

**OFFICIAL REPORT OF PROCEEDINGS****Wednesday, 7th January 1970****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, JP  
THE HONOURABLE THE ATTORNEY GENERAL  
MR DENYS TUDOR EMIL ROBERTS, CBE, QC, JP  
THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS  
MR DAVID RONALD HOLMES, CMG, CBE, MC, ED, JP  
THE HONOURABLE THE FINANCIAL SECRETARY  
SIR JOHN (JAMES) COWPERTHWAITTE, KBE, CMG, JP  
DR THE HONOURABLE TENG PIN-HUI, CMG, OBE, JP  
DIRECTOR OF MEDICAL AND HEALTH SERVICES  
THE HONOURABLE ROBERT MARSHALL HETHERINGTON, DFC, JP  
COMMISSIONER OF LABOUR  
THE HONOURABLE TERENCE DARE SORBY, JP  
DIRECTOR OF COMMERCE AND INDUSTRY  
THE HONOURABLE DAVID RICHARD WATSON ALEXANDER, MBE, JP  
DIRECTOR OF URBAN SERVICES  
THE HONOURABLE GEORGE TIPPETT ROWE, JP  
DIRECTOR OF SOCIAL WELFARE  
THE HONOURABLE JAMES JEAVONS ROBSON, JP  
DIRECTOR OF PUBLIC WORKS  
THE HONOURABLE DONALD COLLIN CUMYN LUDDINGTON, JP  
DISTRICT COMMISSIONER, NEW TERRITORIES  
THE HONOURABLE JOHN CANNING, JP  
DIRECTOR OF EDUCATION  
THE HONOURABLE KAN YUET-KEUNG, CBE, JP  
THE HONOURABLE FUNG HON-CHU, OBE, JP  
THE HONOURABLE TSE YU-CHUEN, OBE, JP  
THE HONOURABLE KENNETH ALBERT WATSON, OBE, JP  
THE HONOURABLE WOO PAK-CHUEN, OBE, JP  
THE HONOURABLE SZETO WAI, OBE, JP  
THE HONOURABLE WILFRED WONG SIEN-BING, OBE, JP  
THE HONOURABLE WILSON WANG TZE-SAM, JP  
DR THE HONOURABLE CHUNG SZE-YUEN, OBE, JP  
THE HONOURABLE MICHAEL ALEXANDER ROBERT HERRIES, OBE, MC, JP  
THE HONOURABLE LEE QUO-WEI, OBE, JP  
THE HONOURABLE OSWALD VICTOR CHEUNG, QC, JP  
THE HONOURABLE GERALD MORDAUNT BROOME SALMON, JP

**IN ATTENDANCE**

THE DEPUTY CLERK OF COUNCILS  
MR DONALD BARTON

**PAPERS**

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

<i>Subject</i>	<i>LN No</i>
Subsidiary Legislation: —	
Importation (Coffee) Regulations.	
Importation (Coffee) Regulations (Amendment of First Schedule) Order 1969 .....	182
Public Health and Urban Services Ordinance.	
Food Adulteration (Artificial Sweeteners) Regulations 1969 .....	183
Public Health and Urban Services Ordinance.	
Food and Drugs (Composition and Labelling) (Amendment) (No 2) Regulations 1969 .....	184
Midwives Registration Ordinance.	
Midwives (Registration and Disciplinary Procedure) (Amendment) Regulations 1969 .....	185
Pharmacy and Poisons Ordinance 1969.	
Pharmacy and Poisons Ordinance 1969 (Commencement) Notice 1969 .....	186
Public Health and Urban Services Ordinance.	
Declaration of Market in Urban Areas to which the Ordinance Applies .....	187
Public Health and Urban Services Ordinance.	
Public Conveniences (Charges) (Amendment) (No 2) Order 1970 .....	1

Sessional Papers 1969-70: —

- No 27—Annual Report by the Director of Public Works for the year 1968-69 (published on 7.1.70).
- No 28—Annual Report by the Director of Fire Services for the year 1968-69 (published on 7.1.70).
- No 30—Annual Judicial Statistics 1968-69 provided by the Registrar, Supreme Court (published on 7.1.70).
- No 31—Annual Report by the Chairman, Urban Council and Director of Urban Services for the year 1968-69 (published on 7.1.70).
- No 32—Annual Report by the Director, Royal Observatory for the year 1968-69 (published on 7.1.70).

**ORAL ANSWERS TO QUESTIONS****Resettlement in NT**

1. MR P. C. WOO asked: —

What steps are being taken to ensure suitable resettlement for people whose structures have to be cleared to make way for public works in the New Territories?

MR D. C. C. LUDDINGTON: —Sir, essentially, similar steps are taken in respect of people whose structures have to be cleared to make way for public works in the New Territories as in the urban areas.

The basic concept is to offer people resettlement accommodation in one of the resettlement estates. In the New Territories, there are such estates in Tsuen Wan and another in Yuen Long and yet another is currently under construction at Castle Peak. This means however that the offer of such accommodation would not, in many cases, be in an area anywhere near that in which the persons concerned had previously been living. People are often reluctant to move to an entirely new environment despite the improved facilities it may offer. I can illustrate the situation perhaps by citing the case of the people who are having to be cleared to make way for the Shing Mun River Training Scheme at Sha Tin. The majority accepted resettlement and have been cleared but a substantial minority did not. In such circumstance Government gives consideration to other means of coping with the situation. In the particular case of the Shing Mun Valley, in view of the lack of any local resettlement accommodation, approval was given for the formation of a special site at Pak Tin near Sha Tin on which the people who did not wish to move away from the Sha Tin area could erect their own accommodation on the basis of permits issued by the District Office.

In many instances of clearance for public works in the New Territories, there is only a small number of people involved. In this sort of case, a common practice is for the District Officer to help those affected to find other sites in the same neighbourhood where they can re-erect their dwellings. Government also provides assistance to these people to the value of \$200 a family to help them to meet the expenses involved in such a move.

**Street lighting in NT**

2. MR WOO: —

What progress has been made on the provision of street lighting in the New Territories particularly in those areas where main roads pass through villages?

### Oral Answers

MR J. J. ROBSON:—Sir, honourable Members will be aware of the principles endorsed by the Public Works Sub-Committee of this Council, which are allowed or which are followed when preparing street lighting programmes. These principles lay down the level of illumination to be adopted for different road conditions and recognize that while traffic routes in rural areas of the New Territories need not be lit, street lighting should be provided where there are special reasons, for example, at locations of heavy pedestrian traffic; for security purposes; and in areas under development.

Street lighting programmes are submitted in December of each year for approval by Public Works Sub-Committee. They arise from departmental recommendations which are scrutinized by a Committee consisting of representatives of the Public Works Department, the Secretariat for Home Affairs, the New Territories Administration and the Colonial Secretariat.

Street lighting is of course already installed in the main towns at Tsuen Wan, Castle Peak, Yuen Long, Tai Po and Sha Tin, but is also being installed or has been installed on various sections of main roads which pass through villages: for example, on the Castle Peak Road at Ting Kau, Sham Tseng, Tsing Lung Tau, Tan Hui, Lam Tei, Hung Shui Kiu, Ping Shan and Au Tau. I will provide my honourable Friend with a list of the very many areas where main roads pass through villages and where street lighting has been or will be installed.

The work is normally carried out in conjunction with road works and there may therefore be some delay in providing street lighting to certain areas until road works are carried out.

*Following is the additional information: —*

Castle Peak Road:	Ting Kau, Sham Tseng, Tsing Lung Tau, Tan Hui, Lam Tei, Hung Shui Kiu, Ping Shan, Au Tau
San Tin Main Road:	San Tin Village Complex, Yau Mei San Tsuen, Kwu Tung
Tai Po Road:	Tai Wai
Tin Kwok Road:	Nam Hang Village
Kam Tin Road (Route 1):	Kam Tin Village
Route TWSK:	Sek Kong Village
Sha Tau Kok Road:	Luen Wo Market, Sha Tau Kok

Sai Kung Road (Hiram's Highway):	Pak Sha Wan, Sai Kung
Muk Fu Ferry Road:	Sheung Shui Village
South Lantau Road:	Mui Wo, Cheung Sha, Tong Fuk, Shui Hau, Tung Chung (off Tung Chung Road)

In addition to the above, street lighting is of course already installed throughout Tsuen Wan, Castle Peak, Yuen Long, Tai Po and Sha Tin. Street lighting installations have also been approved but not yet implemented by the Power Company in respect of the following locations: —

Fan Kam Road (Route 2):	A Kung Tin, Wang Toi Shan, Lin Tong Mei
Tai Tong Road:	18 villages in the Yuen Long area
Tai Mong Tsai Road:	Tai Mong Tsai
Clear Water Bay Road:	Hang Hau Village

### **Rent increases**

3. MR FUNG HON-CHU asked: —

What measures does Government propose to take to safeguard tenants against excessive rent increases in the interim, in view of the report by the Commissioner of Rating and Valuation that the easing of the shortage of domestic and flatted factory accommodation is not anticipated for some time to come?

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER): —Sir, I am most grateful to my honourable Friend Mr FUNG for asking this question and giving me the opportunity to say something, however little, on the subject of rents.

It is in the medical profession a truism that what must be treated is the cause of a disease rather than the symptom. The tendency of rents to increase in the industrial, commercial and residential areas is only a symptom of the situation. The basic situation is that there is a shortage of accommodation due to the credit crisis in 1966 and the events of 1967. We must be sure that any measures taken by the Government towards palliating the uncomfortable symptoms do not militate against the natural cure of the basic cause of the situation.

[THE COLONIAL SECRETARY] **Oral Answers**

I do not intend today to go into the detail of the difficulties and dangers of dealing with what I firmly believe to be a purely temporary situation. For a most admirable analysis of the economic and social factors involved I would refer my honourable Friend to the speech by a predecessor of mine made on the first reading of the Tenancy (Notice of Termination) Bill 1962 which will be found in the Hansard of 1962, page 172 onwards.

There have been understandably widespread demands for palliatives in the present situation. Government has taken steps to assess the areas where palliative measures could be taken without inhibiting or delaying the provision of more accommodation, which is the only final solution. To this end the recent report of the Commissioner of Rating and Valuation is by far the most valuable and indeed the only firm indicator of the situation. That report Sir, will form the basis of proposals which I shall very shortly put to you with the suggestion that they go to Council but I must stress that this is a highly controversial and difficult question, and I would crave the indulgence of my honourable Friend if, in replying to his question, I can do no more than give him the fullest assurance that the whole matter is under the most active and urgent consideration by this Government. This is because it is inherent in this sort of problem that Government cannot safely give any indication of its intentions until it is ready to put whatever plan it may devise into effect, and in any case any proposals involving legislative changes must first be placed before this Council.

At the same time I would take this opportunity of suggesting to landlords contemplating rent increases that they would do well, in their own interests, to show restraint, as indeed a very substantial number of them so far are doing. I would also say to tenants who may be affected by rent increases that, whilst no one understandably enough likes to receive a demand for increased rent, they must understand that any hurriedly imposed or facile new controls imposed by the Government might well have the effect of inhibiting the future supply of new private accommodation which, in my view, is undoubtedly the only entirely effective method of relieving the present shortage and the resultant rent increases. I hope Sir, to make a very much fuller statement as early as possible.

MR FUNG: —Sir, concerning the reference made by my honourable Friend to the report of the Commissioner of Rating and Valuation, may I ask whether the report actually reflects the situation as exists today bearing in mind that, in many cases, the rent increases would not be brought to the notice of the Commissioner until after the expiry of the statutory six months' notice?

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER): —As I have said, Sir, the report is in my view the only reliable one in the present situation. It does not pretend to be a full and final report and indeed describes itself as a preliminary report. But it is the only information on which we have to act.

### **Traffic accident**

4. MR FUNG: —

Could this Council be informed of the cause of the Christmas Day accident at the junction of Aberdeen Street and Wellington Street in which one person was killed? Bearing in mind that this was not the first mishap of its kind at that street junction, what steps are being taken to minimize the risk of such accidents in future?

MR ROBSON: —Sir, I regret that I am unable at present to make any comments on the cause of the accident which occurred on Christmas Day whilst the death report is under consideration by the Coroner.

Aberdeen Street is very steep and the gradient between Caine Road and Staunton Street so severe that this length is prohibited to all motor vehicles except for access to premises on this frontage. The full length of the street between Caine Road and Wellington Street is at present under reconstruction and it is intended to treat the surface of selected sections with an epoxy resin to increase its resistance to skidding.

Five reinforced concrete posts block the entry of vehicles to the stepped portion of Aberdeen Street, that is the length between Wellington Street and Queen's Road. Two of them were knocked down by the lorry and these will be re-erected, but it is not practical to attempt to make these strong enough to withstand the impact of a run-away heavy lorry.

These measures should minimize the risk of further accidents, but of course one cannot cater for possible mechanical failure of vehicles using this street.

MR FUNG: —Sir, would Government consider the possibility of closing this street junction to heavy duty lorries as a measure to reduce the risk of accidents?

MR ROBSON: —Sir, there are a number of junctions on Aberdeen Street and I am afraid you must allow vehicular access to premises along the street. It is not practical to close the street completely to all

**[MR ROBSON] Oral Answers**

motor vehicles. As I have said in my reply the top section, which is particularly steep, has in fact been restricted to vehicles except for access to properties on that frontage. I don't think we could do very much more than that.

MR FUNG: —Sir, I am referring to the heavy duty lorries.

MR ROBSON: —Well, Sir, you must allow for scavenging. I suppose it is perhaps possible to transport all the refuse down the street to some other street where vehicles can get into, but I think it is not practical to close the street completely to heavy vehicles.

MR KAN: —Sir, might it not be a practical solution, in view of the increasing building activities, for heavily laden lorries to be constantly examined by the Commissioner of Transport to minimize the possibility of mechanical fault?

MR ROBSON: —Sir, various precaution of course do take place at this moment. But I will certainly make this comment to the Commissioner of Transport and ask him if he can be more stringent.

**Testing of motor vehicles**

5. MR FUNG: —

Will Government inform this Council: —

- (a) How often are motor vehicles, particularly heavy duty lorries, examined and tested as to their road worthiness?
- (b) How many have been inspected in the past year and how many have been found defective?
- (c) Is Government satisfied that the present system of vehicle inspection ensures that all motor vehicles are in roadworthy condition, and if not, what measures are being taken to improve the situation?

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAIT): —Sir, in answer to the first part of my honourable Friend's question, there is no statutory requirement for motor vehicles, including heavy duty lorries, to be inspected on a regular basis. As a general rule public service vehicles are inspected annually but goods vehicles on first registration. Checks are also carried out on any motor vehicle which appears to a Police officer or, since the Regulations were amended last year, to a member of the Commissioner for Transport's staff, to be defective in some respect.

During 1969, of the 124,000 motor vehicles of all types registered in the Colony, approximately 10,500—including some 3,000 goods vehicles out of the 18,000 registered—appeared defective in one respect or another and were called in for inspection. It is not possible to say how many were found to be, in fact, defective or seriously defective.

Government does not consider the present arrangement for testing of motor vehicles satisfactory. A new Vehicle Inspection Centre is due to be opened later this year at To Kwa Wan. When it is available it is intended to begin inspecting all goods vehicles registered prior to 1966. Consideration is being given to further extension of inspection facilities.

MR FUNG: —Pending the completion of such a facility for inspection, will Government consider to have this inspection submitted to subcontractors to fill the lack of such measures?

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAITTE): —I will draw my honourable Friend's proposal to the attention of the Commissioner of Transport.

### **Entertainment in City Hall**

6. MR Y. K. KAN asked: —

Is Government aware that although it is Government's policy to provide entertainment in the City Hall to the general public at popular prices, the general public is not able to obtain refreshments there at popular prices?

MR D. R. W. ALEXANDER: —Sir, the short answer to my honourable Friend's question is "Yes".

The reason for the difference in prices is, of course, that while the Urban Council is responsible for running the extraordinarily successful series of popular concerts, the restaurants and bars at the City Hall are operated under a catering agreement by a commercial firm selected by open tender. As far as the Urban Council is concerned, the prices charged by the caterer represent good value for what is provided, and it is evident that the public think so too, as is shown by the fact that the restaurants are heavily patronized by very large numbers of people. Here, I would like to add that the policy of the Urban Council, even from the time when Mr KAN served on it, has always been that the caterer at the City Hall should provide a reasonably high standard of service at reasonable prices.

[MR ALEXANDER] **Oral Answers**

However, to meet the need for refreshment at lower prices, especially for young people attending concerts and performances at the City Hall, soft bottled-drinks (which I understand are the particular reason for my honourable Friend's question) are available from trolleys at the main foyer at a reduced price during concert intervals.

One cannot, of course, say that the prices charged by the caterer for soft drinks are very low—which is what I assume Mr KAN means by "popular" prices. The City Hall Select Committee which reviewed the price of soft drinks only last September has therefore been investigating the possibility of providing refreshments at lower prices: and there are plans to provide additional refreshment facilities. These are intended to provide principally for students and young people, and the level of prices to be charged would be decided with these very much in mind.

My honourable Friend may rest assured that the Urban Council always tries to ensure that the City Hall is attractive, in every way, to as large a cross-section of the community as possible.

If, however, he knows of any particular case of apparent overcharging for refreshments, I should be happy to have it investigated.

MR KAN: —Sir, having regard to the fact that the City Hall charges a \$1 for students to go to one of their very popular concerts, would my Friend consider that, at the so-called reduced price of 50¢ for a bottle of coca-cola which could be got outside at 30¢ —would he consider that to be a reasonable price?

MR ALEXANDER: —I would, Sir, and we would hope perhaps to arrange this when we have a new contract for the caterer at the City Hall.

### **Public assistance**

7. MR KAN: —

Will the Honourable Director of Social Welfare make a statement on the progress made for the implementation of a broader public assistance system mentioned by the President and the Honourable Financial Secretary in this Council at its meeting of the 26th February 1969\*.

MR G. T. ROWE: —Sir, proposals for a revised and more comprehensive public assistance scheme have now been drawn up and it is hoped to submit them to Your Excellency in Council for consideration in about one month's time.

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\* 1969 Hansard, pages 61 and 103.

Steps have already been taken to obtain an expert from the British Ministry of Health and Social Security to examine and advise on the administrative machinery that will be required to bring the new scheme into operation. I should perhaps add that considerable preliminary work has already been done on the necessary administrative machinery.

MR TSE YU-CHUEN: —Sir, is the Honourable Director of Social Welfare aware that the Kai Fong Welfare Association have received a large number of enquiries as to when the public assistance scheme would be introduced, and can he assure us that the scheme will be implemented at the earliest possible date?

MR ROWE: —That, Sir, would depend of course on the decisions taken by Your Excellency in Council, and on decisions which must be taken by the Finance Committee of this Council in regard to funds; and I am afraid it is not possible for me at this stage to anticipate these decisions.

### **Air traffic**

8. DR S. Y. CHUNG asked: —

Will Government state the probability of (a) an aircraft failing to stop at the north-west end of the runway on landing at present level of air traffic, and (b) having an accident due to both take-off and landing at the northwest end of the runway if a realistically annual increasing level of air traffic is taken into account?

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAIT): —Sir, I have to apologize that I did not explain—to make clear on the occasion of my honourable Friend's recent question on this subject that, although his question referred to take-off only, the answer I gave, that is, one chance in 14 million or once in 350 years on the present frequency of movement, referred to both take-off and landing taken together\*.

As to the second part of my honourable Friend's question this is rather hypothetical as projections into the future are not reliable; but it might be said that, if all other circumstances were to remain unmodified, then on such evidence we have as to future traffic the probability by 1973 might be in the region of once in 250 years.

DR CHUNG: —Sir, what is the basis of the annual increase of air traffic my honourable Friend is using for the calculation?

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\* Page 194.

### Oral Answers

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAIT) : —I am using the figures which have been provided to me by the Director of Civil Aviation.

DR CHUNG: —What is the percentage, Sir, of the annual increase of air traffic ?

HIS EXCELLENCY THE PRESIDENT: —What is the percentage of the annual increase of air traffic which has been used as the basis of the calculation?

DR CHUNG: —Yes, Sir, —the annual increase of air traffic.

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAIT): —Might I suggest to my honourable Friend that he calculates this figure himself from the figures that I have given. (*Laughter*).

### Industrial buildings

9. DR CHUNG: —

Will Government inform this Council the total number of occupation permits issued for industrial buildings and the total net production floor area newly completed each year for the past five years?

MR ROBSON: —Sir, the figures requested by my honourable Friend are as follows: —

In 1965, 133 occupation permits were issued in respect of 136 industrial buildings which provide a net floor area of 8,612,674 sq. ft. In successive years the figures were: —

1966	96 permits	100 buildings	4,610,860 sq. ft.
1967	55 ”	56 ”	2,422,154 ”
1968	30 ”	31 ”	1,378,859 ”
1969	38 ”	40 ”	2,574,793 ”

In total therefore over the five years 352 occupation permits were issued for 363 industrial buildings providing a net floor area of 19,599,340 square feet.

DR CHUNG: —Sir, with the information available to my honourable Friend, will he indicate the probable size of new industrial buildings which will be completed and is available for occupation within the current year of 1970?

MR ROBSON: —Sir, there should be a substantial increase in the growth of industrial floor space in 1970. My honourable Friend the Director of Commerce and Industry has estimated that something like 74½ million sq. ft. of floor space was in use on the 1st of January 1969. It is estimated that an additional 8,300,000 sq. ft. could be constructed during this year as compared with the figure I have given for 1969 of 2,574,793 sq. ft. In percentage terms, therefore, while there was only a 3½% increase in industrial floor space last year, this year the increase could be about 11% of the total floor space in use.

DR CHUNG: —Thank you.

### **Kowloon City vehicular ferry pier**

10. MR SZETO WAI asked: —

Can Government inform this Council: —

- (a) the cause of the collapse of the mechanical ramp at the Kowloon City vehicular ferry pier, and whether the failure was due to metal fatigue of the "bottle screw" as was given by a spokesman;
- (b) whether there had been frequent troubles with this structure in the past involving suspension of ferry services; and
- (c) whose responsibility it is, Government's or the Company's, for the regular maintenance and inspection of this structure since it was built by Government and the Company is required by franchise to pay rent for the use of it?

MR ROBSON: —Sir, the collapse of the ramp at the Kowloon City Vehicular Ferry Pier was caused by the failure of the bottle screws which connect the counter-weight ramps and ropes. The exact cause of this failure is not known at present but is the subject of an investigation.

In respect to the other parts of my honourable Friend's question, there were teething troubles when this structure and its counter part at North Point were brought into operation in early 1965, but till the recent incident there have been only six occasions when troubles with either of the piers involved suspension of the ferry service. On four of these occasions the stoppage only lasted for about an hour. There was one stoppage at around 8 *p.m.* on the 3rd August 1967, when the counter-weight rope broke, but the ferry service resumed at

**[MR ROBSON] Oral Answers**

its normal time next morning. On the 3rd December 1969, there was a stoppage of about 8 hours when a gear wheel failed in the ramp operating mechanism of the North Point pier.

Under the Hong Kong & Yaumati Ferry Company (Services) Ordinance the Company is responsible for the maintenance of the ferry piers and I am informed they carry out regular weekly inspections of all moving parts.

MR SZETO: —Sir, is it true that when the Company took over the pier in January 1965, they were not satisfied with the design and construction of the ramp and its machinery and had also refused to take up any responsibility for any major alteration and repairs of the pier in case of the failure of machinery due to defective design?

MR ROBSON: —I don't think it was quite as strong as my honourable Friend has stated. But, as I have said, when the pier did come into operation there were teething troubles with the ramps and the hoisting mechanism. These were solved and have given satisfactory service. But in the Ordinance, whilst the Company is liable for the regular routine maintenance, we have a clause which says that they are not responsible for latent defects in design and this, I think, was introduced because of their fears in respect of these piers.

MR SZETO: —Sir, is the Director satisfied that there were no latent defects in the design of the mechanical ramp and its machinery and that the factors of safety of the hoisting ropes were adequate?

MR ROBSON: —I think this answers itself, Sir, in that these bottle screws have been—these piers have been in operation now for about 4 years and this is the only time we have had this trouble. Whether there are latent defects in the design or whether they should be improved, as I have said, this is a subject that needs investigation. I think it is premature for me to anticipate at this moment.

**Facilities at Airport Terminal**

11. MR SZETO: —

In view of the increasing importance of Hong Kong as an air travel centre, and the circumstances surrounding the death recently of a transit air passenger, would Government consider: —

- (a) providing improved interpretation facilities at the Airport Terminal Building;

- (b) making available the services of a doctor at short notice at the Terminal Building; and
- (c) setting up observation wards in Government hospitals in which suitable investigations can be carried out?

DR P. H. TENG: —Sir, it is in practice very rare for an arrival at the airport to find himself completely unable to make himself understood, because staff employed at the airport or employed by airlines do in fact speak a very wide range of languages. Even so, there may be some languages which are not spoken by available airport staff, and consideration will be given to setting up a contact list of persons able to speak such languages and willing to make their services available.

Turning to the second part of this question, there is always a Government doctor of the Port Health Service at the airport available on duty at the airport from 7 *a.m.* to 11 *p.m.* and one on call after 11 *p.m.* and in the early hours of the morning should his services be required.

Referring to (c) of my honourable Friend's question, there are four observation beds attached to the Casualty unit at the Queen Mary Hospital and six at the Queen Elizabeth Hospital.

MR SZETO: —Thank you.

#### **LEGAL PRACTITIONERS (AMENDMENT) BILL 1970**

#### **CONSULAR RELATIONS BILL 1970**

#### **DIPLOMATIC PRIVILEGES (AMENDMENT) BILL 1970**

#### **PROBATE AND ADMINISTRATION (AMENDMENT) BILL 1970**

#### **MAGISTRATES (AMENDMENT) BILL 1970**

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

#### **LEGAL PRACTITIONERS (AMENDMENT) BILL 1970**

THE ATTORNEY GENERAL (MR D. T. E. ROBERTS) moved the second reading of: —"A bill to amend further the Legal Practitioners Ordinance."

**Legal Practitioners (Amendment) Bill—second reading**

He said: —Sir, in May of last year, the Incorporated Law Society of Hong Kong changed its name to the Law Society of Hong Kong and this bill substitutes the new name for the old one wherever that appears in the Legal Practitioners 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).*

*Explanatory Memorandum*

The object of this Bill is to provide for the new definition of "Society", The Law Society of Hong Kong having changed its name on the 5th May 1969.

**CONSULAR RELATIONS BILL 1970**

THE ATTORNEY GENERAL (MR ROBERTS) moved the second reading of: —"A bill to give effect in Hong Kong to the Vienna Convention on Consular Relations: to enable effect to be given in Hong Kong to other agreements entered into by Her Majesty's Government in the United Kingdom concerning consular relations and to make further provision with respect to consular relations in Hong Kong between the United Kingdom and other countries and matters arising in connexion therewith; to restrict the jurisdiction of courts in Hong Kong with respect to certain matters concerning or arising on board certain ships or aircraft; to enable diplomatic agents and consular officers in Hong Kong to administer oaths and do notarial acts in certain cases, and for purposes connected with those matters."

He said: —Sir, in 1963 Her Majesty's Government became a party to the Vienna Convention on Consular Relations. The Convention, by its own terms, extends to all the dependent territories of the United Kingdom and codifies and to some degree widens the privileges and immunities which were previously conferred by international law on consular officers.

The object of this bill, which closely follows the terms of the United Kingdom Consular Relations Act 1968 is to introduce as part of the law of Hong Kong those articles of the Vienna Convention which are reproduced in the First Schedule to the bill. The adoption of these articles will make the law governing consuls in Hong Kong more

certain and more in line with established practice in other countries than has been the case in the past. Although it has been for some years the practice of the Hong Kong Government to accord to consular and other representatives of foreign states in Hong Kong privileges and immunities akin to those enjoyed by them in other countries, this has been done to a large extent without authority either in local Ordinance or in customary public international law.

Clause 2 of the bill provides that those articles of the Vienna Convention which are set out in the First Schedule shall in future have the force of law in Hong Kong, and the remainder of this clause provides for the interpretation of those articles.

Clause 3 of the bill enables the Governor to restrict the immunities and privileges which are accorded under the bill in the case of the representatives of any state which treats British consular representatives in a manner less favourable than that provided for in the Vienna Convention.

Similarly, by clause 4, where the United Kingdom Government and another state enter a consular convention by the terms of which privileges and immunities which differ from those accorded by the bill are conferred, the Governor may modify the privileges and immunities under the bill in relation to such consular representatives to accord with the terms of the Convention.

These two latter clauses make it clear that the privileges which will actually be conferred on a particular consul depend on whether or not the government represented by that consul confers greater or lesser privileges on British consular officials stationed in that country.

Many bilateral consular conventions contain extensive provisions governing consular rights and powers in relation to merchant shipping and it is common to include in them some limitation on the exercise of jurisdiction by the courts of the respective contracting states over foreign shipping in their home waters.

Clause 5, therefore, is concerned with the exercise of civil jurisdiction in respect of claims brought by masters and seamen with regard to wages and contracts of service. It provides that orders may be made by the Governor to the effect that Hong Kong courts will not exercise such jurisdiction except where the consular officer of the state concerned has been notified and has not objected. It should be noted that this is a discretionary power vested in the Governor.

Clause 6 enables the Governor to make an order providing that criminal proceedings shall not be instituted in Hong Kong for the trial of an offence alleged to have been committed on board a foreign ship in Hong Kong waters, except at the request or with the consent of the

[THE ATTORNEY GENERAL] **Consular Relations Bill—second reading**

consular officer of the country concerned. However, the Governor has no power to make such an exemption if the offence is alleged to have been committed by or against a citizen of the United Kingdom and Colonies or against passengers or if the offence is one affecting the tranquillity or safety of the port, public health, oil pollution, immigration or customs or if the offence is a grave crime, that is to say on which is punishable by imprisonment for 5 years or more.

Clause 7 gives the Governor power to designate a state for the purposes of this section. If he does so, a member of the crew belonging to that state may be lawfully detained in custody on board that ship belonging to that state in Hong Kong waters, subject to certain safeguards contained in the clause.

Clause 9 enables the Governor to authorize the Director of Commerce and Industry to make arrangements for the refund of duties paid by consular officers on hydrocarbon oil imported into the Colony for official use.

Clause 10 authorizes diplomatic agents and consular officers of foreign states to administer oaths and to carry out notarial duties in specified circumstances. Again, the Governor is empowered to exclude or restrict these rights if reciprocal recognition is not extended by that foreign state to diplomatic agents or consular officers of Her Majesty's Government.

Clause 11 provides for the issue of a certificate by the Colonial Secretary stating facts relating to matters of immunity or privilege under the bill.

Clause 12 empowers the Governor to order that official representatives of a commonwealth country or the Republic of Ireland stationed in Hong Kong and carrying out official duties substantially corresponding to those which are performed by consular officers in Hong Kong shall have the same immunities and privileges as those which are conferred under the bill on consular officers. This will enable the Commissioners and Trade Commissioners of commonwealth countries to obtain consular privileges and immunities, as some of them now do under the Trade Commissioners Privileges Ordinance or the Commonwealth Countries and Republic of Ireland Immunities and Privileges Ordinance, both of which are to be repealed by clause 14.

The First Schedule to the bill sets out such of the articles of the Vienna Convention as need to be enacted to bring the Convention fully into operation in Hong Kong.

It is generally accepted that a consular official, representing his country in another territory, must be accorded a measure of special protection and privilege in order to enable him to carry out his work effectively.

Among the more important privileges conferred by the First Schedule are inviolability of Consular premises in Article 31 and documents in Article 33, freedom from arrest of consular officers except for grave crimes (Article 41), immunity from the jurisdiction of our courts with regard to their official acts (Article 43).

By Article 44 a consular officer can decline to give evidence, though more junior employees may be forced to do so. Article 49 confers exemption from taxation and Article 50 from customs duties and inspection.

The Second Schedule of the bill contains a list of special immunities and privileges which may be conferred in Hong Kong, in addition to the ordinary consular ones, if the Governor exercises his discretion to make an order conferring that under clause 4 of the bill.

*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 (SIR HUGH NORMAN-WALKER).

*Question put and agreed to.*

#### *Explanatory Memorandum*

The Bill, which is based upon the Consular Relations Act 1968 (1968 c. 18) of the United Kingdom seeks to give effect in Hong Kong to the Vienna Convention on Consular Relations signed in 1963.

2. Clause 2 provides that the articles of the Convention prescribed in the First Schedule to the Bill shall have the force of law in Hong Kong and provides also for the interpretation and construction of these provisions.

3. Clause 3 provides that the Governor may, if he is satisfied that the immunities and privileges accorded by a receiving State to a consular post of Her Majesty's Government in that State and persons connected with the consular post are less than those accorded under this Bill, by order withdraw such of the immunities and privileges as are hereby accorded to the consular post of that State in Hong Kong and the persons connected with that consular post as appear to him to be proper.

**Consular Relations Bill—second reading***[Explanatory Memorandum]*

4. Where Her Majesty's Government enters into an agreement with any other State to accord to the consular posts of that State in the United Kingdom and persons connected with such consular posts specified immunities and privileges which are not conferred under the general provisions of this Bill, the Governor may, by order under clause 4, exercise in respect of any consular post of that State in Hong Kong and persons connected with the consular post the powers specified in the Second Schedule to the Bill so far as may be necessary to give effect to the agreement in Hong Kong.

5. Clause 5 provides that the Governor may by order exclude or limit the jurisdiction of any court in Hong Kong to hear cases relating to the remuneration or any contract of service of the master or commander or crew member of any vessel or aircraft belonging to a State specified in the order unless the consular officer has been notified of the intention to invoke the jurisdiction of a court in Hong Kong in any such case and the consular officer has raised no objection within the time specified in the order.

6. Clause 6 provides for limiting the jurisdiction of Hong Kong courts to hear cases relating to offences alleged to have been committed on board any ship belonging to a State specified in an order by the Governor by the master or any crew member of such a ship except where such criminal proceedings are instituted by the consular officer of that State in Hong Kong.

7. Clause 7 provides for the detention on board a ship belonging to any State designated by order of the Governor for a disciplinary offence. This provision specifies the circumstances under which any such crew member shall be deemed not to have been unlawfully detained.

8. Clause 8 provides for the ownership of a ship for the purposes of an order made by the Governor under clause 5, 6 or 7 and for the ownership of an aircraft for the purpose of an order made under clause 5.

9. Clause 9 provides that the Governor may authorize the Director of Commerce and Industry to make arrangements for the refund of duties payable on hydrocarbon oils under the Dutiable Commodities Ordinance (Chapter 109) where hydrocarbon oils are imported into Hong Kong by consular officers for such purposes as would entitle the consular officers to exemption from the payment of such duties pursuant to Article 50 in the First Schedule or to an order made under clause 4(1).

10. Clause 10 seeks to provide that a diplomatic officer (defined in subclause (3)) and a consular officer of a sending State may, in specified cases, administer oaths and perform notarial duties in Hong Kong.

11. Clause 11 provides that, in the event of a question arising as to whether any person is entitled to any immunity or privilege under the Bill the Colonial Secretary may issue a certificate relating to the immunity or privilege concerned and such certificate shall be conclusive evidence of the facts stated in the certificate.

12. The effect of clause 12 is to place the official representatives in Hong Kong of Commonwealth countries and the Republic of Ireland in the same position as consular officers of foreign countries for the purpose of conferring upon such representatives the immunities and privileges conferred upon consular officers under the provisions of the Bill. The Governor is empowered to do this by order.

13. Clause 13 seeks to apply certain articles of the Vienna Convention on Diplomatic Relations signed in 1961 (specified in the Third Schedule to the Bill) for the purposes of the special provisions prescribed in the Second Schedule to the Bill.

14. Clause 14 seeks to make certain amendments of the Consular Conventions Ordinance (Chapter 267) consequential upon the enactment of this Bill and to repeal the Ordinance specified in subclause (2).

### **DIPLOMATIC PRIVILEGES (AMENDMENT) BILL 1970**

THE ATTORNEY GENERAL (MR ROBERTS) moved the second reading of: —"A bill to amend further the Diplomatic Privileges Ordinance."

He said: —Sir, as a result of a decision made at the Commonwealth Prime Minister's meeting in 1965 there was established the Commonwealth Secretariat, which was designed as an instrument of cooperation between member countries of the Commonwealth.

While no direct links exist between the Commonwealth Secretariat and dependent territories, it is nevertheless considered appropriate that there should be accorded to members of the Commonwealth Secretariat when visiting a dependent territory in the course of their duties privileges and immunities generally similar to those which are accorded to diplomatic agents and their families. This bill therefore amends the Diplomatic Privileges Ordinance so as to empower the Governor to confer such immunities and privileges on officers or

[THE ATTORNEY GENERAL] **Diplomatic Privileges (Amendment) Bill—second reading**

servants of the Commonwealth Secretariat exercising their functions as such in Hong Kong. It is likely, however, that there will only very rarely be any need to make use of these powers.

*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 (SIR HUGH NORMAN-WALKER).

*Question put and agreed to.*

*Explanatory Memorandum*

The purpose of the Bill is to confer on the officers and servants of the Commonwealth Secretariat in Hong Kong the privileges and immunities which are conferred on such persons in the United Kingdom under the provisions of the Commonwealth Secretariat Act 1966.

2. Clause 2 seeks to amend the long title of the principal Ordinance to enable provisions to give effect to the objects specified in paragraph I to be included in the text of the Ordinance.

3. Clause 3 seeks to make formal amendments to the principal Ordinance consequential upon the addition of a Second Schedule to the Ordinance.

4. Clause 4 seeks to add a new section (section 7) to the principal Ordinance below section 6. Subsections (1) and (2) of the proposed section 7 empower the Governor to confer by notice in the *Gazette* the privileges and immunities prescribed in Parts I and II of the proposed Second Schedule on senior officers of the Commonwealth Secretariat and officers and servants of the Secretariat other than senior officers respectively. Subsection (3) provides that any privilege or immunity conferred by the Governor under subsection (1) or (2) may be waived by the Secretary-General of the Commonwealth Secretariat. Subsection (4) provides for the issue of a certificate under the hand of the Colonial Secretary in the event of any question being raised in respect of any privilege or immunity conferred on any person under subsection (1) or (2). Subsection (5) defines "Commonwealth Secretariat" and "senior officer" of the Secretariat.

5. Clause 5 seeks to add the proposed Second Schedule to the principal Ordinance. The privileges and immunities prescribed

in Part I of the new Schedule are similar to those conferred by paragraph 5(1) of the Schedule to the Commonwealth Secretariat Act 1966; and the immunities and privileges prescribed in Part II of the new Schedule are similar to those conferred by paragraph 6 of the Schedule to the Act.

### **PROBATE AND ADMINISTRATION (AMENDMENT)**

#### **BILL 1970**

THE ATTORNEY GENERAL (MR ROBERTS) moved the second reading of: —“A bill to amend further the Probate and Administration Ordinance.”

He said: —Sir, the main object of this bill is to confer on the Registrar of the Supreme Court, and on any Deputy or Assistant Registrar, power to grant probate or letters of administration in straightforward cases where there is no dispute as to the making of the grant. This will avoid the need, which exists at present, to refer all such matters to a judge of the Supreme Court.

This change, which is effected by clause 2 of the bill, will bring our law into line with that in force in England, where jurisdiction to sanction grants in non-contentious cases is conferred on registrars. It should have the effect of reducing the time taken between the filing of an application for probate or letters of administration and the making of grant.

Clause 3 gives effect to a recommendation made in the Third Report of the Hong Kong Law Reform Committee. The new section 36A, which follows section 160 of the Supreme Court of Judicature (Consolidation) Act 1925, limits the grant of probate or administration to not more than four persons in respect of the same property. The proposed section also provides that if there is a minority, or if a life interest arises under a will or on an intestacy, a grant of administration shall be made either to a trust corporation, with or without an individual, or to not less than two individuals. This provision is designed to furnish additional protection to minors and persons entitled to contingent interests.

Clause 4 repeals section 62 of the principal Ordinance, under which the estate of a junior police or prisons officer, who dies in the service, is at present required to be administered by the Commissioner of Police or the Commissioner of Prisons.

This provision, which was common to many overseas territories, provided a simple means of dealing with the affairs of deceased police and prisons officers, who in the past were sometimes often illiterate, had very small estates and died in remote areas. These considerations

[THE ATTORNEY GENERAL] **Probate and Administration (Amendment) Bill—  
second reading**

no longer apply to Hong Kong, if indeed they ever did, and it is therefore considered appropriate that the section should be repealed.

If this is done, in future the estates of police and prisons officers would be dealt with in the same way as those of other government officers and members of the public.

*Question put and agreed to.*

Bill read the second time.

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

*Explanatory Memorandum*

Clause 2 of this Bill gives the Registrar and any Deputy or Assistant Registrar of the Supreme Court power to grant probate or letters of administration in straightforward cases where there is no dispute as to the making of a grant. This will avoid the necessity of referring all applications for such grants to a judge.

Clause 3 is designed to give effect to the recommendation in the Third Report of the Law Reform Committee that a provision similar to section 160 of the Supreme Court of Judicature (Consolidation) Act 1925 (1925 c. 49) should be enacted in the Colony. A new section 36A is therefore added, which limits the grant of probate or administration to not more than four persons in respect of the same property and provides that a grant of administration shall, if there is a minority or if a life interest arises under the will or intestacy, be granted either to a trust corporation, with or without an individual, or to not less than two individuals.

Clause 4 repeals section 62 of the principal Ordinance. Under that section, when a person—

- (a) dies while he is employed in the police force or in the prisons department; and
- (b) in the case of a police officer is below the rank of Senior Inspector, or in the case of an officer of the prisons department is below the rank of Principal Officer,

his estate is at present required to be administered by the Commissioner of Police or the Commissioner of Prisons, as the case may be. On the repeal of section 62 the duties and powers of the Commissioner of Police and the Commissioner of Prisons under that section will be abolished, except in respect of estates of police officers or officers of the prisons department dying before this Bill comes into operation.

**MAGISTRATES (AMENDMENT) BILL 1970**

THE ATTORNEY GENERAL (MR ROBERTS) moved the second reading of: —"A bill to amend further the Magistrates Ordinance and to make consequential amendments to other Ordinances."

He said: —Sir, part IV of the Magistrates Ordinance provides that a magistrate shall, at the request of the Attorney General, transfer for trial in the District Court all indictable offences, with the exception of a few very serious crimes which are triable only in the Supreme Court.

There is at present, however, no power to transfer to the District Court for trial any summary offence. This means that from time to time an accused person has to undergo two trials in two different courts for offences, if one of them is indictable and the other is summary, in cases in which it would be swifter, more convenient, and save considerable time if both offences could be dealt with together in the District Court.

Clause 3 of the bill, therefore, proposes to amend section 88 of the principal Ordinance so as to empower a magistrate, on application by the Attorney General, to transfer a charge in respect of a summary offence to the District Court. It should be noted that whereas the court has no discretion in the case of an indictable offence, it will have a discretion either to grant or to refuse the application of the Attorney General to transfer a summary offence to the District Court.

If a summary offence is transferred to the District Court under these new provisions, then the District Court, by virtue of the Criminal Procedure Ordinance would have three courses open to it.

Firstly, the District Court could, if it thought that the summary offence was not a proper one to be tried in the District Court at all, order that it be returned again to a magistrate for trial.

Secondly, the District Court could order that the summary offence should be tried separately from any other charge brought against the accused if the Court is of the opinion that the accused might be prejudiced or embarrassed in his defence by reason of being tried for the two offences together.

Thirdly, it would be open to the District Court to deal with the two offences. However if it does do so, by virtue of section 66 of the Criminal Procedure Ordinance, the District Court is empowered only to impose on the accused the same punishment as could have been imposed by a magistrate for that offence. There is thus no possibility of the Crown being able, by obtaining the transfer of a summary offence to the District Court, to make it possible for a more severe sentence to be passed than that which a magistrate could award.

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

The amendments proposed by clauses 2 and 4 of the bill and the schedule are consequential upon these which would be effected by clause 3.

*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 power under Part IV of the Magistrates Ordinance to transfer offences to the District Court for trial is limited to certain indictable offences.

The purpose of this Bill is to extend this power to summary offences, so that where a summary offence, and an indictable offence which is transferable to the District Court, are charged against the same accused, both offences may be heard in the District Court thus making it unnecessary for the same evidence to be given twice, once in the District Court for the indictable offence and once in the trial before the magistrate of the summary offence.

Clause 3, which repeals and replaces subsection (1) of section 88 of the principal Ordinance, provides accordingly.

Clause 2 makes a consequential amendment to the heading to Part IV of the principal Ordinance.

Clause 4 provides for a Schedule in which are specified amendments consequential upon the proposed subsection (1) of section 88.

**SUPREME COURT (AMENDMENT) BILL 1970**

**Resumption of debate on second reading (17th December 1969)**

*Question again proposed.*

MR O. V. CHEUNG: —Sir, I welcome the remarks made by my honourable Friend the Attorney General in moving the second reading of this bill\* and particularly those which stress that the time has come to give the Full Court a more distinctive and permanent character, and

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\* Page 202.

that the creation of separate a Court of Appeal has been borne in mind. For many years the legal profession in Hong Kong has advocated the creation of a Court of Appeal, and whilst I think that the amount of appellate work in Hong Kong would justify taking that step now, I am conscious that the necessary consultations and legislation to effect that would take some time.

I have considerable misgivings, however, about the creation of the office of an Appeal Judge, and as the clause in the bill even if enacted is not to come into operation until some indefinite time in the future, there would appear to me to be no urgency in creating such office, and I would welcome the deletion of the clauses which seek to create it, pending an examination of the question of creating a separate Court of Appeal. I hope however that Government will give this question of creating such a Court urgent consideration.

THE ATTORNEY GENERAL (MR ROBERTS): —Sir, at this stage I do not think I can say more than that the proposals put forward by the honourable Member will be carefully considered in consultation with the Chief Justice. If it is felt that the references in the bill to an Appeal Judge should be removed pending a review of the need for a separate Court of Appeal on the lines suggested by the honourable Member, then of course the necessary amendments could be moved in committee stage.

*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.*

### **FULL COURT (AMENDMENT) BILL 1970**

#### **Resumption of debate on second reading (17th December 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.*

### **DISTRICT COURT (AMENDMENT) BILL 1970**

#### **Resumption of debate on second reading (17th December 1969)**

*Question again proposed.*

**District Court (Amendment) Bill—resumption of debate on second reading (17.12.69)**

*Question put and agreed to.*

Bill read the second time.

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

**PROMISSORY OATHS (AMENDMENT) BILL 1970**

**Resumption of debate on second reading (17th December 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.*

**CORPORAL PUNISHMENT (AMENDMENT) BILL 1970**

**Resumption of debate on second reading (17th December 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.*

**Committee stage**

**MARINE STORES PROTECTION (AMENDMENT) BILL 1969**

Clause 1.

THE ATTORNEY GENERAL (MR ROBERTS): —Sir, I move that clause 1 be amended as set forth in the paper before honourable Members.

*Proposed Amendment*

*Clause*

- 1 That the figures "1969" be deleted and the following substituted—  
"1970".

The amendment was agreed to.

Clause 1, as amended, was agreed to.

Clause 2 was agreed to.

Clause 3.

THE ATTORNEY GENERAL (MR ROBERTS): —Sir, I move that clause 3 be amended as set forth in the paper before honourable Members.

*Proposed Amendment*

*Clause*

3 That the words "under this Ordinance or any offence involving dishonesty and" in subsection (1) of the new section 4A be deleted.

I indicated during the second reading of this bill that I would move an amendment to this clause so that the Court's power to suspend or cancel a licence should be limited to cases where the licensee had been convicted of an offence involving dishonesty and punishable by 12 months or more imprisonment. As a result of the Honourable Mr KAN's misgivings about this clause and about the similar clause which appears in the Pawnbrokers Bill, I now propose that the power should be available to the Court after conviction of a licensee for any offence punishable with 12 months imprisonment or more and not merely offences which involve dishonesty, since this is a somewhat vague term, the meaning of which is perhaps open to argument. I shall move a similar amendment to the Pawnbrokers Bill in committee.

The amendment was agreed to.

Clause 3, as amended, was agreed to.

Clauses 4 to 6 were agreed to.

**PAWNBROKERS (AMENDMENT) BILL 1969**

Clause 1.

THE ATTORNEY GENERAL (MR ROBERTS): —Sir, I move that clause 1 be amended as set forth in the paper before honourable Members.

*Proposed Amendment*

*Clause*

1 That the clause be deleted and the following substituted—

"Short title

and com- 1. This Ordinance may be cited as the Pawnbrokers  
mencement. (Amendment) Ordinance 1970, and shall come into  
operation on the 1st day of April 1970."

**Pawnbrokers (Amendment) Bill—committee stage**

The amendment was agreed to.

Clause 1, as amended, was agreed to.

Clause 2 was agreed to.

Clause 3.

THE ATTORNEY GENERAL (MR ROBERTS): —Sir, I move that clause 3 be amended as set forth in the paper before honourable Members.

*Proposed Amendment**Clause*

3 (a) That the words "under this Ordinance or any offence involving dishonesty and" in subsection (1) of the new section 8A be deleted;

(b) That the following new subsection be added at the end of the new section 8A—

"(4) No order of suspension, cancellation or disqualification under subsection (1) shall affect any contract of pawn or other contract made by the pawnbroker as such, nor shall he by reason only of the order lose his lien on, or right to, any pledge or to the loan and profit thereon, but he shall be allowed to pursue and wind up his business in respect of pledges which he has received before the making of the order."

The amendment was agreed to.

Clause 3, as amended, was agreed to.

Clause 4.

THE ATTORNEY GENERAL (MR ROBERTS): —Sir, I move that clause 4 be amended as set forth in the paper before honourable Members.

*Proposed Amendment**Clause*

4 (a) That the word "eighteen" in the new section 25 be deleted and the following substituted—

“seventeen”;

(b) That the figures "18" in the marginal note to the new section 25 be deleted and the following substituted—

“17”.

The amendment was agreed to.

Clause 4, as amended, was agreed to.

Clauses 5 and 6 were agreed to.

### **DUTIABLE COMMODITIES (AMENDMENT) BILL 1969**

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

Clause 1.

MR T. D. SORBY: —Sir, I rise to move that clause 1 be amended as set forth in the paper before honourable Members.

#### *Proposed Amendment*

##### *Clause*

1 That the figures "1969" be deleted and the following substituted—  
"1970"

The amendment was agreed to.

Clause 1, as amended, was agreed to.

Clauses 2 to 36 were agreed to.

### **URBAN COUNCIL (AMENDMENT) BILL 1970**

Clauses 1 to 5 were agreed to.

### **EMPLOYMENT (AMENDMENT) BILL 1970**

Clauses 1 to 9 were agreed to.

### **LAW REFORM (INTEREST ON CLAIMS AND JUDGMENTS) BILL 1970**

Clauses 1 and 2 were agreed to.

Schedule.

MR Q. W. LEE: —Sir, I rise to move that the schedule be amended as set forth in the paper before honourable Members.

**Law Reform (Interest on Claims and Justices) Bill—committee stage***Proposed Amendment*

- |  |  |
|--|--|
| (a) Schedule (Proposed new section 30B(1) of the Supreme Court Ordinance).                                     | Insert after the words "per cent" the following—<br>"per annum". |
| (b) Schedule (Proposed new section 19B(1) of the District Court (Civil Jurisdiction and Procedure) Ordinance). | Insert after the words "per cent" the following—<br>"per annum". |

In moving this amendment I am aware that it is provided in the Interpretation and General Clauses Ordinance that the words "per cent" when used in the ratio to the rate of interest payable in any circumstances means the rate of interest payable in respect of a year unless it is expressly provided that it is payable in respect of any other period. However on the principle that the laws should be made as easily understandable as practically possible, it is better that the words "per annum" be inserted after the words "per cent", so that those who read this bill will readily know it is in respect of a year without having to refer to the Interpretation and General Clauses Ordinance, even for those who know of its existence. I am quite sure the majority of the public do not know of it. I understand my honourable Friend, the Attorney General is in agreement to my amendment.

THE ATTORNEY GENERAL (MR ROBERTS): —Sir, I support the amendment.

The amendments were agreed to.

Schedule, as amended, was agreed to.

**PLACES OF PUBLIC ENTERTAINMENT (AMENDMENT)****BILL 1970**

Clauses 1 to 7 were agreed to.

Council then resumed.

**Third reading**

THE ATTORNEY GENERAL (MR ROBERTS) reported that the Marine Stores Protection (Amendment) Bill 1970 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 ATTORNEY GENERAL (MR ROBERTS) reported that the Pawnbrokers (Amendment) Bill 1970 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.

MR T. D. SORBY reported that the Dutiable Commodities (Amendment) Bill 1970 had passed through committee with one amendment and moved the third reading of the bill.

*Question put and agreed to.*

Bill read the third time and passed.

THE ATTORNEY GENERAL (MR ROBERTS) reported that the Urban Council (Amendment) Bill 1970 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.

MR R. M. HETHERINGTON reported that the Employment (Amendment) Bill 1970 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 ATTORNEY GENERAL (MR ROBERTS) reported that the Law Reform (Interest on Claims and Judgments) Bill 1970 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 ATTORNEY GENERAL (MR ROBERTS) reported that the Places of Public Entertainment (Amendment) Bill 1970 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.

## ADJOURNMENT

Council adjourned pursuant to Standing Order No 8(5).

3.28 p.m.

## NEXT SITTING

HIS EXCELLENCY THE PRESIDENT: —Council will accordingly adjourn. The next sitting will be held on 28th January 1970.

*Adjourned accordingly at thirty minutes to Four o'clock.*