the various papers laid on the table of this Council today is the Annual Report of the Hong Kong Productivity Council for the year ending 31 March 1984.

I am very pleased to report that the Hong Kong Productivity Centre has maintained the momentum of growth in the past few years and last year was one of continued overall progress for the Centre. The fee income derived from services increased by 33 per cent over the previous year with only a marginal increase in staff establishment. This performance was achieved through an efficient deployment of staff resources to meet the expanding and diversifying demands from industry. The growing demand for the Centre's services is in part a reflection of the growing determination of industry to increase its competitiveness, and an expression of its renewed confidence in the future of Hong Kong as a major manufacturing base.

There has been sustained support for the Centre's core services comprising training, consultancy and information activities. The newly introduced Industry Liaison Scheme has reinforced H.K.P.C.'s contact with industry, especially the small and medium sized enterprises.

In industry-support services, the demand for H.K.P.C.'s heat treatment and metal finishing services doubled during the year under review. From a slow start during their introductory stage, these services have now gained wide recognition for professionalism and superior quality control. Their use demonstrates the strategic role that H.K.P.C. plays and can play in providing a range of essential services to help upgrade product quality and production efficiency for local industries. The Centre's management is actively evaluating the feasibility of adding further support services.

Resulting from its understanding of technology transfer problems, H.K.P.C. has added a new dimension to its services with the successful development of a number of productivity improvement systems which are available to industry on a multiple basis. In particular two affordable computer-aided design systems for the clothing and the electronics industries bring the benefits of advanced technology within the reach of the small and medium sized enterprises. H.K.P.C. will continue to identify innovative development to help as wide a spectrum of industry as possible.

The recent export-led recovery shows that not only is manufacturing re-establishing its key role in the economy, it will also be the main generator of economic growth in the future. With the implementation of the recommendations of the Advisory Committee on Diversification, the Hong Kong Productivity Centre has completed in recent years a number of technoeconomic studies on various sectors and aspects of industry in Hong Kong. A common theme of these studies is the facilitation of technology transfer in upgrading the output capabilities and strengthening the competitiveness of local industries. The Hong Kong Productivity Centre has been asked to examine how its existing services could be augmented in order to provide in whole or in part the level of support services recommended for the electronics and metal working industries.

The Government has proposed a unified approach concept in respect of not only the electronics proposals but also in the fields of improvements to the metal working industry and technology transfer.

Given financial and manpower constraints, the Hong Kong Productivity Council endorsed the 'unified approach' concept as representing a better alternative to the setting up of separate institutions. The Council feels that a solid foundation already exists which will enable H.K.P.C. to assume the enlarged role envisaged in the 'unified approach'. However, effective implementation would require a revision of H.K.P.C.'s existing financial and organisational structure and a firm commitment of funds by Government.

As the organisational focus in the provision of industry support services, the Hong Kong Productivity Centre has achieved increasing success in recent years. With adequate backing by Government and support from industry, I believe H.K.P.C. is in a good position to undertake further work of significantly greater magnitude in support of Hong Kong's industrial development.

Government business

Motions

IMMIGRATION ORDINANCE

THE SECRETARY FOR SECURITY moved the following motion:—That section 18(3) and Part VIIA and VIIB of the Immigration Ordinance shall expire on 31 December 1985.

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

Section 18(3) of the Immigration Ordinance was enacted in January 1979 to provide that Vietnamese refugees, having been refused permission to land in Hong Kong, are subject to removal from Hong Kong by an Immigration Officer *at any time*. By virtue of section 18(4), section 18(3) will expire on 31 December 1984 unless extended by resolution of this Council.

Parts VIIA and VIIB of the Ordinance were enacted in August 1979 to deal with the problem of trafficking in illegal immigrants. Under these parts, any persons who aids illegal immigrants to get into Hong Kong commits an offence. Offenders are liable on conviction to a fine of \$5 million and imprisonment for life while the ship and other property involved are liable to forfeiture. By virtue of sections 37M and 37T, these two parts also will expire on 31 December 1984.

In recent years, the numbers of Vietnamese refugees and of illegal immigrants arriving from China have diminished dramatically. But the hard fact remains that the problems of Vietnamese refugees and illegal immigrants are still with us. In the first ten months of this year, 2019 Vietnamese refugees reached here compared with 3573 in the same period of last year. As regards illegal immigrants, this year there has been a marked increase in the numbers arriving, largely the result of rumours circulating that an amnesty would be granted on the signing of the agreement on the future of Hong Kong. As you, Sir, said recently in this Council, there is no truth whatsoever in these rumours. In the first ten months of this year, a total of 7 550 illegal immigrants from China were arrested while attempting to enter Hong Kong and 2 404 evaders were arrested within Hong Kong, compared with 4046 border arrests and 2 514 evaders during the same period last year. The security forces are as vigilant as ever and are keeping the border under tight control, thus I suspect, providing the reason why the increase in the numbers arrested on the border is much higher than the increase in the number of evaders.

Because illegal immigrants and Vietnamese refugees are still coming here, we need to retain the legislative powers necessary to deal with the problems effectively. But it remains our firm belief that these problems will not stay with us permanently. So the motion before the Council seeks to extend these provisions only for a further year until 31 December 1985, when we shall review further the position.

Sir, I beg to move.

Question put and agreed to.

MERCHANT SHIPPING ORDINANCE

THE SECRETARY FOR SECURITY moved the following motion:—That sections 34A, 34B and 34C of the Merchant Shipping Ordinance shall expire on 31 December 1985.

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

Sections 34A, 34B and 34C of the Merchant Shipping Ordinance were enacted in January 1979 to provide for the forfeiture of a vessel in certain circumstances involving the carriage of excess passengers. These provisions

were introduced as part of the measures to counter the substantial number of Vietnamese refugees arriving in Hong Kong by sea.

By virtue of section 34D, these sections will expire on 31 December 1984 unless they are extended by resolution of this Council. As the problem of Vietnamese refugees is still with us, we continue to need these special provisions. But for reasons which I have just explained when moving the previous motion, we are seeking an extension only up to 31 December 1985.

Sir, I beg to move.

Question put and agreed to.

First reading of bills

MAGISTRATES (AMENDMENT) (NO.2) BILL 1984

MEDICAL CLINICS (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

MAGISTRATES (AMENDMENT) (NO.2) BILL 1984

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

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

At preliminary inquiries in the Magistrates Courts in respect of indictable offences, the law presently requires that the evidence of a witness be read back to him in court and signed by him.

In an inquiry presently proceeding, it is estimated by some counsel involved in the case, including senior counsel for the Crown, that the hearing of evidence will take 14 weeks and the record of that evidence will occupy about 9000 pages.

If the evidence is read back to witnesses, it is estimated that this procedure could lengthen the hearing by an additional six weeks.

All the counsel representing the parties and the presiding magistrate in this case have stated that it would be sensible to adopt a procedure in which, after

the evidence of a witness has been recorded in shorthand and transcribed, the witness and counsel would read the transcript separately from the court proceedings and then the witness would, on oath, confirm the accuracy of the transcript. This would avoid the need to occupy the time of the court and counsel by having the evidence read aloud and would save a great deal of expense.

It had been thought that this alternative procedure could be applied within the framework of the existing law and, so, proceedings were brought in the High Court to obtain a declaration that the law did permit this sensible procedure to be followed. But in the course of the proceedings, senior counsel for the Crown came to the view that the alternative procedure was not permissible in law. This accorded with the view of the Chief Justice and the other judges who were hearing the Crown's application. In their judgment, delivered on Monday, the judges had this to say 'We express our regret that we were unable to reach a finding that the alternative procedure might properly be used'. They went on to suggest that the Attorney General should consider swift action to seek the necessary amendments to the Magistrates Ordinance, so as to give legislative sanction to the alternative procedure. Urgent consideration has been given to the problem and this has led to the Bill that is now before this Council, a Bill that seeks to amend the law so that this common-sense approach may be adopted.

Clause 3 of the Bill applies the new procedure to existing proceedings and thus has an element of retroactive effect. Usually, of course, retroaction in legislation should be avoided to preserve vested rights. In the case of this Bill, however, there is only one case proceeding to which the new procedure could apply and all the counsel in that case have agreed that the proposed procedure would not give rise to any prejudice.

It is important that the new procedure should be authorised by legislation as soon as possible. It is in everyone's interest that the length of preliminary inquiries should be reduced as much as is consistent with justice. In the case proceeding, there are witnesses from overseas who could be released from attendance much earlier if the new procedure were adopted immediately.

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

MR. PETER C. WONG:—Sir, I rise to support the Bill now before Council. The Attorney General has undoubtedly made out a strong case for the amendment. I am persuaded that it would be in the public interest to have the new procedure authorised by legislation as soon as possible.

Clause 3 of the Bill contains a retrospective element. This was touched upon by the Attorney General in paragraph 7 of his speech. Unofficial Members are concerned about this aspect of the Bill as well as the position of an unrepresented accused who may require assistance in reading the transcript.

Honourable Members will be pleased to know that to allay these concerns, the Attorney General will give this Council the following assurances—

1. That all the counsel in the case presently proceeding have stated in open court that, if the law permitted it, they would welcome use of the procedure proposed in the Bill, and
2. That assistance would be given to accused persons to read the transcript, if required.

Finally, I must stress that taking a bill through all three stages in one sitting should be used only very sparingly. Unofficial Members are satisfied that there is merit in the present case and it therefore has our support.

Sir, subject to the assurances, I support the motion.

THE ATTORNEY GENERAL:—Sir, I must thank Mr. Peter C. WONG for his support for this Bill and the swift and positive response from him and his Colleagues to its completing all stages in to-day's sitting.

I readily give to this Council the assurances sought by Mr. WONG in the terms contained in his speech.

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).

MEDICAL CLINICS (AMENDMENT) BILL 1984

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

He said:—Sir, I move the second reading of the Medical Clinics (Amendment) Bill 1984.

The Registrar of Clinics has the power to grant to certain clinics, on an annual basis, exemption from the requirement to have registered medical practitioners responsible for their medical management, but this power has a time limitation which can be extended only by resolution of this Council. This time limitation has been so extended no less than six times over the past 20 years.

The limited services performed by these clinics are still useful, and there is no reason why they should not continue in operation for as long as they satisfy the Registrar that they meet the standards. In recognition of the situation, and so as

to dispense with the need for periodical resolutions to be made, the Bill seeks to remove the time limitation on the Registrar's power. Supervision will continue to be maintained over the operation of exempted clinics, and exemptions will only be renewed if the clinic concerned continues to be run satisfactorily.

Sir, I move that the debate on the 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.

CHARTERED BANK (CHANGE OF NAME) BILL 1984

Resumption of debate on second reading (10 October 1984)

Question proposed.

(Mr. W. C. L. BROWN declared interest and abstained from voting on the motion.)

Question put and agreed to.

Bill read the second time.

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

CIVIL LIABILITY (CONTRIBUTION) BILL 1984

Resumption of debate on second reading (10 October 1984)

Question proposed.

MR. PETER C. WONG said:—Sir, I agree with the Attorney General that this Bill provides a useful measure which will ensure that those who are really the cause of damage end up paying for it.

However, there are two points which need refinement—

1. Clause 3(4) stipulates that a person who makes a *bona fide* settlement of any claim shall be entitled to claim contribution from another person who is also liable for the same damage.

While appreciating that the spirit of the reform is to encourage settlement, it was felt that the interests of the eventual contributor should also be safeguarded. It has therefore been agreed that the following new sub-clause be added—

‘On assessing any contribution under this section the court shall disregard any part of the payment in respect of which the contribution is sought which appears to the court to be excessive.’

This in fact follows a similar section in the relevant legislation in Victoria.

2. Clause 5 reads as follows—

‘Judgment recovered against any person liable in respect of any debt or damage shall not be bar to an action,...’

After careful consideration, it was felt that the word ‘recovered’ might give rise to situations which may be contrary to the spirit of encouraging settlement. The Administration has now agreed to use the word ‘obtained’ instead, which would be more in line with the object of the present exercise.

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

THE ATTORNEY GENERAL:—Sir, once again I express my gratitude to Mr. Peter C. WONG for his support for this Bill. The two amendments to be moved in the committee stage by Mr. WONG are sensible improvements to a Bill that is a useful and timely law reform measure.

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).

COMMUNITY SERVICE ORDERS BILL 1984

Resumption of debate on second reading (10 October 1984)

Question proposed.

DR. HO:—Sir, the Community Service Orders Bill 1984 provides an additional sentencing tool at the disposal of the magistrate. By virtue of this order, the magistrate can punish and, hopefully, rehabilitate the offender for his antisocial behaviour by sentencing him to render a specified number of hours of service at his leisure time. An important feature of this legislation is to allow the offender to remain in the community, so that he can continue without interruption with his normal daily activities of employment or schooling while

he is serving his sentence. In this way, no incarceration is necessary, thus obviating the need for re-integration into the community, which is generally associated with the traditional form of institutional punishment.

There are two main key elements essential for the successful operation of the community service orders scheme. Firstly, as the offender is sentenced to perform certain tasks in place of imprisonment, it is hoped that in carrying out the assigned task, the offender will be able to see that he has restored something to the community which he has damaged, or that he can contribute directly to the happiness or well-being of other individuals, and hence develop a new sense of purpose of life. It is therefore important that the work to be done under a community service order should be dignified and educational and not useless or menial. In order to create a wide variety of meaningful, reform-oriented tasks for the offenders, the understanding and co-operation of the service agencies and government departments are essential.

Secondly, the ultimate objective of the community service order is to rehabilitate the offender. Due to weakness of character or poor insight on the part of the offender, the desired reform may not come about by the mere rendering of services. Proper and regular counselling and guidance is essential. However, in certain service agencies or government departments, the supervising officer does not have the professional skill and training to provide the necessary counselling. Under these circumstances, the probation officer who assumes the overall administrative responsibilities over a community service order scheme will also be counted upon to undertake counselling and guidance. Hence, it is important that the Government will provide the necessary resources and manpower to the Social Welfare Department so that it will have an adequate number of probation officers to administer the scheme.

In summary, the probation officers are of paramount importance to the scheme because they are instrumental to the achievement of rehabilitating the offenders by means of creating a varied assortment of education-oriented tasks and providing skilled counselling and guidance.

With these remarks, Sir, I have much pleasure in supporting the Community Service Orders Bill 1984.

MR. F. K. HU:—Sir, I rise in support of the Community Service Orders Bill 1984.

The Community Service Orders Sub-Committee of the Law Reform Commission held seven meetings of the full sub-committee and a number of additional meetings within the sub-committee from November 1981 to April 1983 before giving its recommendations to the Commission. I was chairman of this sub-committee and my honourable fellow colleagues Dr. Ho Kam-fai and Miss Maria TAM were both members. The sub-committee had numerous consultations and an open forum with interested government departments and

voluntary agencies to deal with various aspects of community service orders. The recommendations put forward by the sub-committee were accepted by the Commission which published its report in April 1983.

There are a number of advantages in favour of community service orders:—they are less costly than semi-custodial or custodial measures; the family unit is not unnecessarily disrupted; employment may be retained; schooling need not be interrupted; dependants will not be forced to resort to welfare benefits; less damage to self-esteem will accrue; the alternative high risks of exposure to undesirable elements will be avoided; the offender will be making a contribution to the community; and the offender is likely to derive an increased sense of personal achievement.

The community service order scheme has been operating successfully in the United Kingdom where the scheme was introduced in six areas as an experiment in 1972 before extending to the whole territory in 1975. As Hong Kong has different social and cultural background, it is advisable for us to learn from our own experience before deciding whether to extend the scheme or to bring the scheme to an end. Therefore, in this sense, a pilot scheme is a logical solution.

It is desirable for the pilot scheme to have as wide a spread as possible throughout the territory, and which could be provided by one magistracy from each of Hong Kong Island, Kowloon and the New Territories. On the basis of statistics on the types of offences dealt with in different magistracies, it seems that the magistracies in Causeway Bay for Hong Kong Island, San Po Kong or South Kowloon for Kowloon Peninsula and Tsuen Wan for the New Territories would be appropriate.

The real success of the scheme will depend on the enthusiastic participation and involvement of voluntary agencies which will eventually provide most of the work placements and necessary day-to-day control and supervision for the offenders. Without their participation, the scheme cannot be expected to work out satisfactorily. The Government should assist the voluntary agencies in the area of training supervisory staff and financial assistance for additional resources required in the implementation of the scheme.

Representatives of voluntary agencies attending the open forum for this scheme made many valuable suggestions which were incorporated in the recommendations of the sub-committee.

The general public in Hong Kong have been very concerned in recent years about the leniency in which the courts deal with offenders. Community service orders might be viewed as yet another lenient way of dealing with offenders. Therefore, Government should endeavour to make the public more aware of the objectives of the community service order scheme and the details of its operation through publicity and various other channels.

With these remarks, Sir, I support the motion.

MISS TAM:—Sir, I rise to support the Community Service Orders Bill 1984. The Honourable Ho Kam-fai and the Honourable F. K. HU has referred to the reasons for introducing the sentence of community service order to Hong Kong. As a member of the sub-committee of the Law Reform Commission which carried out a feasibility study on this subject in 1982. I can say that members of the public appreciated and accepted the rehabilitative value and the advantage of having an option of keeping out of prison, detention or training centres offenders who had a real potential in being reformed.

Their initial concern was whether it would be safe to release an offender who would have been punished by imprisonment to work in the community; and whether we were being too lenient to such an offender. However, after a long period of consultation, through distributing questionnaires to and holding seminars and panel discussions with subvented social agencies, government departments which were likely to be in the position to offer placement to a C.S.O. offender, District Boards, and even phone-in programmes on the Radio, etc., the public response to having a C.S.O. scheme in Hong Kong proved generally favourable.

During the period of consultation, some reservations have been expressed to the effect that a C.S.O. should not be made available to offenders who had committed violent crimes, or drug offences; or who was involved in syndicated criminal activities; or suffered from mental disorder. There was also the suggestion that first offenders and juvenile offenders should be favourably considered by the court to be given the opportunity of a C.S.O. sentence.

I accept that in this Bill it will not be possible to stipulate how a magistrate or judge should exercise his discretion. We rely on the good sense of the probation officer to recommend a suitable person for such a sentence and the sound judgment of the court to accept or reject such a recommendation. It will, however, be helpful in implementing the proposed pilot scheme to give due weight to these reservations so as to ensure that those who had enthusiastically supported the introduction of C.S.O.'s to Hong Kong will find it easier to arrange placement for the offenders sentenced to serve such an order.

Sir, I have earlier on in October expressed concern on the cost of a C.S.O. scheme because between the time of the feasibility study and today, our budget has rightly tightened. However, I am totally convinced that the pilot scheme is a worthwhile project because the experience in the United Kingdom, the Republic of Ireland and in Australia proves that it actually costs more to keep an offender in prison than to place him under a community service order. Also, the C.S.O. will enable an offender to continue with his work or study uninterrupted and the economic value in this respect must be significant. I also hope that through our pilot scheme we can gain an insight to this particular area of assessment.

Sir, I support the motion.

THE ATTORNEY GENERAL:—Sir, Dr. Ho Kam-fai, Mr. F. K. Hu and Miss Maria TAM have given general and realistic support to the Community Service Orders Bill in this debate and I am grateful to them for that. However, I would like also to acknowledge publicly the work that they had put in this legislative contract and the Law Reform sub-committee looking into this matter which produced this report in May 1983 that involved a great deal of research, hardwork and detail discussion. And I would like to thank them for that on behalf of the Administration.

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).

DENTISTS REGISTRATION (AMENDMENT) BILL 1984

Resumption of debate on second reading (10 October 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).

SCHOOL MEDICAL SERVICE BOARD INCORPORATION (AMENDMENT) BILL 1984

Resumption of debate on second reading (10 October 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).

Committee stage of bills

Council went into Committee.

MAGISTRATES (AMENDMENT) (NO.2) BILL 1984

Clauses 1 to 3 were agreed to.

CHARTERED BANK (CHANGE OF NAME) BILL 1984

Clauses 1 to 5 were agreed to.

The Schedule was agreed to.

CIVIL LIABILITY (CONTRIBUTION) BILL 1984

Clauses 1, 2, 4, 6 to 10 were agreed to.

Clauses 3 and 5

MR. PETER C. WONG:—I move that clauses 3 and 5 be amended as set out in the paper circulated to Members.

*Proposed amendment***Clause 3**

By inserting after sub-clause (4) the following—

‘(4A) On assessing any contribution under this section the court shall disregard any part of the payment in respect of which the contribution is sought which appears to the court to be excessive.’

Clause 5

By deleting ‘recovered’ and substituting the following—
‘obtained’.

The amendments were agreed to.

Clauses 3 and 5, as amended, were agreed to.

COMMUNITY SERVICE ORDERS BILL 1984

Clauses 1 to 15 were agreed to.

The Schedule was agreed to.

DENTISTS REGISTRATION (AMENDMENT) BILL 1984

Clauses 1 to 7 were agreed to.

SCHOOL MEDICAL SERVICE BOARD INCORPORATION (AMENDMENT) BILL 1984

Clauses 1 and 2 were agreed to.

Council then resumed.

Third reading of bills

THE ATTORNEY GENERAL reported that the

MAGISTRATES (AMENDMENT) (NO. 2) BILL

CHARTERED BANK (CHANGE OF NAME) BILL

COMMUNITY SERVICE ORDERS BILL

DENTISTS REGISTRATION (AMENDMENT) BILL and the

SCHOOL MEDICAL SERVICE BOARD INCORPORATION (AMENDMENT) BILL

had passed through Committee without amendment and the

CIVIL LIABILITY (CONTRIBUTION) BILL

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

Question put on the Bills and agreed to.

Bills read the third time and passed.

Valedictories to Mr. Henry CHING and Mr. C. H. HAYE

HIS EXCELLENCY THE PRESIDENT:—Honourable Members, this is the last occasion on which Mr. Henry CHING will be with us in the Council, Mr CHING has been a Member of the Council since May 1983 as Secretary for Health and Welfare, although there were many occasions on which he understudied as Financial Secretary in his previous role as Deputy Financial Secretary. With his going, the Hong Kong Government loses one of its most loyal servants and certainly one of its most lucid intellects, and a man whose logical mind and capacity for sustained concentration both in his present and previous appointments has guided us all through many a complicated issue. We shall miss him greatly and wish him all the best for the future.

This will also be the last time on which Mr. HAYE will attend this Council as Director of Education before leaving to take up his new post as Hong Kong Commissioner in London. In wishing him every success in his new post I think it would also be appropriate to pay tribute to him for his contribution to the work of the Council.

Mr. HAYE has rendered long and valuable service to education since he joined the Hong Kong Government in 1953. He served on this Council as a provisional Member on a number of occasions between 1976 and 1980. when he became a full Member as the Director of Education. He has been a stalwart member of the official team on the Council, never declining a challenge, but withal a courteous and considerate exponent of the Government's views. His lucidity in debate in this Council has contributed much to the public debate on how education should develop in Hong Kong. Now he will be called upon to apply his talents in a wider field in his new post in London. We wish him, too, every success in that important task.

MR. LOBO:—Sir, the Unofficial Members would wish to be associated with your tribute paid to Mr. Henry CHING. Indeed Mr. CHING have a career filled with delicated public service and commitment to Hong Kong. Today we would like to place on record our heartfelt thanks to him and wish him every success in his future endeavour.

We would now also like to be associated with Your Excellency's valedictory remarks about Mr. Colvyn HAYE. He also left a mark of loyal and dedicated service on the department he has served for some 30 years and as Director of Education since 1980.

He has responded conscientiously and effectively to change and challenge through a period of intense development. He has spent many hours in this Chamber patiently and eloquently answering our questions and examining problems with us. His helpfulness and good humour will be missed by us all. On behalf of my Unofficial Colleagues I would like to wish Mr. HAYE every success in his new appointment. We have no doubt that the interest of Hong Kong will be in good hand.

Adjournment and next sitting

HIS EXCELLENCY THE PRESIDENT:—In accordance with Standing Orders I now adjourn the Council until 2.30 p.m. on 5 December 1984.

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