

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 20th December 1967****PRESENT**

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR DAVID CLIVE CROSBIE TRENCH, KCMG, MC
THE HONOURABLE THE ATTORNEY GENERAL
MR DENYS TUDOR EMIL ROBERTS, QBE, QC
THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS (*Acting*)
MR PAUL TSUI KA-CHEUNG, MBE
THE HONOURABLE THE FINANCIAL SECRETARY
MR JOHN JAMES COWPERTHWAITTE, CMG, QBE
THE HONOURABLE ALEC MICHAEL JOHN WRIGHT, CMG
DIRECTOR OF PUBLIC WORKS
DR THE HONOURABLE TENG PIN-HUI, CMG, QBE
DIRECTOR OF MEDICAL AND HEALTH SERVICES
THE HONOURABLE WILLIAM DAVID GREGG
DIRECTOR OF EDUCATION
THE HONOURABLE ROBERT MARSHALL HETHERINGTON, DFC
COMMISSIONER OF LABOUR
THE HONOURABLE ALASTAIR TODD
DIRECTOR OF SOCIAL WELFARE
THE HONOURABLE TERENCE DARE SORBY
DIRECTOR OF COMMERCE AND INDUSTRY
THE HONOURABLE GEOFFREY MARSH TINGLE
DIRECTOR OF URBAN SERVICES
THE HONOURABLE KENNETH STRATHMORE KINGHORN
DISTRICT COMMISSIONER, NEW TERRITORIES
THE HONOURABLE DHUN JEHANGIR RUTTONJEE, CBE
THE HONOURABLE KAN YUET-KEUNG, CBE
THE HONOURABLE FUNG HON-CHU, QBE
THE HONOURABLE TANG PING-YUAN, OBE
THE HONOURABLE KENNETH ALBERT WATSON, OBE
THE HONOURABLE WOO PAK-CHUEN, OBE
THE HONOURABLE GEORGE RONALD ROSS
THE HONOURABLE SZETO WAI, OBE
THE HONOURABLE WILFRED WONG SIEN-BING, OBE
THE HONOURABLE JAMES DICKSON LEACH, OBE
DR THE HONOURABLE CHUNG SZE-YUEN
THE HONOURABLE DANIEL LAM SEE-HIN
THE HONOURABLE WILSON WANG TZE-SAM

ABSENT

THE HONOURABLE THE COLONIAL SECRETARY (*Acting*)
MR DAVID RONALD HOLMES, CBE, MC, ED

IN ATTENDANCE

THE DEPUTY CLERK OF COUNCILS
MR DONALD BARTON

MINUTES

The minutes of the meeting of the Council held on 29th November were confirmed

AFFIRMATION

MR WILSON WANG TZE-SAM made an Affirmation of Allegiance and assumed his seat as Member of the Council.

HIS EXCELLENCY THE GOVERNOR:—May I welcome Mr WANG to this Council.

PAPERS

THE ATTORNEY GENERAL, by Command of His Excellency the Governor, laid upon the table the following papers:—

<i>Subject</i>	<i>LN</i>
<i>No</i>	
Subsidiary Legislation:—	
Road Traffic Ordinance.	
Road Traffic (International Circulation) (Amendment) Regulations 1967	186
Emergency Regulations Ordinance.	
Emergency (Prevention of Intimidation) Regulations 1967 (Revocation) Order 1967	187
Dogs and Cats Ordinance.	
Dogs and Cats (Amendment) Regulations 1967	190
Dogs and Cats Ordinance.	
Dogs and Cats (Inoculation Fees and Observation and Quarantine Fees) (Cancellation) Notice 1967	191
Dogs and Cats (Amendment) Ordinance 1967.	
Dogs and Cats (Amendment) Ordinance 1967 (Commencement) Notice 1967	192
Dogs and Cats Ordinance.	
Dogs and Cats (Fees) Order 1967	193
Importation (Coffee) Regulations.	
Importation (Coffee) Regulations (Amendment of First Schedule) (No 3) Order 1967	194
Telecommunication Ordinance.	
Telecommunication (Amendment) (No 2) Regulations 1967	195

<i>Subject</i>	<i>LN No</i>
Telecommunication Ordinance.	
Telecommunication Exemption (Rediffusion Television Subscribers) Order 1967	196
Lion Rock Tunnel Ordinance 1967.	
Lion Rock Tunnel Regulations 1967	197
Juvenile Offenders Ordinance.	
Juvenile Courts (Orders of 1933 and 1934) (Cancellation) Order 1967	198
Drug Addicts Treatment and Rehabilitation Ordinance.	
Drug Addicts Treatment and Rehabilitation (Amendment) Regulations 1967	199
Drug Addicts Treatment and Rehabilitation (Amendment) Ordinance 1967.	
Drug Addicts Treatment and Rehabilitation (Amendment) Ordinance 1967(Commencement) Notice 1967	200
Exportation (Cotton Manufactures) Regulations.	
Exportation (Cotton Manufactures) (Amendment of Schedule) Order 1967	201
Importation (Coffee) Regulations.	
Importation (Coffee) Regulations (Amendment of First Schedule) (No 4) Order 1967	202
Sessional Papers 1967:—	
No 30—Annual Report by the Director of Fire Services for the year 1966-67.	
No 31—Annual Report by the Commissioner for Resettlement for the year 1966-67.	
No 32—Annual Report by the Director, Royal Observatory for the year 1966-67.	
No 33—Annual Report by the Director of Education for the year 1966-67.	
Reports:—	
Report of the Housing Board for the period 1.4.66 to 31.3.67.	
Report of the Brewin Trust Fund Committee on the Administration of the Brewin Trust Fund for the year ended 30.6.67.	
Accounts and Statements of the Grantham Scholarships Fund for the year ended 31.8.67.	

He said:—Amongst the papers tabled is the report of the Housing Board for the period 1st April 1966 to 31st March 1967. The Urban Council, the Housing Authority and the Housing Society are being consulted on those proposals in the report which are of particular concern to them. These proposals are for a change in the balance of the resettlement and Government Low Cost Housing building programmes, for the Housing Authority and Housing Society building programmes to continue on a self-financing basis and for investigations to be made into the possibility of the early conversion of Mark I and II Resettlement blocks into blocks of self-contained flats. As soon as the views of the Urban Council, the Housing Authority and the Housing Society on these proposals can be obtained, it is proposed to seek the advice of the Executive Council and subsequently the Finance Committee of this Council on the Board's proposals.

I would like to take this opportunity, on behalf of the Government, of thanking the Chairman and Members of the Housing Board for the most valuable advice contained in this report. The present report is particularly welcome since it contains a general review of the overall balance of the various different kinds of housing, public, public-aided and private.

QUESTION

MR WILFRED WONG SIEN-BING, pursuant to notice, asked the following question:—

Will Government inform us as to the progress which has been made in the drafting of legislation concerning the Urban Council's statutory duty in providing for the right of the Urban Services Department staff to go into and clean the communal parts of the multi-storey buildings in all cases where there is no effective scheme for voluntary management and where it constitutes a menace to public health?

MR G. M TINGLE replied as follows: —

He said: —Your Excellency, the Urban Services Department has powers, under existing legislation, to enter any building in which nuisances exist and, under section 127 sub-section 2 of the Public Health and Urban Services Ordinance, where the person causing a nuisance cannot be found, the department may abate the nuisance, and may do what is necessary to prevent its recurrence. In all cases it is necessary for a medical officer of health to certify that the nuisance is resulting in a menace to public health, before staff are sent in to abate it.

No legislation is contemplated which would enable staff of the Urban Services Department to clean the communal parts of multi-storey buildings in circumstances other than the foregoing.

It has been suggested that Government should assume the task of cleansing the communal parts of multi-storey buildings as, in many instances, the owners themselves are conspicuously unwilling to perform this elementary duty of private ownership or collective responsibility. The advocates of this course propose, either, that the owners of the various units of accommodation in the building should be charged for a cleansing service operated by the Government, or that it should be provided free, in consideration of the rates paid by the occupants of the building. Concerning the first, it was estimated some time ago that the cost to Government involved in the public cleansing of the communal areas of these buildings would be approximately \$6 million a year. Quite apart from the problem of *apportioning* this sum amongst the thousands of individual owners involved, there would be the added difficulty of *collection* from these same thousands of owners, some of whom are non-residents. Under such conditions it is reasonable to assume that collection costs would also be high (because of the need to trace owners in some cases, and to prosecute others for non-payment) and that, inevitably, some costs would have to be written off as a loss to the public purse. As for the argument that the cost of cleansing these communal areas should be a charge against the rates, rates in Hong Kong were levied, historically, to provide funds for the provision of services which were necessary for the security and physical well-being of the community, and which could not be organized effectively by the individual citizen. I can find no justification, either by reference to the past, or by application to existing conditions in the Colony, for assuming that rates covered, or should cover, the provision of services which are within the capacity and in the interests of the landlord or tenant to provide. It is clearly the responsibility of the State or local Government to provide a body of law, and a service on the ground, which will ensure the health of the general public. It must also ensure by adequate powers of entry and enforcement that the negligence, irresponsibility or ignorance of private property owners and/or occupiers does not endanger the health of the citizen. These powers are already covered by existing law, and I would suggest that, in present circumstances, they are adequate.

MR WILFRED S. B. WONG said:—Thank you, Sir. May I ask a supplementary question? Will the Director of Urban Services consider that in the event of public corridors of multi-storey buildings repeatedly constituting a menace to public health, to recommend legislation that will enable the cost of cleansing to be borne by the owners of such buildings?

MR G. M. TINGLE replied:—It is necessary first, Sir, to consider the question of what constitutes a menace to public health. As I pointed out in my written reply, a medical officer of health must

first certify that such and such an occurrence is a menace to health. I have in mind such an occurrence as a blocked drain. This kind of thing happens sporadically, and it is not in the same category as the corridors, lift-shafts and other communal parts of multi-storey buildings which may become daily more and more neglected or dirty through litter and the like. I have indicated in my reply the practical difficulties in the way of the institution of what would amount to a Government-operated daily, or twice-weekly, or weekly domestic cleansing service. I would, therefore, not wish to proceed in the sense indicated by my honourable Friend until we have had the opportunity to consider the effects of legislation which is now in draft form and nearing completion, the object of this legislation being to strengthen *voluntary* management committees in multi-storey buildings and enable them to deal with recalcitrant owners or occupiers.

DEFENCE REGULATIONS (CONTINUATION) ORDINANCE

CHAPTER 309

THE ATTORNEY GENERAL moved the following resolution:—

Resolved, pursuant to section 6 of the Defence Regulations (Continuation) Ordinance Chapter 309, that the duration of the said Ordinance be extended for the term of one year with effect from 1st January 1968.

He said:—Sir, this Ordinance keeps in force a number of defence and finance regulations, which are still considered necessary, particularly for exchange control and import and export licences and I therefore move accordingly.

THE SECRETARY FOR CHINESE AFFAIRS seconded.

The question was put and agreed to.

SOCIETIES ORDINANCE CHAPTER 151

THE ATTORNEY GENERAL moved the following resolution:—

Resolved, pursuant to section 42 of the Societies Ordinance Chapter 151, that the duration of the said Ordinance be extended for the term of one year with effect from 1st January 1968.

He said:—Sir, this Ordinance confers on the Commissioner of Police powers which control the activities of societies in the Colony. In particular, it is this Ordinance which is relied upon to curb the activities of triad societies and unlawful and undesirable societies generally.

It is the Government's view that this legislation is still necessary for the maintenance of order and accordingly I move this resolution.

THE SECRETARY FOR CHINESE AFFAIRS seconded.

The question was put and agreed to.

COMPANIES (PREVENTION OF EVASION OF THE SOCIETIES ORDINANCE) ORDINANCE CHAPTER 312

THE ATTORNEY GENERAL moved the following resolution:—

Resolved, pursuant to section 16 of the Companies (Prevention of Evasion of the Societies Ordinance) Ordinance Chapter 312, that the duration of the said Ordinance be extended for the term of one year with effect from 1st January 1968.

He said:—Sir, this Ordinance prevents persons who associate together for undesirable purposes from evading the provisions of the Societies Ordinance by registering themselves under the Companies Ordinance. This Ordinance is needed as long as the Societies Ordinance is needed, and I therefore move that its life also should be extended for a further year.

THE SECRETARY FOR CHINESE AFFAIRS seconded.

The question was put and agreed to.

INLAND REVENUE ORDINANCE

THE FINANCIAL SECRETARY moved the following resolution: —

Resolved, pursuant to section 85 of the Inland Revenue Ordinance, that the Inland Revenue (Amendment) Rules 1967, made by the Board of Inland Revenue on the 23rd day of November 1967, under section 85 of that Ordinance, be approved.

He said:—Sir, the effect of the Inland Revenue (Amendment) Rules 1967, for which covering approval by resolution of the Legislative Council is now being sought, is to alter the rates of depreciation prescribed for ascertaining the initial and annual allowances to be made for certain machinery and plant when calculating profits for tax purposes.

For sulphuric and nitric acid plant, the Rules increase the rate of depreciation from 15% to 25% in consequence of representations from the chemical industry that the old rate was unreasonably low in relation to actual wear and tear. For steel ships and tankers, the old rate of

5% applied to both these categories but the new rates differentiate between them, increasing the rate for steel ships to 6% and allowing a slightly higher rate of 7% for tankers because of their generally shorter useful lives.

No specific rate existed before for the electronics industry but item 24 of the Rules made reference to Electric data equipment. This was a typographical error and should have read Electronic data equipment. The opportunity has been taken to correct this error and, at the same time, to specify electronics manufacturing machinery and plant at the unaltered rate of 20% which applied to Electric data equipment.

The amendment to item 58 by the insertion of the word “spinning” is included at the request of the spinning section of the textile industry which has expressed fears that the absence of a specific mention of spinning might lead to an argument over the appropriate rate. The amendment makes the position clear.

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

SUPPLEMENTARY PROVISIONS FOR THE QUARTER ENDED 30TH SEPTEMBER 1967

THE FINANCIAL SECRETARY moved the following resolution: —

Resolved that the Supplementary Provisions for the Quarter ended 30th September 1967, as set out in Schedule No 2 of 1967/68, be approved.

He said:—Sir, the Schedule for supplementary appropriations for the 1967/68 financial year covers provision totalling \$42.5 million. Of this sum \$19 million was required for Public Work Non-Recurrent mainly as a result of accelerated progress in a wide range of capital works. \$4.5 million was needed for maintenance of Service Works, a function taken over on 1st July by the Public Works Department from the Ministry of Public Buildings and Works for which only a very tentative figure had previously been voted. A further \$4.9 million was provided to meet the cost of staff taken over from the Ministry under the same Arrangement. There will be a substantial part-reimbursement of these two items of expenditure by Her Majesty's Government under the Defence Costs Arrangement. \$2.5 million was voted to cover the cost of a re-organization in the Police Force.

Direct expenditure arising from the disturbances is not included in the schedule. It amounts to some \$27 million. This has been debited to an advance account which it is hoped to clear at an early date.

All the items in the Schedule have been approved by Finance Committee and the covering approval of this Council is now sought.

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

ILLEGAL STRIKES AND LOCK-OUTS ORDINANCE CHAPTER 61

MR R. M. HETHERINGTON moved the following resolution: —

Resolved, pursuant to section 8 of the Illegal Strikes and Lock-outs Ordinance Chapter 61, that the duration of the said Ordinance be extended for the term of one year with effect from 1st January 1968.

He said:—Sir, the Illegal Strikes and Lock-outs Ordinance has been in existence in one form or another for over forty years. The original Ordinance of 1927 rendered illegal strikes and lock-outs having objectives other than the furtherance of a trade dispute and being designed to coerce the Government. It also made it an offence wilfully to break contracts of service resulting in the public being deprived of certain essential services or in life or valuable property being endangered. Additionally, it provided for the promotion of the independence of trade unions in Hong Kong.

The Trade Unions and Trade Disputes Ordinance, 1948, repealed the 1927 Ordinance but the provisions of that Ordinance relating to illegal strikes and lock-outs and the breaking of contracts of service, the consequences of which may be injurious to the public, were not reproduced. In 1949, a new Illegal Strikes and Lock-outs Ordinance was passed. This Ordinance re-enacted provisions omitted in 1948 but included a proviso that the duration of the new Ordinance should be limited and could be extended only by a resolution of the Legislative Council for periods of not more than one year at any one time. Accordingly, since 1949, a resolution has been moved in this Council annually to extend the duration of this Ordinance.

Many of the provisions of the Illegal Strikes and Lock-outs Ordinance, which does not seek to make illegal strikes or lock-outs which take place in furtherance of a trade dispute, are incorporated in the permanent legislation of other territories. The question of reviewing and making permanent these provisions has been under consideration for many years and has been examined at least annually. They raise complex considerations and I confess that little progress has been made in resolving the problems which these considerations throw up. They are, very briefly, the balancing of the protection of the public interest

from strikes and lock-outs of a coercive nature in services where a stoppage of work would have an immediate and serious effect upon the life and health of the community against the protection of the interests of those involved in genuine trade disputes in these services.

It is the intention of Government in the coming year to prepare permanent legislation which will provide a fair and practicable solution to this conflict of interests. I hope that this aim can be achieved so that it will not be necessary in future to seek the approval of this Council for further annual extensions of this Ordinance.

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

UNIVERSITY (AMENDMENT) BILL 1968

THE ATTORNEY GENERAL moved the First reading of: —“A Bill to amend further the University Ordinance.”

He said:—Sir, the amendments to be made by the Bill before Council are mostly of a minor nature, though clause 7 provides for a change which is a significant step in the development of the University of Hong Kong. This clause will make it possible, for you Sir, in your capacity as Chancellor, to appoint a Pro-Chancellor, who would be able to act in your stead on certain occasions. The powers and duties of the Pro-Chancellor will be prescribed by Your Excellency in the University Statutes and I believe it is your intention to provide that the Pro-Chancellor shall be able to preside at congregations and confer degrees.

The office of Pro-Chancellor is to be found in many Universities in the Commonwealth and it is felt that, with the substantial expansion which has taken place in the University and its activities over the past few years, it would now be appropriate to introduce the necessary legislation to permit the appointment of a Pro-Chancellor, in order to afford you some relief in the exercise of your office.

A number of other minor amendments to the Ordinance are also proposed. Clause 2 would insert the words “of Hong Kong” after “University” in the Short Title of the Ordinance. This is necessary as a result of the creation of The Chinese University of Hong Kong, to make it clear to which University the principal Ordinance relates. The purposes of the other clauses are fully explained in the Objects and Reasons.

The initiative for this Bill has come from the University itself and all these amendments have been suggested by the University Council.

THE SECRETARY FOR CHINESE AFFAIRS seconded.

The question was put and agreed to.

The Bill was read a First time.

Objects and Reasons

The “Objects and Reasons” for the Bill were stated as follows:—

This Bill proposes certain amendments to the University Ordinance (Cap. 1053).

The words “of Hong Kong” are included in the title of the Ordinance, in view of the existence since 1963 of The Chinese University of Hong Kong (clause 2).

The office of Pro-Chancellor of the University, who assists the Chancellor in the discharge of his functions, is created by clause 7(a) and (b).

References to the Institute of Oriental Studies are removed from the principal Ordinance, as the University is about to merge the Institute with other divisions of studies (clauses 3(b) and 6).

Clause 7(c) seeks to make it clear that the fact, if an officer ceases to be designated as such by the statutes, the person then holding the office concerned will still enjoy the protection, with respect to the termination of his appointment, conferred by section 12(5).

Clause 4 provides that the acquisition of land under section 4 will be subject to the provisions of the Charities (Land Acquisition) Ordinance.

Clause 8 introduces a saving clause in the usual form included in Ordinances of this nature.

TELECOMMUNICATION (AMENDMENT) BILL 1968

THE ATTORNEY GENERAL moved the First reading of:—“A Bill to amend further the Telecommunication Ordinance.”

He said:—Sir, this Bill has two purposes. Firstly, it seeks to exempt wireless receiving sets, and any material or component parts of such apparatus, from the licensing provisions of the Telecommunication Ordinance. This is consequential upon the abolition earlier this year of the licence fee for wireless receivers. Secondly, it would make it an offence to sell, or publish for reward, any information received on a wireless set. This provision was formerly contained in the conditions

attached to a wireless receiving set licence and, with the abolition of such licences, it is thought desirable to retain this prohibition by inserting it as a new section 23A in the principal Ordinance.

THE SECRETARY FOR CHINESE AFFAIRS seconded.

The question was put and agreed to.

The Bill was read a First time.

Objects and Reasons

The “Objects and Reasons” for the Bill were stated as follows:—

- (a) to exempt sound broadcasting receiving apparatus and any material or component parts of such apparatus from the licensing provisions of the Telecommunication Ordinance;
- (b) to make it an offence to sell, offer for sale, publish or reproduce for reward any information received on a sound broadcasting receiving apparatus.

Hitherto a condition was contained in broadcast, hotel, club or restaurant receiving licences to prohibit the licensee from disclosing any information unintentionally received on a wireless receiving apparatus. Now that these licences for sound broadcasting receiving apparatus are being abolished it is considered that a sanction should be available against any person who seeks to sell information received by him or by any other person on a sound broadcasting receiving apparatus. The proposed section 23A contained in clause 4 seeks to provide accordingly.

MENTAL HEALTH (AMENDMENT) BILL 1968

THE ATTORNEY GENERAL moved the First reading of: —“A Bill to amend the Mental Health Ordinance.”

He said: —Sir, this Bill deals with some aspects of the procedure to be adopted where a person, who appears to be mentally disordered, is charged with an offence.

By the present subsection (1) of section 51 of the Mental Health Ordinance, the court may remand a defendant to a mental hospital for observation, investigation and treatment for up to fourteen days, which may be extended to a maximum of forty-two days.

It would, however, be more convenient in some cases to remand defendants for examination at the Psychiatric Observation Unit of the

Victoria Remand Prison, where full facilities are available for the psychiatric investigation of adult prisoners, rather than to send them to Castle Peak Mental Hospital. Similarly, it would be more convenient to remand juvenile offenders under sixteen to a remand home and those over sixteen years but under twenty-one years to a training centre for psychiatric examination, instead of sending them to a mental hospital.

Clauses 2 and 3 of the Bill therefore provide accordingly.

Under paragraph (b) of the proposed new section 51(1), a person remanded to a prison, training centre or place of detention for observation, investigation and treatment may be removed in the custody of an officer of the Prisons Department or the Social Welfare Department, where appropriate, to a Government Psychiatric Clinic for that purpose.

The new paragraphs (c) and (d) apply the Training Centres Ordinance and the Remand Home Rules, respectively, to young persons remanded to a training centre or a place of detention for observation.

Paragraph (a) of the new subsection (1A) of section 51 empowers a court to admit a person to bail, instead of remanding him in custody for observation. Where this is done, it shall be a condition of the recognizance under which the prisoner is admitted to bail that he shall undergo observation by a Government medical officer at a mental hospital or a Government Psychiatric Clinic or by a suitably qualified medical practitioner.

Paragraph (c) provides that it may be a condition of the recognizance that a person may 'be required by the examining medical officer or medical practitioner to reside in a mental hospital.

Paragraph (d) provides formally for the admission into a mental hospital of persons who are admitted to bail for the purposes of observation, investigation and treatment.

Paragraph (e) provides for the issue of a warrant and the enforcement of recognizances where a person admitted to bail under this subsection fails to comply with any condition of the recognizances.

THE SECRETARY FOR CHINESE AFFAIRS seconded.

The question was put and agreed to.

The Bill was read a First time.

Objects and Reasons

The "Objects and Reasons" for the Bill were stated as follows: —

The purpose of this Bill is to amend section 51 of the Mental Health Ordinance so as to authorize a court or magistrate to remand an accused person, who appears to be mentally disordered,

to a mental hospital or to a prison, a training centre or a place of detention for observation, investigation and treatment (subsection 1). A person remanded to a prison, a training centre or a place of detention for this purpose may be removed in custody therefrom to attend a mental hospital or Government psychiatric clinic for observation, investigation and treatment. The Training Centres Ordinance and Training Centres Regulations or the Remand Home Rules, as appropriate will apply to young persons between the ages of sixteen and twenty-one years and the Remand Home Rules will apply to persons remanded to a training centre or a place of detention for this purpose.

The proposed new subsection (1A) authorizes a court or magistrate, in lieu of remanding the person under subclause (1), to admit him to bail (paragraph *(a)*). It shall be a condition of the recognizance in such a case that the person shall undergo observation, investigation and treatment by a medical officer at a specified mental hospital or Government psychiatric clinic or by a specified suitably qualified medical practitioner (paragraph *(b)*).

It may be a condition of the recognizance that the person shall reside at a mental hospital during the period of bail, if he is required to do so by the examining medical officer or medical practitioner (paragraph *(c)*).

Where arrangements are made for the reception in a mental hospital of a person under section 51, he may be admitted to the mental hospital notwithstanding any other provision of the principal Ordinance (paragraph *(d)*).

On the breach of any condition of the recognizance under which a person is admitted to bail under subsection (1A) the court or magistrate may issue a warrant for the apprehension of the person and enforce the recognizance (paragraph *(e)*).

SUMMARY OFFENCES (AMENDMENT) BILL 1968

THE ATTORNEY GENERAL moved the First reading of: —“A Bill to amend the Summary Offences Ordinance.”

He said: —Sir, this Bill seeks to deal with touting.

The police and the Hong Kong Tourist Association have received many complaints in recent years about pestering of tourists, and to a lesser extent of residents, by touts.

Sometimes it has been possible to charge a tout with obstruction, but not often. Infrequently, a charge of conduct likely to cause a breach of the peace is possible. But there is really no appropriate criminal sanction to deal with what is essentially an annoyance or nuisance.

The proposed new section 6A of the Summary Offences Ordinance makes it an offence to tout in a public place in such a way as to annoy or to be likely to annoy another person. The section is drawn in this way, so as to make it unnecessary to call the member of the public to say that he was actually annoyed. This is because many of the victims will be visitors, who may well not be available in the Colony to give evidence when the case comes on for trial, so that it will be necessary to rely on the evidence of a third person who can describe what the accused did and said. It would then be open to the court to infer that the accused's conduct was likely to annoy.

I suggest that the impression which visitors gain of Hong Kong is not improved if they are bothered by touts and I commend this minor measure to honourable Members.

THE SECRETARY FOR CHINESE AFFAIRS seconded.

The question was put and agreed to.

The Bill was read a First time.

Objects and Reasons

The "Objects and Reasons" for the Bill were stated as follows: —

This Bill makes it a summary offence to tout in a public place so as to annoy, or be likely to annoy, any person.

LAW REVISION (MISCELLANEOUS REPEALS) BILL 1968

THE ATTORNEY GENERAL moved the First reading of:—"A Bill to repeal certain Ordinances."

He said:—Sir, this Bill seeks to repeal six obsolete Ordinances, all of which were enacted shortly after the end of the war.

The first, third and fifth Ordinances listed in the Schedule to the Bill are concerned with the distribution of Japanese and German property, all of which was finally dealt with some time ago.

The second and fourth items were designed to assist in the reconstruction of the trade marks registry, the records of which were destroyed during the Japanese occupation.

The sixth item provided for actions concerned with land transactions occurring during the occupation to be heard by the District Court, which has been given this jurisdiction by another Ordinance.

All these Ordinances, therefore, have had their effect and can safely be repealed.

THE SECRETARY FOR CHINESE AFFAIRS Seconded.

The question was put and agreed to.

The Bill was read a First time.

Objects and Reasons

The “Objects and Reasons” for the Bill were stated as follows: —

The object of this Bill is to repeal certain Ordinances (specified in the Schedule) which have expired or have had their effect.

MAGISTRATES (AMENDMENT) BILL 1968

THE ATTORNEY GENERAL moved the First reading of:—“A Bill to amend further the Magistrates Ordinance.”

He said:—Sir, the purpose of this Bill is to amend the law with regard to the attendance of witnesses before a magistrate and the extension of time for appeals from magistrates’ courts.

As the law now stands, a magistrate may issue a warrant of arrest against a person who has failed to appear as required by a witness summons only if his evidence is still required. Furthermore, a magistrate has no power to punish a defaulting witness.

Clause 2 of the Bill will enable a magistrate to issue a warrant of arrest against a defaulting witness whether or not his evidence is still required, and to impose a fine of up to five hundred dollars for his failure to obey the witness summons. These provisions are considered necessary in view of the large number of cases in which witnesses fail to appear in answer to a witness summons.

Clause 2 also provides for the increase of the maximum fine which a magistrate may impose upon a witness who refuses to be sworn or to answer questions put to him from twenty to five hundred dollars. This figure of twenty dollars has not been altered since the Ordinance was enacted in 1932.

Clauses 3 and 4 extend the time allowed for filing a notice of appeal from a magistrate’s decision 14 days after conviction or within such further period as a judge or magistrate may allow on good cause being shown. At present an appellant must file notice of appeal within 10 days and no extension of this time is possible. This has led to hardship in some cases and the new provisions, which are based on current English law, are designed to remedy this.

Clause 3 also contains minor amendments which are consequential upon the new provision for allowing notices of appeal to be filed out of time.

THE SECRETARY FOR CHINESE AFFAIRS seconded.

The question was put and agreed to.

The Bill was read a First time.

Objects and Reasons

The “Objects and Reasons” for the Bill were stated as follows: —

The object of clause 2 of this Bill is to enable a magistrate to punish, by a fine not exceeding five hundred dollars, a person who, without reasonable excuse, refuses or neglects to appear in answer to a witness summons, whether or not his evidence is still required. This provision is considered desirable in view of the large number of oases in which witnesses fail to appear, and especially in view of the fact that, in cases where the complaint or information is dismissed for lack of evidence, no action can at present be taken against the defaulting witness.

2. Clause 2 further seeks to increase the maximum fine for a person who refuses to be sworn or to answer questions from twenty dollars to five hundred dollars.

3. Clauses 3 and 4 seek to extend the time limit for an appeal from a magistrate’s decision from ten days to fourteen days and to provide for the extension of such time by the courts in particular cases on good cause being shown. The provisions for the extension of time by the courts are broadly based on the present English law. Experience has shown that it is most desirable that similar provision should be made in Hong Kong.

JUVENILE OFFENDERS (AMENDMENT) BILL 1968

THE ATTORNEY GENERAL moved the First reading of:—“A Bill to amend further the Juvenile Offenders Ordinance.”

He said:—Sir, this Bill is no more than a tidying up measure.

Subsection (1) of section 3 of the Juvenile Offenders Ordinance provides that charges against children and young persons shall, except in the Supreme Court, be heard in a juvenile court, that is to say, a different room or building from that in which ordinary sittings of the court take place.

This general provision, establishing juvenile courts, makes unnecessary subsections (5) and (6) of section 3 which gave the Governor in Council power to constitute juvenile courts by order, and this Bill accordingly seeks to repeal these unnecessary subsections.

THE SECRETARY FOR CHINESE AFFAIRS seconded.

The question was put and agreed to.

The Bill was read a First time.

Objects and Reasons

The “Objects and Reasons” for the Bill were stated as follows: —

This Bill seeks to repeal subsections (5) and (6) of section 3 of the principal Ordinance relating to the establishment of juvenile courts by order of the Governor in Council. There is, however, no need for juvenile courts to be formally constituted in this way because, in subsection (1) of that section it is provided that any court (other than the Supreme Court) hearing a charge against a child or young person shall be a juvenile court unless there is an adult co-defendant. Subsections (5) and (6) therefore are unnecessary and may be repealed.

SECRETARY OF STATE FOR DEFENCE (SUCCESSION TO PROPERTY) BILL 1967

THE ATTORNEY GENERAL moved the Second reading of:—“A Bill to make such provision as is necessary in consequence of the Defence (Transfer of Functions) Act 1964.”

THE SECRETARY FOR CHINESE AFFAIRS seconded.

The question was put and agreed to.

The Bill was read the Second time.

Council then went into Committee to consider the Bill clause by clause.

Clauses 1 to 4 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Bill before Council had passed through Committee without amendment and moved the Third reading.

THE SECRETARY FOR CHINESE AFFAIRS seconded.

The question was put and agreed to.

The Bill was read the Third time and passed.

ADJOURNMENT

THE ATTORNEY GENERAL moved the adjournment.

THE SECRETARY FOR CHINESE AFFAIRS seconded.

MR TANG PING-YUEN addressed the Council.

He said:—Your Excellency, the problem of water is of long-term importance and public concern. It will be recalled that not long ago in the last summer, supply had to be drastically cut to four hours every fourth day; and in 1963, we suffered a much more protracted and painful experience of severe shortage and four-hour supply every fourth day.

Repeated water crises such as these not only seriously affected our industry—particularly the finishing and dyeing industry and the food and beverage industry. They also handicapped our tourist trade; brought public hardship and hazards to health. In an industrial and tourist centre such as Hong Kong, even moderate restrictions in the supply of this prime necessity of life would have detrimental effects— socially, economically, politically and hygienically.

I know that Government has done much and is continuing its efforts to improve the situation in anticipation of the increasing demands. The raising of the Plover Cove Dam and the examination into possible sites for additional reservoirs are all necessary measures. Still, this may not be enough, considering that even with an adequate overall storage capacity, we would remain extremely dependent on rainfall. It is essential for us to assure a regular, full 24-hour supply without placing too much reliance on nature or on external sources.

The science and technology of desalination has made impressive strides over the recent years. If I have been informed correctly, there is now a building block type of installation which can be applied to desalination plants, whereby, subsequent to initial installation, capacity may with no great limitation be successively added to if and when required. Thus it affords a degree of flexibility. There is, I understand, an increasing number of communities in various parts of the world which have installed, or are going to install, desalination plants. This would seem to indicate that the cost may not be too unreasonable.

If the cost of desalting sea water is high relative to that of conventional methods, it should, on the other hand, be weighed against the

cost of importing water by tankers during severe water shortages. A recent study into the latter alternative has indicated that the importation of a mere 15 million gallons per day would cost \$45 million per month.

Sir, Government must be commended for having initiated a study into the feasibility of desalination. I should like to urge, however, that the completion of this investigatory phase should be expedited as much as possible.

Upon desalination being ascertained as feasible, Government should consider adopting, without further delay, a policy for a certain portion, say 20%, of our needs to be met by this method. It would supplement the development of additional reservoirs, the possible sites for which are nearly exhausted. It would at the same time allow us a margin of insurance, a safeguard, against shortage of rainfall or other causes. The additional cost that we may have to bear can well be regarded as paying the premium necessary for taking out an insurance cover.

It seems that there is an important time element in this. As desalination requires, or is linked with, electricity generation, the coordination measures to be taken in conjunction with the Power Companies would be best taken in time for the project to fit into the expansion schemes currently being undertaken by these power companies.

MR P. C. Woo said:—Your Excellency, I share my honourable Friend's anxiety and I agree entirely with him. We should now look into the question of our water problem including, of course, the question of desalination so that we may not face again the situation which we were in 1963 and in this summer.

Sir, I support the motion.

MR A. M. J. WRIGHT replied as follows: —

He said: —Your Excellency, before I comment on the points raised by my honourable Friend I think it would be of value if I describe briefly some of the factors which have affected the development of our water resources since our first reservoir was completed at Pok Ful Lam in 1863.

Hong Kong possesses no rivers able to provide a perennial supply of water and 80% of our rainfall falls between May 1st and September 30th; even then the pattern is so uncertain that during these five months it is by no means uncommon for severe and prolonged droughts to occur. With no rivers and no natural lakes we have had to develop a system of impounding reservoirs which, if we are to avoid recurrent shortages, must store sufficient water not only to tide over the dry winter months but also guard against the late onset of the summer rains or, as happened in 1963, the virtual absence of heavy rain throughout the whole year.

Not only do we lack rivers, we also lack large valleys where we can form reservoirs with high storage capacity by building comparatively small and simple dams. On the contrary, over the years we have had to spend very large sums of money on building big dams to provide comparatively small reservoirs, and it has not been possible to build them fast enough or large enough to keep pace with demand—a demand which has increased five-fold in the last twenty years.

This situation changed dramatically a few years ago; modern engineering technology has made it possible to construct watertight dams across sea inlets within which vast quantities of fresh water can be stored. Plover Cove is the first of such reservoirs and is already being put to practical use. Here, for comparatively low expenditure, we have built a dam which enables us to impound six times as much water as Shek Pik which, when opened in 1963, was our biggest reservoir. The ability to build reservoirs in Hong Kong with the storage capacity of Plover Cove is of immense importance because now, for the first time, we are able to store the surplus water from the wet years for use in the dry years. This, to a large extent, provides the insurance against low rainfall and outside influences which my honourable Friend advocates. But we must not be lulled into any false sense of security; with our expanding population and increasing demand for water, by the early 1970's Plover Cove will be fully committed in meeting our daily consumption, which by then is likely to be approaching 200 million gallons a day.

It might be appropriate if at this point I said something about salinity. The Communist press claims that with water from China we can safely continue a 24 hours daily supply without using Plover Cove water. This, Sir, is exactly what we did for most of last winter because, following a meeting with the Chinese authorities at Lo Wu in November 1966, we had reason to expect that subject to giving one month's notice of our intention to do so, we could draw water from China over and above the quantity specified in the formal agreement during July, August and September if the summer rains should be late in arriving. In the event we got no water from China during these three months and for nearly two months we had to restrict supply to four hours every fourth day. With this experience behind us I do not believe that anyone would be so foolish as to wish to see our reserves drawn down unnecessarily this winter.

Many people have said that they would rather have restricted supply hours and less salt in their water. Restrictions mean very little to those of us who are fortunate enough to live in self-contained flats or houses, but to the mass of the population who live in resettlement accommodation served by communal taps, or tenement house cubicles, or on the hillsides with standpipe supplies, and those on shift work

whose off duty hours do not coincide with the supply hours, the restrictions could be a serious hardship and it is the convenience of these people that we must consider.

In my judgement, our storage on May 1st next year must not be less than 10,000 million gallons. If we are to achieve this with certainty and maintain a 24-hour supply we must continue to deliver water with salinities of up to 900 parts per million. If any noticeable reduction in salinity is to be made supply will have to be reduced to 8 hours and even then the salinity would be about 400 parts per million.

I have consulted my honourable Friend the Secretary for Chinese Affairs and through the wide contacts that he and his staff maintain he has assured me that though there is quite a lot of grumbling, especially when drinking tea, the community as a whole accepts the present arrangement with understanding. Let us after all remember that of all the water we use, the water we actually drink is a very small part. A little salt in our washing water, for example, makes no difference to anybody, but its slight saltiness is helping very greatly to solve our water problems.

In 1964 a Water Resources Survey Unit was set up by Government to investigate the overall water requirements and resources of Hong Kong, with special reference to the period 1970-1980. Its task is to plan for a 24-hour supply under conditions of average rainfall, with not less than 4 hours daily, independent of any water from China, in conditions of severe drought. By conditions of severe drought we have in mind conditions similar to the unprecedented drought of 1963 when rainfall for the year was 35.48 " compared with an average of about 85 " .

The Unit has so far produced two Interim Reports and its Final Report has been completed in draft. As a result of the recommendations contained in its Second Interim Report, which showed that development of further resources should be begun soon and that the construction of additional reservoirs would provide the most economical means of meeting this need, funds have now been approved for two major investigations. Firstly, an investigation into the raising of Plover Cove dam to increase the present gross storage capacity of 45,800 million gallons by some 10,000 million to about 56,000 million; and secondly, the development of untapped catchment areas in the Sai Kung peninsula where there are potential reservoir sites of the Plover Cove type at High Island, Long Harbour and Three Fathoms Cove. These investigations have already commenced.

Present estimates of future demand indicate that these new sources of supply will be adequate to meet our increasing need for water until the late 1970's or early 1980's and any further increase in demand beyond this period must be met by some other means, possibly desalination.

Government has for a long time been conscious of the very important part that desalination can, and almost certainly will in the future, play in Hong Kong. As long ago as 1959 the United Kingdom Atomic Energy Authority prepared a report on the feasibility and economics of sea water distillation in Hong Kong. The possibilities were further investigated in 1963 and 1964 when the two Power Companies prepared reports on the possibility of producing 10 or 20 m.g.d. by desalination. The cost of the water was likely to be about treble that of conventional sources, but apart from this we were not satisfied that the technology of desalination had yet reached a stage when we could, with confidence, invest very large sums of money in this form of water production when we still had untapped sources of conventional supply.

I agree with my honourable Friend that the science and technology of desalination has made impressive strides over recent years. Nevertheless, many exaggerated claims have been made, and all published figures of performance and cost must be viewed with extreme caution—particularly when the figures refer to projects in the design stage. Our consumption averages about 135 million gallons a day, ranging from 120 million gallons in the winter up to 150 million gallons in the summer and is increasing at about 11 million gallons a day each year. There are at present no desalination plants operating anywhere on anything like the scale that would be needed to meet our present demand for water, or even our annual increase in demand. Indeed, the largest single desalination unit in operation anywhere in the world has an output of just over 2 million gallons a day, and the total world desalination capacity is only 60 million gallons a day, or less than half of our average daily consumption. I mention these figures to try to give some sense of proportion to those who think that in desalination there is a simple and quick solution to our water supply problems.

Nevertheless, it is probable that in the long term, in perhaps 15 years time, we shall have to turn to large scale desalination, and it is essential that we should examine all the implications in good time. In the shorter term I agree with my honourable Friend that in order to guarantee a basic supply of water, which is independent of local rainfall and other factors over which we have no control, it may well be to our advantage to obtain a percentage of our water by desalination before we have completed the programme, to which I have already referred, for the development of conventional supplies.

Accordingly, the Terms of Reference of the Water Resources Survey have been recently extended to include a detailed examination into the feasibility and economics of introducing large scale desalination as a component of the water resources in Hong Kong. As part of these studies the Unit will examine the possibility of combining, in

the near future, the installation of one or more desalting plants to produce 10 or more million gallons per day with the electricity generating programmes of the Hong Kong Electric Company Limited and China Light & Power Company Limited. This investigation has started and preliminary discussions have already been held with the two major Power Companies. We expect to receive an interim report in less than three months' time and a final report in six months' time.

Finally, my honourable Friend will be interested to know that we are making arrangements for a senior officer of the Waterworks Office to attend a twelve months postgraduate course in Desalination Technology at Glasgow University. I hope that he will be the first of several who will take this course.

NEXT MEETING

HIS EXCELLENCY THE GOVERNOR:—Before I adjourn Council may I wish all honourable Members a very happy Christmas and a prosperous and peaceful New Year. Council will now adjourn. The next meeting will be held on 10th January 1968.