

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 5 December 1984****The Council met at half past two o'clock****PRESENT**

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

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

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

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

DR. THE HONOURABLE HENRIETTA IP MAN-HING

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

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

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

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

THE HONOURABLE JOHN WALTER CHAMBERS, J.P.
SECRETARY FOR HEALTH AND WELFARE

THE HONOURABLE MICHAEL LEUNG MAN-KIN, J.P.
DIRECTOR OF EDUCATION

ABSENT

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

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.

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 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.

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

THE HONOURABLE CHAN YING-LUN

THE HONOURABLE MRS. RITA FAN HSU LAI-TAI

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL
MR. LI WING

Papers

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

Subject *L.N. No.*

Subsidiary Legislation:

Registration of Persons Ordinance.	
Registration of Persons (Application for New Identity Cards) (No. 9) Order 1984.....	384
Antiquities and Monuments Ordinance.	
Antiquities and Monuments (Declaration of Monument) (No. 5) Notice 1984.....	385
Inland Revenue Ordinance.	
Inland Revenue (Interest Tax) (Exemption) (Amendment) (No. 15) Notice 1984.....	386
Tax Reserve Certificates (Fourth Series) Rules.	
Tax Reserve Certificates (Rate of Interest) (No. 10) Notice 1984.....	387
Dutiable Commodities Ordinance.	
Dutiable Commodities (Amendment) (No. 2) Regulation 1984.....	388
Holidays Ordinance.	
General Holidays (No. 3) Order 1984.....	389
Kowloon-Canton Railway Corporation Ordinance.	
Kowloon-Canton Railway Corporation (Permitted Activities) Order 1984...	390

Sessional Papers 1984-85:

No. 26— Changes to the approved estimates of expenditure approved during the quarter ending 30 September 1984—Public Finance Ordinance: Section 8.

No. 27— Urban Council Estimate of Revenue and Expenditure for the year ending 31 March 1986.

Other:

Statement issued by the Unofficial Members of the Hong Kong Executive and Legislative Councils on 29 November 1984 on The Future of Hong Kong.

Oral Answers to Questions

Objections to new rateable values

1. MRS. NG asked in Cantonese:—

繼本年五月二日本人詢問有關就本財政年度公布的新估價冊提出的九萬九千七百宗反對個案後，政府可否告知本局，處理上述反對個案的進展情況？

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

Further to my question asked on 2 May 1984 about the 99 700 objection cases to the new valuation list introduced this financial year, can Government inform this Council what progress has been made to clear these objection cases?

THE FINANCIAL SECRETARY:—Sir, up to the end of November, the Rating and Valuation Department had reviewed 78 per cent of all proposals objecting to the new rateable values, and the ratepayers concerned had been informed of the decisions. The remaining proposals will be dealt with by the department before the end of this month.

MRS. NG asked in Cantonese:—

請問在這百分之七十八宗個案內，有多少宗是反對得直呢？

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

Referring to the 78 per cent of the proposals dealt with, how many of them have their request entertained?

THE FINANCIAL SECRETARY:—Sir, in some cases there has been a reduction in the rateable value although in the majority of cases the original rateable value has been confirmed. Indeed in a few cases the rateable value has actually been increased. I regret that the precise figure in this regard would not be available until completion of the exercise when I will let Mrs. NG know the outcome.

Zebra-crossing near No. 140-142 Pok Fu Lam Road

2. DR. FANG asked:—*Will Government consider installing traffic lights on Pok Fu Lam Road near the zebra-crossing in the vicinity of house No. 140-142 where a number of fatal accidents have occurred in the last 15 months?*

SECRETARY FOR TRANSPORT:—Sir, the need for a light-controlled crossing is being considered, taking into account the pedestrian and traffic flows at the existing zebra-crossing, and the safety of users. A survey to record the present traffic flows will be finished this week, and I will write to Dr. FANG with its results.

Until recently there have been few accidents involving pedestrians at this crossing. In the 24 months ending September 1984 there was one slight and one serious pedestrian accident at or near the crossing. However, on 25 October, in one incident, a goods vehicle collided with a family of three on the crossing. One person died and the other two were injured. The possibility of charges being laid against the driver is being considered.

There have been two other fatalities, 120 metres north and 120 metres south of the crossing respectively.

DR. FANG:—*Sir, will the Secretary kindly consider that the two other fatalities could have been pedestrians crossing the zebra-crossing and accident happened there and the pedestrians were carried away by the car as far as 120 metres?*

SECRETARY FOR TRANSPORT:—*Sir, I don't have the details of the two cases but I think it unlikely that they were carried quite that far. I do know of cases where people have been carried 50 metres but I think 120 metres is perhaps rather a long distance; but I will get the case details and let Dr. FANG know.*

(The following written reply was provided subsequently.)

While the traffic flow was heavy, the number of pedestrians crossing the road at or near to the zebra crossing was only 63 in the morning peak hour and 26 in the evening peak hour. Light-controlled crossings are normally considered if the average hourly traffic exceeds 1000 vehicles and more than 100 pedestrians per hour wish to cross the road. However, in the course of the survey, the Transport Department noted that some of the traffic approaches the crossing at a relatively high speed, and that this can create a hazard for pedestrians. In view of this, it has been decided to replace the zebra crossing with a light-controlled crossing of the 'push-button' type which would stop the traffic only when a pedestrian presses the button in order to cross the road.

Mainly because the stock of lights in hand is committed to other sites where the need is greater, and also because new equipment has to be obtained through normal tender procedures, it may take up to a year to instal the lights.

In addition to the fatal accident on the zebra crossing in October, I mentioned two fatal accidents 120 metres north and 120 metres south of the crossing respectively. You wondered whether these two accidents had taken place at or near the zebra crossing with the victims being carried along the road. The record shows that one of the accidents (on 7 January 1983) involved a pedestrian, an old man who was knocked down and killed while attempting to cross the road about 120 metres south of the crossing. The other accident which took place in April 1983, involved vehicles only.

Alleged malpractice of acupuncturists

3. DR. IP asked:—*With reference to my supplementary question on 11 July 1984 regarding the malpractice of acupuncturists using steroid injections causing patients to require amputation of limbs, will Government inform this Council:*

- (a) how many such cases have been reported by doctors to the Medical and Health Department;*
- (b) whether prosecutions have been brought against such acupuncturists; if so, what were the specific charges; and if not, why not;*
- (c) whether these acupuncturists are still allowed to practise while awaiting trial; and*
- (d) how does Government monitor their work and prevent further malpractice, since acupuncturists are not registered under the Medical Registration Ordinance?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, in answer to Dr. Ip's four questions:

- (a) Altogether nine cases of persons who were alleged to have been practising western medicine illegally by using steroid injections on patients have been reported by doctors.*
- (b) All nine cases have been referred immediately by my department to the police who have carried out raids on six premises to-date. I am given to understand that action is still pending on the remaining three cases. Presumably, when investigations are completed and if the evidence so justifies, appropriate charges under the relevant Ordinances will be laid against them in the law courts.*
- (c) As these cases are still subjudice and no one is deemed guilty until proven to be so, one should not anticipate the decisions of the courts. In the meantime, such practitioners should be able to continue their practice provided they do so within the provisions of the law.*
- (d) Malpractice and illegal practice may occur among persons irrespective of whether they are registered or not. Thus, in this case, the monitoring and prevention of illegal practice are done through surveillance and gathering of evidence regarding such cases, either from complaints from the public or from reports from our public hospitals and clinics. These cases are then reported to the police so that they may be subjected to the full process of the law.*

DR. IP:—*Sir, may I be informed what was the date of the first offence?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, I do not have the exact date but the first offence was probably at the beginning of this year.

DR. IP:—*Sir, I agree that no one should be deemed guilty until proven otherwise however I also believe that with adequate suspicion no one should be deemed*

innocent until one attempts a prosecution. In this respect I am given to believe that the Law Department has...

HIS HONOUR THE PRESIDENT:—Dr. IP, will you ask the supplementary question please?

DR. IP:—*My supplementary question, Sir, is that why is the Legal Department not prosecuting this man according to section 20 of the Offences against the Persons Ordinance?*

HIS HONOUR THE PRESIDENT:—I don't think that is the question that Dr. THONG is in a position to answer.

Use of areas beneath flyovers and the Eastern Corridor

4. MR. YEUNG PO-KWAN asked:—*Does Government have any plans to make meaningful use of areas beneath existing flyovers and below the Eastern Corridor?*

SECRETARY FOR LANDS AND WORKS:—Sir, it is government policy to make the best use of land beneath flyovers having regard to local needs, compatibility with surrounding areas and the views of District Boards. Typical uses include local open space, refuse collection points, public toilets, vehicle parking, recreation and community facilities.

In the particular case of the Island Eastern Corridor, use of the space beneath was considered at the planning stage in consultation with the District Board and government departments concerned. Proposed uses include local and district open spaces, refuse collection points, toilets and vehicle parking.

MR. YEUNG PO-KWAN:—*Sir, are there any plans to make use of the extensive area below the West Kowloon Corridor for recreational or other uses?*

SECRETARY FOR LANDS AND WORKS:—Yes, Sir. In accordance with my main reply consideration is always given at the planning stage as to the prospective use of the space underneath flyovers.

MR. YEUNG PO-KWAN:—*Sir, will Government consider the feasibility of using the stretch of water measuring 2.8 kilometres in length below the Eastern Corridor for recreational use during the summer season?*

HIS HONOUR THE PRESIDENT:—Secretary for Lands and Works may answer.

SECRETARY FOR LANDS AND WORKS:—That stretch of water is really in theory no different from any other part of the harbour. The possibility of using it for recreational purposes may be considered if there is such a demand. I think due regard must be given to safety aspects as well as possible conflict with normal marine traffic requirements.

Literature on side effects of oral contraceptives

5. MR. TONG asked:—*Will Government inform this Council how manufacturers of drugs, in particular of oral contraceptives, are required to warn end-users of possible side effects and how does the Government ensure that this is done?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, manufacturers of drugs normally provide accompanying literature which includes information on side effects of drugs to end-users.

With reference to oral contraceptives, all brands of oral contraceptives sold in Hong Kong are accompanied by literature with warnings about their side-effects.

I may add that although there are no specific laws requiring accompanying literature on side effects of drugs on the part of the manufacturers, they have been most co-operative in this respect as it is also in their own interest to do so.

MR. TONG:—*Sir, in this particular case would you regard the accompanying literature as adequate safeguards against side effects which could be fatal?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, in general, yes. On the other hand there are always the family health services and the family planning clinics of the Family Planning Association which are always ready to give additional information on the side effects of these drugs if they are asked.

Half-way houses for ex-mental patients and discharged prisoners

6. DR. HO asked:—*Will Government make a statement on its plans to set up half-way houses for ex-mental patients and discharged prisoners in public housing estates?*

SECRETARY FOR EDUCATION AND MANPOWER:—There is at present an estimated shortfall of 830 half-way house places. Current plans provide for the establishment of 20 half-way houses, which will overcome the projected shortfall by the early 1990s.

Of these 20 half-way houses, at least 14 are planned for housing estates. Over half of our existing half-way house places are sited in a housing estate environment because this is the sort of environment that people are used to. Since the main objective of a half-way house is to reintegrate the patient into society as far as possible, by eliminating hospital dependency, and assisting the residents to take up domestic responsibility, look after themselves, and develop work habits, it is most important to carry out these functions in the sort of environment a patient will eventually live. We therefore have little alternative to establishing most half-way houses on housing estates.

DR. HO:—*Sir, I understand that the residents in the public housing estates are objecting to setting up new half-way houses in their neighbourhoods. May I know what plans are in hand to educate these tenants with a view to alleviating their fears and worries?*

SECRETARY FOR EDUCATION AND MANPOWER:—I am very conscious of the point made by Dr. HO. As I said in the debate on the Governor's speech, the question of mental health will be the subject of a Category 2 publicity campaign. But, of course, in addition to that we shall focus closely on discussions at the local level concerning this particular problem of siting that we have.

Taxi service near Tai Kok Tsui pier

7. MR. WONG LAM asked in Cantonese:—

請問政府，在過去十二個月內，有多少的上司機因為在大角咀碼頭附近拒載而遭檢控？警方可否在該區加強行動去遏止這違法行爲？

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

Will the Government say how many taxi drivers operating in the vicinity of the Tai Kok Tsui pier have been prosecuted in the last 12 months for refusing to accept a hire and whether police action to curb this offence can be stepped up in this area?

SECRETARY FOR TRANSPORT:—Sir, there have been no prosecutions for this offence actually in the vicinity of Tai Kok Tsui pier itself during the last 12 months, and there have been no reports to the police alleging this offence. However, earlier this year, there were problems with taxis in this area, when the taxi stand was situated about 100 metres from the pier. Action was taken first, by the R.H.K.P.F. taking enforcement action including the prosecution on 13 August of a taxi driver for soliciting for hire; and second, by moving the taxi stand nearer to the pier.

I am informed there has not been further trouble since then, but the police are monitoring the situation and will take enforcement action if and as necessary. It would be appreciated if members of the public who suffer from such illegal behaviour would report the matter promptly to the police, with appropriate details.

Chiropractic and chiropractors

8. DR. IP asked:—*Regarding chiropractic in Hong Kong, could Government inform this Council:*

- (a) *whether chiropractors are deemed registered doctors in Hong Kong;*
- (b) *whether Government recognises chiropractic as a paramedical service or not;*

- (c) *whether chiropractors need to have certain qualifications before being allowed to practise in Hong Kong;*
- (d) *whether chiropractors need to register with the Medical and Health Department;*
- (e) *what Chinese translation of the name 'chiropractors' is acceptable to Government.*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, as there is no legislation governing chiropractic in Hong Kong, the answers to questions (a), (b), (c) and (d) are 'No'.

Additionally, regarding question (d), no medical or paramedical professions in Hong Kong are required to be registered with the Medical and Health Department. Instead, these professions are governed by independent statutory bodies which provide the procedures for the registration of the respective professions.

In regard to question (e), section 28 of the Medical Registration Ordinance states, and I quote the relevant part:

'Any persons who wilfully and falsely pretends to be qualified, or takes or uses any name or title implying that he is qualified, to practise medicine or surgery ...shall be guilty of an offence.'

Thus, it follows that the Government will have no objection to any title or Chinese translation of that title used by any person as long as it does not imply that he is qualified to practise medicine or surgery in Hong Kong.

DR. IP:—*Sir, my supplementary question is to repeat section (e) of my original question as I don't think the last three paragraphs were answers to '(e)'. What I did ask in (e) was what Chinese translation of the name 'chiropractors' is acceptable to the Government and not what is not acceptable.*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—With respect I think I did answer the question but it stands to reason that in a forum such as this Council I can only quote the principle and policy which are embodied in the law as I did in the main answer. I am not in a position to suggest a specific Chinese translation for at least three reasons: there are a number of other authorities and bodies which are involved besides my department regarding this matter such as the Medical Council of Hong Kong; the policy branches: that is the Health and Welfare and Home Affairs Branches, the Attorney General's Chambers; and professional bodies, and I am unable to anticipate their opinions. In the ultimate, of course, the interpretation as to an acceptable translation of the word may well rest with the law courts and again, I am unable and in no position to anticipate their decisions. And finally, Sir, I am not a qualified or recognised translator of English into the Chinese Language. *(laughter)*

DR. IP:—*I'll try to make this supplementary question a question. (laughter)*

HIS HONOUR THE PRESIDENT:—And also relevant to the main question, I hope.

DR. IP:—*Yes. In reference to the answer by Dr. THONG that no medical or paramedical professions in Hong Kong are required to be registered with the Medical and Health Department, I would like very much to know whether paramedical professions are the responsibility of the Department of Medical and Health?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, insofar as we employ certain paramedical grades in our department, yes.

DR. IP:—*I am sure that Dr. THONG is aware of recent arguments regarding the Chinese translation of chiropractors. Although this is not legislated as yet, I am sure it ought to be that if the Department of Medical and Health is responsible for paramedicals in some way, then why is it not that the Director of Medical and Health Services can suggest the correct translation of the word 'chiropractor'?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, I think I have already adequately explained why I cannot suggest any specific title and I have nothing more to add to what I have said.

DR. IP:—*Sir, I understand that Dr. THONG cannot give the Chinese translation. I am sure there are other departments or Secretaries who can give such an answer, so if you could direct the question to the correct Secretary to answer it.*

HIS HONOUR THE PRESIDENT:—I think we will need to consult on the matter, Dr. IP; after this meeting of the Legislative Council, I shall consult the Secretary for Home Affairs.

Care for the elderly

9. MR. YEUNG PO-KWAN asked:—*Will Government inform this Council:*

- (a) *of its policy of care for the elderly with particular reference to the outlying islands; and*
- (b) *whether there is any plan to look after the welfare of the relatively large number of old people in Tai O?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, the Government's basic policy objective for provision of services for the elderly, as set out in the 1979 Social Welfare White Paper 'Social Welfare into the 1980s', is to promote the wellbeing of the elderly through care in the community and by the community. This objective applies to the whole territory including the outlying islands.

There are two main elements in the Government's strategy for achieving this objective; first, the provision of a range of community services and cash benefits to encourage families to look after their elderly members, or to enable old

people on their own to live independently, and in dignity, in the community for as long as possible; and second, the provision of residential institutional facilities for those who, for health or other reasons, can no longer live with their families or on their own in the community at large.

This territory-wide strategy also applies to the outlying islands, although because the population in these areas is very scattered, there are problems in planning services in such a way as to make them accessible to the elderly people who need them. Tai O is a particularly isolated settlement, but it does have a local community development team which organises various programmes for the elderly, and plans are in hand to provide a 40-place home for the aged there by 1986.

MR. YEUNG PO-KWAN:—*Although I understand that the Government's basic policy objective applies to the whole territory including the outlying islands, will Government consider that the old people living in secluded locations like the outlying islands, with poor transport links with the mainland, require special attention in the provision of welfare services?*

SECRETARY FOR HEALTH AND WELFARE:—Certainly, Sir, we are very much aware of these problems and discussions are going on at present as to how to best meet this particular requirement.

Incidents involving K.C.R. trains

10. MRS. NG asked in Cantonese:—

鑑於最近的九廣鐵路火車事件，請問政府已採取甚麼行動調查出事原因，及政府將會採取甚麼補救辦法，防止該等事件再次發生？

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

In the light of recent incidents involving K.C.R. trains, what action has Government taken in investigating the cause and what remedial measures will Government take to prevent recurrence of such incidents?

SECRETARY FOR TRANSPORT:—Sir, this answer would be a little longer than I would normally provide but as the matter is important, Sir, I trust you will forgive me. The Government, like the community, is of course concerned about disruptions in train services and has been observing these matters closely. Under the Kowloon-Canton Railway Corporation Ordinance, the Corporation is responsible for the efficient and safe operation of its services.

Inspectors may be appointed by the Governor, under the Ordinance, for the purpose of ensuring the safety of the railway and for the purpose of investigating any accident on any part of the railway. Inspectors have been so appointed for the former purpose for many years, the most recent being the final inspection in mid-1983 by an Inspector of Railways of the U.K. Ministry

of Transport before the public opening of the final stage of electrification of the K.C.R. The Inspector has been invited to return early in 1985, somewhat earlier than was envisaged for his regular visit.

The Ordinance further provides that the Chief Secretary may direct the Corporation to carry out such works or take such steps as may be necessary in regard to plant, equipment and methods of operation.

An internal committee was set up by the Managing Director of the Corporation to investigate incidents which have occurred since electrification of the railway. It will report fully with recommendations in mid-January 1985. In any case, whenever a breakdown has occurred, the fault has been checked through the whole system and necessary corrections made. A comprehensive examination of the overhead cable system is in progress and any resultant measures which are found to be necessary will be taken. The report of the committee will be forwarded to Government.

As regards the derailment on 25 November 1984, the K.C.R.C. management has held an enquiry into the incident and is about to report its findings to the Board. This report has been sent to the Government. The findings of the enquiry indicate that the incident was due to human error, and not due to any system failure. It is important to note that the safety of passengers has at no time been in question.

Two further aspects require comment. First, whether a public enquiry is required and what form it may take (and I draw attention in this connection to the second paragraph of this reply) will be a matter for the Governor to decide after he has considered the report from the Corporation. Whatever his decision may be, there will in any case be a full public statement, because the K.C.R.C. and the Government are most fully aware that in such matters, the maintenance of public confidence is essential.

Second, the procedures for informing passengers and would-be passengers of the likely effects of disruption in services are under review. A balance has to be found between inconveniencing passengers on the system by keeping them waiting while the likely level of service disruption is assessed, and frustrating intending passengers by announcing that services are disrupted for indefinite periods. The Corporation has already decided to strengthen the emergency passenger service teams which are sent out to stations affected by disrupted service.

MRS. NG asked in Cantonese:—

政府可否考慮公開發表最近火車出軌及其他中斷服務的調查報告書？

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

Will Government consider reports on findings of disruptions and in particular the recent derailment incident?

SECRETARY FOR TRANSPORT:—Yes, Sir, Government will consider them most carefully and in fact will put them to the Governor in Council, as I have said. Thereafter, depending on the decision of the Governor in Council whether a public enquiry is necessary, either a public enquiry will be held or a full public statement will be made.

MR. STEPHEN CHEONG:—*Sir, was the decision to invite an earlier-than-usual return of the safety inspector taken subsequent to the recent events of the railway?*

SECRETARY FOR TRANSPORT:—Yes, Sir.

MR. S. L. CHEN:—*My question was the same but if I may ask, will the various reports referred to in the Secretary of Transport's reply be available to Members of this Council?*

SECRETARY FOR TRANSPORT:—Sir, I cannot answer that question until I see the reports and study them but whether or not they are made available verbatim there will be a very full statement, which, of course, will be available to the Members of the Council.

Illegal sale of drugs on the Poisons List

11. MR. TONG asked:—*Is Government aware of any cases of dangerous drugs on the 'Poisons List' being sold over-the-counter other than under a prescription and, if so, how many cases have been prosecuted in the past 12 months and what action is being taken to improve the situation?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, Mr. TONG'S question concerns those drugs on the Poisons List which are classified as Part I Schedule 3 poisons as these normally are potent drugs which are required by Law to be sold by authorised sellers under supervision of registered pharmacists and only against prescriptions issued by authorised persons such as doctors.

Thus, according to the records within the Forensic Pharmacy Section of the Medical and Health Department for the period January 1983 to December 1983, 6 638 inspections were made and 66 cases of illegal sale of such drugs were discovered. All these cases were prosecuted successfully.

Since 1983, steps have been taken to increase the number of inspections of sellers of poisons and it is expected that the situation will improve with the continuation of such action to seek out offenders for prosecution.

MR. TONG:—*Sir, would the Director inform this Council what are the typical penalties for a successful prosecution in these cases?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, I understand that they range from fines of \$250 to \$2,500.

MR. TONG:—*Sir, does the Director consider such penalties as sufficient deterrent for future similar offences?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—*Sir, evidently this is containing the situation but we will be watching this further.*

Provident Fund for employees in subvented agencies

12. DR. IP asked:—*Can Government make a statement on how employees are treated for Provident Fund purposes where responsibility for a subvented agency passes from one department to another, such as from the Social Welfare Department or Medical and Health Department to the Education Department or T.E.I.T.D.?*

SECRETARY FOR HEALTH AND WELFARE:—*Sir, when responsibility for subventing an agency is transferred from one department to another, the change-over would normally have no effect on the treatment of the staff for Provident Fund purposes.*

DR. IP:—*Sir, does this mean that the number of years a person work for a subvented agency prior to such a transfer would be recognised for the purpose of determining eligibility for the higher rates of employer's contribution?*

SECRETARY FOR HEALTH AND WELFARE:—*Yes, Sir.*

DR. IP:—*Sir, do I take it that the 'no effect' as mentioned in the answer would be the same for different government departments?*

SECRETARY FOR HEALTH AND WELFARE:—*Sir, I am not quite sure I understand that question. If Dr. IP means transferring from the Social Welfare Department subvention to a subvention to the T.E.I.T.D., the answer would be that the length of service would be taken into account.*

DR. IP:—*Sir, can I take it that if the T.E.I.T.D. recognises such previous years of service when it takes over the responsibility of vocational training centres for the handicapped from Social Welfare Department then likewise the Education Department would also recognise such previous years of service when it in turn takes over the responsibility of special schools from Social Welfare Department to Medical and Health Department?*

SECRETARY FOR HEALTH AND WELFARE:—*Sir, I think this is a bit outside my terms of reference but my understanding is that that would be correct.*

DR. IP:—*So, there would be no difference in the management from one department to another department in the sense that if the T.E.I.T.D. recognises it the Education Department will likewise recognise it under exactly the same situation?*

HIS HONOUR THE PRESIDENT:—*I think that question has already been answered. Does the Secretary for Health and Welfare have anything to add?*

SECRETARY FOR HEALTH AND WELFARE:—No, Sir.

Statement

CHANGES TO THE APPROVED ESTIMATES OF EXPENDITURE APPROVED DURING THE QUARTER ENDING 30 SEPTEMBER 1984—PUBLIC FINANCE ORDINANCE: SECTION 8

THE FINANCIAL SECRETARY:—Sir, in accordance with section 8(8)(b) of the Public Finance Ordinance, I now table for Members' information a summary of changes made to the approved estimates of expenditure in the second quarter of 1984-85.

Supplementary provision of \$1,294.6 million was approved, of which \$1,004.5 million was for the payment of the proceeds from the issue of Government Bonds to the Capital Works Reserve Fund to reflect Government's intention of applying such proceeds for the purpose of productive capital investment. Other major provisions were \$92.7 million and \$89.9 million for the respective payment of increased grants to the Urban Council and the universities, polytechnics and the Baptist College as a result of the 1984 civil service salaries revision; \$50.1 million for the payment of interest to bond holders and service charges to the payment agent; \$11.4 million for a grant for the fitting out of temporary premises for the City Polytechnic; \$10.4 million for the payment to the British Military Hospital as a result of revised rates for the use of facilities at the Hospital; \$8.6 million to meet expenditure for the continued appointment of inspectors to investigate the affairs of Eda Investments Limited and the Carrian Group; and \$8.1 million to meet an increased demand for refund of revenue. The transfer of the bond proceeds to the Capital Works Reserve Fund is coupled by the reservation of an equivalent amount in the original provision for payment to the Fund. The other supplementary provisions approved have been offset either by savings under the same or other heads of expenditure or by deletion of funds under the additional commitments votes.

During the quarter, a net increase of 1 405 posts was approved, including posts for the Housing Authority and the Urban Council.

Approved commitments were increased by \$51.5 million and new commitments of \$104 million were approved. The new commitments and increases in commitments approved since 1 April 1984 totalled \$322,526,332 representing a 10.6 per cent increase over the total commitment balance of \$3,044.9 million in the 1984-85 Estimates.

Items in the summary have been approved either by the Finance Committee or under delegated authority. The latter have been reported to the Finance Committee in accordance with section 8(8)(a) of the Public Finance Ordinance.

STATEMENT ISSUED BY THE UNOFFICIAL MEMBERS OF THE HONG KONG EXECUTIVE AND LEGISLATIVE COUNCILS ON 29 NOVEMBER 1984 ON THE FUTURE OF HONG KONG

DR. FANG:—Sir, I am grateful to have your permission to table before the Council this afternoon the statement issued by the Unofficial Members of the Hong Kong Executive and Legislative Councils on 29 November 1984. (*Appendix*)

A delegation of ten Unofficial Members of the Executive and Legislative Councils, jointly led by the Honourable Sir S. Y. CHUNG, Senior Unofficial Member of the Executive Council, and the Honourable R. H. LOBO, Senior Unofficial Member of this Council, left for London on 30 November 1984. The Honourable Miss DUNN has since joined the delegation in Britain.

This is the second time within a year that UMELCO has sent a delegation to London to reflect the views of the people of Hong Kong before impending Parliamentary debates on the future of Hong Kong. The main purpose of this trip is to assist the Members of both Houses to understand the views of the people of Hong Kong and, particularly, the various concerns and questions of detail which have been raised since the publication of the Sino-British Joint Declaration on 26 September 1984.

Before their departure, the statement before Members was released. It sets out the position of UMELCO on the Sino-British Joint Declaration. It reflects the views expressed by various sectors of the community on the future arrangements for Hong Kong after 1997, as set out in the draft agreement. When the Senior Unofficial Member of the Executive Council returned from UMELCO's last mission to London on 23 May 1984 he said 'Our visit was only the beginning. UMELCO and all of us in Hong Kong have a great deal of work ahead if we are going to secure a good future not only for this present generation but also for our children.'

Later this month, the people of Hong Kong will witness the formal conclusion of the Sino-British negotiations. However, this is still by no means the end of the process of securing a stable and prosperous future for Hong Kong; but rather it is the end of the beginning and marks the opening of a new chapter in our history.

As reported in the UMELCO statement, 'The people of Hong Kong are ready and willing to take on the challenge of the new circumstances they face. Given understanding and sensitivity by the two signatory Governments and their firm commitments to implementing the Joint Declaration in both letter and spirit, the people of Hong Kong will succeed in maintaining Hong Kong's stability and prosperity, and in making the draft agreement work.'

With your permission, Sir, I would like to ask that this statement, both in English and in Chinese, be included in the record of proceedings of this Council.

Appendix

Statement issued by the Unofficial Members of the Hong Kong Executive and Legislative Councils on 29 November 1984

THE FUTURE OF HONG KONG

Introduction

Unofficial Members of the Executive Council and the Legislative Council* (UMELCO) have always been aware of the concern of the people of Hong Kong about their future, and on the arrival of the Governor in May 1982, the Senior Member stressed publicly the importance and urgency to the people of Hong Kong of the satisfactory resolution of this issue.

Since the Sino-British talks on the future of Hong Kong began in late 1982, UMELCO have received many representations about Hong Kong's future up to and beyond 1997.

Before the debates took place in the two Houses of British Parliament in May this year, UMELCO sent a delegation to London and issued a statement to reflect the anxieties and wishes of the people of Hong Kong: there they listed, *inter alia*, the four most important criteria by which the acceptability of the Sino-British agreement to the people of Hong Kong would be judged.

Briefly, these are, *first*, that the agreement must contain full details of the proposed administrative, legal, social and economic systems applicable in Hong Kong after 1997; *second*, that it must state that the provisions of the Basic Law will incorporate the relevant provisions of the agreement; *third*, that it must provide adequate and workable assurances that the terms of the agreement will be honoured; and *fourthly*, that the rights of Hong Kong British Nationals must be safeguarded.

* The Governor consults the Executive Council in the execution of the powers and authorities granted to him by Letters Patent, and acts on its advice. At present, it consists of four Ex-officio Members, two Official Members and ten Unofficial Members, appointed by the Governor.

The Legislative Council consists of three Ex-officio Members, 13 Official Members and 30 Unofficial Members. It enacts legislation and controls public expenditure.

The Unofficial Members are appointed from a wide spectrum of the community. Through their membership of over 300 boards and committees, including District Boards, the Urban Council and the Heung Yee Kuk, dealing with public affairs, with educational and legal matters, and with all facets of Hong Kong's economic and social life. Unofficial Members are in touch with all sectors of the community.

Apart from their duties in the two Councils, they monitor the effectiveness of the public administration, and consider complaints by members of the public against Government, for handling which they have far wider powers than is possessed by any Ombudsman.

Following its publication, UMELCO received a large number of representations from a wide cross-section of the community expressing their support. The South China Morning Post commissioned an independent research firm to conduct a survey, which showed that 82 per cent of the community approved fully or in part of the statement. In addition, about 70 per cent of the elected and appointed Unofficial Members of the 18 District Boards gave their support.

Three Unofficial Members went to Beijing in June this year and reflected to the Chinese leaders, including Chairman DENG, the anxieties and wishes of the people of Hong Kong. They also made three major proposals to the Chinese leaders, proposals which they considered would help to enhance the confidence of the people of Hong Kong about their future.

These three major proposals were *first*, that the Sino-British agreement must be detailed and binding and the Basic Law must be based on the agreement; *second*, that the people of Hong Kong should participate in the drafting of the Basic Law and those sections relating to Hong Kong's internal affairs should be drafted in the territory, and not amended except at the initiation of Hong Kong; and *third*, that a committee of Chinese people of international standing should be appointed by China to monitor and advise on the drafting, implementation and subsequent amendments to the Basic Law.

Their trip to Beijing also received overwhelming support from the public. A second poll taken by the same independent research firm showed that eight out of ten agreed with the UMELCO visit to Beijing; 74 per cent supported the *first*, 78 per cent the *second*, and 61 per cent the *third* major proposal.

Acceptability of Joint Declaration

Since its publication on 26 September 1984, all the Unofficial Members, with the exception of two Members in the Legislative Council, have endorsed and commended the draft agreement to the people of Hong Kong. The draft agreement or Joint Declaration, in their view, does meet substantially the four basic criteria contained in the UMELCO statement made in London in May. Furthermore, there are in the Joint Declaration many positive features which are to be welcomed and it contains much more detail than many people originally expected. It is a mutually binding agreement, freely negotiated and entered into between two sovereign states.

All the 18 District Boards, as well as the Urban Council and the Heung Yee Kuk, have found the draft Joint Declaration generally acceptable. Unofficial Members, in conjunction with some newspapers, commissioned an independent research firm to conduct a territory-wide survey covering 6 000 randomly selected adults above the age of 18. The results of this professional survey indicated that the majority of the people of Hong Kong found the draft agreement generally acceptable and that 90 per cent of the respondents preferred the agreement to no agreement at all.

Whilst the draft agreement is acceptable as a whole to the majority of the community, some concern and points of detail have been raised. In particular, there is anxiety about interference from the Chinese Government; worry about conscription in the Hong Kong Special Administrative Region; uncertainty about the acceptability to third countries of the new form of British passport; doubt about the preservation of existing human rights and personal freedoms; fear about the stationing of P.L.A. troops in Hong Kong; resentment about the termination of transmissibility of British nationality for Hong Kong B.D.T.C.s in 1997; reservations about possible incompatibility between the constitution of the People's Republic of China and the future Basic Law of Hong Kong; and concern about the faithful implementation of the agreement and the policies of future Chinese leaders.

There are also very strong requests that the people of Hong Kong should not only be consulted on, but should actively participate in, the drafting of the Basic Law and that Hong Kong people should also sit on the Sino-British Joint Liaison Group.

The ultimate success of the Joint Declaration depends on people's confidence that it will be implemented faithfully and that matters of concern and questions of detail which have been raised are satisfactorily resolved and clarified by the two signatory Governments. Therefore, in accepting the agreement, we urge both the British and Chinese Governments to take steps to reassure the people of Hong Kong in these respects.

Move to representative government

Given that Hong Kong will be a Special Administrative Region within China after 1997, with an elected legislature enjoying a high degree of autonomy, it is essential that a government structure consisting largely of local people is in place and in proper working order well before 1997. It is therefore necessary to move to a more representative form of government, transferring the powers of the present colonial government to the elected representatives of the people of Hong Kong.

In this respect, UMELCO welcome and support the basic proposals and the progressive approach outlined in both the Green and White Papers on the Further Development of Representative Government in Hong Kong. However, Unofficial Members echo the caution expressed in many quarters against any rapid or radical changes which may put at risk Hong Kong's *raison d'être*, that is, stability and prosperity.

Hong Kong is not an independent state and can never be. Despite the promise of a high degree of autonomy, its subsidiary relationship with the Chinese Central Government must be understood and accepted. Parliamentary

government as practised in the West, featuring adversarial politics, is not necessarily suited to Hong Kong, recognising Hong Kong's unique status and the political constraints placed upon it by this status. Hong Kong must, therefore, devise its own unique style of representative government, building on the proven elements which have been responsible for Hong Kong's success.

The next twelve years

Most people in Hong Kong believe that only if stability and prosperity are maintained in the period prior to 1997 can there be any hope that stability and prosperity will be continued for 50 years after 1997. It is therefore generally felt that the next 12 years will be critical and crucial to Hong Kong's continual success beyond 1997. It is essential, therefore, that all concerned, Britain, China and the people of Hong Kong, play their part in furthering Hong Kong's stability and prosperity in the next 12 years.

The main task for Her Majesty's Government in the next 12 years is to ensure a smooth transition, so that 1997 does not represent an abrupt break with the past, but the continuation of a gradual process of evolution. To allay fears of Britain losing interest in Hong Kong, it is important that H.M.G. continue to govern Hong Kong effectively. It must demonstrate its continual determination, resolve and commitment to Hong Kong's stability and prosperity.

The Chinese Government must demonstrate its willingness to listen to the views and wishes of the people of Hong Kong. In particular, given the great significance attached by the people of Hong Kong to the Basic Law, it is hoped that, as was suggested by the Unofficial Members to the Chinese leaders in Beijing in June this year, the people of Hong Kong should be consulted on, and participate in, the drafting of the Basic Law.

As for the people of Hong Kong, they understand that the aim of the draft agreement is the maintenance of Hong Kong's stability and prosperity, and that stability and prosperity are the product of, among other qualities, their energy, talent, industry and confidence. The agreement provides a sound basis on which to continue to apply these attributes. The people of Hong Kong are ready and willing to take on the challenge of the new circumstances they face. Given understanding and sensitivity by the two signatory Governments and their firm commitment to implementing the Joint Declaration in both letter and spirit, the people of Hong Kong will succeed in maintaining Hong Kong's stability and prosperity, and in making the draft agreement work.

(The following is the Chinese version of the statement.)

香港的前途

緒言

行政立法兩局非官守議員*（註）一向了解香港人對本港前途問題的關注。港督在一九八二年五月抵港就職時，首席非官守議員在致辭中強調，該問題對香港人十分重要，必須盡早圓滿解決。

自中英兩國於一九八二年底就香港前途問題展開會談以來，非官守議員收到許多市民的意見，關於一九九七年前後本港各方面的問題。

英國國會上下議院在本年五月辯論香港前途問題之前，兩局非官守議員組成代表團前往倫敦，並發表聲明，反映香港人的焦慮和意願。他們在聲明中特別指出，香港人在判斷能否接受中英協議時，須視乎該協議是否符合四個最重要的條件。

簡要而言，這四個基本條件是：第一，該協議必須詳細臚列一九九七年後擬在本港實施的行政、法律、社會和經濟等制度；第二，必須說明協議的有關條款將納入基本法條文內；第三，必須提供充分的保證，確保雙方遵守協議條款；第四，必須確保維護本港英籍人士的權益。

兩局非官守議員發表聲明後，收到許多來自社會各階層人士的意見，表示支持議員的立場。南華早報委託一間獨立民意研究機構進行一項調查，結果顯示百分之八十二的市民同意該聲明全部或局部內容。此外，十八個區議會及委任非官守議員中，約有百分之七十表示支持兩局非官守議員的聲明。

三位非官守議員於本年六月前往北京，拜見鄧小平主任等中國領導人，反映香港人的焦慮和意願。並提出三項可以增強香港人對前途信心的主要建議。

這三項主要建議是：第一，中英協議一定要力求詳盡和有約束力，而基本法亦應根據協議有關條文而制訂；第二，香港人應參與草擬基本法，其中和香港內部事務有關的部份應在香港起草，而該部份若未經香港方面提出，不應予以修改；第三，由中國委任國際知名及有地位的華人，組成一個基本法委員會，負責監察及諮詢基本法的制訂、執行和修改。

三位議員北京之行亦獲得香港市民的熱烈支持。而由同一間獨立民意研究機構進行的另一項調查顯示，十名市民中有八名贊同兩局非官守議員北京之行；支持他們第一項建議的市民有百分之七十四，支持第二項的有百分之七十八，而支持第三項的有百分之六十一。

聯合聲明可否接納

本年九月二十六日協議草案公佈後，除了立法局兩位非官守議員外，兩局其他非官守議員均贊成及向香港人推薦這份協議。他們認為，協議草案或聯合聲明大致符合五月前往倫

註：港督行使英皇制誥所賦予的權力時，須徵詢行政局的意見，並遵照其意見行事。目前行政局有四位當然官守議員、兩位官守議員及十位非官守議員，均由港督委任。

立法局有三位當然官守議員、十三位官守議員及三十位非官守議員，負責制訂法例及管制公帑開支。

非官守議員來自社會不同階層。他們亦是三百多個諮詢委員會的成員，其中包括各區議會、市政局和鄉議局，處理公眾事務、教育與法律問題，以及與香港經濟和社會有關的各方面事宜。因此，非官守議員和社會各階層都保持聯絡。

除在行政立法兩局執行任務外，非官守議員亦監察政府的行政效率，以及接受市民對政府部門的投訴，處理投訴時，他們可行使的廣泛權力，不遜於任何冤情大使。

敦時所發表聲明內的四項基本條件。此外，聯合聲明亦載有很多值得歡迎的妥善安排，其內容亦比一般人所預期的更為詳盡。這是一份由兩個主權國在自願情況下商討和簽訂、對雙方均有約束力的協議。

全港十八個區議會，以及市政局和鄉議局，亦認為聯合聲明大致上可以接受。兩局非官守議員聯同本港數間報社，委託一間獨立民意研究機構，進行一項全港性調查，訪問對象為六千名超過十八歲的人士，以隨機抽樣辦法選出，這項專業調查的結果顯示，大部份香港人都認為協議草案大致上可以接受，且有百分之九十的被訪者認為，有協議總比無協議好。

雖然大部份香港人都認為，協議草案大致上是可以接受的，但對某些事項表示關注，並提出若干細節問題，特別是：憂慮中國政府會否干預、擔心中國是否在香港特別行政區徵兵、未知其他國家會否接納新形式的英國護照、懷疑是否可以保持現有的人權和自由、害怕人民解放軍駐守香港、對香港英國屬土與公民的英藉資格在一九九七年後不能傳給下一代反感、對香港未來基本法與中國憲法會否衝突存有疑問、以及關注協議是否能夠貫徹執行及未來中國領導人會否維持現行對香港的政策。

很多香港人更強烈要求，在草擬基本法時，不單要徵詢香港人的意見，還應有港人積極參與。此外，中英聯合聯絡小組的成員亦應有香港人在內。

聯合聲明能否成功，須視乎市民是否確信協議會獲得貫徹執行，及他們表示關注的事項和細節問題會否由簽署的兩國政府圓滿解決和予以澄清。因此，我們在接納協議時，促請中英雙方政府儘量就這些問題香港人提出保證。

邁向代議政制

鑑於香港在一九九七年後便成為中國轄下的特別行政區，立法機關將由選舉產生，並享有高度的自治權，我們必須在一九九七年前確立一個運作良好，大部份由本地人士組成的政府架構。因此我們現在需要發展一個更具代表性的政制，將目前殖民地政府的權力移交香港的民選代表。

在這方面，行政立法兩局非官守議員歡迎和支持「代議政制在香港的進一步發展」綠皮書及白皮書中所載的基本建議和循序漸進方式。但非官守議員亦響應多方人士所提出的警告，反對任何急促和激進的改革，以免危害香港藉以生存的要素——即本港的繁榮安定。

香港並非一個獨立主權國家，亦永不可能獨立。雖然在協議內香港已獲得高度自主權的承諾，但我們亦必需瞭解和接受香港對中國中央政府的附屬關係。由於香港地位特殊和因而產生的政治規限，西方國家所實施的議會政制，包括反對派系政治，並不一定適合香港。因此香港必須以證明有效及導致成功的因素作為基礎，建立其獨特的代議政府。

未來的十二年

大多數香港人均相信，除非香港在一九九七年前可以維持安定和繁榮，否則便難期望九七年後的五十年會繼續保持繁榮和安定。所以一般人認為，若要在九九七年後保持本港的一貫成就，未來的十二年將會極具關鍵性和重要性。因此，在這段期間內，英國、中國及香港人三方面均須各盡本分，為促進本港的安定和繁榮而努力。

英國政府未來十二年的主要任務是確保本港能順利完成過渡期，使香港在一九九七年時不會驟然轉變，與過去脫節，而是循序漸進發展。一些人可能擔心英國會對香港不再關心，要消除這些疑慮，英國政府必須繼續有效地管治香港，並表明一貫的決心，承擔保持本港安定繁榮的責任。

中國政府必須樂意聽取香港人的意願。同時，由於香港人特別重視基本法，所以，正如非官守議員本年六月在北京向中國領導人建議，中國當局應諮詢香港人對草擬基本法的意見，及讓他們參與草擬基本法的工作。

至於香港人方面，我們都明白，協議草案的目標，是維持本港的安定和繁榮，而促進安定和繁榮是有賴香港人一貫的活力、才幹、勤奮及信心。協議為我們提供了健全的架構，讓我們可以繼續發揮這些優點。香港人已準備及願意接受新環境帶來的挑戰。在中英兩國了解及順應民情，並堅決切實執行與發揚聯合聲明的條文及精神下，本港人士定能順利維持本港的安定和繁榮，使中英協議得以貫徹施行。

Government Business

First reading of bill

HOUSING (AMENDMENT) BILL 1984

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

Second reading of bills

HOUSING (AMENDMENT) BILL 1984

THE SECRETARY FOR HOUSING moved the second reading of:—'A bill to amend the Housing Ordinance'.

He said:—Sir, I rise to move the second reading of the Housing (Amendment) Bill 1984.

Section 7 of the Housing Ordinance empowers the Housing Authority to appoint committees for the better discharge of its functions under the Ordinance. A committee so appointed may include persons who are not members of the Authority provided that at least two thirds of its members are members of the Authority. Whilst this proviso ensures that members of the Authority have a majority participation in the deliberations of its committees, it unnecessarily restricts the number of co-opted members on each committee.

In order to allow more flexibility for co-opting members to these committees, it is proposed to amend section 7(3) of the Ordinance to remove the limitation that the majority of any committee appointed by the Housing Authority must be members of the Authority.

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

Motion made. That the debate on the second reading of the Bill be adjourned—SECRETARY FOR HOUSING.

Question put and agreed to.

MEDICAL CLINICS (AMENDMENT) BILL 1984

Resumption of debate on second reading (21 November 1984)*Question proposed.*

DR. IP:—Sir, people who serve our community should be rewarded and be allowed to continue to contribute. I mean of course those unregistered ‘doctors’ who had in 1963 been allowed to work in exempted clinics. There were shortage of doctors then but no structured local examinations, such as the licentiateship examination for doctors qualified outside Hong Kong to take to get registered. The need for their services were more acute then than it is now, but as before they can continue to contribute in their own way to the society. I feel therefore this Bill is fair and sensible.

However, I have several concerns which I feel appropriate to discuss in this Council now, as this Bill needs no longer return to this Council for endorsement every few years as it did before.

Firstly, I believe that some of these ‘doctors’ have attempted the licentiateship examination, passed and left the clinics. This means that the tested knowledge is at par with registered doctors. However some have attempted the licentiateship examination and have failed. So it is logical to deduce that their tested medical knowledge is below the standard of which we have ourselves set. I agree that tested knowledge is not the sole judge of a doctor’s capability to handle patients, and that experience also counts, but all communities which set standards judge experience only if tested knowledge have reached a certain standard and not before. Some ‘doctors’ have not even attempted to take the licentiateship examination although the opportunity is there. The point I am getting at, Sir, is that we must be frank to admit that these ‘doctors’ in general are below our recognised standard and although they do serve the community, they are ‘qualified’ only to serve at a most basic level of primary screening of simple illnesses and for anything slightly more complicated, it is their duty to refer the patient for more experienced help.

Secondly, these ‘doctors’, being unregistered, is unlikely to be a full member of any medical association, such as the College of General Practitioners, the Hong Kong Medical Association, the Chinese Medical Association, the British Medical Association, the Hong Kong Paediatric Society and the like, all of which organise many courses to update the knowledge of doctors. The majority of these courses are free to the public. Among these lecture courses is one which is best structured, even accredited. They are organised by the College of General Practitioners. It is also one which I feel is most appropriate to these ‘doctors’. I therefore strongly recommend that the Medical and Health Department should only reissue exemptions to those clinics whose ‘doctors’ attend the structured and accredited medical courses run by the Hong Kong College of General Practitioners. It is no crime to fail in examinations but it is sheer foolishness not to struggle for more knowledge. In passing I also feel that such

request to attend structured courses should also be made a requisite for those unregistered doctors, in a similiar category, working as Government Medical doctors deemed to be registered by the Medical and Health Department.

Thirdly, the Administration have assured me on more than one occasions that those 'doctors' who were allowed to work in these exempted clinics were all allowed to do so before the cut off date of the 5 September 1963 and that from that date onwards no new 'doctors' were added to this list. And there is also no intention that this list will increase. In fact the list should gradually decrease when doctors retire or pass the licentiateship examination. This list of practitioners-in-charge is kept with the Registrar of Clinics but are not gazetted. I strongly recommend that a list is drawn out with the names of these doctors, their age and the date when they were first exempted to be gazetted annually for the information of the public. If the Administration feel that they would be prepared only to publish the names only, without their age and the date of first exemption, I would still like to be given a full set of such information myself, since, from a letter written to me on the 23 November 1983, through UMELCO, I was informed that the youngest of these doctors was in 1983 40 years of age. Now by simple subtraction, he would only have been 20 years old when given the exemption in 1963. This seems rather impossible, as I know of few doctors who can qualify and get registered earlier than 22 years of age.

Lastly, Sir, is a point that my honourable colleague Mr. CHEUNG Yan-Lung has asked me to mention on his behalf, a point of concern that we both share. He is aware, that in the New Territories, and he is the best person to know, 'doctors' in these clinics allow unregistered, unexempted doctors to work in these exempted clinics and allow sharing of profits. I am therefore alerting the Administration of this information, so that there would be closer monitoring of these clinics. Any contravention should put them in danger of losing their licence.

Sir, with these comments, I support the Bill before Council.

SECRETARY FOR HEALTH AND WELFARE:—Sir, I am grateful to Dr. IP for her support to this Bill and have taken note of the points she made. I can assure her that all the points will be carefully considered.

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 bill

Council went into Committee

MEDICAL CLINICS (AMENDMENT) BILL 1984

Clauses 1 and 2 were agreed to.

Third reading of bill

THE ATTORNEY GENERAL reported that the

MEDICAL CLINICS (AMENDMENT) BILL

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

Question put on the Bill and agreed to.

Bill read the third time and passed.

Adjournment and next sitting

HIS HONOUR THE PRESIDENT:—In accordance with Standing Orders I now adjourn the Council until 2.30 p.m. on 19 December 1984.

Adjourned accordingly at sixteen minutes past three o'clock.