

1 HONG KONG LEGISLATIVE COUNCIL -- 6 February 1991

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OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 6 February 1991

The Council met at half-past Two o'clock

PRESENT

THE ATTORNEY GENERAL (MEMBER PRESIDING)

THE HONOURABLE JEREMY FELL MATHEWS, C.M.G., J.P.

THE CHIEF SECRETARY

THE HONOURABLE GRAHAM BARNES, C.B.E., J.P.

THE FINANCIAL SECRETARY

THE HONOURABLE SIR PIERS JACOBS, K.B.E., J.P.

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

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

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

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

DR THE HONOURABLE HENRIETTA IP MAN-HING, O.B.E., J.P.

THE HONOURABLE CHAN YING-LUN, O.B.E., J.P.

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

THE HONOURABLE CHENG HON-KWAN, O.B.E., J.P.

THE HONOURABLE CHUNG PUI-LAM, J.P.

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

THE HONOURABLE HUI YIN-FAT, O.B.E., J.P.

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

THE HONOURABLE DAVID LI KWOK-PO, O.B.E., 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, J.P.

PROF. THE HONOURABLE POON CHUNG-KWONG, J.P.

THE HONOURABLE SZETO WAH

THE HONOURABLE TAI CHIN-WAH, J.P.

THE HONOURABLE MRS ROSANNA TAM WONG YICK-MING, O.B.E., J.P.

THE HONOURABLE TAM YIU-CHUNG

DR THE HONOURABLE DANIEL TSE, C.B.E., J.P.

THE HONOURABLE ANDREW WONG WANG-FAT, J.P.

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

THE HONOURABLE MICHAEL LEUNG MAN-KIN, J.P.
SECRETARY FOR TRANSPORT

THE HONOURABLE EDWARD HO SING-TIN, J.P.

THE HONOURABLE RONALD JOSEPH ARCULLI, J.P.

THE HONOURABLE MARTIN GILBERT BARROW, O.B.E.

THE HONOURABLE PAUL CHENG MING-FUN

THE HONOURABLE MICHAEL CHENG TAK-KIN, J.P.

THE HONOURABLE DAVID CHEUNG CHI-KONG, J.P.

THE HONOURABLE RONALD CHOW MEI-TAK

THE HONOURABLE MRS NELLIE FONG WONG KUT-MAN, J.P.

THE HONOURABLE MRS PEGGY LAM, M.B.E., J.P.

THE HONOURABLE DANIEL LAM WAI-KEUNG, J.P.

THE HONOURABLE MRS MIRIAM LAU KIN-YEE

THE HONOURABLE LAU WAH-SUM, O.B.E., J.P.

DR THE HONOURABLE LEONG CHE-HUNG

THE HONOURABLE LEUNG WAI-TUNG, J.P.

THE HONOURABLE JAMES DAVID McGREGOR, O.B.E., I.S.O., J.P.

THE HONOURABLE KINGSLEY SIT HO-YIN

THE HONOURABLE MRS SO CHAU YIM-PING, J.P.

THE HONOURABLE JAMES TIEN PEI-CHUN, J.P.

THE HONOURABLE MRS ELSIE TU, C.B.E.

THE HONOURABLE YEUNG KAI-YIN, J.P.

SECRETARY FOR EDUCATION AND MANPOWER

THE HONOURABLE MRS ANSON CHAN, J.P.
SECRETARY FOR ECONOMIC SERVICES

THE HONOURABLE PETER TSAO KWANG-YUNG, C.B.E., C.P.M., J.P.
SECRETARY FOR HOME AFFAIRS

THE HONOURABLE ALISTAIR PETER ASPREY, O.B.E., A.E., J.P.
SECRETARY FOR SECURITY

THE HONOURABLE MICHAEL DAVID CARTLAND, J.P.
SECRETARY FOR HEALTH AND WELFARE

THE HONOURABLE BOWEN LEUNG PO-WING, J.P.
SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS

ABSENT

HIS EXCELLENCY THE GOVERNOR (PRESIDENT)
SIR DAVID CLIVE WILSON, G.C.M.G.

THE HONOURABLE MARIA TAM WAI-CHU, C.B.E., J.P.

THE HONOURABLE MRS RITA FAN HSU LAI-TAI, O.B.E., J.P.

THE HONOURABLE PETER WONG HONG-YUEN, J.P.

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL
MR LAW KAM-SANG

Oath

Mr Bowen LEUNG Po-wing took the Oath of Allegiance.

Papers

Sessional Papers 1990-91

No. 46 -- Report on the Administration of the Travel Agents' Reserve Fund for the period 1.4.89 - 31.3.90

No. 47 -- Report of the Public Accounts Committee on the Report of the Director of Audit on the Accounts of the Hong Kong Government for the year ended 31 March 1990 and the Results of Value for Money Audits

January 1991 P.A.C. Report No. 16

MEMBER PRESIDING: Before I start this afternoon's proceedings I would like to deliver a message. The Governor has asked me to send his apologies to the Council for not being able to take the chair today owing to some over enthusiastic running down a hill side. I am sure that Members of the Council would wish me to convey to the Governor their best wishes for a very speedy recovery.

MR ALLEN LEE: Sir, I, on behalf of my non-government colleagues, wish you to send the Governor a message, wishing him a speedy recovery.

Addresses by Members

Report on the Administration of Travel Agents' Reserve Fund for the period 1.4.89 -- 31.3.90

DR IP: Sir, in my capacity as Chairman of the Advisory Committee on Travel Agents,

I wish to say a few words about the report on the Travel Agents' Reserve Fund just tabled.

Sir, you may remember that when I last addressed this Council in 1990 on the same subject, I mentioned that we had hoped to put behind us the liability of Austravel and P.C. Travel Service Limited by the end of 1990. I am pleased to confirm that this has been accomplished. The great majority of former clients of the two defunct companies have been paid. The amount of ex-gratia payments involved is approximately \$12 million. So much for the "Austravel" experience.

With the Austravel liabilities duly resolved, we are one step closer to abolishing the Travel Agents' Reserve Fund. However, there are still a small number of outstanding claims to be dealt with. These are cases on which the Official Receiver has yet to complete adjudication or which the claimants have failed to complete the requisite documentation. Once these cases are resolved, the Travel Agents' Reserve Fund may be closed for good.

On the brighter side, I am happy to report that the Travel Industry Council Reserve Fund of which I am also Chairman is consolidating its position. You may recall that this non-statutory fund was established in 1988 with a view to replacing the much depleted Travel Agents' Reserve Fund. Financed by a 1% levy on all outbound package tours, the Travel Industry Council Reserve Fund has become the cornerstone of a new self-regulation structure for the outbound tour industry. By the end of 1990, the amount of net reserves reached \$46.8 million. This amount is of course much more encouraging than the meagre amount the Travel Agents' Reserve Fund had managed to amass, although I must say it still falls short of the level which could offer an effective shield of protection to travellers in the event of a major mishap. Provided travel agency failures could be kept to a low level, as in the past two years, this optimum level could be reached without difficulty.

Looking to the future I am given to understand that the Administration is at its final stages of reviewing the package of arrangements for self-regulation for the outbound tour industry. At the beginning of the current Session, I had already voiced my concern about the rather uneasy working relationship between the Travel Industry Council and the Travel Industry Council Reserve Fund. I have also emphasized the need for keeping administration expenditure of the Travel Industry Council Reserve Fund to a reasonable level so that the bulk of reserves go to the relief of travellers in distress. I am glad to learn that due regard will be given to my observations and indeed the various areas identified to be capable of refinement. I look forward

to hearing from the Administration about the outcome of this overall review.

Sir, the Year of the Horse is often considered by many to be an auspicious year, particularly for travellers. This seems to have been borne out by the performance of the Travel Industry Council Reserve Fund. It is my sincere wish that the Year of the Ram is just as prosperous and auspicious, if not more.

Report of the Public Accounts Committee on the Report of the Director of Audit on the Accounts of the Hong Kong Government for the year ended 31 March 1990 and the Results of Value for Money Audits
January 1991 P.A.C. Report No. 16

MR PETER POON: Sir, laid on the table today is the 16th Report of the Public Accounts Committee. This covers the conclusions reached by the Committee in considering the Director of Audit's Report on the results of Value for Money studies conducted between March and September 1990.

Sir, the Committee have been encouraged by the continuing improvement in standards of financial management within Government, and by the positive attitude adopted by the Administration towards the Director of Audit's recommendations in his Report No. 16 and towards the implementation of many of our own recommendations in previous reports. There remain nonetheless some general areas of concern to the Committee, and there are two in particular which I would like to touch on.

First, the Committee feel that urgent and serious consideration should be given to the introduction of a simple -- and I emphasize the word "simple" -- system of interdepartmental charging for services provided. A common theme running through several of the items contained in this report is that the lack of such a system has hindered the proper identification and containment of costs. This problem particularly comes to the fore when a government organization -- such as Radio Television Hong Kong -- is being prepared for privatization.

Secondly, we are concerned at the staffing problem currently faced by the Director of Audit, and mentioned in his Report No. 16 as having impaired his ability to carry out value for money studies. The problem is not of course peculiar to Audit Department; however in this instance, given the Director's role as a watchdog of public expenditure cost efficiency, we are pleased to note the assurance of the

Administration to do everything possible to solve the problem within the established practices in the Civil Service.

We trust that our comments on this and on other areas in Report No. 16 will be considered and acted upon in the spirit in which they are offered: one of co-operation with and positive encouragement to those in Government who are continuing to work for greater efficiency and economy in the use of public funds.

Oral answers to questions

Hong Kong's international trade and economic relationships

1. MR PAUL CHENG asked: Will Government inform this Council of the:

(a) Administration's planning, co-ordination and priorities being acted upon with regard to promoting Hong Kong's status in international trade and investment relationships and its global economic standing; and

(b) Government's assessment of resource allocation and progress being made to date?
FINANCIAL SECRETARY: Sir, Hong Kong believes in and practises free trade. We attach great importance to continuing our efforts in promoting Hong Kong's international trade and economic relationships. This we do in a variety of ways.

First, we participate actively in a number of international organizations to foster co-operation and to strengthen ties with the international community. For example, we are a separate contracting party to the General Agreement on Tariffs and Trade. We are also a member of the Customs Cooperation Council and the Asian Development Bank.

Secondly, we have established Economic and Trade Offices in places which have strong economic and trade relations with Hong Kong. This facilitates the conduct of external commercial relations and promotes inward investment into Hong Kong. These offices also help to promote Hong Kong's image abroad. At present, we have offices in London, Geneva, Brussels, Washington, New York, San Francisco and Tokyo. We are planning to open an office in Toronto in the near future.

In addition, the Hong Kong Trade Development Council is represented in 32 overseas

locations to promote and develop Hong Kong's overseas trade, and to publicize the opportunities and advantages of Hong Kong as a trading partner. The Hong Kong Tourist Association has 16 overseas offices, which help to promote Hong Kong as an attractive tourist destination. These two independent statutory bodies, which are funded substantially by Government, have been playing a significant role in promoting Hong Kong's image overseas through their daily activities and programmes.

On the general public relations front, Government has initiated a Sponsored Speaker Programme under which senior officials and leading Hong Kong personalities are encouraged to make time during their overseas trips to talk to influential groups about Hong Kong and the opportunities offered here.

As to the second part of Mr CHENG's question, we believe that the resources devoted to the promotion of Hong Kong's status overseas have been sufficient. The results achieved so far bear this out. It is always easy to spend more but we must have regard to the allocation of priorities.

MR PAUL CHENG: Sir, I understand the Government has been conducting climate surveys on the image of Hong Kong abroad in certain countries. Will the Government advise this Council what progress has been made to date and what the status for using this information is?

FINANCIAL SECRETARY: Sir, there have been a number of surveys -- I think three in number -- covering North America, Europe and the United Kingdom. The results are being finalized at the moment; once we have something final before us, we will certainly be considering our public relations strategy in the light of any recommendations contained in the reports.

MR BARROW: Sir, in connection with the last paragraph of the answer, could the Financial Secretary advise this Council of the annual cost of overseas promotion over and above the Trade Development Council and Tourist Association expenses, and does he have a breakdown between administrative overheads overseas and actual promotional and public relations expenses?

FINANCIAL SECRETARY: I do not have all those details with me this afternoon. I will give Mr BARROW an answer in writing. (Annex I) But Members might be interested to know that the actual expenditure on overseas public relations efforts in recent years has been as follows:

Financial year 1988-89; we spent \$ 3.96 million

Financial year 1989-90; we spent \$ 5.1 million

The revised estimates for the current financial year 1990-91 amount to \$13.37 million, and in the estimates for 1991-92 we are planning to spend \$16.9 million.

MR EDWARD HO: Sir, will the Financial Secretary inform this Council what Government is doing, if anything, in promoting Hong Kong as a provider of professional services internationally?

FINANCIAL SECRETARY: Sir, I think it is all wrapped up in our general efforts. We do not distinguish between professional services and promoting Hong Kong generally as an attractive environment for business opportunities. The point about promotion of professional services or promotion of services generally has come up on various occasions. In my experience, the services industries have been very effective in promoting themselves.

MR PAUL CHENG: Sir, are there any plans in place to better co-ordinate the information being spent under different budget categories for promoting international trade and investment relationships, so that we have a clearer picture of targeted resource allocations, and can the Financial Secretary identify those different budgeted areas?

FINANCIAL SECRETARY: Sir, the co-ordination on the trade side is generally carried out through the office of the Secretary for Trade and Industry. I cannot, this afternoon, give detailed information about the actual budgetary implications as far as each part of his effort is concerned. I will look into that further and attempt to give an answer in writing. (Annex II)

MR PAUL CHENG: Sir, so far the priorities seem to have been given to the United States, Europe, the United Kingdom and, to a lesser degree, Japan. Where do we stand with regard to Canada and Australia, given that these are two popular reception areas for the so called "economic astronauts" from Hong Kong?

FINANCIAL SECRETARY: We have certainly been stepping up our activities in Canada; a number of officers and others have been over to Canada and they have been making speeches there, and in Australia, too, to a somewhat lesser extent. But I agree with Mr CHENG that we have to look at these areas for the future and we have to take into account the Hong Kong communities that exist there and the interests between Hong Kong and those communities. We will certainly develop our efforts in future.

Profit-making postal service

2. DR LEONG asked: Sir, will the Administration inform this Council why the Post Office has to be run on a profit-making basis, and whether any other government departments collect charges at a rate excessive of full cost of the services that they provide?

SECRETARY FOR ECONOMIC SERVICES: Sir, the general policy on fees and charges for government services is to recover from users the full cost of providing the service unless there is a positive decision to subsidize or tax-load the charges involved.

However, certain services, and the Post Office is one of them, are operated by the Government along commercial lines. In such cases fees and charges are set at levels designed to produce a reasonable return to the public over and above recovery of full operating costs. Other government services run on similar lines are the airport, marine ferry terminals, government tunnels and water works.

Sir, as the Financial Secretary said in his speech at the conclusion of last year's Budget debate, in a low direct taxation regime like Hong Kong, the Government should be prepared to use fees and charges for fiscal purposes where this is appropriate. Such a policy helps to spread the tax load and reduce our dependence on revenue from

direct taxation.

At the same time, the Government is conscious of the need to keep fees and charges within the reach of the less well-off and this important caveat is always kept in mind when we review the level of such fees and charges.

DR LEONG: Sir, could the Administration inform this Council whether there are any established levels for the so-called "reasonable return" for the Post Office and other government departments that are designated to run on commercial basis?

SECRETARY FOR ECONOMIC SERVICES: Sir, we usually set a target rate of return for those government departments that are run on commercial lines. The purpose of such a target is to provide us with a yardstick against which to measure the performance of the individual government department.

MR MCGREGOR: Sir, does Government have in mind the extension of this profit-making principle to the charges for our health services and also for our export documentation services?

SECRETARY FOR ECONOMIC SERVICES: Sir, on the question of health services, perhaps I could defer to the Secretary for Health and Welfare, and on the question of export-related activities, perhaps I could defer to the Financial Secretary.

SECRETARY FOR HEALTH AND WELFARE: Sir, as regards the question of fees and charges for health services, it sounds remarkably like the question we had last week on smoking. I think the answer was given at that time that any questions relating to increasing taxes or charges would be answered after the Budget and I have nothing further to say on it from the health and welfare point of view at this time.

FINANCIAL SECRETARY: Sir, on export documentation I think I am right in saying that our normal practice would be to look for cost recovery but not to tax-load the fees or charges. In other words, we would not be seeking to make a profit.

MISS LEUNG (in Cantonese): As it is known that our postal service is a profitable business, would Government consider providing additional staff to enhance the services of the Post Office by, for example, restoring the practice of delivering mail twice a day and extending the office hours of post offices so that people may make use of them after work?

SECRETARY FOR ECONOMIC SERVICES: Sir, I believe that the current range of services provided by the Postmaster General is, in general, adequate to meet demands from the public. Certainly in the current atmosphere of restraining the growth of the Civil Service, I do not in the immediate future see any prospect of increasing staffing resources.

MR TAI: Sir, as the Post Office is running on commercial lines, may I ask the Secretary whether the postal workers' pay ties in with efficiency, productivity and, above all, profits?

SECRETARY FOR ECONOMIC SERVICES: Sir, the salaries of Post Office staff, of course, are tied in with the rest of the Civil Service. But in general civil servants are expected to provide value for money.

DR LEONG: Sir, can the Secretary inform this Council of the specific, established level of return for the five departments that were mentioned in her main answer in relation to the charges on a commercial basis?

SECRETARY FOR ECONOMIC SERVICES: Sir, I do not have the figures readily to hand except for the Post Office. I will attempt to supply a written reply. (Annex III) In respect of the Post Office, the reasonable target that we accept is about 16% return on turnover.

MRS FONG: Regarding the recovery of the full cost of providing the service, can the

Secretary inform this Council whether full cost would include the rental of the property involved and, in the case where the Government owns the property, whether or not a deemed rental cost would be included in calculating cost?

SECRETARY FOR ECONOMIC SERVICES: Sir, again this area does not fall within my responsibility; I will refer the question to the Secretary for Treasury for a written reply.

MR MCGREGOR: Sir, I think the Financial Secretary answered my question adequately, properly and accurately. But, with respect, I do not think the Secretary for Health and Welfare did. So, perhaps, I could put the question again if I may and ask for a more detailed answer. Does Government have in mind the extension of the profit-making principle to the charges for our health services? In other words, is it the intention that the provision of health services shall result in a profit to general revenue for the Government?

MEMBER PRESIDING: We are a long way from the original question.

SECRETARY FOR HEALTH AND WELFARE: Sir, it is, as you say, a long way from the original question. The whole subject of charging for medical services, particularly hospital services, is going to be the subject of an examination during the course of this year and I think it is premature to anticipate the outcome of that.

MISS LEUNG (in Cantonese): Sir, just now the Secretary for Economic Services said that the current standard of postal services is acceptable; could I ask whether the Government had conducted any relevant investigation on this? The Secretary also considered that under existing policies, it is not probable that staffing resources of the Post Office will be increased. Will the Post Office consider privatizing some of its services, such as contracting out the selling of stamps to convenience shops or other shops, so as to make them readily available to the public?

SECRETARY FOR ECONOMIC SERVICES: Sir, as regards service standard, as I have said

in my earlier reply, we are generally satisfied that the current standard of service is adequate. But of course standard of service will always be kept under regular review and if there is any indication that it is inadequate, then we will give consideration to further resources. As regards the scope for privatization or contracting-out of services, all controlling officers are required to review from time to time the cost effectiveness of their service and, in particular, to look at the scope for privatization and contracting-out. In the case of the Post Office, a recent exercise was in fact conducted and the possibility of contracting out parcel delivery was considered, but following further consultation with staff, the Postmaster General has decided not to pursue this for the time being. But the matter will be kept under review.

Written answers to questions

Legal aid to expatriates

3. MR POON CHI-FAI asked: Will Government inform this Council:

(1) whether the chances of successful application for legal aid by local residents will be affected because of the application by expatriates and the limited resources of the Hong Kong Government; and

(2) whether the native countries of the expatriates who have received legal aid in Hong Kong have made such facilities available to Hong Kong citizens in their countries when necessary, and if not, whether the Administration will request these countries to make similar arrangement for Hong Kong citizens under the principle of equity and reciprocity?

CHIEF SECRETARY: Sir, anyone involved in proceedings in the District or High Court is eligible to apply for legal aid, regardless of residence or nationality. This is the normal practice elsewhere in the world and it is not unique to Hong Kong. All applicants are subject to a means test. In civil cases there must also be reasonable grounds for litigating, and in criminal cases it must be in the interests of justice for legal aid to be provided.

There is no question of applications from local residents being adversely

affected because of applications for legal aid by non residents. Sufficient resources are available to meet the needs of all those who meet the eligibility criteria.

The majority of countries with sophisticated systems of legal aid provide assistance to foreign residents involved in court proceedings in such countries. In any event, Hong Kong is under an obligation under the International Covenant on Civil and Political Rights to see that all persons within Hong Kong who are charged with a criminal offence are provided with legal aid where the interests of justice so require.

Legal aid to Vietnamese boat people and illegal immigrants

4. MRS TU asked: Will the Government inform this Council:

(1) whether Vietnamese boat people and other illegal immigrants are eligible for legal aid at the screening and/or when lodging appeals against the screening results; and

(2) whether lawyers can be or have been refused access to any Vietnamese detention centres, and if so, why?

SECRETARY FOR SECURITY: Sir, legal aid is not available to assist Vietnamese migrants or others in their examination by immigration officers, nor is it available for proceedings before the Refugee Status Review Board, the Immigration Tribunal or for submissions to the Governor in Council. Legal aid is, however, available to assist any applicant to seek judicial review of the decision of an immigration officer, a board or a tribunal; provided he or she satisfies the usual financial eligibility criteria and shows reasonable grounds for taking the proceedings.

The Hong Kong Government recognizes the importance of the right of any detainee to have access to legal advice. We have made arrangements in all detention centres for lawyers to have access to individual named clients in private. In no case has such access been refused.

Motion

TELEPHONE ORDINANCE

THE SECRETARY FOR ECONOMIC SERVICES moved the following motion:

"That the Schedule to the Telephone Ordinance be amended --

(a) in Part III --

(i) by adding after item 11 --

"12. For an AudioLine routed
between a building and a
telephone exchange --

(a) rental --

(i) one-way \$700 per month
(or mono) (see Note 4)

(ii) both-way \$980 per month
(or stereo) (see Note 4)

(b) connection or removal
to a different building --

(i) one-way \$2,700
(or mono)

(ii) both-way \$3,600
(or stereo)

(c) removal within the \$300";
same building

(ii) by adding after Note 3 --

"4. The minimum rental period for each AudioLine is
one month.";

(b) in Part V --

(i) by adding after item 23 --

"24. For an Integrated Digital
Access (IDA) system
(see Note 5) --

(a) rental --

(i) for the first \$46,200 per system
8 systems per annum

(ii) for additional \$39,000 per system
systems at the per annum
same location

(b) connection or \$3,000 per system
removal to a (see Note 6)
different building

(c) removal within \$1,500 per system
the same building (see Note 7)";

(ii) by adding after Note 4 --

"5. An Integrated Digital Access system provides a digital connection with 24 channel -law coded PCM, operating at 1.544 Mbps, using the CCITT G. 703 electrical interface between a subscriber and one of the Company's exchanges.

6. A maximum charge of \$25,000 per location per order applies for connection or removal to locations at another building.

7. A maximum charge of \$10,000 per location per order applies for removal within the same building.";

(c) in Part VI, by adding after item 6 --

"7. Supplementary charge for Third \$11 per call
Country Calling service (see Note)

Note: The Third Country Calling service allows a person to make a telephone call whilst outside Hong Kong to a destination other than Hong Kong. The person who uses the service will be charged the supplementary charge plus the tariffs of the overseas telephone administration."

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

Under section 26(1) of the Telephone Ordinance the Hong Kong Telephone Company may only levy charges not exceeding those specified in the Schedule to the Ordinance. Section 26(2) of the Ordinance empowers this Council to approve amendments to the Schedule of charges, including additions, by means of a resolution.

The Company wishes to add three new services to the Schedule of charges: Audioline; Integrated Digital Access; and Third Country Calling.

Audioline is a form of leased circuit for the high-quality transmission of audio signals, for example for relaying musical events. The rental charges for Audioline proposed by the Company are \$700 per month for a one-way (or mono) Audioline circuit to a telephone exchange and \$980 per month for a both-way (or stereo) Audioline. The connection charges proposed for Audiolines are \$2,700 per line for one-way lines and \$3,600 per line for both-way lines.

Integrated Digital Access, will provide a high quality digital connection for modern customer premises equipment, such as digital Private Branch Exchanges. The main charges proposed by the Company for this service are a connection charge of \$3,000 per system and a rental charge of \$46,200 per system per annum.

The last new service proposed by the Company is Third Country Calling. Presently, holders of Hong Kong Telephone Company "calling cards" may only use them to make calls to and from Hong Kong. With Third Country Calling, holders will be able to use their calling cards while abroad to make calls to places other than Hong Kong. For this facility the Company proposes a surcharge of \$11 per call made, to cover the cost of establishing and operating the necessary card verification and billing systems. The main advantage of using a calling card is that international calls made abroad

are billed to the holder's account in Hong Kong.

The resolution before this Council seeks to add to the Schedule to the Telephone Ordinance the detailed maximum charges for the services I have outlined. The proposed charges have been thoroughly examined by the Administration and are considered to be a reasonable reflection of the cost of providing the service.

Sir, I beg to move.

At this point Mr David LI declared interest as deputy chairman of Hong Kong Telecommunications Limited.

Question on the motion proposed, put and agreed to.

First Reading of Bill

COMPANIES (AMENDMENT) BILL 1991

Bill read the First time and ordered to be set down for Second Reading pursuant to Standing Order 41(3).

Second Reading of Bills

COMPANIES (AMENDMENT) BILL 1991

THE FINANCIAL SECRETARY moved the Second Reading of: "A Bill to amend the Companies Ordinance".

He said: Sir, I move that the Companies (Amendment) Bill 1991 be read the Second time. The purpose of this Bill is to incorporate in the Companies Ordinance a statement of the general fiduciary duties of company directors.

At present, there is no provision in the Companies Ordinance setting out the fiduciary duties of company directors. Essentially, the principles underlining the relationship of directors towards their companies can only be extracted from case law.

The Administration believes that reference to the general fiduciary duties of company directors should be made clear to all directors, particularly those who are new to their positions and perhaps not familiar with the basic principles. We propose therefore to include a statement of the general fiduciary duties of directors in the Companies Ordinance. This is consistent with a recommendation of the Standing Committee on Company Law Reform.

We accept, however, that the law on this subject is detailed and complicated, and that any such statement cannot be exhaustive in identifying collectively all the duties. Therefore, it is made clear in the Bill that the proposed statement shall have effect without prejudice to any rule of law with respect to a fiduciary duty of a director or to any other duties under the Companies Ordinance.

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

Question on the adjournment proposed, put and agreed to.

RATING (AMENDMENT) BILL 1991

Resumption of debate on Second Reading which was moved on 23 January 1991

Question on the Second Reading of the Bill proposed, put and agreed to.

Bill read the Second time.

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

Committee stage of Bill

Council went into Committee.

RATING (AMENDMENT) BILL 1991

Clauses 1 and 2 were agreed to.

Council then resumed.

Third Reading of Bill

THE FINANCIAL SECRETARY reported that the

RATING (AMENDMENT) BILL 1991

had passed through Committee without amendment and moved the Third Reading of the Bill.

Question on the Third Reading of the Bill proposed, put and agreed to.

Bill read the Third time and passed.

Members' motions

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR ANDREW WONG moved the following motion:

"That, in relation to --

(a) the Declaration of Constituencies (Legislative Council) Order 1990 (L.N. 413 of 1990); and

(b) the Legislative Council Constituencies (Number of Vacancies) Order 1990 (L.N. 417 of 1990),

both laid on the table of the Council on 9 January 1991, the period referred to in section 34(2) of the Interpretation and General Clauses Ordinance for amending subsidiary legislation be extended under section 34(4) of that Ordinance until 27 February 1991".

He said: Sir, I move the motion standing in my name on the Order Paper that the period for amending the Declaration of Constituencies (Legislative Council) Order 1990 (L.N. 413 of 1990) and the Legislative Council Constituencies (Number of Vacancies) Order 1990 (L.N. 417 of 1990) be extended for a further 21 days until the 27 February 1991

to permit Members of this Council to consider the proposed demarcation of constituency boundaries for the purpose of direct elections to the Legislative Council to be held in September 1991.

With the enactment of the six Bills related to electoral provisions on 28 November 1990 in this Council, some consequential amendments to the relevant subsidiary legislation under the respective Ordinances were necessary to give effect to the intended legislative changes. An ad hoc group was formed to scrutinize the related subsidiary legislation. The group noted that there were suggestions that the boundaries of the geographical constituencies should be reconstituted. A group of Sai Kung District Board members and residents had made known their request to the duty roster Members of OMELCO for reconstituting the electoral boundaries by merging Sai Kung with Tai Po and North to form the New Territories North constituency or to be renamed New Territories North and East with Sha Tin becoming a separate constituency.

This issue was raised for discussion in the Legislative Council In-House meeting. It was agreed that the ad hoc group should further discuss the matter with the Administration, hoping the Administration would give more information on the justifications for the proposed demarcation as proposed in the original subsidiary legislation. It is, therefore, necessary that a further period is needed to consider this issue.

Sir, I beg to move.

Question on the motion proposed, put and agreed to.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR ANDREW WONG moved the following motion:

"That the Electoral Provisions (Procedure) (Amendment) Regulations 1990, published as Legal Notice No. 426 of 1990 and laid on the table of the Legislative Council on 9 January 1991, be amended --

(a) in regulation 8(b) by repealing "\$5,000" and substituting "\$10,000"; and

(b) in regulation 8(c) by repealing "\$4,000" and substituting "\$5,000"."

He said: Sir, I move the second motion standing in my name on the Order Paper that the election deposits for municipal councils and Legislative Council in the Electoral Provisions (Procedure) (Amendment) Regulations 1990 (L.N. 426 of 1990) be amended. I also take this opportunity to say a few words on the Legislative Council (Electoral Provisions) (Procedure) (Amendment) Regulations 1990 (L.N. 428 of 1990), which is the subject of the third motion which I will move in a while, as these two pieces of subsidiary legislation are closely interrelated. The amendments proposed are that (1) the election deposit for municipal councils be revised upwards from \$4,000 to \$5,000, and that (2) the election deposits for Legislative Council be revised upwards from \$5,000 to \$10,000. The election deposits for district boards would remain at \$3,000 as stipulated in the subsidiary legislation. It was hoped that the proposed increase in the election deposits would reflect the relative significance of the elections of the three-tier representative government with the beneficial effect that frivolous candidates would be discouraged while serious candidates would still find the deposit levels reasonable.

Sir, I beg to move.

Question on the motion proposed, put and agreed to.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR ANDREW WONG moved the following motion:

"That the Legislative Council (Electoral Provisions) (Procedure) (Amendment) Regulations 1990, published as Legal Notice No. 428 of 1990 and laid on the table of the Legislative Council on 9 January 1991, be amended in regulation 6 by repealing "\$5,000" and substituting "\$10,000"."

He said: Sir, I move the third motion standing in my name on the Order Paper for reasons which I had earlier stated while moving my second motion.

Sir, I beg to move.

Question on the motion proposed, put and agreed to.

CRIMINAL ACTIVITIES

MR HUI YIN-FAT moved the following motion :

"That this Council recognizes the serious concern of our community about the increase in criminal activities, in particular, organized crime, robbery with firearms, smuggling and car thefts, and urges the Government to take all necessary steps in Hong Kong to combat crime and to seek China's full co-operation in dealing with cross-border criminal activities."

MR HUI (in Cantonese): Sir, I rise to move the motion standing in my name: "That this Council recognizes the serious concern of our community about the increase in criminal activities, in particular, organized crime, robbery with firearms, smuggling and car thefts, and urges the Government to take all necessary steps in Hong Kong to combat crime and to seek China's full co-operation in dealing with cross-border criminal activities."

Sir, during the policy debate last October, I pointed out very clearly that good public order was one condition for making our city a peaceful and prosperous place to live in. Regrettably, despite vigorous police efforts to combat crime in the past three months, there has been no marked improvement in the state of law and order. Due to the community's anxiety about the worsening public order situation, the Legislative Council is conducting this motion debate today in the hope that government departments concerned will take all effective steps possible to forestall the occurrence of crime.

The public's worries about deteriorating law and order are not entirely unfounded. In the past year, Hong Kong has recorded the highest crime figures since 1986. According to police statistics, the crime rate for last year was 1 522 cases for every 100 000 of our population, a 7.2% increase over 1989. Worse still, last year's crime cases involving the use of genuine and imitation firearms increased by 100% and 55% respectively over the preceding year. Car thefts and homicide cases also increased by more than 40% and 30% respectively. Owing to the alarming upsurge in these serious crimes and their immense threat to public safety, I think it is no longer proper for the Government to claim that Hong Kong is a safe place on the basis that our crime rates are still below those of many other prosperous cities. Or else it will be like

adopting a complacent approach and refusing to face the reality.

I think the crux of the problem is that the police force has in recent years been plagued with the problems of manpower shortage, low morale and inadequate equipment on the one hand, and that lawless elements have taken advantage of the plight of the police to form organized crime syndicates on the other. At present, serious crimes such as armed robberies, car thefts and smuggling cases, which have been causing grave concern among the local community, can be attributed to organized crime syndicates. What is more disturbing is that many of these crime syndicates are working in collaboration with criminals in China in open defiance of the police in a number of crimes, notably car thefts, smuggling cases and importing firearms. In some cases, some syndicates even hire gangsters from China to make a special trip to Hong Kong for the purpose of committing crimes, as the Commissioner of Police, Mr K. H. LI admitted at a public occasion in January this year. I would like to leave my honourable colleagues to give their views and make observations on the crime situation and on how to tackle the various criminal activities here. Perhaps I shall concentrate on discussing the overall strategy for preventing crime.

(1) As serious crimes now prevailing in Hong Kong, such as armed robberies, sneaking of illicit firearms and illegal immigrants into Hong Kong, smuggling cases and car thefts, often involve criminals or even public security and military personnel in Mainland China, I consider it imperative for the Government to step up the co-operation and exchange of intelligence between the local police force and the Public Security Bureau in China so as to enhance effectiveness in crime prevention and detection in both places. It is also imperative that co-operation should be upgraded to the central government level with a view to alerting Beijing to the severity of the problem which has tarnished national reputation and threatened Hong Kong's prosperity and stability. It is hoped that the Beijing Government will adopt a pragmatic approach in cracking down on corrupt cadres who harbour criminals, thus strengthening the capability of the local authorities to fight crime. As for cross-border smuggling activities, I think they owe much to the extended coastlines of Hong Kong and the Guangdong Province, and also to the fact that smuggling is a common phenomenon in any place which is in the process of gradually gaining affluence. Therefore, little will be achieved even though anti-smuggling operations and the exchange of intelligence between Hong Kong and China are stepped up. The most effective solution would be to urge the Chinese authorities to adopt economic measures to narrow the gap between black market and regular prices for popular smuggled items. The small return will thus discourage smuggling syndicates from engaging in this

illicit trade.

(2) Turning to the local police force, the problem of low morale brought about by the manpower shortage and pay issues should come to an end with the completion of the comprehensive pay review conducted by the Standing Committee on Disciplined Services Salaries and Conditions of Service. A pressing task at present is to step up patrol on the streets, especially at the blackspots of smuggling on land, drug trafficking, car thefts and robberies, so as to give a deterrent effect and a sense of security to the citizens. It must also be stressed that while the "Operations Levington" against triad societies has achieved the desired results on each occasion, the police must ensure that regular beat patrols will not be affected by massive staff redeployments for such operations. Moreover, police equipment and skills should be upgraded, with improved firearms and marksmanship and with more advanced communications facilities. As for the additional costs involved, I am confident that as long as the police put forward a comprehensive plan with justifications given, the Finance Committee of this Council will accord priority in considering the force's application for allocation of funds and our taxpayers will also be happy to pay such expenses for the maintenance of social stability.

(3) An efficient police force has to be supported by both legislation and the penal system in the maintenance of law and order. In this regard, may I urge the authorities concerned to expedite the drafting of the long-awaited Bill aimed at countering organized crime syndicates and to have it introduced to this Council as soon as possible. Furthermore, the Government should do all it can to plug legal loopholes to keep pace with developments of the times, such as restricting local shipbuilding yards in the manufacture of high-power speedboats which outrun police craft. As to suggestions that legislation giving police greater law enforcement power may conflict with the future Bill of Rights, may I appeal to the Government to give careful consideration to the matter with a view to striking a balance between the two. On the other hand, it has come to my notice that the sentences meted out by the courts in serious crime cases in recent years have been too lenient to have any deterrent effect. For example, under existing law, convicted "snakeheads" are liable to a maximum of life imprisonment, but sentences imposed on offenders in the past few years were generally no more than two years' imprisonment. This not only renders the law as nothing but an empty shell, but also gives criminals an incentive to run the risk of defying the law. Therefore, I urge the Government to seriously consider "imposing severe penalties while governing in times of chaos".

(4) The co-operation and support of the public are essential for crime prevention.

The question is how to heighten the public's vigilance against crime and increase their trust in the police. Of course this cannot be achieved simply by organizing a few variety shows or carnivals with crime fighting themes. Police must guarantee the safety of citizens who report crimes, give evidence or bear witness in court. The Administration should also regularly report to the public on the latest law and order situation so that the public will know if they do not fulfil their obligations, they will be the ones to suffer in the end.

(5) Lastly, Sir, I am of the view that the Fight Crime Committee (FCC) chaired by the Chief Secretary and comprising heads of various policy branches and government departments exists more in name than in reality. The FCC should at least assume a more positive role in the formulation of fight crime strategies and in appealing to members of the public to participate in fight crime activities.

Regrettably, it may perhaps be due to the lack of a forthcoming approach on the part of the FCC or for some other reasons that many citizens do not seem to be aware of the role it plays at a time of deteriorating public order in Hong Kong. I hope the authorities concerned will pay attention to this problem and promptly take remedial measures, such as fully utilizing the liaison networks between District Fight Crime Committees and local residents, reporting more regularly to the public on the work progress and plans of the FCC, and fostering mutual trust through close contacts.

All in all, the deteriorating public order is not an accidental phenomenon in Hong Kong. The Government and the community should not just sit still and let the gangsters flout law and discipline. We must attack the problem at the root and harshly crack down on criminal activities prevailing on both sides of the border through mutual co-operation and trust between the two governments. As good public order is vital to maintaining prosperity and stability in Hong Kong, both the Government and the community have the responsibility to do their utmost for the preservation of Hong Kong's prosperity and stability.

With these remarks, Sir, I beg to move.

Question on the motion proposed.

MR CHEONG (in Cantonese): Sir, the objective of this debate is, in my view, shared

by all Members. It is to lay emphasis on the importance of facing up to the law and order situation on the part of the Administration in a bid to counter the public enemies who violate law and order.

Serious crimes have become increasingly rampant in Hong Kong in recent years. Armed robberies and even rob and kill cases are undeniably on the rise. In order to facilitate their escape, the ruthless criminals always found their targets in busy shopping areas, resulting on many occasions in injuries to and even killing of innocent passers-by, shop operators and the law enforcing police officers. Such bitter experience often comes to the memory of the victims' families. In view of the merciless acts of crime, the public have to spend their days in helpless anxiety, worrying about a further deterioration of the law and order situation.

Some may argue that a rising crime rate is a common phenomenon in major cities of the world, that it is a by-product of prosperity and that one has to put up with the deterioration of law and order whilst enjoying the fruits of prosperity. I take exception to this view.

Sir, I firmly believe that the rule of law and good public order are essential to the sustained prosperity and stability of our society, for these factors concern every member of the public who plays his role in building a more prosperous Hong Kong. If the stability of law and order is threatened, the livelihood of the public will be affected and social development may be brought to a halt. Responses from the community and public opinion show that the recent crime situation has become a real cause of concern to our citizens.

I believe that the imposition of severe punishments on felonious criminals should serve the purpose of maintaining law and order in the territory. Our society can no longer tolerate those criminals who do not hesitate to kill.

Sir, in view of the current law and order situation in Hong Kong, I think that it is now opportune to reinstate the death penalty.

Although the death sentence still remains in our statute books, it is widely known that capital punishment has existed only in name since 1966. In the past 20 years or so, none of the convicts sentenced to death has been sent to the gallows.

In March 1989, the Chief Secretary, Sir David FORD, pointed out in this Council

that the Administration has rejected the abolition of the death penalty because "the Government is aware, through the feedback from an extensive community liaison network and through reflections in the mass media, of the wish of the majority of the local community to retain the death sentence as a penalty for murder." Two years have passed since he made this statement. According to press reports, opinion surveys indicate that the views of most Hong Kong people have remained unchanged. Even in Britain, public opinion polls also indicate that more than 70% of the respondents have demanded that the felons be sentenced to death.

Now, let us look at the consequences of not steadfastly executing the death penalty: armed robbers, in full knowledge that they will not end up on the gallows, indiscriminately shoot to kill; the consequential building up of pressure on the law enforcing officers in face of these crimes has indirectly affected their morale; and the imposition of the inexecutable death penalty by the judges who have all along enjoyed an independent and highly respected status will no doubt impair the standing of the local judicial system.

Sir, our disciplined forces discharge their duties within the law and the majority of our citizens are law-abiding. However, criminals who have committed serious offences are not put to death according to the law. This is indeed an irony in a society which is ruled by law. In enacting a piece of legislation, we have to take into consideration not only its practical need but also its moral acceptability. The views of the general public are most evident. Neither does the Government have any intention to abolish capital punishment. This being the case, why is this kind of legitimate penalty not properly implemented? If the death sentence cannot be properly enforced merely because of the political consideration that it is unacceptable to Britain, our sovereign state, it would be detrimental to the functioning of our judiciary and the stability of our social order. This is not a price that Hong Kong should pay during the transitional period.

There are two other points I would like to touch upon regarding the state of law and order in Hong Kong. The first concerns our police force. We must admit that our police force have been doing their best in the execution of their duties. The success of the "Join Forces Against Crime" Campaign depends very much on the hearty co-operation of the public and their due respect to the police force. These would boost the morale of the fearless police officers who serve the community in face of danger and bring about better results in our fight against crime.

Regrettably, recent and past incidents have shown that some social activists, community leaders and even the future pillars of our society do not give due respect to our police force. Contempt of law has gradually become the order of the day. Such a phenomenon may have an adverse effect on the public in that they would misconceive the police as abusing their power, thus nourishing a concept that the police are acting against the interests of the public. If our law and order enforcing police are enemies of the public, are we saying that armed robbers who do not hesitate to kill are friends of the public? Recently, in a phone-in programme on the radio, a member of the public said that some Hong Kong people are inclined to disregard the difference between the good and the evil, in the belief that the assumption of such an attitude would elevate their status and distinguish them from the common run. I am very much worried that the above comments would come true.

If even the community leaders bid defiance to the law and challenge the work of the law enforcement agencies, the existing legislation can hardly have any deterrent effect on the criminals. I hereby call upon Members of this Council and community leaders to give adamant support to the police force, give them due respect so that they can continue to do their best to protect our lives and property.

Last but not the least, I would like to have a few words on the co-operation between the Chinese and Hong Kong Governments in combating smuggling activities across the border. In the past, co-operation was in the form of exchanging intelligence. Nowadays, the Guangdong-Hongkong Border Liaison Group has recognized the need to step up mutual efforts in combating smuggling activities. I hope that in future both the Chinese and Hong Kong Governments would enhance co-operation in their anti-smuggling operation. I believe that the Hong Kong Government should establish closer links with the Chinese authorities. The Royal Hong Kong Police Force should strengthen their communication and co-operation with the public security bureaux in China at all levels, to acquire a better knowledge of their working pattern and to co-ordinate efforts, so as to fortify the combined strength in combating crimes, to bring the ruthless criminals to justice and to turn Hong Kong into a safe haven.

With these remarks, I support the motion.

MR CHEUNG YAN-LUNG (in Cantonese): Sir, I am sure there is no need for me to re-iterate the importance of law and order to any community. Only in a reasonably safe and secure environment can a society prosper. It will be very difficult to

imagine how a place can ever achieve significant economic progress if it is plagued with crimes, where people have to consciously spend a disproportionate amount of time and effort every day to defend the safety of his life and property. I would imagine even its long-term survival will be questionable.

Hong Kong has been very fortunate in that our society is still commonly regarded as a safe and secure one. No doubt, like any other community, we have quite a number of chronic security-related problems to handle. Yet some of them, such as illegal immigrants and Vietnamese boat people, are not totally within our control. I am in fact quite impressed that, given Hong Kong's geographical size and overly dense population distribution, our crime rates have not been particularly worrying when compared with comparable cities. We are indeed safer than quite some of them.

The recent spate of serious crimes, however, has presented new challenges to the good law and order we have been enjoying. I do echo the community's concern that this is something that we need to be careful about since crime, like any epidemic, is an infection that can spread rapidly. Personally, I am concerned about two particular crimes: armed robbery and car theft.

Robbery with firearms rose 100% from 33 cases in 1989 to 66 cases in 1990. Robbery with pistol-like objects rose from 230 to 356 cases, that is, almost 55% from 1989 to 1990. Added to this are the figures for possession of arms and ammunition, possession of offensive weapons, and possession of unlawful instrument, which also recorded 30% to 40% increases. It is not only the increase in the number of cases which is alarming. The seriousness of the cases is even more worrying.

There have been quite a few cases of robbery with firearms which took place at the bustling shopping districts like Central and Tsim Sha Tsui. The threatened use of grenades and very powerful pistols have also been reported occasionally. These cases impose a particularly high risk on the innocent public at large when the robbers, who tend to shoot indiscriminately, use the pedestrians as "human shields". Obviously violence and firearms are now more readily resorted to by the criminals.

The intercepting of illegal weapon being smuggled into Hong Kong is understandably difficult. Successes in these respects still seem to be hard to come by. I would like to urge the Administration to pay particular attention to the interception of firearms. It is much better to prevent firearms from filtering into the territory than having to fight with them in an urban war.

I can agree that upgrading the ammunition of the law enforcement agents may not be the best way to attack the problem of firearms. However, I do urge the Administration to review very critically the adequacy of the ammunition of the police. They may now be equipped well enough with communication facilities which enable them to respond to crimes swiftly, but I have some doubts on whether they have the necessary equipment to stop and fight crimes on the spot. If not, are we exposing them to unintended risks?

Turning to theft of cars, Hong Kong lost 6 434 cars in 1990, which is over 40% more than the total number of vehicles stolen in 1989. By the end of 1989, there were a total of about 180 000 licensed vehicles in Hong Kong. Assuming that there were about 200 000 by the end of 1990, it means that 3% of these vehicles have been stolen last year.

The prevalence of this crime has reached intolerable level. Although I do not know how many of the lost cars were government cars, the fact that some of the high government officials also have had their official sedans stolen already illustrates how widespread the problem has become.

I agree with the police that, to a large extent, car owners and car-park managers could reduce the risk of car thefts by installing anti-theft devices and better managing car-parks. However, it still boggles one's mind why there is still such an overwhelming demand for Hong Kong cars.

The conclusion I have drawn is that both ourselves and the authorities of the destination countries for the stolen cars have been unable to stop the flow of stolen cars, or at least to make it much more risky. There are sayings that for each shipment of one stolen car, the smuggler will be able to gain a lucrative HK\$100,000.

I have highlighted two crimes which call for the co-operation of neighbouring countries, particularly China, in combatting crime. I am delighted that the authorities in Beijing and Guangzhou have pledged determination and co-operation in assisting Hong Kong to fight cross-border crimes. I am however eager to see more concrete action taken swiftly.

There have been doubts expressed by some members of the public about the ability, and even the integrity, of some of the law enforcement agents across the border. I

sincerely hope that these are merely conjectures. Indeed the recent death of two Chinese law enforcement officers while intercepting smugglers demonstrates that the Chinese authorities are facing problems very similar to ours.

I would therefore like to urge the authorities on both sides of the border not only to maintain close liaison, but also to explore whether joint action can be taken to combat crimes. Only by demonstrating to the criminals that both sides of the border are fully committed and resolved in stemming our cross-border crimes can we hope for a reduction in these crimes.

Apart from securing the assistance of our neighbours, we should also look into whether we are already doing our best in preventing and combatting crimes in the territory. While not infringing on human rights, we should ask ourselves whether our laws give sufficient powers to the law enforcement agents to carry out their duties. Has there been a comprehensive review on whether it is possible to cut away unnecessary and outdated powers but at the same time devise new powers for the police to protect the public more effectively?

I am very glad that the Administration is already putting together a package of legislation aimed at widening the law enforcement agents' powers to attack the land base and ship builders engaged in smuggling activities, and that the possibility to control water traffic into and out of Tolo Harbour is being looked into. In dealing with increasingly sophisticated criminal activities, we need to be equally, if not more, innovative in attacking them. I am sure my colleagues in this Council will lend as much support as possible to the Administration in devising strategies in safeguarding the well-being of the territory.

Sir, I have not touched on the need for an intensification of anti-crime publicity efforts and for heavier penalties to deter serious crimes, since they are self-evident. I do however urge the Administration to give serious consideration to the three points I have highlighted: first, tighter co-operation with China and other neighbouring countries through high-level contacts; second, the need for innovation and sufficient powers in fighting crimes; and lastly, an earliest reinstatement of the death penalty for murderers.

Sir, with these remarks, I support the motion.

MRS CHOW: A year ago, our Senior Member, the Honourable Allen LEE got clobbered on

the head, and Hong Kong was stunned. The next day when he smiled to the cameras in his "Mark Gor" outfit, Hong Kong smiled too, with a sign of relief and amusement. Relief that Mr LEE's head should prove harder than the assailant's weapon and amused that he should have deliberately chosen to appear so undaunted in an image more usually identified with heroes of the underworld than prominent Members of this Council.

A few months ago, the bet around town was "Did the burglars know it was the house of the Commissioner of Police that they robbed, or was it sheer coincidence?"

Two months later, the favourite question at social occasions became "Have you had your car stolen lately?" And to that, our colleague, the Honourable Stephen CHEONG, answered: "No, but my father has."

Last week, the most recent story that is circulating is "Mind your Rolex. The order is out for 5 000 of them across the border." Following that are unconfirmed reports of stick-ups for that particular make of watch.

The comic relief that these shocking incidents have brought should in no way underscore the seriousness of what they signify. We are living in a society of deteriorating security and no amount of statistics can convince us otherwise.

The frightening facts are that crimes are more violent, criminals are more sophisticated and better equipped, firearms are more widely and ruthlessly used, and the forces of evil seem illusive and untouchable.

And when we witnessed our men, be they policeman or victimized private citizen defending his own property, tragically gunned down, we must be asking ourselves, "What must we do to make Hong Kong safe again?"

Instinctively and inevitably, we would turn to our police force, sometimes to pin the blame, but more often for protection. For I believe most of Hong Kong still has considerable trust, confidence and affection, yes affection, for our police force. In the last two decades, few can dispute that the Royal Hong Kong Police Force has changed a great deal for the better. Although it is far from perfect, it is nevertheless one of the most professional, well-trained and elite forces of its kind around the world, and is recognized and appreciated as such by the public it serves.

Where people tend to be less than satisfied is in areas of crime prevention. A

glaring example is the powerful speedboats built here quite blatantly for the purpose of car-smuggling. Even knowing where they are built and what they are built for, nothing can be done to prevent them from being put into action.

The publication of the figures of car-theft a few days ago showed a drop in this crime in the recent two months. But before those concerned are congratulated for the good work they are doing, should not the question be asked, "Why was it allowed to rise so dramatically in the few months prior to that drop?"

The use of firearms in robberies has become quite a usual occurrence. It has been reported often that these weapons are smuggled in from China, and are more powerful than those carried by our own policemen. How do they get here? Is enough being done to prevent that from happening? How much co-operation is the police getting from China in their efforts?

By asking these questions, I do not for a moment underestimate or oversimplify the complexity and difficulties of crime prevention. It is always easy to pose the questions after the event. Nevertheless, crime prevention must be given the highest priority and attention, not only by the police, but by the community.

For unfortunately like many things, when it comes to crime, our society tends to be reactive rather than active. Even when we react, we do not react fast enough. We tend to allow situations to get almost out of hand. Then we over-react, whether it is with car-thefts, and smuggling or with our illegal car racing in the middle of the night. Why, we may well ask, did the police take that long to act?

But I can be sympathetic with the police for waiting, for if they act too early, and by that I mean before the volume of public outcry gets uncomfortably high, they run the risk of being accused of abusing their power. In such matters, it is not easy to determine when the time is ripe. It is therefore vital that the police must take the initiative to put its finger on the pulse of the community, and to be able to gauge the extent to which Hong Kong can tolerate in the exercise of police power in crime prevention.

Which brings me to a question which must have caused concern to many of us. As is widely known, the Legislative Council is currently discussing the Bill of Rights. When we submitted the report of the White Bill, Members were unequivocal in aiming to strike the balance between human rights and the maintenance of law and order. Up

to now, we have not heard how the Administration is going to deal with those Ordinances relating to law and order which might partly or wholly conflict with the Bill. I urge that the Administration should attend to this urgently in order that we may be assured of that balance.

Before I conclude, Sir, I wish to say a word about police morale. During a recent OMELCO briefing, a senior officer of the police was asked a question on this issue, with particular reference to complaints regarding employment terms raised publicly by some representatives of police staff associations. He replied that we have a professional force consisting of men who go about their duties with pride and dignity, and that they work hard at keeping the state of morale a separate issue so as not to let that adversely affect their performance. His message and professionalism are both touching and convincing. Yet, I hope and wish the senior management of the force can work harder at resolving the differences within the force, so that no part of that force would feel it necessary to use public pressure to win the ears of their seniors or other decision-makers in the Administration. This would not only enhance the image of the police. It would also be reassuring for the public to know that the force is united and strong and their only enemy is crime.

Sir, I support the motion.

MR CHUNG (in Cantonese): Sir, combat against vices, violence, terrorists' activities, and organized crimes in particular, is not only a long-term task for individual cities but a target for which overall international co-operation has to be sought in the rule of law and in action against criminal offences.

At present, serious criminal activities such as gang robberies, car theft by syndicates and smuggling activities continue to cause problems to the territory. We are particularly astounded by some serious crimes involving raids by robbers from mainland China. The authorities concerned have data showing that many of the serious crimes in Hong Kong fall into two major categories, one being armed robberies on banks, goldsmith shops and shops selling watches of prestigious brands, committed by unlawful elements who sneaked into Hong Kong from the mainland with firearms, and the other being the smuggling of loots into China with high-powered speedboats by car-theft syndicates. The development of such activities and the steps to be taken to curb these extremely risky and hazardous cross-border crimes are of great concern not only to the Administration and the general public in Hong Kong but also to the

authorities of Guangdong and Beijing.

According to the latest report released by the police force, a total of 88 300 criminal cases were recorded in 1990, representing an increase of 7.9% over 1989. However, the number of armed robberies and car-theft cases dropped remarkably last December. This has proved that our police force is a high quality and devoted security force. We should therefore pay respect and give recognition to those police officers who risk their lives to uphold law and order, combat crimes as well as safeguard the interest of the public.

Sir, I firmly believe that Hong Kong is able to contain any serious organized criminal activities. Our police force is fully capable of improving the state of law and order in Hong Kong before 1997. However, in view of the prevalent crimes in the territory, I am of the opinion that actions to tackle the problem of "smuggling firearms into Hong Kong for cross-border robberies" should be given priority in our policy on public security today. The nearer we are approaching 1997, the greater effort we should make in deterring such activities. Moreover, we should try our very best to take preventive measures against any terrorists' activities.

Specifically, the Administration should at least take into account the following four proposals in formulating effective measures for maintaining law and order. Firstly, initiatives should be taken to strengthen the police force.

At present, it is evident that the Administration has allocated more financial resources to support the police force. The entry pay of police officers has been raised. It is a vital step in implementing the policy on public order. However, there are only 18 000 police officers in the establishment of the force, in other words, there is only one police officer for every 300 members of the public. I wonder if such manning ratio is adequate to cope with the existing situation and the prevailing trend of crime. It seems to be a fundamental problem yet to be solved. Furthermore, how to fill in the more than 1 000 vacancies for the police force and how to contain the wastage by retaining the serving officers are also matters of great concern.

The Administration should continue to expand the establishment of the police force whenever necessary so as to ensure that there are sufficient manpower to maintain border security and internal social order when the British garrison gradually withdraws from the territory from 1992. If repeated local recruitment

exercises fail to get adequate staff locally, we should resort to the hiring of manpower from outside. Hong Kong has been getting the service of mercenary troops all along, the hiring of mercenary policemen should have no adverse effect on local security. These mercenary policemen will take up law enforcement duties and their service will in no way be an obstacle to the co-operation and communication between the police and the public. According to the Sino-British Joint Declaration, Hong Kong will be fully responsible for its internal security after 1997. Therefore, apart from the Commissioner of Police, the enlistment of police officers both from local young people and expatriates when necessary should be a feasible solution to the recruitment problem.

While police officers have been offered with a reasonable pay rise and the establishment of the police force has been expanded, equipment for police officers should at the same time be upgraded and the manoeuvrability and mobility of the force should also be stepped up. Furthermore, staff deployment, patrolling and communication in sea and land borders, traffic hubs, focal points and tourist spots should also be reinforced. We respect the spirit of the rule of law as well as freedom. We are not worried that the power of the police in keeping law and order will be abused. To deal with robbers who sneaked into the territory with firearms, the force should properly step up its plainclothe operations of the Crime Investigation Department.

Secondly, every step should be taken to strengthen the co-operation between China and Hong Kong.

In view of the present crime situation, every step should be taken to strengthen the co-operation between the Chinese authorities and the Administration in order to effectively prevent and contain cross-border armed robberies committed by illegal Chinese entrants as well as any activities involving smuggling loots and restricted goods between China and the territory. In the past, there once emerged in Southern China an influx of thousands of jobless people. However, this startling phenomenon did not bring any impact to Hong Kong at all. This has demonstrated the effective control and importance of co-operation by the Guangdong authorities to help maintain the law and order in the territory.

On the basis of the intimate relation and common interest between Hong Kong and China, and in the face of the existing problems in public order, I am convinced that both sides should seek further development through the operation of the Border Liaison Committee, or through the formation of a standing framework as an extension of the

set-up, namely "the Sino-Hongkong Joint Organization on Security Matters". The duties of this joint organization should include liaison, briefings, interception, investigation and preventive measures relating to cross border crimes as well as law and order problems in the boundary areas both at land and at sea, areas from Shenzhen to Guangdong and also the coastal areas of the mainland.

Of course, special attention should be paid by the Administration to identify if there is any illicit route or blackspot in which "collaboration between local people and outsiders" did exist in these cross-border crimes. As a matter of fact, remarkable achievements have already been made in anti-triad activities by the Fight Crime Committee and the police force.

Thirdly, the police should strengthen its relations with the community on a comprehensive level.

On the basis of the existing system to foster community relations and with the support of various building management units, a police-led district liaison network should be established with a view to assisting the police to consolidate its intelligence system against crimes. By making use of the communication network and the computerized crime information system of the police force, I believe it is totally practicable to reinforce the communication system on anti-theft information within our community. It is the view of the police that community co-operation is essential for the effective prevention of crimes. The "liaison network" is therefore a normal development progress to enhance such co-operation to a reasonable extent. Furthermore, the police force should also provide a 24-hour liaison service to individual persons concerned whenever the need arises.

Fourthly, legal sanction should be stepped up in a reasonable manner.

In view of the present situation, I have doubts about the level of penalties imposed for serious crimes such as smuggling and possession of firearms as well as armed robberies. Are the penalties imposed too lenient, or whether they have served as a deterrent against such crimes? This issue deserves our review. Some people have suggested that the death penalty should be reinstated at this time. However, I am of the opinion that in the eyes of those ferocious offenders, 20 to 30 years of custodial sentence or life imprisonment is even more dreadful than the hanging penalty which will end their lives in a matter of seconds. In view of the present state of law and order, if there is a need to step up enforcement and sanction against

offenders of serious crimes, or to stipulate the minimum penalties for certain types of serious crimes by proposing amendments to the relevant legislation, I believe all these measures are reasonable and justifiable for the protection of law and order.

Sir, since 1986 I have repeatedly emphasized in this Council that law and order is our primary concern during the transitional period, and every effort should be made to seek co-operation from China to stem the cross-border crimes. Recent developments have indicated that some basic achievements have been made. I hope the Government and the authorities concerned would give serious consideration to my four proposals on the alleviation of the problem.

Sir, with these remarks, I support the motion.

MR MARTIN LEE: Sir, the motion before this Council is a timely one, for the people of Hong Kong are indeed deeply concerned about the rapid increase in violent crime. In the last year, the number of murders has increased by over a third, and the number of robberies with firearms has doubled. The robbery and point-blank murder last Sunday of North Point jewellery shopkeeper Mr KWOK Fu-kun was yet another tragic instance of what has become an all-too-common event.

While it is right for this Council to debate the present motion, we need more than just words if we are to break the present cycle of violence: we will need action. Recognizing the need for action to reverse the current trend, the United Democrats of Hong Kong have come forward with a number of important recommendations to combat violent crime. These proposals are based on the principle that there must be very close co-operation between the police and the community for, ultimately, law and order in Hong Kong depends not just on the efficiency of our police force, but on the efforts we as a community are willing to make.

As members of the public, we must make every effort to assist the police force and express our appreciation for the difficult duties they perform. Likewise, the police force needs to demonstrate to our citizens the value it places on their co-operation and the positive results that such co-operation will bring.

Sir, take the example of the reporting of crime. The Fight Crime Committee has been informed that almost two-thirds of all crimes go unreported. To encourage more of our citizens to report crimes, the public and the police force must each do its

share. Individual citizens must be encouraged to step forward and report crimes, and the police must make it as easy as possible for citizens to do so. Since the cumbersome procedures involved discourage many citizens from making reports, the police must simplify reporting procedures. Further, each police station should keep a record of how long it takes to process an individual complaint, and station commanders should be held responsible for any undue delays.

Likewise, stations need to accord those who report crime with the fullest possible courtesy and protection. When citizens go into a police station, they should be able to talk with officers privately and have no fear that other people in the same station will see them. They should never be forced to share a waiting room with suspected criminals. Further, after a report is made, if a citizen has a legitimate fear of retribution, the police need to work with other government departments to provide for the safety of that individual. For example, the police should work with the Housing Authority to enable public housing tenants who fear retribution to move to another housing estate so that they will be free from harm.

Just as the police need to welcome citizens who come to police stations to report crime, so should the public make all efforts to support the police who patrol their neighbourhood. From the simple act of greeting officers on the beat to helping them identify areas where crimes are perpetrated, citizens can help to boost morale in the police force.

One critical step towards improving co-operation between the police and the public is to increase the number of police on the beat. I have long advocated that officers currently assigned to clerical duties should be reassigned to patrol duties, and additional clerical staff should be hired from the private sector. For, it is imperative that we have as many officers on the beat as possible in order both to deter crime and to win the important battle of perception -- to convince the citizens of Hong Kong that they will indeed be safe in their own neighbourhoods. Such increased visibility is particularly important in the well-known "black spots" of crime.

Given the pressing need for officers on the beat, the current vacancy rate of about 4% in the police force is clearly intolerable. I urge the Government to establish a high-powered committee chaired by at least the Chief Secretary to study the problem of police recruitment and retention and make recommendations to eliminate the current vacancy rate. A solution to the recruitment and retention problem is

all the more pressing because the police are now being asked to assume more border patrol responsibilities formerly carried out by the army.

Further, instead of denying that any morale problem exists in the force, the Government needs to face up to the problem and address the causes which lead to the low morale in the force. For example, the United Democrats of Hong Kong has recommended that the Government should purchase life and personal injury insurance policies for police officers in order to assure officers that their families will be better provided for in the unfortunate event of death or personal injury.

Another area where the public and police need to work together is in combatting organized crime. As to this, I heard the very logical criticism by the Honourable Y.F. HUI of the inadequacy of the Fight Crime Committee which is chaired by the Chief Secretary, and of which many of my honourable colleagues in this Council are members. I must confess that I share his sentiment. For too often this august body seems to be more successful in performing its role as the public relations arm of the police force, rather than coming up with effective proposals to combat crime. And after the recent well-publicized sensational crimes so wittily summarized by the Honourable Mrs Selina CHOW, starting with the assault on the head of our Senior Member, the Fight Crime Committee has been unable to come up with any concrete answer. Indeed, the police still have not arrested the culprits who tested the strength of our Senior Member's skull. Further, I regret that, after a long delay, the Government has still not completed its long overdue White Bill on organized crime. I urge the Government to complete its work as soon as possible and hope that the final Bill will enable it to go after the illegal profits that are the life blood of organized crime. I also take this opportunity again to urge the Government to re-establish a central anti-triad bureau, for such a bureau will have the expertise and experience necessary to enforce the proposed organized crime legislation which is expected to be quite complex.

The next subject I would like to cover is co-operation between Hong Kong and the Mainland authorities. We in Hong Kong must first do our very best to patrol our own borders -- to step up our border forces, to increase inspections for firearms, particularly in trains from China, to control the manufacture and use of police-evading speedboats, and to clamp down on well-known smuggling "black spots." At the same time, we must work closer with authorities in Guangdong to break up organized smuggling activities. For example, the United Democrats of Hong Kong have recommended that the Border Liaison Group should increase the frequency of its

meetings and that more senior officials in the respective law enforcement agencies should attend these meetings.

In addition, the Government must work with the Guangdong authorities to solicit greater co-operation on the return of stolen goods, especially cars. It is inexcusable that of all the cars stolen from Hong Kong and smuggled into China in the last year, no cars have been returned to Hong Kong, except for the three Mercedes Benz cars stolen in the much-publicized Castle Peak smuggling incident last May.

The Government also should begin discussions with Mainland officials about the very root of the smuggling problem: the trade restrictions in the People's Republic of China (PRC) that make smuggling and black-marketeering such profitable businesses. It is not the business of Hong Kong to tell China what trade policies to pursue. Nevertheless, we should work with Mainland authorities to devise means to channel the huge volume of illicit trade in, for example, cigarettes and electronic goods into legal trade that will benefit both Hong Kong and the PRC. I was recently informed by a reliable source that the daily average of all the goods smuggled into China is about \$150 million, and certainly it would be in the interest of both Hong Kong and the PRC if this trade were conducted legally.

In our debate today, Sir, I wish to add an important note of caution. In devising new methods to fight organized crime, we must remain ever vigilant in defending human rights. We cannot depart from the basic human rights standards set out in the International Covenant on Civil and Political Rights which we have pledged to uphold. For, if we compromise our rights and freedoms in a short-term response to the current problems, I fear we will lose the long-term objective of maintaining the fundamental values that hold our community together.

I take the example of the death penalty. Some people, including some of my honourable colleagues, have called on the Government to carry out the death penalty on persons convicted of certain capital offences. Yet, all the statistical evidence available from other countries have shown that capital punishment is not an effective deterrent to capital offences. In addition, history has given us all too many examples of persons convicted of capital crimes who are later proved to have been innocent of them. We cannot take the risk of executing one such wrongly convicted person. I am afraid that capital punishment represents an unfortunate step backward to the pre-civilized days of "an eye for an eye". And, I remind my honourable colleagues that the best deterrent to crime is the fear of certain detection and

conviction -- a fear that will be much stronger if we have a full police force.

Rather than reinstate the death penalty, the top levels of our Government need to demonstrate a firmer commitment to maintaining the rule of law and internationally established human rights standards in Hong Kong. If we wish the public to have full confidence in the rule of law in Hong Kong, the Government must lead by example. I have therefore been particularly disturbed by recent executive acts that seemed to flout the rule of law. I refer in particular to the re-arrest of the 111 Vietnamese boat people last November right outside the Supreme Court Building after they were set free by a High Court Judge, and by the politically motivated prosecution last summer of the five pro-democracy leaders on the ludicrous charge of using a loud-hailer in a public place without the prior written permit of the Commissioner of Police.

While I was much heartened by the strength and independence of the judiciary in these two cases, I call upon the Government to show greater respect for the rule of law in the future. If the Government should again choose to disregard the rule of law for political reasons, it will damage the confidence of our own citizens and bring shame to Hong Kong internationally.

From this point forward, Sir, the Government must dedicate itself to rebuilding the confidence of the community in the rule of law and the preservation of law and order. And it is only with good and effective leadership from the top that the community and the police force will be able to move forward together to combat crime and maintain the rule of law during the difficult years ahead.

Sir, I support the motion.

MR NGAI (in Cantonese): Sir, good public order is fundamental to the maintenance of our overall prosperity and stability. Once law and order is threatened and its people driven to a state of anxiety, we shall lose the prerequisites for socio-economic development. There are two major elements in bringing about good public order:

(i) preventive legislation that deters crime; and

(ii) determined law enforcement actions that prove to be effective.

Sir, some people contend that a higher detection rate is the best way to contain crime. I beg to differ. A high detection rate will of course serve as a blow to criminal activities but it may not be able to prevent crime. It is the harshness of punishment that will achieve the ultimate deterrent effect.

Sir, statistics on the highest crime rate over the past 10 years have affirmed the effort made by our police force in maintaining public order. The detection rate stood at 45% for the previous year which draws a favourable comparison to that of 46.5% in 1988 and 47.9% in 1989. It is commendable that the crime rate dropped in the last quarter of 1990, indicating that vigorous efforts are being made by the police force to maintain law and order in our society.

As far as legislation is concerned, major amendments were made to the Firearms and Ammunition Ordinance in 1984. Section 13(2) of the Ordinance was amended to the effect that the maximum custodial penalty for unlicensed possession of firearms or ammunition was raised from 10 years to 14 years. As for other serious offences in relation to the possession of firearms, the maximum custodial penalty was revised from 14 years to life imprisonment. Some serious offences such as possession of firearms with intent to endanger life or to enable another person to use the firearms to endanger life; using firearms to resist or prevent lawful arrest or detention; possession of firearms with intent to commit an arrestable offence, or enable another person to resist or prevent arrest and so on have been covered by the amended legislation. This shows that our legislature is determined to combat serious crimes. Regrettably, however, this Ordinance was not given an effective enforcement over the past years. Heavy sentence was seldom imposed on offender. The law per se is severe, yet the sentence that has been passed remains lenient. It has failed to achieve any effect in deterring armed robbery.

I would like to cite an example concerning the judgement of the appeal court in relation to an appeal against the penalty for the unlicensed possession of firearms on 20.11.90. The judgement reveals that according to the sentencing guidelines laid down for similar offences in 1988, the appropriate punishment will be imprisonment for six years should the offender plead guilty. The guideline has been observed by and large by other courts. However, custodial sentence for more than four years has been the norm recently, and in a few cases, a prison term of only four years has been imposed. I wonder whether it is due to the deteriorating law and order situation in recent months that there is eventually a case of more severe punishment. In a High Court case on 30.1.91, the defendant who pleaded guilty to the charges of robbery

at a goldsmith shop and possession of a gun, nine bullets and two imitation guns was sentenced to 15 years imprisonment.

Sir, the law and order situation in Hong Kong is indeed worrying. Criminals resort to killing only for a watch or a small amount of valuables. As indicated from press reports last December, the use of firearms in criminal activities were so rampant that Hong Kong seemed to have become the haven of crimes. A most heart-breaking incident happened in Yau Ma Tei on 27.12.90. A policeman was killed on duty during an armed robbery in a restaurant. Just for the sake of several thousand dollars, one of the armed robbers shot dead a young promising law enforcement officer. A few days ago, a goldsmith shop robbery in North Point claimed one life. The victim was shot at point-blank range by the robber in the head.

We cannot help asking, therefore, what make these criminals use such unnecessary violence for such petty pecuniary gain? Such appalling incidents have been so rampant that they pose a great threat to the lives and property of the general public. Failure to curb these violent crimes in time would make people live in fear and anxiety, and there will not be peace and order in our society.

Sir, the belief that their gain from taking a risk in engaging in criminal activities will far exceed the price they have to pay when caught by the arm of law explains a great deal for the recklessness of those lawless elements who plot and actually commit the crimes. A brief period, say several years, of imprisonment is insufficient to dispel from them taking chance. Any strategy that aims at goodwill counselling is even more ineffective. I am afraid there is no alternative to heavy penalty and severe law in restoring law and order.

Sir, I am glad to know that priority has been given to the drafting of legislation to combat organized crime, where heavy penalty, together with provisions for confiscation of ill-gotten gains and prevention of money laundering activities will be introduced to crack down on organized crime and criminal syndicates. I maintain that severe law will be effective as a deterrent. For those convicted of possession of firearms or armed robbery, especially those who cause injuries to others with their firearms, should be punished with maximum penalty, so that they can no longer cherish a hope that they will "regain their glamour after serving a term of eight to 10 years". Instead of so short a term, a period of 20 to 30 years will alert them of the fact that they will no longer be a glamorous young man, but a feeble old man by the time they are lifted of their shackles. Such an approach may work to defeat their belief

in taking chance. Dr TSE asked me to tell this Council that he gave full support to these views. Sir, as for those who claim the life of others, Sir, I make my earnest appeal here that capital punishment should be restored in Hong Kong. It is fair to take away the life from those who bring an end to that of others. For those who speak highsoundingly against capital punishment, what would they feel if their children or family members are killed for no better reason than possession of a wrist watch or several thousand dollars?

Sir, as you may recall, Lord CAITHNESS, the Minister of State for Foreign and Commonwealth Affairs, said during his first visit to Hong Kong that we would have the discretion to consider whether capital punishment should be restored. I think it is high time that we should restore capital punishment. Decisive actions should be taken to protect law abiding residents.

Sir, there is a hero in Chinese history known as LIU Pang (247-159 BC). He led his army into central Shensi at a time of utmost political turmoil. When he had established himself there, the first thing he did was to agree on a three-point law with the local community leaders. The first point was "Death to those who kill others". Peace and order was thus restored to the country and LIU Pang was respected as Kao Tsu, the founding emperor of the Han Dynasty, one who first succeeded to provide safeguards to social prosperity and stability in Chinese history and laid the foundation of the prosperous reign of the dynasty which lasted for more than two centuries. This shows the importance of "appropriateness" and "timeliness" in legislation and law enforcement.

Sir, with these remarks, I support the motion and appeal for early restoration of capital punishment.

MR POON CHI-FAI (in Cantonese): Sir, the number of crimes has continued to climb up at an alarming rate in recent years. The frequent occurrence of smuggling activities involving stolen vehicles and armed robberies by mainland criminals has aroused strong anxieties among the public. Law offenders have been more violent these days. They showed blatant disregard for the law, confronted law-enforcing officers with genuine firearms and rammed into the crafts of Marine Police with tough high-powered speedboats which they used for smuggling of stolen cars, thus costing the law-enforcing departments a number of casualties in crime preventive operations. Such illegal activities have posed serious threats to the law and order of Hong Kong. If prompt action is not taken to rectify the situation, the prosperity of our community will no longer be maintained.

Sir, tougher legal sanction against criminal offenders is most essential to curb the deterioration of law and order in our territory today. In this respect, the Administration should consider amending the legislation so as to impose stricter penalties with a view to deterring criminals. Consideration should also be given to restoring capital punishment to those who have committed serious crimes such as murder and assault in armed robberies or shootouts in confrontation with law-enforcing officers. The Legal Department should also seek judicial reviews for cases which have been leniently dealt with and ask for tougher penalties on the offenders.

Culprits have recently tended to use powerful firearms in illegal activities. High-powered speedboats with armoured protection have been used to smuggle stolen vehicles into the mainland. Heavy casualties of law-enforcing officers have been reported in combat with these criminals. The Marine Police can do nothing about it but helplessly let the smugglers escape in their speedboats. In view of these unfortunate events, the Administration should expedite the upgrading of equipment for the law-enforcing agents so that they may prevent crimes more effectively and their safety may be better assured. Meanwhile the deployment of the police force should also be examined. The provision of neighbourhood police units at district level which has proved to be very useful in the past should be reinstated. The neighbourhood police units should not be relinquished merely on the ground of insufficient manpower. It is learnt that such police units have not been set up in new housing estates. This would leave the residents there living in fear of becoming victims of crimes. In fact, residents, particularly those living in densely populated housing estates, have been expressing discontent and objecting to the suspension of service of the neighbourhood police units. Demands for the reintroduction of the service have been repeatedly made through the Fight Crime Committee but were ignored on the ground of manpower shortage. It is indeed disappointing that the Government gives no regard or serious consideration to the basic demand for safety by the public. As a matter of fact, manpower shortage -- which, to a great extent, depends on whether the importance of law and order is given the foremost priority -- is by no means a convincing reason.

Sir, in view of the involvement of unlawful elements from the mainland in serious criminal activities in Hong Kong, such as in armed robberies involving the use of firearms brought from China and the smuggling of stolen vehicles into China, the Administration should enhance its liaison with the Chinese security authorities in combatting crimes. Meanwhile, the police force and the Customs and Excise Department

should step up patrol on sea and land traffic so as to deal a blow against the mainland law-breakers who venture in and out of the territory at will and the flagrant activities of sea smuggling. Moreover, the Administration should tighten up control over places for the manufacturing of speedboats. This will definitely serve as an effective measure in preventing serious crimes.

Sir, with these remarks, I support the motion.

MR TAI: Sir, entering into the season of the Chinese New Year, crime rate statistics, especially in the field of robbery, have always been at a seasonal high. I think it is a timely debate, not only concerning the law and order situation in Hong Kong over recent months. To compare like with like in relation to our crime rates with other international cities and to conclude that Hong Kong law and order situation is not deteriorating is a too complacent attitude. The root of the problem for some of our more serious offences, such as robbery and smuggling, is the disparity in the income level and the standard of living between Hong Kong and across the border. This is one thing which I do not think this Council nor our Government can resolve alone.

I shall go into the area of illicit activities across the Hongkong-China border. The coastal area of Tai Po in northwest New Territories is frequently used as routes for smuggling, not only for the smuggling of electrical items from Hong Kong to China, but also recent instances of car theft, firearms smuggling and illegal immigrants taking the sea route serve to demonstrate the magnitude of the problem.

Although we have placed new orders for fast vessels for our marine police, communication and equipment-wise, they are seriously handicapped, especially when pursuing smugglers. The chances of success are low and the amount of protection offered to our marine police is very small. It is frustrating to read in the newspaper that to stop smugglers or speedboats carrying stolen items from Hong Kong the only thing that our security system can do is to throw sea water at them from a helicopter. The smugglers can easily get away because of their superior high speed boats.

Taking this opportunity, may I offer the following observations:

(1) To improve and to have closer and more frequent liaison with the Guangdong Security Bureau, including, if circumstances permit, exchange of personnel to tackle this problem and to gain more understanding in the actual tackling of cross-border

illicit activities.

(2) To improve the communication system, equipment and armoury for the police.

(3) The manpower within the police force should be reviewed. Not only should we look at the staff rate, but we should also take a more realistic approach and give more consideration to minimizing the normal wastage rate.

(4) The use of weaponry if necessary.

The other area which I will go into is the judicial attitude to serious and violent crimes.

To this end, I hope members of the Judiciary will appreciate and respond to the concern and apprehension of our community towards organized and violent crimes with appropriate sentencing; if need be, with special emphasis on deterrence in sentencing.

The youth crime rate in the new towns is also a worrying sign. Young people are also targets for triad activities. This is the negative effect of a densely populated residential area where recreational facilities and space are lacking. This is most significant in terms of single-parent family and in circumstances where both parents are working in the daytime. Some attention to emphasizing parental care by the Government is needed. Moreover, we should revive the police supervision scheme by setting up special units of police in each district of new towns so that they can work jointly with social workers to create a more stringent and closer monitoring role on juvenile offenders in their way of life during their period of rehabilitation from crime.

Lastly, Sir, from statistics supplied by the Administration, we can see that the manpower situation of the security establishment compares favourably with the other sectors of our services. All in all, the establishment is approximately 3% short in manpower. But if we can go into the problem a little bit deeper, we can see that the strength of our police in each district varies. For example, in Yuen Long district, the police establishment has suffered from a 9% shortage in manpower. The reason is that the force is charged with additional duties such as the manning of refugee camps and the setting up of police tactical units to assume border patrol duties which take up manpower. I think the district manpower of the police is the

same as in other districts and to this end I hope the Administration will look into the manpower problem more realistically.

Sir, Hong Kong wants the law and order situation improved and her people want results.

Sir, I support the motion.

MRS TAM (in Cantonese): Sir, the recent increase in crime in Hong Kong, organized crimes, armed robberies, smuggling and car thefts in particular, has been a cause for grave concern among the public. The motion debate in this Council today shall address the overall law and order and crime situation in Hong Kong. And it is my hope that in its endeavours to crack down on criminal activities, the Government will not overlook the problem of juvenile delinquency. I shall concentrate on this area in the rest of my speech.

Juvenile crime figures in the last 10 years have been continuously on the rise. In 1981, juvenile offenders made up 0.8% of the entire 7-20 age group, but accounted for 1.3% in 1989. In terms of numbers, there were 4 867 juvenile offenders aged between seven and 15 and 6 622 young offenders aged between 16 and 20 in 1981. These figures rose to 7 437 and 8 283 respectively in 1989, together making up about 35% of the total recorded in that year.

Sir, viewed from these figures, opinions of course differ as to whether the problem has reached alarming proportions.

However, I shall try to quote from newspapers and magazines concrete examples to illustrate more about the youth problem rather than merely relying on statistics.

A street survey conducted by a newspaper towards the end of last year revealed that of some 60 young people interviewed, more than half indicated that they were willing to commit crimes such as gangfight, arson, shoplifting, or even prostitution and homicide in return for \$100 or less. An interviewee even admitted he started to take part in gangfights and to collect money for his so-called "big brother" at the age of 12 or 13 while another claimed that he once had sex with a girlfriend after knowing her for only a few hours.

The latest issue of a magazine carries the following stories about some local schools: a student claims that some schoolmates carry knives and water pipes with them when going to school, and that other students are not at all surprised on knowing it; smoking is regarded by students as something very ordinary, with some of them going as far as smoking marijuana in the toilets; some students point out that forcing others into gangs is already out of fashion, as students simply form gangs among themselves. The magazine says that delinquents are usually from junior secondary or primary classes.

Sir, whether or not these reports have been exaggerated, or represent just isolated incidents, we can tell from the experience of some school social workers that cases involving theft, intimidation, cigarette smoking, taking soft drugs, gang activities and "forming gangs" in schools are indeed not uncommon in many of our schools in Hong Kong.

In fact, surveys on unruly and delinquent behaviour in schools conducted by the Education Department every year have shown that acts of physical violence, stealing and involvement in gambling are the most common forms of delinquent behaviour among secondary students. What is more noteworthy is the upsurge of theft cases involving primary students. Statistics in 1988-89 recorded 166 cases of theft in school and shoplifting involving primary students, an eight-fold increase over the 20 cases recorded in the previous year.

According to data obtained by the police, violent crime represents the largest category of criminal offences committed by primary and junior secondary students aged between seven and 15. In 1989, cases involving violent crime accounted for 25% of all crimes committed by youngsters in that age group. And shop theft is another common type of delinquent behaviour among juveniles aged between seven and 15, with 1 758 cases recorded in 1989 which was more than double that recorded 10 years before.

Sir, indications are that juvenile delinquents in Hong Kong are getting younger and younger. As noted by some outreach social workers through their contacts with young students, the modus operandi of these young criminals has become more sophisticated and their gang activities are getting more rampant. With the advancement in communications and technology, their liaison network has become more widespread. If we do not promptly face up to this new trend of juvenile delinquency and take appropriate measures to prevent the situation from getting worse, the local community will certainly be left with even more thorny problems to overcome in the

future.

Though there has not been any evidence so far to indicate that triad elements are systematically infiltrating our schools, there are cases showing that students in some schools have already been recruited as prospective triad members and that sporadic groups for the purpose of engaging in specific activities do appear in some schools as students often "form gangs" among themselves. I would urge the authorities to keep a close watch on those students who may be on the verge of crime, and to maintain closer contacts with schools, parents and school social workers in a bid to monitor and counsel students with deviant behaviour. For students who play truant or who may discontinue schooling, I think the school management and the authorities concerned should promptly refer the cases to school social workers and do all they can to avoid resorting to such measures as expelling students from school, or even asking them to discontinue schooling on their own initiative.

In addition, I suggest that the Fight Crime Committee should consider conducting as soon as possible comprehensive and in-depth studies into the causes of juvenile delinquency, the patterns of crime and follow-up services needed for their rehabilitation and counselling in order to work out feasible solutions to further curb youth crime.

On the problem of shop thefts, the authorities should step up education and publicity aimed at young people. Moreover, shops should be encouraged to report and hand over the suspected offenders, instead of taking the law into their own hands or improperly meting out punishment to juvenile criminals who do not know much about the protection of the law.

For teenage first offenders, the authorities should make every effort to help them turn over a new leaf. Through both punitive methods and probation supervision, young offenders can be reintegrated into the community. I understand that the Correctional Services Department and the Social Welfare Department are undertaking long-term studies on the problem of juvenile recidivists, in a bid to improve the Scheme for the Rehabilitation of Prisoners. I hope this will be concluded as soon as possible so that offenders can benefit further from the scheme.

Moreover, I support the authorities' decision to suspend the Triad Renunciation Scheme from 1 April this year. I take this opportunity to urge all those who wish to sever their ties with triads, particularly young people, to seize this last

opportunity to renounce.

Sir, with these remarks, I support the motion.

MR TAM (in Cantonese): Sir, recently, the growing rampancy of crime in Hong Kong has become the focus of public attention. The rising trend of armed robberies, in particular, has been posing a menace to the life of the man in the street. According to police statistics, a total of 49 cases involving gun firing by culprits were registered in the first three quarters of last year, representing an almost one-third increase as compared with the corresponding period in 1989. Cases of violent crime have also surged by 12.7%. These figures have sounded an unequivocal alarm, signalling a pressing need for more vigorous police efforts in combating crime.

As revealed by the several attention-grabbing robbery cases taken place recently, these crimes were well organized and elaborately premeditated by local crime syndicates which bought in firearms illegally (mainly from Mainland China) and even hired reckless thugs from across the border to commit crime in Hong Kong. In this connection, I consider it absolutely necessary to seek co-operation from the Chinese authorities in curbing the smuggling of firearms and criminals into Hong Kong. We must, however, be aware of the fact that the local organized crime syndicates are, by and large, the masterminds of these crimes. As indicated by police information, of the 131 suspects arrested in connection with robberies involving the use of genuine or imitation firearms, only 10 were illegal immigrants. Hence, we must not let these hired criminals from outside Hong Kong divert our attention. Nor should we fail to see that local organized crime syndicates are, in fact, the major source of crime in Hong Kong and thus relaxing our vigilance over their activities.

Hence, I shall go on to discuss fight crime measures in the following three aspects, namely prevention, enforcement and after-care.

Preventive measures

The widespread concern over the local situation of law and order was aroused by the recent rise in serious crimes which have recurred in rapid succession. While the upsurge of serious crimes is worth notice, I am, however, more concerned about whether our community is in itself a hot bed of crime. Having learnt that over one-third of the criminals arrested by the police are juvenile offenders -- the

Honourable Mrs Rosanna TAM gave us a lot of figures a few moments ago -- I am more convinced that the mere introduction of draconian measures and harsh penalties for the purpose of cracking down the existing organized crime syndicates is far from adequate. It will only serve to treat the symptoms of the problem instead of solving the problem at source. It would not be long before the criminal circle is replenished with new blood. If we hope to eliminate all these criminal activities at source, we must try to identify their underlying causes. What then is the force that drives our young people into the abyss of sinfulness? I believe we all know that the level of crime is closely linked with the social system and the prevalent social influence of a society. I think that for most decadent youths their delinquent behaviour can, to a certain extent, be interpreted as their expression of protest against an unjust and undesirable society.

I hold that the increase in the number of criminal elements is primarily due to the combined effect of the unfairness in society caused by grave disparity between the rich and the poor, illusory concepts of values, the prevailing influence of a materialistic world and the frustration of the young students under an unreasonable education system. Hence, any attempt to eliminate crime altogether must start with improving the social system. It is an area where the Government has an unshirkable responsibility to bear. I have stressed time and again in previous debates that a responsible government must be far-sighted in planning for the development of a community and should not be complacent with stop-gap measures alone. The same is true in dealing with the problem of law and order.

Enforcement measures

The above-mentioned preventive approach involves, of course, longer-term measures which, as a solution to the present serious problem of crime, are just like "trying to put out a fire close at hand with water from afar". It is therefore apparent that the police must have a crucial role to play in tackling the increasingly serious problem of law and order. Hence, efforts to raise the morale and efficiency of the police force and step up legislative control over this area have now become a matter of utmost urgency. As specific proposals on this aspect are expected to be forthcoming in abundance from my honourable colleagues, I would like to confine my remarks to a few points which the police need to bear in mind in performing their duties.

In briefing the Fight Crime Committee, the Deputy Director of Operation has made

a statement to the following effect. " During the fourth quarter, the police have, in launching the operation "Levington", searched a total of 4 011 units and a great number of persons, resulting in the successful arrest of 47 wanted criminals and the apprehension of another 442 persons in connection with a variety of crimes. At the same time, plain clothes police officers were deployed to carry out house raids while police constables from the uniform branch were assigned to conduct street checks of persons and vehicles."

I have no doubt that "these raids and checks were", as explained by the Deputy Director of Operation,"aimed at maintaining pressure on criminals at all times." They must have produced some preventive and deterring effects. Yet, we must also take notice of the fact that among all those people who have been disturbed by such extensive exercise of police power in the search of over 4 000 units and the numerous checks of persons, a large majority are innocent citizens. The police should therefore be extremely cautious not to abuse their power in discharging their duties. A good lesson was learnt last month from an incident in which the police intercepted a private car, using it as a makeshift road block and subsequently causing its owner to suffer injuries. In this respect, there should be a need for stricter discipline within the police force. Furthermore, efforts should also be made to help police officers build up a better concept of civic rights through in-service training and education courses. The aim is to reduce possible confrontation and conflict that may arise between the police and the public in enforcement actions and in their daily contact with the general public.

Apart from the efforts of the police, people's enthusiasm in reporting unlawful activities and public co-operation are essential to the success of our fight against crime. If members of the public are resentful about the police because of the abuse of power or discourteous behaviour of the police, they will inevitably become psychologically resistant to the police, thus making it even harder for the police officers to perform their duties. Moreover, people susceptible to bad influence may feel aggrieved and be driven to go astray if the police fail to discharge their law-enforcement duties in a proper way.

After-care work

After-care work is one of the important elements vital to the successful restoration of law and order in our society. It means the provision of correctional education purposely designed to help inmates turn a new leaf so that they may not

break the law again. The fulfillment of this objective requires effective correctional services. Unfortunately, correctional institutions in Hong Kong are facing a serious problem of overcrowdedness, the correctional officers are overburdened with work and, on top of these, there is a shortage of manpower. One of the factors of such a situation is the huge number of illegal immigrant workers held in custody, who account for as large as one third of the entire prison population.

Over population in prisons and excessive workload of the correctional officers have already had a serious effect on the after-care work for discharged prisoners. What is worse, this situation may turn the prisons into a breeding ground for crimes of all descriptions. In order to solve the problem of overcrowdedness in prisons and to improve after-care services for discharged prisoners, I consider it essential for the Government to review all existing statutory punishment and penalties for illegal immigrant workers.

Sir, with these remarks, I support the motion.

MR LAU WONG-FAT (in Cantonese): Sir, it is indeed worrying that the state of law and order in Hong Kong has been deteriorating in recent years. The upsurge in armed robbery particularly causes our concern. I can still remember what happened last year. At the very time when I raised a question in this Council on the measures taken by the authorities concerned to tackle the increasing number of jewellery and goldsmith shop robberies, a jewellery shop in a renown hotel nearby was being raided by robbers. It so happened that there was also a spate of goldsmith shop robberies in the territory a few days before this debate. A shopowner was even shot dead by the robbers in one of the unfortunate incidents. It shows that crime has been extremely rampant lately. Law and order is being severely challenged while the safety of our life and property is being seriously threatened. From what I gather from my contact with the general public, it is commonly believed that law and order in Hong Kong has deteriorated to an unprecedented stage that it will be great news if a day passes without a single outbreak of crime. A high crime rate will not only cause disruption to social order, but will also seriously hamper local confidence. If the authorities concerned do not respond quickly and take effective measures to fight crime, situation will keep deteriorating so much so that the public will get even more anxious and it will be difficult to achieve the goal of maintaining stability and prosperity in Hong Kong.

Although the Administration has taken some steps to curb crimes and they are fruitful to a certain extent, it is evident that the present situation has reached a stage that more stringent and effective measures are unavoidable. One practical and feasible solution is to impose heavier penalty on criminals through legislation. "Severe law should be used in times of chaos". A cliché, perhaps, it is the one and only way to curb this unusual spate of crime.

As we all know, many of the armed robberies and major cases in which victims are killed by gunshots are committed by criminals sneaking in from the Mainland. One reason may be the lure of the numerous jewellery shops in Hong Kong and their vulnerability, but the great discrepancy between the penalty system in Hong Kong and that in the Mainland, I believe, is another important factor which has attracted criminals to cross the border. Take as an example, the penalty for armed robbery, the prevailing punishment in the Mainland is death sentence. In Hong Kong, it will be 10 years' imprisonment or more in most of the cases. As committing crime across the border entails low risk and high return, criminals in the Mainland will try every means to sneak in to make gains notwithstanding stricter measures by both China and Hong Kong to combat such crime.

Sir, to tackle this situation, I think it is necessary to impose substantially heavier penalty for armed robbery. If the public generally feel that there is a need to restore capital punishment for serious robberies and homicides, the Government should no longer stand in the way. Similarly, as the number of firearms smuggled into Hong Kong has been on the rise and as most of them are used for robbery, the penalty for unlawful possession of firearms should also be increased substantially. Given that most of the armed robberies are committed by illegal immigrants from the Mainland, it is believed that law and order in Hong Kong will be greatly improved if the Chinese security authorities take positive and effective measures to forestall the outflow of these criminals. The Chinese authorities have indicated their willingness to co-operate with Hong Kong on this issue. It is hoped that both sides can work on this basis to lay down effective measures to curb these cross-border criminal activities.

Furthermore, I would like to express my views on the problems confronted by the police. Since they are fighting crime on the frontline, their importance in the maintenance of law and order is self-evident. In the face of a grim situation where serious crime is on the rise and most of the criminals are equipped with firearms, the Administration has the responsibility to initiate measures to facilitate better

safety in fight crime operations so that police officers may carry out their duties more effectively. It is reported that firearms used by criminals in many robbery cases are more powerful than that of the police both in terms of range and firepower. Should there be any clash between both parties, police officers are in a relatively disadvantageous position, because police actions have to take into account the safety of passers-by while criminals often act unscrupulously. Though it may be justified in not giving consideration to upgrading the firepower of police guns, I feel it is still necessary for the Administration to let police officers have greater protection. For example, consideration may be given to the provision of bullet-proof vests to police officers on beat at busy areas. I think this is an essential preventive measure, in view of the fact that a month ago a police officer was fatally shot at the chest by a criminal while on duty in the street. Sir, the present legislation in Hong Kong requires drivers and front seat passengers to wear safety belts and workers entering construction sites to wear helmets. The point is to safeguard their safety. By the same token, I think there are even stronger reasons for police officers who are engaged in maintaining law and order and dangerous operations to be provided with adequate safety outfit.

The Royal Hong Kong Police Force is faced with the problem of staff wastage. In view of the importance of this department, I think that matters should be considered with due respect to their importance and contingency even though a stringent financial policy is to be adopted. Since maintaining law and order and protecting the life and property of the people are the prime responsibilities of a good government, I think the Administration should make substantial increase in the allocation of funds for security items notwithstanding budgetary measures in other aspects, so that the needs of the force can be met as far as possible and they can enjoy greater flexibility in the use of funds. This can alleviate the problem of staff wastage within the force and help boost their morale. Hong Kong is now in a critical juncture of the transitional period. I believe that everyone of us in Hong Kong would be happy to have an adequately staffed and highly equipped police force which stands up to modern standards and has a high morale.

Sir, with these remarks, I support the motion.

MR ARCULLI: Sir, the motion before the Council today is of concern to all of us but I shall restrict myself to really one topic, namely, that all of us can play a major supporting role in efforts by the Government and our law enforcement agencies,

particularly our police force, in maintaining law and order in Hong Kong.

Sir, I believe that prevention is better than cure and in this context prevention is better than detection. I urge the Administration, however, to examine the efforts currently undertaken by the Government to get the message across to the public to take all necessary measures to protect their property, particularly their homes and their cars. One example is whether we are getting full value for money in advertising preventive measures on English speaking TV channels as opposed to Cantonese speaking channels. Another example may well be whether the use of radio would be cheaper and perhaps more effective in getting our message across. Sir, another way of getting the message across is through mutual aid committees which were introduced in 1973. At that time the Government was positive in its encouragement and the number of mutual aid committees seemed to have hovered around the 4 200 mark over the past five years. In 1976, the then Secretary for Home Affairs informed this Council that the mutual aid committees had made a valuable contribution to the Fight Violent Crime and the Clean Hong Kong Campaigns. Is it therefore possible to encourage the mutual aid committees to re-examine the scope of their activities and to have them as a point of greater contact with the police force? Another example is whether a sort of neighbourhood watch scheme could be introduced where the public are encouraged to keep a watchful eye for each other as well as for each other's property or cars.

Sir, another scheme that was introduced in 1973 was the Good Citizen Award Scheme which was sponsored by the Hong Kong General Chamber of Commerce. And this included monetary awards and recognition to members of the public who rendered positive assistance to the police in crime prevention or detection. In 1974, the Good Citizen of the Year Award was introduced. Both schemes depend on recommendation of the police. Normally statistics of this sort would not be conclusive one way or another. But in this instance, it might be helpful to look at these from 1985 which are as follows:

Under the Good Citizen Award Scheme: in 1985, 118 citizens received awards; in 1986, 75; in 1987, 97; in 1988, 52; in 1989, 114; and in 1990, 81.

Under the Good Citizen of the Year Award Scheme: in 1985, 11 received awards; only seven in 1986 and dwindling to one in 1987; one in 1988; two in 1989 and none in 1990.

These figures, Sir, I venture to suggest, show that public participation certainly does not appear to be on the increase whereas it looks as if over the last five years the crime rate has been.

Sir, commonsense dictates that our police force cannot be everywhere all the time and even though the people of Hong Kong are everywhere all the time they are not awake all the time. The point is simply this: our police force needs our help whenever we can give it. This does not mean that our police force should, and I am sure they do not, expect our help at risk to our personal safety. But being a witness rarely would compromise our personal safety. On the other hand, there is little point in encouraging members of the public to come forward if when they do so, the procedures are so time-consuming that it becomes an unnecessary burden or, in the rare case, expose them to threats or risks.

The delay, Sir, in introducing a one-way mirror in police station is but one example that we can improve our contact with the public in Hong Kong.

Sir, I agree with much that my honourable colleague, Mrs Selina CHOW, has said about the police force, particularly in the context of the dedication of its members. I would only add one point that the same senior police officer made at that particular meeting and this is what he said "The police force is not shy or afraid of constructive criticism or advice" and this, in my respectful view, speaks volumes of his professionalism.

Sir, in the area of crime prevention, I would venture to suggest that there is room for improvement not just for our police force but much more so for members of the public. When a particular crime is prevalent it is not surprising that representations are made to us or that public interest is aroused. And I cited as examples concerns over triad activities, armed robberies, car thefts or indeed an increase in insurance premia as a result of car thefts. But what have we done to help ourselves? Do we take the simplest of precautions? How many of our jewellery shops take any precautions? Do members of the public realize that by not taking simple precautions they not only run the risk of being robbed but they also expose members of the public to such risks. And what advice in this area have the police given to jewellery shops? I suspect that no amount of questions alone on these lines would in any way bring about a significant change in public attitude in the short term. But that does not mean that we should give up. It is therefore appropriate that today's motion is before this Council. It should serve as a powerful reminder not only that the Government must increase its efforts but that for all of us who want Hong Kong to continue to be a safe place to bring up our children we owe it to our law enforcement agencies to support them whenever we can and we also owe it to

ourselves to do all that we can and then much more.

Sir, in conclusion, I would like to talk briefly about capital punishment. There is much that my honourable colleague, Mr Martin LEE, has said about capital punishment but I do not wish to turn this into a debate on that controversial topic. All I can say is that for myself I would need persuasion that capital punishment is the answer to our problems.

Sir, with these remarks, I support the motion.

MR BARROW: Sir, it is entirely understandable that the community should now regard law and order as one of the major issues facing Hong Kong. It is important too, in the context of the perception of Hong Kong overseas, for both investors and tourists alike.

However, without wishing to be complacent, we must not allow emotion to creep in and get ourselves into a state of panic and exaggerate the problem or forget a sense of realism -- no one can wave a magic wand and eliminate crime altogether. But, Sir, I wish to say to Members of this Council and to the public that crime is being tackled vigorously by the professional and resolute Royal Hong Kong Police Force.

Clearly this is a time when we need more than ever a sense of unity in the community, a time when we all need to work together in an effective manner, a time when we should take sensible precautions -- whether the owner of a car, a flat or a jewellery shop --, a time when we should work closely with the police in helping their efforts.

Perhaps at this point I should declare an interest as chairman of the Police Sub-committee of the Discipline Services Standing Committee for the past two years.

There are three areas in which I wish to concentrate my remarks.

Firstly, in technology. The police force is today provided with the right equipment to get their job done. This covers the whole gamut of police operations -- high speed boats, communication equipment, protective equipment and firearms. We must, however, ensure that they continue to have the best and most sophisticated technology that is available.

Not only is this technology essential for the practical task of getting the job done, but it is needed to show criminal elements that we mean business. Prevention, of course, is what we must be trying to achieve.

Secondly, we need the strength of legislation. The community wants a strong and effective police force. It needs to be backed by strong legislation and I look forward to learning of specific proposals from the Secretary for Security later today. There has been much discussion amongst Members of this Council and outside on the question of conflict between police powers and the Bill of Rights. Clearly we must be realistic and ensure that the Bill of Rights does not curb the police in their vital role in the community. In general discussion with police officers recently, they told me that it was somewhat confusing and demoralizing when they heard Members of this Council criticizing the police powers of "stop and search". These dedicated officers were perplexed that the community wanted them to curb crime, while at the same time it appeared to want to curb their powers. Of course, we have to achieve the right balance and we must not leave on the statute books draconian powers that could be grossly abused at some future date. There exists today some fairly tough legislation in the fight against drugs. There should be similar legislation to combat smuggling, whereby a level of presumption should be enough for action to be taken to detain vessels which are under suspicion. Sir, the criminals must know that the police have these powers.

The issue of smuggling goes beyond the immediate problem of today's law and order. It undermines the overall force of law and order and, in the context of China's resumption of the exercise of sovereignty, it only exacerbates the concerns of the community. If the Hong Kong and Mainland authorities cannot control this activity today, what could we be in for after 1997? I urge the Mainland authorities to join with Hong Kong in dealing with this large-scale, organized crime.

The third point I wish to emphasize is the need for the community to appreciate the dedication and professionalism of the police force. Despite the recent high-profile, and sometimes tragic, incidents, I do not think that for one moment the police are losing a grip of the situation. If we give them the technology and legislative backup I have referred to, I am certain they will keep on top of the situation.

Sir, as chairman of the Police Sub-committee, I have had numerous opportunities to see the police at work. Let me quote a few examples. In July 1989, I went out

one night together with other members of the sub-committee to meet with the anti-vice squad in Yau Ma Tei and Mong Kok. The squad's work is a depressing task harassing all sorts of different establishments. One member of the squad was a 22-year-old woman police constable who had been two years in Yau Ma Tei. She was responsible for checking the IDs and the age of the girls. Sir, she had started work at 8.30 am that morning and was still going at midnight.

I have seen the Special Duties Unit dive into the filth of the Yau Ma Tei typhoon shelter and also practise their anti-terrorist actions -- again a 24-hour duty, and one which is very relevant in these troubled times. It is encouraging to know, Sir, that Hong Kong is in good hands.

In October 1990, I and other members had an evening in Wan Chai with the anti-triad and crime patrols. The anti-triad squad leader that evening was a female senior inspector, with 16 years' service, starting in the uniform branch. Despite the difficulties in dealing with the unsavoury characters involved in triad gangs, this young lady led her staff in a capable and competent manner and impressed me; she was clearly in control of the situation. Again, she and her colleagues worked long, anti-social hours, frequently into the small hours of the morning. On the same evening, I saw the dedication of young expatriate inspectors, who continue to have a key role to play in the force.

Finally, let me mention the role that the police are playing in running the High Island Detention Centre. As an example of the several initiatives by the management there, I saw last month a girl guide group run, part-time, by one male station sergeant and two women police constables. It was their idea. The group was established by them, was inaugurated three weeks ago by Lady AKERS-JONES and now comprises 40 girls.

I could go on, Sir. In quoting these examples, I am simply attempting to demonstrate that we are in good hands. The police deserve the full efforts and commitment of this Council and the community as a whole. Community involvement at this time, both in reporting crime and giving overall support, is essential.

Sir, as a final point, I entirely endorse the Honourable Martin LEE's concerns regarding the question of capital punishment. There have been some calls within the community and from some Members of this Council today to reinstate the death penalty. Members will recall I spoke on this subject during the Bill of Rights debate in June 1990. As Mr LEE has said, there is no convincing evidence in any country that the

use of the death penalty has a special deterrent effect -- I repeat, no convincing evidence of a deterrent effect. Comparison of crime rates in countries that have retained or abolished the death penalty do not indicate that the threat of execution has been effective in preventing crimes.

Secondly, there is much more evidence to show that the greatest deterrent is a high detection rate irrespective of the punishment imposed. In passing, all of us here can be proud that the detection rate of the police force here is amongst the best in the world.

On the contrary, there is an opposing view that capital crimes may be stimulated, not suppressed, by the execution of offenders. This has been called the "brutalization" hypothesis. Cesare BECCARI, the Italian philosopher, wrote: "The death penalty cannot be useful because of the example of barbarity it gives men. It seems absurd that the laws, which are an expression of the public will, which detest and punish homicides, should themselves commit it." In other words, the state should not descend to the level of the common criminal.

Sir, in cautioning against the reintroduction of the death penalty, I do not believe I am in any way contradicting what I said earlier. I appreciate the strong views held by some Members of this Council and I understand the powerful tradition of retribution. The Honourable Stephen CHEONG referred to public opinion in both Hong Kong and the United Kingdom. It is true and not surprising that on such an emotional issue the majority in answering public opinion polls should state that they are in favour. But it should be noted that in the United Kingdom when this was probed further only 45% said they were strongly in favour. In answer to the somewhat most strident, rhetorical questions of some, let me ask how they would feel if a relative was wrongly convicted of a capital offence and is executed before innocence is proved. Let me assure you that I am not basing my view on a vague concept of western liberal tradition. I am saying this because in the absence of evidence of a deterrent effect, I do not believe it is in Hong Kong's self-interest to reintroduce the death penalty. Also we must not forget the danger of the death penalty being extended in future to crimes beyond murder. We must also remember Hong Kong is a very special international city, both now and in the future as a Special Administrative Region of China. The standards that we impose on ourselves must reflect the open and international character of Hong Kong.

Sir, with these words, I support the motion.

MR PAUL CHENG: Sir, Hong Kong's police force is one of the best in the world -- possibly the best in the region. The force is a well-trained, well-equipped, professional body. Hong Kong's population density actually allows a strong presence of policemen on the city's streets.

Yet here we are today giving virtually an entire Legislative Council sitting to the issue of law and order, and what can be done to maintain it. I believe it is important that we do not spend our time today going through nitty-gritty details on what the police force and the disciplined services should or should not be doing.

Like my honourable colleague, Mr Martin BARROW, I must also declare my interest in that I am the other sub-committee chairman within the Standing Committee on Salaries and Conditions of Service for the Disciplined Services. He handles the police submission and I handle all the other submissions for the other services.

In our debate today, we should be here to help Government set broader, overall policy direction. Operations are appropriately managed by the services. They know their jobs. Let us leave their jobs to their expertise. We must focus on guidelines and framework.

I think it is important for us to view this issue of law and order within a much bigger picture. The picture of making sure Hong Kong is a place where people want to live, work and play. A place where international commerce wants to operate and employ our people. Law and order is an important part of maintaining a healthy economic climate.

With the overall crime rate on the rise, Government must do more than take measures to turn this trend around. It is time for Government to be seen to be taking measures to turn this trend around.

Why do I say this? Because law and order rests in the trust and understanding of the community. Because people must see their Government working effectively against crime.

People are entitled to know what Government is doing to ward off the criminal element that is touching their lives. From the vivid media coverage of daytime

robberies in stores that we all pass by at one time or another to proposed increases in insurance coverage on all automobiles because of increased car theft. Crime is not far removed from the public any more. We cannot allow the people's confidence to be undermined.

It is vital for us to keep Hong Kong attractive as an international entrepot that keeps this place humming. People come to Hong Kong to find a better life for themselves. They have always done so. As we all know, Hong Kong's 150-year-old record of phenomenal growth and success comes from our people who make Hong Kong what it is. As legislators, we must contribute to the work of Government by providing an environment where people happily go to work and play. As one security expert has told me, "We can be so secure, we are not free; but we can be so free, we are not secure."

As legislators, we must help Government arrive at a just balance.

With this in mind, I support several useful initiatives:

(1) The White Bill on legislative measures against organized crime must be given top priority for publication and consultation as soon as possible -- certainly no later than early spring.

(2) I would encourage Government to undertake extensive research to learn how other countries have tackled similar problems. For example, America's RICO Statute has achieved great success and we should assess its applicability for Hong Kong. RICO stands for Racketing Influenced Corrupt Organizations. This statute has been an invaluable tool in effectively fighting organized crime in the United States. It can be used both civilly and criminally so that organized crime can be successfully dismantled. Importantly, it places the courts as monitor and arbiter to ensure reasonable measures are taken.

(3) There must be increased publicity on cases where justice is being done to criminals through successful police investigation. This will help strengthen the public's confidence in police capabilities for maintaining law and order.

(4) Continuing high-profile co-operation of government departments with their People's Republic of China counterparts in tackling cross-border crime must be another priority. We know that security precautions mean we cannot be informed on

the operational side when resolving such issues as smuggling. Nevertheless, bottom-line information on what is being achieved must be shared.

(5) There must be renewed focus and strategies for boosting police morale through their management structure. Human resources are Hong Kong's wealthiest asset. We must do our part to contribute to their well-being.

This list is not exhaustive, but it helps to point out my belief that Government must earn the confidence of its people by letting them know what it is doing with regard to maintaining law and order.

With these remarks, Sir, I support the motion.

5.20 pm

MEMBER PRESIDING: There are still many Members who wish to speak in this debate. Members might appreciate a short break at this point.

5.43 pm

MEMBER PRESIDING: Council will now resume.

MR DAVID CHEUNG (in Cantonese): Sir, the Chinese proverb "to turn pale at the mention of a tiger" describes how people are frightened by the mere mentioning of something terrible. Today, for the majority of the Hong Kong people, it would be appropriate to substitute the phrase "law and order" for "a tiger" and to say that they "turn pale at the mention of the state of law and order in Hong Kong". As a matter of fact, the continuous deterioration of our public order and the increase in crime figures recently have been a cause for grave concern. Although the Administration and some members of the community have been referring constantly to statistics to illustrate that the state of law and order in Hong Kong compares favourably with those of many major cities of the world, this can in no way hide the fears deeply felt by the general public. Statistics do not reflect the full picture; the crux of the problem lies in the crimes themselves. Hong Kong being such a small and densely populated place, the incidence of crimes is bound to leave a great psychological impact on our citizens.

In order to tackle our public security problems, the Administration, as well as

community leaders, law enforcers and members of the public should never be complacent or try to play down the seriousness of the situation by comparing statistics, because the citizens are worried by what they learn from the television and newspapers.

We should ask the following questions:

(1) Does our community as a whole recognize the fact that public order is deteriorating and that it requires our concerted efforts to tackle the problem? Or are we still half asleep, dreaming that the problem is still not very serious?

(2) Are our law enforcers adequately equipped to counter the increasingly sophisticated criminal activities?

(3) Are our law enforcers so much occupied with non-essential duties that they cannot concentrate on the fight against crime?

(4) Has the Government set aside adequate resources for launching the fight against crime?

(5) Is our existing legislation adequate for combating crime?

(6) Are the punishments meted out by the courts severe enough to have a deterrent effect?

(7) Are our social values and moral concepts adequate to guide the young people and help them take the right course, resulting in a drop in the number of young offenders?

Sir, I would like to elaborate on the sixth and seventh points.

I am aware that the question of death penalty which I am going to raise is highly controversial. Sir, there is a Chinese saying to the effect that "severe punishments should be used in turbulent days". However, people nowadays do not seem to agree to this concept and are instead running in the opposite direction.

Sir, may I urge the Government and Honourable Members of this Council to give serious consideration to reinstating the capital punishment in Hong Kong. The death penalty must be enforced in the case of serious crimes such as murder and homicide involving the use of firearms. Those who oppose the enforcement of death penalty

always argue that:

(1) Taking a person's life would not be of any help to him;

(2) We should give the criminal a chance to repent so that he can turn over a new leaf and become a useful member of society;

(3) There is always the possibility of the defendant being unjustly sentenced to death;

(4) The death penalty is a negative and inhumane measure;

(5) The death penalty does not have any deterrent effect; and

(6) The death penalty may be abused after 1997.

I am afraid I cannot agree to the above-mentioned arguments. It is said that taking the life of a person would not be of any help to him, but how can those who take this view justify themselves in regard to the murder of a jewellery shop owner -- a promising man at the age of 31? Is the ruthless murder of a good person conducive to anyone's well-being? Is the continued existence of a convicted murderer or a culprit without conscience more important than preserving the life of a legitimate businessman?

The wrongdoers should be given chances as far as possible. However, who can guarantee that the second chance given to a convicted murderer or a culprit without conscience will not lead to adverse consequences? Moreover, can the commutation of an offender's punishment from death to life imprisonment under the existing law be regarded as one more chance given to him?

As regards the miscarriage of justice, though unjust verdicts cannot be totally avoided, we must have confidence in our judicial system. To avoid the miscarriage of justice and to give the innocent a chance to seek redress, a certain period of time should be allowed between sentencing and execution so that those who are unjustly sentenced can have the opportunity to appeal.

Different people have different views on whether the death penalty is negative and inhumane. Is it then a humane act to take away other people's lives, cause them

bodily harm and snatch their property? Is it humane to the victims and their relatives? That murder should be punished by death and debts repaid are eternal truth. If the human rights of a convicted murderer should be respected, how about those of the murdered? Is life imprisonment a humane form of punishment? If it is considered that shutting up Vietnamese boat people in camps is even more inhumane than repatriation, how can life imprisonment be considered humane?

I cannot support the view that the death penalty does not have any deterrent effect. It is human nature to be afraid of death. In our daily life, we often come across the following saying, "Go ahead, it won't cost you your life!" This reflects that in the absence of the death penalty, there is no cause for fear.

The 1997 issue is very subtle. No one knows what will happen after that year. If the death penalty is abused after 1997 and the government of the future Special Administrative Region (SAR) permits such a situation, there is nothing more I can say. Moreover, even if there is no death penalty now, nobody can stop the SAR Government from re-instating it in future.

According to the figures I obtained, of the 50 states in the United States of America, 36 enforce the death penalty, and of the 36, 21 had once abolished the punishment but re-instated it later. In the United States where humanity and civil rights are highly valued, the fact that so many states still adopt the death penalty serves to prove that, when necessary or when crime is rampant and the state of law and order is deteriorating, the death penalty should be re-instated.

We must raise a question: What practical purpose does life imprisonment serve? Is it the so-called second chance as claimed by those who oppose the death penalty? Is it humane? Will it have a deterrent effect? Is it economical to "provide for these people for the rest of their lives"?

As law and order in Hong Kong is deteriorating and many factors contributing to the situation are out of our control, it is high time that consideration be given to re-instating the death penalty for the sake of its deterrent effect.

Are our social values and moral concepts adequate to guide young people and help them take the right course? It is indeed difficult to give an answer. With the disintegration of our family institution, it is not uncommon that both parents nowadays go out to work; primary schooling however remains half-day; unhealthy

concepts spread about by the media and advertising, coupled with the speculative and try-your-luck attitude which has become the order of the day in Hong Kong, will no doubt have detrimental effects on the development of our young people.

All that has been described by Mrs Rosanna TAM and Mr TAM Yiu-chung in their speeches is in fact the truth. One cannot help being worried about the way our next generation are growing and developing.

Sir, the alarm has been raised. A healthy environment must be provided for our next generation to enable them to develop healthily so that there will be fewer potential young offenders.

Sir, with these remarks, I support the motion.

MR CHOW (in Cantonese): Sir, it is only by making a comparison with neighbouring countries in the region that an objective conclusion can be drawn on whether the law and order situation in Hong Kong is good or bad.

Take Japan for example, her crime rate was 1 958 cases per 100 000 people in 1989 and the detection rate was 40.3%. But in Hong Kong, the crime rate per 100 000 people in the same year was 1 420 cases and the detection rate was 47.9%, which is 7% higher than that of Japan. When compared to London, the law and order situation in Hong Kong can be said to be very good, because the crime rate was 10 595 cases per 100 000 people in the United Kingdom and the detection rate was 17%. Even in Singapore, which always takes pride in her strict laws, the crime rate was 1 695 cases per 100 000 people in 1989 and the detection rate was only 20.4%.

Nevertheless, there is no room for complacency. Although the law and order situation in Hong Kong is better than that of our neighbours, we must admit that our crime figures are on the upsurge. Undue anxiety is already felt in Hong Kong about the increasingly rampant criminal activities, which not only worry the general public but also directly affect Hong Kong's international image.

In 1990, crime cases totalled 88 300, representing an increase of 7.9% over the same period in the previous year. It is indeed a very worrying situation. In the last quarter of 1990, an average of 242 crime cases were reported daily, a drop of nearly 3% compared to the third quarter, with robberies sustaining a daily figure

of about 21 cases. What is more, the police seized a total of 28 pistols in the last quarter of 1990, 20 of which were commercially made. In the year 1990 as a whole, there were 122 cases involving the use of firearms, 153 arrests and seizure of 72 firearms.

As we can see from the above statistics, although we have a massive and professional police force, that may not be enough to cope with the increasingly rampant criminal activities. Have the manpower and other resources in the police force been fully utilized? Have the law enforcement officers been adequately vested with powers for the prosecution of criminals? Are there any loopholes in the law that allow criminals to get off scot-free? It is worth studying these problems in depth.

I would like to start with the question of manpower. In December 1990 the police had a strength of some 26 370, which is less than the number of 26 980 in the same period for the year before last. As the police force actually requires a strength of about 27 512, there are 1 136 vacancies this year. However, the response to the police recruitment exercises has been lukewarm so far and is even getting worse. In December last year, the Standing Committee on Disciplined Services Salaries and Conditions of Service recommended improvements to the salaries and conditions of service in the disciplined forces, but this has not been very effective in boosting the morale and recruitment results of the police force.

The police have long been suffering from manpower shortage. In addition, many police officers are deployed for border patrol duties and the manning of Vietnamese boat people detention centres. The police strength in curbing crimes has therefore been reduced accordingly.

The Finance Committee has already approved the provision of funds to increase the average daily deployment of auxiliary police on the beat from 750 to 850. But according to a reply given by the Secretary for Security at the Legislative Council on 5 December 1990, the current strength of the auxiliary police is only 5 250, which means that there is a shortfall of 500 auxiliary police officers. Therefore, we must consider recruiting more auxiliaries to assist the regular police force in the discharge of day-to-day duties. Meanwhile, the police should also consider boosting the establishment of women police officers in order to relieve manpower shortage, since there has not been any increase in the number of women police officers for several years. It is true that the duties of women police officers are different

from those of their male counterparts, but their crime detecting ability would certainly not be less effective. Therefore, recruiting more women police officers may be a good solution to the current manpower shortage problem. Meanwhile, cutting down the police officers' clerical work to release them for patrol and crime detection duties is also a way to tackle the problem at its source. My office once received a complaint from a police officer who did not understand why he could not be deployed for patrol duty. That of course was an isolated complaint. But if we still do not consider making proper use of the manpower in the police force in face of a short supply of police officers, how can the increasing number of crimes be coped with? How can the lives and property of the citizens be given due protection? I think the Government must immediately review the deployment of resources within the police force, so that the force's reputation for high efficiency and professionalism can be maintained.

6.00 pm

MEMBER PRESIDING: I must interrupt you, Mr CHOW. It is now 6 o'clock and under Standing Order 8(2) the Council should adjourn.

CHIEF SECRETARY: Sir, with your consent I move that Standing Order 8(2) should be suspended so as to allow this Council's business for this afternoon to be concluded.

Question proposed, put and agreed to.

MR CHOW (in Cantonese): As for the judiciary, the recent court ruling on the loudspeaker case is the best example of judicial independence in Hong Kong. But we must admit that in view of the ever changing *modi operandi* of criminals, there are in fact many inadequacies in some of our laws at present.

For example, in the curbing of smuggling activities, both the police and customs officers have reached the end of their tether. According to the existing legislation, the most the Customs authorities can do is to refuse the renewal of licences for locally registered vessels if concealed compartments are found therein. But the Customs and Excise Department can hardly make investigations into vessels which are registered outside Hong Kong. Also, owing to constraints in the existing legislation,

although the police know very well that some shipyards are building high-powered speedboats, they cannot take prosecution action until those speedboats are launched. On top of these, due to the relatively low horse-power of the speedboats now used by the marine police, smugglers can easily avoid being intercepted. As a result of the inadequacies in equipment, three marine police officers in the course of their chasing after a smuggler's speedboat were injured and hospitalized early this year. In another incident, a marine police officer died on duty while trying to intercept a speedboat on 1 June 1990. Outdated equipment and loopholes in the laws have been putting insurmountable obstacles in the way of the police in their fight against smuggling activities.

Though the Government has legislated against the registration of speedboats with a combined horse-power of over 600 Hp, this has only resulted in the smugglers using non-Hongkong registered speedboats. As for the prosecution action against modification of vessels, the fines imposed are only a few thousand dollars in successfully prosecuted cases, which is a drop in the ocean when compared with the huge profits reaped in smuggling activities. Meanwhile, though the Customs and Excise Department has detected 318 smuggling cases in the past seven months, involving a total worth of \$29 million of motor vehicles and electrical appliances, only 62% of the cases were successfully prosecuted. Suspects for the remaining cases had to be released due to insufficient evidence and goods worth \$17 million were returned.

To counter smuggling activities on full scale, the Government should strengthen the manpower of the Marine Department for more effective examination of speedboats. At present, there are 2 350 pleasure boats in the category of speedboats in Hong Kong and the examination work involved is enormous. The Government should therefore increase the manpower for the examination work, so as to prevent submission of false information in the applications, for licensing of pleasure boats. In addition, the Government should amend anti-smuggling laws as soon as possible to enable more effective prosecution against smuggling activities, or else the police can only resort to the Merchant Shipping Ordinance in its prosecution against smuggling.

As to cases of "cross-border criminals" who commit crimes in Hong Kong and smuggle stolen vehicles, I think the most effective solution would be strict enforcement of the laws against "snakeheads" and those who abet people in sneaking into Hong Kong. Under the existing legislations, the maximum penalties for "snakeheads" are a fine of \$5 million and life imprisonment, and for abettors, a fine of \$200,000 and 10 years' imprisonment.

However, the data available indicate that the courts usually sentence "snakeheads" to four to five years' imprisonment and the penalty for abetting is usually one year's imprisonment or a fine of \$2,000 which do not have much deterrent effect on "cross-border criminals".

Furthermore, at a recent meeting of the Cross-Border Liaison Group, China and Hong Kong failed to reach an agreement on the extradition of the mainlanders who commit crimes in Hong Kong. I think the way to handle these "cross-border criminals" could only be worked out through further Sino-Hongkong consultation. However, sending residents of China back for trial in China after they have committed crimes in Hong Kong would be a departure from the existing practice that residents of China or other countries who break the laws in Hong Kong are usually tried by local judicial organs and not sent back to China or their country of origin for trial. This would be of some help to the maintenance of law and order in Hong Kong and would serve as a deterrent. As regards the smuggling of firearms into Hong Kong and stolen vehicles into China, both the Chinese and Hong Kong Governments should by all means put a stop to these activities. I would urge the Chinese Government not to open the border between Hong Kong and Shenzhen before a resolution is made on measures against these crimes, lest more mainland residents would be encouraged to come over to Hong Kong and commit crimes.

On the other hand, though the drafting of legislation against triads and serious crimes has already taken five years, the work has still not been completed. Such a situation in fact offers more chances for criminal activities. Originally the Government had planned to conduct consultations in January this year, but hitherto the plan has not materialized. This no doubt undermines the confidence of the public in the Government's fight against organized crimes.

I am extremely disappointed by the Triad Renunciation Scheme which is drawing to a close. Since the inception of the scheme on 8 December 1988, 959 applications have been received, of which 549 were approved, eight rejected, 92 withdrawn and 237 declared dormant. Even though the particulars of these applicants are kept confidential, I believe they were probably not the key members of the triad societies. With approximately 20 000 to 30 000 triad members in Hong Kong at present, those 959 applications are nothing to be proud of. Of course, we should not draw a hasty conclusion now because there are still one and a half months to go for those who want to renunciate their triad membership. However, I think this will not make much

difference to the outcome. The Government and the public would be greatly disappointed by the fact that quite a lot of taxpayers' money has been spent on the scheme in return for such an unsatisfactory result. As the conciliatory approach fails to achieve the desired effect, to combat triad activities by legislation seems to be the only viable solution.

This can be illustrated with a quotation from Jin Yu in the Book Guo Yu:

Trees which were not felled at their roots will grow again;
Water which was not stopped at its source will flow again;
Disasters which were not averted at their origin will befall again.

Is the death penalty the best means to ensure law and order in times of chaos? To some dictators I think they would not hesitate to give a positive answer. But in a civilized society, there are many factors which demand careful consideration and thorough examination before a decision can be arrived at.

Sir, with these remarks, I support the motion.

MRS FONG: Sir, when there are high-profile crimes involving robbery with violence and the use of firearms, it is natural that whatever relative inter-city statistics might tell us, the concerns of the public should rise. That is clearly the reason why so many Members of this Council wish to speak today. Law and order, security, the protection of individuals and their property, these are at the heart of a civilized society's needs and must be reflected in a Government's priorities. However, we must also keep the size of the problem in proportion and avoid hysteria.

We are fortunate in Hong Kong in having a fine, well motivated and highly trained police force that both expects and deserves public support. It is encouraging to note their recent successes against the men of violence and the significant number of dangerous weapons they have seized. The speed at which they are able to respond to incidents in the street is commendable. There is no lack of energy or courage. We need to recognize this.

The question we need to address is what more can and must be done to combat the violent crimes and to improve the situation -- to prevent the illegal importation of firearms and the smuggling of goods, to deter the violent criminals and ensure

full public confidence that law and order is maintained?

There is no single formula that is going to improve the situation overnight. Much is, I know, already being done and we have to acknowledge that. Certain elements of the problem, too, are beyond our control and reflect a deteriorating crime situation across the border. But, I suggest that the authorities will need to tackle the problem on several fronts simultaneously.

Firstly, the co-operation with China. I do hope that everything is being done to encourage co-operation with the Chinese authorities, particularly in the passing of intelligence and information. Hong Kong has a massive trade and people flow by road, rail, air and water with China. It also has a massive, extensive common border of over 350 miles. How can everything that crosses be subject to checking? How can we even check a small fraction of what goes through? The solution has to be on the exchange of intelligence and information and joint efforts with China particularly on the syndicated crimes. Furthermore, is there anything further that we can initiate in the training field and technology exchange that might assist the Guangdong authorities? In the difficult areas of illegal immigration and smuggling where the public perception is that criminal elements on both sides of the border are co-operating with each other, have we given enough consideration to joint operations by the law enforcement agencies of both places?

Secondly, public co-operation. The police cannot combat crime alone. They need the support of our citizens to report crime. However, we are all too well aware of the weapon of intimidation and how effectively it can be used. Hence, when we call upon our citizens to co-operate with the police and report crimes, do we do enough to protect our informants and witnesses and to encourage with suitable anonymity the passing of information with due reward when this might lead to convictions? Do we do enough to educate our citizens and our younger generation on each citizen's responsibility to report crimes?

Thirdly, public consciousness. The public needs to become much more security conscious and I hope the insurance companies in particular will give a lead here. The glittering displays in the jewellery shops of Hong Kong are internationally renowned. But are their owners, together with the banks and luxury car users, giving enough thought to preventive measures. The police cannot be everywhere. All citizens have a responsibility to respond to the needs of the time and make life as difficult as possible to the would-be criminal. Temptation is as much a sin as the

sin itself. I urge the insurance companies to take the lead here. To impose that proper security measures are taken before writing out an insurance contract will put discipline into the insured and would be a move in the right direction.

Fourthly, proper legislation. The disciplined forces must have the support of effective legislation that enables suitable action to be taken against the criminal fraternity. This is a difficult area -- hard cases make bad laws -- and there is always concern for human rights and properly so. But the effectiveness of the law enforcers must not be undermined by laws that fail to take account of prevailing conditions.

Fifthly, the Bill of Rights. My concern with law and order includes a concern with the possible impact of the Bill of Rights on the law and order front. The Bill of Rights should not be permitted to diminish the police force's ability to maintain law and order in our territory. Precluding the police from conducting stop-and-search questioning of those who may be suspected of breaching immigration legislation or of being illegal elements will do Hong Kong no good. Other policies, including immigration policies, Independent Commission Against Corruption powers and so on may all be restricted by the Bill of Rights. Hence, law makers cannot pass the Bill of Rights lightly. Great care must be taken to ensure that the effectiveness of law enforcement procedures in Hong Kong can be maintained. We all want our rights, in one form or another. But if that is at the expense of compromising on the present law enforcement powers in Hong Kong, then we must examine what we have to give up and whether we are willing to pay that price to receive the benefits.

Every society has many problems in regard to law and order. But we in Hong Kong are now at a threshold. As Members of the Legislative Council, we must act and react to changing environments. It is our duty to lead this Government on a course that the citizen wishes. The greatest present concern of our people is the issue of law and order, because they realize it pervades all aspects of our society and that its loss can threaten even their economic livelihood. We, the legislators, must give some hard thought to a comprehensive plan for the system of law and order. We are facing great odds on all sides. We must fight back.

Sir, with these remarks, I support the motion.

MRS LAM (in Cantonese): Sir, a marine police officer died in duty in mid-January

this year. In another incident, marine police officers were attacked early last month during an anti-smuggling action. The police speedboat was rammed by a much more powerful speedboat of the smugglers and three policemen were injured. News of this kind was often heard recently. It seems that the police can no longer outdo the well-organized and well-equipped criminals. Their power is facing an unprecedented challenge.

From the defiance of the smugglers, some problems concerning law and order in Hong Kong can be seen. Firstly, the outdated equipment of the police fails to meet the needs of crime-fighting. Secondly, police power is restricted. Thirdly, the punishment on criminals is too lenient to have a deterrent effect. And fourthly, there is a problem in the morale of the police.

Even some policemen complained privately about the backwardness of their equipment, in particular the speedboats. Whilst engaging in an endless competition with the criminals in the use of advanced firearms is not a good solution, the logic of the Chinese saying "Efficient tools are prerequisite to the successful execution of a job" is simple and obvious.

Restricted by the existing legislation, the hands of the police are tied in dealing with the criminals. For instance, the marine police are forbidden to open fire unless their lives are threatened. And nothing can be done even if they know that some shipyards are building vessels for smuggling purpose.

On the other hand, though according to the existing law, the maximum penalty against "snake-heads" for smuggling illegal immigrants into the territory is a fine of \$1 million and life imprisonment, according to data collected by the OMELCO Security Panel, so far the maximum sentence given to the "snake-heads" was imprisonment of only five years and hence could not achieve any deterrent effect.

However, under numerous constraints, the police was still able to arrest some of the suspected smugglers. One example of success was the massive sea raid in late December last year, which demonstrated that the morale of the police was still high. But the point is, no one can guarantee that their morale will not be affected if all these constraints are allowed to continue.

The above-mentioned situation covers only one aspect of the work of the police, who are facing a similar situation in other areas of work besides anti-smuggling.

I would like to concentrate my discussion on the problems of police power and morale in today's debate.

Firstly, I would talk about police power.

Effective police power must be maintained

Early last year, a policeman on the beat with radio communication equipment stopped and searched some pedestrians. As a result, the police arrested seven suspects related to a case of double homicide. At the end of last year, also through a stop-and-search operation, a resourceful policeman successfully detected a large-scale heroin trafficking case.

Simply by drawing these two examples, we can see that the possession of power to stop and search is very important for the police in fighting crime. And just because the stop-and-search operations as well as surprise raids conducted by the police were effective, the fourth quarter of 1990 saw a decrease of crime figures. Facts proved that these actions, which are exerting pressure on the criminals at all times, are very effective in preventing and deterring crime.

As a law-abiding citizen, I really hope that the police can carry out "Operation Levington" every day.

However, along with the study of the Bill of Rights in Hong Kong, the stop-and-search operations as well as actions against loiterers by the police will surely be criticized. As a matter of fact, it is not easy to strike a proper balance between the need to take effective law enforcement measures and the desire to protect personal rights. Personally, I support the retention of such power of the police.

Decentralization of police power

Sufficient and effective power of the police is necessary in curbing crime. Of course, excessive police power without check and balance is not good for our society in the long run.

Some people in the legal field proposed that the responsibility of the police should be reduced and their power decentralized. I think this proposal is worthy of

consideration.

At present enforcement of the majority of criminal law and laws concerning public order is simultaneously carried out by civil servants in specific fields as well as policemen in general. For example, in tackling the hawker problem, the General Duties Team and the police have parallel power. The Customs and Excise Department and the police share power in combating smuggling and tax evasion. Both social workers and policemen can take action against the mentally-ill people loitering on the street. And both the staff of the Agriculture and Fisheries Department and the police have their responsibilities in dealing with husbandry problems involving livestock and poultry. In fact, the responsibilities of policemen are numerous: besides fighting crime, they have to take care of such matters as teenagers watching category III films, smoking inside maxicabs, and so on. In a nutshell, the police can play an active part in "taking care of" or interfering in every aspect of the life of the general public. From this we can see how heavy the responsibilities of the police are.

In delegating power through legislation, the Government can in fact consider gradually removing certain power of the police which they are now sharing with other law enforcing agents in the enforcement of various specialized laws. Instead, it should be stipulated that staff of specific departments can request the assistance of the police in enforcing related laws. Given the extensive and heavy duties of the Government, it is impossible for an ordinary policeman to master all the knowledge and information required. Hence, the police are unable to take the initiative to exercise their power in the enforcement of many specific laws. These laws are consequently rendered useless and the professional image of the police is affected.

On the other hand, the Government might as well consider the proposal to separate the duties and powers of the police into three areas, namely, traffic management, patrolling duties and combating crime. Such duties can be placed under the heads of various independent departments: Traffic policemen will be in charge of traffic matters only, patrol policemen will be solely responsible for maintaining public order, and criminal law enforcing policemen will have the duty of crime investigation. In this way, as the three types of policemen are not colleagues working under the same boss but have their own separate duties, they can exercise check and balance among one another.

The above proposal to decentralize the power of the police aims at dealing with

the problem of excessive police power and in the meantime devises methods to concentrate the force of the police on crime-fighting.

No blow should be allowed on police morale

Undoubtedly, on top of sufficient power and adequate equipment, a high morale is crucial to the effective execution of police work. It is not enough to boost morale merely by increasing pay and benefits. All factors jeopardizing police morale should be removed as well.

One of the factors deflating police morale is that people making false allegations against the police can escape from the sanction of law. Statistics shows that 87% of complainants withdrew their complaints against assault by policemen in the first five months of 1990. People have reasons to believe that some suspects intended to use their complaints as a means of self-defence.

From 1986 to 1988, there were altogether 11 600-odd complaints lodged by the public against the police, among which 790 were proved to be false allegations. However, only 21 of these false allegation cases resulted in prosecution.

It is evident that police morale will definitely be deflated because among those who made false allegations against the police, only a few were prosecuted. Besides, the police did not publicize the fact that some people making false allegations were eventually convicted. Thus, such cases cannot serve the purpose of giving a deterrent effect.

In order to avoid the deflation of police morale, the Authorities should consider meting out severe punishment on those who make false allegations against the police. We understand that everyone is equal before the law. All citizens have the right to complain against the police for inappropriate action, but the police should also have the right to steer clear of false allegations.

Another factor which deflates police morale is the lenient sentences passed on convicted criminals. The greatest job satisfaction a law enforcing officer can get is to see a criminal brought to justice after making strenuous efforts. But the fact is that the sentences handed down by the courts are usually too lenient, and after the criminals have been sentenced to jail, they often get a remission of their term of imprisonment. Having deducted the public holidays and Sundays, they will only

have to serve three-quarters of the jail terms before their release. Under the circumstances, how can our law enforcing officers not feel frustrated? I suggest that while giving considerable discretion to the courts, we should also lay down not only the maximum penalty for serious crimes, but also the minimum penalty, in order to reflect the public's expectation in the maintenance of law and order, and to ensure that such laws will really achieve a concrete deterrent effect.

The ruthless culprits who injured people during armed robberies should be sentenced to a more severe punishment. For those who killed during armed robberies, if they are convicted and sentenced to death, the Governor should not grant them amnesty. I believe that we should reinstate the death penalty which has been suspended for many years. As the old saying goes, "Severe punishments should be used on criminals in an disorderly society". "The killers must pay with their lives". Under the present circumstances, we should really give serious thoughts to these old sayings and endorse the truth reflected by them. Otherwise, those ruthless culprits who know that they will not be sentenced to death even if they kill will fire fatal shots whenever they want to. The case of a jewellery shop owner being shot dead in King's Road North Point is a recent example of such action. The Wan Chai District Board also discussed about criminal activities at its meeting yesterday, and the district board members considered that the situation of armed robbery in Hong Kong had got so serious that the law seemed to have been totally disregarded. They believed that there was really a need to reinstate the death penalty and asked the Honourable CHAN Ying-lun and myself to reflect their views during today's debate.

I believe that many serious crimes, such as armed robbery, kidnap and extortion, and smuggling of firearms were committed by culprits who actually acted on somebody's instigation and that there was a gang leader who masterminded the crime. As the saying goes, "To catch bandits, catch the ringleader first". To eradicate serious crimes, we must first of all arrest the persons behind the scenes, and subject them to severe punishment, so as to achieve a deterrent effect. I am glad to know that the Security Branch has started studying legislations in relation with the combating of organized crimes, including laws under which the illegal proceed of ringleaders will be confiscated. I am looking forward to the introduction of such legislation.

Here I urge the Legal Department to step up the work on lodging appeals on cases in which the Court's rulings are too lenient, so as to do justice to the victims who were injured or killed.

Tribute is due to the achievement of the police

Sir, law and order is the major factor which brings social stability and prosperity. The recent upsurge in crimes such as organized armed robbery, smuggling and car theft has greatly worried our citizens. The Government has the responsibility to do its best to improve the situation and to seek the full and concrete co-operation of the Chinese authorities to deal with cross-border crimes. They should be requested to assist in investigating and arresting the criminals who committed crimes here and sneaked back to China. These criminals, once convicted, should be severely punished or, upon request by the Hong Kong Government, they should be sent back to the territory for trial and serving the sentence. No doubt, the police seized a lot of drugs and firearms and arrested some suspects in connection with smuggling activities in the recent months. This reflected that the efforts made by the police and the co-operation with the Chinese authorities have initially achieved some success.

Up till now, I am still of the view that the Hong Kong Police Force is a strong, reliable and professional team. They are facing increasingly serious challenges from the criminals and have to work very hard, sometimes even risking their lives. Although on some or most occasions, the quality of their equipment has placed them at a disadvantage, they are as courageous as ever in arresting the culprits. They are really worthy of our tribute and praise.

The capable and efficient image of the police should be publicized

I suggest that the Government should devote more resources to produce television series based on real criminal cases in order to boost the image of the police. We should let the public know that they are resourceful, intelligent and capable. These TV series should not only be broadcast in Hong Kong, but also in the Guangdong province. The purpose of producing these series is to project a brave image of the Hong Kong police, so as to make the Mainland criminals tremble with fear.

Finally, it is worth mentioning that fighting crime is not just the responsibility of our police force. Every single citizen has to play an equally important role in maintaining law and order. To report crimes and to testify against the criminals are examples of what that they should do. I am sure if we are able to "join forces in fighting crimes and maintaining law and order" as the slogan goes, we will be able to restore a good law and order situation in Hong Kong and maintain it permanently.

Sir, with these remarks, I support the motion.

MRS LAU (in Cantonese): Sir, there has been a continuous rise of criminal activities in Hong Kong in recent years. Armed robbery, theft of vehicle and homicide in particular increased tremendously last year. In view of the deteriorating law and order, members of the public in general feel gravely concerned.

Sir, it is said that "severe law is necessary in times of trouble". Indeed, several Members mentioned this a while ago. Though the crime situation in Hong Kong today has yet come to a stage that may rightly be referred to as "times of trouble" and the public is yet to be panic-stricken by the increase in crime, I still believe that adoption of "severe law" to deter criminals from committing crimes is one of the most effective means that will produce quick and expedient solution to further deterioration of the situation. Our penalty code is as a whole quite adequate. Most of the penalties are capable of reflecting the seriousness of the offence. As the Honourable NGAI Shiu-kit has pointed out, the maximum penalty for armed robbery or possession of firearms with the intention of afflicting bodily harm is life imprisonment. In practice, however, the prevailing sentence for such crimes passed by the court is 10-odd years at most -- there are instances where sentences of less than 10 years have been handed down -- which is far more lenient than the maximum penalty provided in the penalty code. A custodial sentence of 10-odd years would of course have been adequate as a deterrent if armed robberies had not occurred so often and if the offence had not been so serious in nature. Yet our present situation is such that there are more and more armed robberies and the criminals are extremely aggressive. They have no regard to the life of people when they are being chased by police officers. They attack or even kill police officers with guns. More casualties are caused when unyielding citizens put up a fight and are shot. Given that the criminals have acted with such disregard for the law and such crimes have been so frequently committed, it is well worth the effort to consider whether the sentences passed are commensurate to the seriousness of the crimes and thus fail to work as a deterrent. It is true that the judiciary in Hong Kong is independent and that the level of punishment is a matter to be decided by the court. However, the level of punishment, in fact, bears direct relations to the social circumstances. I feel that it should only be right if heavier penalty is imposed on the criminals concerned to achieve a deterring effect when a certain kind of crime has become particularly rampant in a society. I also feel that the public should have a right

to express their views on such matter.

Apart from armed robbery, those "snake heads" who arrange for the passage of criminals from Mainland China to Hong Kong or smuggle them in to commit crimes should also be subject to severe punishment so as to achieve a practical deterring effect. According to the existing legislation, the maximum penalties for a "snake head" and a person who assists an illegal immigrant to stay in Hong Kong are life imprisonment and 10 years' imprisonment respectively. However, as several Members have pointed out, previous cases of similar nature reveal that a "snake head" is normally sentenced to four to five years' imprisonment and the custodial sentence for a person who assists an illegal immigrant to stay in Hong Kong will be even lighter, which is one year in general. I think that in future the Legal Department should appeal to the court for imposition of heavy penalty on criminals who smuggle in illegal immigrants or assist them to enter or stay in Hong Kong in accordance with the seriousness of the offence and whenever appropriate.

Moreover, I would like to urge the Legal Department to closely monitor the penalty imposed by courts for offences such as theft of vehicle, smuggling, intimidation and blackmail. We must ensure that the penalty imposed can duly reflect the seriousness of the crimes. In view of the present situation in Hong Kong, I think that severe law and heavy penalty are essential in curbing the increasing trend in serious crimes.

Sir, we have reason to believe that organized crime syndicates are involved in most of the serious crimes like smuggling, theft of vehicle, intimidation and blackmail in Hong Kong. Though much time has been spent on the legislation against organized and serious crimes and the Administration promised some time earlier that a White Bill would be published by early 1991 for public consultation, I am disappointed that, up till now, a definite date is yet to be fixed for the introduction of the Bill. I would like to urge the Administration to speed up the drafting process of this piece of legislation so that it may be considered by this Council and implemented as soon as possible. As a matter of fact, legislation against organized and serious crimes has been introduced in such countries as Britain, the United States, Canada and Australia. The experience of these countries shows that such legislation is very effective in dealing with organized crime syndicates. Given the present law and order situation in Hong Kong, the need for the enactment of such legislation is indeed compelling. According to crime statistics, crimes related to manufacturing and possession of dangerous drugs for the purpose of unlawful trafficking in 1990 dropped by nearly 30% as compared with those in 1989. I think this is by no means

unrelated to the enactment of the Drug Trafficking (Recovery of Proceeds) Ordinance 1989, which is again an example of the effectiveness of severe law and heavy penalty as a deterrent to the criminals.

Furthermore, to deal with smuggling activities across the border, and to contain the use of speedboats in such activities, a series of measures has been taken by the Government earlier to restrict the use of high power speedboats. However, it is evident that these measures are not as effective as expected. I heartily welcome the news that the Administration is making amendments to the legislation with a view to strengthening provisions on high power speedboats to strike a further blow to smuggling activities at sea. It is hoped that relevant amendments will go through the necessary legislative procedures as soon as possible for early implementation.

Sir, as a matter of fact, armed robbery, smuggling and theft of vehicle are always linked to the problem of cross-border crimes. It has been confirmed that some, and indeed most, of the armed robbers are illegal immigrants from Mainland China and most of their firearms are brought from China.

These criminals are particularly violent in the way they commit crimes. Police investigation in these cases has been made more difficult because these criminals usually sneak back to the Mainland after their criminal acts. We understand that bilateral co-operation has been stepped up between Hong Kong and China to crack down on this kind of criminal activities. Mutual assistance between both parties concerned is very important if we want to deter criminals from smuggling firearms into Hong Kong for criminal activities. For better results, such co-operation should be further strengthened. As for the case of stolen vehicles which involves criminal activities both in Hong Kong and in China, there has been great difficulty in recovering the stolen vehicles though both China and Hong Kong have upgraded their co-operation to combat the crime. It is because a comprehensive vehicle registration system does not seem to have been in place in China. The Hong Kong Government should therefore make use of appropriate channels to urge the Chinese authorities concerned to improve its vehicle registration measures so that stolen vehicles can be tracked when relevant information such as engine number and chassis number is provided by us.

Sir, although the crime situation in Hong Kong remains serious, there seems to be signs of a slight decrease in the number of robbery with genuine firearms, smuggling and theft of vehicle. I have to congratulate the police on their recent anti-crime

operations. Various measures initiated by the police since the end of last year, including a number of raids under "Operation Levington", are indeed highly effective in preventing and deterring criminal activities. However, such anti-crime operations have given rise to another issue of extensive concern, that is the problem of police power. As a Bill of Rights is to be enacted in Hong Kong, certain power of the police may contravene human rights safeguarded by the Bill and therefore may have to subject to appropriate revision. Some residents are worried that any restriction to police power may in future affect the capability of the police in fighting crime. Their anxiety has become more evident with the deterioration of law and order in recent years. I have all along insisted on striking a balance between human rights and the rule by law, and that it is impracticable to sacrifice the rule by law to human rights, and vice versa. As to how the balance can be struck, it all depends on the actual social circumstances. I therefore urge the Government to proceed quickly with the review of the Police Force Ordinance and give the police adequate power to maintain law and order without prejudice to the provisions of human rights. It will ease the mind of those residents who are worried that police power may be restricted by human rights legislation.

Sir, co-operation between the police and the public, as several Members before me have pointed out and with whom I agree, is vital to maintaining law and order and the media can also play an important role in this respect. In the past, whenever a serious crime took place, like armed robbery resulting in police and civilian casualties, newspapers, radios and television stations would cover the news in great detail. However, when the police was successful in detecting crimes and brought the criminals before the law, media coverage was comparatively brief. I think the Administration should consider releasing more detailed information on cases solved and penalty passed by the court to allow the media to make extensive coverage. This will serve as a kind of commendation on the achievements of the police and will hopefully deter the criminals.

Sir, with these remarks, I support the motion.

MR LAU WAH-SUM: Sir, I share the concerns of the other Honourable Members about the increase in criminal activities, particularly in armed robberies and organized crimes. Almost every day, we read news headlines about bank and other robberies, involving the use of real firearms. We also witness the sharp rise in smuggling of high-priced cars and drug trafficking. Recently, we have even seen on television about daylight

smuggling by the use of high-powered speedboats which challenges our police ability to maintain law and order. To our community this is a clear indication of the weakening of our social order. This would result in a loss of confidence in Hong Kong, thereby discouraging people to stay till and beyond 1997.

The overall number of robberies has gone up from some 6 400 cases in 1989 to 8 000 cases in 1990, an increase of 25%. More alarming is that robberies using real firearms have risen by 100%. Behind these figures many robberies were done by illegal immigrants from across the border. These criminal activities are becoming more violent and organized and have injured and even killed some of our law enforcement officers.

What then should we do? Hong Kong cannot deal with criminals from across the border alone. They must be tackled at source. I appreciate that there is already good co-operation between Hong Kong and China on crime fighting activities. I believe further strengthening of our co-operation with the Chinese authorities would be the most effective means of reducing such criminal activities. Intelligence based on joint operations with the Guangdong Public Security Bureau must be further improved, and there should also be more discussions and exchange of views through the Border Liaison Group. Some people have suggested that these criminals from the Mainland should be sent back to China for judgement and sentences. I cannot agree. Hong Kong has an independent judiciary system. Crimes committed here must be tried in Hong Kong. Sir, instead I suggest we should negotiate mutual sentence serving arrangements with China. That is to say, after the convicts have been sentenced to jail here, only part of the period, say, the first quarter or one-third of the sentence be served in Hong Kong and the remaining part is to be served in their home country. This, I believe, will have a sufficient deterrent effect on the offenders from across the border. It will also help us to relieve our already over-crowded prisons.

We all know that these illegal immigrants could not come to Hong Kong to commit crimes without the help of the local criminal syndicates. May I urge the Administration to step up efforts in tracking down these syndicates, including those "snake heads" who smuggle illegal immigrants to the territory, so that they are all brought to justice. Some criminal laws might be outdated now. May I also urge the Administration to review them and, if necessary, set heavier penalty limits to punish those behind these criminal syndicates.

Sir, deteriorating social behaviour of our young people has also contributed to

the increase in crimes. Young offenders are rapidly becoming a cause of concern to our community. Many of them are addicted to drugs. We must use our best efforts to reduce the number of young drug addicts by addressing seriously the problem of drug trafficking. Confiscating proceeds from drug trafficking by the Drug Trafficking (Recovery of Proceeds) Ordinance 1989 will certainly help in checking these activities, but this is not enough. Here I urge Government to legislate heavier penalties for drug trafficking and to consider restoring capital punishment to serious offenders. In Malaysia and Singapore where death penalty is being inflicted upon drug offenders who are found to carry a certain quantity of drugs, the number of young drug addicts is much smaller than that in Hong Kong. It has also kept juvenile crimes at a lower rate than ours. I believe that the real deterrent to drug traffickers is by imposing death sentence on serious offenders. Whether or not such sentences will be executed will be for the Governor in Council to decide, but I believe a few test cases would be necessary in order to achieve the desired result.

Apart from drugs, our young people are badly affected by widespread publicity of violence in mass media. This has led to the increasing number of young people engaged in criminal activities and ready to resort to acts of violence. They are easily misled into believing that physical violence does not kill. Worst of all, they might believe that they can become heroes or even immortals. We should prohibit scenes of violence in mass media to discourage juvenile gang activities. Here, I urge the Television and Entertainment Licensing Authority to tighten their censor controls. Criminal tendency could be rooted in school days and people must be taught to behave properly when they are still young. I therefore also support the retention of corporal punishment in schools.

Sir, some people may feel that the on-going dispute over pay terms and promotion prospects lowers the morale of our disciplined forces. I do not believe this is the only reason. Our disciplined forces have high respect for their professions. It is the unduly light sentences on criminal offenders that dampen most seriously the hard efforts of our law enforcement personnel and thereby lower their morale. I therefore repeat my earlier call for Government to review the penalty limits of the relevant legislation.

Sir, in the past few months, a number of police mounted surprise raids against crimes in black spots have been very effective. Many criminals and suspects were arrested during such operations. While I strongly support these actions and urge the police force to continue its efforts, I consider it is most important to examine

the draft Bill of Rights carefully in the context of law and order maintenance. No doubt, we need a Bill of Rights to protect ourselves. We must, however, ensure that the Bill would not reduce the law enforcement power in any way so that anti-crime operations could be conducted efficiently. We must strike a proper balance between the need to maintain good social order and the desire to protect human rights. If our law enforcement authorities are not given sufficient power to discharge their duties effectively, our stability and prosperity will be at stake. A state of turbulent social order will intensify our brain drain. We certainly do not want to see an even higher rate of migration because of fear of worsening internal security.

Sir, with these remarks, I support the motion.

DR LEONG: Sir, as far as crime figures are concerned, we are told and perhaps it is true that Hong Kong is one of the safest cities in the world. But the recent upsurge in organized crimes continued to make grim reading. Hong Kong people are understandably very upset by it.

After all, it is the confidence of the local population, not sheer figures, that determines whether Hong Kong people feel this is a safe place to live and work and to raise a family. To build a thick layer of confidence we need a very efficient and high-spirited police force.

I do understand that there may be a closer co-operation across the border to fight criminal syndicates. This, Sir, has been the wishes of many in Hong Kong. This, too, Sir, has been the view of the Hong Kong Democratic Foundation who have been repeatedly urging the Administration to work in that direction. And I also understand that the Secretary for Security is to reveal a full package of crime-busting measures to be undertaken by Government.

These are all welcome news. But I am afraid the problems that we are facing do not end there. Much still needs to be done before we can see the first light of day.

It is spine-chilling to hear the news of a North Point jewellery shopowner shot dead in one of the three major robberies within six hours last Sunday.

It is also heart-breaking to think of the four courageous policemen who were killed while carrying out their duties last year. We thank them for their devotion

but alas they are but reminiscent of true facts.

These vividly show that police and civilians, who spurn at danger, are in action together to protect public and private properties. This is the spirit we are all after. But alas the price-tag is, unfortunately, too high to afford.

Most of my honourable colleagues to-day had covered extensively various aspects of the law and order situation and they have also given continuous praise to the police to which I would also like to add mine. I would like to zero in on the problems facing the police force -- the very people that cope with crimes.

Sir, Hong Kong is feeling the heat of a restless force. For years, our police force has been world-renowned for its efficiency. It still is so. But some worrying trends are emerging from within.

Many of them, particularly the junior ranks, are in the doldrums. Their spirit is at an all-time low.

The fact remains that the problems related to this force, which is trying its best to maintain law and order, have never been promptly recognized nor understood by the Administration and the public at large. Yet, it has to cope with a wanton spate of crimes. The force is, if I may so put it, just like a wounded matador with a mad bull pounding after him.

Let me start by saying something about the police's remuneration package which many Members of this Council feel is not a cause for concern.

The Deputy Secretary for Security earlier this month said the question of police pay had been resolved and that doubts concerning the morale of the police force were ill-advised. He went on to say that Government is to look at wastage and concentrate on recruitment this year.

But he failed to see that all these: morale, wastage, success of recruitment are intermingled issues and cannot be considered separately.

The fact is: the question of pay has not been resolved; the morale of the police is sagging; and these are directly related to the high wastage rate and a lack of outside interest in joining the force.

Government, late last year, granted the territory's 24 000 police constables and sergeants an additional pay rise, which is said to be up to 18.4%, in recognition of their "heavier and wider range of responsibilities".

The pay rise concealed much more than they revealed.

Only five most junior constables are entitled to the maximum of 18.4% rise, with the majority way below that mark. About 2 800 junior ranks got more than 10% of pay rise whilst most of the rest got between 3% to 4%.

As if this is not disturbing enough, they had to eat a humble pie when the public and their colleagues in the other four branches of the disciplined services pointed their accusing fingers at them and protested against what they saw as "unfair and special treatment".

Worse still, the rise is more favourable to the junior constables, but not to the diehard "oldies" who see the "young men" and new recruit enjoying a bigger rise in salary.

The intention of the pay rise is not working as envisaged.

For promotion prospects, a new recruit who joined the force at Point 3 (monthly salary of \$7,965) could reach the maximum Point 11 (monthly salary of \$10,185) in seven years. If he did not get a promotion, he had to wait until he reached his 18th year of service before he could get another pay jump, with a monthly salary increase of \$260 (as by the current police pay scale). Then, on his 25th year of service, he would get a long-service medal and be awarded only with one salary point jump.

It is not surprising to see many are looking for other civilian government jobs that are less dangerous in work nature or simply seeking early retirement.

Resentment is also building up as policemen are only entitled to over-time allowance for a maximum of 60 hours a month. Yet, given the work nature and lack of manpower, many have accumulated much more than the maximum hours allowed but without compensation. And this has been repeatedly referred to by the Honourable Martin BARROW who chairs one of the sub-committees.

What is more, whilst the estimated cost of \$73 million for the increases in entry

pay would be funded by Government's General Revenue Account, the \$121 million needed for the additional pay for police would have to come from the existing budget of the police force.

Savings therefore have to be identified within the police budget to meet a bill of \$121 million.

One wonders whether the sudden halt in construction work of the detective training school in Wong Chuk Hang and the saving exercise are all inter-related.

Let me now turn to consider something concerning police equipment. These obviously are of vital importance to a policeman, a matter of life and death.

To begin with, few seem to be aware of the fact that the holsters that policemen use to carry their guns are antique equipment passed down all the way since the Crimean War almost 150 years ago. Furthermore, the lanyard limits the flexibility of a policeman in wielding his pistol in case of emergency.

So we have a situation of policemen armed with 19th century equipment versus desperados with far more advanced and much more powerful firearms of the 20th century.

The promise of "more protective" bullet-proof vests is still not forthcoming.

The lack of recognition and understanding by the public of police work also contributes to its plummeting morale. According to a Chinese newspaper survey, the appraisal of police handling complaints is: "The Police Public Relations Branch is bureaucratic. Enquiries must be sent in written form."

This, the force can do better, with a less bureaucratic public relations unit and a well planned aggressive public relations strategy.

Sir, law and order is the cornerstone of a stable Hong Kong. It is where a solid confidence among local population can be built on.

We must have the decency to admit that the morale problem is still ubiquitous inside the force. The recent joint statement of the four police staff associations has clearly demonstrated this.

Measures must be designed to boost the police's flagging confidence in their job prospects, uplift their sagging morale and steam up their vitality.

It needs no mystic art nor magic cure to solve the problem. What is needed is the Government's sincerity to face up to it.

Sir, by saying this, I have no intention of suggesting that the Government bend over backward and be subservient to all the calls put forward by the staff. But the morale must be kept high under a fair and square deal.

With these remarks Sir, I support the motion.

MISS LEUNG (in Cantonese): Sir, in recent years, we have been learning from the media of the numerous instances of serious crime. The upsurge in the incidence of crime, particularly serious crime, is a shocking and worrying trend. Take, for example, robbery which most seriously threatens our personal safety: police statistics have shown that in the past year, on average, one case of robbery with firearms occurred every five to six days; one case of robbery with a pistol-like object occurred almost every day; and 21 cases of robbery by other modes occurred every day. If we compare this with the average annual figures of robberies ten years ago, we will be shocked to find that the presentday figures are so enormous as to have been inconceivable 10 years ago.

Sir, the Hong Kong Democratic Foundation, of which the Honourable CHAN Ying-lun, Dr the Honourable C.H. LEONG, the Honourable J. MCGREGOR and I myself are members, has all along been concerned about the deteriorating situation of law and order in Hong Kong, more so about armed robbery which directly places the victim in harm's way. We have on various occasions made public our views and suggestions in this regard.

There could be little doubt that one of the foremost missions we as a society should discharge is to combat the runaway trend of criminal activities. The authorities concerned must lead us in taking appropriate measures to deal with these criminal activities.

Sir, "to maintain effective rule in troubled times, it is necessary to have recourse to draconian laws". Having regard to the worsening crime situation in Hong

Kong, I believe that nothing short of a recourse by the Government to draconian laws will achieve a deterrent effect and halt the proliferation of criminal activities.

Hong Kong's criminal law could not be said to be draconian; yet it does deter to a certain extent. Then where has it gone wrong? I think the problem would seem to be that the courts habitually fail to adopt appropriate sentencing criteria and often hand down too lenient sentences. In the fight against criminal activities which are becoming increasingly rampant, members of the public have been making their plea heard that stiff sentences with real deterrent value be passed. The public is ever continuing to make this plea.

Sir, criminal law aside, the main contributory factors to the proliferation of criminal activities would seem to be the negligence or unwariness of the victims, which makes it all the easier for criminals to succeed, and also the attractively substantial gains from criminal activities, which make the taking of risks worthwhile.

The victims of major robberies are mostly banks and goldsmiths. That these robberies succeeded was often due to the low degree of alert the banks and goldsmiths were on or to the inadequacy or inapplicability of security facilities or equipment which exposed the banks and goldsmiths to raids by robbers. These were instances of negligence on the part of the victims. The authorities concerned must step up their effort to remind those most at risk to take adequate precautions.

Sir, in recent years, a common characteristic of many of the major criminal activities -- bank and goldsmith robberies or firearms, cars and electrical goods smuggling -- has been that these activities are joint endeavours by local and Chinese people. These people co-operate closely, give each other logistical support, adopt a ruthless modus operandi, strike with lightning speed and are equipped with firearms and speedboats of superior firepower and horsepower. They are posing a nettlesome problem to the police who are hard put to it to cope. It should be obvious that the most feasible way to deal with this situation is to seek full co-operation from the Chinese public security units so that a concerted effort could be mounted to combat these criminal activities.

Sir, with these remarks, I support the motion.

MR MCGREGOR: Sir, a free and democratic society must protect itself against the

criminal in a variety of ways. It must have laws which will permit sensible and fair regulation of the lives and conduct of people within a code acceptable to all and providing punishment for offenders which is neither too lenient nor too harsh. It must have a skilled and independent Judiciary capable of interpreting the law fairly and conscious of the burden of decision. It must have forces authorized within the law to regulate, investigate and prosecute crimes against the law. Above all, it must have a feeling of confidence that the system will fully protect the society, otherwise its people will not support the system. The laws in any society will almost certainly be different to the laws in any other society even although the fundamental characteristics may be the same. The state of development of a country's economy and the relative situation of its society, its religious and ethnic background, its style of government and many other factors will ensure that there will be substantial differences in attitudes of people towards the law and its application. Hong Kong is not unique in believing in the rule of law and in justice for all. But the application of the law and therefore justice must surely recognize changes in criminal practices and patterns especially where those endanger the lives and property of law abiding people.

I believe that Hong Kong is blessed with an independent, free and fair Judiciary. It has a body of law and legal practice which has allowed Hong Kong to enjoy most of the human rights to which people aspire everywhere and it has allowed them to do so in safety and without fear. A new Bill of Rights will attempt to provide Hong Kong's people with long-term guarantees that this situation will continue.

I also believe that the forces which maintain law and order have a fine record over many years. Our police force is one of the best trained in the world and has an outstanding record of service to the community. Our customs service is in a similar category as are other uniformed services.

However, just as society and our economy become better equipped and more sophisticated, so does our criminal element.

From business fraud to violent crime, the skill and daring of the criminal is probably at an all time high. Modern methods are used to commit crimes of every description and the police and other law enforcement agencies are hard put to it to keep pace with criminal innovation and recklessness. Yet keep pace they must if they are to continue to keep Hong Kong safe and healthy.

Today, I want to speak about only a few important facts of our never ending and always changing fight against crime. I am conscious that I have a time limit on this speech so I will not provide detailed reasoning for my views. I will just advise you, Sir, that I have thought long and deeply about these matters and I have been personally involved in some of them. I should also make it clear that my views in these matters do not necessarily reflect the views of the Hong Kong General Chamber of Commerce or the Hong Kong Democratic Foundation in at least one or two points. That is not a problem for me, but it may be a problem for the Chamber and/or the Foundation.

Sir, I believe that the death penalty should be applied or removed altogether from our statutes. It is no longer acceptable that the British Government should exert such influence on this matter. If the people of Hong Kong were to vote on the subject I have no doubt of the answer. The death penalty would be applied. And that has nothing to do with emotion and everything to do with a sense of righteousness. As to the deterrent effect of the death penalty, on which many of my colleagues have spoken, an interesting statistic was revealed in a recent study of the death penalty issued in Britain. Those against the death penalty pointed out that after it was abolished the number of people prosecuted for murder did not increase. What they failed to recognize was that the prosecution authorities, knowing that there was no death penalty, often entered charges of manslaughter where previously the charge would have been one of murder. This was easier for the prosecution, and certainly for the accused who might plead guilty to the lesser charge. In the year after the death penalty was abolished in Britain, the combined total of murder and manslaughter cases leapt. And I understand that that trend has been maintained.

The alternative view is that the death penalty should be removed as an option in our criminal legislation. With 1997 approaching I can personally see a good deal of merit in this. But we should not go through the mockery of sentencing murderers to death and reprieving all of them. The law is made to look, and it is, ridiculous. On balance, and I speak personally, in the light of the present danger to our society from murderous criminal, I am in favour of the application of the death penalty by hanging. I may be a liberal, Sir, but I am not so liberal when it comes to murder.

There seems no doubt that violent crime is on the increase and that a deadly pattern is emerging in robberies with firearms. Guns and gunmen are for hire and many of the criminals using them are imported. A number of deaths have occurred from shooting. This is a trend which must be stopped and stopped quickly. The police,

I believe, should be armed with the best and most effective weapons. The present short barrel revolvers are notoriously inaccurate. They should also be given the best weapons training possible. The target companies must be better advised on protective measures including direct warning systems and protected booths for security guards. Insurance companies can play a stronger part. If ever there was a case for hanging those who commit callous murder, then we have seen several examples in recent months.

I would also suggest that the law should be applied vigorously and to its full extent against those who take up arms, imitation arms or other deadly weapons in the commission of a crime. They should be punished to the full extent of the law for this reason alone. The same principle should apply to any criminal who uses violence or intimidates others with the threat of violence. These are the most dangerous members of our society. If they go unpunished or are lightly punished, they will be encouraged to continue to use violence in crime and so will other criminals.

How many times have we seen violent criminals given a manifestly light and inadequate sentence by virtue of a clever defence or a weak prosecution or a lenient judge or a loophole in the law. The result almost inevitably is further violent crime. I must include triad-related crimes in this category because triad offences usually contain the threat or commission of violence against the person or property.

Hong Kong has had to deal with extensive and serious offences involving narcotic drugs. I was for some years involved directly in the fight against this particular category of crime and I can testify to the degradation it causes and the danger to the society. The courts have taken a serious view of such offences and long sentences have been handed down. I simply make the point that we must continue to regard such crimes with abhorrence and seek out and destroy our drugs syndicates and their financiers who are the most despicable criminals of all. I sometimes think that the proper punishment for a drugs dealer or financier is to inject him with the drug he is trading.

Like many seaports, Hong Kong has a long and colourful history of smuggling. Indeed some of our most successful companies and personalities throughout our colonial history have been smugglers. It has been considered by some people almost an honourable function of trade. During my many years in the Commerce and Industry Department which was also responsible for the customs service, my colleagues and I often fought a losing battle against smuggling of one commodity or another. My

colleagues might be surprised to know how many commodities in this free port cannot be imported into or exported from Hong Kong without a licence. I was, at one time and inter alia, the gold licensing officer for some time and hardly issued a licence under the then rules of import. Yet our gold shops were full of gold (99.99% fine) and many of our banks had sizeable quantities in their vaults. It was illegal to import gold without a licence -- and as far as I am aware or remember, I never issued a licence -- but it was not illegal to possess gold. I was strongly advised not to attempt to find out where the gold in our gold shops had come from. Since I was keen on promotion in those days, I took that good advice. And I was promoted (laughter). Hong Kong did not seem to experience any problem as a result of most of our gold being smuggled in.

So our attitude towards smuggling has always been rather ambivalent and somewhat hypocritical. If the product is being exported without a licence to another country where it is clearly being smuggled in then we have not worried very much since the goods have been paid for in Hong Kong. I hasten to add that drugs were never in that category and have always been hunted down wherever and whenever possible.

Stolen smuggled goods are also a different matter. The smuggling of expensive cars has caused outrage and it is of course a very serious matter. What is even more important however is that it points to organization and co-ordination of a superior kind, backed by gangs of criminals, who are ready to kill to maintain the trade. Some of the criminals are not here. Some are in China. They must be found and punished through effective co-ordination with the Chinese authorities.

Smuggling of a deadlier kind is the import of weapons, especially and essentially from China and often accompanied by criminals prepared and able to use them. These are very dangerous people.

In the run up to 1997, it is likely that criminals will look for quick and easy gains to facilitate relocation in other countries. We must combat the trend and provide our police force and other uniformed services with the tools for the job. We must do our best to inculcate a feeling of dedication to duty and the protection of the public. The police do not need greater powers. They have these powers already. They need better support from the Judiciary, from the Government and from the people of Hong Kong.

Finally, I suggest that there should be a detailed root and branch review by an

independent and experienced body of repute of the workings of the Royal Hong Kong Police Force. This would examine their role, their responsibilities, their problems and the stresses and strains that may put pressure on them in future. Such a review should provide a range of options for many of the problems which our police force may be facing. Let me repeat, however, my admiration for the present skill and efficiency of the police and my recognition that they are the main bulwark against the criminal elements in our midst.

Sir, I support the motion.

MR SIT (in Cantonese): Sir, it is now nearly 7:20 pm. Quite a number of Members may have left after delivering their speeches. Their reason for doing so may possibly be the topic of our debate today -- law and order. Because they are afraid, they have to hurry home. However, we still have to finish this meeting.

Because I am nearly the last one to speak, I discover that the long-winded speech that I prepared has become cliché. Those issues have been addressed by many Members before me. Therefore, I will simply discuss the law and order problem in the light of some figures. What I have before me is not my speech but figures. Because I do not have a very good memory for figures, I have had to copy them down.

We all know that, like what Mrs Peggy LAM said a moment ago, there is a Chinese saying: "One must have good tools to do a good job." I think that there should be three aspects to those tools: First, are Hong Kong's existing legal tools for punishing criminals adequate and effective? Many of my colleagues have, in succession, put forward many well-turned opinions, and I do not intend to say more on the subject. Second, are the disciplinary forces, which protect law and order, adequate and effective, in terms of morale, manpower, equipment and supporting facilities, in coping with the modern ways of crime?

First, I would like to mention the morale problems of the disciplinary forces. As some of my colleagues before me have said, not only has the outcome of the recent review conducted by the Standing Committee on Disciplined Services Salaries and Conditions of Service failed to eliminate the conflict between the various disciplinary services, the conflict has even become increasingly acute. This has a considerable impact on the morale of the disciplinary forces.

The second is the manpower problem. We all know that the police force is actually having a shortage of manpower. Of course, we can say that the size of the disciplinary

forces has not reduced, but we know that some 700 police officers, roughly the number for a police district, have been assigned to guard Vietnamese boat people centres. From that, we can see that the shortage of policemen is an actual problem that we have to face.

Thirdly, with regard to equipment or facilities, can our disciplinary forces cope, in terms of, for example, communication facilities? On this subject, it is necessary for us to examine the Hong Kong Government's spending on security, and the amount allocated to the police force. In the Budget, internal security spending for the year 1989-90 was \$11.31 billion, which constituted 13.8% of the total expenditure. However, we must not forget that in this security allocation, some \$1.5 billion was towards the upkeep of the British garrison in Hong Kong. In other words, the amount of \$1.5 billion was not for internal security. How many departments shared the \$11.31 billion? The answer is some 18 departments. How much did the police force get? In the Budget for the year 1990-91, under public sector expenditure, \$4.987 billion was allocated to the Royal Hong Kong Police Force. That figure looked very impressive, but of the \$4.9 billion, \$3 billion was to be used for paying the remunerations of police officers. In other words, only some \$1.973 billion was available for purchase of equipment and others. Is this adequate? It might suffice to pay for crude equipment or facilities.

Let us now examine the Government's spending last year and this year on the police force and security. In 1989-90, \$4.722 billion was spent on the police. After deducting salaries, the net expenditure amounted to \$1.96 billion. In other words, comparing the year 1989-90 with the year 1990-91, the rate of increase is around 3.5%. However, when allowance is made for inflation, the expenditure has actually been slashed. Let us now compare the expenditure for the year 1990-91 with those of five years ago. In the year 1986-87, the expenditure of the police force amounted to \$2.838 billion, of which \$1.817 billion was spent on salaries, leaving only \$1.21 billion. Comparing this figure to the \$1.973 billion for 1990-91, the rate of increase in five years is only around 93%, which is not even doubled! From these figures, we can see that problems have apparently developed in our setting of priorities for the allocation of social resources. During the transitional period between now and 1997, social stability and prosperity are very important. Without a peaceful and stable social environment, prosperity would not be easy to achieve, but the Government's spending in the area of security is disappointing. Some people said that the Government might increase fund allocations in the future. We might as well look at some other figures and we will believe that what the Government is

doing is not very appropriate. In terms of internal security spending, the Government has projected 11.5% of total expenditure for 1990-91, 11.3% for 1991-92, 11.2% for 1992-93, and 11.1% for 1993-94. Leaving aside the two-digit inflation rate, it is apparent that spending on internal security is being reduced step by step. However, in the reduced allocation, the \$1.5 billion towards the upkeep of the local garrison is included. Therefore, the actual figure does not really reach up to 11.1% and can possibly drop to 10%. In such a situation, how can we demand the police to perform well on inadequate resource allocation? Apart from encouraging morale, should we not give some priority consideration, in terms of equipment and facilities, to the police force or to the disciplinary services concerned? We know that the Government plans to spend a few hundred billion dollars on the "Rose Garden Project". Even if the airport were completed, would a society where there are shootouts and numerous thieves and robbers be attractive? With the "Rose Garden Project" on the drawing board, should the Government not look back at society's actual needs and reconsider priority in the allocation of social resources? I believe that if we conducted a survey in the streets, our citizens would surely be more concerned about law and order than infrastructural development.

On the other hand, let us examine what the Government has done and its spending on the Fight Crime Campaign. It is of no use if we just say that we attach importance to fighting crime. Have we allocated funds, and how much is allocated? The data that I have on hand indicate fund allocations for district offices (including district boards). The Government has allocated \$1,355,424.36 to the fight crime committees in the 19 districts. Sharing \$1.35 million among those 19 districts, each district only receives \$60,000 each year. How can these district fight crime committees assist the Government in implementing the Fight Crime Campaign? I dare not say that the Government is squandering resources, but has the Government considered the employment of these resources for urgent purposes? For example, the Government wants the citizens to promote the fight crime message, but the terms of office of the district fight crime committees only last one year, which restricts the continuation of crime-fighting work. That is because each committee holds four to six meetings per year. After the various members have got to know one another well, they may not work together in the following year. Therefore, the continuation of the work would be affected. I suggest that the Central Fight Crime Committee or the Government take into consideration the terms of office of members of the district fight crime committees. The term of office of the members should be changed to two years or even a longer period. In addition, the status of the fight crime committees should be enhanced to bring about more active participation from the residents. At present,

there is a "couldn't care less" attitude and the committees have to take charge of all activities themselves. Such a situation should not prevail, and the Government should be more positive in this area.

Of course, we have heard many of our colleagues say that recently, quite a number of mainland criminals have come to Hong Kong to commit crimes. They come to Hong Kong as illegal "workers", and they escape after committing crimes. However, the major problem stems from our own inadequacies. If local "employers", that is, the masterminds of crime syndicates, do not hire them to come to Hong Kong, it is believed that they would not know in which goldsmith shops they would find large quantities of gold or where they can commit robbery. Therefore, what is most important is still the necessity to resolve internal problems first. On this subject, the Government must not merely engage in empty talk. It should be sincere, and, more importantly, it should allocate funds. Without the allocation of funds, the problems cannot be resolved.

I also know that the police force has reflected to us many times that up till the present, they have yet to be given bullet-proof vests, (of course the special duties unit is an exception). At the same time, there are still not enough communication facilities. From the viewpoint of the allocation of social resources, I hope that in the Government's future budgets, the Financial Secretary will give the citizens some concrete and encouraging news. The Government should not merely verbalize its desire to improve law and order; it should be willing to take up financial responsibilities as well. It is of no use if Hong Kong merely has a "rose garden". We need a stable law and order environment for society to prosper. Thank you, Sir.

MRS SO (in Cantonese): Sir, the problem of law and order in Hong Kong has become the focus of public concern. Public safety is endangered by armed robbers who have no qualms about firing at people in achieving their ends or deterring chasers. Last Sunday, a proprietor of a goldsmith shop was fatally shot when giving chase to robbers.

In the middle of last month, a high ranking police officer claimed that despite an increase in the total crime figure, the crime rate in 1990 remained more or less the same as it was 10 years ago and that crime figure for 1980 was the lowest in the 1980s. He emphasized that notwithstanding a marked increase in burglaries and robberies during the past two years, cases of such kinds were still a far cry to their

record high figure in the early 1980s. This series of figures goes against the views of the four police officer associations that law and order in Hong Kong has taken a turn for the worse and that last December was by far the worst month in terms of public security. In the light of such contradictory claims the public are at a loss what to believe.

In the early part of the 1980s, shortly after China opened its door to the outside world, there were very few cases of cross-border crime and smuggling activities involving the use of speedboats. Scenes of street shootouts between culprits and the police were rarely seen. By saying that the present crime rate in Hong Kong is not much different from that for the early 1980s and by being elusive about the change in the nature of crime can hardly boost public confidence in the law enforcement agents. On the contrary, if the Administration boldly acknowledges that law and order in Hong Kong has almost reached an intolerable level and makes a positive attempt to address this deteriorating problem instead of covering it up, the police will surely be able to win public support in their battle against crime.

It is imperative that public safety should be protected if Hong Kong is to become a peaceful living and working place for its population of over 5 million. In order to dispel the fear of the public who are now living under the threat of being caught by straying bullets in the streets or, while travelling in a car, being suddenly held up and robbed and even kidnapped, it is necessary for the police to take combat actions against crime. I believe that quite a number of people in Hong Kong are starting to think about emigration because of the deteriorating law and order situation.

More and more serious crimes in Hong Kong such as armed robbery, smuggling, theft of vehicle and trafficking of dangerous drugs are connected with illegal immigrants from mainland China. Thus we should waste no time in strengthening our co-operation with the Chinese public security authority at both the central and regional levels. As these crimes are carried out within the territorial boundary of Hong Kong involving lawless elements from mainland China, development of stronger link and closer co-operation between the law enforcement agents in China and Hong Kong is most essential to the success of the battle against criminal gangs.

Sir, to deal with the increasingly serious problem of law and order, we do not only rely on the persistent efforts of the law enforcement departments but also require the support of the entire population in reporting crimes. Both the legislature and the judiciary have to adopt their approaches to cater for the changing

circumstances as well. Chanting "Join Forces Against Crime" and similar slogans alone would go a very little way towards urging the public and the police to join hands in the fight against crime. Discussions over simplified procedures for crime reporting, wider use of one-way viewers for the purpose of conducting identification parades, and possible measures to protect witnesses from intimidation and retaliation have been going on for quite some time, but no major improvements have yet come by under such circumstances, how can the public be persuaded to play a more active part in the fight against crime?

Legislative work in this respect also leaves people with the impression of lacking in efficiency. In the middle of last year, the Administration indicated that the enactment of legislation against organized crime was underway and that the proposed Bill would be gazetted early this year. However, a recent statement by the Secretary for Security disclosed that the Bill was further delayed and could not be published until later this year. Similar delay was also experienced in amending legislation against smuggling activities. I hope the Administration will expedite work on this front.

As the old saying goes, "Severe law is necessary in times of chaos". Though heavy penalties have been laid down in existing law for some serious crimes, the judges are usually inclined to making out lenient sentences which, instead of producing any deterrent effect, have a negative impact on the morale of the law enforcing officers and are unfair to the victims. However, I must clarify that my support for heavy penalty does not mean that I am for the re-instatement of capital punishment. My backing for the existing legislation still stands.

Sir, the police are under great pressure in the face of a worsening law and order situation. Some of them have been injured or killed in the course of duty. These dedicated police officers are greatly respected and highly praised by the public. With the restoration of police prestige by the highly successful "Operation Levington" actions in recent months, it is hoped that the police will continue their efforts to maintain law and order in Hong Kong and join forces against crime.

Sir, with these remarks, I support the motion.

MRS TU: Sir, by the time a debate in this Council reaches a junior Member like myself whose name begins with "T", there is little left to be said on any issue.

With reservations as to the effectiveness of capital punishment, I agree with most of what my colleagues have said, that crime in all its aspects must be vigorously tackled by every possible means, and that criminal elements must not imagine that they can escape punishment. Yet whatever we propose is only seeking a cure for the disease unless we find the source and apply preventive medicine, as our colleague, Mr TAM Yiu-chung, has pointed out.

When I first came to Hong Kong exactly 40 years ago this month, the most common crime was stealing clothing from the clothes racks. The more serious crimes consisted of robbing someone of a watch or a bicycle. In fact, at that time, Hong Kong was said to be almost crime-free. I am not trying to claim that that was a golden age, but merely that it was a time when the vast majority of Hong Kong people were poor, and those who did steal probably did so out of dire necessity.

What has changed that we now have serious crimes such as armed robbery, rape, gun battles, kidnapping and cold-blooded murder? Let me mention just a few of the changes which I believe have brought about our present situation.

I believe that the younger generation has been fed on the false sense that having money to buy expensive clothes, goods with designer labels, fine cars, and luxury living of every kind, is the be-all and end-all of life. Advertisements shout this message from silver screens, posters and the media. Young people seem not to be taught the value of human kindness, self-sacrifice, economy in the use of materials, or self-restraint. Can we blame the children alone, and not blame ourselves, if money has become their god, and to get it some will now even commit murder? We boast of our free capitalist society, but what have we done to stem the evils that inevitably accompany capitalism when it is allowed to run rampant, and when a show of wealth becomes the goal of life?

Another aspect of life today -- I wonder if children are taught the virtues of family life, and care for the young and the elderly? Do they not rather watch day after day the soap operas on television which teach them that normal family life is jealousy, quarrelling, philandering, adultery and even worse? Small children nowadays see more of the seamy side of life in a few hours' viewing than their parents and grandparents ever heard of in a lifetime. So can we blame the children alone, and not blame ourselves, if they indulge in loose living that we older people never dreamed existed?

I wonder if children nowadays are taught that honesty and truthfulness are virtues to be sought after while dishonesty and lies end up with disgrace? On the contrary, do they not see in real life here that there is toleration of corruption, embezzlement and commercial crime at the highest level of our society? They see young men going to prison for entering Hong Kong illegally to work, while blatant crimes in the commercial sector among the upper crust often bring only light or suspended sentences. Can we blame the children alone and not ourselves, if they conclude that stealing in a big way is less likely to bring heavy punishment than petty crime?

I will not bore Members with further examples of how we have failed to guide our young people, and how little we have done to protect them from the evil that is flaunted before their eyes.

Decades ago, I warned that the days were approaching when the old values would be set aside in the quest for money, prestige, social status, and so-called westernization which in fact only means a licence to do as you wish. Blame our young people if you will, but let us remember that mankind reaps what it sows.

Today we are calling for measures to detect and curb crime. Could we at the same time investigate what we have failed to do for those who are entering crime? Have we provided care for the children of poor parents who must both work and leave their children to their own devices? Have we provided for the special care needed by children of one-parent families? Have we provided education that caters for those who could learn practical skills to equip them for life, or have we driven them to a hatred of study, and an incentive to live by their wits in less productive ways? Have we not glorified vice such as gambling by using its proceeds for social projects to save taxing the wealthy, but have we considered the cost in broken homes, suicides, and the ever-increasing fear of loan-sharks who prey on gamblers' losses? Have we considered the social consequences of families still living like cattle because the cost of land excludes them from renting a place fit to live in? Or have we considered only our economic successes, and closed our eyes to the social disasters that follow? It has been my message for many years that the progress of our economy has not been matched in speed with social progress, bearing in mind especially the needs of young people brought up in a money-grabbing atmosphere. It is my belief that unless economic and social progress go hand in hand at equal pace, this present trend towards crime can only continue. I can only hope that we will act before the situation worsens.

Sir, I support the motion.

SECRETARY FOR SECURITY: Sir, many Members have this afternoon expressed clearly and forcefully their concern, and that of the community, at the recent increase in crime in Hong Kong. The Government recognizes and shares that concern.

Overall crime per 100 000 population increased by over 7% in 1990, violent crime by almost 8%. It will be of little comfort for me to point out that the rate of overall crime is now at the same level as it was in 1980, and rather less than in several years in the early 1980s; and that the rate of violent crime is more than 7% lower than 10 years ago.

The fact is that crime, which had fallen steadily in the mid-1980s, is now once again on the increase. Violent crime in particular has been on an upward trend since 1986. We must reverse that trend.

Overall statistics also do not tell the whole story. There has been a significant increase in certain types of crime which pose a particular threat to public safety, and to law and order in our society. Robberies increased by almost 25% in 1990, and there were twice as many robberies involving the use of genuine firearms as in the previous year; the number of reported cases of blackmail, a large proportion of which were triad-related, rose by over 20%; there was an increase of over 40% in vehicle thefts; and widespread smuggling into China by well organized criminal gangs of cigarettes, stolen vehicles, and electrical and electronic goods.

I should like to concentrate this evening on what is being done to combat crimes involving the use of firearms, car theft, smuggling and organized crime; and of what additional measures we propose to assist the police and the other law enforcement agencies in the fight against these particular crimes. I will also respond to points raised on the adequacy of police manning and equipment.

Firearms

Perhaps the most worrying trend in the past three years has been the rise in the number of crimes, particularly robberies, involving the use of genuine firearms. Many of these weapons are of Chinese origin.

The police are tackling this problem vigorously in a number of ways. First and foremost, the police are targetting their intelligence and operations against the criminal gangs involved in the import and use of firearms in Hong Kong. These operations, many inevitably of a long-term nature, are bearing results. In the past two years, the police have seized almost 200 genuine and converted guns. Secondly, both the police and Customs and Excise Department are stepping up controls and searches at border crossing points. Thirdly, we are to introduce new measures to curb smuggling by speedboat between Hong Kong and China which we believe is one of the ways in which firearms are being imported. I will say more about this later. Finally, we are seeking to strengthen co-operation with China in measures against illegal firearms. There is regular cross-border liaison on this and other law enforcement matters of mutual interest on an operational level; and we have also discussed the problem, and means of combatting it, at a political level both in Guangdong and Peking. There is now a regular exchange of information between the two sides. Both are anxious to develop co-operation further to counter what is a significant problem to both sides.

Car thefts

I should now like to turn to the problem of vehicle theft. The great majority of stolen cars are recovered. But last year saw both a large increase in the number of vehicles stolen, and, equally significant, a reduction from about 85% to 70% in the number subsequently recovered. Some of the vehicles not recovered are cannibalized for spare parts, and some are resold locally. But most are smuggled out of Hong Kong, the main, though not the only, destination being China.

Here again, the problem is being tackled on a number of fronts. The police have stepped up investigations to obtain intelligence about criminal groups engaged in car theft. Based on this intelligence, they have mounted large-scale operations, both on land and at sea, which have resulted in arrests, the recovery of stolen vehicles, and the breaking up of some of the car-theft syndicates.

We have also stepped up publicity on anti-car theft precautions by way of posters, video and APIs. The police have approached the management of car parks to advise on security measures, and increased checks at black spots and at road blocks.

These measures are having some success. There was a large drop in the number

of vehicles reported stolen in December 1990 (some 45% less than in November), and the figure for January this year was also substantially below the numbers for each of the six months from June to November last year. Clearly, however, one of the most effective means of tackling this problem is co-operation with the law enforcement agencies in China and other countries in the region to close off the market for stolen vehicles. To this end, the police are circulating to the Chinese and other countries in the region particulars of stolen vehicles in Hong Kong, including engine and chassis numbers. We are also pressing for the tightening up of procedures for the registration of imported second-hand vehicles, particularly right-hand drive vehicles, and for the return of stolen vehicles.

Smuggling

Closely connected with the problems of firearms and vehicle thefts which I have mentioned is the problem of smuggling between Hong Kong and China, particularly smuggling by speedboat. Between July and December 1990, there were 273 cases in which the law enforcement agencies seized large numbers of television sets, video cassette recorders, air conditioners and refrigerators bound for China. I have already referred to the problem of the smuggling of vehicles. And there is evidence to suggest that at least some of the firearms used in crimes in Hong Kong may have been brought in by speedboat.

Smuggling by high-powered speedboat presents a major law enforcement problem. The speedboats are difficult to intercept safely because of the very high speeds at which they operate and the aggressive tendency of their owners and crew to take risks to defend the considerable gains that can be made. The reckless and dangerous manner in which these vessels are operated has threatened the lives of law enforcement officers; one police officer was killed in 1990 and three injured last month in incidents directly related to speedboats.

In the first half of last year, the main problem was the smuggling of cigarettes. In May 1990, we took measures to stop this smuggling by restricting the issue of export permits for cigarettes. This proved successful, and the smuggling of cigarettes by speedboat has virtually ceased. We also took measures to restrict the export of television sets and video cassette recorders on small boats without a licence, and to prevent the licensing of high-powered speedboats designed for smuggling, by restrictions on engine size and fuel capacity. These measures, I have to say, have had limited effect. Of the 273 cases in the last six months of 1990 which I have

mentioned, only 193 resulted in a successful prosecution; the remainder failed largely because of the difficulty of proving intent to export. And while the basing in Hong Kong of high-powered speedboats used for smuggling has been greatly reduced, many have been removed to bases in China from where they continue to conduct smuggling runs to and from Hong Kong.

We believe that the answer to this problem lies not in high-speed chases at sea, nor in greater use of firearms by the police against smugglers. Such measures are unlikely to be effective, and would simply increase the danger to the marine police. Rather, we believe that the problem needs to be tackled through co-ordinated intelligence based operations on land; new legislation to assist such operations; and increased and more effective co-operation with the Chinese authorities. We shall, therefore, be bringing forward in the next few weeks, additional legislation which:

- (a) will prohibit the carriage of restricted articles such as television sets, videos and motor vehicles on small vessels under 250 tons without a carriage licence issued by the Commissioner of Customs and Excise;
- (b) will create new offences of assisting in the export of unmanifested cargo, or in the carriage of prohibited or restricted articles, and
- (c) will prohibit the construction, modification, or repair of speedboats designed for smuggling purposes.

At the same time, in order to improve the co-ordination of enforcement measures by the various agencies, we will be establishing a dedicated task force under the control of a senior marine police officer. This task force, comprising representatives of the police, military, Customs and Excise Department and others as necessary will co-ordinate operations against smuggling to and from China. It will recommend further legislative or other measures necessary to combat this problem. It will also liaise at an operational level with the Chinese authorities. There is already cross-border co-operation on which the task force can build. The Chinese authorities take regular action against smuggling by speedboat, and we have passed to them details of bases and routes which we believe are being used by speedboats to assist them in enforcement.

Organized crime

I should now like to turn to measures to counter triad and organized crime. We have in recent years on the advice of the Fight Crime Committee introduced a number of new legislative measures to attack organized crime, and to deprive criminal syndicates of the proceeds of crime. The Drug Trafficking (Recovery of Proceeds) Ordinance passed by this Council in July 1989 provides for greater international co-operation against drug trafficking, and means to counter the laundering of drug money and for the confiscation of the proceeds of drug trafficking. The Gambling (Amendment) Ordinance 1990 and the Crimes (Amendment) Ordinance 1990 provided respectively for the more effective enforcement against illegal gambling and vice, areas in which there is widespread organized crime involvement.

We also recognize the need for new legislation to attack organized crime generally, including provision for the confiscation of the proceeds of organized crime. A great deal of research has been conducted into the scope and operation of such legislation overseas, and we are now in the position where we can start drafting of legislation for Hong Kong. It is a very complex piece of legislation, but we are giving top priority to the task, and hope to be able to publish our proposals for public consultation in the form of a White Bill in the summer of this year. The main outline of such a Bill is likely to be:

- (a) the introduction of a new offence for a person to take part in or assist a criminal organization involved in a pattern of criminal activity. A maximum penalty of 25 years' imprisonment is likely to be proposed for this offence;
- (b) a criminal organization will be defined as a group of people who join for the purpose of engaging in a pattern of criminal conduct. A triad society would obviously fit this description as would criminal syndicates which are not triad based or which are only partly triad based;
- (c) a pattern of criminal conduct would be established by the commission of three or more specified offences within 10 years prior to the start of the prosecution. A syndicate engaged in bookmaking, loansharking to customers and assaults as part of the enforcement of the debts of unsuccessful punters would be an example of this;
- (d) there will be provision for the forfeiture of assets similar to the provisions in the Drug Trafficking (Recovery of Proceeds) Ordinance; and
- (e) it will be an offence to "launder" any property of any description intentionally

on behalf of a criminal organization.

Police force

Many Members have expressed their support and appreciation of the work of the police. I am very grateful for this, as, I am sure, will be the police. Some Members have, however, also expressed concern at the adequacy of police manning and equipment. As regards police manpower I would say first of all that I do not believe that recent problems of recruitment stemmed from poor morale in the police force. The indications are that morale in the police force remains high; the police continue to carry out their duties with dedication, determination and courage, which, I believe, is the true measure of morale. Nor has wastage increased. It was about the same in 1990 as in 1989, lower than in the Civil Service as a whole, significantly lower than in most of the private sector. What we have seen in 1990 was a problem of recruitment at the junior police officer (JPO) level, caused primarily by a very tight labour market. The result was that the number of JPOs fell by about 650 in the course of 1990; this, I believe, is evidence that JPO pay and conditions of service had lost their competitive edge. We have taken steps to resolve that problem. The pay award for JPOs announced in September last year has recognized the special responsibilities of the police on the streets.

Despite these problems of recruitment, Hong Kong has one of the highest policemen to population ratios in the world. The police have maintained an adequate presence on the streets through redeployment, civilianization, an on-going programme of automation and introduction of new technology, and increased use of auxiliary policemen. I should also like to assure Members that, by any standards, the Royal Hong Kong Police Force is a well-equipped police force. To give a few examples, we are now nearing completion of a major expansion of the marine police involving the purchase of 60 new boats at a total cost of \$350 million; new technology has been introduced to improve command, control and communications, and to assist criminal intelligence and surveillance operations; and to meet the threat of the increasing use of powerful guns by criminals, new improved bullet-proof vests have been obtained, and arms and ammunition requirements are now being reviewed.

Conclusion

I said at the beginning of this speech that we must reverse the present trend of an increasing crime rate. We intend to do so by means of stepped up police

operations; by the introduction of new legislation; and by increased co-operation with China which is also concerned to take effective action to counter cross-border criminal activities. There are already some encouraging signs. Both overall crime and violent crime fell in the last quarter of 1990; December 1990 in particular saw a marked decrease in crime.

If this initial success is to be sustained, public co-operation in the fight against crime is crucial. This has been one of the main aims of the Fight Crime Committee. And I should here like to pay tribute to those members of our community who have given so much of their time over many years to the important work of the central and district Fight Crime Committees. I believe their efforts have borne fruit. Regular surveys show that the public is twice as likely to report crime as 10 years ago. This is an encouraging trend, and one on which we should strive to build and improve.

We have in this debate concentrated largely on the shortcomings and the failures. We should remember also the successes. We have seen a reduction in many forms of crime in recent years. Crime by juveniles and young persons dropped by over 5% in 1990. And at least part of the increase in crime last year was due to a much higher number of arrests for preventive crime, that is, for offences such as possession of weapons where police action effectively prevented the carrying through of criminal acts.

One of Hong Kong's great assets and an important factor underlying its economic success is that it remains a safe city, by any comparison with cities of comparable size, not only in North America or Europe, but also within the region, including Tokyo or Singapore. We are determined that it should remain so.

Sir, I support the motion.

Question on the motion put and agreed to.

Adjournment and next sitting

MEMBER PRESIDING: This is the last sitting of the Council before the Chinese New Year break. Before I adjourn the Council, may I wish all Members a very happy, prosperous and peaceful Year of Ram. In accordance with Standing Orders I now adjourn

the Council until 2.30 pm on Wednesday 27 February 1991.

Adjourned accordingly at nine minutes past Eight o'clock.

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