

# OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 13 November 1985

The Council met at half past two o'clock

## PRESENT

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

SIR EDWARD YOUDE. G.C.M.G., M.B.E.

THE HONOURABLE THE CHIEF SECRETARY

SIR 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

MR. MICHAEL DAVID THOMAS, C.M.G., Q.C.

THE HONOURABLE LYDIA DUNN, 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 ERIC PETER HO, C.B.E., J.P.

SECRETARY FOR TRADE AND INDUSTRY

THE THE HONOURABLE HO KAM-FAI, 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 DONALD LIAO POON-HUAI, C.B.E., J.P.

SECRETARY FOR DISTRICT ADMINISTRATION

THE HONOURABLE CHAN KAM-CHUEN, O.B.E., J.P.

THE HONOURABLE JOHN JOSEPH SWAINE, O.B.E., Q.C., 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 CHAN NAI-KEONG, C.B.E., J.P.

SECRETARY FOR LANDS AND WORKS

THE HONOURABLE CHAN YING-LUN

THE HONOURABLE MRS. RITA FAN HSU LAI-TAI

THE HONOURABLE MRS. PAULINE NG CHOW MAY-LIN

THE HONOURABLE PETER POON WING-CHEUNG, M.B.E., J.P.

THE HONOURABLE YEUNG PO-KWAN, C.P.M.

THE HONOURABLE JAMES NEIL HENDERSON, O.B.E., J.P.

SECRETARY FOR EDUCATION AND MANPOWER

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

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

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

THE HONOURABLE JACKIE CHAN CHAI-KEUNG

THE HONOURABLE CHENG HON-KWAN

THE HONOURABLE HILTON CHEONG-LEEN, C.B.E., J.P.

DR. THE HONOURABLE CHIU HIN-KWONG

THE HONOURABLE CHUNG PUI-LAM

THE HONOURABLE THOMAS CLYDESDALE

THE HONOURABLE HO SAI-CHU, M.B.E., J.P.

THE HONOURABLE HUI YIN-FAT

THE HONOURABLE RICHARD LAI SUNG-LUNG

DR. THE HONOURABLE CONRAD LAM KUI-SHING

THE HONOURABLE LAU WONG-FAT, M.B.E., J.P.

THE HONOURABLE MARTIN LEE CHU-MING, Q.C., J.P.

THE HONOURABLE LEE YU-TAI

THE HONOURABLE DAVID LI KOWK-PO

THE HONOURABLE LIU LIT-FOR, J.P.

THE HONOURABLE NGAI SHIU-KIT, O.B.E., J.P.

THE HONOURABLE PANG CHUN-HOI, M.B.E.

THE HONOURABLE POON CHI-FAI

PROF. THE HONOURABLE POON CHUNG-KWONG

THE HONOURABLE SZETO WAH

THE HONOURABLE TAI CHIN-WAH

THE HONOURABLE MRS. ROSANNA TAM WONG YICK-MING

THE HONOURABLE TAM YIU-CHUNG

DR. THE HONOURABLE DANIEL TSE CHI-WAI, J.P.

THE HONOURABLE ANDREW WONG WANG-FAT

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

#### **ABSENT**

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

THE HONOURABLE STEPHEN CHEONG KAM-CHUEN, O.B.E., J.P.

THE HONOURABLE HELMUT SOHMEN

#### **IN ATTENDANCE**

THE CLERK TO THE LEGISLATIVE COUNCIL  
MR. LI WING

**Papers**

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

*Subject* *L.N. No.*

## Subsidiary Legislation:

## Merchant Shipping Ordinance.

Merchant Shipping (Navigational Watch Ratings) (Amendment) (No. 2) Regulations 1985 .....	310
---	-----

## Merchant Shipping Ordinance.

Merchant Shipping (Engine Room Watch Ratings) (Amendment) (No. 2) Regulations 1985 .....	311
--	-----

## Immigration Ordinance.

Immigration (Anchorage and Landing Places) (Amendment) Order 1985 ....	312
--	-----

## Interpretation and General Clauses Ordinance.

Rectification of Errors Order 1985 .....	313
--	-----

## Factories and Industrial Undertakings (Cartridge-Operated Fixing Tools) Regulations.

Factories and Industrial Undertakings (Cartridge-Operated Fixing Tools) (Amendment of Schedule) (No. 3) Notice 1985 .....	314
---	-----

## Interpretation and General Clauses Ordinance.

Specification of Public Office .....	315
--------------------------------------	-----

## Sessional Papers 1985-86:

No. 12—Hong Kong Housing Authority Annual Report 1984-85.

No. 13—Hong Kong Housing Authority—Estate and General Working Account for the year ended 31 March 1985 and Balance Sheet as at that date.

No. 14—Chinese Temples Fund—Income and Expenditure Account with Balance Sheet and Certificate of the Director of Audit for the year ended 31 March 1985.

No. 15—Clothing Industry Training Authority—Annual Report for the year 1984.

No. 16—Construction Industry Training Authority—Annual Report 1984.

No. 17—General Chinese Charities Fund—Income and Expenditure Account with Balance Sheet and Certificate of the Director of Audit for the year ended 31 March 1985.

No. 18—Hong Kong Export Credit Insurance Corporation—Annual Report 1984-85.

## Oral answers to questions

### Private secondary schools

1. MR. LEE YU-TAI asked:—*What is the Government's policy towards private secondary schools with regard to their present role in the education system and future survival?*

SECRETARY FOR EDUCATION AND MANPOWER:—Sir, I assume that this question refers mainly to the private independent schools which have been in the headlines recently, and not to the private-non-profit making schools from which we also buy places.

The 1978 White Paper on The Development of Senior Secondary and Tertiary Education stated that: 'The Government will not extend the bought-place scheme to senior secondary forms in private independent schools and will terminate the buying of junior secondary places in schools of this type which do not have good facilities and operating standards'.

In brief, the present policy is that Government will continue to buy places in those private independent schools which are able to provide education at acceptable quality. Furthermore, it is also Government's intention in the light of advice of the Education Commission's Report No. 1 to begin buying Form IV and V places in such schools from a future date to assist in the phasing out of the J.S.E.A. A number of private independent schools will, therefore, continue to contribute to the provision of public sector school places. This also means, of course, that there will be a number of private independent schools in which the Government will no longer be buying places and, as Members know, the process of phasing out the buying of places in these schools is already in hand, to commence in September 1986.

The long-term future of private independent schools is not simply a question of the number of places bought by Government, however. This must obviously be determined by the ability of these schools to provide an education service of a nature or of a quality which parents are willing and able to afford. I have no doubt that there will always be a market for the services provided by the best of the private schools and the continued existence of such schools within a diverse education system will be welcomed by Government.

The private non-profit-making schools, to which I referred earlier, will continue to provide bought places as at present and no change is expected in the foreseeable future.

MR. LEE YU-TAI:—*Sir, a working group on private schools was formed in July this year. Can this Council be informed whether or not this working group plays a useful role or should it be reorganised with a revised set of terms of reference so as to contribute to policy-making for the long term future?*

SECRETARY FOR EDUCATION AND MANPOWER:—Sir, this working party was set up under the auspices of the Private Schools Advisory Council and I think I am right in saying that they were asked to report within a period of six months, which by my calculation should be up in about January or February. I think they have a useful role to play because it's essential that we see what can be done to help some of the less satisfactory private schools to upgrade their facilities so that they would be acceptable.

MR. SZETO WAH asked in Cantonese:—

(The following is the interpretation of his question.)

*Sir, people operating private secondary schools are not really satisfied with the present policy in this particular respect; could this Council be informed whether, apart from the Government and the private school operators, there can be independent third parties taking part in the review of the policy?*

SECRETARY FOR EDUCATION AND MANPOWER:—Sir, as I said this working party has already been set up with terms of reference and membership. I think until their report is known it will be difficult at this stage to judge exactly what further might be needed for consulting other interests.

DR. DANIEL TSE asked in Cantonese:—

(The following is the interpretation of his question.)

*Sir, as far as I know, the fees of the private schools are controlled by the Government. And at the moment, they are set at a level much lower than that of aided schools. Does the Government have a plan to allow them to raise this level to that of the aided schools so that private schools can improve their facilities and also have better staff with better qualifications so that in buying places from them the Government will really be paying a fair price?*

SECRETARY FOR EDUCATION AND MANPOWER:—The answer to the first part of the question, that is, the factual part, is yes, that is correct. I entirely take Dr. TSE's point, but in the terms of reference of the working group to which we have been referring is included the term to review the general issue of fee levels and I would

certainly regard it as within the purview of that working party or in the consideration of its report, that this aspect of the matter could be further investigated and pursued.

### **Safety measures in industrial training centres**

2. MR. YEUNG PO-KWAN asked: — *In view of the incident on 5 November 1985 at Construction Industry Training Authority Kwai Chung Construction Industry Training Centre where an apprentice was killed by a falling iron bar, will Government inform this Council whether there are places to review and improve upon safety measures governing similar training centres in order to prevent future accidents?*

SECRETARY FOR EDUCATION AND MANPOWER: — Sir, this was a very tragic accident. The Construction Industry Training Centres have had a very good record in industrial safety and there has been no serious accident at these centres in the past. Indeed, this and other training centres take care to include the teaching of good safety practice as part of their curricula.

Officers of the Labour Department and the staff of the centre themselves are now investigating this particular accident and, in the light of their findings, the Construction Industry Training Authority will review the safety measures in these training centres with a view to doing all possible to prevent recurrence of such an accident.

The Commissioner for Labour is a member of the authority and will thus be in a position to ensure that the review is comprehensive and that any necessary improvements are made.

MR. YEUNG PO-KWAN: — *Sir, how long will the Labour Department take to complete investigation of this particular accident and what assurance can be give? that good safety practice being taught as part of the curricula in the training centres will be complied with accordingly in future?*

SECRETARY FOR EDUCATION AND MANPOWER: — Sir, I think the investigation will be completed in a comparatively short time, by that I mean a week or two from now, but I think Members should bear in mind that there could be an inquest also in this case. As for compliance with safety measures and requirements, of the curricula I think we must look to the discipline, morale and good teaching and training methods of the staff themselves. I was very impressed on my visits to the centre by their dedication to their work and I think that we can rely on this to reduce as far as possible this type of accident.

MR. SWAINE: — *Does the Employees' Compensation Ordinance apply to a case such as this?*

SECRETARY FOR EDUCATION AND MANPOWER:—I think I should perhaps correct initially the impression that may have been given understandably by media reports that the person concerned was an apprentice. This was not technically the case: he wasn't on an apprentice contract, he was a trainee at the school. Therefore, the position is that he was not an employed person and the Employees' Compensation Ordinance does not apply. However, the authority, before it took in its first trainees, realise the potentiality of such a problem and they are in fact, as I understand it, insured to the equivalent sum that would have been payable under the Employees' Compensation Ordinance had the person concerned been an employee.

PROFESSOR POON:—*Will the Government inform this Council if there are plans of the Government to impose general safety regulations in this training centre as well as in factories and to ensure that these regulations are followed?*

SECRETARY FOR EDUCATION AND MANPOWER:—I am sorry, I am not quite sure there that question came from but the answer is in fact the training centres are not factory or industrial undertakings as defined in the Ordinance. Although we have looked at this problem from time to time, on the whole we feel the operation of training centres and educational institutions is so different from that of a factory or industrial undertaking operating for profit that it is better to rely on self-regulation.

### **Standardisation of deeds of mutual covenant**

3. MR. JACKIE CHAN asked in Cantonese:—

(The following is the translation of his question.)

*As the real estate market is becoming more active, will Government inform this Council whether there are plans to draw up a standard deed of mutual covenant, in both Chinese and English, for newly constructed buildings, so that consumers may understand clearly its contents, the rights which they would enjoy and their responsibilities?*

SECRETARY FOR DISTRICT ADMINISTRATION:—Sir, the Government does not have plans to introduce a standard deed of mutual covenant. This is because a standardised deed will not be sufficiently flexible to cater for the many and varied circumstances for different kinds of building development.

However, after extensive consultations with all district boards and various related professional bodies, a number of 'standard clauses' are being drawn up, instead, for inclusion in deeds of mutual covenant. It is intended that as a first step, starting from early next year, deeds arising from new non-industrial leasehold grants will be required to contain these clauses.

The purpose of these clauses is to provide protection for individual buyers in several fundamental areas relating to building management and common areas, as well as to provide a clear frame-work for effective management of the building. They also set out clearly the relationship, rights, and responsibilities of developers, management agents and individual owners with respect to the day-to-day management of property.

At present, the deeds of mutual covenant are prepared in English. When Chinese versions are available, there should be no difficulty in including these standard clauses in Chinese.

MR. KIM CHAM:—*Sir, when will the standard clauses be implemented and when will a Chinese version be ready?*

SECRETARY FOR DISTRICT ADMINISTRATION:—*Sir, as I have said, it is intended as a first step, starting from early next year, deeds arising from new non-industrial leasehold grants will be required to contain these clauses. As for the availability of the Chinese version most if not all of the deeds are actually prepared by members of the Law Society and this I am sure will be done as soon as these clauses are put to them by the Registrar General.*

MR. MARTIN LEE:—*Has the Law Society been actually consulted on this and is it envisaged that these clauses if implemented would be required to be contained in future deeds of mutual covenant by law or some other means?*

SECRETARY FOR DISTRICT ADMINISTRATION:—*The standard clauses are at present being drafted by the Registrar General's Department. When they are ready, the legal profession will be consulted and at the present moment, it is the intention that in future inclusion of the standard clauses will be required for all new leaseholds of non-industrial buildings.*

MR. LEE YU-TAI:—*Sir, may I refer to paragraph 1 of the answer and request the Secretary for District Administration to inform this Council whether or not Government is completely satisfied with the present situation and how about deeds of covenant for old buildings?*

SECRETARY FOR DISTRICT ADMINISTRATION:—*Sir, deeds of mutual covenant are contracts between consenting parties and some form of retrospective legislation will be required if it is to apply to the existing deeds of mutual covenant. It involves a great deal of work and therefore as a start, intention is to start on a new leasehold of non-industrial buildings.*

## **Arson**

4. DR. HO asked:—*Will the Government inform this Council of the number of arson cases in the last three years and what measures are being taken to combat this crime?*



THE ATTORNEY GENERAL:—Sir, in the last three years ending September 1985, 978 fires which were suspected by the Fire Services Department to have been started deliberately were referred to the police for investigation. Of these, the police consider that 588 were the result of arson (which is the deliberate setting on fire of property).

Government considers that the most effective deterrence to arson is the successful detection and prosecution of offenders. Fire Services personnel fighting fires are under instruction to investigate the cause of the fires. If necessary, they can call out the Fire Services Department investigation teams. The Fire Services Department operates training programmes for Fire Service officers on how to detect evidence of arson and in 1983 the programme was strengthened when courses for selected officers conducted by an arson investigation specialist were introduced. So far, 150 Fire Officers have undergone this specialist training. If, as a result of their investigations, Fire Services Department has any suspicion the fire was caused by arson, they pass the case to the police for investigation. In their investigations, the police are backed by the Fire Investigation Ordinance (Chapter 12) which empowers the Commissioner of Police to take possession of any premises on which a fire has taken place or where an attempt is suspected. Where possession has been taken by the commissioner of any premises, the commissioner is required to make a report to a magistrate as to the origin and circumstances of the fire. On receipt of this report the magistrate must investigate the causes of the fire, unless he considers an inquiry unnecessary. So the fact that there are these special provisions for investigating the causes of fire indicate how seriously the Government takes arson.

DR. HO:—*Sir, what is the average level of penalty meted out to the convicted arson offenders? Is the penalty sufficient to deter this criminal activity?*

THE ATTORNEY GENERAL:—Sir, the courts hand down sentences at levels commensurate with the circumstances of individual cases. The most serious cases are prosecuted in the High Court and sentences in High Court cases over the last three years up to October 1985 ranged from one to 12 years' imprisonment. So far as the setting of penalty is concerned, the maximum penalty for the offence of arson under the Crimes Ordinance is imprisonment for life. This maximum penalty is provided of course to cater for the very worst case and as such Members may think it provides an adequate deterrence.

MRS. CHOW:—*Sir, of the 588 cases mentioned in paragraph 1 how many prosecutions have been brought by the police and how many of them have been successful?*

THE ATTORNEY GENERAL:—Sir, I cannot produce those particular figures at this moment and I would have to undertake to write to my honourable friend with those details. (Annex I)

### **Control of private homes for the aged**

5. MR. HUI YIN-FAT asked:—*In the light of the recent tragedy at a home for the aged in Causeway Bay, will Government consider enacting legislation setting out the basic minimum standards on safety, hygiene, accommodation and staff ratio and qualification governing the operation of private old age homes in Hong Kong?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, the Social Welfare Advisory Committee discussed this matter last September and advised that at present there is no compelling reason to enact legislation to control private homes for the elderly, although some form of control might be necessary in the longer term to ensure adequate standards of service, particularly in connection with safety and health. The Social Welfare Department is now consulting other government departments and will take into account experience in other countries before making proposals on the most suitable form of control.

In the meantime the department will continue to pay liaison visits to these homes to offer advice and assistance to the operators and residents where necessary. The department is now also preparing a code of practice to provide guidance on how these homes should be run.

MR. HUI YIN-FAT:—*Sir, in order to prevent further tragedies, could the Government inform this Council firstly when the code of practice will be ready and secondly what action the Government will take if such a code of practice is not followed?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, I would hope that the code of practice should be ready within about three months. In the event that the voluntary code was not followed this would be a very strong argument for enacting legislation to control private homes for the elderly and we would proceed with that as speedily as possible.

DR. IP:—*Sir, are all old age homes in Hong Kong registered with the Social Welfare Department? If not, does the Government not consider this to be administratively a first step towards introducing a code of practice?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, there is no legislation that requires the registration of old age homes and private old age homes are therefore not formally registered, although the Social Welfare Department has done considerable research and does have what is believed to be a comprehensive list of these homes.

MR. YEUNG PO-KWAN:—*Sir, why was the code of practice not provided at an initial stage to operators of the private homes for the elderly for their guidance?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, the development of private homes for the elderly is a very recent occurrence on any scale, and it is only in the last year or so that this problem has really come to be recognised as a significant one.

MRS. FAN:—*Sir, when paying liaison visits to these homes and offering advice and assistance to the operators, if such advice and assistance are not taken, is there anything Government can do to ensure that at least a minimum standard is satisfied?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, as I've explained there is at present no legislation which specifically applies to these homes. Of course if some other legislation such as the Fire Safety Regulations which apply generally were infringed there would be action that could be taken; otherwise it would not be possible at this stage.

### **Working Party on Postgraduate Medical Education and Training**

6. DR. CHIU asked:—*Will the Government inform this Council of the progress on the formation of the Working Party on Postgraduate Medical Education and Training?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, the Medical Development Advisory Committee has recommended that a working party on postgraduate medical education and training should be established and that the chairman of the working party should be an overseas expert with considerable experience of post-graduate medical education systems. Finance Committee has approved funds for the appointment of a chairman on this basis.

During the past few months vigorous efforts have been made to identify a suitable candidate for appointment. The assistance of the British Department of Health and Social Security has been sought and inquiries are also being made in Singapore and Australia. Through these channels I hope that it will be possible to find an appropriately qualified person in the near future. As soon as the chairman has been appointed it is intended to proceed with the appointment of the other members of the working party.

DR. CHIU:—*Sir, may I ask what is the rationale of a chairman from overseas and would the Government consider a local chairman if a suitable candidate from overseas cannot be found after vigorous efforts in a few months' time?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, it was felt that the chairman ought to have close working experience of a post graduate medical education system and as a person with such experience would be very difficult to find locally it was

therefore decided to recruit a chairman from overseas. But I do take Dr. CHIU's point; obviously, if we cannot find a suitable person overseas we will then consider a local candidate and decide how to obtain a necessary expertise in a different way.

DR. IP:—*Sir, the other members of the working party are as important as the chairman, so my question is: in the formation of the working party, that is other than the chairman, would Government inform this Council whether they have already formulated how many representatives, and I stress the word 'representatives', there would be from the Hong Kong University, Chinese University, Hong Kong Medical Association, government consultants, subvented agencies and other relevant medical societies and organisations and establishments? If the answer is yes, what are they?*

SECRETARY FOR HEALTH AND WELFARE:—*Sir, the M.D.A.C. has already advised on this and all the parties mentioned by Dr. IP will be represented. I can't recall the exact numbers of each but I will let Dr. IP know in writing. (Annex II)*

### **Non-Cantonese speaking personnel in family clinics**

7. DR. CONRAD LAM asked in Cantonese:—

(The following is the translation of his question.)

*In view of complaints that patients attending the families clinics are required to speak English, will Government inform this Council of the percentage of non-Cantonese speaking medical staff who are working in families clinics and whether the posting of non-Cantonese speaking personnel to these clinics is justified?*

SECRETARY FOR HEALTH AND WELFARE:—*Sir, of the ten medical officers who are posted to the two families clinics five are non-Cantonese speaking and five are Cantonese speaking. 50 per cent of the staff is therefore non-Cantonese speaking. As there have been in the past problems in finding sufficient local officers to fill posts in the families clinics, it is considered appropriate to post non-Cantonese speaking medical officers to these clinics where their inability to speak Cantonese is less of a handicap than it would be in general outpatient clinics.*

DR. CONRAD LAM asked in Cantonese:—

(The following is the interpretation of his question.)

*Sir, as civil servants and their families mostly speak Cantonese will the Government consider changing the practice of requiring those who are qualified for treatment in such clinics to speak English as this is very inconvenient to most of them?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, there are only two families clinics of the type referred to in the question. In addition to this about 54 general out-patient clinics throughout the territory are available for other civil servants and a number of these clinics operate a system whereby civil servants and their families receive priority. The Government's view is that the obligation to provide satisfactory medical treatment to civil servants is adequately provided for in this way.

MR. LEE YU-TAI:—*Sir, are doctors in families clinics assisted by nursing staff and other supporting staff who speak Cantonese? If the answer is yes, will they be able to do some interpretation?*

SECRETARY FOR HEALTH AND WELFARE:—Yes, Sir, this will be possible.

MR. RICHARD LAI:—*Sir, according to the answer given by the Secretary for Health and Welfare does it mean that the Government is still encountering difficulty in recruiting Cantonese-speaking doctors?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, there is less difficulty than there used to be but there is still some problem and the Medical and Health Department still does recruit a number of doctors from overseas to fill specific posts including those in the families clinics.

DR. IP:—*Sir, question is partly answered but is this problem of finding sufficient local officers to fill the posts in question a general problem which affects the Medical and Health Department across the board or is it specifically confined to the families clinics? If the answer is yes, could the Secretary inform us why the families clinics have this problem where as the other clinics do not?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, the problem is a general problem across the service although I think because of the nature of the families clinics and the patients that they treat there perhaps is a particular problem in some cases.

### **Triad activities**

8. MRS. ROSANNA TAM asked: — *In view of the increasing triad activities, will the Government inform this Council:*

- (a) what plan it has at present to curb this increase;*
- (b) how long it will take to implement such a plan; and*
- (c) what temporary measures are in hand to improve this situation?*

THE ATTORNEY GENERAL: — The Government recognises the deep concern that is being expressed in the community about triads, and the Government is determined, dedicated to do its utmost to eliminate triad related crimes.

Operations with triad targets have been successfully mounted by the police in past months and will continue.

Firstly, they have concentrated resources on the investigation of crimes involving suspected triad members. They are also taking measures to develop an improved intelligence capability to identify relevant crimes.

Secondly, the police have sought to make it more difficult for triads to profit from their traditional activities by undertaking operations against prostitution, gambling, racketeering and intimidation.

Some results have been quite striking. Last Wednesday for example a special territory-wide operation was carried out by police in the New Territories. This involved 1 500 policemen who were mobilised to conduct snap checks on known criminal and triad haunts. The operation lasted only six hours but 14 000 were checked. 112 people were arrested and 25 persons were charged with offences ranging from robbery to burglary, arson and narcotic offences.

Of course the police are the Government's tactical arm in this fight. I am sure the Council will appreciate the efforts which go into this difficult area of their work.

At a strategic level, Sir, the Fight Crime Committee is responsible for co-ordinating the efforts of the police and the Government's other departments. I recall that two weeks ago, in your address at the opening of this Council, you said, Sir, that you had asked the Fight Crime Committee to give a high priority to this task.

The Fight Crime Committee has established a Working Group on Gangs chaired by the Secretary for Security, to identify areas of activity by triads and gangs, to determine an overall strategy and to co-ordinate the implementation of this strategy.

The working group includes a Member of this Council, Dr. Ho Kam-fai and a member of a District Fight Crime Committee.

The working group has been holding detailed discussions with heads and senior staff of government departments, which might be affected by triad activities, to find ways in which they can assist. As a result the group has made firm recommendations for changes in the wholesale fish markets, hawker control measures, and water and electricity supply arrangements, all aimed at thwarting triad activities.

The working group has been assisted in this work by the Urban Council's review of their policy on hawker control.

Some departments have taken their own initiatives. For example, the Housing Department now undertakes the complete fitting out of family huts in Temporary Housing Areas. This has limited the opportunities for triads in that field.

Finally, the working group has considered changes in the law. Sir, this work is proceeding as a matter of urgency. Early next year, this Council will receive a discussion paper upon the legislative options identified by the working group to provide greater powers to investigate and prosecute organised crime. These will need Members' careful consideration.

These are all steps that the Government can take. But this kind of crime is also a public responsibility.

All honourable Members can play their part in assisting the Government to destroy the influence and appeal of the triads, especially to the young. People must be encouraged to report triad activities. Every opportunity must be taken to show that triads are neither honourable nor glamorous bands of brothers. They are gangs of thugs and bullies. Success in the end, Sir, will depend upon the community's determination to stand up to threatening behaviour and to resist contemptible rackets.

MRS. ROSANNA TAM:—*Sir, may I ask how serious, based on available information, is young people's involvement in these triad activities?*

THE ATTORNEY GENERAL:—Sir, it's not thought to be a fact that triads are successful in recruiting school children. There have obviously been attempts to do so but indications are that these are relatively few and far between and do not present a major problem. Teenage gangs exist and in some cases they adopt the names of triad societies for the purposes of instilling fear among rivals or potential victims. They are not true triads, however. They do not undergo initiation rites or use the triad paraphernalia. Indeed they can hardly be described as societies at all. But as in so many cases, however, to the victim who is the subject of extortion or protection rackets this is an academic distinction. The mere use of the word 'triad' in context of teenage gangs has the desired effect. So indeed there is evidence of involvement of young people in triad related activities.

MR. MARTIN LEE:—*Sir, what does the Government propose to do about the statement made by the Royal Hong Kong Police Force a few years ago that the triad activities were then under control, when it is now acknowledged that that was not the true position thus resulting in a loss of precious time in the fight against triads?*

THE ATTORNEY GENERAL:—Sir, my answer to this Council deals with the way ahead. My learned friend is going back into the past and I have nothing to add to the statements that were made by the then Chief Secretary about a year ago on those matters.

MISS MARIA TAM:—*Sir, looking ahead, legislative options deserve time for careful consideration, will Government consider in the meantime revising upward the maximum sentence applicable to triad offences or urge the Judiciary to reflect the seriousness of the situation in their sentences?*

THE ATTORNEY GENERAL:—*Sir, it is not thought that the prescribed maximum penalties are in need of urgent alteration. It is not for me, certainly, in this Council to comment upon the level of the sentences handed down by the courts.*

MISS DUNN:—*Sir, is there any evidence that the public are reluctant to report triad activities because of fear of revenge by other triad members? If so, what steps are taken to protect the identity and safety of members of the public who are prepared to stand up to victimisation by triads?*

THE ATTORNEY GENERAL:—*Well, Sir, in serious cases the police do have a well-tryed and frequently used system of witness protection and that is implemented whenever it is thought to be necessary in a serious case. It has to be recognised that in many other less serious cases members of the public are unwilling to present themselves in court to give evidence at trials; and many trials, indeed I can say, have to be abandoned because of the fact that witnesses cannot be found. These are matters which I know are being carefully considered within the working group and I hope that in that area too some of the legislative options will be presented to this Council early next year.*

MR. HUI YIN-FAT:—*Sir, in the light of increasing triad activities will the Government consider reinstating the Triad Society Division of the Police Force so as to strengthen the combat force against triads?*

THE ATTORNEY GENERAL:—*Sir, there has been, I think, a little misunderstanding in the past about the Triad Society Bureau. This Triad Society Bureau was amalgamated, I think about two or three years ago, with other specialist units such as the Serious Crimes Division to form the Organised and Serious Crimes Group. The reason was that it did not make sense organisationally to separate triads from the crimes, the organised crimes, that they committed. I can assure Members that the expertise that had been generated by the Triad Society Bureau was not lost nor did the amalgamation lessen efforts against triads. Anti-triad intelligence is now the province of the Criminal Intelligence Bureau and the capability in this field has improved considerably over the last few years with long term intelligence-based operations against both individuals and organisations. So I do not accept that the organisational changes in recent years have in any way prevented the war against triads continuing.*

MRS. NG asked in Cantonese:—

(The following is the interpretation of her question.)



*I am very glad to know that many departments have assisted in this particular field. What has the Education Department done in trying to stop infiltration of such elements into schools?*

HIS EXCELLENCY THE PRESIDENT:—Mrs. NG, I think you might put that question down to the Secretary for Education and Manpower unless he is prepared to answer straightaway.

THE ATTORNEY GENERAL:—Sir, I think I can do a little on his behalf if he is willing to allow me. I can assure Mrs. NG that during the past three years the police has been supported by the Education Department in organising a series of seminars on youth gang problems. In June/July this year for example some 1 100 school principals, headmasters and teachers attended those seminars. There are of course also Junior Police Call Clubs in 257 secondary schools and in 103 primary schools. The Education Department, indeed operating at the request of the Fight Crime Committee, is presently working on a plan that would introduce a systematic programme of in-service training on moral education that would give schools more advice on organising guidance and counselling systems that will produce pamphlets on social services available to parents and students and which will get universities to run more part-time in-service training courses on students guidance and counselling. The problem fundamentally with the young is to strip triads of their glamorous appeal. Indeed there is presently an advertisement which is all round Hong Kong of a popular film which glamorises the fraternal elements of triads and yet displays great violence and appeals to the public to come and see the link in that particular film. It's that kind of glamorous appeal which seems to me to be the responsibility of the entire community to combat.

MR. YEUNG PO-KWAN:—*Sir, I think the major part of the question I wish to ask has been fully answered by the Attorney General, but I'd just like to ask whether there has been any indication or evidence that there is a growing involvement of triad activities in schools recently?*

THE ATTORNEY GENERAL:—Sir, there is no evidence of a growing activity of triads in schools recently. On the question generally of numbers I think that the increasing public concern comes from a variety of factors, not necessarily from the number of triad activities in schools, and also comes, I think, from the fact that the police are constantly improving their knowledge of triad activities. So my short answer to the question is there is no such evidence.

### **Adjustment of civil service salaries**

9. MR. SZETO WAH asked in Cantonese:—

(The following is the translation of his question.)

*Following the Government's second adjustment of the directorate officers' salary this year, quite a number of civil service unions and subvented organisation staff unions have urged for a corresponding salary adjustment of 6.4 per cent for non-directorate staff with effect from 1 August 1985, to make up for the amount due to civil servants in 1983. Will Government inform this Council what principles and procedures it will follow in considering this request and arriving at a decision?*

THE CHIEF SECRETARY:—Sir, the major consideration in determining civil service pay is the *principle* of fair comparison with remuneration for comparable employment outside the Government. This principle will apply in considering the recent request by certain non-directorate staff unions for a pay adjustment of 6.4 per cent. The main argument for the request is that since 1981 salaries for non-directorate staff have lagged behind the private sector.

With regard to the *procedure* to be followed, the Secretary for the Civil Service has written to the Standing Commission on Civil Service Salaries and Conditions of Service seeking its assistance and advice regarding the unions' request as the matter falls within the Standing Commission's terms of reference. When advice is received from the Standing Commission, the Secretary for the Civil Service will enter into further discussions with the staff sides of the three central consultative councils. The conclusions then reached will be submitted to the Governor in Council.

MR. SZETO WAH asked in Cantonese:—

(The following is the interpretation of his question.)

*Well, there must be equity and we must try and anticipate trouble too; so could the Government inform this Council, when it considers an adjustment to the salaries for non-directorate staff, whether it will at the same time consider their morale?*

THE CHIEF SECRETARY:—Of course, Sir.

MR. KIM CHAM:—*Sir, the adjustment of directorate salaries was not based on survey or research conducted by the Standing Commission. In the future would it not be more appropriate that the exercise of research or survey be done by the Standing Commission so that there is no need to refer one to the other?*

THE CHIEF SECRETARY:—Sir, the recent revision of directorate salaries was based on the result of an overall review of pay levels of senior management in the middle range of companies in the private sector conducted by the Standing Committee on Directorate Salaries and Conditions of Service under its terms of reference. The position with regard to non-directorate staff is different. Pay adjustment to their salaries is determined annually having regard to the results of a pay trend survey of the private sector conducted by the Standing Commission.

MR. TAM YIU-CHUNG asked in Cantonese:—

(The following is the interpretation of his question.)

*Sir, directorate staff had a second adjustment this year and reportedly it is to make up for the inadequacy since 1981. If the same principle and spirit are not applied in dealing with these requests by the non-directorate staff will people feel that equity has not been applied?*

THE CHIEF SECRETARY:—Sir, the Government's position on this matter is that each year's pay adjustment is treated as a separate self-contained exercise with neither pluses nor minuses carried over from a previous year. This principle however does not rule out an overall review of salaries over a period of time to see if they are still at a realistic level in comparison with the private sector.

MRS. NG asked in Cantonese:—

(The following is the interpretation of her question.)

*Sir, following the second adjustment of the directorate officers' salaries did the Government consider that this will cause a corresponding request from non-directorate staff?*

THE CHIEF SECRETARY:—Yes, Sir. I think we can say that that was expected and as I said earlier in answer to the first question, this request has now been referred to the Standing Commission.

### **Registration of Electrical and Mechanical Engineers and other professional engineers**

10. MR. CHENG HON-KWAN:—*Some two years ago, a proposal was made to Government that Electrical and Mechanical Engineers should be registered in the same way as Authorised Persons or Structural Engineers. A working party was subsequently formed in this connection. May the Council be advised of any progress in the matter and is there any way that the matter may be pursued expeditiously? Will the working party also consider the registration of other professional engineers?*

SECRETARY FOR LANDS AND WORKS:—Sir, a working party, chaired by the Director of Electrical and Mechanical Services Department and comprising representatives from the Electrical and Mechanical Contractors' Association, the Hong Kong Institution of Engineers and representatives from relevant government departments was formed towards the end of 1984 to undertake an indepth study of the subject of statutory registration of engineers. The working

party has its origin in a proposal from the previous Building Development Advisory Committee (B.D.A.C.) which expressed a concern of the impact of the growing complexity and sophistication of the electrical and mechanical services involved in the construction industry on public safety.

The terms of reference of the working party as drawn up includes the following areas of study:—

*First*, to investigate and consider the role and legal responsibility, in particular relating to public safety, of professional engineers and technicians engaged in electrical, mechanical and other other engineering services in buildings, engineering projects and in the construction industry.

*Secondly*, to examine the effectiveness, in the laws of Hong Kong, of the existing systems of registration and control of persons engaged in electrical, mechanical and other engineering services in buildings, engineering projects and in the industry; and

*Thirdly*, to consider whether a new policy on the registration of professional engineers and/or technicians is required.

Since the working party's inception, the areas under current discussion encompass the principles of and the practicability for the establishment of statutory registration; the consideration of practices as known in other countries and as compared with other professions; implications for the registration of professional engineers, technician engineers and technicians so as to bring about a uniform approach; the classification of essential services involved in modern building projects, and the examination of statutory options available for registration as most appropriate to Hong Kong. As such, the task before the working party involves a large number of engineering disciplines and trades, and from simple technology to the latest state-of-the-art hi-tech developments.

Whilst the working party has not yet reached any tangible conclusions on its deliberations, it has made progress and is moving as expeditiously forward as is possible and appropriate, having regard to the broad range of issues involved and to the need for circumspect consultation.

In answer to the question whether the working party is also considering the registration of other professional engineers, the answer is yes. Under its terms of reference, the working party is required not only to examine the existing systems of registration and the person engaged in electrical and mechanical engineering but also other engineering services in the industry.

MR. CHENG HON-KWAN:—*Sir, in expediting its deliberation has the working party actually come to the stage where appropriate departments or professional bodies have been consulted on various issues involved?*

SECRETARY FOR LANDS AND WORKS:—Sir, the industry, the profession and relevant government departments are represented in the working party. When the working party has come to its conclusions, its report will be considered within the Administration and will be passed to the Land and Building Advisory Committee for advice, in which representatives of the industry and the professions are also there.

MR. S. L. CHEN:—*Sir, when may we expect the conclusions from the working party?*

SECRETARY FOR LANDS AND WORKS:—As indicated in my reply the tasks facing the working party are involved and I do not expect a report, and an interim report at that, until next year.

MR. F. K. HU:—*Sir, can the Secretary for Lands and Works advise this Council whether the working party has considered the position of those engineers who are registered under the existing system with a view to meeting the new standard? Can these engineers continue to work as registered engineer under the new system in future?*

SECRETARY FOR LANDS AND WORKS:—This is a question the working party will no doubt have to consider very carefully because people's practice are being involved and I am sure the working party will take that into account.

### **Domestic crimes and disputes**

11. MRS. CHOW asked:—*Will Government inform this Council:*

- (a) what the trend is regarding domestic violence;*
- (b) what the number is of crimes occurring within families;*
- (c) what the number is of suicides which may have resulted from domestic disputes; and*
- (d) what measures Government have taken to remedy the situation?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, by 'domestic violence', I presume that Mrs. CHOW is referring to crimes which are committed within the family. From the statistics kept by the Royal Hong Kong Police Force over the past five years, no particular trend can be identified. It will be seen from the table which Members have before them (Note 1) that while the figures fluctuate somewhat from year to year, the number of cases of homicide and serious assaults arising from this disputes of a domestic nature, of cruelty to children and incest have remained at similar levels since 1981.

(Note 1)

	1981	1982	1983	1984	1985 (Jan-Oct)
<i>Homicides</i> (arising from family affairs or disputes)	1	7	8	2	7
<i>Cruelty to Children</i>	51	59	58	58	43
<i>Incest</i>	1	3	4	4	8
<i>Serious Assaults**</i> (arising from disputes of a domestic nature)	475	513	359	418	351

(\*\* this figure includes not only family disputes but also cases arising as a result of other domestic issues involving more than one family i.e. nuisances, use of communal toilets etc.)

The format in which statistics are at present kept in the coroner's court does not, I am afraid, enable us to identify the number of suicides which may have resulted from domestic disputes.

Crimes occurring in the family are attributable to a wide variety of reasons, including personality problems, marital discord, financial worries, drug addiction, mental disturbance and alcoholism. The family services centres of the Social Welfare Department and voluntary agencies provide a range of services to assist families in difficulties. On the preventive side, they provide counselling and organise family life education programmes. Cash assistance in the form of public assistance and special needs allowances is provided as well as a range of direct services to help such families to cope with their problems. Where necessary, temporary accommodation can be arranged for women and children affected by violence in the family; the Hong Kong Council of Women operates a shelter for this purpose and a further centre to be operated by the Social Welfare Department should be in operation during the next financial year.

MRS. CHOW:—*Sir, is there any assessment by the Government of the proportion of unreported cases of similar nature so as to gauge the true size of the problem in order to facilitate the planning of preventive measures?*

SECRETARY FOR HEALTH AND WELFARE:—*Sir, this is a field which has not been explored to any great extent up to the present, but the Social Welfare Department and voluntary agencies have started compiling statistics on cases of this sort, particularly of battered wives which are handled by the department and the agencies. The figures so far available cover a very short period and do not enable us to identify any particular trend. But I can assure Mrs. CHOW it is the intention to continue to compile statistics to cover this area.*

MR. YEUNG PO-KWAN:—*Sir, what are the statutory requirements for the establishment of such a centre and is there any difference in the running condition and standard between the centre operated by the Government and a shelter operated by an outside organisation?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, as far as I am aware there have not been any statutory requirements for these centres and there should in fact be no significant difference between the way the two centres are run.

MR. MARTIN LEE:—*Sir, will the Secretary for Health and Welfare please clarify as to whether the figures he has so kindly provided for serious assaults include cases where hen pecked husbands were battered by their stronger wives or in Chinese "?*

SECRETARY FOR HEALTH AND WELFARE:—*The figures I understand, Sir, refer to crimes resulting from disputes within the family. They do not indicate who was the aggressor in each particular circumstance.*

DR. HO:—*Sir, in the domestic violence figures what is the percentage or number of victims who are elderly persons in the family?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, I am afraid I don't have that percentage to hand but I will try to find out and write to Dr. Ho. (Annex III)

### **Reduction in levy on value of construction works and quarry products under Pneumoconiosis (Compensation) Ordinance**

12. MR. HO SAI-CHU asked in Cantonese:—

(The following is the translation of his question.)

MR. HO SAI-CHU asked:—*Will Government inform this Council:*

- (a) *whether it intends to propose to this Council a reduction in the rate of levy payable under s. 36 of the Pneumoconiosis Compensation Ordinance on the value of construction works undertaken and quarry products produced;*
- (b) *if so, what will be the amount of the intended new rate of levy; and*
- (c) *from which date will the new rate of levy be effective?*

SECRETARY FOR EDUCATION AND MANPOWER:—Sir, I can confirm that it is Government's intention to introduce a resolution proposing a reduction in the rate of levy under section 36 of the Pneumoconiosis Compensation Ordinance.

It is proposed that the rate of levy be reduced by 25 per cent i.e. from 0.2 per cent to 0.15 per cent of the value of construction works in excess of \$1 million and of quarry products to 0.15 per cent with effect from 6 January 1986.

I intend to introduce the necessary resolution in this Council on 4 December. If approved, the reduction would be gazetted on 6 December and come into effect one month later.

MR. HO SAI-CHU asked in Cantonese:—

(The following is the interpretation of his question.)

MR. HO SAI-CHU:—*In view of the very large amount of funds accumulated by this board would Government further consider requesting the board to make further recommendations on either reducing the rate of levy or making use of part of the money for relevant use?*

SECRETARY FOR EDUCATION AND MANPOWER:—Sir, I think perhaps it is a bit premature to answer that question. I think we would like to see how the newly proposed reduction works out in the first year or so. Currently as Mr. Ho knows the Ordinance is such that it precludes the board from undertaking activities other than the compensation of victims of this disease.

## **Statement**

### **Hong Kong Export Credit Insurance Corporation**

SECRETARY FOR TRADE AND INDUSTRY:—Sir, in accordance with section 28 of the Hong Kong Export Credit Insurance Corporation Ordinance the report and accounts of the corporation for 1984-85 are tabled today.

In 1984-85 there was healthy growth in the corporation's business. Premium income grew by about 41 per cent to \$33.8 million and total insured exports grew by about 26 per cent to \$5,893 million, though accounting for only about 3 per cent of Hong Kong's domestic exports. Europe remained the corporation's largest exposure area. Insured exports to European markets which accounted for \$3,179 million or over 50 per cent of total insured exports, grew by 14 per cent. Insured exports to North America, which accounted for \$1,474 million or 25 per cent of total insured exports, registered a healthy growth rate of 48 per cent. The products covered by the corporation remained consistent with the overall pattern of our total exports, with textiles and clothing accounting for 35 per cent, radios and electronic components for 16 per cent and toys for 8 per cent.

However, while 1984-85 was a period of healthy recovery in Hong Kong's export performance, the level of domestic exports in recent months has remained static. 1985-86 is likely to be characterised by static or sluggish growth in the corporation's business and the corporation is unlikely to be able to repeat the overall surplus of \$12.06 million for 1984-85 in the current year.

I would like to place on record, Sir, the Government's appreciation of the work of the corporation's advisory board, together with that of the commissioner and staff of the corporation.



**Adjournment and next sitting**

HIS EXCELLENCY THE PRESIDENT:—In accordance with Standing Orders I now adjourn the Council until 2.30 p.m. on 20 November 1985.

*Adjourned accordingly at twenty-five minutes past three o'clock.*

*Note:* The short titles of motions/bills listed in the Hansard Report have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.

## WRITTEN ANSWERS

## Annex I

**Written answer by the Secretary for Security on behalf of the Attorney General to Mrs. Selina CHOW's supplementary question to Question No.4.**

The most up-to-date statistics for a three-year period, provided by the Police are:

<i>Year</i>	<i>Prosecutions</i>	<i>Convictions</i>
1982 (July-December)	21	11
1983	34	24
1984	40	23
1985 (up to end of June)	14	5
	109	63

## Annex II

**Written answer by the Secretary for Health and Welfare to Dr. IP's supplementary question to Question No.6.**

Proposed Composition of the Working Party on Postgraduate Medical Education and Training

	<i>(preferably a person with working experience of overseas postgraduate medical systems)</i>
<i>Chairman</i>	
The University of Hong Kong	—2 representatives
The Chinese University of Hong Kong	—2 representatives
Hong Kong Medical Association	—1 representative
British Medical Association (Hong Kong Branch)	—1 representative
The Federation of Medical Societies	—1 representative
Subvented hospitals	—2 representatives
Government consultants	—2 representatives
The Deputy Director, Medical and Health Department (Medical Services) ( <i>ex officio</i> )	
The Deputy Director, Medical and Health Department (Administration) ( <i>ex officio</i> )	
The Secretary, University and Polytechnic Grants Committee ( <i>ex officio</i> )	

WRITTEN ANSWERS—*Continued*

## Annex III

**Written answer by the Secretary for Health and Welfare to Dr. Ho's supplementary question to Question No.11.**

The number of elderly people involved in incidents of domestic violence are given below:

	1983	1984	1985 (Jan.-Oct.)
No. of serious assaults arising from disputes of a domestic nature	359	418	351
No. of victims aged 60 and above	63 (17.5%)	72 (17.2%)	73 (20.8%)

It is perhaps significant that the proportion of the population in this age group rose from 10.8 per cent to 11.5 per cent between 1983 and 1985. It appears therefore that elderly people run an above-average risk of being victims of assaults in domestic cases.

I have been advised by the police statistician that separate statistics on the number of elderly people assaulted were not kept before 1983. The figures on domestic disputes given here also include those arising from incidents involving more than one family, e.g. over the use of shared toilets and other nuisances.