

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 15th December 1971****The Council met at half-past Two o'clock**

[Mr PRESIDENT in the Chair]

PRESENT

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR CRAWFORD MURRAY MACLEHOSE, KCMG, MBE
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 DONALD COLLIN CUMYNN LUDDINGTON, JP
THE HONOURABLE THE FINANCIAL SECRETARY
MR CHARLES PHILIP HADDON-CAVE, JP
THE HONOURABLE DAVID RICHARD WATSON ALEXANDER, MBE, JP
DIRECTOR OF URBAN SERVICES
THE HONOURABLE JAMES JEAVONS ROBSON, JP
DIRECTOR OF PUBLIC WORKS
THE HONOURABLE JOHN CANNING, JP
DIRECTOR OF EDUCATION
DR THE HONOURABLE GERALD HUGH CHOA, JP
DIRECTOR OF MEDICAL AND HEALTH SERVICES
THE HONOURABLE DENIS CAMPBELL BRAY, JP
DISTRICT COMMISSIONER, NEW TERRITORIES
THE HONOURABLE PAUL TSUI KA-CHEUNG, OBE, JP
COMMISSIONER OF LABOUR
THE HONOURABLE IAN MACDONALD LIGHTBODY, JP
COMMISSIONER FOR RESETTLEMENT
THE HONOURABLE KAN YUET-KEUNG, CBE, JP
THE HONOURABLE WOO PAK-CHUEN, OBE, JP
THE HONOURABLE SZETO WAI, OBE, JP
THE HONOURABLE WILFRED WONG SIEN-BING, OBE, JP
THE HONOURABLE ELLEN LI SHU-PUI, OBE, JP
THE HONOURABLE WILSON WANG TZE-SAM, OBE, JP
DR THE HONOURABLE CHUNG SZE-YUEN, OBE, JP
THE HONOURABLE LEE QUO-WEI, OBE, JP
THE HONOURABLE OSWALD VICTOR CHEUNG, QC, JP
THE HONOURABLE GERALD MORDAUNT BROOME SALMON, JP
THE HONOURABLE ANN TSE-KAI, OBE, JP
THE HONOURABLE LO KWEE-SEONG, OBE, JP

ABSENT

THE HONOURABLE JACK CATER, MBE, JP
DIRECTOR OF COMMERCE AND INDUSTRY
THE HONOURABLE HERBERT JOHN CHARLES BROWNE, JP

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL
MR RODERICK JOHN FRAMPTON

Papers

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

<i>Subject</i>	<i>LN No</i>
Subsidiary Legislation: —	
Buildings Ordinance.	
Building (Law Revision) (Miscellaneous Amendments) Regulations 1971	152
Stamp Duties Management Ordinance.	
Stamp Duties Management (Franking Machines) (Amendment) Regulations 1971	153
Stamp Ordinance.	
Stamping and Denoting of Documents (Amendment) Regulations 1971	154
Boilers and Pressure Receivers Ordinance.	
Boilers and Pressure Receivers (Forms) (Amendment) Order 1971	155
Protection of Women and Juveniles Ordinance.	
Protection of Women and Juveniles (Places of Refuge) (Amendment) (No 2) Order 1971	156
Interpretation and General Clauses Ordinance.	
Definition of "British Territory" and Commonwealth"	157
Sessional Paper 1971-72: —	
No 28—Report of the Brewin Trust Fund Committee on the Administration of the Fund for the year ended 30th June 1971 (published on 15.12.71).	

Oral answers to questions

Urban Renewal Pilot Scheme

1. MR SZETO WAI asked: —

What progress has been made in the implementation of the Urban Renewal Pilot Scheme?

MR J. J. ROBSON: —Sir, to date some 46 properties or sites have been gazetted for resumption and agreement has been reached with owners for the purchase of a further 56 giving a total of 102 properties or slightly less than all those involved in the Pilot Scheme as a whole.

By the end of February 1972 all properties required by Government within Phase I of the Pilot Scheme will have been gazetted for resumption. It is expected that occupants within Phase I wishing to be accommodated in alternative Government accommodation will have moved out of the existing properties in Phase I by September 1972, when a demolition contract will be let.

Implementation of the scheme has been delayed through lack of staff for acquisition of property and the fact that the Wong Chuk Hang Government Low Cost Housing Estate, to which a number of the occupants will be moving, will not be completed by its original target date which was January 1972.

The acquisition of properties in Phase II will be undertaken on the completion of Phase I, but the rate of progress must, I regret to say, depend upon staff being available to acquire property and possibly on the ability of compensation boards to cope with the greater number of complicated cases which are now coming before them.

Redevelopment of land acquired in Phase II of the Pilot Scheme is likely to commence in 1973.

MR SZETO: —Sir, will my honourable Friend say whether Phase I of the scheme is likely to be completed by 1974 and whether the whole scheme will be completed in, say, 1975?

MR ROBSON: —I think that is not too bad an estimate, Sir, for Phase I. I think by 1974 it should be possible to get the buildings demolished and the road and drainage works completed. I would like to put Phase II two years later to, say, 1976.

MR SZETO: —Thank you, Sir.

Salaries Commission 1971 report

2. MR P. C. WOO asked: —

When will decisions be taken on the report submitted by the 1971 Salaries Commission?

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER): —Since the Salaries Commission Report was received, its consideration has received a high priority in the Government machine. This has involved a very substantial amount of work because of the radical changes in the salary structure recommended by the Commission and the large number of detailed comments the Report has attracted from departments and staff associations.

[THE COLONIAL SECRETARY] **Oral Answers**

A number of papers setting out the implications of the Committee's recommendations are reaching the final stages of preparation and should be ready for consideration by you, Sir, in Council during the next few weeks. After the Executive Council has been consulted, it will be necessary, of course, for the Finance Committee of this Council to consider whether it can recommend acceptance of the financial implications of the Report.

Cotton textiles

3. MR T. K. ANN asked: —

The British Government has now suddenly announced a change of policy at the eleventh hour to continue the cotton textile quota and still introduce the tariff as from 1st January 1972. Will Government, as a matter of utmost urgency, ask the UK Government for a temporary tariff relief for the period prior to her entry into the European Economic Community and for an equitable treatment for textiles as of other commodities in phasing out the Commonwealth Preference so as to mitigate disruption to Hong Kong's textile industry?

THE FINANCIAL SECRETARY (MR C. P. HADDON-CAVE): —Sir, as honourable Members are aware, I held talks in London on 6th and 7th December with Ministers and officials of the Foreign and Commonwealth Office and the Department of Trade and Industry. During these talks I formally requested on behalf of the Hong Kong Government that, in view of the decision taken by Her Majesty's Government to retain quotas on imports of cotton yarn and woven cotton textiles in 1972, the new tariff on imports of these products from Commonwealth countries should only be imposed by stages. I suggested that this might best be done in accordance with the timetable agreed with the European Economic Community for the gradual imposition of tariffs on industrial products from the Commonwealth during the transitional period after Britain's entry.

In response I was told that it would be quite impossible to introduce the new tariff by stages or defer it because the Order to impose it had already been made and laid before Parliament (in November in fact) and there would be insuperable difficulties of a political, legislative and practical nature in now modifying or rescinding this Order. In view of this response I am afraid, Sir, it has to be accepted that there is no possibility of the new tariff being introduced by stages or deferred beyond 1st January 1972.

The British side also claimed that investment decisions had been made by their industry on the basis that a *tariff* would be in effect from 1st January 1972. I responded to this argument by saying that the Hong Kong industry had likewise been basing their production and marketing decisions on the assumption that *quotas* would be abolished from 1st January 1972. I stressed that this had been the declared intention of Her Majesty's Government up until only a few days before my arrival in London. I further stressed that the last minute and sudden decision to retain quotas was disruptive to our trade and, as the present quota arrangement had been constructed in a tariff-free situation, the rules governing the manner in which our limited access rights could be utilized clearly needed modification.

The British officials to whom I made these points subsequently put them to Ministers, who agreed that further consideration should be given to ways and means of alleviating the new situation in which the Hong Kong industry now finds itself; and as already announced, Sir, further talks are to be held in London in the week beginning 10th January 1972.

DR S. Y. CHUNG: —In what manner will my honourable Friend plan to solve the problem of those exporters who have accepted orders for shipment in 1972 and who do not possess any quota?

THE FINANCIAL SECRETARY (MR HADDON-CAVE): —As I think I suggested, Sir, we are very conscious of the fact that many of our exporters had been making production and marketing decisions on the assumption that free access would be available into the United Kingdom market with effect from the beginning of January 1972. We do know that a number of exporters have accordingly written orders on the assumption that the only hurdle to be surmounted would be a tariff hurdle; they will now have to buy quota if we are unable to make other arrangements for them. The purchase of quota, of course, will affect their profitability. We are very conscious of this problem and we shall do our best to ameliorate it.

Chinese Language Committee recommendations

4. MR Q. W. LEE asked: —

Will the Government inform this Council of the extent to which the recommendations, particularly in the second report, of the Chinese Language Committee have been accepted by the Government and how soon they will be implemented?

Oral Answers

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER): — Sir, the four valuable reports of the Chinese Language Committee have all been laid on the table of this Council. The First Report, which deals with the use of Chinese in meetings of this Council and the Urban Council and Government boards and committees, was accepted by the Governor in Council in May this year.

There is much to be done before simultaneous interpretation facilities are available. I hope that the necessary interpreters will be recruited and the essential electrical equipment purchased in the near future.

Without being able to give a definite date, I would commit myself to a crystal ball prophecy that mid-1972 should see the facilities in operation.

The Second Report is rather different. It deals with the use of Chinese in oral and written communications between Government and the public and to a large extent draws attention to defects in carrying out the existing policies and, indeed, orders of the Government. In putting that right we are already in action and the Report is being implemented. New proposals which will be costly and difficult are also made in the Report and will be placed before the Executive Council very shortly. The Finance Committee will also be involved.

The Committee's Third Report is concerned with the use of Chinese in court proceedings and in legislation. It contains many controversial recommendations and will be submitted to you, Sir, in Council after it has been considered in detail by the Chief Justice, the Attorney General, the professional bodies and other interests concerned.

The Fourth Report deals with translation and interpretation services in Government, the educational system, and Chinese as an official language. The date on which this Report is submitted to you, Sir, in Council, and the extent to which the recommendations contained in it are adopted, depends almost entirely on the decisions taken on the three preceding Reports.

Kowloon City flyover complex

5. DR CHUNG asked: —

Will the honourable Director of Public Works give a progress report on the Kowloon City flyover complex since his last statement in this Council just over a year ago?

MR ROBSON: —Sir, when Mr CLARKE reported in November 1970, he said that the Argyle Street to Prince Edward Road flyover forming part of the Kowloon City interchange complex would be opened to traffic in January 1971; in the event, traffic was able to use this two-way facility from January 26th this year.

He also said that the whole interchange would be completed in early 1972. There are in fact two more flyovers in the complex to be opened; one is along Prince Edward Road from Pentland Street to just outside Kai Tak Airport and the other joins Ma Tau Chung Road with Prince Edward Road outside the Airport.

I now expect the overall scheme to be completed and in operation not later than May 1972: the Ma Tau Chung Road flyover should be opened a short while before this. Completion of minor ground level work will take a few months longer but this will not affect the operation.

This slight delay over previous forecasts is due to the shortage of labour and to difficulties over the production of high quality concrete. My honourable Friend will, I am sure, agree that notwithstanding these delays the speed with which all concerned have tackled this very large project is to be commended.

Industrial undertakings

6. DR CHUNG asked: —

What steps is Government taking or contemplating to take to ensure minimum safe standards for the employees and for the neighbouring premises of the 17,000 odd industrial undertakings which were revealed in the last population census and which Government was not aware of?

MR PAUL K. C. TSUI: —Sir, I understand from my honourable Friend, Dr CHUNG, that he has arrived at the figure of 17,000 industrial undertakings by deducting the number of 18,220 registered or recorded industrial undertakings, which I mentioned in my speech in this Council on 13th October this year, from the 35,000 manufacturing premises which I also mentioned in the same speech.

I confirm that the figure of 35,000 manufacturing premises was revealed by the population census conducted in March this year. However, not all of these establishments are industrial undertakings registrable under the Factories and Industrial Undertakings Ordinance. The Commissioner for Census and Statistics has explained to me that the 35,000 establishments listed as manufacturing premises in

[MR TSUI] **Oral Answers**

the population and housing census in March this year included a large number of doubtful cases. It was not possible accurately to include them all within the stated definition.

When the census of manufacturing premises was undertaken in August this year, 39,807 premises were visited and, as a result of this rechecking exercise, the Commissioner for Census and Statistics was able to eliminate many establishments which did not fall within the definition. Some had closed down, others had moved, or proved to be small outworker establishments. The final result was 26,149 manufacturing establishments employing four or more persons.

However, a "manufacturing establishment" is not necessarily a factory or industrial undertaking as defined under the Factories and Industrial Undertakings Ordinance if it does not use machinery other than that worked entirely by hand, or if it does not provide employment for more than 20 persons in manual labour.

Nonetheless, the difference of 7,929, as between the 26,149 manufacturing establishments noted by the Commissioner for Census and Statistics and the 18,220 industrial undertakings recorded on my books, gives me cause for concern.

In the light of this evidence, it is my intention to initiate an intensive publicity campaign to induce proprietors to apply for registration or provisional registration. It is my sincere hope that it will not be necessary to resort to prosecution.

DR CHUNG: —Sir, in order to avoid such confusion in the future will Government standardize the terminology and definitions for use in all its departments?

MR TSUI: —I shall certainly bear the point in mind, Sir. I shall do the best I can.

Explosives depot on Stonecutters Island

7. DR CHUNG asked: —

In the light of public safety within the harbour limits and of increasing demand for recreation sites, will Government consider the removal of the military explosives depot away from Stonecutters Island and the development of the Island for recreation use?

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER): —In talking of an explosives depot, Sir, the honourable Member is not absolutely correct; it is in fact an ammunition depot—which is a good deal safer—which exists on Stonecutters Island. But that is not by any means all that exists there. There is a complex of Services communication facilities and also various other military installations for which there is a continuing need.

If the Services authorities were asked to abandon the Island, they would require an equivalent amount of suitable space elsewhere, mainly in or near to the urban areas, for the reprovisioning of the various facilities provided on the Island. Such reprovisioning would be expensive and it is doubtful whether suitable space could in fact be found.

In these circumstances, and while fully sympathizing with the desire to provide additional recreational facilities for the urban areas, I do not consider that there is justification for altering the present tenure of the Island.

DR CHUNG: —Sir, is Government aware that in the Chinese newspapers in the last few years there have been many readers and editorials expressing the need to convert Stonecutters Island into a park for recreational purposes?

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER): —I don't know about the Government but I am aware of this. (*Laughter*). The matter was considered in 1966 and 1967; but Stonecutters Island is not all that recreation-worthy. For one thing, even the Army aren't allowed to swim off its shores because of the tidal currents and the effects of local shipping. I have, however, hopes that the opening up of the Sai Kung peninsula by the High Island scheme development will provide equivalent, if not much better, facilities.

MR Y. K. KAN: —My honourable Friend did refer to the fact that, if these facilities have to be reprovisioned, they would be reprovisioned in the urban area. Is there any special reason why the ammunition depot has to be reprovisioned in the urban area—I think that was the point he specifically mentioned?

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER): —Yes. Sir. If you take a central point of the military installations and the garrison, including the Air Force and the Navy, you won't be very far off Stonecutters Island.

Oral Answers**Resettlement estates overcrowding**

8. MR WILFRED S. B. WONG asked: —

Will Government make a statement on progress achieved in the relief of overcrowding in resettlement estates?

MR I. M. LIGHTBODY: —Sir, the problem of overcrowding in our resettlement estates is one that has been given a great deal of thought and effort over the past years. The oldest estates were built some 17 years ago and as children are born in them and grow up, so the original space conditions, which were necessarily rather tight, have become thoroughly unsatisfactory in many estates. This problem was recognized in the 1964 White Paper on the "Review of Policies for Squatter Control, Resettlement and Government Low-Cost Housing" and, on the advice of the Urban Council, it was decided to make a subsequent allocation of rooms in other estates to families living in overcrowded conditions in these estates. The original space allocation was 24 square feet per adult and half that for a child under ten, and I am glad to say that since then the allocation has been progressively improved, first of all to about 30 square feet per adult and, more recently, to 35 square feet.

The position today is that 75% of our resettlement families are living in densities better than 24 square feet per adult, 22% at densities between 16 and 24 square feet, and 3% at densities worse than 16 square feet. To put these cold percentages into family terms, these figures mean that there are about 47,000 families living at densities worse than 24 square feet per adult, out of a total of about 200,000 families in our estates.

Since the 1964 White Paper, a total of 222,000 persons have benefited from measures taken to relieve overcrowding. Of these, 90,000 persons have transferred from overcrowded rooms in old estates to larger rooms in new estates. The balance of 132,000 persons have been given additional space in the estates in which they were already living. During the remainder of this year, we hope to move a further 12,000 overcrowded persons from old estates into new estates, and this will, of course, release accommodation in the older estates for the benefit of persons remaining there. This latter figure does not include the 14,000 tenants of Shek Kip Mei who will be moving into more spacious accommodation at Pak Tin Government Estate.

Our annual resettlement quotas include a provision of 30,000 individual units for the relief of overcrowding in the estates. In practice, as I have said, a very large percentage of this provision

will be taken up in accommodating families moved out of the Shek Kip Mei Estate to allow its conversion to self-contained flats; and if and when it is decided similarly to convert other Mark I and II estates, then there will be very little of this annual quota left over for what I might call voluntary relief of overcrowding.

I should add, Sir, that there is by no means unanimity on giving this concession to resettlement estate tenants; it has been suggested from time to time that perhaps families living in overcrowded conditions in private tenements and flats should compete equally with resettlement tenants for any space which might be available under this head. This view is currently being examined as part of a complete review of the various categories which are now eligible for resettlement accommodation.

Perhaps, Sir, I should refer briefly to the Census finding that the population of our resettlement estates was substantially lower than the department's official figures. My department has made various sample checks on actual occupancy and we find that, after deducting absentees from the departmental figures and adding unauthorized tenants, the final figure is 6% higher than the *de facto* Census count of 9th March 1971. My departmental figures in respect of the blocks surveyed were 17% higher than the Census finding. So we can assume that the departmental figures may exaggerate the occupancy position by about 10%; however, as our current eligibility level for relief of overcrowding is 17 square feet per adult, we are a long way from the position where these occupancy discrepancies can be regarded as meaningful. Every individual case is carefully checked before any additional space allocation is made.

MR WONG: —I thank my honourable Friend, the Commissioner for Resettlement, for his speech which is in answer to my question. Would he also state what priority he gives to overcrowding when assessing eligibility for resettlement estates?

MR LIGHTBODY: —Sir, relief of overcrowding ranks fifth in our priority list. It comes after the resettlement of victims of fire and natural disaster; it comes after compassionate cases, the clearance of persons from dangerous buildings and development clearances.

Hawker Control Force

9. MR WILSON T. S. WANG asked: —

Why is it that the Hawker Control Force is at present only a little above half-strength for the adequate control of Hong Kong's hawkers and when can Government bring it up to strength?

Oral Answers

MR D. R. W. ALEXANDER: —Sir, the approved uniformed establishment of the Hawker Control Force is 531 men: there are at present 207 vacancies. Even if its present establishment were full, the Force would be adequate to perform the many tasks expected of it in only a fraction of the existing hawker areas.

As noted by the Salaries Commission, membership of the Hawker Control Force is "an extremely unpopular and thankless job, drawing little public support and much local abuse". The present rates of pay and conditions of service have therefore not surprisingly proved insufficient to maintain recruitment and prevent wastage. The Salaries Commission have recommended salary increases which for constables, corporals and sergeants vary from about 55% to about 30%, but are less for higher ranks. As my honourable Friend, the Colonial Secretary, has said in reply to another question, the Commission's proposals are likely to be considered by Executive Council and Finance Committee during the next few weeks.

Until we are in a position to assess the effects upon recruitment of any changes in salary and conditions of service which may arise from the Report of the Salaries Commission, it is not possible for me to give a definite answer to the second part of my honourable Friend's question as to when the Force will be up to strength.

MR WANG: —Sir, would my honourable Friend give us some idea as to how long it takes to train a new recruit in something like an intake of 200 into the Hawker Control Force?

MR ALEXANDER: —In any one year we can take in three classes of about 85 men, Sir—making 255, I think, every year.

Government business

Motion (in Committee)

SUPPLEMENTARY PROVISIONS FOR THE QUARTER ENDED 31ST MARCH 1971 (FINAL)

Council went into committee, *pursuant to Standing Order No 58(2)*, to consider the motion standing in the name of THE FINANCIAL SECRETARY (MR HADDON-CAVE).

THE FINANCIAL SECRETARY (MR HADDON-CAVE) moved: —

That this Council approves the supplementary provisions for the quarter ended 31st March 1971, as set out in Paper No 5 (Final) of 1970-71.

He said: —Sir, the fifth and final schedule of supplementary provisions for the year 1970-71 covers a total amount of \$59.1 million. The revision of civil service salaries and temporary increases in civil pensions effective from 1st April 1970 account for \$16.9 million. \$8.2 million was required for an increase in the conveyance cost of mail, due to an increase in the volume of both air and surface mail handled by the Postmaster General. Public Works Non-Recurrent accounts for \$8.1 million, of which \$4 million was required as a result of faster progress on existing projects. Finally, \$14.5 million was required for the purchase of unallocated Government stores. However, net expenditure on the purchase of stores was only \$8 million for the year, after deducting the value of stores issued to Government departments.

This schedule brings the total of supplementary provisions approved in respect of the financial year 1970-71 to \$300.8 million. Actual expenditure brought to account amounted to just over \$2,452 million.

The Finance Committee, Sir, has approved all the items in the schedule and the covering approval of this Council is now sought.

Question put and agreed to.

Council then resumed.

THE FINANCIAL SECRETARY (MR HADDON-CAVE) reported that the motion had been agreed to in committee without amendment.

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

Motions

DEFENCE REGULATIONS (CONTINUATION) ORDINANCE

THE ATTORNEY GENERAL (MR D. T. E. ROBERTS) moved the following motion: —

It is hereby resolved, pursuant to section 6 of the Defence Regulations (Continuation) Ordinance, that the duration of the said Ordinance be extended for the term of one year until the 31st December 1972.

He said: —Sir, I move the first resolution standing in my name on the Order Paper to extend the life of the Defence Regulations (Continuation) Ordinance for a further year until the 31st of December 1972.

[THE ATTORNEY GENERAL] **Defence Regulations (Continuation)**
Ordinance

This Ordinance, as honourable Members will be aware, keeps in force a number of important regulations dealing with defence, financial matters and with import and export control. It is hoped to replace those regulations which deal with import and export control in the near future, but the remainder are still considered to be necessary and I therefore move that the Ordinance be kept in force for a further year.

Question put and agreed to.

CRIMINAL PROCEDURE ORDINANCE

THE ATTORNEY GENERAL (MR ROBERTS) moved the following motion: —

It is hereby resolved that the Criminal Appeal (Amendment) Rules 1971, made by the Chief Justice on the 2nd December 1971, be approved.

He said: —Sir, I move the second resolution standing in my name on the Order Paper.

The Criminal Appeal (Amendment) Rules 1971, made by the Chief Justice under section 9 of the Criminal Procedure Ordinance, require the approval of this Council.

These rules make some very minor amendments which are necessary as a result of the abolition of monthly criminal sessions by the Criminal Procedure (Amendment) (No 4) Ordinance 1971, which was enacted earlier this month.

Question put and agreed to.

MAGISTRATES ORDINANCE

THE ATTORNEY GENERAL (MR ROBERTS) moved the following motion: —

It is hereby resolved that the Magistrates (Forms) (Amendment) Rules 1971, made by the Chief Justice on the 2nd December 1971, be approved.

He said: —Sir, I move the third resolution standing in my name on the Order Paper.

These rules, which are made by the Chief Justice under the Magistrates Ordinance, also require the approval of this Council and they like the last rules contain minor amendments which are consequential upon the abolition of formal monthly criminal sessions.

Question put and agreed to.

MUSEUMS ORDINANCE 1971

MR ALEXANDER moved the following motion: —

It is hereby resolved that the Museums (Urban Areas) By-laws 1971, made by the Urban Council on the 7th December 1971, be approved.

He said: —Sir, I move the resolution standing in my name on the Order Paper.

The Museums (Urban Areas) By-laws 1971, made by the Urban Council on the 7th of December and now before honourable Members for approval under section 5(4) of the Museums Ordinance 1971, provide for the proper operation of museums in the urban areas. *Inter alia*, they empower the Urban Council to determine the opening and closing times of museums, and cover such matters as the control of copying of exhibits and the prevention of damage to exhibits. Their general purpose is to ensure good order in the museums, and none of them calls for special comment.

Question put and agreed to.

ILLEGAL STRIKES AND LOCK-OUTS ORDINANCE

MR TSUI moved the following motion: —

It is hereby resolved, pursuant to section 8 of the Illegal Strikes and Lock-outs Ordinance, that the duration of the said Ordinance be extended for the term of one year until the 31st December 1972.

He said: —Sir, I move the resolution standing in my name, the fifth in the Order Paper. The effect of this resolution will be to keep the Illegal Strikes and Lock-outs Ordinance in force until the 31st of December 1972.

When my predecessor moved a similar resolution last December, he said that a study had been started of the problems involved in preparing new permanent legislation to deal with disputes in essential services.

[MR TSUI] **Illegal Strikes and Lock-outs Ordinance**

During the year, Sir, this study has continued but I regret that no satisfactory solutions have yet been found to a number of serious and fundamental difficulties arising out of circumstances peculiar to Hong Kong and the present state of local trade unions. None of these difficulties are likely to be resolved easily or quickly and, until practicable solutions can be found, the drafting of appropriate legislation cannot begin. Consequently it is necessary to keep in force for another year the Illegal Strikes and Lock-outs Ordinance.

I assure honourable Members that the question of permanent legislation will continue to receive close attention.

Question put and agreed to.

Second reading

**RENT INCREASES (DOMESTIC PREMISES) CONTROL
(AMENDMENT) BILL 1971**

Resumption of debate on second reading (1st December 1971)

Question again proposed.

MR WOO: —Sir, my Unofficial colleagues and I unanimously support this (Amendment) Bill. There is every indication that if the principal Ordinance be allowed to lapse the protected tenants under the Ordinance would definitely either have their rents increased unreasonably or be ejected from their premises. Personally I think that an extension of 2 years might be a little too long particularly when a tenant whose rent has been increased by 5% in the last year of the protected period would have another 2 years protection from the date of the last increase. That might be more than 5 years protection instead of 4 as intended by the amendment. Taking, however, all into consideration my Unofficial colleagues are of the opinion that it is better to be more generous to the tenants than to the landlords and we support the amendment.

May I raise a point on the principal Ordinance. Since the coming into force of this Ordinance it has come to the notice of the legal practitioners that there is a doubt with regard to the word "displayed" contained in subsection (3) of section 7 of the Ordinance. That section requires a landlord who desires to obtain vacant possession from the tenant to give the requisite notice to quit and to have

the same displayed upon the main door or entrance of the premises affected for 3 successive days. A similar requirement is contained in the Security of Tenure (Domestic Premises) Ordinance No 8 of 1970, but in the latter Ordinance the word "posted" is used. In its ordinary meaning the word "displayed" in this particular connection may mean "be prominently affixed and to remain so for 3 successive days" before the notice to quit can take effect. If this interpretation is correct then it would create great practical difficulties, particularly to the legal practitioners, as it is impossible to see that the notice to quit which has been affixed will remain there for 72 hours unless a person is stationed there to watch over it for 3 successive days otherwise the notice to quit might be taken down by some other person, thus frustrating the validity of the said notice. I think that at the time when the Ordinance was passed attention had not been drawn to this distinction and I am quite sure that it was never the intention of the legislature that the notice must be prominently affixed and remain affixed for 3 successive days. I therefore suggest an amendment to rectify the position by deleting the word "displayed" and substitute the word "posted" therefor. I hope my honourable Friend, the Attorney General, may take the opportunity of amending the subsection at the committee stage or in the proposed bill which will be introduced by my honourable Friend, the Colonial Secretary, as soon as practicable to make provision for the suggested 5% increase of rent in two stages.

Yet another matter I would like to raise relating to the said Ordinance and that is again with regard to the notice to quit, which is required in a Chinese version as well as in an English version, given by the landlord under subsection (2) of section 7. Subsection (3), as I said before, requires that where a notice to quit, in English and Chinese, is served and displayed for 3 successive days, such notice to quit shall take effect also on any sub-tenancies created. There is always the ever present difficulty of translating an English document into Chinese and difficulties may well arise should the Chinese version differ in a material particular with that in the English language especially when legal phraseology is used. It would, I suggest, be to the benefit of the public if the Commissioner of Rating and Valuation would, under section 19 of the Ordinance, specify a form of notice to quit in English and Chinese. Once he has done so then there will be a standard form to be followed by litigants who are not legally represented and, indeed, by legal practitioners themselves. I shall be grateful, Sir, if my honourable Friend, the Attorney General, will consider my suggestion.

Sir, I support the motion.

**Rent Increases (Domestic Premises) Control (Amendment) Bill—
resumption of debate on second reading (1.12.71)**

MR WONG: —Sir, on 2nd October 1969 I said in this Council "While it is fully appreciated that rent control in general will deter investment and, therefore, affect adversely the supply of domestic flats, recent rent increases for some workmen and clerical staff are assuming proportions which will unsettle their cost of living. The rise in rent generally far exceeds the rise in wages. Consideration could be given for rent rationalization on the same basis as the 1963 bill for rents below say \$500 per month. In this way rents for the more expensive flats would be left open to the free forces of supply and demand".

On 28th January 1970, Government introduced the Security of Tenure (Domestic Premises) Bill 1970. This applies to all domestic premises with a ratable value of less than \$1,500 per month. On 3rd June 1970, the Rent Increases (Domestic Premises) Bill 1970 was passed. This bill rationalizes the increase to 15% in view of the fact that 3 years have elapsed since the de-control of the last legislation.

From the period of June 1970 to October 1971, the estimated supply of domestic units did not live up to expectation. On 6th October 1971, I stated in this Council "In the study of inflation, it is now appropriate to bear in mind the effect of crown rents, psychological and real, on the inflationary trends in Hong Kong. This should be studied at the highest level together with the question of rents in general and the part they hold in the overall economy of Hong Kong. The renewal of legislation for the security of tenure and rent increases control for domestic flats at or below the ratable value of \$1,500 a month or less for another year is an essential factor in the stabilization of cost of living in Hong Kong."

It is evident that Government is far more advanced in thoughts on rent control than I. I had proposed rent control for flats with rental of \$500 and below; the Government proposal was for those up to a ratable value of \$1,500 per month. I had proposed the extension of the rent control legislation for 1 more year from June 1972, but Government is proposing the extension for 2 more years. I defer to Government for its deep understanding of human problems, especially those of the low income earning group, and its readiness and familiarity with the application of modern methods of economics in dealing with the problems of the essential cost of living such as rents.

In implementing the measures concerning rent increases, I hope the rent increase advisory panel will adhere more strictly to the

original formula worked out, *i.e.* not more than 5% per annum, rather than rationalizing the increases in individual cases. I think we all agree that the purpose of the legislation is to provide security of tenure and stabilize living costs. This principle is paramount and must not be subservient to any individual considerations relating to particular tenancies.

The security of tenure for two more years protects the tenants from eviction and this is important not only because decoration costs have increased immensely, but also because most tenants become attached to their abodes. Unbridled free play of market forces of supply and demand could cause unreasonable hardship.

The maximum increase of 5% per annum in rent may well be the practical formula in rationalizing inflationary trends when it is generally recognized in well developed and well governed countries that the range of increase should be contained between 2½% to 5% per annum.

With these remarks, I support the bill before Council.

DR CHUNG: —Your Excellency, during the second reading debate of the principal Ordinance in this Council on 3rd June 1970 my honourable Friend, the Colonial Secretary, in response to a proposal to set up "fair rent tribunals", said that Government would re-examine draft legislation to provide security of tenure for business premises paying a fair market rent.

Again on 7th July this year my same honourable Friend, in reply to a question in this Council, indicated that the re-examination of such draft legislation was near completion and that recommendations would be made to Your Excellency in Council within a matter of weeks. More than five months have now elapsed and, as far as I know, there are still no fair rent tribunals in sight.

During the past two years there were many cases of exorbitant rental increases not only in commercial and industrial premises but also in domestic premises with rateable values of more than \$15,000 a year. My honourable Friend, the Colonial Secretary, said in this Council two weeks ago that rental increases for those medium and large flats outside the control of the principal Ordinance were as high as 70-75%. I have also heard of many cases where rentals in large flats have more than doubled in the last two years.

Sir, whilst I fully support this amending bill to extend the life of the principal Ordinance for a further period of two years, I don't think Government has been fair to tenants of business premises and

[DR CHUNG] **Rent Increases (Domestic Premises) Control (Amendment) Bill—resumption of debate on second reading (1.12.71)**

of larger domestic premises. For two years now, many landlords of these premises were allowed to extort excessive rents from their tenants. Like many people, I find it difficult to understand such a long delay in the re-examination of the earlier draft legislation for a matter of such importance and urgency.

While we are dealing with rent control in domestic premises, I hope you, Sir, will permit me to say something about housing in general in Hong Kong. As honourable Members are probably aware, our wages are the second highest in Asia and our salaries, particularly those for administrative and professional posts, are comparable to some of the industrially advanced countries in Europe. Although our salary and wage earners are spending a much greater proportion of their incomes on rents than their respective counterparts both in Asia and Europe are spending, yet our housing standards in Hong Kong are far more inferior than theirs. The cost of housing in Hong Kong is even more expensive than in many industrially advanced countries in Europe.

Since neither our wages nor our prices of building materials are higher than those in Europe, I can only deduce that the high cost of housing is mainly due to the high cost of land. With due respect to Government, I cannot help but feel as many people do that, first, Government has been and is still purposely controlling the rate of land auctions in order to fetch the highest return on land sales and, secondly, Government has failed to provide efficient and adequate road networks, amenities and other essential infrastructure so as to encourage people to live in suburban instead of urban areas.

We must not lose sight of the fact that Hong Kong's economic growth depends mainly on the continued success of our export-orientated manufacturing industries, which in turn depend on the competitiveness of their products in world markets. Such abnormally high cost of housing has already caused much dissatisfaction among wage and salary earners and unprecedented inflation in the last two years. If we cannot improve our housing situation and check our inflation within reasonable limits, I foresee great difficulties ahead. The introduction of both rent control and fair rent tribunals is only a stop-gap measure. The long-term solution must be the increasing provision of housing and roads and the essential infrastructure to satisfy the rising demand both in quantity and in standard. This, in my humble opinion, is Government's responsibility and Government must have the courage and determination to meet this challenge.

With these remarks, Sir, I support the motion.

MR K. S. LO: —Sir, in rising to support the extension of this Ordinance for a further period of two years, I wish to offer the following comments.

As stated by my honourable Friend, the Colonial Secretary, when he moved the second reading of the bill, the Ordinance came into force in June 1970, as a replacement of another interim legislation providing for security of tenure enacted in January of that same year.

Looking back at the sequence of events, it became quite clear that Government was only forced to act when the situation had deteriorated sufficiently that any further delay might have brought about some social and economic upheaval of some magnitude. The landlords having discovered a shortage of supply of all types of premises both commercial and domestic began to exploit the situation to the full by putting up rents at phenomenal rates. There was a burst of outcry by all those affected and Government was once again forced to intervene.

This was not the first time that Government had introduced rent control in this Colony and, judging by the ups and downs of the real estate development, it will not be the last either. In other words, when this Ordinance expires in 1974, it will probably be necessary to bring it back again by 1980 or thereabout when another shortage arises.

Now let us examine the effects of such a stop-gap measure. Let us first of all look at it from the financial side. Sir John COWPERTHWAIT, the previous Financial Secretary, admitted during the last budget debate that, due to the introduction of control on rent increases, the staff of the Rating and Valuation Department had to be diverted from their normal revaluation work, and as the result he estimated a loss of revenue in the region of \$81 million to the public purse. So at least we can say that such stop-gap measures are costly.

Then, let us look at it from the social side. The present Ordinance gives protection only to domestic premises whose rental is below \$1,500 per month. It does not give any protection to domestic premises whose rental is above \$1,500 per month; nor does it protect the commercial and the industrial premises of even the lowest rental. So one can say that it is discriminating, unequitable and unfair to the tax-payers as a whole, and therefore it is a bad piece of legislation.

For these reasons, I support my honourable colleague, DR S. Y. CHUNG, that Government must get on with the preparatory work of setting up fair rent tribunals before the present Ordinance lapses in 1974.

[MR LO] **Rent Increases (Domestic Premises) Control (Amendment) Bill—resumption of debate on second reading (1.12.71)**

A fair rent tribunal, as I envisage, can be set up along similar lines as the tenancy tribunal. Just as a tenancy tribunal is called upon to decide on a fair and equitable compensation to be paid to a tenant upon eviction by the landlord, so a fair rent tribunal can be called upon to decide what should be a fair and equitable rental for a particular type of premises in a particular district. The fair rent tribunal does not have to approve every case of increase in rent. It will only be called to decide when a complaint of exorbitant increase has been lodged. It will not interfere with cases where rental has been mutually agreed and contracted, nor will it try to fix rentals for newly completed premises. The law of supply and demand will still enjoy its free play, and it will not discourage the construction of new buildings in any way.

I am therefore fully convinced that fair rent tribunals set up permanently to deal with domestic, commercial and industrial premises will ensure better economic stability and provide more equitable protection to the entire community.

THE ATTORNEY GENERAL (MR ROBERTS): —Sir, perhaps I might deal briefly with the comments made by the honourable Mr WOO about some technical defects which have emerged in the working of the principal Ordinance.

Certainly, it does place an unreasonable burden on the landlord to require him to prove that a notice to quit issued under section 7 of the Ordinance was on actual display for 72 hours on the premises concerned. Therefore, I agree with him that the Ordinance ought to be amended so as to make it clear that it is sufficient if a notice to quit is shown to have been posted on three successive days and a provision to deal with this point will be included in the further amending bill dealing with the permitted increases of rent, which it is hoped to present to this Council early in the new year.

As he also said, it would be unfortunate if a notice to quit was invalid merely because the Chinese translation was not in identical terms with the English version, and his helpful suggestion for dealing with the problem may well be the best solution and I will discuss this with the Commissioner of Rating and Valuation.

I am most grateful to him for making these helpful suggestions.

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER): —Sir, I am grateful to my honourable Friends both for their support and for their constructive suggestions which have been noted.

My honourable Friend, the Attorney General, has dealt with the two legal points made during the debate on the bill. One or two other matters have been mentioned.

My honourable Friend, Mr WONG, in supporting the bill expressed the hope that the formula of 5% per annum would be strictly adhered to, as I understood it, and that individual considerations relating to particular tenancies would not be given undue weight. This is what is intended. The second bill will provide for two increases not exceeding 5% at yearly intervals, and it will not be necessary for landlords to apply either to the Rating and Valuation Department or to the Advisory Panel before imposing these increases. A larger increase will only be possible, except by agreement between landlord and tenant, if there has been no increase in rent since the Ordinance came into force in June last year. In such cases it will be open to the landlord to apply for a certificate from the Rating and Valuation Department.

My honourable Friends, Dr CHUNG and Mr LO, have referred to the proposal to set up "fair rent tribunals" which I mentioned during the debate on the second reading of the principal Ordinance in June last year.

The possibility of setting up such tribunals on the lines of the United Kingdom Rent Act of 1965, which regulated domestic rents, was considered some weeks ago by the Governor in Council but no final decision was taken pending a more general examination of the whole problem of rents across the whole field. This is now being conducted and will, as I foretold, take a considerable time. I have every confidence, however, that the information necessary to a decision by you, Sir, in Council will be ready before the expiry of the present legislation.

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).

MARRIAGE REFORM (AMENDMENT) BILL 1971

Resumption of debate on second reading (1st December 1971)

Question again proposed.

Question put and agreed to.

Marriage Reform (Amendment) Bill—resumption of debate on second reading (1.12.71)

Bill read the second time.

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

Committee stage

Council went into Committee.

**RENT INCREASES (DOMESTIC PREMISES) CONTROL
(AMENDMENT) BILL 1971**

Clauses 1 and 2 were agreed to.

MARRIAGE REFORM (AMENDMENT) BILL 1971

Clauses 1 and 2 were agreed to.

LAW REFORM (UNCLAIMED MONEYS) BILL 1971

Clauses 1 to 3 and the schedule were agreed to.

**LAW REVISION (MISCELLANEOUS AMENDMENTS)
BILL 1971**

Clauses 1 to 3, the first and second schedules were agreed to.

PILOTAGE BILL 1971

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 21 were agreed to.

Clause 22.

THE ATTORNEY GENERAL (MR ROBERTS): —Sir, I move that the three amendments, which are set out in the paper which has been circulated to honourable Members, should be made to clause 22.

The first amendment removes any doubt as to whether the Pilotage Authority has power to make orders for the registration of apprentice pilots.

The other two amendments are purely verbal. They substitute for references to "licensed pilots" references to "pilotage", in order to achieve consistency in drafting with other clauses, in which classes of pilotage, rather than classes of pilot, are mentioned.

Proposed Amendment

Clause

22 That clause 22 be amended—

(a) by deleting paragraph (c) and substituting the following—

“(c) the registration of apprentice pilots and the qualifications and experience of applicants for registration;”;

(b) in paragraph (h), by deleting “licensed pilots” and substituting the following—

“pilotage”;

(c) in paragraphs (i), (j) and (k), by deleting “licensed pilot” wherever it occurs and substituting the following—

"pilotage".

The amendments were agreed to.

Clause 22, as amended, was agreed to.

Clauses 23 to 26 were agreed to.

New clause 23A "Liability of owner or master in the case of a vessel under pilotage".

Clause read the first time and ordered to be set down for second reading pursuant to Standing Order No 46(6).

THE ATTORNEY GENERAL (MR ROBERTS): —Sir, in accordance with Standing Order 46(6), I move that the new clause 23A as set forth in the paper before honourable Members be read the second time.

The common law rule is that, in circumstances in which the employment of a pilot is compulsory, the owner of a ship involved in a maritime accident may plead compulsory pilotage as a defence and thereby absolve himself from any liability for the negligence of the pilot in his employment.

[THE ATTORNEY GENERAL] **Pilotage Bill—committee stage**

The position was changed in England by the Pilotage Act 1913, which provided that a shipowner should be liable for the negligence of his pilot, whether or not pilotage was compulsory. This Act did not extend to Hong Kong, where the common law rule therefore continues to apply.

If pilotage is voluntary, as is the case in Hong Kong, the pilot is in law the servant of the owner, who is thus liable for damage caused by the negligence of the pilot.

The common law rule about compulsory pilotage is of significance here only if a maritime accident occurs in a foreign port and legal proceedings are taken in Hong Kong by the parties to the accident, perhaps because of convenience or because one of the vessels involved in the accident is registered in Hong Kong or owned by a company which is based on Hong Kong. In such circumstances, although pilotage is not compulsory in Hong Kong, the common law defence of compulsory pilotage may be applicable if the accident occurred in a foreign port where pilotage is compulsory. The presence of this archaic rule is thought perhaps to have served as something of a discouragement to the use of Hong Kong courts for the settlement of maritime disputes occurring elsewhere in Asia.

The effect of the proposed new clause 23A is to abolish the common law defence of compulsory pilotage and to bring our law on this subject into conformity with that which has been in force in the United Kingdom since 1913.

Question put and agreed to.

Clause read the second time.

THE ATTORNEY GENERAL (MR ROBERTS): —Sir, I move that new clause 23A be added to the bill.

*Proposed Addition**Clause*

23A That new clause 23A be inserted after clause 23—

“Liability of owner or master in the case of a vessel under pilotage. **23A.** The owner or master of a vessel navigating under circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the vessel or by any fault of the navigation of the vessel in the same manner as he would if pilotage were not compulsory.”

The addition of the new clause was agreed to.

Council then resumed.

Third reading

THE ATTORNEY GENERAL (MR ROBERTS) reported that the

Rent Increases (Domestic Premises) Control (Amendment) Bill 1971

Marriage Reform (Amendment) Bill 1971

Law Reform (Unclaimed Moneys) Bill 1971

Law Revision (Miscellaneous Amendments) Bill 1971

had passed through Committee without amendment and that the

Pilotage Bill 1971

had passed through Committee with certain amendments and moved the third reading of each of the bills.

Question put on each bill and agreed to.

Bills read the third time and passed.

Unofficial Member's bill**First reading****BISHOP OF VICTORIA INCORPORATION (AMENDMENT) BILL 1972**

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

Second reading**BISHOP OF VICTORIA INCORPORATION (AMENDMENT)
BILL 1972**

MR OSWALD CHEUNG moved the second reading of:—"A bill to amend the Bishop of Victoria Incorporation Ordinance."

He said:—Sir, this bill concerns Inland Lot No 76, beside Glenealy on which Bishop's House stands. The property was the gift of Her Majesty Queen Victoria to the Church of England, for the purpose of assisting towards the building and endowing of a College and of otherwise forwarding Missionary objects in China. In accordance with Her Majesty's will, St Paul's College was founded in 1845 with the primary object of training clergy. It was governed under Statutes approved by the Archbishop of Canterbury, and it was under the

[MR CHEUNG] **Bishop of Victoria Incorporation (Amendment) Bill—
second reading**

immediate and personal control of the Bishop of Victoria who was its Warden. By those same statutes, the College was also authorized to admit as students, Chinese or European, those whom the Bishop judged might diffuse the blessing of Christianity and civilization by their example and influence.

For fifty years, passing through different vicissitudes, the College trained clergy, and educated other students in conformity with the doctrine and discipline of the Church of England. Then a calamity befell it. In 1906, the Bishop and most of the theological students were drowned in a sea voyage in a typhoon. The College was subsequently reorganized by the next Bishop, but eventually he decided to move the training of theological students to Canton, rather than to keep it in Hong Kong.

In 1909, the Church Missionary Society obtained the permission of Bishop Lander to establish a new school on the site, using the old name of Saint Paul's College. Its objects, however, were not to train clergy "but to offer Chinese youths a modern, liberal education in the English language, upon Christian principles, as professed by the Church of England, and continued by the Chung Hua Sheng Kung Hui". The Bishop agreed to this course, on condition that he could terminate the licence by giving the school 12 months notice to quit. The second college of the same name in turn became famous. But confusion was bound to arise in the minds of persons not familiar with the history of the two Colleges bearing the same name, as to whether the second foundation was a beneficiary of the trusts which had been declared upon the land.

About 20 years ago, the second College left the site, and in 1963 it relinquished all claims to the land or to be the object of its trusts; by agreement it was to continue the use of the name of St Paul's College, and by that name it continues to flourish elsewhere, along Bonham Road.

For some years before he retired, Bishop Hall was anxious that the confusion which had arisen should be dispelled, and to have trusts on the land declared which would be in conformity with the purposes of the Royal Grant.

To that end he initiated discussions with Your Excellency's Government, which have culminated in this bill. Both the Government and the present Bishop's legal advisers believe that the trusts set out in subsection 3 of the new section 6A secure those objects and meet the needs of a change in circumstances. The land and the profits

from it are to be used for the training of clergy, and to augment the Bishop's stipend, he still being the Warden of the original St Paul's College still charged with the training of clergy as one of his primary duties. The profits and income from the land may also be used for the promotion of welfare organizations concerned with the education training and development of young people in Hong Kong. In respect of those uses your Excellency's predecessor, Sir Alexander GRANTHAM, gave the Bishop a licence in 1948. The bill will also remove the confusion arising out of the existence of the later but different foundation bearing the name of St Paul's College.

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 Crown lease of Inland Lot No. 76 contains a covenant requiring that the premises shall not be used for any purpose other than for the promotion of the charitable designs and objects of St. Paul's College as it may be from time to time legally established without licence from the Crown. The present St. Paul's College is not the same as the previous College which carried this name and which trained theological students but the former College no longer exists, and it is desired to give the Hong Kong Bishopric Fund Trustees Incorporated a measure of control over the application of the income from the land. It is considered that the purposes set out in the new section 6A(3) which is contained in clause 2 are analogous to the original purposes for which Inland Lot No. 76 was intended.

Tribute to the late Sir Cho-yiu Kwan

HIS EXCELLENCY THE PRESIDENT: —This concludes the business on the Order Paper, but I am sure it is the wish of honourable Members that before the Council adjourns we should pay our tribute to the late Sir Cho-yiu KWAN. In his latter years he played a part in this Colony that was of the highest importance, as a Member or Chairman of innumerable public and statutory bodies, for 7 years as a Member of this Council, and for 10 years as a Member of the Executive Council. He added to a strong personality an exceptionally fine record of public service. In him Hong Kong has lost one of its finest and one of its most respected servants. I am sure that all our sympathy goes to his widow and family in the loss that they have suffered, whose suddenness must make it so much harder to bear.

Tribute to the late Sir Cho-yiu Kwan

MR KAN: —Your Excellency, since Sir Cho-yiu KWAN's sudden and tragic death eight days ago, many tributes have been paid to him by Your Excellency and other leaders of the community. It behoves me to add a few words at this time about one who served with distinction on this Council from 1959 to 1966 and who played an important role in its work during that period, notably in connection with the law on Chinese marriages and succession.

It is not, however, about Sir Cho-yiu the public figure whom I wish to speak, for far more eloquent tributes to his distinguished record of public service and his outstanding achievements have already been made than anything I could offer today. I would like to speak about Sir Cho-yiu the man.

I am able to do so, Sir, because I knew him for a long time. It was some forty years ago that I, while still a University student, came to know him on his return from England to Hong Kong as a newly qualified young solicitor; and when, a few years later, I in turn went to England to qualify in the same profession, it was he to whom I turned for advice and guidance. In the ensuing years, we served on this and many other bodies together and it was my privilege and good fortune to become a close friend and colleague of his.

Sir Cho-yiu's outstanding qualities were his uprightness and integrity, his sound judgement, his sense of justice and readiness to speak out without fear or favour. I may add that it was perhaps fitting that the very last time he spoke it was to plead the cause of one of the common people of the community.

To his colleagues, as indeed to every one else, he was always kind, courteous and considerate, ever ready to give such advice and assistance as he could, and his advice was always listened to with utmost respect.

These qualities, which earned him sincere respect and affection from all those who knew him, are qualities which are not easily found. His death, as the Chief Justice has said, was untimely, and one which the Colony could ill-afford.

To Lady KWAN and her family we, the Unofficial Members, wish to tender our deepest sympathy.

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER): —On behalf of the Official Members, I would like to associate myself with everything which you, Sir, and the honourable Mr KAN have said.

Adjournment and next sitting

HIS EXCELLENCY THE PRESIDENT: —Before I adjourn the Council may I extend to all honourable Members my very best wishes for Christmas and the New Year. Council will now adjourn until 2.30 p.m. on Wednesday the 5th of January 1972.

Adjourned accordingly at six minutes to four o'clock.