

**OFFICIAL REPORT OF PROCEEDINGS****Wednesday, 7 August 1985****The Council met at half past two o'clock****RESENT**

HIS EXCELLENCY THE ACTING GOVERNOR (*PRESIDENT*)  
THE HONOURABLE THE CHIEF SECRETARY  
SIR DAVID AKERS-JONES, 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 (*Acting*)  
MR. JEREMY FELL MATHEWS, J.P.

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

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

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

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

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

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

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

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

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

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

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

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

THE HONOURABLE MRS. SELINA CHOW LIANG SHUK-YEE, O.B.E., 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 CHAN NAI-KEONG, C.B.E., J.P.  
SECRETARY FOR LANDS AND WORKS

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 IAN FRANCIS CLUNY MACPHERSON, O.B.E., J.P.  
SECRETARY FOR TRANSPORT

THE HONOURABLE RUDY KIAN-KANG KHOO, J.P.  
DIRECTOR OF MEDICAL AND HEALTH SERVICES (*Acting*)

THE HONOURABLE DARWIN CHEN, J.P.  
COMMISSIONER FOR LABOUR (*Acting*)

THE HONOURABLE CHAU TAK-HAY, J.P.  
SECRETARY FOR HEALTH AND WELFARE (*Acting*)

THE HONOURABLE ADOLF HSU HSUNG, J.P.  
SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION (*Acting*)

THE HONOURABLE PANG YUK-LING, I.S.O., J.P.  
SECRETARY FOR HOUSING (*Acting*)

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

THE HONOURABLE LI YUET-TING, J.P.  
DIRECTOR OF EDUCATION (*Acting*)

THE HONOURABLE EDWARD BARRIE WIGGHAM, J.P.  
SECRETARY FOR DISTRICT ADMINISTRATION (*Acting*)

#### **ABSENT**

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

THE HONOURABLE CHAN YING-LUN

THE HONOURABLE MRS. RITA FAN HSU LAI-TAI

#### **IN ATTENDANCE**

THE CLERK TO THE LEGISLATIVE COUNCIL  
MR. LI WING

#### **Affirmation and Oath**

Mr. Li Yuet-ting made the Affirmation of Allegiance and Mr. E. B. WIGGHAM took the Oath of Allegiance and assumed their seats as Members of the Council.

HIS EXCELLENCY THE PRESIDENT:—I should like to welcome Mr. LI and Mr. WIGGHAM to this Council.

## Papers

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

<i>Subject</i>	<i>L.N. No.</i>
Subsidiary Legislation:	
Air Passenger Departure Tax Ordinance.	
Air Passenger Departure Tax (Amendment of Second Schedule) Order 1985 ..	207
Mass Transit Railway Corporation Ordinance.	
Mass Transit Railway Corporation (Increase in Authorized Capital) Order 1985 ..	211
Registration of Persons Ordinance.	
Registration of Persons (Application for New Identity Cards) (No. 6) Order 1985 ..	212
Legislative Council (Electoral Provisions) Ordinance 1985.	
Legislative Council (Date of Election) Notice 1985 ..	213
Interpretation and General Clauses Ordinance.	
Cancellation of Specification of Public Office ..	214
Legislative Council (Powers and Privileges) Ordinance 1985.	
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Motor Vehicles Insurance (Third Party Risks) Ordinance.	
Motor Vehicles Insurance (Third Party Risks) (Amendment) Regulations 1985 ..	216
Public Bus Services Ordinance.	
Schedule of Routes (China Motor Bus Company) Order 1985 ..	217
Public Bus Services Ordinance.	
Schedule of Routes (Kowloon Motor Bus Company) Order 1985 ..	218
Hong Kong Royal Instructions 1917 to 1985 Standing Orders of the Legislative Council of Hong Kong.	
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*Subject* *L.N. No.*

Factories and Industrial Undertakings (Amendment) Ordinance 1985.

Factories and Industrial Undertakings (Amendment) Ordinance 1985  
(Commencement) Notice 1985 ..... 221

Sessional Papers 1984-85:

No. 69—Sir Robert Black Trust Fund—Annual Report for the year 1 April 1984 to 31 March 1985.

No. 70—Sir David Trench Fund for Recreation—Trustee's Report 1984-85.

No. 71—The Kadoorie Agriculture Aid Loan Fund—Report for the year 1984-85.

No. 72—J.E. Joseph Trust Fund Report for the period 1 April 1984 to 31 March 1985.

No. 73—Changes to the approved estimates of expenditures approved during the first quarter of 1985-86—Public Finance Ordinance: Section 8.

No. 74—Report of the Select Committee on the problems involved in the prosecution and trial of complex commercial crime— August 1985.

### **Oral answers to questions**

#### **Tunnel link between Sha Tin and East Kowloon**

1. MR. WONG LAM asked in Cantonese:—

鑑於獅子山隧道的交通擠迫情況日益嚴重，政府可否告知本局，是否有考慮提供一條連接沙田和東九龍的隧道？

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

*In view of the increasing traffic congestion in Lion Rock Tunnel, will Government inform this Council whether consideration has been given to providing an alternative tunnel link between Sha Tin and East Kowloon?*

SECRETARY FOR TRANSPORT:—Sir, I have in fact asked for the inclusion of an item in Category C of the Public Works Programme to be entitled 'New Road Link from Sha Tin to the Urban Areas'. The Administration is very much in favour of this project and I hope it can be upgraded quickly to enable detailed planning to begin.

Although preliminary investigations have indicated that a tunnel route is possible between Sha Tin and North-East Kowloon, it will be necessary to carry out detailed studies of both transportation requirements and alternative routes before selecting a new tunnel alignment. Such studies will proceed as rapidly as possible. Later on it will be for consideration whether in accordance with the policy of limiting public sector expenditure on capital works where possible, this might be another project for the private sector.

MR. WONG LAM asked in Cantonese:—

閣下，剛才運輸司說需要尋求其他可能的路線進行調查，請問此項調查工作何時開始呢？

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

*Sir, the Secretary for Transport said a moment ago that we will have to look for alternative routes and study them; when will this study begin please?*

SECRETARY FOR TRANSPORT:—Sir, as soon as the necessary financial approvals have been obtained in accordance with Public Works Programme procedures. In fact I would hope the studies could begin very soon.

### **Unregistered dentists**

2. DR. IP asked:—*Could Government inform this Council whether there has been a decrease in the number of unregistered dentists in Hong Kong in view of the graduation of the dental students from the University of Hong Kong?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, we have no record of the number of persons practising dentistry illegally, because as with other instances of illegal and unlicensed practices, it will not be possible to obtain reliable or meaningful statistics.

The first batch of 59 dental students from the University of Hong Kong graduated only in February this year. It is therefore too premature to assess their impact on the supply of dentists in Hong Kong at this point in time.

Perhaps as an indirect indication of the effect of the improving supply of qualified dentists on the Register of the Hong Kong Dental Council, there has been a decline in the number of complaints of illegal dental practices from 80 in 1979 to 37 in 1984.

DR. IP:—*Sir, although the Medical and Health Department have no records of the number of persons practising dentistry illegally, the Director had shared with me some information he had on the estimated number of such. I wonder whether he would be prepared to share the similar information with this Council.*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, I cannot vouch for the accuracy of the statistics and I do not feel I should quote the figures in this Council.

DR. IP:—*Sir, in that case perhaps the Director of Medical and Health Services could inform us how many illegal dentists that he was aware of were prosecuted last year and are the existing fine and sentences enough to deter illegal dentists from reopening their practice at a different address?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, in 1984 there were 37 complaints referred to the police. I understand that about 80 per cent of those complaints were acted upon. As regards the penalties for illegal practice we recognise that it is inadequate—being a fine of \$1,000 and six months' imprisonment—and arrangements are in hand to amend the laws.

DR. IP:—*What have the Medical and Health Department done in the education of the public not to seek dental treatment from illegal dentists who may do harm to their dental health?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, the dental health education does not aim specifically at advising members of the public not to visit illegal dentists. However extensive dental health education campaigns are being carried out all year long to arouse public awareness to seek dental treatment.

MRS. CHOW:—*May I ask the Director of Medical and Health Services in case where there is no complaint of illegal dental practices but where unregistered dentists openly advertise their services, does the Government take any action?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, Government acts mainly on complaints. However if during the course of their duties our Dental Inspectors come across any blatant practices of illegal dental practitioners these will be brought to the attention of the police.

MRS. CHOW:—*In other words, Sir, is the Director telling us that we are not aware how serious the situation of unregistered dentistry is in Hong Kong because if you base it purely on the complaints it could be just the tip of the iceberg?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—As I have mentioned, Sir, the number of complaints that we have received has declined from 80 to 37; so it does not appear from a public point of view to be a serious situation.

### **Sludge disposal**

3. MR SO asked in Cantonese:—

政府可否告知本局，關於瀘水廠排出的污泥對新界各主要河流，特別是城門河造成污染的程度，以及當局現正採取什麼措施去解決這問題？

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

*Will the Government inform this Council about the extent to which sludge discharged from water treatment plants is causing pollution to the major streams in the New Territories, particularly the Shing Mun River, and what measures are being taken to tackle the problem?*

SECRETARY FOR HEALTH AND WELFARE replied in Cantonese:—

閣下：政府現時設有十五所濾水廠，其中五所在操作過程中留下淤泥，這些淤泥跟着便會流入河流和溪水裏，然後被帶到海裏。

這些淤泥——正式應該稱為明礬淤泥——含有大量懸浮固體以及其他可能帶有毒性的成分，例如鋁質。關於可能帶有毒性這一點，我必須強調：水質監管工作現仍沒有顯示其濃度足以直接或間接對人類構成危害。此外，這些淤泥亦會使河流和河水流入的海域的氧份減少。

該五所濾水廠所產生的全部淤泥，約有四分之三來自沙田濾水廠，經城門河的上游排出。我不想低估沙田濾水廠排出的淤泥對水質所造成的污染，但我必須指出這些淤泥，若以氧氣消耗量來衡量，只佔城門河總污染量百分之十至十五左右。這情形加上大埔濾水廠所排出的淤泥，構成了吐露港每天總污染量百分之四左右。

政府正在積極籌劃其他措施來處理這些淤泥，而最先着手進行的便是沙田濾水廠。目前考慮的主要兩項選擇方法是：

- (甲) 將淤泥經污水渠直接排入污水處理廠，或
- (乙) 在棄置淤泥前，先行將淤泥去水和濃縮。

在第二個選擇方法的範圍內，當局亦須考慮經處理的淤泥應傾入大海還是棄置在廢物堆填區。

同時，在另一個更廣泛的層面上，當局正在制訂全面計劃以棄置所有淤泥，使淤泥處理成為本港廢物處理整體策略的一部分。

(The following is the interpretation of the reply given by the Secretary for Health and Welfare.)

Sir, the Government now operates 15 water treatment plants. The process at five of them leaves a sludge. The sludge is subsequently discharged to rivers or streams and carried away to the sea.

The sludge—known properly as alum sludge—contains a high level of suspended solids as well as other potentially toxic elements, such as aluminium. As regards the latter, I must emphasise that water quality monitoring has so far not indicated that its concentration levels has reached a point which would represent a direct or indirect threat to people. Besides these sludges also contribute to a reduction in the amount of oxygen in rivers and the marine receiving waters.

Of all the sludge produced at the five treatment plants about three quarters arises at Sha Tin where it is discharged into the upper Shing Mun River. I did

not intend to minimise the effect of the sludge produced at Sha Tin on water quality but I would like to point out that it accounts for only about 10 to 15 per cent of the total pollution load measured in terms of oxygen demand on the Shing Mun River. This, together with the sludge from a plant at Tai Po, represents about 4 per cent of the overall daily pollution load on Tolo Harbour.

The Government is actively planning alternative measures for the disposal of these sludges—starting with the plant at Sha Tin. The two main options being considered are:

- (a) direct discharge through the sewerage system to sewage treatment plants, or
- (b) dewatering and thickening of the sludge prior to disposal.

Within the second option, we would also need to consider whether the treated sludge should be dumped at sea or in controlled tips.

Meanwhile, on a broader front, comprehensive plans for the disposal of all sludges are being drawn up so that sludge management can form an integral part of Hong Kong's waste disposal strategy.

MR. STEPHEN CHEONG asked in Cantonese:—

閣下，既然衛生福利司已經指出目前並無跡象顯示這些淤泥帶有毒性的成份，同時沙田濾水廠及大埔濾水廠所排出的淤泥只不過構成吐露港每日總污染量百分之四，請問將來處理這些淤泥的措施是否會令公共開銷大量增加？

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

*Sir, since the Secretary for Health and Welfare is saying that there is no indication that the sludge is necessarily toxic and that the sludge from the water treatment plants at Sha Tin and at Tai Po together only made up 4 per cent of the total pollution load, could I ask whether future measures to treat these sludges will increase public expenditure tremendously?*

SECRETARY FOR HEALTH AND WELFARE replied in Cantonese:—

閣下，當然我們若要採取措施來處理這些淤泥，以減少其污染程度，是會增加公共開銷，但目前我不能說會增加若干。

(The following is the interpretation of the reply given by the Secretary for Health and Welfare.)

Of course if we have to take measures to treat such sludges so as to reduce the extent of the pollution they cause there will definitely be some increase in public expenditure but at this point I am afraid I cannot say how much additional expenditure will be involved.

MR. STEPHEN CHEONG asked in Cantonese:—

我可否要求政府當局在決定增加公共開銷來處理根本對污染程度沒有大影響的淤泥時，慎重慎重？

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

*Could I ask the Government to be very cautious about this because the pollution caused by the sludges is not so significant?*

SECRETARY FOR HEALTH AND WELFARE replied in Cantonese:—

閣下，政府當然會慎重考慮。

(The following is the interpretation of the reply given by the Secretary for Health and Welfare.)

Sir, of course the Government will consider this cautiously.

#### **Nomination by election of candidates for appointment to statutory boards and committees**

4. DR. IP asked:—*In view of the development of representative government in Hong Kong, would Government consider allowing representative and professional bodies which now nominate candidates for appointment to statutory boards and committees to put forward their candidates by election?*

SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION:—Sir, under present policy, the Government does not stipulate the *manner* in which these bodies select their candidates. This is a matter which is entirely left to the discretion of the nominating body. That being so, one would have expected that those named for such appointments are made only after careful consideration within the organisation concerned.

DR. IP:—*Sir, I take it then that Government does not object to professional nominating bodies allowing their members or member agencies elect the person whom they then nominate for Government to appoint to these statutory boards and committees?*

SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION:—Sir, whether these bodies nominate their representatives by election or by any other means is a matter of choice by the individual bodies concerned. It would not be prudent for the Government to interfere with the internal affairs of individual organisations since they should know best their own circumstances and would naturally opt for a most effective and appropriate method of nominating candidates.

## Overcrowding in Temporary Housing Areas

5. MRS. NG asked in Cantonese:—

政府可否告知本局，臨時房屋區是否出現過度擠迫的情況，若然，當局曾否考慮加以改善？

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

*Can Government inform this Council whether there is an overcrowding problem in Temporary Housing Areas and, if so, whether consideration has been made to improve the situation?*

SECRETARY FOR HOUSING:—Sir, indeed, there is overcrowding in Temporary Housing Areas. At present 3 975 T.H.A. families are occupying space at a density below 1.86 sq m per person. They represent about 10 per cent of the total T.H.A. population of 39 513 families in 46 T.H.A.s.

The Housing Authority is aware of this problem. The standard of space allocation has been improved over the years, from 1.86 sq m per person in 1973 to the present 3.4 sq m per person. Since January 1984, all vacant T.H.A. units below 7.43 sq m have been set aside for relief of overcrowding. So far 758 families have benefitted under this policy. It is expected that during this year 1 500 more such small units arising from casual vacancies can be used for the purpose of relief of overcrowding.

There is no immediate means to solve the problem completely due to the short supply and great demand situation which has placed a severe limit on what can be achieved at present.

There is a total stock of 143 700 temporary housing person spaces for about 43 500 families as compared with the approved target of 177 000 person spaces for about 53 600 families. At present there are usable temporary housing vacancies of 9 200 person spaces for about 2 800 families. They are all needed for rehousing natural disaster victims and those persons affected by planned development and non-development clearances in the coming months. Even with these existing vacancies, the additional supply from casual vacancies and the new production expected to be available in the remainder of the year, a shortfall of about 8 200 person spaces for about 2 500 families will still arise during the year virtually all in the urban area. It is therefore not possible to set aside any more temporary housing units in the urban area for relief of overcrowding at this time.

However, a small surplus of temporary housing spaces is expected in the New Territories during the year. As an interim measure, approval of the Operations Committee of the Housing Authority has now been obtained to set aside 1 000 person spaces in the New Territories during the year for relief of overcrowding purposes.

At present construction work is in hand on 11 new T.H.A. sites which will produce about 12 500 person spaces for about 3 800 families upon completion in or before March 1986. In parallel, continued efforts are being made to acquire additional sites for temporary housing development. When the supply situation improves, it will be possible to consider further measures for relief of overcrowding in T.H.A.s and this will be reviewed by the Housing Authority.

It should be noted that apart from measures introduced to relieve overcrowding, T.H.A. families are, under current practice, rehoused through a number of channels which will help to solve the overcrowding problem in T.H.A.s. These channels include the General Waiting List, the trawling quota of 2 200 each year specially for T.H.A. families, clearance of old T.H.A.s and purchase of H.O.S./P.S.P.S. flats under the Green Form system. During the last 16 months 5 500 T.H.A. families have been so rehoused.

MRS. NG asked in Cantonese:—

很高興知道政府正興建十一個臨時房屋區，提供三千八百個居住單位，但這數目仍未能滿足需求，請問政府在下年度有什麼計劃去興建更多臨時房屋區？這些臨時屋又有多少分佈在市區之內？

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

*Sir, I am pleased to know that the Government is now building 11 T.H.A.s providing 3 800 units but these cannot satisfy the needs. What plans does the Government have to build more T.H.A.s in the next year and how many of these are in the urban area?*

SECRETARY FOR HOUSING:—Sir, there are 16 additional T.H.A. sites programmed for development in the next financial year. These new T.H.A.s upon completion would provide about 23 000 person spaces. The majority of these new sites are in the urban area including Tsuen Wan.

MRS. NG asked in Cantonese:—

閣下，臨時房屋區內，有沒有兩戶合住在一間臨時屋的上下層單位？如果有的話，這些家庭可否獲考慮優先編入獨立居住單位？

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

*Sir, in T.H.A.s do we have two families sharing one single T.H.A. unit which has two storeys? If there are such cases will these people have priority in being allocated separate units?*

SECRETARY FOR HOUSING:—Sir, I think the question is not related to overcrowding but appears to be related to licensees' privacy or convenience. I can assure you, Sir, that these will be conveyed for discussion at the Authority's meeting.

(The following written reply was provided subsequently.)

Previously, single persons were allocated T.H.A. family units on a sharing basis with other single persons or families. It is possible that some of these single persons have subsequently married or brought in wives from China to join them, thus creating a situation where two families now share a duplex type unit. In such cases priority for reallocation is based upon the degree of overcrowding.

Under the present policy, temporary housing units are no longer allocated on a sharing basis and single persons are allocated singleton accommodation.

### **Entry requirements for the Colleges of Education**

6. MR. ALEX WU asked:—*Can Government inform this Council about the criteria used in setting the minimum academic requirements for admission to courses provided by the Colleges of Education?*

DIRECTOR OF EDUCATION:—Sir, the minimum academic qualifications of at least six subjects in the Hong Kong Certificate of Education Examination required of applicants for admission to the full-time teacher education courses in the three general Colleges of Education reflect the importance attached to prospective teachers possessing a broad general education and a proficiency in both languages. The two-year course for applicants who possess Advanced Level qualifications which was introduced in 1980 was a further measure to upgrade the quality of the non-graduate teaching force.

There are always many more applicants than places available so in practice applicants would normally need better qualifications than the minimum requirements stated. However, exceptionally an applicant who selects Art and Design, Music or Physical Education as an elective and who demonstrates outstanding ability in these subjects through the practical tests administered by the colleges may be admitted even though his academic qualifications are not as impressive as those of other shortlisted applicants.

Requirements for entry to courses in the Hong Kong Technical Teachers' College are similar to those of the three general colleges but reflect additionally the specialist requirements of the schools in technical and commercial subjects.

Admission requirements to the in-service courses of training vary according to the nature of the course. Generally speaking, these are lower than the requirements for the full-time courses because normally entrants are full-time serving teachers who have had at least two years of teaching experience.

MR. ALEX WU:—*Sir, I thank the Director of Education for his reply which refers more to the breadth of qualification. May I enquire what is the minimum grade required for the subjects?*

DIRECTOR OF EDUCATION:—Sir, the six subjects I mentioned include three subjects at grade E, one at grade D and two at grade C.

MR. ALEX WU:—*Sir, may I require why the standards are accepted as low as E?*

DIRECTOR OF EDUCATION:—Sir, of the six subjects I have mentioned, three are in fact above grade E level and as I have indicated in practice there are many more applicants than there are places. The grades for some subjects have been set at grade E because there are certain subjects in which there is a shortage of teachers.

MR. ALEX WU:—*Final question, Sir. To reflect the importance attached to prospective teachers would it not be logical to raise the entry qualification so that we shall have recruits of higher quality thus allowing the profession to command more respect?*

DIRECTOR OF EDUCATION:—Sir, as I have indicated we have in fact introduced a two-year course for students who have Advanced Level qualifications. In the course of time when there are more students completing the Advanced Level course, consideration can in fact be given to raising the entry requirements for the Colleges of Education.

### **Lighting for New Territories villages**

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

政府可否就其在新界鄉村提供照明設備的進度發表聲明？

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

*Can Government make a statement on the progress made in providing lighting for New Territories villages?*

SECRETARY FOR LANDS AND WORKS replied in Cantonese:—

根據政府的公共照明計劃，每年均有指定在新界鄉村地區增設大約八百支街燈。由一九八一年至一九八五年七月期間，已有四千七百支街燈在此計劃下獲公共照明審核委員會批准安裝，其中三千支早已安裝妥當，其餘則尚在實施程序中。新界政務署長最近曾召集各參與實施鄉村照明計劃的政府部門及電力公司檢討其工作程序，結果辨認出若干辦法，試行精簡此工作程序，以便早日完成此類街燈工程。本人深信現時積壓的鄉村街燈安裝項目，將可於本財政年度結束時大為減少。

(The following is the interpretation of the reply given by the Secretary for Lands and Works.)

Sir, since 1981, provision has been made each year in the Public Lighting Programme for approximately 800 new lighting points in New Territories villages. As at July 1985, some 4 700 points have been approved by the Public Lighting Vetting Committee of which nearly 3 000 have already been installed and the balance are still outstanding. A review of administrative procedures was recently conducted under the auspices of the Regional Secretary for the New Territories involving all the government departments concerned with implementation of Village Lighting Programme as well as the power company. This review has identified ways of trying to speed up the implementation of approved works and I am confident that the present backlog will be substantially reduced by the end of the current financial year.

MR. CHEUNG YAN-LUNG asked in Cantonese:—

鄉村的照明設備，現時的裝置速度與過去兩年的速度怎樣比較呢？

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

*How does the present speed of installation of village lighting compare with that in the last two years?*

SECRETARY FOR LANDS AND WORKS replied in Cantonese:—

根據我手上的數字，從一九八四年十月至現在為止，已有六百四十八枝街燈裝妥，相等於每年約八百六十枝的安裝率，而過去四年的平均安裝率，則大約是三百至四百枝。

(The following is the interpretation of the reply given by the Secretary for Lands and Works.)

Sir, according to the information I have on hand we have now already installed 648 village lights since October last. This means an annual rate of about 860. The average rate for the past four years was between 300 and 400.

MR. CHEUNG YAN-LUNG asked in Cantonese:—

閣下，鄉村照明設備現時裝置速度與其他地區的道路照明計劃實施進度比較又怎樣呢？

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

*Sir, how does the speed of installation of village lighting compare with that in other areas?*

SECRETARY FOR LANDS AND WORKS replied in Cantonese:—

閣下，在鄉村地區實施公共照明計劃的進度的確比新界已經發展的地區或市區緩慢，因為在決定敷設電纜線之前，必須首先和沿線的鄉民詳細磋商，這個程序，可能需時幾個月。磋商完畢之後，地政署才可發出掘地許可證給予電力公司，進行施工。

(The following is the interpretation of the reply given by the Secretary for Lands and Works.)

Sir, Public Lighting Programme in the village areas is indeed slower than that in the urbanised areas of the New Territories or the urban area because before the wires are laid the proposals have to be discussed in detail with the residents there. This may take several months to complete and only upon the completion of the negotiations can the Lands Department issue a permit to the contractor to actually proceed with the installation.

### **Teaching of Putonghua in schools**

8. MR. YEUNG PO-KWAN asked:—*With regard to the promotion of Putonghua teaching in schools, can the Government inform this Council:*

- (a) whether there will be adequate supply of teachers for the teaching of Putonghua in schools, either as an extra-curricular activity or as a subject in the curriculum; and*
- (b) if not, whether the shortage of qualified teachers in Hong Kong could be met, as a temporary measure, by employment of instructors from outside Hong Kong who are qualified to teach this language?*

DIRECTOR OF EDUCATION:—Sir, there will be an adequate supply of teachers for the teaching of Putonghua in schools, either as an extra-curricular activity or as a subject in the curriculum, without employing instructors from outside Hong Kong.

Up to July 1985, 619 trained teachers have successfully undergone additional in-service training to enable them to teach Putonghua. Of these, 386 are primary and 233 are secondary school teachers.

These in-service courses are provided by the Adult Education Section in conjunction with the Institute of Language in Education and by the Institute of Language in Education itself. From September 1986, the Colleges of Education will also offer a programme of Putonghua study to suitable students as part of the course.

These institutions together will produce an additional 1 426 teachers of Putonghua within the next five years. This output together with the 619 teachers presently available will be sufficient to meet the expected demand, initially mainly in the primary schools and later also in the secondary schools, when the Putonghua pilot scheme in secondary schools is completed in the summer of 1987.

MR. YEUNG PO-KWAN:—*Sir, how will students be considered suitable for the pursuit of the programme of Putonghua study as part of the course in the Colleges of Education?*

DIRECTOR OF EDUCATION:—Sir, the intention is that students applying to the Colleges of Education and wishing to take the course will be given an appropriate test.

MR. YEUNG PO-KWAN:—*Sir, how many secondary schools are involved in the Putonghua pilot scheme and does Government have any intention to extend the study of Putonghua as a subject in the secondary school curriculum after 1987?*

DIRECTOR OF EDUCATION:—Sir, at the moment, there are about 30 secondary schools involved in the pilot scheme. It is the Government's intention to extend the scheme to other secondary schools if it proves successful.

MR. ALEX WU:—*Does the department intend to bring up sufficient students whose ability of Putonghua would enable this Chamber to introduce Putonghua as one of the languages used here?*

HIS EXCELLENCY THE PRESIDENT:—It is off the initial question, Mr. WU.

MR. ALEX WU:—I accept the ruling, Sir. *(laughter)*

MRS. CHOW:—*Sir, is it the Government's intention to teach Putonghua as a second language or will it be used as a medium of instruction?*

DIRECTOR OF EDUCATION:—Sir, initially the intention is to teach Putonghua as a subject. Eventually schools may wish to adopt Putonghua as the medium of instruction.

MRS. CHOW:—*Sir, can we be assured that Putonghua will not be adopted as a medium of instruction prematurely?*

DIRECTOR OF EDUCATION:—The Medium of instruction in secondary schools and primary schools is always at the discretion of heads of schools and I think they are sensible enough not to introduce Putonghua as the medium of instruction prematurely.

HIS EXCELLENCY THE PRESIDENT:—Is it to the proper question, Mr. CHEONG?

MR. STEPHEN CHEONG:—Yes, to the proper question, I hope. *(laughter)*

HIS EXCELLENCY THE PRESIDENT:—We are drifting. *(laughter)*

MR. STEPHEN CHEONG:—*Yes, Mr. Chairman, I will phrase my question so that it will be related to the proper question. I can well understand the concern about Putonghua teaching in schools. Can the Government inform this Council that in the light of Hong Kong being an international city, the medium of English would not be really put in the backyard, so to speak, so as to enable our students in future to be able to take up the challenge of international commerce and industry?*

HIS EXCELLENCY THE PRESIDENT:—The question is related to the teaching of English (*laughter*) but you may reply.

DIRECTOR OF EDUCATION:—Sir, Members might recall that in the first report of the Education Commission, it was suggested that schools will be given the freedom to continue to choose their medium of instruction although the intention is that, subject to the results of research being conducted, it is proposed to encourage the greater use of Chinese as the medium of instruction in secondary schools. However, the commission and the Government believe that this must be coupled with other measures to strengthen the teaching of English as a subject.

### **24-hour operation of the accident and emergency department in the Prince of Wales Hospital**

9. MRS. NG asked in Cantonese:—

政府可否告知本局，是否有計劃在威爾斯親王醫院設立一個二十四小時服務的急症室？

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

*Can Government inform this Council whether there are plans to establish a 24-hour accident and emergency department in the Prince of Wales Hospital?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, yes, plans are in hand to extend the present operation hours (from 8 a.m. to 8 p.m.) of the accident and emergency department in the Prince of Wales Hospital to a full 24-hour basis in September this year.

MRS. NG asked in Cantonese:—

很高興知道在今年九月沙田威爾斯親王醫院將會設立二十四小時的急症服務，請問在其他設施方面，例如手術室、x—光室、病理學檢查部門等等，有沒有作出相應的配合？

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

*Sir, I am very pleased to learn that in September this year, there will be 24-hour service in the accident and emergency department in the Prince of Wales Hospital. Will other facilities, such as the surgical rooms, X-ray rooms and the pathological investigation department, be re-scheduled correspondingly?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, all the essential back-up facilities such as operating theatres, pathology and radiological services will be available.

DR. IP:—*Would Government inform this Council what will be the staff establishment for the accident and emergency department in the Prince of Wales Hospital when it opens for 24-hour's operation and how will this compare with the Queen Elizabeth Hospital and the Queen Mary Hospital?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, in the Prince of Wales Hospital, there will be one Consultant, four Senior Medical Officers and 12 Medical Officers. These are the standard staffing ratios for all regional hospitals.

DR. IP:—*Sir, would Government inform this Council whether this establishment as quoted includes a doctor with post-graduate qualifications present at the accident and emergency department round the clock to supervise the junior staff?*

HIS EXCELLENCY THE PRESIDENT:—I think that question is not related to the original question, Dr. IP.

### **Poisonous alcoholic beverages**

10. MR. CHAN KAM-CHUEN asked:—*Would Government make a statement on the 'poisoned' wine incident and whether existing legislation and administrative procedures are adequate in protecting consumers from poisonous alcoholic beverages?*

SECRETARY FOR TRADE AND INDUSTRY:—Sir, following the discovery in Germany of a toxic substance, diethylene glycol, in certain Austrian table wines the Customs Service immediately collected samples of all available brands of such wines for testing. 137 samples have so far been collected and sent to the Government Laboratory. Tests on 104 samples have been completed, 16 of which have been certified to contain diethylene glycol.

In the light of the Government Chemist's tests, the Customs Service publicised the names of those brands found to contain the toxic substance and warned the public of the danger to health of drinking these adulterated wines. The trade has cooperated fully and up to noon today 1 674 bottles of suspect Austrian wines have been surrendered for forfeiture.

Any person who imports, distils, makes, manufactures, sells, exposes for sale or has in his possession for sale, supplies or deals in any adulterated liquor—and I am advised wine contaminated with diethylene glycol falls into this category—commits an offence under section 61 of the Dutiable Commodities Ordinance (Chapter 109) liable to a fine of \$100,000, imprisonment for two years and forfeiture of such stock. It is also an offence under the Public Health and Urban Services Ordinance to sell any food, including an alcoholic beverage, which is unfit for human consumption.

Although the Food and Drug (Composition and Labelling) Regulations do not generally apply to alcoholic beverages, the amendment regulations made by Your Excellency in Executive Council yesterday include a provision that if any alcoholic beverage is marked or labelled or labelled with a list of ingredients, it shall conform in all respects with the requirements of the new regulations. With these various provisions, the prompt action and warning to the public by the Customs Service, and the wide publicity given to the whole incident in the media, I am satisfied the public have adequate protection.

MR. CHAN KAM-CHUEN:—*Sir, whilst appreciating the good service of the Customs Service, I wish to know:*

- (a) whether random samples of imported beverages are taken for fitness testing before they are sold and consumed by the public;*
- (b) whether the 1 674 bottles of forfeited wine tally with the total number of bottles imported and sold (that is, are there still toxic wines floating around in Hong Kong against which the public should not be off their guard?); and finally,*
- (c) from the customer protection point of view, who refunds the public for toxic wines returned or forfeited?*

SECRETARY FOR TRADE AND INDUSTRY:—*Sir, it is not generally the practice of the Customs and Excise Service to sample-test all available alcoholic beverages on the local market, but I can say that a number of other wines have recently been tested, including German, Hungarian, and Rumanian wines. As regards the question as to whether there are still unaccounted for bottles of suspect Austrian wine, I can only say that the wine trade has been most co-operative in their surrender of their stocks and I do not believe that there are large quantities unaccounted for. As regards this final question of responsibility for refunds, I would imagine this to be a matter of law and anyone wishing to claim reimbursement of the cost to him of buying adulterated liquors will be at liberty to take to the law.*

### **Administration grants to aided schools for employment of janitors**

11. MR. YEUNG PO-KWAN asked:—*Can the Government make a statement to confirm that its decision to reduce administration grants to aided schools for the employment of janitors will not affect the smooth operation of such schools and that the granting of severance pay to the redundant workers will not have any adverse impact on the financial position of these schools?*

DIRECTOR OF EDUCATION:—*Sir, I confirm that the reduction in the administration grant should not adversely affect the operation of the schools concerned.*

The revised rates of grant have been calculated following a detailed study of the janitor and cleaning services in government schools on which the grant is based. While there might be some small differences among the government schools and between aided schools and government schools, these are not such as to justify a different basis for the calculation of the grant. However, there is in the aided sector a small number of schools with additional, non-standard teaching areas and I have made proposals to the three aided secondary school councils which would permit some enhancement of the grants to these schools to meet their special needs. I am awaiting the views of the councils on my proposals.

The award of severance pay to janitor staff can be charged to the administration grant. Given that almost all of the schools concerned have accumulated surpluses (many of them up to the permitted three-month limit), that the reduction is being phased in over three years and that the severance payment is reduced by the amount of gratuity or provident fund paid to the employee, I do not envisage any general adverse effect on the schools. In fact since most schools have the surpluses I have mentioned and other financial resources such as 'tong fai' and since there will be natural wastage of staff during the three-year phasing in period, the schools should be able to avoid declarations of sudden or 'en bloc' redundancies.

MR. YEUNG PO-KWAN:—*Sir, taking into consideration the said differences between aided schools and government schools, will the Government inform this Council whether the programme of value-for-money studies was extended to cover a representative sampling of aided schools affected by this programme and if not, why?*

DIRECTOR OF EDUCATION:—*Sir, the value-for-money study was in respect of government schools only and it is the belief of the Education Department that the difference between government schools and aided schools is not such as to justify a different method of calculating the grant. In my negotiations with the aided secondary school councils, these councils have suggested that the survey might be extended to aided schools. This is under consideration.*

MR. YEUNG PO-KWAN:—*Sir, how many schools will be eligible for the award of the proposed enhancement grant and if approved, how will they receive the grant?*

DIRECTOR OF EDUCATION:—*Sir, this matter is still under consideration with the school councils and until these proposals have been agreed, it is not possible to say exactly how many schools will benefit from the enhancement grant.*

MR. YEUNG PO-KWAN:—*Sir, under what circumstances can approval be given to schools which are not eligible for the award of the proposed enhancement grant to increase the 'tong fai'?*

DIRECTOR OF EDUCATION:—Sir, schools are permitted to increase their ‘tong fai’ if they can provide justifications, and in the circumstances mentioned by Mr. YEUNG, the Education Department will be pleased to consider applications for increase of ‘tong fai’ from the schools concerned.

DR. HO KAM-FAI:—*Can the Director of Education inform this Council as to how many janitors will be made redundant in each of the three years mentioned in the answer?*

DIRECTOR OF EDUCATION:—Sir, because the number of janitors employed in aided schools vary from school to school, it is not possible to make an accurate estimate. However, the number is likely to be very small since only about 24 schools may have difficulty in retaining all their minor staff in the coming school year. With the proposals which I have put to the aided school councils, even these schools should have no problems in the coming school year.

MRS. NG asked in Cantonese:—

請問目前全港的二百六十餘間的受助中學之中，僱用十七個校工（即最高額）的學校佔全部的百分之幾？又有多少學校僱用十三個校工（即現在政府建議的人數）？

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

*Sir, of all of the 260-odd aided secondary schools in Hong Kong, what is the percentage of secondary schools employing 17 janitors (that is, the maximum number) and how many schools employ 13 janitors (that is the number suggested by Government)?*

DIRECTOR OF EDUCATION:—Sir, I am afraid I do not have these figures at hand. However, these can be supplied.

(The following written reply was provided subsequently.)

As at 31 March 1984, there were 274 aided secondary schools, 8 of which were new schools and therefore did not submit any audited accounts to the Education Department. For the remaining 266 schools, an analysis of their audited accounts showed the following:—

	<i>Ordinary</i>	<i>Prevocational</i>	<i>Total</i>
No. of schools with the equivalent of 13 or fewer janitors	55	7	62(23%)
No. of schools with the equivalent of 14 to 17 janitors	102	1	103(39%)
No. of schools with the equivalent of more than 17 janitors	97	4	101 (38%)
	254	12	266 (100%)

The ‘equivalents’ of 13 janitors, 14 to 17 janitors and more than 17 janitors are used because not all the aided secondary schools are standard-sized. Thus, for example, a school which is exactly twice the size of a standard school and which employs 26 janitors is regarded as having the ‘equivalent of 13 janitors’.

It should also be noted that while the calculation of the administration grant is based on civil service salary scales, aided schools are not required to pay salaries according to these scales and indeed many do not. This explains why in spite of the apparent large number of janitor-equivalents, many schools have a surplus in their administration grant.

### Written answer to question

#### Fixed penalty system

12. DR. IP asked:—*Will Government make a statement on the working of the fixed penalty system and whether public money is being saved by adopting such system?*

SECRETARY FOR TRANSPORT:—Sir, the fixed penalty system for parking and moving offence is working satisfactorily. The intended objective of reducing the burden on the police and on the courts of taking summons action against relatively less serious traffic offences is being fulfilled. It is also generally regarded as a convenient form of enforcement by the road users as well.

Public money is being saved by adopting such system instead of issuing summons, although it is not possible to quantify the exact amount. Perhaps the following statistics provide an indication of the efficiency and effectiveness of the system:

	<i>Fixed penalty tickets issued (1984)</i>	<i>Fine collected (1984)</i>	<i>Collection rate (1984)</i>
Parking offences	1 052 635	\$136,040,030	92%
Moving offences	406 837	\$77,126,670	96%

The potential savings of the scheme are evident when one considers that only 8 per cent of the parking offences involve processing by the courts and only 2 per cent of the moving offences.

### Statements

#### Changes to the approved estimates of expenditures approved during the first quarter of 1985-86—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 first quarter of the financial year 1985-86.

Supplementary provision of just under \$1,554 million was approved, of which \$1,500 million was for the payment of the first equity injection for the Mass Transit Railway Corporation in 1985-86. Other major provisions included \$13.3 million for subventions to the Hong Kong Tourist Association; \$8.3 million for resumption of land within the Castle Peak Firing Range in the New Territories; \$7.9 million for a grant to the War Memorial Fund and \$7.3 million for special legal expenses on court fees. The amount of \$1,500 million is of course too large to be covered by the provision for additional commitments of \$1,800 million, which is in any case largely committed as a result of the 1985 salaries adjustment. Nevertheless, an increase in the budgetted deficit arising from this unforeseen payment is not expected because the amount should be offset by larger than expected land revenue due to the recent improvement in land prices and payments for land purchases in cash, rather than in Letters 'B'. Other supplementary provisions approved have been offset either by savings under the same head or other heads of expenditure or by deletions of funds under the additional commitments votes.

During the quarter, a net increase of 222 posts was approved, including posts for the Housing Authority and the Urban Council.

Approved commitments were increased by \$886.4 million during this period and new commitments of \$143.8 million were also approved.

Items in this summary have been approved either by 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.

### **Report of the Select Committee on the problems involved in the prosecution and trial of complex commercial crime—August 1985**

MR. PETER C. WONG:—Sir, laid on the Table this afternoon is the Report of the Select Committee appointed by this Council on 1 May 1985 to consider and report on the appropriate measures to be taken to resolve the problems involved in the prosecution and trial of complex commercial crimes, including changes in the procedures before and during trial and the mode of trial.

His Excellency the President nominated the Chairman and members of the committee on 28 May 1985. Under Standing Order No. 61(5), a select committee is automatically dissolved at the end of each session. The committee had therefore only some two months to tackle the very important and complex problems it was appointed to resolve.

In the initial stages of the committee's work, Standing Order No. 63, which prevented meetings of the committee held in public to be reported caused some difficulty. This was resolved by the amendment to this Order on 10 July 1985 by this Council, which removed restrictions on reporting where sittings of the select committee are held in public.

Sir, in the very limited time available to us, we have not yet been able to complete our task. In any event, it was not envisaged that this would be possible.

However, the committee has been able to examine at some length the following two key questions:

1. what constitutes a complex commercial crime; and
2. what are the problems and difficulties involved in the trial of complex commercial crimes.

The committee recognises the difficulty inherent in seeking to provide a definition of a complex commercial crime, although it is of the view that it should prove possible to identify the essential ingredients of such an offence. From the evidence received so far, we are of the opinion that the problems involved in the trial of complex commercial crimes are not necessarily peculiar to this category of crime, but as a matter of degree these problems are specially highlighted in commercial crime cases. Such problems raise in particular the question of the investigation of the facts before charge, the need for searching pre-trial reviews to eliminate unnecessary issues, and the efficient presentation of facts and argument in court. We have not however reached a definitive conclusion on these matters because of the limited time available to the committee and because a number of submissions have yet to come.

Sir, under Standing Order No. 61(4), the committee is required to make a report even though it has not completed its enquiry. Standing Order No. 62(10) makes it mandatory that the minutes of the committee and minutes of evidence be laid on the Table of the Council. Hence, the minutes of the committee as well as written submissions received have also been tabled.

Sir, although no final conclusion has yet been reached, our preliminary enquiry has been encouraging and productive. We believe it would serve as a useful starting point for the next select committee.

We wish to place on record our appreciation of the co-operation given by the various organisations who were invited to make submissions to the committee. We also wish to thank the Clerk and his supporting staff.

Finally, Sir, I would take this opportunity to express my personal appreciation of the time and effort that my colleagues on the committee have given to this important task.

**Government business****Motions****MASS TRANSIT RAILWAY CORPORATION ORDINANCE**

THE FINANCIAL SECRETARY moved the following motion:—Under section 12(1) of the Mass Transit Railway Corporation Ordinance that the Schedule to the Resolution of the Legislative Council published as Legal Notice No. 242 of 1975 in the *Gazette* on 31 October 1975 as amended from time to time be further amended by adding as item 57 the following:

57	Supplier's Credit Facilities arranged to finance contract No. KD7 placed with Aoki Corporation in Japan	Hong Kong Dollars Twenty Two Million (HK\$22,000,000) and such amounts as may become payable in respect of interest and other charges
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He said:—Sir, I move the motion standing in my name in the Order Paper.

Section 12 of the Mass Transit Railway Corporation Ordinance requires the authority of the Legislative Council for the Financial Secretary, on behalf of the Government, to grant guarantees in respect of the repayment of loans and other indebtedness incurred by the corporation.

Authority is now sought for a Government guarantee to cover repayment of a loan of HK\$22 million and such amount as may become payable in respect of interest and other charges.

The sum borrowed under this guarantee will be used to finance an Island Line contract for infrastructure works of the Kornhill development.

If Members approve this motion, the Government's total guarantee commitment available to the Mass Transit Railway Corporation will be HK\$7,890 million. This contingent liability is provided for within our reserves.

Sir, I beg to move.

*Question put and agreed to.*

**TELEPHONE ORDINANCE**

THE SECRETARY FOR ECONOMIC SERVICES moved the following motion:—That the Telephone Ordinance be amended with effect from 1 October 1985 by deleting Part II of the Schedule (contained in L.N. 208 of 1985) and substituting the following:

## ‘PART II

CHARGES FOR INTERCONNECTION OF PUBLIC MOBILE  
RADIOTELEPHONE SERVICE (P.M.R.S.) AND VALUE ADDED  
SERVICE (V.A.S.) TO THE PUBLIC SWITCHED TELEPHONE NETWORK (P.S.T.N.)

(See Note 1)

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>
1.	(a) For an interconnexion line between P.M.R.S. and P.S.T.N.	\$60 per month. (see Note 2)
	(b) For an interconnexion line between V.A.S. and P.S.T.N.	\$60 per month. (see Note 3)
2.	Associated charges for item 1—	
	(a) connexion of an interconnexion line	\$600. (see Notes 2 and 3)
	(b) removal of an interconnexion line within the same building	\$250. (see Notes 2 and 3)
	(c) removal of an interconnexion line to a different building	\$600. (see Notes 2 and 3)
3.	(a) For usage of an interconnexion line between P.M.R.S. and P.S.T.N.	7 cents per minute subject to Notes 2 and 4.
	(b) For usage of an interconnexion line between V.A.S. and P.S.T.N.	7 cents per minute subject to Notes 3 and 4.

- Note:
1. Value Added Service includes public services such as direct-dialling-in radio paging, viewdata, facsimile, electronic mail-box, voice mailbox and other public non-exclusive telecommunications services licensed under the Telecommunication Ordinance (Cap. 106).
  2. All charges are raised against the provider of P.M.R.S. and not customers of P.M.R.S.
  3. All charges are raised against the provider of V.A.S. and not customers of V.A.S.
  4. In item 3, the usage charge is calculated monthly on the accumulated number of minutes for which the interconnexion line is used, rounded up to the nearest minute.’

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

Members will recall that on the 24 July, this Council resolved, under section 26(2) of the Telephone Ordinance, to amend the Schedule to that Ordinance to establish the maximum charges that may be levied by the Hong Kong Telephone Company.

At the time that resolution was made, negotiations were still under way with the Telephone Company concerning the charges to be levied for the interconnexion of value-added services to the public switched telephone network. Value-added services are services which a subscriber to the public switched telephone network provides to a third party, at a profit. Examples of such services are viewdata, facsimile and electronic and voice mail-boxes.

Agreement on the level of charges has been reached, and the resolution now before Council seeks to include the agreed charges in the Schedule to the Ordinance so that they can take effect from the same date as the other revised tariffs, that is 1 October 1985. Members will note that the proposed charges of \$60 per month for an interconnexion line and 7 cents per minute for use of that line are the same as the existing charges for interconnexion between the telephone network and public mobile radiotelephones.

Sir, I beg to move.

(Mr. Chan Kam-chuen declared his interest as a director of the Hong Kong Telephone Company Limited and abstained from voting on this motion.)

*Question put and agreed to.*

## **RADIATION ORDINANCE**

THE DIRECTOR OF MEDICAL AND HEALTH SERVICES moved the following motion:—That the following regulations, made by the Radiation Board on 12 July 1985, be approved:

- (a) Radiation (Control of Radioactive Substances) (Amendment) Regulations 1985; and
- (b) Radiation (Control of Irradiating Apparatus) (Amendment) Regulations 1985.

He said:—I move the resolution standing in my name on the Order Paper in respect of the Radiation (Control of Radioactive Substances) (Amendment) Regulations 1985 and Radiation (Control of Irradiating Apparatus) (Amendment) Regulations 1985.

Under section 13 of the Radiation Ordinance, the Radiation Board may by regulations prescribe or provide for, *inter alia*, precautions to be taken to prevent injury being caused by ionising radiations to the health of persons likely to be exposed to harmful radiation.

Having taken into account recent technological developments in personnel radiation monitoring devices, the board has proposed to amend the regulations to provide for a more flexible system of monitoring including the types of

monitoring devices allowed to be used by the worker and the procedure for recording the dosages of radiation received by persons engaged in radiation work.

The Radiation Board also proposed to amend the regulations to enable the Authority to delegate to a public officer any of its functions or duties, which are seen appropriate.

Sir, I beg to move.

*Question put and agreed to.*

### **First reading of bills**

#### **DANGEROUS GOODS (CONSIGNMENT BY AIR) (SAFETY) (VALIDATION AND AMENDMENT) BILL 1985**

#### **URBAN COUNCIL (AMENDMENT) BILL 1985**

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

### **Second reading of bills**

#### **DANGEROUS GOODS (CONSIGNMENT BY AIR) (SAFETY) (VALIDATION AND AMENDMENT) BILL 1985**

THE ATTORNEY GENERAL moved the second reading of:—‘A bill to provide for the lawful operation of the Dangerous Goods (Consignment by Air) (Safety) Ordinance 1985 notwithstanding the existence of errors in the text of the copy of the Bill thereof signed by the Governor in token of his assent’.

He said:—Sir, I move that the Dangerous Goods (Consignment by Air) (Safety) (Validation and Amendment) Bill 1985 be read a second time.

The object of the Bill is to correct errors in the Dangerous Goods (Consignment by Air) (Safety) Ordinance 1985 (Ordinance No. 38 of 1985). The Bill of this Ordinance was passed by this Council on 26 June last. Following its passage through this Council the Bill was printed in the form of an Ordinance in order to receive the assent prior to publication in the *Government Gazette* on 28 June. Due to a series of unfortunate printing and administrative mistakes, the Bill assented to by the Governor and subsequently published in the *Gazette* contained a number of errors. These errors are shown in the Schedule to the Bill now before this Council.

It is clearly advisable to validate the Ordinance and correct the errors as soon as possible. The Attorney General is empowered to correct such errors by section 98A of the Interpretation and General Clauses Ordinance, but the correction of the error relating to the penalty in section 3(2) does not, on the face of it, appear to be within those powers.

Since today is the last sitting of the current Session and this Bill merely restores the Dangerous Goods (Consignment by Air) (Safety) Ordinance 1985 to its contents as passed by this Council on 26 June, it is proposed that the Bill should be taken through all its stages at one sitting. I am grateful to my Unofficial colleagues for agreeing to this course.

Sir, I wish to proffer to the Council, on behalf of the Government, regrets for this episode. Clearly, our internal checking procedures have, on this occasion, fallen short of the high standards that the Council and the community have grown to expect of us in maintaining the textual integrity of the statute book. Lessons have been learned and steps taken to ensure that a bill such as this will not have to be introduced into this Council again.

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

*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).*

### **URBAN COUNCIL (AMENDMENT) BILL 1985**

THE SECRETARY FOR DISTRICT ADMINISTRATION moved the second reading of:—‘A bill to amend the Urban Council Ordinance’.

He said:—Sir, I move that the Urban Council (Amendment) Bill 1985 be read the second time.

Under section 39(1) of the Urban Council Ordinance, the Urban Council is required to submit its estimates of revenue and expenditure for the forthcoming financial year four months before the end of the financial year i.e. before 30 November. To allow the Urban Council more time to prepare its estimates, the Bill now before Members seeks to amend that section in order that the period be changed to three months, so that the estimates will in future need to be submitted by 31 December.

The Urban Council has been consulted and has expressed the hope that the Bill be enacted as soon as possible.

Sir, I beg to move.

*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).*

### **DEPOSIT-TAKING COMPANIES (AMENDMENT) BILL 1985**

#### **Resumption of debate on second reading (24 July 1985)**

*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).*

### **SUPPLEMENTARY APPROPRIATION (1984-85) BILL 1985**

#### **Resumption of debate on second reading (24 July 1985)**

*Question proposed.*

*Question put and agreed to.*

Bill read the second time.

### **SUPREME COURT (AMENDMENT) BILL 1985**

#### **Resumption of debate on second reading (24 July 1985)**

*Question proposed.*

*Question put and agreed to.*

Bill read the second time.

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

**HONG KONG PRODUCTIVITY COUNCIL (AMENDMENT) BILL 1985****Resumption of debate on second reading (24 July 1985)**

*Question proposed.*

MR. ALLEN LEE:—Sir, I rise to support the Hong Kong Productivity Council (Amendment) Bill 1985. This Amendment Bill is a document of considerable significance to the future development of the Hong Kong Productivity Council. It stems from a review undertaken by the Government and the council in the light of the broader range of responsibilities assumed by the council as recommended in the report of the Advisory Committee on Diversification. The Bill provides for the considerable enlargement of the powers and functions of the council and removes references to the Productivity Centre, thus making it clear that the Hong Kong Productivity Council operates as a single entity.

As Chairman of the Hong Kong Productivity Council, I should like to extend my sincere appreciation to the relevant branches of the Government, particularly the Trade and Industry Branch, the Industry Department and the Attorney General's Chambers for their support; and more importantly, for their far-sightedness in providing the council with the necessary legal framework to meet the changing industrial development needs of Hong Kong.

In meeting its challenges of promoting and increasing productivity in industry, the council has evolved from essentially a training and consultancy organisation to one which is dedicated to the active transfer of technology and management know-how. In addition to helping individual factories solve a multitude of technical and management problems, the council takes the initiative to examine the technological needs of individual sectors of industry to determine the need for, plan, coordinate, and where appropriate, establish support facilities. It also undertakes development work which is capable of generating multiplier effects on our industries.

The council must maintain flexibility in the programming of its activities and be sensitive to the changing needs of industries. In a dynamic economy like Hong Kong, the industrial scene is changing rapidly. The increasing sophistication of the manufacturing sector, the development of new products and the introduction of new technologies will exert a profound influence on the pattern of manufacturing and this will in turn impose new demands on the council's services. Not only are these manufacturing challenges inherently complex, they are also pervasive and interdependent. As a result, they often demand an integrated problem-solving approach. This Amendment Bill does not only give recognition to the expanded functions of the council but also lays a strong foundation on which the council can further fulfil its role in the industrial development of Hong Kong.

Sir, I support 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).*

## **SECURITIES (AMENDMENT) BILL 1985**

### **Resumption of debate on second reading (24 July 1985)**

*Question proposed.*

MISS TAM:—Sir, the Hong Kong stock market is a major source of capital to local enterprises and has attracted significant overseas investors' interest. In 1981, it enjoyed a turnover of \$105,986 million and ranked second in the Asian region just behind Japan. However, in the years 1982, 1983 and 1984, our turnover dropped to \$46.2 billion, \$37.1 billion and slightly rising to \$48.9 billion respectively and it is believed that since 1984 Singapore had gradually caught up with us in terms of capitalisation. 1982 to 1984 were difficult years in which the people of Hong Kong lived under the uncertainties that was lying ahead in our future. And it is to the credit of the Government, the Commissioner for Securities and many individual members of the securities industry that they continued in those difficult years to formulate a series of legislation which has today come before this Council and which will strengthen the quality control of the dealers in securities as well as the monitoring of their activities.

The Stock Exchanges Unification (Amendment) Bill 1985 proposed to expand the membership of the United Exchange to banks and deposit-taking companies, and the accountants and legal professionals, while the Securities (Amendment) Bill 1985 deals mainly with the measures of improving the quality control on the dealers in securities. The provisions in this Bill are briefly as follows:

#### 1. *Registration*

- (a) Under clause 18 it is proposed that individual dealers must be of good character and integrity with sufficient experience in dealing with securities, or that he has passed a professional examination approved by the Commissioner for Securities.
- (b) Under clauses 4 to 7, it is proposed that a partnership must be properly registered under Chapter 38 of the Laws of Hong Kong and every partner must be a registered dealer (except in the case of limited partnership the details of which have been disclosed to the registrar).

- (c) For the new category of membership, i.e., corporations, a corporation has to be properly registered under the Companies Ordinance or for an overseas company, it must have complied with the provision of Part XI of the Companies Ordinance, and every dealing director must be a registered dealer.
2. *Imposing more stringent financial requirements*
- (a) Under clause 48 of the Bill, individual dealers must satisfy a financial requirement of HK\$1 million and a corporation must meet the requirement of HK\$5 million as its capital. For a partnership the minimum net capital requirement will be calculated according to the members and type of registered dealers in the partnership.
  - (b) Under clause 49 each trading entity must maintain a liquidity margin, i.e. 10 per cent of the net capital requirement under a schedule of approved assets and ranking liabilities prescribed by the Securities Commission to calculate its net capital and liquidity margin requirements.
3. *Power of the Commissioner of Securities*
- (a) Under clauses 9, 10 and 12, he has power to refuse to register an applicant, or to revoke or suspend the registration of any dealer or investment advisor.
  - (b) Under clause 13, he may investigate into the misconduct of any applicant and also decide whether the applicant is a 'fit and proper' person.
4. *Other provisions*
- (a) Under clause 29, it is provided that criminal proceedings can be taken against a dealer if his partner commits an offence with his consent or connivance, or it can be attributed to any neglect on his part.
  - (b) Under clause 6, investment advisers also have to be registered.

Sir, at the end of 1985, the Hong Kong 'Unified Exchange' will be launched into the world securities market in an era of reviving confidence in Hong Kong, and I am sure that it will recover its former position in the Asian region.

However, the real safeguard to the interest of local and overseas investors lies in the determination of the Commissioner for Securities in exercising his power of investigation into the activities of the dealers where appropriate. One extremely important feature of this reform is that the Hong Kong Exchange Company will assume responsibilities for monitoring the performance of those dealers who are members of the Unified Exchange. I hope time will prove that in Hong Kong we can claim not only a vibrant market for securities trading but also a fine tradition of self-regulation in this industry.

Sir, I have the pleasure to support this motion.

SECRETARY FOR ECONOMIC SERVICES:—Sir, I am grateful to Miss TAM for her remarks in support of this Bill and for her kind, indeed generous, comments on the Administration's efforts in this area. In the financial services sector, as indeed in any other sector of the economy, we must continue to seek improvements in standards. As far as securities are concerned, I have no doubt that in the long term Hong Kong will best be served by a well-ordered market managed with a constant regard for the interests of the investors. We continue to believe in self-regulation. But it must be within an appropriate framework and that is what this Bill is about.

Sir, I propose to move at the committee stage two minor amendments. Both amendments are connected with the new provisions in the Bill for the registration of dealing partnerships and investment advisers' partnerships and are designed to remove certain ambiguities or inconsistencies in the principal Ordinance. One amendment alters the heading to Part VI of the principal Ordinance so that the scope of that part is clearly indicated; and the second amendment seeks to alter clause 15 of the Bill in order to clarify the position in relation to the obligation of dealing partnerships and investment advisers' partnerships to provide certain information to the Commissioner for Securities under the terms of section 63 of the principal Ordinance.

*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).*

## **STOCK EXCHANGES UNIFICATION (AMENDMENT) BILL 1985**

### **Resumption of debate on second reading (24 July 1985)**

*Question proposed.*

MR. POON:—Sir, the Stock Exchanges Unification (Amendment) Bill 1985 is welcome because it is an important step in resolving the long controversy on the criteria for membership in the Stock Exchanges. I am happy to see that agreement has finally been reached with the Securities Industry on this issue.

The removal of the present disqualification against corporations, banks, deposit-taking companies, solicitors and professional accountants from becoming members of the United Stock Exchange has been debated at length and interested parties have been fully consulted. In line with modern trend, banks and deposit-taking companies are to be permitted to become members but only if they do so under completely separate arms for their stockbroking business. Other safeguards, no doubt, will be introduced by the United Stock

Exchange to prevent any unfair competition. As far as solicitors and professional accountants are concerned, it is thought best that any prohibition should be imposed by the respective professional bodies under their own ethical rules if they deem it necessary. Corporations have been involved in stockbroking in Hong Kong under various arrangements for a long time, and they are permitted to do so in other countries under strict rules as to adequate financial backing and proper management. It is timely that we should regularise the position in this respect.

Finally, the Bill imposes a statutory duty on the Exchange Company to be responsible for monitoring its own members and to ensure their compliance with the financial requirements specified in the Securities Ordinance. This offers further protection to the investing public.

With these remarks, Sir, I support 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).*

## **TRAVEL AGENTS BILL 1985**

### **Resumption of debate on second reading (24 July 1985)**

*Question proposed.*

MR. ALLEN LEE:—Sir, at present there are no legal controls over travel agents in respect of outbound travel and tour activities. Anyone who obtains a Business Registration Certificate can immediately establish himself as a travel agent. Abscondments by fly-by-night operators were not uncommon in the past. I strongly agree that the traveling public should be protected from unscrupulous travel agents.

The Bill before the Council this afternoon seeks to establish a system of licensing for travel agents and to provide for the creation of a Travel Agents' Reserve Fund from which ex gratia payments may be made to clients in the event that court judgments against such travel agents cannot be satisfied. The general public should welcome this Bill as it gives them a degree of protection from bogus or insolvent travel agents. The travel industry should also support the Bill since it provides the basic framework on which the industry can develop its own standards and self-regulation. Black sheep of the industry can also be controlled.

Representatives of the Travel Industry Council of Hong Kong made a representation to the Legislative Council Economic Services Working Group on the Travel Agents Bill 1985. While expressing support for the Bill, the representatives suggested a number of minor amendments to the Bill.

After careful consideration and examination, the working group agrees that a number of minor technical amendments can be made to improve the Bill. Accordingly, I shall move amendments to the Bill in the committee stage.

As an increasing number of people spend their holidays outside Hong Kong each year, I believe that this Bill is a much-needed and timely piece of legislation.

Sir, I support the motion.

SECRETARY FOR ECONOMIC SERVICES:—Sir, I thank Mr. Allen LEE and his colleagues for their consideration of and support for this Bill. And I am also grateful to the Consumer Council, and the travel industry, particularly the Travel Industry Council, for the constructive comments and valuable advice that they have given.

Since its publication in the *Gazette* on 12 July 1985, the Travel Agents Bill 1985 has attracted a lot of interest. While there are still some who urge that the Government should impose more stringent legislative control over travel agents, most believe that the proposals contained in the Bill do strike the right balance between on the one hand the protection of consumers and on the other healthy competition in the travel industry.

The amendments that Mr. LEE will be moving at the committee stage will certainly improve the Bill, and it is unnecessary for me to comment further except to say that I support them.

*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).*

## **COMMODITIES TRADING (AMENDMENT) BILL 1985**

### **Resumption of debate on second reading (10 July 1985)**

*Question proposed.*

MR. BROWN:—Sir, the Commodities Trading Ordinance was enacted in 1976 to provide for the establishment of a commodity exchange in Hong Kong as well as the regulation of trading in commodity futures contracts. The Bill before the Council this afternoon seeks to amend the principal Ordinance for three main reasons: first, to facilitate the reorganisation of the Hong Kong Futures Exchange; second, to enable the control exercised by the Commodities Trading Commission over commodities trading to be extended to cover trading in financial futures and third, to reorganise the Hong Kong Futures Exchange's compensation fund in order to afford better protection to the investing public.

Sir, Hong Kong is already a major financial centre, but to maintain and enhance this important role we must provide the full range of facilities normal to such service centre. The role played by financial futures in hedging the ever increasing risks of doing business in today's financial markets is an important one. It is one we have been without in Hong Kong for too long, and Unofficial Members—on whose behalf I speak as Convenor of the Legislative Council Monetary Affairs Group—generally welcome this legislation which we believe will further develop and strengthen Hong Kong's position.

Various weaknesses in the existing compensation fund provisions in the Ordinance have been identified recently in connection with the settlement of claims. The new compensation fund to be established with the passage of this Bill will help to remove these difficulties and give better protection to investors and this should be welcomed by the public.

While I fully support the Bill, I and my colleagues are nonetheless conscious that the Hang Seng Index futures contract could encourage undue speculation by small investors. Whilst speculative activity is an essential ingredient of the futures markets, excessive speculation by those who cannot afford to lose must be guarded against. This of course is easier said than done, but I hope the exchange itself will subscribe to publicity so that the investing public is made fully aware of the risks posed by participation in the new markets about to be created.

Sir, with these remarks, I support the motion.

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

署理港督閣下：本人支持通過商品交易（修訂）條例草案。

商品交易公司的成員若不履行責任，就會令投資者蒙受損失。建議中的修訂會令賠償基金有充分能力和效率，去給予這些蒙受損失的投資者賠償。目前要求賠償的金額已十分龐大，致令賠償基金不能發揮其保障投資者利益的功能。故此，我們實在十分需要這項修訂。

條例草案規定，政府須檢討當前情況及提出改善辦法，我認為這措施該受到歡迎。因為它既可使混亂的商品交易市場恢復秩序，又可重建本地及海外交易商和投資者的信心。

我認爲條例草案的精神是良好的，重組賠償基金也是正確的做法，但我們不應把這些措施視爲萬應靈藥，我以爲及期望它足以應付將來在香港發展商品交易活動所產生的任何困難。

有幾項因素可以維持投資者對商品交易的信心，例如交易商的良好信譽、賺錢的機會、與其他投資的風險的比較及行內人士的自律等。至於有沒有賠償基金的存在，投資者是不會太重視的一尤其是因爲即使有賠償，也極可能只是賠償他們的金額的一部分而已。

雖然我亦同意，將商品交易活動的風險盡量減低是件好事，但實際上，在未能證實交易商會因賠償基金而受益之前，股東已因賠償基金而感負擔沉重。

有鑑於此，我持的論點是，全部股東都會因繼續經營該業而受罰，被迫冒這危險：他們所付出的五萬元按金及當監察委員會要求加付按金時的另一筆可高達五萬元的按金，都可能受不履履行責任的商品交易商所累而失去這十萬元。雖然這論點是正確的，但我們亦須承認，設立這項賠償基金的用意，是爲在險惡和不明朗的波濤中遇溺的人士提供一條救生繩。因此，我們必須慎防弄巧反拙，以致這條繩子成爲我們的奪命索。

關於每名不履履行責任股東所付總支出的最高限額，由原來的一百萬元增至二百萬元一點，重要的問題是：「基金的數額應有多大才能達到目的呢？」現在有一個頗爲普遍的現象是，雖然很多貿易商的註冊資本都較低，但他們的交易額卻高達數百萬元的合約價值。隨着市場的增長，即使沒有太多的「國家商品貿易有限公司」事件發生，但亦已能將基金耗盡，並將建議修訂的原意破壞。如此，便會有人開始懷疑，是不是又有需要去成立另一個新基金呢？到底要到何時才能終結呢？此外，亦會有人懷疑，除了進行善後工作之外，還應該採取什麼極端的行動去防止不負責任的事件發生呢？我相信商品交易界人士都不會反對採取更嚴厲的監察及管制程序，如果這樣做可以而且確地避免索償的話。誠然，我會提倡熟悉貿易常規的業內人士實行自律。這是符合國際常規的，就是說某一行業由其本身的專業人士管制是最有效的。

小投資者應該在某種認可程度上獲得保障，這正是綜合修訂條例草案的目的，但股東亦應在某種認可程度上獲得保證，以便吸引更多股東加入公司，使公司的發展更蓬勃。

最後，我要談談建議的徵收賠償金制度。我原則上同意徵收款項能爲賠償基金提供一個自發性的資源，但監察委員會所訂定的徵收率，必須可以爲基金帶來實質的利益，同時不會對股東造成不必要的營業負擔。政府應準備充分人手和制訂認可方法，以管理所徵收款項的交收。此外還有一個受人關注的問題，便是交易商可能因爲一時疏忽，欠交款項，而被吊銷牌照。所以，各有關方面必須衷誠合作，互助體諒，才可以順利推行徵收賠償基金制度。

閣下，本人謹此陳辭，支持動議。

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

Sir, I rise to support the Commodities Trading (Amendment) Bill 1985.

The amendments as proposed will revitalise the capability of the Compensation Fund to settle in a more dynamic and resourceful manner any claims of loss by investors sustained through the default of members of the Exchange Company. The necessity for such an amendment is obvious especially when the claims lodged against the Fund overwhelmed its ability to act as a safety valve in the protection of investors.

Thus, the Government's immediate review of the situation and the subsequent recommendations to deal with the problem as embodied in this Amendment Bill should be welcomed as a measure to restore order in the disturbed commodity trading market and to invite renewed confidence in commodities trading from dealers and investors, both local and overseas.

The reorganisation of the Compensation Fund is a move towards the right direction. I find the intention of the Bill respectable. However, the provisions as such should not be taken to mean and for that matter should not create a wrong expectation to the effect that, it is a panacea to the difficulties lying ahead in the development of commodities trading in Hong Kong.

Confidence of investors in commodities trading is maintained through a number of factors such as the credibility and good name of the dealers, the profit opportunity, the comparative risk with respect to other forms of investment and the self-discipline of those involved. The least factor an investor would consider is the availability of a compensation fund, especially when such compensation could very well be only a portion of their claim. Hence, before this Compensation Fund has proved its contributions to the well-being of the dealers, the burden it causes to the shareholders are already felt, although I do not disagree that the less risk the better.

In view of this, I do bear an argument that all shareholders are penalised for staying in business by being forced to take up the risk that his paid up deposit of \$50,000 with a further deposit or deposits up to \$50,000 when called up by the commission, may be dispersed of in curing the wounds caused by those defaulted dealers. Notwithstanding the validity of this argument, we have to acknowledge that the provision of such compensation fund is meant to act as a rope to rescue those who were drowned in a sea of risk and uncertainties. Therefore, care should be taken that the rope would not turn around to tie our own necks.

With reference to the maximum total payment per defaulting shareholder which has been increased from \$1 million to \$2 million, the important question to ask is 'How large should the fund be for its purpose?' It is not uncommon among many of the traders now that their transactions have reached a level of multi-million dollars of contract worth inspite of their relatively low registered capitals. As the market grows, we do not need too many N.C.T. cases to occur to wipe out the fund and defeat the intention of the proposed amendment. One may begin to wonder if there is as yet another necessity to create another new fund. Where is the end of this? One may also wonder what should be done on a more positive basis to prevent defaults in addition to aftermath treatments. I believe that those in the commodity trading business would not object to more stringent scrutiny and control procedures if compensation claims can thereby be realistically avoided. Indeed, I would advocate self-regulations by the industry which is well-acquainted with trade practices. This would be in line with

international practice that the trade is most effectively regulated by professionals in the industry.

While small investors should be protected to an acceptable level which is the aim of the composite Amendment Bill, the shareholders should also be provided with an acceptable level of assurance so that more shareholders will be attracted to join the company and together they make the enterprise more prosperous.

Finally, a word on the proposed levy system. I agree in principle that a levy will provide self-generating resources to the Compensation Fund. But when the commission decides on the rate of levy, it should be at a level that could yield a substantial benefit to the Fund while at the same time would not cause unnecessary operational burden to shareholders. The Government should prepare itself with adequate manpower and acceptable methods to govern the collection and payment of levies. There is also concern that a trader's licence could be revoked due to negligence to pay the levy. The successful operation of the levy system would require sincere co-operation and understanding of all parties concerned.

Sir, with these remarks, I support the motion.

SECRETARY FOR ECONOMIC SERVICES:—Sir, I am grateful to my Unofficial colleagues, Mr. BROWN AND Mr. CHEUNG Yan-lung, for their support for this Bill.

The concern expressed by Mr. BROWN over undue speculation by small investors is understandable. Both the Futures Exchange and the Clearing House are conscious of the need to ensure that the interest of the small investors are not ignored. In their proposed rules both the exchange and the Clearing House do attempt to provide some measure of protection. But it is incumbent upon any investor to make sure that he understands the nature of the investment he is making and does not over-extend himself. As Mr. BROWN has indicated, essentially the future's market is for the larger or professional investor. But having said this I must add that dealers in the market should always take steps to ensure that their clients are properly advised. Those who ignore that advice or take risk beyond their means will have only themselves to blame. The view of both commissions, that is the Securities Commission and the Commodities Trading Commission, is that the necessary safeguards and conditions are there. We will however continue to monitor developments.

Turning now, Sir, to Mr. CHEUNG'S remarks in regard to the Compensation Fund, the provisions in the Bill relating to this fund were drawn up after the most careful investigation of the practice in other exchanges. Furthermore, the Administration consulted the Hong Kong Futures Exchange itself. We have tried to strike the balance between the exchange and its shareholders and we have been ever conscious of the need to safeguard the interests of the investors. The underlying philosophy of the fund is that there should be a collective responsibility on the part of the members of the exchange towards the investing public.

I note Mr. CHEUNG'S concern about the burdens and liabilities on the shareholders, but with respect I do not consider that the proposals are too onerous. In any event, I repeat they have been accepted by the exchange. Mr. CHEUNG has asked how large should the fund be for its purpose. All I can say in answer to this is that we have taken a view. The view is based on experience and the provisions in the Bill enable the fund to be increased if necessary. Only time will tell.

(Mr. Kim CHAM declared an interest as the Chairman of the Board of Directors of the Hong Kong Futures Exchange and abstained from voting on the Bill.)

*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).*

## **DANGEROUS GOODS (AMENDMENT) BILL 1985**

### **Resumption of debate on second reading (15 May 1985)**

*Question proposed.*

SECRETARY FOR SECURITY:—Sir, in accordance with Standing Order No. 52 of this Council, I withdraw the Dangerous Goods (Amendment) Bill 1985.

I am withdrawing the Bill for technical reasons after reconsidering the need for the changes proposed in the Bill.

Bill withdrawn pursuant to Standing Order 52.

## **CROWN LANDS RESUMPTION (AMENDMENT) BILL 1985**

### **Resumption of debate on second reading (24 July 1985)**

*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).*

**FORESHORE AND SEA-BED (RECLAMATIONS) BILL 1985****Resumption of debate on second reading (24 July 1985)**

*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).*

**LAND ACQUISITION (POSSESSORY TITLE) (AMENDMENT) BILL 1985****Resumption of debate on second reading (24 July 1985)**

*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).*

**ROAD TRAFFIC (AMENDMENT) BILL 1985****Resumption of debate on second reading (24 July 1985)**

*Question proposed.*

MR. F. K. HU:—Sir, private cars maintained in good condition will contribute greatly to road safety and reduce traffic congestion due to breakdowns. Additional government vehicle examination centres will require considerable amount of capital expenditure and recurrent cost while utilisation of private sector centres under a properly monitored scheme can achieve the same objectives immediately and without any net expenditure from public funds.

The Road Traffic (Amendment) Bill 1985 makes this arrangement possible. This Bill incorporates necessary details, mostly in the code of practice, to ensure proper standards of competence and equipment as well as safeguards against corruption and malpractice. There is no provision in the Bill for appeals by an aggrieved car owner against the result of an examination at a car testing

centre, but there is provision in the code of practice for car owners to apply to the Transport Department against a decision of a car testing centre not to issue a certificate of roadworthiness. Detailed procedure would have to be followed to avoid this right being abused. The Unofficial Members are satisfied that such administrative procedure will provide a practical and realistic solution to an aggrieved car owner.

There are at present nearly 52 000 private cars over six years old. Considering the necessity of re-examination of some cars, the annual inspection in the first year will be close to 60 000. The Administration must ensure that the private sector garages approved under the scheme have adequate capacity to handle this volume of inspection. In case there is insufficient capacity to handle all the inspections, Unofficial Members suggest that the scheme be implemented step-by-step requiring the examination of the older cars first, say those over ten years old, and then gradually reducing the age limit.

Sir, with these remarks, I support the motion.

MR. SO delivered his speech in Cantonese:—

署理港督閣下：香港共有二萬一千五百二十部在一九七九年製造及領有牌照的私家車。我擁有其中一部，它雖是部二手車，但卻出自名門望族，購買它至今，還不足兩年。當前的法案令我非常尷尬，如果參與贊成的行列，不但對不起五萬二千二百八十名擁有車齡已達六年的車主，亦對不起自己，是名符其實的作法自斃。

閣下，請原諒我提了一大堆數字，這樣做是有用意的，目的是反映我的代表性，因為五萬多的人數，超過了本港邁向代議政制的最大一個功能團體的有資格投票人數。我們不可忘記，香港乃彈丸之地，行車的里數不會太多，六年以上的舊私家車通常性能仍然良好，它們的主人亦有很大的功能，因為他們經常是庫房增加收入的對象。

上月十九日，憲報刊登本法案的那一天，我為了省時起見，立即速讀它的摘要說明，知道七年以上製成的私家車才受影響，稍鬆一口氣。後來細讀法案內容和運輸司在二讀法案時的演詞，才知道是六年，恐慌起來，便立即向非官守議員研究本法案的小組陳詞，說以利害，並建議政府考慮車齡已屆七年的私家車才須接受檢查。而且一經驗明合格，便到第十年，才須要每年接受檢驗。既可減少擾民，亦可減輕檢驗中心的工作量。可惜政府這次未能從善如流，運輸署的一位同宗回信說已把建議錄下，但指出這項建議並不符合早於一九七九年已定下的檢驗六年以上舊車的既定政策。本人雖然有感於曹植那兩句「本是同根生，相煎何太急」，但想起香港的內部交通政策，在車主們受壓力發揮其功能的情況下，過去數年確能「保持水陸運輸暢通」。所以決定不予反對，只是放棄投票權！

其實，本人是一個很有經驗的「被飭令送車往驗車中心接受檢驗的車主」。大有資格做本法案的專案小組召集人，只可惜懷才莫遇。自一九七二年起我便成爲一部英國名廠七零年製造的二手車車主。一九八二年，我首次被飭令親自送車往九龍灣政府驗車中心，接受檢驗，事前還免費收到一份政府印行的小冊子，名爲「私家車輛檢驗，閣下須知事項」，內裏說明驗車計劃如何實施，所需程序，驗車地點，驗車如何分四個階段進行，如何預約時間，及汽車檢驗不合格應做事項等等。並且說明車主繳交驗車費六十元後，要在驗車線等候，在進行四大階段驗車時，車主均需要在場。車主在驗車前除了不用齊戒沐浴外，還有多項應注意的事，包括將車送到車房檢驗及修理好和保持汽車清潔，以便驗車順利進行。我的第一次驗車並不順利，經過修理和覆驗後才合格，修理費千多元，覆驗時，政府因爲成本貴，驗車費由六十元增至一百二十元。八三年再接受檢驗，當然不合格，修理及再

修理的費用很貴。而且只可維持一年，最後，本人只好忍痛把行了三萬多哩的車子送往車場，予以人道毀滅！最可恨的是，一年後，政府爲了人手不足和要加強檢驗的士，放棄了每年檢查私家車。

私家車檢驗中心計劃，勢必流弊多多，草案並沒有接受不滿意車主上訴的條文。業務守則雖有，但亦平添車主麻煩。剛才小組召集人胡法光議員雖然對政府的解釋已感滿意，但本人仍不放心，故決定不投票。

閣下，我的私家車車牌很吉祥，CC 298，意即「事事易，夠發！」但本草案通過後，它將變成「時時驗，夠煩！」

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

Sir, there are 21 052 licensed private cars in Hong Kong which were made in 1979. I am the owner of one such car. Although it is a second-hander, it is of a prestigious brand and was brought less than two years ago. The Bill before us causes me great embarrassment. If I joined the ranks of those who support the Bill, I would have done a disservice not only to the 52 280 owners of over six- year-old cars, but also to myself. This is veritably what one call 'making a law only to fall foul of it oneself'.

Sir, I beg your pardon for quoting so many figures. I have done so for the propose of reflecting my representiveness. As we can see, the abovementioned category of 50 000 odd car-owners outnumber the eligible voters for the largest functional constituency in our representative government. We must not forget that Hong Kong is only a small place. The mileage covered by vehicles would not be too great. Generally speaking, the performance of private cars which are more than six years old is still very good. What is more, their owners also have an important role to play because they regularly contribute to the revenue of the Treasury.

On 19 July, the day when the Hong Kong Government gazetted the Bill, I quickly scanned through the explanatory memorandum in order to save time. To my relict I noted that only private cars manufactured seven or more years ago would be affected. Later on, a careful study of the content of the Bill and the Transport Secretary's speech upon the second reading made me aware that the line was drawn at six years or above. I was alarmed and immediately made submissions to the Legislative Council Working Group studying the Bill, presenting to them the pros and cons and putting forward my proposal for the Government's consideration that only private cars in use for seven or more years should be subject to inspection and those which passed the test would be inspected on an annual basis only from the tenth year onwards. The purpose is to avoid bothering the public as far as possible and to reduce the workload of the inspection centre. Regrettably this time, the Government did not concede to my well-intentioned proposal. In his reply, an official of the Transport Department who has the same surname as I said that my proposal was noted, but pointed out that it was not in line with the policy laid down as early as in 1979 to the effect that vehicles which are six or more years of age should be

inspected. Although I share the feeling of Cao Zhi who wrote the lines 'Born of the same origin, why bother to burn each other in such haste', I think that during the past few years, Hong Kong's internal transport policy did manage 'to keep Hong Kong moving', with the car-owners playing their role properly. I have therefore decided not to oppose the Bill, but will only abstain from voting.

In fact, I am a car-owner who has so much experience in 'being ordered to drive my car to the inspection centre for inspection' that I am well qualified to be the Convener of the Working Group on the Bill. Regrettably I have no opportunity to use my talent. Since 1972 I have become the owner of a secondhand car manufactured by a famous British company in 1970. In 1982, I was first ordered to drive my car to the Vehicle Examination Centre at Kowloon Bay for inspection. Before that I was given free of charge a pamphlet called 'How to apply for private car inspection published by the Government. The pamphlet describes how the inspection programme is implemented, the necessary procedures, the site of inspection, the four stages of inspection, how to make appointments for inspection and what to do when the car cannot meet the requirements and so on. It also states that the car-owner, after paying an inspection fee of \$60, should wait on the inspection line and be present during the four stages of inspection. Prior to the inspection the car-owner should do a number of things, though he does not have to 'abstain from meat and bathe himself' in preparation for the formalities. These include driving the car to the garage for inspection and repair and keeping the car clean so that the inspection can be carried out smoothly. The first inspection of my vehicle was not without a hitch. It was only after repairs and re-examination that my car was certified to be up to the standard, and I had to pay more than \$1,000 for repairs and \$120 for re-examination because the Government had increased the inspection fee from \$60 to \$120 to meet increased costs. In 1983, when my car was again inspected, it was invariably found to be below standard and the cost of repairs and re-examination was exorbitant while the serviceability could only last for a year. Therefore, I had no alternative but to end up by sending my car, which had a mileage of only thirty thousand odd miles, to the garage where it was taken apart. What is most deplorable is that a year later, due to the lack of manpower and the intensified inspection of taxis, the Government gave up the annual inspection of private cars.

The private car inspection scheme is bound to be full of abuses. The Bill does not provide for appeals by aggrieved car-owners; although the Code of Practice does, inconvenience to car owners cannot be avoided. The Honourable F. K. Hu, Convener of the Working Group on the Bill, has just expressed satisfaction with the explanation given by the Government, but still I can not set my mind at ease. Therefore, I have decided to abstain from voting.

Sir, the registration number of my car is CC 298, which is a lucky one, meaning 'all goes well, easy to make money'. Nevertheless, with the passage of the Bill, its meaning will be changed to 'frequent inspections, troublesome indeed!'

SECRETARY FOR TRANSPORT:—Sir, I am grateful for Mr. F. K. HU's support for the Bill and I would like to assure him that the Commissioner for Transport will not apply the scheme to cars over six years old until the department is satisfied that the total capacity of the car testing centres is sufficient to cope with the number of inspections required. Mr. Andrew So expressed some doubts about the need for cars over six years old to be examined annually and suggested that annual inspections should be limited to cars over ten years old. I do have some sympathy with him, being myself the owner of a 1979 car.

But such a modification would indeed conflict with the objective laid down in our Transport Policy in the 1979 White Paper, which was to examine annually all cars over six years old. More importantly, there would be a potential loss in terms of road safety if annual inspections were restricted to cars over ten years old and I found that very few of these are licensed, in fact less than 5 000. The age threshold proposed in the Bill is conservative compared to the practice in other countries. For example, in Japan and the United Kingdom, all cars over three years old have to be inspected annually. Australia, New Zealand are even stricter.

Mr. So also referred to the inconvenience that could be experienced by car owners as a result of annual inspections. There is no doubt that, without this scheme, life would be easier for owners of cars over six years old. However, it is also true that the inconvenience would be greater if the inspections were to be conducted by the Government only rather than the private sector. This is simply because private garages can offer a much wider choice of examination centres and could provide services outside normal working hours for example, at weekends.

All garages designated as car testing centres would have to comply with the requirements of the code of practice. This does allow car owners to apply to the Transport Department for a new examination if they are dissatisfied with the result of an inspection at a car testing centre. I am aware that some Members have been concerned that this right of appeal is in the code of practice rather than in the Bill itself. The reason for this arrangement is that legally the appeal would have to be to the Transport Tribunal since car testing centres would be acting on behalf of the Commissioner for Transport. However, members of the tribunal are not themselves qualified to judge the roadworthiness of a car and the tribunal would have to take a decision on the basis of an inspection by the Transport Department. This would amount virtually to the same arrangement set out in the code of practice although the procedure would be slower and more cumbersome and would not benefit the car owner.

I should like to point out, however, that there is a fall back position in that the Road Traffic Ordinance already provides for a vehicle owner to appeal to the Transport Tribunal if the Commissioner for Transport refuses to relicence his vehicle on the grounds that it is not roadworthy. This right will apply to inspections carried out by car testing centres by virtue of the amendment to section 25 proposed in clause 2 of the Bill.

*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).*

## **ROAD TRAFFIC (AMENDMENT) (NO.2) BILL 1985**

### **Resumption of debate on second reading (24 July 1985)**

*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).*

## **SUPPLEMENTARY MEDICAL PROFESSIONS, MIDWIVES REGISTRATION AND NURSES REGISTRATION (AMENDMENT) BILL 1985**

### **Resumption of debate on second reading (24 July 1985)**

*Question proposed.*

Dr. Ho:—Sir, I am in support of the spirit of the Supplementary Medical Professions, Midwives Registration and Nurses Registration (Amendment) Bill 1985. It will certainly raise the standard of health care and provide greater protection to those who seek treatment from Members of the paramedical professions.

I am happy to know that the sets of regulations relating to the supplementary medical professions covered by the Supplementary Medical Professions Ordinance are already at an advance drafting stage. The Bill, which among other things seeks to expand the regulation making powers laid down under the Ordinance, will enable these long-awaited regulations to be made when they become available.

I am also grateful that the Government has taken the initiative in placing the optometry profession under legislative control. With the introduction of the necessary regulations, there is no doubt that the standard of the optical industry

will be raised in the interest of the public. I am aware, however, that the Hong Kong Society of Professional Optometrists has some queries about the definition and functions of optometrists, as laid down in clause 15 of the Bill. I understand that the Administration has given much thought to this point and intends to deal with the different categories of optometrists in the regulations. I would therefore appreciate the Administration's comment on this point. A number of organisations representing optometrists have also expressed reservations regarding the Chinese translation of optometrists. I would also be grateful to know whether the reservations expressed have been considered by the Government.

As regards the proposed amendments which stipulates that at least one director of a company carrying on the business of a para-medical profession should be professionally qualified, I consider this a positive step to raise the standard of professional practice which should not be guided solely by commercial considerations. I agree that with the shortage of qualified personnel at the present moment it is unrealistic to require all directors of a company carrying on the business of a profession to be professionally qualified. However, I sincerely hope that there should be more qualified directors with the increased supply of competent personnel in the future.

With these remarks, Sir, I support the motion.

DR. IP:—Sir, I support what my colleague Dr, Ho Kam-fai has said. I would go further by suggesting that with adequate manpower, the majority of directors of such companies should be people registered to practise in that profession. Furthermore, I consider it even more important that the relevant professions should be consulted in the drafting of the regulations relating to the supplementary medical professions covered by the Supplementary Medical Professions Ordinance, prior to their presentation to this Chamber.

Sir, the other comments I have on this Bill are:

Firstly, that, like the legislation governing the Medical Council, the Supplementary Medical Professions Council only has disciplinary power but lacks an advisory role. This is a serious limiting factor, as tested out in court with a cited precedent case, and is in contrast with other non-medical professional councils. I hope that the Administration would take this opportunity to look into this discrepancy.

Secondly, the exemption clause rightly gives the council wide power and flexibility to register anyone it sees fit without necessarily meeting the criteria of the regulations. This is in keeping with that of the Medical Registration Ordinance. I will repeat the same caution that I expressed with the passage of that bill, in that this clause should be exercised sparingly.

Thirdly, the dissatisfaction by the professions as regards the use of terminology also extends to the use of the word '員' to describe the person

offering physiotherapy. They consider the word ‘師’ should be used instead, in keeping with the description of the optometrist. I hope that the Administration can explain the rationale behind the use of the word ‘員’ and ‘師’.

Fourthly, I would like to say this in response to the Hong Kong Society of Professional Optometrists’ call for the replacement of practising refractionists by formally-trained optometrists in 1987. Like doctors and dentists, we also have within our ordinances sections to protect those ‘grandfathers’ in our profession, who, although without the necessary qualifications as required today, have nevertheless contributed significantly to their profession in the yesteryears. I consider it justifiable to give these people due recognition and allow them to continue with their practice, with restrictions, of course to what they can safely perform. This explains why ‘to detect ocular diseases’ is not included in the definition of the work of optometrist. Suffice to say, that this Chamber will look very closely at the regulations which the Administration assures us will iron out the differences between the practising refractionists and those professional optometrists qualified to do more.

Sir, I have left it to the last, to express how much I support the spirit of this Bill and I will use this opportunity to ‘借題發揮’.

In reviewing no less than five other ordinances where minor consequential amendments need to be made in the passage of this Bill, it interested me a great deal how other medical and paramedical professions are ‘buried’ amongst them only to be excluded from it. For example, the titles of opticians, chiropodists, chiropractors, and osteopaths, exist in the Medical Clinics Ordinance under the interpretation of clinics only to be excluded as medical clinics. Likewise, the words physiotherapy and herbal medicine and the practice of medicine or surgery according to purely Chinese methods exist under the definition of ‘medical treatment’ in the Medical Clinics Ordinance, again only to be excluded as ‘medical treatment’. This Bill deletes the words opticians and physiotherapy clinic where they exist in the relevant ordinances, and seeks to bring optometrists within the ambit of the Supplementary Medical Professions Ordinance, to join the other four paramedical professions, namely the medical laboratory workers, radiographers, physiotherapists and occupational therapists. And rightly so!

The challenges of this Bill and the encouraging signs are that the Medical and Health Department continues to extend the standardisation and put under legislative control the practice of allied medical professions. The public needs this protection and reassurance from the Government that whoever the Government allows to offer professional service are properly qualified to do so.

I sincerely hope that such an initiation by the Medical and Health Department will continue and that it will extend its control to the other allied professions in the protection of the interest of the public. I also hope that the department would not be put off by the difficulty of the task, nor the extra work load it has to take on.

The professions which I would like the Medical and Health Department to look into are the chiropractors, the acupuncturist, the herbalists and the bone setters in that order. They are alternative and/or supplementary medical professions and should be duly recognised rather than excluded from the relevant medical ordinances. The previous reaction from the Administration was that, as there had been no proof that these professions were doing any damage, nor that these damages were of significance, they declined to attempt to put such professions under legislative control! I am not aware that the practising refractionists have created any damage nor problem either. Yet the Medical and Health Department has rightly taken an active approach.

Sir, I would conclude by saying that this should be an opportunity for the Medical and Health Department to think again and I look forward to the same enthusiasm and dynamism it has adopted for this Bill, in putting other allied medical profession such as chiropractors, acupuncturists and herbalists under legislative control.

With these words, Sir, I support the Bill before Council.

SECRETARY FOR HEALTH AND WELFARE:—Sir, I would like to thank Dr. Ho Kam-fai and Dr. Henrietta Ip for their support for the Bill.

Dr. Ho has asked for the Government's comments on certain queries raised by the Hong Kong Society of Professional Optometrists on the definition of an optometrist. These queries have been reported in the press but have not been conveyed to the Government. I would therefore not like to comment specifically on them. However, I can explain what prompted the Government to adopt the definition of optometrist in the Bill.

The purpose of the definition is to describe the work of the optometry profession in sufficiently broad terms to ensure that it embraces all those engaged in optical work who ought to be registered. This definition does not purport to describe all the work an optometrist may do, but at the same time it does not prevent him from performing additional functions, such as the detection of ocular diseases. By the same token, restrictions may be imposed, through regulations, on the type of work which can be undertaken by different categories of optometrists. Three associations representing optometrists have written to the Government in support of the definition adopted.

As regards the Chinese translation of optometrist which appears in the explanatory memorandum to the Bill—a point to which both Dr. Ho and Dr. Ip have referred—the organisations representing optometrists which wrote to the Government to complain about the term used have been informed that the translation has no force in law and that in due course they will be consulted on an official translation. In arriving at a decision on this translation, we will also take a look at the Chinese terms already used to describe the other para-medical professions.

As regards the number of qualified directors which each company will be required to have—a point which both Dr. Ho and Dr. IP have raised—I share Dr. Ho's hope that there will be an increased supply of qualified persons in the future, but I doubt whether even then the law would need to be changed to require that each company should have more than one qualified director.

Dr. IP has advocated that certain other professions should be brought under legislative control. Although it is possible that in future the scope of the Supplementary Medical Profession Ordinance may be extended, there are no plans to provide registration and control over groups such as chiropractors, acupuncturists, and practitioners of traditional Chinese medicine whose skills are of a very different nature from those of the other professions covered by this Ordinance.

Sir, in 1980, in the debate in this Council on the Supplementary Medical Professions Bill, the Director of Medical and Health Services gave an assurance that it was the Government's intention to cater for the interests of those in the para-medical professions who had been in practice for a number of years and had gained their professional expertise in a practical way. I would like to repeat that assurance, and to do so with particular regard to the optometry profession. The vast majority of those working in the optical field in Hong Kong today have not received formal training. Regard must be paid to this situation in devising the legislative scheme for the control of the optometry profession. In this connection I welcome Dr. IP's remarks, which echo previous statements made by Unofficial Members of this Council that adequate provision should be made to ensure that long-serving members of the para-medical professions should be eligible for registration.

On the question of consultations raised by Dr. IP, I can assure this Council that the draft regulations on all five para-medical professions covered by this Ordinance will be circulated, when they are ready, to all concerned organisations before they are submitted to the Executive Council.

Dr. IP's other points have been noted and will be given due consideration.

Sir, I beg to move.

*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).*

## **PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT) (NO.2) BILL 1985**

**Resumption of debate on second reading (24 July 1985)**

*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).*

## **PUBLIC HEALTH AND URBAN SERVICE (AMENDMENT) (NO.3) BILL 1985**

### **Resumption of debate on second reading (24 July 1985)**

*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).*

## **BETTING DUTY (AMENDMENT) BILL 1985**

### **Resumption of debate on second reading (24 July 1985)**

*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*

**DANGEROUS GOODS (CONSIGNMENT BY AIR) (SAFETY) (VALIDATION AND AMENDMENT) BILL 1985**

Clauses 1 to 4 were agreed to.

The Schedule was agreed to.

**URBAN COUNCIL (AMENDMENT) BILL 1985**

Clauses 1 and 2 were agreed to.

**DEPOSIT-TAKING COMPANIES (AMENDMENT) BILL 1985**

Clauses 1 to 4 were agreed to.

**SUPREME COURT (AMENDMENT) BILL 1985**

Clauses 1 and 2 were agreed to.

**HONG KONG PRODUCTIVITY COUNCIL (AMENDMENT) BILL 1985**

Clauses 1 to 15 were agreed to.

**SECURITIES (AMENDMENT) BILL 1985**

Clauses 1 to 14, 16 to 88 were agreed to.

Clause 15

SECRETARY FOR ECONOMIC SERVICES:—I move that clause 15 be amended as set out in the paper circulated to Members.

*Proposed amendment*

**Clause 15**

That clause 15 be amended by inserting before paragraph (a) the following—  
(aa) in subsection (1) by deleting "dealer and investment adviser" and substituting the following—  
"registered person other than a representative";

(ab) in subsection (2) by deleting "dealer and investment adviser" and substituting the following—

"registered person other than a representative";.

The amendment was agreed to.

Clause 15, as amended, was agreed to.

New clause 3A.

Clause read the first time and ordered to be set down for second reading pursuant to Standing Order 46(6).

SECRETARY FOR ECONOMIC SERVICES:—In accordance with Standing Order 46(6) I move that new clause 3A as set out in the paper circulated to Members be read a second time.

*Question put and agreed to.*

SECRETARY FOR ECONOMIC SERVICES:—I move that new clause 3A be added to the Bill.

*Proposed addition*

**New clause 3A**

That the Bill be amended by adding after clause 3 the following—

‘Amendment of heading to Part VI.	3A. The heading to Part VI of the principal Ordinance is amended by deleting "AND REPRESENTATIVES" and substituting the following—
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"AND REPRESENTATIVES, ETC.".'. .

The addition of the new clause was agreed to.

**STOCK EXCHANGES UNIFICATION (AMENDMENT) BILL 1985**

Clauses 1 to 16 were agreed to.

**TRAVEL AGENTS BILL 1985**

Clauses 1 to 42, 45 to 52 were agreed to.

Clauses 43 and 44

MR. ALLEN LEE:—Sir, I move that clauses 43 and 44 be amended as set out in the paper circulated to Members.

*Proposed amendments***Clause 43**

That clause 43 be amended in subclause (1)—

- (a) by deleting ‘Any person’ and substituting the following—  
‘A client’; and
- (b) by deleting ‘course’ and substituting the following—  
‘cause’.

**Clause 44**

That clause 44 be amended in subclause (1)(a) by inserting after ‘any payment’ the following—

‘for travel services’.

Clause 43 and 44 were agreed to.

Clauses 43 and 44, as amended, were agreed to.

The Schedule was agreed to.

**COMMODITIES TRADING (AMENDMENT) BILL 1985**

Clause 1 to 51 were agreed to.

**CROWN LANDS RESUMPTION (AMENDMENT) BILL 1985**

Clause 1 to 3 were agreed to.

**FORESHORE AND SEA-BED (RECLAMATIONS) BILL 1985**

Clauses 1 to 21 were agreed to.

**LAND ACQUISITION (POSSESSORY TITLE)(AMENDMENT) BILL 1985**

Clauses 1 to 3 were agreed to.

**ROAD TRAFFIC (AMENDMENT) BILL 1985**

Clauses 1 to 4 were agreed to.

**ROAD TRAFFIC (AMENDMENT) (NO.2) BILL 1985**

Clauses 1 to 3 were agreed to.

**SUPPLEMENTARY MEDICAL PROFESSIONS, MIDWIVES REGISTRATION AND NURSES REGISTRATION (AMENDMENT) BILL 1985**

Clauses 1 to 16 were agreed to.

The Schedule was agreed to.

**PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT) (NO.2) BILL 1985**

Clauses 1 and 2 were agreed to.

**PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT) (NO.3) BILL 1985**

Clauses 1 and 2 were agreed to.

**BETTING DUTY (AMENDMENT) BILL 1985**

Clauses 1 and 2 were agreed to.

Council then resumed.

**Third reading of bills**

THE ATTORNEY GENERAL reported that the

DANGEROUS GOODS (CONSIGNMENT BY AIR)(SAFETY) (VALIDATION AND AMENDMENT) HILL 1985

URBAN COUNCIL (AMENDMENT) BILL

DEPOSIT-TAKING COMPANIES (AMENDMENT) BILL

SUPREME COURT (AMENDMENT) BILL

HONG KONG PRODUCTIVITY COUNCIL (AMENDMENT) BILL

STOCK EXCHANGES UNIFICATION (AMENDMENT) BILL

COMMODITIES TRADING (AMENDMENT) BILL

CROWN LANDS RESUMPTION (AMENDMENT) BILL

FORESHORE AND SEA-BED (RECLAMATIONS) BILL

LAND ACQUISITION (POSSESSORY TITLE) (AMENDMENT) BILL

ROAD TRAFFIC (AMENDMENT) BILL

ROAD TRAFFIC (AMENDMENT) (NO.2) BILL

SUPPLEMENTARY MEDICAL PROFESSIONS, MIDWIVES REGISTRATION AND NURSES REGISTRATION (AMENDMENT) BILL

PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT) (NO. 2) BILL

PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT) (NO. 3) BILL and the

BETTING DUTY (AMENDMENT) BILL

had passed through Committee without amendments, the

SECURITIES (AMENDMENT) BILL and the

TRAVEL AGENTS BILL

had passed through Committee with amendments, and the

SUPPLEMENTARY APPROPRIATION (1984-85) BILL

having been read the second time was not subject to committee stage proceedings in accordance with Standing Order 59. He then moved the third reading of the Bills.

*Question put on the Bills and agreed to.*

Bills read the third time and passed.

## Close of Session

HIS EXCELLENCY THE PRESIDENT:—Honourable Members, that ends the formal business of this session.

It has been a momentous session, for there can have been no more important deliberation in the history of this Chamber, and for that matter of Hong Kong, than that at which the very future of Hong Kong was debated in October and at which the draft Joint Declaration and Agreement received unanimous support. Later in December, after the signing of the Joint Declaration on an historic occasion, the Prime Minister the Right Honourable Mrs. Margaret THATCHER addressed the Council.

During the past year the range of debates in the Council has represented the growing importance of Hong Kong and the complexity of matters—social, economic and political—and the laws surrounding them with which Members have had to grapple in addition to their busy lives! The crude statistics of the Session of 26 sittings—83 Bills, 43 resolutions, 179 questions—do not do justice to this evolution in the work and importance of this Council.

It was during this Session, too, that the debate took place which was to change the Council from an appointed body into one in which 24 out of 46 Unofficial Members will be elected.

This, too, is the last session which will be held in this Chamber which was first used in 1957 and which replaced the Chamber in the Old Central Government Offices. Members may look around with affection and regret for the last time at these familiar surroundings in which they have spent so many long afternoons.

We must now look forward to the future when the Council for the next session assembles in its own dignified and independent building in the centre of the city.

We have many tasks ahead and: none greater than that which devolves upon the Legislative Council of continuing and developing the system of law, so that it may serve Hong Kong well not only today but in the many years ahead.

Finally, honourable Members I should like to thank you for your hard work and for all that has been achieved during this Session of the Council. The first sitting of the 1985-86 session will be on Wednesday, 30 October next, when the Governor will address the Council.

I now declare the 1984-85 session of the Council to be at an end.

*Adjourned accordingly at eight minutes to five o'clock.*