

OFFICIAL REPORT OF PROCEEDINGS
THE LEGISLATIVE COUNCIL

Hong Kong, Wednesday, 18th June 1969

The Council met at half past Two o'clock

[MR PRESIDENT in the Chair]

PRESENT

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR DAVID (CLIVE CROSBIE) TRENCH, GCMG, MC
THE HONOURABLE THE COLONIAL SECRETARY
SIR HUGH (SELBY) NORMAN-WALKER, KCMG, OBE
THE HONOURABLE THE ATTORNEY GENERAL
MR DENYS TUDOR EMIL ROBERTS, OBE, QC
THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS (*Acting*)
MR PAUL TSUI KA-CHEUNG, OBE
THE HONOURABLE THE FINANCIAL SECRETARY
SIR JOHN (JAMES) COWPERTHWAITTE, KBE, CMG
DR THE HONOURABLE TENG PIN-HUI, CMG, OBE
DIRECTOR OF MEDICAL AND HEALTH SERVICES
THE HONOURABLE DAVID RICHARD WATSON ALEXANDER, MBE
DIRECTOR OF URBAN SERVICES
THE HONOURABLE GEORGE TIPPETT ROWE
DIRECTOR OF SOCIAL WELFARE
THE HONOURABLE JAMES JEAVONS ROBSON
DIRECTOR OF PUBLIC WORKS
THE HONOURABLE DONALD COLLIN CUMYN LUDDINGTON
DISTRICT COMMISSIONER, NEW TERRITORIES
THE HONOURABLE ARTHUR PATRICK RICHARDSON
COMMISSIONER OF LABOUR
THE HONOURABLE JOHN CANNING
DIRECTOR OF EDUCATION
THE HONOURABLE KAN YUET-KEUNG, CBE
THE HONOURABLE FUNG HON-CHU, OBE
THE HONOURABLE TSE YU-CHUEN, OBE
THE HONOURABLE WOO PAK-CHUEN, OBE
THE HONOURABLE SZETO WAI, OBE
THE HONOURABLE WILFRED WONG SIEN-BING, OBE
THE HONOURABLE ELLEN LI SHU-PUI, OBE
THE HONOURABLE WILSON WANG TZE-SAM
DR THE HONOURABLE CHUNG SZE-YUEN, OBE
THE HONOURABLE LEE QUO-WEI, OBE
THE HONOURABLE OSWALD VICTOR CHEUNG, QC

ABSENT

THE HONOURABLE DAVID HAROLD JORDAN, MBE
DIRECTOR OF COMMERCE AND INDUSTRY
THE HONOURABLE HERBERT JOHN CHARLES BROWNE
THE HONOURABLE MICHAEL ALEXANDER ROBERT HERRIES, OBE, MC

IN ATTENDANCE

THE DEPUTY CLERK OF COUNCILS
MR DONALD BARTON

OATH

MR J. CANNING made the Oath of Allegiance and assumed his seat as a Member of the Council.

HIS EXCELLENCY THE PRESIDENT: —May I welcome Mr CANNING to this Council.

PAPERS

The following papers were laid pursuant to Standing Order No 14(2): —

<i>Subject</i>	<i>LN No</i>
Subsidiary Legislation: —	
Resettlement Ordinance.	
Resettlement (Amendment) Regulations 1969	73
Pensions Ordinance.	
Pensionable Offices Order 1969	74
Inland Revenue Ordinance.	
Prescription of Form under section 86	75
Defences (Firing Areas) Ordinance.	
Defences (Firing Areas) Ordinance (Amendment of First Schedule) Order 1969	76
Industrial and Reformatory Schools Ordinance.	
Reformatory School (Establishment) Order 1969	77
Bank Notes Issue (Amendment) Ordinance 1969.	
Bank Notes Issue (Amendment) Ordinance 1969 (Commencement) Notice 1969	78
Merchant Shipping (Fire Appliances) Regulations 1969.	
Merchant Shipping (Fire Appliances) Regulations 1969 (Commencement) Notice 1969	79

QUESTIONS**Dental faculty**

1. MR WILFRED S. B. WONG asked the following question: —

In view of the increasing needs of the population for dental care would Government give consideration to the establishment of a dental school or faculty in the University?

DR P. H. TENG: —Sir, in answer to the question raised by my honourable Friend Mr Wilfred WONG I feel that as this question had been thoroughly discussed in this Council since 1958 it would be apposite to recall some relevant points in connexion with this problem as found in our official records.

The suggestion for the establishment of a Dental School in Hong Kong was first raised in this Council at the Annual Budget Debate in 1958 by two honourable Members of the medical profession and supported by another honourable Member. The official reply then was that my predecessor in office was authorized to consult with the University of Hong Kong on the detailed scheme for the establishing of such a school in Hong Kong*.

When this question was again raised in 1959 the Director of Medical & Health Services said *inter-alia*: —

"The proposal to establish a School of Dentistry in Hong Kong has been discussed with the University Authorities and recommendations have been made to Government regarding the preliminaries essential to an undertaking of this magnitude. Implementation of the recommendations must await the provision of adequate facilities for pre-clinical instructions at the University and this aspect is being studied by the University Authorities."†

At the Budget session in 1964 my attention was drawn to a statement made by the former Director in 1962, and I quote: —

"That the priority to be given to a Dental School would be re-examined fully in the light of the economic situation and the progress of other developments in the medical and health field."

In reply I went to some length to explain the financial implications of such an undertaking and reported on the result of my discussion with the Dean of the Medical Faculty of the University of Hong Kong. I said then that any increase in the intake of medical students could only be achieved by using available places for dental students which were planned for the pre-clinical building, so that there would be no prospect of having an increased number of medical students if dental students were to be admitted‡.

In 1966, in reply to a well informed discussion on the same subject raised by a Colleague on this Council, I pointed out that the capital costs of establishing a Dental School would be in the region of \$10 million with an annual recurrent expenditure of about \$2 million. As the Medical Faculty had then embarked on a programme of increasing

* 1958 Hansard, pages 78, 83, 117 and 159.

† 1959 Hansard, pages 100 and 161.

‡ 1964 Hansard, page 123.

[DR TENG] **Questions**

intake of medical students for the next three years to 120 a year, I pointed out that however desirable it would be to have a Dental School, that it was more in the interests of the community to increase the pool of doctors. I agreed with my honourable Friend that the alternative he suggested—*ie* to examine the need for a Dental Nurses Training School, was a practical one, as dental auxiliaries can perform a useful function in the overall dental programme, specifically for children in the formative years to prevent them from becoming dental cripples in the future.

I then gave the assurance that the question of training of dental nurses and the scheme for offering some form of dental care to certain age groups of the population would be carefully studied*. Honourable Members will no doubt recall that in 1967 I was asked what progress had been made in regard to the question of a Training School for Dental Nurses. My reply was that a Working Party was being set up to study the feasibility and implications of such a Dental Nurses Training School†.

This Working Party has made a careful study of all the problems relating to the possible establishment of a Dental Nurses Training School and the utilization of Dental Auxiliaries in the overall dental programme. There has been some unavoidable delay in finalizing the draft report although the Working Party has now submitted its Report to Government.

I am sure that my honourable Friend would agree with me that in view of the present shortage of doctors we must utilize all the available resources in the University in order that the doctor shortage could be filled without further delay. It is hoped that in the next quadrennium beginning 1970 the Medical Faculty will be able to increase intake to 150 per year, and as Government is already studying the question of the establishment of a Dental Nurses Training School to cope with the problem at its root, would it not be more prudent to await the outcome of the recommendations of the Working Party.

I can assure honourable Members that the recommendations will receive urgent and careful consideration together with the related question of a possible scheme for offering dental care to children of school age. It might also be of interest to my honourable Friend to know that the Department has already sent one Dental Officer on a World Health Organization Fellowship to study the problem concerning the establishment and administration of a Dental Nurses Training School, and a request has been transmitted to the WHO for the award

* 1966 Hansard, page 192.

† 1967 Hansard, page 237.

of a fellowship in 1970 for an experienced dental nurse to undertake a course of training as dental nurse tutor in connection with the teaching facilities in such a school.

Government is also vigorously pursuing the scheme of dental scholarships. Twelve of them are currently studying overseas in Australia and New Zealand, and if in the foreseeable future the demand for dentists for the Colony should increase, then it would still be possible to expand the scholarship scheme. I trust I need not dilate on the economics of such an exercise, but it has previously been shown that an expanded dental scholarship scheme overseas would be far more economical than to operate a Dental School in Hong Kong.

For the information of my honourable Friend, I would like to present the views of my Adviser in Dentistry who occupies the post of Senior Specialist and is personally in charge of the dental programme of the Colony, and I quote: —

"The major problem facing a new graduate in dentistry be he in Hong Kong or elsewhere in the world is to obtain a salaried job as soon as possible. Elsewhere in the world than Hong Kong, unless he is lucky enough to join a relative in practice, this is usually achieved by his becoming an assistant to an established practitioner. But in Hong Kong though there are 400 private practitioners on the register, only about five employ assistants. This is because the usual binding-out clause applicable to an assistant would be difficult, if not impossible, to apply in the Colony by virtue of its geographical size. Hence salaried employment for a recent graduate in Hong Kong is limited to service with Government or with one of the dental services operated by the limited number of voluntary organizations. A further problem facing a recent graduate in Hong Kong is the absence of dental supply houses offering easy terms for the purchase of dental equipment which is very costly indeed. For, unlike his medical colleague, a dental graduate must necessarily expend a minimum of \$30,000 to \$40,000 on equipment, if he wishes to set up in private practice and this is the sort of money that a newly qualified dentist does not possess.

I would agree that there is a need for more dentists in Hong Kong when this is considered on a ratio basis of dentists to population. However, there is no purpose in producing a minimum of 20 graduates per year from a dental school at the University, if there is no demand from the population for their services. Particularly when the number of dentists capable of absorption into the profession in Hong Kong can be acquired through the existing scholarship scheme or expanded Government scholarship scheme, at a fraction of the cost of a faculty at the University, and without prejudice to the intake of medical graduates. It is therefore

[DR TENG] Questions

my considered opinion that however desirable it may be to have a dental school at the University as a long term objective, it is premature at this stage of the Colony's overall dental awareness.

At this stage it is important to set priorities, and the first priority must be dentistry for children of school age. This can be met in the volume which is required in our school population in Hong Kong most readily, be a dental health scheme utilizing dental nurses which in its turn would require the establishment of a Dental Nurses Training School"—unquote.

I am in full agreement, Sir, with this viewpoint and I trust that my honourable Friend Mr WONG will accept the opinion of an expert.

As part of the overall social service programme, any widening of the scope of medical, dental and other aspects of personal health services will, of course, receive careful and serious consideration.

I can, however, assure my honourable Friend that the question of establishing of a Dental School in Hong Kong will also be kept under constant review.

BCG vaccinations

2. MR FUNG HON-CHU asked the following question: —

Will the Honourable Director of Medical and Health Services inform us what percentage of the registered births are given BCG vaccinations at birth? Can he also provide information as to the percentage of school entrants who are tuberculin tested and found negative and are they given BCG vaccinations afterwards?

DR TENG: —Sir, in 1968, 78,204 babies were given BCG vaccinations at birth out of a total of 82,992 registered live births. This represents 94.23%. For the same period out of 141,922 school entrants who were tuberculin tested 30,328 were found to be TT negative which is 21%; of the latter group, 30,314 accepted BCG vaccinations.

ILLEGAL STRIKES AND LOCK-OUTS ORDINANCE

MR A. P. RICHARDSON 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 six months with effect from 1st July 1969.

He said: —Sir, it was hoped that it would prove possible to introduce suitable legislation to replace the Illegal Strikes and Lock-outs Ordinance in the early part of this year and for this reason an extension of the duration of that Ordinance was sought only up to 30th June 1969* and not, as in the past, for a full year. Amending legislation has been drafted but we still await the views of the Secretary of State on certain matters relating to the amending bill. Because of this delay it is necessary for me to seek the extension of the duration of the Illegal Strikes and Lock-outs Ordinance for a further period of six months, that is up to and including 31st December 1969.

Accordingly I move the resolution standing in my name on the Order Paper.

Question put and agreed to.

SUPPLEMENTARY PROVISIONS FOR THE QUARTER ENDED 31ST MARCH 1969

Council went into committee *pursuant to Standing Order No 58(2)*, to consider the motion standing in the name of the Financial Secretary.

The Governor's recommendation signified by the Financial Secretary *pursuant to Standing Order No 23(1)*.

THE FINANCIAL SECRETARY moved "That this Council approves the proposals set out in Paper No 4 of 1968-69."

He said: —Sir, the schedule for the fourth quarter of the 1968-69 financial year covers supplementary provision totalling \$62.7 million. Of this sum, \$11.2 million was required for Public Works Non-Recurrent, of which \$2 million was required for new projects and \$5.7 million for accelerated progress on a wide range of other projects. \$27.6 million was provided under the Personal Emoluments subheads of various departments to meet the higher cost of salary payments as a result of the Salaries Revision in April 1968. \$13.5 million was required by the Postmaster General to meet the cost of the increased volume of airmail traffic originating in Hong Kong.

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

Question put and agreed to.

Council then resumed.

THE FINANCIAL SECRETARY reported that the motion had been agreed to in committee without amendment.

Question agreed pursuant to Standing Order No 58(4).

* 1968 Hansard, page 616.

DISTRICT COURT (EXTENDED CIVIL JURISDICTION) BILL 1969**PARTITION BILL 1969****HONG KONG GENERAL CHAMBER OF COMMERCE SPECIAL
RELIEF FUND BILL 1969****EVIDENCE (AMENDMENT) (NO 2) BILL 1969****JUDICIAL PROCEEDINGS (ADJOURNMENT DURING GALE
WARNINGS) BILL 1969****ROAD TRAFFIC (AMENDMENT) BILL 1969****PUBLIC TRANSPORT SERVICES (HONG KONG ISLAND)
(AMENDMENT) BILL 1969****PUBLIC TRANSPORT SERVICES (KOWLOON AND NEW
TERRITORIES) (AMENDMENT) BILL 1969****NEW TERRITORIES (AMENDMENT) BILL 1969**

Bills read the first time and ordered to be set down for second reading pursuant to Standing Order No 41(3).

**DISTRICT COURT (EXTENDED CIVIL JURISDICTION)
BILL 1969**

THE ATTORNEY GENERAL moved the second reading of:—"A bill to transfer certain civil jurisdiction conferred on magistrates to the District Court and for connected purposes."

He said:—Sir, the object of this bill is to transfer a number of civil proceedings, which are at present dealt with in the magistrates' courts, to the District Court to which, I suggest, they more properly belong.

A full list of the proceedings which would be transferred to the District Court is to be found in the explanatory memorandum attached to the bill. They consist mainly of family matters, such as custody, separation and maintenance orders, the recovery of various penalties, damages, taxes, fares, fees and costs, the recovery of small tenements and appeals against closure orders.

I think that there are two main reasons why such matters are now heard in magistrates' courts, which are essentially courts of criminal jurisdiction. Firstly, because in some instances we followed the English

precedent for doing so. Secondly because, until 1953*, when the District Court was established, there was nothing between the magistrates' court and the Supreme Court in its summary jurisdiction and the latter may well have been thought to be too expensive and formal for the small sums involved.

It may also be noted that the removal of these actions to the District Court will mean that parties to them, provided that they satisfy the means and merits tests, will be able to obtain legal aid in matters which are often of considerable personal importance.

Out of a total of over 400,000 cases dealt with by magistrates' courts in 1968, rather over 3,000 were of a kind which will pass to the District Court under this bill. It can, therefore, be expected that the amount of extra work which will fall on the District Court will be modest.

The bill has the full support of the Hong Kong Law Society and Bar Association.

Question put and agreed to.

Bill read the second time.

Bill committed to a committee of the whole Council pursuant to Standing Order No 43(1).

Explanatory Memorandum

This Bill would transfer to the District Court certain civil jurisdiction now vested in magistrates.

The provisions in respect of which jurisdiction is to be transferred are referred to in the Schedule and are more particularly as follows—

- (a) custody of infant children—Infants Custody Ordinance (Cap. 13);
- (b) enforcement of overseas maintenance orders—Maintenance Orders (Facilities for Enforcement) Ordinance and Rules (Cap. 15);
- (c) separation and maintenance orders—Separation and Maintenance Orders Ordinance (Cap. 16);
- (d) recovery of possession of premises of small value—Small Tenements Recovery Ordinance (Cap. 17);

* 1953 Hansard, page 3.

District Court (Extended Civil Jurisdiction) Bill—second reading*[Explanatory Memorandum]*

- (e) recovery of penalties imposed on life insurance companies for non-compliance with the Ordinance—Life Insurance Companies Ordinance (Cap. 36);
- (f) recovery of pilotage dues—Pilots Ordinance (Cap. 81);
- (g) recovery of train fares—Railways Ordinance (Cap. 99);
- (h) recovery of cost of damage to public lighting fixtures caused otherwise than wilfully—Public Lighting Ordinance (Cap. 105);
- (i) recovery of tram fares—Tramway Ordinance (Cap. 107);
- (j) recovery of tax from persons leaving the Colony—Inland Revenue Ordinance (Cap. 112);
- (k) closure orders for dangerous buildings—Buildings Ordinance (Cap. 123);
- (l)
 - (i) order for detention in mental hospital of persons alleged or certified to be mentally disordered;
 - (ii) appeal from refusal of medical superintendent to discharge a patient before recovery;
 - (iii) order for sale of property of mentally disordered person found wandering at large—
Mental Health Ordinance and Regulations (Cap. 136);
- (m) orders for cessation of guardianship of Director of Social Welfare of female infants adopted otherwise than by court order—Protection of Women and Juveniles Ordinance (Cap. 213);
- (n) recovery of costs ordered to be paid on an appeal from a magistrate—Magistrates Ordinance (Cap. 227);
- (o) recovery of fees payable in respect of merchant shipping — Merchant Shipping Ordinance (Cap. 281);
- (p) recovery of cost of maintenance of voluntary patients in a drug addiction treatment centre—Drug Addicts Treatment and Rehabilitation Ordinance (Cap. 326).

PARTITION BILL 1969

THE ATTORNEY GENERAL moved the second reading of: —"A bill to amend the law relating to the partition and sale of property in land under co-ownership."

He said: —Sir, this bill gives effect to part of the Fifth Report of the Hong Kong Law Reform Committee, which recommended that the law relating to the partition of interests in land should be both modernized and made more flexible.

At present, our partition law consists of the Statutes of Partition 1539 and 1540, by which a joint tenant or a tenant in common can force the partition of the entire property which is held jointly or in common however inconvenient and inequitable this might be, and the court has no discretion to refuse it.

The position was remedied in England by the Partition Acts of 1868 and 1876, under which the court was given power to order sale in lieu of partition if the nature of the property or the interests of the parties made this the more convenient or fairer course. These Acts, however, have never been applied to Hong Kong.

Furthermore, co-tenancies are very common in Hong Kong, by reason of the growth in recent years of the practice of selling undivided shares in a block of flats, the effect of which is to make the purchasers of such shares into tenants in common.

Because of the complexity of some tenancies in common, it was considered by the Hong Kong Law Reform Committee that the courts here should not only be able to order a partition or a sale, but should also be empowered to refuse to order either, and clause 2 of the bill confers these powers accordingly.

Clause 3 is concerned with the institution of proceedings. It sets out the necessary parties thereto and enables the court to enquire as to interested parties and to ensure that they are served with notice of any order made by the court.

Clause 4 empowers the court to partition property in land into single plots, plots jointly owned or plots owned in common, but it may not order the partition of a building except into self contained parts. By clause 5 rights and obligations may be similarly divided up, and easements may be created between the owners of the new divisions of the property.

Clause 6 sets out in detail the powers of the court to order a sale of the property, in lieu of partition. The proceeds of sale are paid to trustees, under clause 7, and used by them as required by that clause.

Clause 9 confers jurisdiction under the Ordinance on the District Court, if the annual rent, rateable value or annual value, whichever is the least, does not exceed five thousand dollars. In cases above this limit the jurisdiction will rest in the Supreme Court.

[THE ATTORNEY GENERAL] **Partition Bill—second reading**

I commend this bill to honourable Members as a modest but useful piece of law reform, which will enable the courts to deal more effectively with partition actions.

Question put and agreed to.

Bill read the second time.

Bill committed to a committee of the whole Council pursuant to Standing Order No 43(1).

Explanatory Memorandum

This Bill seeks to give effect to paragraph 5 of the Fifth Report of the Law Reform Committee, dealing with partition of land.

2. The Committee recommended legislation to confer upon the courts a discretion, in proceedings for partition, to grant either a partition or a sale in lieu (whether requested or not) or to refuse both. Clause 2 confers such a power on the Supreme Court.

3. The Committee also recommended a wide discretion as to the joinder of parties in any such proceedings. Clause 3(3)-(5) seeks to give effect to this, and is based on section 9 of the English Partition Act 1868. Clause 3(1), which deals with the institution of proceedings under the Ordinance, is based on section 7 of the Partition Act 1876. Clause 3(2) protects the interests of mortgagees by requiring their consent. Clause 3(6) is based on section 3 of the 1876 Act.

4. Clause 4(1) sets out how land may be partitioned under the Ordinance, and clause 4(3) gives effect to section 2 of the Statute of Partition 1540. Clause 4(2) prohibits the partition of a building except into self-contained parts not connected to the remainder of the building otherwise than by a party-wall or a mutual staircase, or both. Clause 5 empowers the Court to apportion rights, obligations and liabilities in force at the time of partition and to create easements.

5. Clause 6 makes detailed provision for the sale of land, and is based on sections 3, 5 and 6 of the 1868 Act.

6. Clause 7 deals with the application of proceeds of sale.

7. The Committee recommended that powers similar to those in section 49 of the Trustee Ordinance be conferred on the Court, to make vesting orders consequential upon judgments for a

partition or sale in lieu. The provisions of that section are thought to be wide enough to cover such a situation but provision has been made to make it clear that the Court may make a vesting order under that Ordinance (clause 8).

8. Clause 9 confers jurisdiction under this Ordinance on the District Court, if the annual rent or rateable value of the property in land does not exceed five thousand dollars.

9. At present two very old English Acts relating to partition apply in Hong Kong—the Statutes of Partition, 1539 and 1540. As the present Bill confers a new power to partition, clause 10 repeals those statutes.

HONG KONG GENERAL CHAMBER OF COMMERCE SPECIAL RELIEF FUND BILL 1969

THE ATTORNEY GENERAL moved the second reading of:—"A bill to establish a trust fund to provide assistance for public officers and members of the armed forces of the Crown or of voluntary services killed or injured in the course of their duties and their dependants and for purposes incidental thereto or connected therewith."

He said:—Sir, on 10th July 1967, a public appeal was launched by the Acting Chairman of the Hong Kong General Chamber of Commerce, seeking donations to a fund, established by the Chamber to assist the "dependants of the forces of law and order killed during the present disturbances".

As a result of this appeal, about \$917,000 were subscribed and substantial payments, both by way of capital grant and by way of income, have been made from the fund to the relatives of the twelve public officers who were killed on duty during 1967, and further annual payments will continue to be made to these dependants.

The terms of the appeal, by which the trustees are strictly bound in law, were narrow, with the result that payments from the fund can only be made to the dependants of public officers who were killed during the 1967 disturbances and not to public officers who have been killed since then or injured then or have been injured since.

The trustees consider, and with this view I agree, that to distribute the whole of this huge fund among such a small number of beneficiaries would be unreasonably over-generous to the few at the expense of other needy and deserving cases who might be helped if the terms of the trust were widened.

There is at present a balance of about \$630,000 in the fund and I believe that, in these circumstances, it would be proper for the objects

[THE ATTORNEY GENERAL] **Hong Kong General Chamber of Commerce
Special Relief Fund Bill—second reading**

of the fund to be widened to include other public officers and their dependants. An alteration of this nature of the terms of the trust can, however, only be achieved by legislation and this bill makes the necessary provision for this.

Generally, the bill follows, with necessary modifications, the form adopted in the Police Children's Education Trust Ordinance and the Police Education and Welfare Trust Ordinance both of which were enacted in 1967* for the administration of trust funds for police officers and their families.

I would like to draw the attention of honourable Members to clause 4 of this bill, which sets out the assets of the new trust fund established by clause 3, which is to be known as the Hong Kong General Chamber of Commerce Special Relief Fund. The terms of clause 4 are such that the Fund will be able to receive further donations in the future.

Clause 6 sets out the persons who may benefit. They include any public officer, a member of the armed forces of the Crown, and a member of any auxiliary or voluntary Service approved by the Board of Trustees, who is killed or injured in Hong Kong in the course of his duty after 31st March 1967, and the dependants of any of these classes of persons. Thus such persons as police and fire officers, if killed or injured on duty, may benefit as may their families.

I would like to take the opportunity to express deep appreciation of the generosity and public spirit of the Chamber of Commerce and of the many donors who have subscribed so generously to this Fund. I believe that they will all welcome the extension of its benefits to those who, I think, can be said to fall within the spirit of the original appeal though not within its strict terms.

Question proposed.

Motion made (pursuant to Standing Order No 30). That the debate on the second reading of the bill be adjourned—THE COLONIAL SECRETARY.

Question put and agreed to.

Explanatory Memorandum

This Bill seeks to establish a trust fund to be known as the Hong Kong General Chamber of Commerce Special Relief Fund.

* 1967 Hansardq pages 457, 459, 490 and 491.

2. During the disturbances which occurred in 1967, an appeal was made to members of the Hong Kong General Chamber of Commerce, and also to members of the public, to subscribe to a fund to assist "the dependants of the forces of law and order killed during the present disturbances".

3. Substantial sums of money were donated for these purposes, and generous grants were made by the trustees of the fund to persons who qualified for assistance under the terms of the appeal.

4. However, the trustees now hold a large balance of money which will not be required by the class of beneficiaries for which the fund was established. It is therefore proposed that the balance should be available, in the future, for the assistance of any public officer, member of the armed forces or member of an auxiliary or voluntary service who is killed or injured in the course of his duty and any of his dependants. Officers or members injured or killed after 31st March 1967 (and their families) will qualify.

5. Clause 3 establishes the fund and the Board of Trustees which will administer it. Clause 4 provides that the fund shall consist of the balance of the moneys donated in consequence of the appeal launched on 12th May 1967, such assets as may have been acquired since that date by the use of the funds and such further sums as may be donated to or acquired by the fund in the future.

6. The Board of Trustees is established by clause 5, and the first trustees are specified in the Schedule. The appointment and removal of trustees will be done by the Chamber of Commerce.

7. The Board of Trustees is incorporated by clause 6 and the objects for which it shall apply the fund are set out in clause 7, as read with the definition of "beneficiary" in clause 8.

8. Clause 9 empowers the Board to make standing orders governing its procedure at meetings and for the administration of the fund. Its power to employ servants is dealt with by clause 10.

9. The moneys of the fund may be invested as the Board may decide, subject to approval being obtained, in the case of investments which are not trustee investments, from the Investment Advisory Committee to be appointed by the Governor under clause 11.

10. Clause 12 obliges the Board to keep accounts and to prepare an annual statement.

EVIDENCE (AMENDMENT) (NO 2) BILL 1969

THE ATTORNEY GENERAL moved the second reading of:—"A bill to amend further the Evidence Ordinance."

He said:—Sir, the purpose of this bill is to provide for simpler methods of proof of a number of kinds of formal evidence. At present these have to be strictly proved, which lengthens the trial, requires witnesses to spend much time in waiting to be called and in giving evidence and increases the costs of proceedings.

The amendments proposed by clauses 3 and 4 of the bill allow for the reception in evidence in civil proceedings, without further proof, of certified records of the Royal Observatory; these are at present so admissible only in criminal proceedings.

Clause 5 adds three new sections, dealing with certificates by the Government Chemist, by those who process photographs and by court translators.

By the proposed new section 23D a document of the kind set out in Form 1 in the Schedule to the bill shall be admitted in evidence in criminal or civil proceedings without further proof if it is signed by the Government Chemist. Such a document will contain a chemical analysis by the Government Chemist of substances which have been submitted to him for examination.

The new section 23E will allow a document of the kind specified in Form 2 of the Schedule to be admitted in evidence in criminal proceedings without further proof. This document will certify that the signatory of the document received and processed a certain film; it must be signed by a public officer appointed by the Commissioner of Police.

By the new section 23F a document purporting to be a certified translation from Chinese to English may be admitted in evidence without further proof, if it is signed by a public officer who is appointed as a translator by the Chief Justice under subsection (2) of section 23F.

Although the intention of these three new sections is to make it unnecessary for witnesses to appear in person to testify as to formal matters, the court will have power, either of its own motion or on the application of any party to the proceedings, to summon as a witness the person who signed the document and to examine him on it. This will ensure that, if the contents of the document are in any way in issue, then the matter can be fully tested by questioning the person who signed it off.

Question proposed.

Motion made (pursuant to Standing Order No 30). That the debate on the second reading of the bill be adjourned—THE COLONIAL SECRETARY.

Question put and agreed to.

Explanatory Memorandum

Clause 2 of this Bill provides for an additional definition in section 2 of the principal Ordinance consequent upon the addition of the new section 23D which is effected by clause 5.

Clauses 3 and 4 provide that certain certified records of the Royal Observatory may be accepted by courts as *prima facie* evidence of their contents in civil proceedings; at present they are so admissible only in criminal proceedings.

Clause 5 adds three new sections to the principal Ordinance. The new section 23D provides for the acceptance as *prima facie* evidence of certificates by the Government Chemist as to chemical examinations or analyses. Similar provisions exist at present in various other Ordinances and it is considered desirable to have a general provision covering all cases in which evidence as to chemical examination or analysis is required.

The new section 23E provides for evidence as to photographic processing to be given in criminal cases by a certificate, which would be *prima facie* proof of the contents thereof. This would make it unnecessary to call witnesses to testify as to matters which are essentially formal.

The new section 23F, which gives statutory force to the practice of the courts, deals with the admission of official translations of Chinese documents as *prima facie* evidence of the contents of such documents.

Each of the new sections empowers the court to call the person signing the certificate or translation to give evidence orally if it thinks fit.

Clause 6 adds a Schedule containing the certificates referred to in sections 23D and 23E.

Clause 7 provides for a Schedule to this Bill, specifying amendments to various Ordinances which are consequential upon section 23D.

JUDICIAL PROCEEDINGS (ADJOURNMENT DURING GALE WARNINGS) BILL 1969

THE ATTORNEY GENERAL moved the second reading of: —"A bill to provide for the adjournment of judicial proceedings during a gale warning and for matters incidental thereto or connected herewith."

[THE ATTORNEY GENERAL] **Judicial Proceedings (Adjournment during Gale Warning) Bill—second reading**

He said: —Sir, in the past there has been no legislation dealing with the problems which can arise when typhoons and similar weather conditions interfere with the processes of the courts.

The Chief Justice feels that it is no longer satisfactory to deal with such matters purely administratively and this bill has therefore been prepared to provide the courts with the necessary powers in such circumstances.

Clause 3 of the bill provides for the statutory adjournment of all judicial proceedings which are set down for hearing or are in progress during a gale warning, though subclause (2) of clause 3 preserves the discretion of a court to continue sitting during a gale warning if it wishes to do so.

By clause 4 judicial proceedings which have been adjourned under clause 3 are to be resumed on the next day which is not a public holiday after the day on which the gale warning ceases.

By clause 5, a warning for the purposes of the Ordinance is deemed to last for as long as gale warning signals 5 and above are hoisted. The Director of the Royal Observatory will publish a notice in the *Gazette* declaring the times of such hoisting as soon as is practicable after the gale warning ceases.

Clauses 7 and 8 provide for the extension of recognizances and bail and allow for a further remand in prison or detention in police custody in case of a gale warning.

Clause 9 obliges witnesses who are required to attend any judicial proceedings on a day which falls within the period of the gale warning to attend again when the proceedings are resumed after the gale warning.

By clause 10 any day on which a gale warning is in force is excluded from the computation of time under other laws and clause 11 protects persons from any penalty for not complying with the provisions of clause 7, 8 or 9, so long as such default is not wilful.

It has proved possible in the past, when numbers were small and the courts were more concentrated and contacts were more readily made, to deal in a fairly satisfactory way through administrative arrangements with the problems which are thrown up by typhoons and natural disaster. But, recent years have brought difficulties and it is apparent that in the future, with the increasing decentralization of the courts and the greater variety of problems which may arise, purely administrative arrangements are likely to prove inadequate.

Question put and agreed to.

Bill read the second time.

Bill committed to a committee of the whole Council pursuant to Standing Order No 43(1).

Explanatory Memorandum

The Bill seeks to provide for the adjournment of judicial proceedings during gale warnings. There is no legislation at present which provides for such matters and problems arising out of a tropical cyclone are dealt with administratively.

2. Clause 3 provides for the statutory adjournment of all judicial proceedings which are set down for hearing or are in progress during a gale warning, though courts are given a discretion to continue to sit at such a time.

3. Clause 4 provides that judicial proceedings adjourned by clause 3 shall be resumed on the next day which is not a public holiday after the day on which the gale warning ceases.

4. By clause 5 the Director of the Royal Observatory will determine the duration of a gale warning and publish a notice to such effect in the *Gazette*.

5. Clause 6(1) gives power to the Chief Justice to order the adjournment of judicial proceedings at any time if the circumstances arising out of a tropical cyclone so require.

6. Clauses 7 and 8 provide for the extension of recognizances and bail and permit further remand in prison or detention in police custody.

7. By clause 9 witnesses obliged to attend judicial proceedings adjourned under the Bill must attend at the adjourned hearing.

8. Clause 10 allows for the exclusion of any day on which a gale warning, or an order under clause 6, is in force from the computation of time under any other Ordinance.

9. Clause 11 protects persons from penalty where non-compliance with certain provisions of the Bill is not wilful.

ROAD TRAFFIC (AMENDMENT) BILL 1969

THE ATTORNEY GENERAL moved the second reading of: —"A bill to amend further the Road Traffic Ordinance."

[THE ATTORNEY GENERAL] **Road Traffic (Amendment) Bill—second reading**

He said: —Sir, the object of this bill is to provide the necessary legislative power to regularize and control the operation of minibuses.

I have used the word regularize, although the publication of this bill has been described, very understandably, in the press and elsewhere as part of a process designed to legalize the minibus.

The present Road Traffic (Registration and Licensing of Vehicles) Regulations make provision for the charging of licence fees in respect of dual purpose vehicles of three classes of user: firstly, as a private car and goods vehicle; secondly as a taxi and goods vehicle; and thirdly as a public car and goods vehicle. There is, however, no corresponding subdivision for the purpose of the registration of Dual Purpose Vehicles.

In a recent decision of the Full Court it was ruled that because the Road Traffic Regulations only makes it an offence to use a dual purpose vehicle for the carriage of the passengers for hire or reward if it is registered as a private car and goods vehicle (a subdivision of the class of dual purpose vehicle which as I have just said was not effectively created) it is not an offence merely to use a dual purpose vehicle for the carriage of fare-paying passengers, though of course many minibuses are operated in contravention of other provisions of the law, particularly with regard to insurance and stopping near bus stops. It is, therefore, in view of this decision, more accurate to describe the present proposal as designed to regularize rather than to legalize minibuses, though it was until very recently believed that their operation for the carriage of fare-paying passengers was illegal and this was certainly the intention behind the legislation.

At present, vehicles which are registered as goods vehicles, private cars, dual purpose vehicles and New Territories taxis are operating as minibuses. In future, any vehicle of the minibus type which wants to ply for hire and to carry fare-paying passengers will have to be licensed as a Public Light Bus. Other vehicles of the minibus type will be registered as Private Light Buses, but these will not be allowed to take fare-paying passengers, except that students and staff, carried in private light buses to and from educational establishments at which they study or work, may be charged fares.

It is intended that the new Public Light Bus licence shall be offered, in the first instance, to those who already hold licences for the minibus type of vehicle and there appear to be about 4,000 of them at present. The new licence will then allow the minibus to be operated as a Public Light Bus, taking up to 14 passengers, according to the size of the vehicle. Those minibus owners who do not wish to apply for a Public Light Bus Licence, which will cost \$3,000 a year, may

apply for a Private Light Bus licence, at \$480 a year, the difference, being due to the fact that the operator of the Public Light Bus is charging fares whereas the operator of the Private Light Bus will not be.

The bill before Council today is essentially an enabling measure, to empower the Governor in Council to make the necessary regulations for the licensing and control of Light Buses. Although it is in the subsidiary legislation to be made by the Governor in Council that most of the control over them will be found, I think honourable Members would like to know some of the more important features of the proposed regulations on the subject.

Public Light Buses will generally be able to operate anywhere in the Colony, but power will be conferred on the Commissioner for Transport to prohibit them from plying for hire in specified areas where their operation would cause unreasonable congestion. However, they will not be able to stop close to bus or tram stops, since this would constitute a naked poaching in the Bus Companies' preserves, or near pedestrian crossings, for safety reasons.

A decision having been taken to establish a new class of vehicle, the Light Bus, it is necessary to ensure that it should be operated in conformity with the law and to provide stringent penalties for those who misuse the new licences.

It is therefore proposed to include in the regulations a provision whereby a Public Light Bus will be automatically impounded for seven days, if the driver of the vehicle is convicted of stopping within fifty feet of a bus or tram stop, or of a breach of some of the more important conditions attached to the vehicle licence, for instance, if the Public Light Bus does not carry adequate insurance or plies in an area in which its operation is prohibited.

Furthermore, if the driver of a Private Light Bus is convicted of carrying passengers for hire (other than students and staff in school buses) then the vehicle will be automatically impounded after his conviction for a period of two months.

Concern has been expressed in the past as to the mechanical condition of some minibuses and in future Light Bus licences will not be issued unless the vehicle satisfies a mechanical inspection by one of the licensing authority's inspectors. In addition, the licensing authority will have power to call in a vehicle for mechanical inspection at any time to ensure that it is roadworthy and that it is fit for the carriage of passengers.

To enable the subsidiary legislation to be made to deal with Light Buses, it is necessary to alter a number of definitions in the Ordinance, to add a few new ones and to widen the scope of the rule-making powers contained in it.

[THE ATTORNEY GENERAL] **Road Traffic (Amendment) Bill—second reading**

Clause 2 of the bill amends the definition section of the Ordinance in a number of ways, the most important of which is the inclusion of a new definition of Light Bus. This is defined as a motor vehicle with an unladen weight not exceeding 2 tons which is constructed or adapted to carry a maximum of 14 passengers and their personal effects and is of a type approved by the Commissioner for Transport. The amended definition of omnibus is a vehicle with an unladen weight exceeding 2 tons, constructed or adapted for the carriage of passengers, or one under 2 tons constructed or adapted to carry more than 14 passengers. In an attempt to clarify the position, definitions of passenger and of personal effects are also included.

"Car" has been redefined so as to exclude specifically from that category of motor vehicle other types of vehicle. In addition, the maximum carrying capacity of a "car" has been reduced from nine to seven passengers. It has been pointed out since the bill is published that some private cars weigh over 2 tons and I shall therefore move a small amendment at the Committee stage to make it clear that such vehicles fall within the definition of car and not of omnibus.

The new definition of "goods vehicle" differs from the former one in that motor tricycles and motor cycles are specifically excluded, so that it will no longer be necessary, for example, to register an ice cream seller's combination motor cycle as a goods vehicle, as it must be at present.

Section 2(2) of the Ordinance sets out the various classes of motor vehicles which may be registered. Paragraph (b) of clause 2 of the bill (which is to be found at page 4 of the printed copy) removes dual purpose vehicles from the list of classes and replaces it with two new categories, the Public Light Bus and the Private Light Bus.

The Public Light Bus is defined in sub-paragraph (j) of paragraph (b) on page 4 as a Light Bus which stands or plies for hire, is used to carry passengers at separate fares, or is available, hired or used in any other way for the carriage of fare-paying passengers.

A Private Light Bus, on the other hand, is a Light Bus which is not used to carry fare-paying passengers, save that it may be used for the carriage to and from a university, post-secondary college, school or other educational institution of fare-paying passengers who are students, teachers or staff of the institution, without the vehicle having to be registered as Public Light Bus.

Clause 3 of the bill amends section 3 of the Ordinance to ensure that the Governor in Council will have sufficiently wide powers to make

such subsidiary legislation as is necessary for the full control of Light Buses.

Paragraph (a) of clause 3 of the bill enables regulations to be made controlling the use of roads by a specified type or class of vehicle and the manner in which a vehicle may be used on a road. This will authorize, for example, regulations prohibiting the use of Public Light Buses in certain areas or at certain times.

Paragraph (b) of clause 3 confers power to make regulations for the seizure and impounding and detention for up to two months of vehicles used in contravention of the Ordinance, for the charging of fees in respect of impounded vehicles and for the disposal of unclaimed impounded vehicles, and I have already indicated the kind of regulations which it is intended to make on these matters.

Clause 4 of the bill amends section 4 of the principal Ordinance, which deals with the power to make regulations dealing with the licensing and registration of vehicles. Subsection (1) is replaced by a new subsection which is in broader terms than the present one and which will, in particular, enable regulations to be made creating different divisions of the various classes of motor vehicle which are specified in section 2(2) and controlling the colours and markings of any class of vehicles, and limiting the number of vehicles of any class, or division, which may be registered or licensed at any time.

The bill follows closely, with a few modifications, the recommendations of the Transport Advisory Committee, for whose valuable work on a most difficult subject the Government is duly grateful. It is the Government's hope that this bill, and the regulations to be made under it, will enable the operation of minibuses, in the future, to be conducted in a manner which will ensure a proper protection for the interests of the public and of competing forms of transport and give the minibus operator the opportunity to earn legally a fair return for his enterprise.

Question proposed.

Motion made (pursuant to Standing Order No 30). That the debate on the second reading of the bill be adjourned—THE COLONIAL SECRETARY.

Question put and agreed to.

Explanatory Memorandum

The object of this Bill is to enact legislation relating to public light buses which are commonly known as "minibuses".

2. Clause 2 amends some of the definitions contained in section 2 of the principal Ordinance and inserts new definitions.

Road Traffic (Amendment) Bill—second reading*[Explanatory Memorandum]*

Included in the new definitions is a definition of "light bus". This vehicle is defined as a motor vehicle of not more than two tons unladen weight constructed or adapted only for the carriage of not more than fourteen passengers which is of a design and type approved by the Commissioner for Transport. Definitions of two categories of "light buses" are also included, namely, the private light bus which is to be used for private purposes and the carriage of students, and the public light bus (commonly called the minibus) which is to be used for the carriage of passengers for hire or reward. The definitions of goods vehicle, motor tricycle and motor cycle contained in clause 2 have the effect of excluding from the category of "goods vehicles" motor tricycles and motor cycles constructed for the carriage of goods. In consequence of this a motor tricycle and a motor cycle constructed for the carriage of goods will no longer be required to be registered as a goods vehicle.

3. Clause 3 enlarges the regulation-making powers of the Governor in Council by enabling regulations to be made—

- (a) controlling the use of roads by any particular class of vehicles;
- (b) providing for the seizure and impounding of vehicles used in contravention of the Ordinance; and
- (c) for the disposal by way of sale or otherwise of impounded motor vehicles which are unclaimed.

4. Clause 4 repeals and re-enacts subsection (1) of section 4 of the principal Ordinance. The new subsection confers power on the Governor in Council to make regulations creating divisions of any class of motor vehicle, controlling the colours and markings of any class of motor vehicle and limiting the number of motor vehicles that may be registered or licensed within any class of motor vehicle.

**PUBLIC TRANSPORT SERVICES (HONG KONG ISLAND)
(AMENDMENT) BILL 1969**

THE ATTORNEY GENERAL moved the second reading of:—"A bill to amend further the Public Transport Services (Hong Kong Island) Ordinance."

He said:—Sir, this bill, and the next bill before Council, make amendments to the two Ordinances which set out the terms of the

franchises under which the China Motor Bus Company and the Kowloon Motor Bus Company operate.

The object of these amendments, which are the same in the case of each bill, is to make it clear that the exclusive right to operate public omnibuses conferred on the bus companies by the Ordinances will not in future extend to the operation of public or private light buses, as defined in clause 2 of the Road Traffic (Amendment) Bill 1969 which has been before Council this afternoon.

It is, I realize, arguable that by virtue of the amendment in that bill to the definition of "omnibus" the effect of which is to exclude light buses, it is unnecessary to amend the two bus company Ordinances so as to exclude the operation of light buses specifically from the franchise.

However, I suggest that it is better to put the matter beyond argument, and to avoid the confusion which is so often caused by legislation by reference, by including in section 5 of the two bus companies' Ordinances a new paragraph by which the operation of light buses is specifically deleted from the Companies' rights of exclusive operation. This is achieved by the addition of a new paragraph to section 5 of each Ordinance, and is to be found in clause 3 of this, and the next bill.

These amendments will not, of course, prevent either bus company from applying for licences to operate public or private light buses or from operating them, if they are licensed, in competition with other licence holders.

The removal of public light buses from the bus companies' exclusive franchises amounts to a significant derogation from those franchises. Although in law they would have no claim for compensation, since this modification of their rights would be achieved by legislation, the Government recognizes that the bus companies do have a moral claim to be recompensed for loss which results from such operation of public light buses as would amount to an infringement of their present rights.

The Government therefore proposes to enter negotiations with the bus companies, with the intention of reaching agreement with them as to an appropriate measure of compensation. If the Government and the companies fail to reach agreement as to this, the Government will be prepared to submit the matter to arbitration and to abide by any award made.

As honourable Members may be aware, the bus companies have been asked if they wish to run public light buses themselves and it appears likely that they will want to do so. Obviously, the more extensive the public light bus service provided by the public companies, the less is the loss which they are likely to suffer from public light bus services as a whole.

[THE ATTORNEY GENERAL] **Public Transport Services (Hong Kong Island)
(Amendment) Bill—second reading**

If the bus companies do decide to operate public light buses, certain difficulties may arise with regard to the assessment of royalties. The China Motor Bus Company pays a royalty on the basis of net profit from all its operations, whereas the Kowloon Motor Bus Company pays on the basis of its gross revenue from scheduled services only. It may therefore be necessary for the Financial Secretary, under section 11 of the principal Ordinance, to authorize the China Motor Bus Company to set up a subsidiary company to run public light buses on the Island, in order that the two companies shall be put in the same position, whereby receipts and profits from public light bus operations shall be excluded from royalty payments.

Question proposed.

Motion made (pursuant to Standing Order No 30). That the debate on the second reading of the bill be adjourned—THE COLONIAL SECRETARY.

Question put and agreed to.

Explanatory Memorandum

The purpose of this Bill is to exclude from the grant made to the China Motor Bus Company Limited under the principal Ordinance, the exclusive right to operate private and public light buses, which are defined in clause 2 and commonly called minibuses.

**PUBLIC TRANSPORT SERVICES (KOWLOON AND
NEW TERRITORIES) (AMENDMENT) BILL 1969**

THE ATTORNEY GENERAL moved the second reading of:—"A bill to amend further the Public Transport Services (Kowloon and New Territories) Ordinance."

He said:—Sir, I have already explained the purpose of this bill when moving the second reading of the last bill* and I have nothing to add.

Question proposed

* Page 376.

Motion made (pursuant to Standing Order No 30). That the debate on the second reading of the bill be adjourned—THE COLONIAL SECRETARY.

Question put and agreed to.

Explanatory Memorandum

The purpose of this Bill is to exclude from the grant made to the Kowloon Motor Bus Company (1933) Limited under the principal Ordinance, the exclusive right to operate private and public light buses, which are defined in clause 2 and commonly called minibuses.

NEW TERRITORIES (AMENDMENT) BILL 1969

MR D. C. C. LUDDINGTON moved the second reading of: —"A bill to amend further the New Territories Ordinance."

He said: —Sir, in April 1961 the New Territories Ordinance was amended so as among other things, to remove the Land Officer's judicial functions in respect of land matters in the New Territories*.

It was recently brought to light that under section 14 of this Ordinance the Land Officer, in this context the District Officer, still has an obligation to register any judgement affecting land in his district. Unfortunately the Land Officer has no means of knowing when judgements, which are now the responsibility of the District Court, have been given. The section is therefore an anachronism and should be repealed.

The New Territories (Amendment) Bill 1969 provides for the repeal of section 14 of the principal Ordinance. If this bill is enacted registration of judgements relating to land in the New Territories may still be effected by the parties in the usual way under the Land Registration Ordinance as modified by sections 10 and 11 of the New Territories Ordinance.

Question put and agreed to.

Bill read the second time.

Bill committed to a committee of the whole Council pursuant to Standing Order No 43(1).

* 1961 Hansard, pages 109 and 156.

New Territories (Amendment) Bill—second reading*Explanatory Memorandum*

Section 14 of the New Territories Ordinance requires the Land Officer to enter in the land register a memorandum of every judgment relating to land. Since the Land Officer's judicial powers in relation to land were removed by amendment of the New Territories Ordinance in 1961 the Land Officer has had no means of knowing of every such judgment, and the obligation imposed by section 14 has therefore been impossible of fulfilment.

2. It appears that when the New Territories Ordinance was being amended in 1961 the necessity to repeal section 14 was overlooked, and this Bill now rectifies the omission.

3. After the repeal of section 14 registration of judgments relating to land may be effected by the parties in the usual way under the Land Registration Ordinance.

EVIDENCE (AMENDMENT) BILL 1969**Resumption of debate on second reading (4th June 1969)**

Question again proposed.

Question put and agreed to.

Bill read the second time.

Bill committed to a committee of the whole Council pursuant to Standing Order No 43.

EVIDENCE (AMENDMENT) BILL 1969**Committee stage**

Council went into committee to consider the bill clause by clause.

Clauses 1 to 8 were agreed to.

INLAND REVENUE (AMENDMENT) BILL 1969**Committee stage**

HIS EXCELLENCY THE PRESIDENT: —With the concurrence of honourable Members we will take the clauses in blocks of not more than ten.

Clauses 1 to 13 were agreed to.

Clause 14.

DR S. Y. CHUNG: —Sir, I move that clause 14 be amended as set forth in the paper before honourable Members.

Clause

14 That the words "trade mark or patent" be deleted and the following substituted—

"trade mark, design or patent".

The amendment was agreed to.

Clause 14, as amended, was agreed to.

Clauses 15 to 24 were agreed to.

Clause 25.

THE FINANCIAL SECRETARY: —Sir, I rise to move that clause 25 be amended as set forth in the paper before honourable Members.

During the second reading debate my honourable Friend Mr BROWNE proposed that insurance policies be bulked together for the purposes of the proposed restriction on the deductibility of life insurance premia to 7% of the capital sum assured*. We have been unable to accept this proposal because it seems no more reasonable to give a full allowance for the premium paid on a short term life policy with a high "endowment" element to a holder of other more normal policies than to a taxpayer who does not have such policies. The principle is bad in either case.

The amendment before Council, however, raises the allowable percentage from 7% to 10% as being more appropriate to conditions in Hong Kong. It will, incidentally, go some way to meet the kind of situation my honourable friend Mr BROWNE'S proposal was, I think, intended to cover.

Clause

25 That the word "seven" in paragraph (c) be deleted and the following substituted—

“ten”.

The amendment was agreed to.

Clause 25, as amended, was agreed to.

Clause 26.

* Page 343.

Inland Revenue (Amendment) Bill—committee stage

THE FINANCIAL SECRETARY: —Sir, I rise to move that clause 26 be amended as set forth in the paper before honourable Members.

When introducing the bill, I referred to a minor drafting error in this clause*. In the process of including additional relief for Property Tax on Personal Assessment the draftsmen removed the basic relief. The amendment sets this right.

Clause

26 That clause 26 of the bill be deleted and the following substituted—

"Amend
ment of follows—
section
43. **26.** Section 43 of the principal Ordinance is amended as follows—
(a) by deleting subsection (2) and substituting the following—

"(2) Any tax paid by the individual whether directly or by deduction under the provisions of section 6 or 29 and any salaries tax and any business profits tax paid under the provisions of Parts III and IV respectively shall, where the relevant amounts on which such taxes were calculated are included in the total income of the individual, be set off for the purposes of collection against the tax charged under this Part on that individual.

(2A) Any tax paid by the individual whether directly or indirectly under the provisions of Part II for a year of assessment for which he has elected personal assessment, to the extent to which such tax—

- (a) is available for set off under section 25;
- (b) would have been refundable under subsection (3) of section 5 except that the relevant part of the land or

buildings or land and buildings did not qualify under the definition of building or part thereof in paragraph (c) of subsection (5) of section 5;

- (c) would have been refundable under section 7 except that the relevant period when the land or buildings or land and buildings were unoccupied did not consist of entire months in the year of assessment,

shall be set off for the purposes of collection against the tax charged under this Part on that individual for that year of assessment.";

- (b) in subsection (3), by deleting "subsection (2)" and substituting the following—
"subsections (2) and (2A)".

The amendments were agreed to.

Clause 26, as amended, was agreed to.

Clause 27 was agreed to.

Clause 28.

MR O. V. CHEUNG: —Sir, I move that clause 28 be amended as set forth in the paper before honourable Members.

Clause

- 28 That subsection (1) of section 51B (as contained in clause 28) be deleted and the following substituted—

"(1) If the Commissioner, or an officer of the Inland Revenue Department not below the rank of chief assessor authorized in writing by the Commissioner for the purpose, satisfies a magistrate, by statement made on oath, —

- (a) that there are reasonable grounds for suspecting that a person has made an incorrect return or supplied false information having the effect of understating his income or profits chargeable

[MR CHEUNG] **Inland Revenue (Amendment)
Bill—committee stage**

to tax and has done so without reasonable excuse and not through an innocent oversight or omission; or

- (b) that a person has failed to comply with an order of a court made under subsection (1) of section 80 directing him to comply with the requirements of a notice given to him under subsection (1) or (3) of section 51,

the magistrate may by warrant authorize the Commissioner or officer to exercise the following powers—

- (i) without previous notice at any reasonable time during the day, to enter and have free access to any land, buildings, or place where he suspects there to be any books, records, accounts or documents of that person and there to search for and examine any books, records, accounts or documents;
- (ii) in carrying out any such search, to open or cause to be removed and opened, any article in which he suspects any books, records, accounts or documents to be contained;
- (iii) to take possession of any books, records, accounts or documents of that person which in his opinion may afford evidence which may be material in assessing the liability of that person for tax;
- (iv) to retain any such books, records, accounts or documents for as long as they may be reasonably required for any assessment to be made or for any proceedings under this Ordinance to be completed:

Provided that if the Commissioner or officer shall retain any book, record, account or document for a period of more than fourteen days, the person aggrieved may apply in writing to the Board of Review for an order directing the return thereof and the Board of Review, after hearing the applicant or his representative and the Commissioner or his representative, may so order, either unconditionally or subject to any condition which the Board may consider it proper to impose."

Clause

- 28 That the following subsection be added to section 51B (as contained in clause 28) —

"(5) This section shall expire upon the expiration of three years from the date when it comes into operation unless the Legislative Council shall extend the operation thereof by resolution passed before that date."

The amendments were agreed to.

Clause 28, as amended, was agreed to.

Clause 29.

THE FINANCIAL SECRETARY: —Sir, I move that clause 29 be amended as set forth in the paper before honourable Member.

Sir, this amendment is designed to meet a point raised by my honourable Friend Mr BROWNE* and limits the power to require employers in some circumstances to withhold salary due to employees about to leave the Colony to the case of those employees who are about to leave the Colony on cessation of employment with the employer concerned.

Clause

- 29 That the words “, in the case of an individual whom he has ceased, or is about to cease, to employ in the Colony” be inserted after the words “expected departure of an individual shall not”.

The amendment was agreed to.

Clause 29, as amended, was agreed to.

Clauses 30 to 41 were agreed to.

BANKING (AMENDMENT) BILL 1969**Committee stage**

Clauses 1 to 5 were agreed to.

* Page 343.

CROSS-HARBOUR TUNNEL BILL 1969**Committee stage**

HIS EXCELLENCY THE PRESIDENT: —With the concurrence of honourable Members we will take the clauses in blocks of not more than ten.

Clauses 1 to 67 were agreed to.

POLICE FORCES (CHANGE OF TITLE) BILL 1969**Committee stage**

Clauses 1 and 2 were agreed to.

Council then resumed.

Third reading

THE ATTORNEY GENERAL reported that the Evidence (Amendment) Bill 1969 had passed through committee without amendment and moved the third reading of the bill.

Question put and agreed to.

Bill read the third time and passed.

THE FINANCIAL SECRETARY reported that the Inland Revenue (Amendment) Bill 1969 had passed through Committee with certain amendments, and moved the third reading of the bill.

Question put and agreed to.

Bill read the third time and passed.

THE FINANCIAL SECRETARY reported that the Banking (Amendment) Bill 1969 had passed through committee without amendment and moved the third reading of the bill.

Question put and agreed to.

Bill read the third time and passed.

THE FINANCIAL SECRETARY reported that the Cross-Harbour Tunnel Bill 1969 had passed through committee without amendment and moved the third reading of the bill.

MR Y. K. KAN: —Sir, I was not present in this Council when the bill was read the second time and I hope I would be pardoned if I make two comments on the contents of the bill in accordance with Standing Order 44.

The first comment, Sir, deals with section 28 of the bill which stipulates that the tunnel structure should be completed before the 18th of August 1973. There is nothing in the bill which stipulates for the commencement of the construction of the tunnel. Honourable Members of this Council will remember, Sir, that although the offer was accepted by the Tunnel Company—as long ago as the 17th August 1965, there have been considerable delays in the implementation of the scheme; delays which, I believe, have in turn caused certain delays in the construction of certain road works and, in my mind, also affected the expansion of the cross harbour ferry services—delays which I and my honourable Friend, Mr W. SZETO have commented on in this Council.

Sir, I realize that although a date has been fixed for the completion of the tunnel, nonetheless I do feel that there should be set a date for the commencement of the works. I realize that, in my honourable Friend, the Financial Secretary's speech on the seconding of the bill, he expressed the hope that the construction contract would soon be signed and that work would begin. Nonetheless, Sir, there are possibilities which, of course, we do not and cannot envisage at this stage, which might give rise to further delays. I realize the fact that, at this stage, it would not be proper for me to put in amendments and I do urge that Government should ensure—to take every step to ensure—that no further delay should be incurred in the implementation of the scheme.

The second point which I should mention is this, Sir. The bill seeks to grant to the Tunnel Company the right to construct a cross harbour tunnel and it confers on the Tunnel Company a wayleave.

Sir, this right to my mind is similar to the right which is given, for instance, to the Tramway Company to lay tram tracks along roads and to the Peak Tramway to lay their tracks on certain parts of Crown Land; and it also is similar to the grant of right to the Telephone Company to lay cables and, more recently, to the right of the Hong Kong Electrical Company to erect pylons. Now, Sir, if I may draw the attention of this Council to the various Ordinances which govern these rights—in the case of the Tramway Company there is a clause—

[MR KAN] **Cross Harbour Tunnel Bill—third reading**

section 65—which makes the Company responsible for all damage through its acts or defaults in respect of installations which it makes. Similar provision, in fact in identical form, could be found in the case of the Peak Tramway Ordinance which is at section 34. Now, in the case of the Telephone Company, the position goes even further—where the company is made answerable and indemnifies the Government against all claims through or in consequence of any of the company's works under the concession or through the construction, maintenance, repair or operation of the company's telephone system. As lately as some time early this year under a wayleave agreement entered into with the Hong Kong Electric Company, Government exacted a similar indemnity clause from that Company.

Sir, I do not know whether the omission of this type of indemnity is accidental or otherwise, and I would urge that Government in its negotiation with the company might consider the imposition of a similar clause of this kind.

THE ATTORNEY GENERAL: —Sir, perhaps I might say, with regard to my honourable Friend's first point, that of course the Government is extremely anxious to have the tunnel completed at the earliest possible date and will certainly take every reasonable step which is open to it under the bill and in accordance with such agreements as may be entered into with the Tunnel Company to ensure that work goes forward vigorously, and that the completion date set out in the bill will be met. I might perhaps mention that clause 51 of the bill does provide for notices to be served on the company if the Governor in Council is of the opinion that the construction work will not be completed by the proper date.

With regard to the question of liability and possible indemnity, while I believe that clause 66 of the bill and also the general principles of common law do give an adequate protection to the Government, nevertheless I fully appreciate the honourable Member's concern in the matter and agree that it would be prudent to reexamine the position and, if as a result of this it seems to be desirable, to present to this Council in due course such amending legislation as may appear to be necessary.

Question put and agreed to.

Bill read the third time and passed.

THE COLONIAL SECRETARY reported that the Police Forces (Change of Title) Bill 1969 had passed through committee without amendment and moved the third reading of the bill.

Question put and agreed to.

Bill read the third time and passed.

CROSS-HARBOUR TUNNEL

THE FINANCIAL SECRETARY moved the following resolution: —

Resolved that this Council approves that Government shall enter into agreements, in such form as may be approved by the Financial Secretary, with the Cross Harbour Tunnel Company (hereinafter referred to as "the Company") to the effect set out in the First Schedule hereto and with Lloyd's Bank Ltd. to the effect set out in the Second Schedule hereto and that such agreements shall be executed on behalf of the Hong Kong Government by the Financial Secretary.

FIRST SCHEDULE

1. The Government will purchase at par, 25% of the Ordinary Shares and Loan Stock issued by the Company, subject to a maximum payment by the Government of HK\$27.5 million.
2. (a) That the sum of twelve million dollars to be paid by the Company to the Government in accordance with the provisions of section 13 of the Cross Harbour Tunnel Ordinance 1969, shall be paid with interest.
- (b) That the sum and interest referred to in subparagraph (a) shall be paid at such times and in such instalments as the Government and the Company may agree, save that no repayment shall be due until after the due date of repayment by the Company of all amounts which may be due from the Company to Lloyd's Bank Limited, of 71, Lombard Street, London, under an agreement to be entered between the Company and Lloyd's Bank whereby the Company will borrow a sum not exceeding £ 14.75 million to finance the construction of the Cross Harbour Tunnel.

SECOND SCHEDULE

1. Government is to guarantee that, if the Company fails to pay any amounts due from the Company to Lloyd's

Cross Harbour Tunnel—resolution

Bank Ltd. (under the agreement between the Company and Lloyd's Bank Ltd. mentioned in the First Schedule) Government will pay to Lloyd's Bank 25 per cent of such unpaid amounts.

The Governor's recommendation signified by the Financial Secretary pursuant to *Standing Order No 23(1)*.

THE FINANCIAL SECRETARY said: —Sir, this resolution deals with certain financial proposals involving Government which arise from the passing of the bill granting a franchise for the construction of a cross-harbour tunnel, but which could not appropriately be included in that bill.

Section 1 proposes a subscription by Government of 25% of the shares of the Cross-Harbour Tunnel Company, to a maximum of \$27.5 million. It is intended that the subscription be paid from the development loan fund. It will be recalled that, in section 10 of the original resolution passed in 1965, Government was to be given an option of 25% of the equity capital of the Company and, if it took up not less than 10%, was to be allocated not less than two seats on the Board of Directors.

When we first considered the exercise of this option in 1966, we came to the conclusion that, as a matter of public policy, Government should be involved in, and have some say in, the control of so important a traffic link; but, as we continued to afford it fairly low priority in terms of public expenditure, we limited participation to 12½% or \$15 million. Later, in 1967, when the company was having some difficulty in securing the full finance required, and when the two ferry companies had declined their respective 5% options, it seemed possible, for a number of reasons, that the project might fail were Government not to subscribe to the full extent of its option. We took the view, therefore, that Government should do so, subject, of course, to the consent of this Council; and all negotiations since then have been based on this proposal. I might add that, in the opinion of a majority, the investment should prove very profitable; indeed the delay of three years should make it more immediately profitable.

Section 2(a) of the resolution deals with repayment of the \$12 million which was estimated to be the cost of special road connexions required for access to the Tunnel. There are no grounds for altering this original figure. By section 8 of the earlier resolution, this sum was to be repaid by the company, without interest, in two equal instalments, two years and four years after construction of the tunnel began. It is proposed now, by way of further assistance with the financing of

the tunnel, that repayment should not start until after the commercial bank loan has been repaid, that is, about ten years after the start of construction. It is intended that interest should be charged because of the considerable lengthening of the repayment period. The resolution does not, I regret, contain any detail of the proposed terms except that interest should be charged. We have all been so heavily engaged in the urgent drawing up of the final contract and commercial bank loan agreements that it has not been possible to deal with this yet. I expect no difficulty, however, in reaching agreement and we will of course refer the proposed terms to Finance Committee before final agreement.

Section 2(b) of the resolution deals with the counter-guarantee by shareholders required by the United Kingdom Export Credit Guarantee Department in consideration of its guarantee to the lending bank. We made it clear at the time of the earlier resolution that there would be no guarantee by Government of the project as a whole and this was stated in the Company's tender invitation. We have held firm to this, although it has not been easy to explain in some quarters why the tunnel should be treated as a commercial venture rather than an official project—although such commercial ventures are by no means uncommon in many countries. Eventually proposals for counter-guarantees were limited to several guarantees by shareholders in proportion to their shareholdings. This is not an unreasonable requirement and has been accepted by other shareholders.

MR Y. K. KAN: —Sir, I have just noted my honourable Friend, the Financial Secretary's remark on the details of the proposed agreements and his intention to consult members of the Finance Committee on them before their conclusion. I would ask that the agreements in their final form could be shown to Members of Financial Committee for their views before they are concluded.

THE FINANCIAL SECRETARY: —As I have said in my introduction of the motion, we will of course refer the proposed terms to Finance Committee before final agreement.

Question put and agreed to.

ADJOURNMENT

Motion made, and question proposed. That this Council do now adjourn—
THE COLONIAL SECRETARY.

3.42 p.m.

First aiders in Industry

DR S. Y. CHUNG: —Your Excellency, the Honourable Mr HETHERINGTON made a progress report to this Council on 23rd April*

* Pages 251-2.

[DR CHUNG] **First Aiders in Industry**

this year concerning the Factories and Industrial Undertakings (First Aid in Registrable Workplaces) Regulations 1968. In his report my honourable Friend, who is at present on leave, recalled the difference of opinion expressed in August 1968 between himself and myself on the number of first aiders to be trained under regulation 5 which requires that, in any registrable workplace, at least one person trained in first aid for each 100, or part of 100, employees after the first 100 employees.

My honourable Friend estimated that all the relevant industrial undertakings would require a total of 2,500 trained first aiders by October 1969 in order to comply with this regulation, and that of this total requirement there were 1,500 qualified persons already employed in August 1968 thus leaving a short-fall of 1,000 qualified first aiders to be trained during the period between August 1968 and October 1969*. I, however, disputed his estimates based, firstly, on the results of a sample survey carried out by the Federation of Hong Kong Industries and, secondly, on the reasons that factors relating to the growth of industrial labour force and the margin of allowance in addition to the minimum requirement by legislation had not been taken into account in the estimates made by him. Taking all these factors into consideration I estimated in August 1968 that there was a short-fall of 2,900 qualified first aiders who would have to be trained during the 12-month period ending September 1969.

Although my honourable Friend did not accept my estimate, he suggested that the matter be reviewed in about six months time. In his review in April this year Mr HETHERINGTON disclosed that during the 6-month period a total of 943 persons had attended first aid courses. However, he considered that the position in April 1969 was not much clearer than it was in August 1968. Evidently, if his estimated short-fall of 1,000 qualified first aiders is realistic, the majority of industrial undertakings will by now have sufficient qualified first aid personnel even liberal allowance is made for failures in the training courses.

In order to help clarify the situation, the Federation of Hong Kong Industries conducted another survey during the early part of May this year. This time the survey involved a very large labour force of 154,117 persons in 327 factories each of which has 100 or more employees. In fact, the survey covered one half of the total labour force governed by regulation 5. The minimum number of qualified first aiders as required by regulation 5 for these 327 factories was 1,118. Among the 327 factories interviewed, 205 or two-thirds of them did not have sufficient first aiders to comply with the minimum requirement laid down by regulation 5 and 152 factories or 50% did not even employ a

* 1968 Hansard, page 363.

single qualified first aider. On the other hand, 54 of the 327 industrial establishments in the survey had more qualified first aiders than that required by legislation and 10 of these 54 factories employed 200 more than the minimum legal requirement of 76 qualified first aiders.

The total number of qualified first aiders employed at the time of the survey was 713 which included 459 persons trained during the 8-month period between August 1968 and May 1969. The total deficiency in first aiders in these 327 factories was 733 in May this year. If we include the expected margin of safety of one additional first aider in excess of minimum requirement for each of the 205 factories which have insufficient number of first aiders, the expected total number of persons required training as in May this year would be 935.

Honourable Members will by now realize that the actual short-fall of qualified first aiders would be very many more than the estimate of 1,000 made by my honourable Friend, Mr HETHERINGTON. By May 1969 when this survey was taken, over 900 first aiders had been trained and the actual counting conducted by the Federation on one half of the relevant labour force revealed a further demand for about 935 first aiders. These two aspects alone indicate a short-fall of over 1,800 qualified first aiders.

According to the labour statistics supplied to me by my honourable Friend, Mr RICHARDSON, the total number of employees in industrial establishments employing 100 or more persons as in March 1969 was 327,387 which was just more than double the size of the labour force covered by the survey of the Federation. By simple proportion, the estimated total deficiency in first aiders as in May this year for all industrial establishments employing 100 or more persons would be around 2,000 which, after adding the approximately 900 qualified first aiders already trained during the period between August 1968 and May 1969, will come to a total figure of approximately 2,900. Honourable Members will note that this figure of 2,900 correlates extremely well with my estimate made in August 1968.

In fact, we are talking about the situation in May this year and if we include the growth factor on industrial employment between May and October this year when regulation 5 comes into effect, the total number of first aiders required in industry would be greater than 2,900. I think honourable Members will concur with my view that the situation is rather unsatisfactory as only one-third of the anticipated requirement of the 2,900 qualified first aiders were trained during two-third of the available 12-month period for training. We have only less than four months before regulation 5 coming into effect on first day of October this year.

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The Federation of Hong Kong Industries has repeatedly advised and will continue to advise its members of their legal obligation to provide sufficient qualified first aiders. Unfortunately, the Federation is not able to cover all the concerned factories in Hong Kong and I therefore propose that the Honourable Commissioner of Labour promptly arrange some effective means to remind each and every industrial undertaking employing 100 or more persons of their obligation in providing sufficient first aiders and to urge them to select and send appropriate number of their employees to be trained for qualified first aiders without further delay. One effective and reliable way, I believe, is to mobilize the factory inspectors of the Labour Department to make personal calls on all of the managements of those factories concerned. I am certain that employers would welcome such positive assistance and helpful attitude of the Labour Department.

The provision of training facilities is another aspect which needs immediate attention. There are, I am given to understand, over 300 candidates awaiting training, and some of them have been waiting since March this year. If all the candidates for the remaining two-third of the required 2,900 first aiders apply for training I have serious doubts that it is practical for the Labour Department to provide the necessary training within the next three to four months.

Sir, under the obtaining circumstances I must sound a note of warning. Unless rectifying action is taken with speed and efficiency a great number of industrial establishments in Hong Kong will not, I am sure, be able to comply with regulation 5 when it comes into force on the first day of October 1969.

MR A. P. RICHARDSON: —Sir, I am grateful to my honourable Friend, Dr CHUNG, for the interest which he continues to show in the training of an adequate number of first-aiders. I appreciate also the effort made by the Federation of Hong Kong Industries to persuade its members to select sufficient people for training in first-aid.

The results of the survey carried out by the Federation do not altogether surprise me. Managements which realize the importance of first-aid and have some concern for the well-being of their employees will naturally have more first-aiders on their staff than the minimum specified in the regulations whereas those which see no practical value in protective legislation will have few, if any. Nonetheless, the fact that so many members of the Federation still employ no first-aiders in their workplaces is a matter of concern and shows how little people are influenced by exhortation, whether by Government or anyone else.

I regret that I am unable to reconcile many of the figures quoted by my honourable Friend with those hitherto quoted by the Commissioner of Labour or with those which are available to me. Speaking in this Chamber in April Mr HETHERINGTON said that in the whole of 1968 there were 558 candidates for first-aid courses and in the first two months or so of 1969 there were 385. Mr HETHERINGTON did not say that 943 people had qualified between August 1968 and the time when he spoke but, on the contrary, that the failure rate in recent courses had been 57 percent. This would affect my honourable Friend's conclusion that 2,900 was a correct assessment of those who needed to be trained and that "evidently" had Mr HETHERINGTON been correct in his original assessment the need would by now have been met.

The Commissioner of Labour's estimate of the minimum number of first-aiders required by industry was based on the employment statistics collected by the department in March 1968. Using the March 1969 statistics I would add an additional 300 to Mr HETHERINGTON's original estimate.

The Labour Department does not provide—nor would it be permitted to provide—training in first-aid. This is the prerogative of the St John Ambulance Association and we rely entirely on the Association. The Association informs me that of those whose names we have forwarded 419 have qualified as first-aiders since 21st August 1968 and that a further 53 have qualified in classes arranged direct with industrialists. The examination results of a further 200 have yet to be announced.

I am informed that the number of classes arranged by the Association for industrial workers depends entirely on the number of candidates put forward by managements for training and that the reason why some candidates were kept waiting lay in there being too few candidates in the particular district to make it worthwhile to form a class. It has been the policy to form classes close to the worker-candidate's place of employ. I would wish it to be made as convenient as possible for the worker to attend lectures but nonetheless consider that where the response is poor in a particular area the candidate should be given the chance of attending classes elsewhere. Incidentally, the 300 or so candidates referred to by my honourable Friend have all been allocated to classes. I now have too few on my lists to ask the Association to arrange further classes.

By using Mr HETHERINGTON's method of calculation of the deficiency in first-aiders and updating the estimate by reference to the March 1969 statistics I arrived at the figure of 1,300. There are so many imponderables that I regard the figure as somewhat theoretical. I do not know, for example, how many factories will qualify for exemption because of their having special first-aid or medical facilities.

[MR RICHARDSON] **First Aiders in Industry**

My figure makes no allowance for any, although many of the larger concerns will undoubtedly qualify and this will affect the overall total considerably. I, furthermore, do not know how the available first-aiders will be spread out among individual workplaces. The survey carried out by the Federation suggests that the spread is very uneven. I myself would doubt, however, whether the survey of the other half of that part of industry which is affected by the regulation would reveal too many factories hoarding first-aiders in excess of what will become the legal minimum. The spread may, therefore, be more even—at any rate I would not expect it to be the same.

The Commissioner of Labour when speaking in this Chamber in April referred to his inability to discover to what extent managements had satisfied themselves that they will be able to comply with the regulation when it comes into force and he appealed to them to do so urgently because they, and only they, can do so. The onus is on managements and I do not consider that it would be appropriate at this late hour to take members of the factory inspectorate off their normal duties so that they could go out, cap in hand, appealing for co-operation.

Managements have been given warning of the contents of the regulation which we are discussing and will have had fourteen months in which to make preparation. The requirement has been given wide publicity in the press and the Labour Department has issued over 11,000 letters to individual managements and has, time and time again, asked them to contact the department should they have any problems. I had given instructions for further publicity to be arranged shortly before I received notice of my honourable Friend's question, because time is running short and the St John Ambulance Association cannot be expected to double, treble, quadruplicate, or do something even more spectacular to its training capacity overnight. Although the Labour Department will always be ready to assist in any way it can I do not myself consider that managements should expect to be molly-coddled. We are discussing the obligations not of back street hucksters but of employers who have in their workplaces not less than 100 employees at any one time. These, I suggest, should be expected to be responsible enough to make the necessary preparation to fulfill the simple obligation imposed upon them by the regulation.

I very much fear, however, that, as Mr HETHERINGTON anticipated when speaking in this Chamber in August last year, many have not made, and will not make, the necessary preparations. I do not think that this is sufficient reason for delaying the introduction of the regulation, for any delay will inevitably lead recalcitrant managements to postpone even longer the action which they should already have taken. I see no reason why such managements should expect to be treated

with any particular leniency when the regulation comes into force. There will, on the other hand, undoubtedly be instances where managements have made a genuine effort to select and train staff and yet have been unable for one or other reason to comply. In such instances it will be possible for the Commissioner of Labour to grant exemptions to allow them additional time to fulfill their obligations.

Question put and agreed to.

NEXT SITTING

HIS EXCELLENCY THE PRESIDENT: —Council will accordingly adjourn. The next sitting will be held on 2nd July 1969.

Adjourned accordingly at five minutes past Four o'clock.