

**OFFICIAL REPORT OF PROCEEDINGS****Wednesday, 30th August 1972****The Council met at half-past Two o'clock**

[Mr PRESIDENT in the Chair]

**PRESENT**

HIS EXCELLENCY THE ACTING GOVERNOR (*PRESIDENT*)  
SIR HUGH SELBY NORMAN-WALKER, KCMG, OBE, JP  
THE HONOURABLE THE COLONIAL SECRETARY (*Acting*)  
MR SAMUEL TEDFORD KIDD, JP  
THE HONOURABLE THE ATTORNEY GENERAL (*Acting*)  
MR GRAHAM RUPERT SNEATH, QC, JP  
THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS (*Acting*)  
MR LI FOOK-KOW, JP  
THE HONOURABLE THE FINANCIAL SECRETARY  
MR CHARLES PHILIP HADDON-CAVE, JP  
THE HONOURABLE DAVID RICHARD WATSON ALEXANDER, CBE, JP  
DIRECTOR OF URBAN SERVICES  
THE HONOURABLE JOHN CANNING, JP  
DIRECTOR OF EDUCATION  
DR THE HONOURABLE GERALD HUGH CHOA, CBE, JP  
DIRECTOR OF MEDICAL AND HEALTH SERVICES  
THE HONOURABLE JACK CATER, MBE, JP  
DIRECTOR OF COMMERCE AND INDUSTRY  
THE HONOURABLE DENIS CAMPBELL BRAY, JP  
DISTRICT COMMISSIONER, NEW TERRITORIES  
THE HONOURABLE PAUL TSUI KA-CHEUNG, OBE, JP  
COMMISSIONER OF LABOUR  
THE HONOURABLE GEORGE TIPPETT ROWE, CBE, JP  
DIRECTOR OF SOCIAL WELFARE  
THE HONOURABLE JOHN CHARLES CREASEY WALDEN, JP  
COMMISSIONER FOR RESETTLEMENT  
THE HONOURABLE ALEXANDER STUART ROBERTSON, JP  
DIRECTOR OF PUBLIC WORKS (*Acting*)  
THE HONOURABLE WOO PAK-CHUEN, OBE, JP  
THE HONOURABLE SZETO WAI, OBE, JP  
THE HONOURABLE WILFRED WONG SIEN-BING, OBE, JP  
THE HONOURABLE MRS 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, OBE, QC, JP  
THE HONOURABLE ANN TSE-KAI, OBE, JP  
THE HONOURABLE ROGERIO HYNDMAN LOBO, OBE, JP  
THE HONOURABLE MRS CATHERINE JOYCE SYMONS, OBE, JP  
THE HONOURABLE PETER GORDON WILLIAMS, JP  
THE HONOURABLE JAMES WU MAN-HON, JP

**ABSENT**

THE HONOURABLE HERBERT JOHN CHARLES BROWNE, OBE, JP

**IN ATTENDANCE**THE CLERK TO THE LEGISLATIVE COUNCIL  
MR RODERICK JOHN FRAMPTON

### Oath

MR P. G. WILLIAMS took the Oath of Allegiance and assumed his seat as a Member of the Council.

HIS EXCELLENCY THE PRESIDENT: —I welcome Mr WILLIAMS to the Council.

### Papers

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

<i>Subject</i>	<i>LN No</i>
Subsidiary Legislation: —	
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Criminal Procedure (Amendment) (No 2) Ordinance 1972. Criminal Procedure (Amendment) (No 2) Ordinance 1972 (Commencement) Notice 1972 .....	153
Pharmacy and Poisons Ordinance. Pharmacy and Poisons Ordinance (Amendment of Schedule) Order 1972 .....	156
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Corrupt and Illegal Practices Ordinance.	
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Interpretation and General Clauses Ordinance.	
Definitions of "British Territory" and "Commonwealth"	162
Training Centres Ordinance.	
Lai Chi Kok Training Centre (Discontinuance of Use) Declaration 1972 .....	163
Sessional Paper 1971-72: —	
No 61—Report on the Administration of the Immigration Service Welfare Fund for the year ended 31st March 1972 (published on 30.8.72).	

### **Oral answers to questions**

#### **Kowloon Tsai swimming pool**

1. MR OSWALD CHEUNG asked: —

Will arrangements be made so that at the Kowloon Tsai swimming pool the closure during the midday break be reduced to one hour, and so that it is kept open till 7.30 *p.m.* during the period summer time is in force?

MR D. R. W. ALEXANDER: —Sir, the midday break at Kowloon Tsai to which my honourable Friend refers is of two hours' duration. This enables the staff to work one eight-hour shift—in two parts of four hours each. Any change in this arrangement will necessitate the introduction of regular overtime.

However, since the 1st of July the Urban Council has been organizing evening swimming classes for the public at Kowloon Tsai (and other pools) so that in fact the pool there has been put to most gainful use up to 7.30 *p.m.* each evening for six evenings a week for most of the summer with a minimum number of staff involved. These courses will end in mid-September.

And, further, honourable Members will wish to know that following recent discussion by the Recreation and Amenities Select Committee, my department will be reviewing all aspects of its swimming pool management (including that of overtime) at the close of this season.

[MR ALEXANDER]     **Oral Answers**

It is likely that, in order to spread the use of these facilities more evenly (and to keep them even cleaner), we shall introduce a sessional use of all pools. I hope this will enable us to re-deploy our manpower in such a way as to have all pools closed for only one hour during the lunch break and permit the Kowloon Tsai complex to remain open for the general public up to 7.30 *p.m.* in the evenings.

### **Pollution in the Harbour**

2.   MR SZETO WAI asked: —

When can Government publish the findings of the consultants engaged some years ago to investigate the degree of pollution of our harbour by the continued discharge into it of untreated sewage?

MR A. S. ROBERTSON: — Sir, consulting engineers were appointed in November 1968 to look into and report on the problems arising in Victoria Harbour and nearby waters from the discharge of sewage. It was anticipated that they would make a series of interim technical reports as their investigation proceeded. This has in fact been done and as a result our views on the form of sewage treatment which should be adopted at the Castle Peak and Sha Tin new towns have been finalized and, in addition, a separate detailed investigation is about to begin for the northwest Kowloon area from Lai Chi Kok to Yau Ma Tei.

The brief for this investigation will be to study the alternative methods of treating and disposing of sewage from this particular area and to recommend and implement a solution. We might expect to complete the investigation and preliminary design stage before the end of next year, and would then be ready to put works in hand.

Returning to the original investigation, the final report is now in the hands of the Government Printer. It will require detailed study by a number of Government departments, and these should be completed by the end of the year following which detailed recommendations will be made. A brief summary report will also be introduced, and it would be possible for this to be made available for sale to the public if this were considered appropriate.

MR SZETO: — Sir, my honourable Friend mentioned in his reply that a separate detailed investigation will be carried out on the waters from Lai Chi Kok to Yau Ma Tei. Does this mean that the consultants in their original investigation indicated that the water in that area is more polluted than in any other parts of the harbour?

MR ROBERTSON: —Sir, this is precisely the reason why this area is being tackled first.

### **Robberies involving money**

3. MR SZETO asked: —

Can Government give an up to date approximate total amount of money involved in robberies from the beginning of this year and state:

- (a) how many cases have been reported;
- (b) how many cases have been detected;
- (c) how many defendants have been convicted; and
- (d) what is the heaviest sentence imposed?

THE ATTORNEY GENERAL (ACTING) (MR G. R. SNEATH): —Sir, the figures requested by my honourable Friend are as follows. The total amount of money involved in robberies from the beginning of this year up to the end of July is \$5,418,263. It is usual, Sir, that only my honourable Friends the Financial Secretary and the Director of Public Works talk about such large figures. Unfortunately, of that very large sum only \$770,197, which is about 14%, has been recovered so far. The number of cases reported—that is the number of robbery cases—up to the end of July is 3,543 and, of those, 1,527 or nearly half have been detected. 1,130 persons have been convicted of robbery offences and there are 75 persons awaiting trial.

The final query relates to the heaviest sentence, and for this period—that is, up to the end of July—the heaviest sentence was one of 8 years imprisonment which arose out of a robbery of the Banque Nationale de Paris in Castle Peak Road in January of this year. In another bank robbery case, which involved the First National City Bank in Sham Shui Po, a robber was sentenced to 7 years imprisonment; that was in April. Finally, Sir, the average sentence in robbery cases this year has apparently been between 5 and 6 years imprisonment.

MR SZETO: —Sir, from the statistics given by my honourable Friend in his reply, would Government consider that the situation is getting rather serious and that some very firm and effective measures have to be taken to curb this crime?

THE ATTORNEY GENERAL (ACTING) (MR SNEATH): —I think, Sir, that nobody, Government or otherwise, would view these figures otherwise than with concern. They are certainly very serious. As for taking

[THE ATTORNEY GENERAL (ACTING)]     **Oral Answers**

effective measures, I think I can speak on behalf of the Commissioner of Police and his force that they are continually looking for ways to increase the effective measures that can be taken to prevent robberies. I would add to that, Sir, that at this time there are some 1,700 vacancies in the Royal Hong Kong Police Force, and if people fancied that as a career and we could top up numbers in that force, this would help to cut down on robberies.

MR P. C. WOO: —Of these 1,130 persons how many of them are under 21 years of age?

THE ATTORNEY GENERAL (ACTING) (MR SNEATH): —I think my honourable Friend is referring to persons convicted?

MR WOO: —Yes.

THE ATTORNEY GENERAL (ACTING) (MR SNEATH): —I regret that I have not the figures of those under 17.

MR WILSON T. S. WANG: —Sir, how does my honourable Friend account for the fact that only 14% of the money has been recovered but half the number of cases have been detected?

THE ATTORNEY GENERAL (ACTING) (MR SNEATH): —No, Sir, I can't account for that but I would point out that the figures I gave were up to the end of July, which is only a matter of weeks ago, and naturally it takes a little time to detect, so that I hope that when more months are passed the detection rate will go up and so will the amount of money recovered.

**Industrial co-operation between Hong Kong and the UK**

4. MR JAMES WU MAN-HON asked: —

In view of the ready availability in the UK of modern technology in many industrial fields and its special relationship with Hong Kong, will the Government consider making special efforts in conjunction with the British Government to promote co-operation and joint ventures with British industries to our mutual advantage?

MR J. CATER: —Sir, as my honourable Friend will be aware, the Commerce and Industry Department has for many years provided a

service for foreign companies interested in the possibility of investment and participation in Hong Kong industry. This service has been well received by potential investors although it has been largely responsive rather than promotional in nature. It has been recognized for some time that a more positive approach to encouraging foreign investment in Hong Kong industry is desirable and honourable Members will recall that I explained our intentions in this regard at two of the Council's meetings during last year; these were that my department and the Trade Development Council had entered into a liaison arrangement under which the TDC accepted an external industrial promotional function with the back up service being provided by the Commerce and Industry Department.

I am glad to report to honourable Members that, despite substantial staffing difficulties and other setbacks, a good deal has been done by both organizations to promote Hong Kong's industrial opportunities overseas and to lay the foundations for an effective industrial promotion effort in the years ahead. The TDC is in the process of recruiting new staff, some of whom will be trained in this work. Existing staff are already working with my officers and information is being fed back to the Commerce and Industry Department from overseas offices of the TDC. A TDC officer from the North American area and one to be assigned to Britain will shortly be attached to the Industrial Development Branch of my department to widen their experience; it is the intention that they should concentrate in their respective areas.

Much work has already been done by the TDC in Britain in industrial promotion. In conjunction with BOAC, the TDC has organized several inward missions of businessmen from the United Kingdom which included many manufacturers who were encouraged to diversify their interests to Hong Kong. At least one major British manufacturer is already operating a successful joint venture in Hong Kong as a result. Others are actively contemplating doing so.

An industrial mission to Sweden was organized by the TDC in May of this year in co-operation with a major Swedish Bank and was very well received there. As a result, it is expected that a group of Swedish industrialists interested in examining the potential for joint ventures in Hong Kong will come here in November this year sponsored by the TDC. Exploratory talks have also been held by TDC officials with banks in the United States with a view to including recommendations for industrial investment promotions in the 1973-74 programme of TDC activities.

Also I realize that my report on these activities does not answer specifically my honourable Friend's question, but I hope that I have shown that both the Commerce and Industry Department and the

[MR CATER]     **Oral Answers**

Trade Development Council are actively seeking to promote foreign participation in Hong Kong industry on a fairly wide front which, of course, includes Britain. I am very conscious of the desirability of attracting more British industrialists into Hong Kong. Quite apart from the constitutional and traditional ties which link us, I think we have much to offer each other from a purely business standpoint. British design, engineering and marketing skills can find profitable expression through Hong Kong's manufacturing capability.

My honourable Friend has mentioned the possibility that the British Government might be asked to help promote joint ventures in Hong Kong. Whilst I am sure that the British authorities would be sympathetic, I have some doubts as to whether co-ordination with Government agencies in Britain would necessarily prove the most effective way of encouraging British industrialists to examine our industrial potential. The TDC and my department propose rather to seek co-operation with British banks and with British organizations interested in the general field of industrial promotion. We propose also—and, as I have said, some work has already been done in this connection—to encourage British interest in participation in Hong Kong industry by direct contact with industrialists in Britain. In this connection, the permanent presence of an experienced promotion officer in London will of course be of considerable help.

I wish to reiterate to my honourable Friends that my department in conjunction with the TDC, will do all that it can to promote Hong Kong's industrial interests both here and overseas. I am confident that the machinery now being developed will assist substantially to that end.

MR WU: —Sir, I am grateful for my honourable Friend's reassuring reply. He was speaking my mind when he said that UK and HK have much to offer each other from a purely business standpoint and that British design, engineering and marketing skills could find profitable expression through Hong Kong's manufacturing capability. In view of Hong Kong's urgent need to diversify both products and markets in face of increasing trade restrictions and competition on our traditional products, I concur that the stationing of an experienced officer in London, charged with the exclusive duty of . . .

HIS EXCELLENCY THE PRESIDENT: —I am sorry to pull up the honourable Member, but this is question time. Could we have your question?

MR WU: —Sir, I wish to ask a supplementary question. When can we hope that this representative in London will be in his job?

MR CATER: —Sir, I agree with my honourable Friend that it would be helpful to have an industrial promotion officer in London at an early stage. But this is really a matter for the Trade Development Council; I am aware that that Council has this matter very much in mind and I am sure will be taking action as soon as possible.

### **Land for industrial, commercial and domestic use**

5. MR Q. W. LEE asked: —

Will Government make a statement on the situation of the supply of land for industrial, commercial and domestic use in the 18 months beyond what has been announced in the latest six-monthly land sale forecast?

MR ROBERTSON: —Sir, in answering my honourable Friend's question, I assume firstly that his reference to the latest six-monthly land sale forecast is to the one which runs until the end of September, and secondly that his question mainly concerns the areas of Kowloon and Hong Kong only, since the forecast is in respect of these areas.

A six-month forecast covering the period from October until next March will shortly be announced and this will provide for the sale of 5 to 6 acres of industrial land, 9 to 10 acres of Zone II residential land, 9 to 10 acres of Zone III residential land and about 1 acre of land for commercial development.

During the year commencing 1st April 1973, it is anticipated that sales programmes of a similar scale will be maintained, with some increase in the amount of industrial and commercial land, but it is not possible at this time to provide details. The availability of sites will be dependent upon such factors as temporary requirements for works areas for essential Government projects and clearance problems, which in themselves are dependent on the availability of accommodation for people displaced. However, it is expected that industrial land will be available at Chai Wan and Cheung Sha Wan, and that there will be various Zone II and Zone III residential sites available, and it is also expected that it should be possible to provide 3 to 4 acres of commercial land on Wan Chai Reclamation.

In general therefore I expect the land sale programme in the urban areas to run at a similar rate in the next 18 months to that of the recent past; there is, I am afraid, no means of improving on this programme.

In the New Territories I am advised that about 25 acres of industrial land will be available for sale. About half will be in Sha

[MR ROBERTSON] **Oral Answers**

Tin and half in Kwai Chung. Commercial and residential land will not be available for auction to any extent, but a supply will be maintained by exchanges.

MR WOO: —Sir, may I ask my honourable Friend whether these various Zone II and Zone III residential sites will be available in Chai Wan and Cheung Sha Wan, or elsewhere in the Colony?

MR ROBERTSON: —Sir, I have the detailed draft land sale programme with me. The land is generally scattered over Kowloon and Hong Kong. It tends to be in areas in which there is no existing development; clearly we are having to go to outlying areas like Chung Hom Kok on the Island and Broadcast Drive area in Kowloon. In fact, the programme itself will be published very shortly.

MR WOO: —May I also ask what areas in these residential sites are available?

MR ROBERTSON: —Sir, I am not sure if my honourable Friend means the acreage or the location.

MR WOO: —The acreage.

MR ROBERTSON: —Well, referring to my answer, the 9 to 10 acres of Zone II residential land and 9 to 10 acres of Zone III residential land will be included in the next six months forecast.

MR LEE: —Sir, may I ask my honourable Friend, am I right to assume from his answers that there is no Zone I residential land available at all in the next 24 months?

MR ROBERTSON: —There is certainly no Zone I residential land available in Kowloon or Hong Kong in the next six months forecast; there is none anticipated in the next eighteen months; but I don't know of the period beyond that time.

DR S. Y. CHUNG: —Sir, may I ask my honourable Friend, first, to clarify whether or not the 25 acres of industrial land shortly available in the New Territories would be for sale by auction and, secondly, will Government consider making commercial and residential land in the New Territories available for sale by auction instead of by exchanges only?

HIS EXCELLENCY THE PRESIDENT: —The first part of the question is, of course, completely in order arising as it does from the original question and answer. The second part of the question is another subject altogether. Perhaps Mr ROBERTSON would answer the first part of the question.

MR ROBERTSON: —I would just emphasize what has already been said, that the information I have is that the 25 acres of industrial land will be available for sale rather than by exchange.

### **Training for teachers of handicapped children**

6. MRS JOYCE SYMONS asked: —

Will Government reveal any plans for the training of teachers of special education for handicapped children? If there are no such plans, will Government consider sending as an initial step carefully selected teachers to the United Kingdom for such training?

MR J. CANNING: —Sir, about 20 teachers now do one year courses in special education here annually. In addition, short courses and seminars are held locally, and 26 officers from the Education Department's Special Education Section have received overseas training. Seven more are either now studying in the United Kingdom or are due to go there soon.

The result is that about 80% of all teachers engaged in this field of education have received specialized training.

With the implementation of the second 5-year development programme on special education, many more people will have to be similarly trained; and plans are being made to expand all the programmes I have mentioned.

MRS SYMONS: —Sir, may I ask a supplementary? How specialized is the one year special education course? If a young woman were to teach blind children, would her training be different from that of someone who presumably might want to teach handicapped children?

MR CANNING: —The short answer is "Yes", Sir. Teachers who are taken for special education have originally been trained as teachers and when they express a preference for a particular field of education, for example education of blind children, the special course they follow is related entirely to the teaching of blind children.

**Oral Answers****Ching Cheung Road**

7. DR CHUNG asked: —

Will Government say when Ching Cheung Road, which is one of the main thoroughfares in northwest Kowloon and which has been closed for more than two months, will be again open to traffic?

MR ROBERTSON: —Sir, Ching Cheung Road was affected by two landslips. The first and smaller of these took place on 21st June, partially blocking the carriageway with about 10,000 cubic yards of earth and rock. The second and the major slip took place on 29th June. This involved complete blockage of the carriageway with about 70,000 cubic yards of material. The slip face is about 200 feet high and the roadway is blocked along a length of about 300 feet.

The problem of re-opening this route is not simply the removal of this large amount of slipped material and the repair of the slip face, but that any activity here during the wet season is difficult and dangerous, since there is still a risk of further landslides due to the general instability of any slipped area and, in this particular one, because of the treacherous mixture of weak soft material and large boulders which overhang the site.

My honourable Friend will no doubt appreciate that because of the dangers which I have described all work must be done with extreme care and as a consequence general progress has been slow. However the contractor has worked with all possible speed and is continuing to do so. Progress has been hampered further by the recent rains, but given good weather it is hoped to have at least one lane opened to traffic in about 6 weeks' time.

**Traffic congestion in Prince Edward Road**

8. DR CHUNG asked: —

Is Government aware of the extreme eastward traffic congestion during the greater part of any weekday along the portion of Prince Edward Road from the junction of Choi Hung Estate to the San Po Kong flyovers and at times even to the Kowloon City interchange complex and, if so, has Government considered some short term solution, such as the erection of a temporary steel flyover, to relieve this major traffic bottleneck?

MR ROBERTSON: —Sir, Government is indeed aware of the severe congestion along Prince Edward Road eastward from the San Po Kong Interchange. This situation has arisen because the Kwun Tong Road/Clearwater Bay Road junction is inadequate, and the problem has been aggravated by the improved traffic flow from the west resulting from the completion of the San Po Kong and Kowloon City interchanges.

An item for a grade-separated interchange at the Kwun Tong Road/Clearwater Bay Road junction was included in the Public Works Programme as early as 1968 but the commencement of work has been delayed for over a year due to protracted negotiations to obtain the necessary land. A contract has, however, now been awarded and work begun.

My honourable Friend has asked whether Government has considered some short-term solution such as the erection of a temporary steel flyover. This possibility has indeed been considered, but due to the complex design of the permanent works and the very restricted space available for temporary works, a flyover of this type at this location is not practical. We have already replaced the roundabout by traffic light signals and, whilst it is appreciated that these measures are far from satisfactory, they are the best that can be done at present.

I regret that we cannot look for a complete solution at this junction until the major and difficult works necessary here are completed in about three years time. But as this project will be carried out in stages, there will be some improvements during this period.

DR CHUNG: —Sir, will my honourable Friend assure this Council that there will be no further delay in the construction of this important and vital interchange in the northeast corridor of Kowloon at the junction of Kwun Tong Road and Clearwater Bay Road?

MR ROBERTSON: —Sir, I can certainly give that assurance because, having let the contract, we are committed to carrying out the work in time and the contract has been designed so that work will be completed in the fastest possible time.

### **Tenancy Inquiry Bureau**

9. MR WILFRED S. B. WONG asked: —

Would Government elaborate on the functions of the Tenancy Inquiry Bureau of the Secretariat for Home Affairs?

### Oral Answers

THE SECRETARY FOR HOME AFFAIRS (ACTING) (MR LI FOOK-KOW): —Sir, there are two Tenancy Inquiry Bureaux, one on each side of the harbour. They serve two functions: advisory and executive.

The Bureaux came under the purview of the Secretariat for Home Affairs, because of our traditional function in explaining the application of legislation and its effects on the people. They give advice to both landlords and tenants alike. But, as can be expected, more tenants come to us. It is our job to ensure that our callers are aware of their rights and obligations.

The initial purpose of the Tenancy Inquiry Bureaux was to enable the then Secretary for Chinese Affairs to discharge his statutory functions under the Landlord and Tenant Ordinance. Arising from this, exemption proceedings under section 38 of the Ordinance give the Bureaux possibly their greatest workload in that they are responsible at the request of the Registrar of the Supreme Court for providing plans of occupancy and users of protected premises which the landlords intend to demolish and redevelop. These plans form the basis of awards of compensation recommended by Tenancy Tribunals.

With the introduction of the Demolished Buildings (Redevelopment of Sites) Ordinance, the Bureaux were able to apply their experience gained in measuring premises prior to demolition in emergency operations when pre-war buildings are declared dangerous and have to be demolished. In addition, with the introduction of the Advance of Compensation Scheme in 1965, these data have formed the basis for advances of up to half the compensation estimated due from the landlords to the tenants of dangerous buildings in respect of domestic premises and, since July this year, for non-domestic premises as well. These advances give tenants some immediate financial aid in moving to alternative accommodation and they are subsequently recovered from landlords when a Tenancy Tribunal recommends awards of compensation. A further development has been the payment of *ex-gratia* compensation to tenants of protected premises when such buildings revert to the Crown for one reason or another and have subsequently to be demolished for any purpose.

Further statutory duties are performed under section 5(1) of the Tenancy (Notice of Termination) Ordinance. This Ordinance stipulates six months security of tenure for some tenancies. However, if two parties enter into a tenancy agreement for a fixed period of less than three years, they may jointly apply to me for ratification of this fixed term agreement and on receipt of this application I can exempt the tenancy from further application of the Ordinance, thus exempting the agreement from this six months notice.

Finally, under the Rent Increases (Domestic Premises) Control Ordinance, the Bureaux have few statutory duties to perform but they mainly assist in explaining to both landlords and tenants the provisions of the Ordinance and the effect of the two-year extension of its provisions recently approved by this Council.

MR WONG: —Sir, will my honourable Friend the Secretary for Home Affairs give an assurance that when ratifying the tenancy agreement the rights of both landlord and tenants are respected, especially when an exemption clause is inserted to exclude the agreement from the security of tenure ordinance?

THE SECRETARY FOR HOME AFFAIRS (ACTING) (MR LI): —Sir, the present practice is that in cases of doubt we would arrange to contact the landlord and tenants to interview them and explain to them the effect of the agreement.

### **Tourist agencies**

10. MR WOO asked: —

In view of recently reported malpractices, will Government consider taking early appropriate steps such as the compulsory registration of tourist agencies with sanctions for their de-registration if a proper standard of business ethics is not maintained?

THE FINANCIAL SECRETARY (MR C. P. HADDON-CAVE): —Sir, I am not quite sure to what particular malpractices or alleged malpractices in the tourist trade my honourable Friend is referring. There have indeed been reports about the conduct of some travel agents and tour operators. In particular, the Hong Kong Association of Travel Agents has complained that some tourists, in particular Japanese tourists, are being overcharged for their purchases in certain Hong Kong shops.

Assuming it is these reports which are of concern to my honourable Friend, may I begin, Sir, by explaining the situation as I see it? According to enquiries made by the Hong Kong Tourist Association, groups of visitors on inclusive tours are being led to certain shops by tourist guides. Apparently the prices charged enable the shopkeepers to give commissions to the guides, tour operators or travel agents on the basis of the purchases made. Whether or not this practice conforms to—to quote my honourable Friend—"a proper standard of business ethics", I really cannot say; but it appears to have largely arisen because of the very competitive prices offered by Japanese package tour organizers, who in turn put pressure on tour operators in Hong

[THE FINANCIAL SECRETARY] **Oral Answers**

Kong to provide tours and expeditions of various kinds at extremely low prices. The result is that some Hong Kong operators have reduced their tour prices to a point where their profits are either marginal or non-existent. In order to achieve a satisfactory profit level they then negotiate commissions from tourist shops on the basis of the business they introduced.

Now Sir, whether this sort of situation should be dealt with by measures such as the compulsory registration of travel agents and tour operators is, in my view, another question; so is the criteria to be applied in deciding who is fit to be and who is not fit to be registered; so is the definition of "standards of business ethics to be applied". In any case, such action, by introducing a "closed shop" in this sphere of activity, might well reduce competition and raise tour prices unduly.

I understand that the various bodies represented on the Hong Kong Tourist Association are considering the whole question of how package tour operations are organized and conducted and that in fact they may well recommend legislation which would incorporate compulsory registration of tour operators and travel agents and even sanctions for unethical commercial behaviour, however this may be defined. The Government, Sir, will of course examine any proposals put to us, but I certainly cannot guarantee that they will be accepted. Rather, we may well come to the conclusion that the problem can better be approached through action by the Hong Kong Tourist Association and the Hong Kong Association of Travel Agents with their individual members and by better publicity amongst tourists. In this latter connection, I understand that the Tourist Association has recently prepared a publication giving guidelines to shopping in Hong Kong and that this has been specially printed in Japanese. Furthermore, the Tourist Association intends to print in the near future, in Japanese, a price list of branded goods.

This sort of approach, Sir, seems to me preferable to the restriction of competition, it is preferable because the introduction of restrictive legislation would entail all sorts of attendant costs and complications.

MR WOO: —Sir, by that does my honourable Friend mean that he doesn't consider the licensing or registration of tourist agencies to be important to the economy of the Colony, particularly in regard to the tourist industry?

THE FINANCIAL SECRETARY (MR HADDON-CAVE): —No, Sir, I hope I have expressed grave doubts about the wisdom of introducing legislation

for the purpose mentioned by my honourable Friend: but nothing in my answer, I trust, suggests that I do not regard the tourist industry as of importance to Hong Kong. It makes a modest but significant contribution to the gross domestic product; in 1971, I think, its contribution was around 6½% to 7%.

### **Local employment for HK students overseas**

11. MR WANG asked: —

In view of the large number of vacancies which exist both in Government service and in the private sector, what steps is Government taking to keep Hong Kong students studying overseas well informed about job opportunities here and what career guidance is being offered to attract them back to Hong Kong?

MR CANNING: —Sir, for various reasons Hong Kong students in the United Kingdom are showing increased interest in returning to Hong Kong for employment and particularly to work for the Government. The Student Adviser in the Hong Kong Office and his staff help as much as possible by advising and notifying students of Government vacancies, and selection boards are set up from time to time to interview potential candidates. The Student Adviser also helps in the field of employment opportunities in the private sector by referring applications to the Productivity Centre in Hong Kong, the Trade Development Council and to a number of leading business houses.

Arrangements have recently been made for Government vacancies, both at professional and lower levels, to be advertised in the Hong Kong Digest which has a wide circulation among Hong Kong people resident in the United Kingdom. The general response to advertisements in the Digest can be expected to be quite good if the recent very satisfactory response from Hong Kong nurses who have been working in the United Kingdom may be taken as a yardstick.

As part of the effort to encourage overseas students to apply for posts in the Hong Kong public service and to streamline the recruiting process generally, the Finance Committee of this Council has recently approved a proposal to appoint an Establishment Branch representative in London, part of whose job will be to recruit Hong Kong domiciled candidates for posts in Hong Kong and to serve as member and secretary of selection boards.

I am sure that we are right to place increasing emphasis on this work, and that we must explore what parallel assistance can suitably be given to our students who are elsewhere—particularly in the United States, Canada and Australia.

**Oral Answers****Recruitment to the Administrative Class**

12. MR WANG: —

What are the academic qualifications and other qualities required of a candidate for appointment as an administrative officer in Government service? How many vacancies for this post have there been for this year? How many of this year's graduates from our Universities have applied and how many have been accepted?

THE COLONIAL SECRETARY (ACTING) (MR S. T. KIDD): —Sir, the academic qualification for appointment as an Administrative Officer is a First or Second Class Honours degree from a Hong Kong or British university, or equivalent. In addition, an Administrative Officer requires qualities of character and intelligence which are difficult to define, but which were described in the Annex to the 1971 Salaries Commission Report on Administrative and Professional Salary Scales as being "plus something".

Vacancies for Administrative Officers were advertised locally in November 1971. Altogether, 250 applications were received, including 114 from final-year university students, who, along with other qualified candidates, were invited to sit a written examination. Of the 98 final-year students who actually sat the written examination, 14 passed and were invited for interview, but none was found suitable for appointment. I might add here that only two appointments have been made this year in connection with the November 1971 advertisement, leaving a number of vacancies unfilled.

This result is clearly unsatisfactory and a thorough review of the selection procedures for Administrative Officers has been undertaken with the co-operation of the University authorities in order to see whether the procedures are too rigorous or whether there is any way in which the Universities can assist in preparing candidates of the requisite calibre at the pre-graduate stage. If any changes are to be made, these will be introduced before direct University recruitment takes place next year.

MR WANG: —Sir, can my honourable Friend give an account of what is that something which is not generally found as a plus among the graduates who apply?

THE COLONIAL SECRETARY (ACTING) (MR KIDD): —Sir, the selection board which participated in the 1971 recruitment reported that,

generally speaking, the candidates seemed somewhat limited in their outlook, able usually to express themselves on their particular field of study but showing little knowledge of, or interest in, public affairs either in Hong Kong or internationally. The board considered that some candidates might be recruited as Executive Officers in the first instance and, after acquiring some maturity, confidence and poise through some working experience, re-apply to become Administrative Officers. It was with this in mind that the very recent advertisement for Administrative Officers stated that preference would be given to candidates with at least two years working experience.

As part of the current review of the selection procedure, the views of university authorities have been sought as to how to promote better understanding about the job of an Administrative Officer by university students.

### **Community Relief Trust Fund: Rainstorm disasters**

13. MRS SYMONS asked: —

Is Government aware that the appeals to the public for donations following the June rainstorms made by TVB and other organizations was for the relief of the victims of that particular catastrophe and that donations were made for that particular purpose and, if so, will Government draw the attention of the Committee of the Community Relief Trust Fund to the fact that the money donated is impressed with a trust for the relief of the victims of that catastrophe? Will Government make a statement as to how much money has been given to the victims at

(a) Sau Mau Ping;

(b) Kotewall Road area; and

(c) other areas?

MR G. T. ROWE: —The answer to the first part of my honourable Friend's question is "Yes", Sir; and so is the Community Relief Trust Fund Committee. But I am advised that it would still be possible, by enabling legislation, to wind up the trust and transfer the balance of the donations to the general Community Relief Trust Fund. This was done in similar circumstances when the Fund was originally established. It is right, therefore, that this possibility should not be overlooked by the Committee. But the Committee certainly recognizes the importance of considering the matter carefully, so that it may arrive at a solution which will meet both the wishes of the donors and the

[MR ROWE]     **Oral Answers**

needs of the community as a whole. For this reason, the issue has been raised publicly. I know already, as a result, that some donors agree with the action now in mind, and I believe that others may. But I can assure my honourable Friend that the response of the community, and of the donors in particular, will be carefully weighed by the Committee before a final decision is taken. No decision can in any case be taken in a hurry, for payments are still continuing. Moreover, some victims of the June disasters may still have claims, and time must be allowed for them to make appropriate representations.

In answer to the second part of my honourable Friend's question, I regret that I do not have this information; the record of payments relates not to different areas but to the types of payment made. But so far as the Social Welfare Department is concerned, the bulk of payments has indeed gone to victims in Sau Mau Ping.

MRS SYMONS: —Sir, may I ask a supplementary of my honourable Friend? Will efforts continue to be made to invite applications from victims of Kotewall Road and other areas and to indicate to these people in due course the exact reasons for the granting or withholding of relief funds to them?

MR ROWE: —Yes, Sir, I shall be glad to ensure that these efforts continue until indeed all claims have been investigated and all payments have been made.

## **Government business**

### **Motions**

#### **CRIMINAL PROCEDURE ORDINANCE**

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

It is hereby resolved that the Legal Aid in Criminal Cases (Amendment) Rules 1972, made by the Chief Justice on the 21st day of August 1972, be approved.

He said: —Sir, honourable Members will be aware that following an amendment to the Criminal Procedure Ordinance the Attorney General is now empowered to apply to the Full Court for a review of a sentence imposed by a lower court. That Ordinance provides that the person on whom the sentence had been passed has a right to be heard when the Full Court is reviewing the sentence.

The Legal Aid in Criminal Cases Rules did not, somewhat naturally, provide for procedure for something that was not in existence when they were made. It is obviously proper that a person, who would be entitled to legal aid if he were appealing himself to the Full Court, should be entitled to legal aid where he is a respondent on a motion by the Attorney General to review his sentence.

Now, Sir, under this Ordinance the Chief Justice makes these rules and they are in turn subject to the approval by this Council.

Honourable Members may be interested in the likely financial implications of granting legal aid in these circumstances. The figures can only be tentative but if we assume that the cost in any one case will be between \$800 and \$1,000 and if we go on to make the further assumption that there will be about 10 such cases during the current financial year, this gives us a figure of about \$10,000 for this year. But, Sir, I would not like to be held to that figure nor, I think, would honourable Members wish the Attorney General to restrict the exercise of this power through concern of its costs.

*Question put and agreed to.*

### LEGAL AID ORDINANCE

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

It is hereby resolved, under subsection (2) of section 7 of the Legal Aid Ordinance, that the amounts of disposable income and disposable capital specified in subsection (1) of that section be amended by substituting—

- (i) for "five hundred dollars",  
"seven hundred dollars"; and
- (ii) for "three thousand dollars",  
"four thousand dollars".

He said: —Sir, under the Legal Aid Ordinance legal aid may be granted in civil cases to persons whose disposable income does not exceed \$500 a month and whose capital resources do not exceed \$3,000. These figures were established in 1966 in preparation for the enactment of the Ordinance which came into force in January of the following year.

Since that time there has, of course, been a rise in the general level of wages which must necessarily mean that fewer people today are eligible for legal aid. Although Government does not accept that these financial limits should be followed slavishly, the index of industrial

[THE ATTORNEY GENERAL (ACTING)]     **Legal Aid Ordinance**

workers' wages does show that there has been a rise of over one third in wages in this sector. Be that as it may, it is now considered appropriate to increase the limits below which a person becomes eligible for legal aid and to increase these limits to \$700 by way of disposable income per month and \$4,000 by way of capital resources. The present figures of \$500 and \$3,000 are to be found in section 7 of the Ordinance, and that section provides that the figures may be varied by resolution of this Council.

*Question put and agreed to.*

**SCHEDULE OF WRITE-OFFS FOR THE FINANCIAL YEARS  
1970-71 AND 1971-72**

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

Resolved that the Write-Offs for the financial years 1970-71 and 1971-72, as set out in the Schedule, be approved.

He said: —Sir, the purpose of this resolution is to seek the covering approval of this Council to those writes-off approved by the Finance Committee during the financial years 1970-71 to 1971-72 and which are listed in the Schedule. I must apologize, Sir, to honourable Members for our failure to bring forward the 1970-71 schedule before this. This was due to the file being misplaced and the fact that it was misplaced being overlooked. (*Laughter*). Such a double accident will not, I fervently trust, happen again.

There are 5 items, Sir, which deserve some explanation.

The *first* is the waiver of the Government's right to claim a sum of \$213,000, being overpayments to a finance company, under Contract No 381/64 signed on 5th February 1965, for site formation of the Pak Tin Resettlement Estate. This contract should have been completed on 27th April 1970 with grant of extensions of time, but progress was slow and the contract was re-entered on 9th December 1968.

At various dates between 28th June 1965 and 17th June 1967, the contractor served formal notices upon the Government assigning the benefit of this contract and four others to a certain finance company. The appropriate payments were accordingly made to the finance company. In November 1966, the finance company disassociated themselves from the Pak Tin contract, although they did not formally terminate the assignment and continued to receive sums due on the contract and to pass them on to the Contractor's subcontractor.

They claimed that they did this purely as agents, not as assignees. The Government's claim against the finance company, therefore, rested on a technical point, namely, the finance company's failure formally to terminate the assignment. Legal advice obtained was that the courts would be likely to rule in favour of the finance company. In the circumstances, the Finance Committee's approval was obtained to waive the claim against the finance company.

The *second* item is for cash and stamps to the value of \$64,897.22 embezzled by an ex-postmaster of the Tai Po Post Office on 7th February 1968. He was subsequently brought to court and sentenced to 9 months' imprisonment. Later on, he applied for a review of his sentence which was changed to binding over for 3 years in the sum of \$ 1,000.

None of the missing money was ever recovered. In February 1969, my honourable Friend the Attorney General took restitution proceedings and obtained judgment for the sum in question plus costs. Attempts to execute this judgment were unsuccessful as there was no movable property for seizure. The ex-postmaster was found working as a furniture salesman in a department store and there was no reason to suppose that he had any financial means other than his wages to support his family.

Further efforts have been made by the Postmaster General to recover the missing funds, but to no avail. In view of the passage of time and the unlikely event that the money would be recovered, the Finance Committee's approval was obtained to write-off the sum of \$64,897.22.

The *third* item concerns the balance of an interest-free loan of \$2,361,100 to the Grantham Hospital. The Government made an interest-free loan of \$3,750,000 to this Hospital, repayable over 25 years from 1960. Because the Hospital had been running into increasing financial difficulties, the Government agreed to subvent the Hospital at an agreed daily rate for each bed, the number of beds to increase gradually. However, the Hospital continued its losses and had to resort to drawing on the Staff Provident Funds and provision for replacement of equipment to meet recurrent expenditure. To put the Hospital back in a healthy financial state, various arrangements were made, on the advice of my honourable Friend the Director of Medical and Health Services, including the waiving of the balance of the interest-free loan of \$2,361,100.

The *fourth* item is for a sum of \$16,686,137.50, outstanding as at 1st September 1971, representing repayments of loans for the building of subsidized primary schools. In June 1971, the Finance Committee approved the waiver of these outstanding loans. The need to do so

[THE FINANCIAL SECRETARY]     **Schedule of Write-Offs for the financial years  
1970-71 and 1971-72**

arose from the introduction of free primary education, whereby the majority of aided schools abolished *tong fai*. Since income from *tong fai* was used in part to repay building loans, these schools could no longer continue with such repayments.

The last item is for \$115,500 being arrears of rent for the period 1st March 1965 to 31st January 1968 due from the licensee of the Hon On Ferry Service. In January 1965, the licensee was granted a licence for the exclusive right to maintain a passenger ferry service between Shau Kei Wan/Rennies Mill Village/Yuen Chau/Hang Hau for a period of 3 years from 1st February 1965, at a rent of \$3,300 per month.

The licensee paid the rent for the first month only. On 6th December 1966, the licence was terminated and fresh tenders called for. However, due to a number of practical difficulties regarding arrangements for providing a satisfactory replacement service, the current licensee's licence was not terminated until 31st January 1968.

In April 1968, action for recovery of arrears of rents was taken against the licensee and judgment for \$115,500 was obtained. The licensee was not located until 17th December 1970, but he had no resources and was released on legal advice. In the circumstances, it was decided that no useful purpose would be served by continuing to press for repayment and the Finance Committee was accordingly invited to approve the write-off.

*Question put and agreed to.*

**HONG KONG AND YAUMATI FERRY CONWANY  
(SERVICES) ORDINANCE**

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

It is hereby resolved, with the consent of the Company—

(1) that the Schedule to the Ordinance be amended—

(a) by deleting sub-paragraph (1) of paragraph 4 and substituting the following—

"(1) The Company shall pay as pier rent to the Government for the use of the piers specified in this paragraph the total sum of \$72,400 a month inclusive of rates. The said rent shall

be payable in advance on the first day of each month and shall be apportioned among the piers as follows—

(a) Jubilee Street Ferry Pier	\$22,000
(b) Jordan Road Ferry Pier	13,500
(c) Tai Kok Tsui Ferry Pier	2,500
(d) Sham Shui Po Ferry Pier	2,500
(e) East Wanchai Ferry Pier	2,000
(f) Wilmer Street Ferry Pier	3,000
(g) Cheung Chau Ferry Pier	400
(h) West Wanchai Ferry Pier	1,500
(i) Kowloon City Ferry Pier	5,000
(j) North Point Ferry Pier	6,000
(k) North Point Vehicular Ferry Pier	6,000
(l) Kwun Tong Ferry Pier	<u>8,000</u>
	<u>\$72,400</u>

(b) by deleting paragraph 8 and substituting the following—

“8. Commencing on the twenty-fifth month of the operation of the ferry service for the conveyance of vehicles, goods being carried by vehicles and persons travelling in vehicles between North Point and Kwun Tong, the Company shall, in addition to the pier rent in accordance with paragraph 4 and the royalty of twenty-five *per cent* of the net profit of the Company in accordance with paragraph 6, pay to the Government a monthly fee of \$100,000.00 payable in advance on or before the first day of each month.”;

(c) in Appendix I, under the heading "Ferry Runs", by deleting—

- (i) at item (b), "Mong Kok" and substituting "Tai Kok Tsui";
- (ii) at item (d), "Stewart Road" and substituting "East Wanchai";
- (iii) item (m);
- (iv) at item (q), "Tonnochy Road" and substituting "East Wanchai";

**Hong Kong and Yaumati Ferry Company (Services)  
Ordinance**

- (v) at item (r), "Public" and substituting "Ferry"; and
- (vi) at item (t), "Kowloon City" and substituting "Kwun Tong";

(d) in Appendix I, under the heading "Ferry Piers and Frontages", by deleting—

- (i) at item (c), "Mong Kok" and substituting "Tai Kok Tsui";
- (ii) at item (e), "Tonnochy Road" and substituting "East Wanchai";
- (iii) at item (h), "Stewart Road" and substituting "West Wanchai";
- (iv) at item (i), "and Kowloon City Vehicular Ferry Pier"; and
- (v) at item (l), "Public" and substituting "Ferry";

and (2) that the amendments to the said Schedule set out in this resolution shall come into operation on a date to be specified by resolution of this Council.

He said: —Sir, with the recent opening of the Cross Harbour Tunnel, the Hong Kong and Yaumati Ferry Company Limited has made an application for certain changes in its vehicular ferry services, which are specified in the Schedule attached to the Hong Kong and Yaumati Ferry Company (Services) Ordinance. These proposed changes are the subject of paragraph 1(c) of the Resolution and are as follows:

*first*, the introduction of a new service from North Point to Kwun Tong;

*secondly*, the introduction of a new service from Jubilee Street to Tai Kok Tsui. The present Jubilee Street to Jordan Road service will continue; and

*thirdly*, the termination of the existing North Point to Kowloon City service when the proposed North Point to Kwun Tong service comes into operation.

The Company's application to introduce these changes in its schedule of services has been supported by the Transport Advisory Committee; and it is the Government's view that the changes proposed will provide for a better spread of cross-harbour transport facilities to the benefit of the community as a whole.

The proposed changes are designed to achieve four objectives:

*first*, to minimize the duplication of services between the vehicular ferries and the Cross Harbour Tunnel;

*secondly*, to reduce to a minimum redundancies among ferry vessels and workers;

*thirdly*, to encourage a complementary cross-harbour transport system; and

*fourthly*, to relieve road traffic congestion on both sides of the harbour by providing more vehicular ferry landing points, thus spreading the traffic out.

Sir, I think honourable Members will agree that the two new services proposed are designed to meet these objectives. As regards the diversion of the Kowloon end of the North Point service from Kowloon City to Kwun Tong, I think it is obvious that the proximity of Kowloon City to Hung Hom at the Kowloon end of the Cross Harbour Tunnel has turned the present service into little more than a much slower alternative to the Cross Harbour Tunnel. On the other hand, an "origin and destination" survey conducted by the Company before the tunnel opened showed that at least 20% of the cross-harbour vehicular traffic from North Point to Kowloon City was headed for Kwun Tong. The Company has concluded, therefore, that a rerouting of this ferry service from North Point to Kwun Tong would stand more chance of attracting sufficient traffic to make the service viable; and the Government believes that such a re-routing would play a part in easing road congestion by relieving the traffic load on the north-east corridor of the Kowloon peninsula, especially in San Po Kong and Wong Tai Sin.

Likewise, a substantial proportion of the cross-harbour vehicular traffic from Jubilee Street to Jordan Road consists of lorries travelling from Central and Western Districts on the Island to Mong Kok, Sham Shui Po, Cheung Sha Wan and Tsuen Wan. It follows that the proposed new service from Jubilee Street to Tai Kok Tsui should better meet the needs of these lorries which at present crowd onto Nathan Road and Shanghai Street in Kowloon.

Turning now, Sir, to the terms which the Company has offered to Government for these changes in its schedule of services: *in the first place*, it has offered to pay the usual 25% royalty on the net profit arising from the proposed two new vehicular ferry services. *Secondly*, in consideration of the Government's investment in constructing the Kowloon City double decked vehicular ferry berths, the Company has agreed to build at its own expense, at an estimated cost of about \$5 million, berths at Kwun Tong and Tai Kok Tsui suitable

[THE FINANCIAL SECRETARY] **Hong Kong and Yaumati Ferry Company  
(Services) Ordinance**

for the operation of double-decked vehicular ferries. The ownership of these facilities would revert to Government at the end of the franchise on 31st December 1979. *Thirdly*, as the Company at present pays a special monthly premium of \$100,000 for the privilege of operating the North Point/Kowloon City vehicular ferry service (a sum which it offered in its original tender for this service) it has agreed to certain conditions for the proposed Kwun Tong to North Point service. These are set out in paragraph 1(*b*) of the resolution. At any time the Company may apply for the termination of the proposed Kwun Tong to North Point service should the service prove to be unprofitable. But if the Company continues with the operation of this service, then, from the twenty-fifth month of operation, the Company will pay a monthly premium of \$100,000.

These terms, Sir, are considered to be reasonable and equitable to both the Company and the Government—the Government acting, of course, on behalf of the public interest. There is bound to be a certain degree of uncertainty over the viability of the proposed new services, given the existence of the Cross Harbour Tunnel, and I am sure honourable Members will understand that the Company cannot be expected to agree to terms which are fully comparable with those prevailing when it had a monopoly of cross-harbour vehicular traffic.

I should explain, finally, Sir, that in paragraph 1(*d*) of the resolution the opportunity has also been taken to amend the list of piers, specified in the Schedule to the Ordinance, to take account of those which have been demolished and replaced by new piers. In addition, as the Company will also have exclusive use of the Kwun Tong Ferry Pier, paragraph 1(*a*) of the resolution provides for a Pier rent of \$8,000 per month inclusive of rates to be charged as from the date the Company takes over the use of this pier.

DR CHUNG: —Your Excellency, since the opening of the cross-harbour road tunnel early this month, the travelling time between the twin cities of Kowloon and Hong Kong has greatly been reduced. For example, it normally takes me about three-quarters of an hour or more at peak hours to go to Government House by car using the vehicular ferry from my home at the junction of Argyle Street and Princess Margaret Road. Now, with the facility of the cross-harbour tunnel, I can reach Government House within 15 to 20 minutes from my home.

There is, therefore, a tendency for most vehicles to make use of the cross-harbour tunnel, if all the vehicular ferry routes between Kowloon and Hong Kong are in close proximity of the tunnel. This

tendency is obviously undesirable as mentioned by my honourable Friend the Financial Secretary and should be avoided. Accordingly, I welcome the proposal of suspending the existing Kowloon City/North Point vehicular ferry service and introducing a new service between Kwun Tong and North Point. This new route will, as mentioned by the honourable Financial Secretary, reduce the road traffic along the northeast corridor of Kowloon, which is now extremely congested as can be seen from one of my questions asked earlier on in this Council this afternoon.

Sir, I also welcome the opening of a new vehicular ferry route between Jubilee Street on Hong Kong Island and the northwest coast of Kowloon Peninsula as it will help relieve the heavy road traffic along the built-up areas on the west side of Kowloon. However, it seems to me that Tai Kok Tsui is not the best choice of location on the northwest coast of Kowloon for this new vehicular ferry route. First, Tai Kok Tsui is not much away from the existing route between Jubilee Street and Jordan Road. Secondly, since the bulk of vehicular traffic for this new route is presumably and increasingly coming from Tsuen Wan, Kwai Chung and Cheung Sha Wan, the heavy road traffic along the built-up areas such as Cheung Sha Wan and Sham Shui Po will not be relieved.

On the other hand, Lai Chi Kok is for this purpose very much more centrally located than Tai Kok Tsui along the northwest coast of Kowloon and also has readily built main thoroughfares leading to Tsuen Wan and Kwai Chung on the north, Cheung Sha Wan and Sham Shui Po on the south and So Uk and Tai Wo Ping on the east. Although a site has been reserved for a vehicular ferry pier at Tai Kok Tsui, a new ferry pier costing about \$2½ million will still have to be built. It is recognized that a new waterfront road will eventually be built along the west coast of Kowloon which will improve the road traffic for the Tai Kok Tsui vehicular ferry but it will probably be years before the new road network is completed. In the meantime, the problem of extreme traffic congestion in the built-up areas along Cheung Sha Wan, Sham Shui Po and Mong Kok not only will continue, but will become increasingly acute to the detriment of the many people involved along the whole west coast of Kowloon. I therefore urge that Government give reconsideration to the siting of the Kowloon pier for this new vehicular ferry route between Jubilee Street on Hong Kong Island and a point on the northwest coast of Kowloon.

MR SZETO: —Sir, as Chairman of the Transport Advisory Committee, may I ask leave to reply to the points raised in the last part of my honourable Friend Dr CHUNG's speech and to assure honourable Members that the siting of the new ferry pier at Tai Kok Tsui was chosen after careful study. The planning was prepared by the Traffic

**[MR SZETO] Hong Kong and Yaumati Ferry Company (Services) Ordinance**

Engineering Division of the Public Works Department and considered and endorsed by my Committee in 1968. It adheres closely to the future road system as recommended by the consultants in their "Hong Kong Long Term Road Study".

The area chosen was reclaimed first for the construction of the passenger ferry pier and a large concourse to accommodate buses and vehicles. Although the pier and concourse now completed are for the use of passenger ferries, reprovisioning the old facilities at Mong Kok which were absorbed by reclamation along the waterfront of the Yau Ma Tei Typhoon Shelter for the construction of an elevated highway to by-pass the very congested areas of Yau Ma Tei and Mong Kok, future construction of a vehicular ferry pier besides it was envisaged and therefore ample space for vehicle loading bays and approach ramps had been allowed for in the original planning.

I can say, Sir, that the siting has been carefully considered in the context of the overall future traffic development and road system in the northwestern section of Kowloon. In the long term, it is planned to link the ferry concourse with the mainland's eastwest and north-south traffic arteries respectively by connecting it with Argyle Street and the new Tong Mi Road which is designed to link Gascoigne Road with the northern stretch of Lai Chi Kok Road, Lai Chi Kok bridge and Kwai Chung Road all the way as an elevated structure along the Yau Ma Tei Typhoon Shelter through the industrial area of Tai Kok Tsui and on reclamation along the waterfronts of Shum Shui Po and passing closely to the new industrial area of Cheung Sha Wan.

THE FINANCIAL SECRETARY (MR HADDON-CAVE): —Sir, I am very grateful to my honourable Friend for his vigorous defence of Government policy and for his lucid explanation of the choice of Tai Kok Tsui as the terminal point of the new Jubilee Street service. As he said, this site was chosen with great care by the Public Works Department and was endorsed by the Transport Advisory Committee.

*Question put and agreed to.*

**Committee stage**

Council went into Committee.

**PENSIONS (AMENDMENT) (NO 2) BILL 1972**

Clauses 1 to 6 were agreed to.

**ACCOUNTANTS BILL 1972**

HIS EXCELLENCY THE PRESIDENT: —We will take the clauses in blocks of not more than ten.

Clause 1 was agreed to.

Clause 2.

MR WOO: —Sir, there are certain definitions in this clause to which the Unofficial Members wish to give further consideration, in particular the definition of “public accountancy”. We also wish to go more deeply into the question whether the protection afforded by clause 29(3)(b) of the bill is wide enough and whether the offence created by clause 42(1)(g) may, as at present drafted, deprive certain classes of people of their livelihood, particularly tax agents and other persons who have for many years been engaged in various forms of accounting work but who will not qualify for registration under the bill. The UMELCO Office has also received representations on this subject which the Unofficial Members need time to consider before the bill is passed into law. A study group of Members has been formed for the purpose and they will carry on their deliberations during the recess of this Council. This being the position, Sir, I move that consideration in Committee of clause 2 and the subsequent clauses of this bill be adjourned until this Council meets again in October next.

THE ATTORNEY GENERAL (ACTING) (MR SNEATH): —Sir, in view of the seriousness of the doubts now being voiced, namely that the enactment of this bill would break rice bowls and do so without justification, I do not think it is right that this motion should be opposed. Accordingly I support the motion for the adjournment.

*Question put and agreed to.*

**GUARDIANSHIP OF MINORS BILL 1972**

HIS EXCELLENCY THE PRESIDENT: —We will take the clauses in blocks of not more than five.

Clauses 1 to 15 were agreed to.

Clause 16.

THE ATTORNEY GENERAL (ACTING) (MR SNEATH): —Sir, I move that clause 16(2) be amended as set forth in the paper before honourable Members.

The proposed amendment to clause 16(2) is a simple one and is intended to maintain the status quo. That, Sir, is easy to say and

[THE ATTORNEY GENERAL (ACTING)]     **Guardianship of Minors Bill—committee stage**

sounds good but Members may find my explanation a little tortuous. (*Laughter*).

We are concerned, Sir, with orders for maintenance in respect of illegitimate children. The bill as drafted specifically prohibits the making of such orders. The reason for this is that the Affiliation Proceedings Ordinance, enacted last year, made provision for illegitimate children including the making of maintenance orders. But that Ordinance applies only to children born after it came into force on the 7th of October last year. Orders for maintenance in respect of children born before that date have been made under the Infants Custody Ordinance, but that Ordinance is to be repealed by this bill. Therefore, Sir, to maintain the status quo it is necessary to provide that maintenance orders in respect of those children born before the 7th of October last year may be made under this new Ordinance. The proposed amendment would enable this to be done by limiting the prohibition to which I refer to those children born after that date.

*Proposed Amendment*

*Clause*

16 That clause 16(2) be amended by adding after "section 11(2)" the following—

"in respect of a minor who was born on or after the 7th October 1971".

The amendment was agreed to.

Clause 16, as amended, was agreed to.

Clauses 17 to 21 were agreed to.

**IMMIGRATION (AMENDMENT) BILL 1972**

Clauses 1 to 3 were agreed to.

Clause 4.

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

They may recall that when moving the second reading I spoke of the need to authorize immigration officers to handle "over the counter"

applications for extensions of stay under paragraph (c) of this subsection. Then on the resumed debate I gave figures to show that applications to cancel conditions of stay or to vary such conditions were also received in such numbers as to require them to be dealt with "over the counter" by immigration officers.

My honourable Friend Mr CHEUNG expressed concern about immigration officers being permitted to impose conditions of stay where no conditions had been imposed when the person first entered Hong Kong. However, Sir, this power is to remain with the Director, and the new subsection (5) so provides.

My honourable Friend also pointed out that the amendment originally proposed was illogical in that whereas when imposing conditions on a person on first arrival these conditions might only be such as the Director may have authorized either generally or in a particular case, no such limitation appears to apply when it comes to varying any of these conditions. Sir, I accept this point entirely and Members will note that this limitation has now been imported into paragraph (b) of the proposed new subsection (5A).

#### *Proposed Amendment*

##### *Clause*

4 That clause 4 be deleted and the following new clause be substituted—

"Amend-  
ment of  
section 11.

4. Section 11 of the principal Ordinance is amended by deleting subsection (5) and substituting the following—

"(5) The Director may at any time by notice in writing to any person other than a person who has the right to land in Hong Kong by virtue of section 8(1) impose any condition of stay (other than a limit of stay) in respect of such person.

(5A) An immigration officer may at any time by notice in writing to any person other than a person who has the right to land in Hong Kong by virtue of section 8(1) —

- (a) cancel any condition of stay in force in respect of such person;
- (b) vary any condition of stay (other than a limit of stay) in force in respect of such person if the condition as varied could properly be imposed by an immigration officer (other than the Director) under section 11(2)(b);

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

- (c) vary any limit of stay in force in respect of such person by enlarging the period during which such person may remain in Hong Kong.” .”.

The amendment was agreed to.

Clause 4, as amended, was agreed to.

Clauses 5 to 10 were agreed to.

New clause 4A "Amendment of section 13".

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

THE ATTORNEY GENERAL (ACTING) (MR SNEATH): —Sir, in accordance with Standing Order 46(6) I move that the new clause 4A as set forth in the paper before honourable Members be read a second time.

*Question put and agreed to.*

Clause read the second time.

THE ATTORNEY GENERAL (ACTING) (MR SNEATH): —Sir, I move that new clause 4A be added to the bill.

*Proposed Addition**Clause*

That the following new clause be inserted after clause 4—  
 "Amend-  
 ment of section 13. **4A.** Section 13 of the principal Ordinance is amended by inserting after "11(5)" the following—

“, (5A)”.”.

The addition of the new clause was agreed to.

**LEGAL AID (AMENDMENT) BILL 1972**

Clause 1 was agreed to.

Clause 2.

MR CHEUNG: —Sir, having obtained your permission under Standing Order No 45(2), I rise to move without notice that clause 2 be amended as set forth in the paper before honourable Members.

The Director of Legal Aid in criminal cases has always briefed members of the bar in private practice to represent legally aided defendants or appellants, and this proviso which I seek to insert mirrors exactly the present practice which, therefore, can be continued. This practice ensures that defendants are represented by counsel independent of Government and enshrines the principle that not only should justice be done but that it should be seen to be done. Sir, I beg to move.

*Proposed Amendment*

*Clause*

- 2 That clause 2 be amended by deleting the full stop at the end of the new subsection (3) and substituting a colon therefor, and by adding the following words:

“Provided that no such person shall undertake or conduct as counsel the case for a defendant at the committal or trial of such defendant in any criminal cause or matter or conduct any appeal on behalf of any such defendant in any criminal cause or matter.”

The amendment was agreed to.

Clause 2, as amended, was agreed to.

Clause 3 was agreed to.

**MAGISTRATES (AMENDMENT) BILL 1972**

Clause 1 was agreed to.

Clause 2.

THE ATTORNEY GENERAL (ACTING) (MR SNEATH): —Sir, I move that clause 2 be amended as set forth in the paper before honourable Members.

Members may recall that I foreshadowed these two committee stage amendments when moving the second reading of this bill.

The proposed new section 8A provides that if a person does not comply with a notice requiring his attendance at court, and if this means that a magistrate has to issue a warrant, then that person

[THE ATTORNEY GENERAL (ACTING)] **Magistrates (Amendment) Bill** —  
**committee stage**

will be mulct in costs: this is to be a mandatory provision but with an exception where special circumstances would have rendered it inequitable to require compliance with the notice.

Now, therefore, the second of the two amendments tabled today would permit a person to send a representative to plead guilty and to pay any fine imposed. This means of course that he would not need to absent himself from his business in order to attend court except, that is, where he denies the allegation and wishes to fight his case.

Also during the second reading I explained the need that was felt for swift justice in these matters and stated that some Members had reservations about the proposal to bring these cases to court within 24 hours. Consequently, the first of the amendments on the paper today provides that the notice requiring a person to attend at court must give 3 clear days between the time it is handed over and the time a person is required to attend at court.

*Proposed Amendments*

*Clause*

2 That clause 2 be amended, in new section 8A—

(a) by inserting in subsection (1), after "time", the following—  
", being not earlier than three clear days after the notice has been served on him"; and

(b) by inserting after subsection (6) the following—

“(7) Notwithstanding anything to the contrary in this Ordinance, a magistrate may permit a representative to appear on behalf of a person upon whom a notice under subsection (1) has been served where such representative satisfies the magistrate that he is authorized to enter a plea of guilty and is himself able to pay any fine imposed.”.

The amendments were agreed to.

Clause 2, as amended, was agreed to.

Clauses 3 and 4 were agreed to.

**PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT)  
(NO 4) BILL 1972**

Clauses 1 to 5 were agreed to.

**DUTIABLE COMMODITIES (AMENDMENT) BILL 1972**

Clauses 1 and 2 were agreed to.

**SUMMARY OFTENCES (AMENDMENT) BILL 1972**

Clause 1 was agreed to.

Clause 2.

MR ROBERTSON: —Sir, I move that clause 2 be amended as set forth in the paper before honourable Members.

The amendment now proposed to subsection 1(b) of the proposed section 13 will eliminate the term "piledriver", since piles may be put into position by means other than driving. The amendment proposed to subsection (7) will define the terms "pile", "piling" and "work", in such a way as to include in the new restrictions all known or likely forms of pile.

*Proposed Amendments*

*Clause*

2 That clause 2 be amended—

(a) in subsection (1)(b) of the proposed section 13 by deleting "operates or causes or permits to be operated a pile driver" and substituting the following—

“causes or permits to be caused any piling”; and

(b) by deleting subsection (7) of the proposed section 13 and substituting the following—

“(7) In this section—

“pile” means any sheet, column, post, tube or caisson not exceeding 10 feet in diameter driven or formed in the ground and also means any pile known as a "jacked pile", "screw pile", "cast-in-place pile", "composite pile", "sand pile", "sheet pile", "bored pile" "caisson pile", and any other form of pile;

**Summary Offences (Amendment) Bill—committee stage**

“piling” means the sinking or forming of a pile in the ground by hammering, jacking, screwing, augering, boring, jetting, vibrating, casting or any other means, and also means the driving or sinking of any casing or tube into the ground to form a well or caisson for foundation purposes, whether or not the casing or tube is later extracted; and

"work" means any work in connexion with or for the construction, demolition, reconstruction, shoring, alteration or repair, of the whole or any part of any building, arch, bridge, chimney, dock, hoarding, shelter, tunnel, wall, pier, wharf or other structure or any road, street, channel drain, service lane, sewer, water conduit, lighting or public utility and any work carried out on the foreshore."

The amendments were agreed to.

Clause 2, as amended, was agreed to.

Clauses 3 and 4 were agreed to.

**WATERWORKS (AMENDMENT) BILL 1972**

Clauses 1 to 4 were agreed to.

Council then resumed.

**Third reading**

THE ATTORNEY GENERAL (ACTING) (MR SNEATH) reported that the Pensions (Amendment) (No 2) Bill 1972

Public Health and Urban Services (Amendment) (No 4) Bill 1972

Dutiable Commodities (Amendment) Bill 1972

Waterworks (Amendment) Bill 1972

had passed through Committee without amendment and that the

Guardianship of Minors Bill 1972

Immigration (Amendment) Bill 1972

Legal Aid (Amendment) Bill 1972

Magistrates (Amendment) Bill 1972

Summary Offences (Amendment) Bill 1972

had passed through Committee with amendment 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.

### **Adjournment and next sitting**

HIS EXCELLENCY THE PRESIDENT: —The Council will now adjourn. This is the last sitting of this session and I hope Members will welcome a rest from their responsibilities, that is always excepting those Members of the Finance Committee, the Public Works Sub-Committee and the Establishment Sub-Committee—which includes practically all of us. (*Laughter*). The new session of Council will begin on Wednesday the 18th of October.

*Adjourned accordingly at one minute past four o'clock.*