

**OFFICIAL REPORT OF PROCEEDINGS****Wednesday, 11th April 1973****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, CBE, JP  
DIRECTOR OF URBAN SERVICES  
THE HONOURABLE JAMES JEAVONS ROBSON, CBE, JP  
DIRECTOR OF PUBLIC WORKS  
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  
SECRETARY FOR INFORMATION  
THE HONOURABLE DENIS CAMPBELL BRAY, JP  
DISTRICT COMMISSIONER, NEW TERRITORIES  
THE HONOURABLE PAUL TSUI KA-CHEUNG, CBE, JP  
COMMISSIONER OF LABOUR  
THE HONOURABLE IAN MACDONALD LIGHTBODY, JP  
SECRETARY FOR HOUSING  
THE HONOURABLE LI FOOK-KOW, JP  
DIRECTOR OF SOCIAL WELFARE  
THE HONOURABLE ERIC PETER HO, JP  
DIRECTOR OF COMMERCE AND INDUSTRY  
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  
THE HONOURABLE HERBERT JOHN CHARLES BROWNE, 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 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 ANN TSE-KAI, OBE, 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.	
Buildings Ordinance (Extension, of Operation of Section 30A) (Amendment) Regulations 1973 .....	65
Summary Offences Ordinance.	
Summary Offences Ordinance (Exemption from Section 13) Order 1973 .....	66
Summary Offences Ordinance.	
Summary Offences Ordinance (Exemption from Section 13) (No 2) Order 1973 .....	67
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Interpretation and General Clauses Ordinance.	
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Pilotage Ordinance.	
Pilotage (Dues) (Amendment) Order 1973 .....	80
Public Health and Urban Services Ordinance.	
Offensive Trades (New Territories) (Amendment) Regulations 1973 .....	81
Interpretation and General Clauses Ordinance.	
Change of Title of Office .....	82
Training Centres Ordinance.	
Victoria Training Centre (Remand) Declaration 1973 .....	83
Public Health and Urban Services Ordinance.	
Public Health and Urban Services (Amendment of Fourth Schedule) Order 1973 .....	84

Sessional Papers 1972-73: —

No 54—Annual Report by the Director of Medical and Health Services for  
the Year 1971-72 (published on 11.4.73).

No 55—Annual Report by the Accountant General the Year 1971-72  
(published on 11.4.73)

Report: —

Final Report of the Commission of Inquiry into the Rainstorm Disasters  
1972 (published on 11.4.73).

### **Oral answers to questions**

#### **Government transport**

1. MR BROWNE asked: —

Has any decision been made on whether to appoint a Transport  
Controller for Government's fleet of motor vehicles?

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER): — Sir, when replying to my honourable Friend Mr SZETO on the 31st of January, I informed this Council that we were looking into the best way of introducing a greater degree of centralized monitoring and control of Government vehicles without infringing the prerogatives of heads of departments or absolving them from their responsibilities.

We have now decided that such monitoring and control would be appropriate to the Organization and Methods Group of the Finance Branch and that this Group should accordingly be given the following additional role: first of all to examine and to endorse (or otherwise) requests from departments for vehicles, having regard to vehicles already provided in the department concerned and, secondly, to conduct an overall review of the utilization of transport, department by department, and to recommend to the head of department what steps should be taken to maximize efficiency.

The Organization and Methods Group may need to be strengthened slightly to undertake this additional task. If this turns out to be the case, and I think it will, proposals will be put to the Establishment Sub-Committee of Finance Committee in the very near future.

#### **Driving tests**

2. MR LOBO asked: —

Will Government state how many driving tests for each category of motor vehicle, including private cars, omnibuses, goods vehicles and taxis, are outstanding, and what the waiting period is for each category of vehicle?

### Oral answers

THE FINANCIAL SECRETARY (MR HADDON-CAVE): —Sir, this is a deceptively simple question but it is not capable of an entirely simple answer. In view of my rather fragile state, which has been variously described by the medical profession as muscular spasm or agitation of the nerve ends, I hope that honourable Unofficial Members will not ask me too many awkward supplementary questions (*laughter*) and thereby aggravate my condition.

The figures sought by my honourable Friend, if I may begin with the figures, are as follows: for *private cars*, there are 50,000 applicants who have passed the written test and are waiting to take the combined intermediate and final road test. The waiting time is three months now for Hong Kong and six months for Kowloon. In the case of *omnibuses* (other than KMB omnibuses and CMB omnibuses) other than those run by the enfranchised companies, the number of outstanding applications to drive them is 7,600. Driving tests for this class of vehicle have had to be temporarily suspended as the Transport Department has just lost the services of its only examiner qualified to conduct such tests. In the case of applicants to drive KMB and CMB buses special arrangements have been made to use services of a qualified driver as examiner on a very temporary basis. For *goods vehicles* with an unladen weight of two tons and over, there is a waiting list of 11,000 applicants, and the waiting time, I am afraid, is about 28 months. For *taxis and public cars*, there is a backlog of 15,000 applicants. The waiting time involved is about 18 months. Finally, as regards *public light buses*, there is a waiting list of 11,500 applicants. At a testing rate of 130 per month, I am afraid the waiting time is about seven years.

Now, lest my honourable Friend should be unduly alarmed by the length of the waiting time for applicants seeking licences to drive taxis, public cars and public light buses, I should like to mention a few more facts and figures to put the situation into its proper perspective. First, as regards *taxis and public cars*, there are already 25,500 licensed drivers for about 3,750 taxis and 1,100 public cars. This yields a ratio of over five drivers to each vehicle and, even with the licensing later this year of a further 1,000 taxis, there will still be about nine drivers to every two vehicles. However, in view of the impending issue of these additional licences and complaints from taxi owners of a shortage of drivers, steps have been taken, or are in hand, to speed up the testing of taxi and public drivers. Since February this year, the road test for applicants for licences to drive taxis and public cars has been suspended on the grounds that all these applicants have held private car driving licences for at least three years, and that there is no real difference between driving a taxi or public car and driving a private

car. Instead, these applicants are now required only to undergo a simple written test of their knowledge of the law affecting taxis and public cars, and of the location of various places and the quickest—and therefore the cheapest—routes to them. Arrangements are also being made to expand the physical facilities available for this written test, and it is hoped that the waiting period can be substantially reduced to about four months in the near future.

As regards *public light buses*, honourable Members are aware that the number of public light buses has remained the same for some time. There are already over 45,000 licensed drivers for less than 4,000 vehicles, yielding a ratio of over eleven drivers per vehicle.

Although fairly lengthy waiting times are involved for applicants for driving licences generally, I think honourable Members will agree that there is no danger of a shortage of public service vehicles developing in the foreseeable future because of a lack of qualified drivers. I might also add that the increased fees for test forms, provisional licences and driving licences, proposed in the budget speech and implemented with honourable Members' agreement on 1st March, seem to have achieved the desired deterrent effect. The number of applicants for driving tests has, since that date, decreased sharply to about one-fifth of what it was previously, although I imagine that this is partly due to the initial shock effect. Nevertheless, whatever the longer term deterrent effect may be, I hope that the existing large backlog of applicants can be progressively reduced during the months ahead.

### **Civil Service recruitment processes**

3. MR BROWNE asked: —

Have any improvements been made as a result of the study of procedures relating to recruitment processes for vacancies in the Civil Service, which was undertaken following the budget debate last year?

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER): —Sir, the study to which my honourable Friend refers was completed towards the end of last year and revealed that procedures could be streamlined by the use of centralized recruitment. Trials in various grades have been carried out in which departments were relieved by the Establishment Branch of the processing work, but were represented on final interview boards. In these trials average recruitment time was significantly reduced. These trials will now be extended to other suitable grades.

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Nevertheless, though there has been an improvement—a considerable improvement—I would be the first to admit, indeed assert, that there is still considerable scope for further measures to be taken and in this regard various recommendations made by our management consultants will prove useful.

MR BROWNE: —Sir, I am not clear from the honourable Member's answer whether the trials have now finished and decisions can be taken from the trials.

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER): —The trials have not yet been finished; they have covered only certain grades and will be extended to other grades. It is very difficult to generalize on the time saved but, in the trial grades, it has averaged about 50% of the time saved on actual recruitment. These examples do not include cases where the approval of the Secretary of State is required before recruitment can take place, which adds a definite and stable period to each recruitment exercise. Where we decentralize there is one thing we must watch, and that is that to whomever we decentralize that authority has the power to say "yea" or "nay" straightaway to an applicant. In an increasingly competitive world for various scarce types of employee, it is essential that you can tell any successful applicant straightaway that, provided he passes his medical, he can be recruited straightaway.

### **New Territories Administration**

4. MR LEE asked: —

In view of the importance of the New Territories in relation to the general development of Hong Kong and the greatly increased workload on the staff, has Government any plan to strengthen and enlarge the organization of the New Territories Administration?

MR BRAY: —Sir, I am keenly aware of the need to strengthen and expand the organization of the New Territories Administration to meet commitments facing the department.

I have recently completed a review of the role of my land staff and Finance Committee will shortly be asked to consider an increase of 67% of geographically deployed land assistants and supporting staff. Should this staff be approved, we have been given the authority to use

the centralized recruitment scheme to which the honourable Colonial Secretary referred just now. This is a large increase but there has been very little growth over the last five years and this review reflects the need to deal mainly with rural problems. I have also, in conjunction with the Crown Lands and Survey Office, just completed an examination of additional estate surveyor posts required. These proposals, which include our assessment of the needs for new towns, will now be reviewed centrally before a submission is made to Finance Committee.

As to the rest of the department, an internal study of the basic structure of the department has been completed. In the light of development aims announced by Your Excellency last October, this review has led to the conclusion that two new Administrative Districts should be created to cover the new towns of Sha Tin and Tuen Mun which are now part of Tai Po and Yuen Long districts, and that my headquarters should be reorganized and strengthened to reflect the two major types of development problems namely new town development and rural development. Proposals on these lines will shortly be submitted.

The next tasks will be to assess the technical land staff requirements specifically geared to the ten-year development programme and to review the role of my liaison staff in the districts, particularly in existing urban areas and in the new towns.

That should complete the re-structuring of the department to deal with rapid urban development, re-development of rural slums, and exploitation of the opportunities for recreational and resort development and conservation of the countryside.

### **Government ambulances**

5. MR WONG asked: —

Would Government state whether its ambulances are equipped with oxygen apparatus and, if so, how many?

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER): —Sir, resuscitation equipment giving a 1½ hour supply of oxygen is standard equipment on all Government ambulances; this equipment is known as the "Stephenson Minuteman".

The application of pure oxygen is not always desirable in the case of all conditions, so in addition all the ambulances are equipped with resuscitation equipment which uses the ordinary atmosphere and can be operated either mechanically or by hand; this equipment is known as the "Air Viva" resuscitator. With equipment to assist mouth to mouth

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resuscitation (this is a plastic tube known as the Brook Airway) all ambulances are also equipped.

Ten ambulances are also supplied with sets of analgesic equipment which provide a pain relieving gas (known as "Entonox"). This is particularly useful for accident and casualty cases because it gives the patient immediate relief. Sufficient additional sets of this type have been ordered to equip all the Fire Services Department's ambulances.

MR WONG: —Thank you, Sir.

### **Electricity supply**

6. MR WOO asked: —

Will Government take steps with the electric power companies to ensure that no further widespread power failure occurs?

MR ROBSON: —Sir, the only control which the Government has over the generating and distribution operations of the two electricity companies is by way of the Electricity Supply Ordinance (Chapter 103) and the associated regulations. These regulations, however, are concerned solely with safety standards for the protection of the public.

It is, however, in the interests of the power companies to ensure that, as far as is humanly possible, widespread power failures of the type recently experienced in Kowloon and the New Territories do not occur and I think that their record in this respect will be found to compare favourably with electricity generating undertakings elsewhere, both companies having always been most conscious of their responsibilities both to the public and to the Government to maintain both an adequate and reliable supply of electricity.

The management of the China Light and Power Company Limited have informed me that they are holding a full-scale investigation into the recent failure. They are keeping in close touch with me on this matter and I am confident that they can be relied upon to take any measures which may be found to be necessary to prevent a repetition of the incident in future.

MR WOO: —Sir, subsection 3(b) of the Ordinance mentioned by my honourable Friend does empower the Governor in Council to make regulations to provide for the securing of a regular and sufficient supply of electricity, and generally for the control and regulation of such supply. The existing regulations do not seem to cover this particular power

given to the Governor in Council. May I ask Government to consider whether such regulations should be made?

MR ROBSON: -Sir, this is quite correct; that is why I said at the present moment the only regulations we have are for the control of safety. But whether we have these regulations or not, quite frankly I don't think it would make very much difference because, as I say, it is in the interest of the power company not to have this type of failure which can be very devastating in its effects, being dangerous to equipment and everything else.

MR WOO: —Sir, as far as I understand from my honourable Friend his answer seems to me to be that we have to depend upon the electricity company's good offices but, if we have the law in our hands, we can force them to comply with any regulations.

MR ROBSON: —That is correct, Sir.

### **Loan scheme for small-scale industries**

7. MR LEE asked: —

Will Government make a progress report on the loan scheme for small industries?

MR HO: —Sir, honourable Members will recall that Government approval of the loans for small industries scheme was announced by my honourable Friend the Financial Secretary when he presented the 1972-73 budget in this Council on 1st March 1972. Following discussion between interested Government departments, participating banks and the Hong Kong Productivity Centre on the establishment of the machinery for the processing and approval of individual applications and the creation of posts in the Commerce and Industry Department for dealing with this work, the scheme was eventually launched on 3rd July 1972. It was preceded by a publicity campaign to inform potential borrowers of the availability of this new facility.

By 8th July 1972 five hundred enquiries had been received by the Commerce and Industry Department, but following this first flush the numbers of enquiries dropped to a mere handful a month. These enquiries are, of course, only for information and cannot be classified as applications for loans as, under the procedures established, such applications must be made to a participating bank of the applicant's choice. In fact, the number of actual applications received has been somewhat disappointing. To date there have only been twenty-four

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specific applications and a further seven industrialists are in touch with the Commerce and Industry Department on their re-equipment plans. Out of the twenty-four actual applications, fourteen applicants eventually decided against proceeding further. Of the remaining ten cases, six loans totalling \$914,500 have been approved, three applications totalling \$287,000 have been rejected or abandoned and one for \$120,000 is currently being processed.

The disappointing response to this new facility in the early months of its operations prompted the Trade and Industry Advisory Board to recommend in October 1972 that the Loans for Small Industry Committee be re-constituted to advise on any modifications to the scheme which appeared to be desirable. The Committee submitted its report on 29th March 1973. It recommended a number of amendments which, without altering the basic concept of the scheme, would nevertheless make it more attractive to small industrialists. These proposals were considered and endorsed by the Trade and Industry Advisory Board at its meeting last Monday and I am now forwarding the recommendations to the Financial Secretary for his consideration.

DR CHUNG: —Sir, may I ask my honourable Friend a supplementary question? Will he inform this Council of the major reasons for such a disappointing response to the present loan scheme for small scale industries?

MR HO: —Sir, the list of possible reasons noted ranged from the recent activities on the stock market to some degree of uncertainty over economic conditions in our major markets. It is not possible to pinpoint any particular major reasons.

### **Hay Ling Chau**

8. MR CHEUNG asked: —

What plans have Government decided on, if any, to make use of the facilities on Hay Ling Chau for recreation in the coming summer months?

MR BRAY: —None, Sir, for the Government is not in a position to make use of the facilities on Hay Ling Chau during the coming summer months. The island is leased to the Leprosy Mission Hong Kong Auxiliary and all facilities on it belong to, and are currently occupied by, the Mission.

MR CHEUNG: —Sir, has not the Leprosy Mission for some considerable time made known that it is most willing to give up those facilities on Hay Ling Chau as they have a minimum number of patients to care for?

MR BRAY: —I can only repeat that during the coming summer the land is on lease to the Mission and any offer by the Mission must be dealt with direct with the Mission rather than the Government.

MR CHEUNG: —But, Sir, is the real reason why no facilities are to be made use of this summer is that applications from various recreational groups, like the Boy Scouts and the YMCA, have not been processed in the Secretariat of Government for the necessary approvals?

MR BRAY: —I am not aware of any such applications, Sir.

### **Statement**

#### **Final Report of the Commission of Inquiry into the Rainstorm Disasters 1972**

MR ROBSON: —Sir, in tabling the Final Report by the Commission of Enquiry into the 1972 June Rainstorm Disasters, I can now advise what action Government has so far taken to remedy the conditions created by the rainstorms and to avoid similar disasters in the future.

All those areas damaged in the 1972 June rainstorm, for which private owners are responsible, have been surveyed in detail and necessary action taken where appropriate to make sure that these sites are safe. In the case of the landslides dealt with by the Public Works Department, for all practical purposes work is completed except at Sau Mau Ping and Po Shan Road.

In Hong Kong the major landslides which took place in the Tai Tam Road, Shouson Hill, Repulse Bay Road and the Peak areas have been completely reinstated by the Public Works Department. At Po Shan Road, where the problems are more complex, 95% of all earthworks will have been completed by the end of May; at Sau Mau Ping in Kowloon repair work has been in hand for four months and will be substantially completed by the end of May. The remaining areas are the concern of private developers and have either been made safe or work is progressing satisfactorily.

Inspections of those squatter areas, resite areas and licensed areas which were not obviously safe have been carried out. After preliminary

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surveys by Public Works Department staff, consultants were engaged to investigate in depth the sites where possible danger was thought to exist. Investigations so far indicate that these are not dangerous but further detailed work is in hand to confirm this view. More recently, additional areas have been added to those to be checked.

All known suspected landslide areas adjacent to public highways have also been inspected and certain areas of doubtful stability along Ching Cheung Road and at Tai Wor Ping are being subjected to detailed investigation by consulting engineers as part of the road works which they are carrying out. In the event that remedial work cannot be completed ahead of this year's expected rainstorms, a warning system has been devised to safeguard the public should this be necessary.

It is, therefore, believed that all major landslide areas whether on private or Crown land affected by the 1972 June rainstorm will, as far as is possible in engineering terms, be rendered safe before the prolonged rain can be expected in the summer.

Honourable Members of this Council will no doubt recall that one of the objects of the Buildings (Amendment) (No 2) Ordinance, which became law on 29th November 1972, was to ensure that immediate remedial works can be executed to remove any source of danger arising from work in progress, in particular the danger of landslides. This Ordinance brought into effect much heavier penalties against owners, architects and contractors who create dangerous situations or who fail to comply with remedial works when these are ordered.

To assist the private developer generally, a small civil engineering unit was posted to the Buildings Ordinance Office in September of last year. This unit considers the civil engineering aspects of any proposals for private building development, in particular site formation work. It has, up to now, been very heavily engaged in examining site formation work in progress to ensure that such work is carried out in accordance with approved plans and agreed procedures.

Steps have also been taken to investigate the general landslide problems which exist within the Colony and the approval of the Finance Committee of this Council will shortly be sought to engage private consultants to carry out a comprehensive study of potential landslide areas in the urban areas. This study will not only consider measures which may be required to make the areas less susceptible to landslides but also whether any restrictions on development need to be imposed.

In anticipation of this approval, and as a continuation of the investigation they carried out into the Po Shan Road area, these consultants

are also currently engaged, in conjunction with staff of the Buildings Ordinance Office, in preparing an interim guide on the problems of hillside stability in Hong Kong with particular reference to site formation works both temporary and permanent. This guide, which is likely to be completed in April/May this year, will be made available for distribution to both Government and private architects and engineers involved with these problems.

Agreement has been reached with other private consultants, who have available in the Colony very specialized equipment and a geophysicist backed by an experienced civil engineering team, to be engaged as required by the Buildings Ordinance Office to identify any specific building site that may be suspect in order that, if found to be necessary, works may be ordered to make it safe.

It will not be possible to determine the full workload which will fall upon the Buildings Ordinance Office as a result of the need to safeguard the public interest when approving site formation works until the long investigations by consulting engineers, which I referred to earlier, are well in hand. However, it is already clear that the civil engineering unit seconded to the Buildings Ordinance Office must become a permanent feature and be expanded and strengthened by the employment of additional experienced staff. Proposals for this expansion are now under consideration.

To enable more inspections to be made of private building work in progress, the establishment in the Buildings Ordinance Office was increased in September 1972 by an additional 35 professional and assistant professional posts.

Coming now to the specific recommendations of the Commission, these are in general accepted by Government. However, there are certain matters about which the Government takes a somewhat different view.

The Commission have stated that in their view the risks of landslips arise more often from deficiencies in supervision and control of work in progress than from deficiencies in design. Arising from this they do not consider it necessary to create a panel of civil engineering specialists to which design problems can be referred since, in their view, adequate expertise on such matters is already available in Hong Kong—even though it may not be utilized to the fullest extent.

Government, however, feels that while a possible adequate reservoir of local specialists may exist, it is necessary to safeguard the public by appointing a special panel of civil and soils engineers so as to utilize this reservoir of local consultants to the fullest extent and to prevent

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any inexperienced engineers or architects attempting sophisticated earthwork designs.

The Government, therefore, recommends that this matter be left in abeyance for the present pending the result of the further studies being carried out by the Buildings Ordinance Office and its consultants. It is hoped that it will then be possible to classify the development situations in which special investigations and designs will be obligatory. Arising out of this study, a manual of practice will be compiled which will eventually replace the interim guide which, as I have mentioned, is being prepared for the use and guidance of architects and engineers.

The Government feels that the recommendation made by the Commission that high pressure water mains should not be made of brittle material may be misleading. Firstly, a non-brittle material, namely steel, is in fact used for high pressure mains and these are designed for the maximum pressure at which they are to operate. The operating pressure does not, therefore, materially affect the susceptibility to fracture when settlement takes place. Secondly, it is the rate of flow rather than the pressure which creates the problem and large unpressurised stormwater drains may carry more water than a small high pressure water main and be just as susceptible to fracture if settlement takes place. Thirdly, when an embankment has settled, water mains more often fail by pulling out the joints than by fracture.

However, since water mains and stormwater drains cannot be designed to allow for excessive settlement or soil creep, embankments must be designed to reduce settlement to practical limits and mains in ground liable to settlement should be laid with flexible joints, which is in fact the present Waterworks practice. Water mains which are laid in sections of a road which is partly cut and filled could well be laid on the cutting side of the road.

Statements have been made in the Report which imply that the main reasons for intensive development of hillside sites were: Government's desire for greater revenue from land sales; Government's yielding to commercial pressures; and the prospect of filling for reclamations being provided much more cheaply. This is not the case. The more intensive development of these areas has simply followed the need to house a greater population in the urban areas and the value and importance of this to Hong Kong should not be overlooked.

Reference has been made in the Report to the effect that slope stability problems in Hong Kong should be resolved entirely by empirical designs based upon experience gained from systematic collection of slope performance data. Government is of the opinion that the

empirical rules for cutting laid down by the Buildings Ordinance Office circular letter to authorized architects in 1963 were rational and reasonable. Nevertheless, it is necessary to provide some machinery to ensure that, in cases where simple empirical rules are unsatisfactory, a more detailed investigation and an analysis of the site formation problems is made. It is with this in mind that machinery is being established in the Public Works Department for scrutinizing more closely all development proposals, both private and public.

Recommendations in the Report for including in the building covenants of new leases, or modifications to the same, a time table for the carrying out of site formation works are agreed. This proposal will not, however, cover redevelopment of an old property (where a new lease or modification is not required) and it is therefore necessary to work through the medium of the Buildings Ordinance under which it is possible to stipulate an appropriate time from either the date of demolition or the approval of site formation plans, within which site formation works must be completed.

The Commission of Inquiry have stated in their report that in their opinion a significant contributory factor which led to the tragic landslides in the Po Shan Road area was the deterioration and lack of adequate support to the deep cutting at 51C and 51D Conduit Road on Inland Lot No 2260 and that the responsibility for this must rest on the shoulders of the owner of this lot and Mr S. L. Ho, the appointed authorized architect for this site.

In view of this statement I feel it is appropriate to report that in November last year Mr S. L. Ho advised Government of his retirement from professional architectural practice in Hong Kong and his name has accordingly been removed from the register of authorized architects.

## **Government business**

### **Motions**

#### **Amendments to Standing Orders**

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

Resolved that the Standing Orders of the Legislative Council of Hong Kong made by the said Council on the 9th day of October 1968, be amended, with effect from the 11th day of April 1973, in accordance with the Schedule to this Resolution.

## SCHEDULE

<i>Standing Order No.</i>	<i>Amendment</i>	<i>Reasons for amendment</i>
5	<p>Leave out the existing Standing Order and insert in lieu the following:</p> <p>"Sessions.           <b>5.</b> (1) There shall be a session of the Council once in every calendar year.</p> <p>(2) A session shall end on such date as the Governor may appoint by notice published in the <i>Gazette</i>.</p> <p>(3) A session shall begin on such date as the Governor may appoint by notice published in the <i>Gazette</i>, save that the period between the last sitting of one session and the first sitting of the next session shall not exceed 3 calendar months. "</p>	To allow greater flexibility in the sessions of the Council.
7(1)	After the word "sitting", where it appears for the second time in the last line, add the words "in the same session. "	This is consequential upon the amendment to S.O. 5 and makes it clear that the maximum interval of 6 weeks between sittings only applies to sittings within the same session.
8	<p>Renumber the existing paragraph (5) as paragraph (6) and substitute the following new paragraph (5):</p> <p>"(5) If the interval between two sittings is less than seven days, both such sittings should be deemed to constitute one sitting. "</p>	The effect of this will be that subsidiary legislation laid on the first day of a two-day sitting will be subject to amendment not on the second day but on the sitting which will normally take place two weeks later.

He said: —Sir, by virtue of Standing Orders 5 and 7 of the Standing Orders of this Council, a session must begin each year within six weeks after the 30th September and must end not earlier than six weeks before the 30th September.

The proposed new Standing Order 5 will allow for a recess not exceeding three calendar months to elapse between the ending of one session and the beginning of another. This period may occur at any time in the calendar year, in accordance with a notice published to that effect by the *Governor* in the *Gazette*. This will give more flexibility in fixing the summer recess, though the maximum period permissible will not be increased.

The amendment proposed to Standing Order 8 is intended to make it clear that, if the Council meets on two days within an interval of not more than seven days, the two meetings shall constitute one sitting.

This is because section 34(2) of the Interpretation and General Clauses Ordinance provides that subsidiary legislation which has been laid on the table of this Council can be amended by resolution at the next sitting following that at which it is tabled. Clearly, if legislation is tabled on one day and the Council meets again the next day, or very shortly thereafter, this does not give honourable Members an opportunity to consider the legislation fully, in order to decide whether or not to move any amendments to it, if each meeting is to count as a separate sitting.

I am grateful for the assistance which I have received from the honourable Mr P. C. Woo and other Unofficial Members in the preparation of these amendments.

*Question put and agreed to.*

## **WIDOWS AND ORPHANS PENSION ORDINANCE**

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

It is hereby resolved that the Widows and Orphans Pension (Application) (Amendment) Regulations 1973, made by the Governor in Council on the 6th March 1973, be approved.

He said: —Sir, on 6th March this year the Governor in Council made the Widows and Orphans Pensions (Application) (Amendment) Regulations 1973. Some of the amendments contained in these regulations have a retrospective effect and it is therefore necessary for the regulations to be approved by this Council.

[THE ATTORNEY GENERAL]     **Motions**

The regulations make three minor amendments to the principal regulations.

Firstly, they provide that an officer on agreement for 2½ years or more, instead of 3 years as formerly, may contribute to the scheme. This takes account of the reduction, as from July 1972, of the normal period of a contract from three years to two and a half years.

Secondly, the grade of "Assistant Officer Class II" is added to the list of posts which are exempted from contributing to the scheme. This grade has replaced the former grade of "Warder".

Thirdly, the period within which an officer on agreement must give notice to the Accountant General, if he wishes to be exempted from contributing to the scheme, is increased from one month to three months.

*Question put and agreed to.*

**First reading of bills**

**PUBLIC TRANSPORT SERVICES (HONG KONG ISLAND)  
(AMENDMENT) BILL 1973**  
**PUBLIC TRANSPORT SERVICES (KOWLOON AND NEW  
TERRITORIES) (AMENDMENT) BILL 1973**  
**CROWN LANDS RESUMPTION (AMENDMENT) BILL 1973**  
**EMPLOYMENT (AMENDMENT) BILL 1973**

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

**Second reading of bills**

**PUBLIC TRANSPORT SERVICES (HONG KONG ISLAND)  
(AMENDMENT) BILL 1973**

THE FINANCIAL SECRETARY (MR HADDON-CAVE) moved the second reading of: —"A bill to amend the Public Transport Services (Hong Kong Island) Ordinance."

He said: —Sir, upon the opening of the Cross Harbour Tunnel in August 1972, the Kowloon Motor Bus Company and the China Motor Bus Company with the consent of Government began to operate joint

cross harbour bus services on an experimental basis. It was intended, should the new services prove to be successful, that steps would be taken to make them permanent and to put them on a proper legal footing by bringing them into the scope of the companies' respective franchises. The services have proved since then to be very popular and, accordingly, these two bills have been drafted *first* to grant to each company the right to operate bus services through the Cross Harbour Tunnel as long as they have the consent of the Authority, that is the Commissioner for Transport, and *secondly* to provide for the services through the tunnel to be operated within the scope of the existing franchises and to be subject to all the provisions of the two principal Ordinances, that is to say the Public Transport Services (Hong Kong Island) Ordinance and the Public Transport Services (Kowloon and New Territories) Ordinance.

In addition, the Public Transport Services (Kowloon and New Territories) (Amendment) Bill 1973 seeks to amend the franchised area of the Kowloon Motor Bus Company to include the Island of Tsing Yi, which will soon be linked with Tsuen Wan by a bridge which is now under construction. I shall be moving the second reading of that bill shortly.

*Motion made. That the debate on the second reading of the bill be adjourned*—THE FINANCIAL SECRETARY (MR HADDON-CAVE).

*Question put and agreed to.*

#### *Explanatory Memorandum*

This Bill enables the China Motor Bus Company Limited to provide bus services between the island of Hong Kong (and Ap Lei Chau) and Kowloon, the mainland portion of the New Territories and the island of Tsing Yi through the Cross-Harbour Tunnel.

### **PUBLIC TRANSPORT SERVICES (KOWLOON AND NEW TERRITORIES) (AMENDMENT) BILL 1973**

THE FINANCIAL SECRETARY (MR HADDON-CAVE) moved the second reading of: —"A bill to amend the Public Transport Services (Kowloon and New Territories) Ordinance."

He said: —Sir, the reasons for this amending bill I have, I think, already explained in moving the second reading of the Public Transport Services (Hong Kong Island) (Amendment) Bill 1973 and, with your permission, Sir, I shall not repeat them.

**Public Transport Services (Kowloon and New Territories) (Amendment) Bill—second reading**

*Motion made.* That the debate on the second reading of the bill be adjourned—THE FINANCIAL SECRETARY (MR HADDON-CAVE).

*Question put and agreed to.*

*Explanatory Memorandum*

This Bill enables the Kowloon Motor Bus Company (1933) Limited to provide bus services between Kowloon, the mainland portion of the New Territories and the island of Tsing Yi and the island of Hong Kong and Ap Lei Chau through the Cross-Harbour Tunnel.

**CROWN LANDS RESUMPTION (AMENDMENT) BILL 1973**

MR ROBSON moved the second reading of: —"A bill to amend the Crown Lands Resumption Ordinance."

He said: —Sir, the purpose of this bill is to ensure that land owners whose land is resumed under the Crown Lands Resumption Ordinance are awarded appropriate compensation in cases where the land in question is subject to restrictions imposed by an Outline Zoning Plan.

At present the Crown Lands Resumption Ordinance provides that a compensation board, in assessing compensation, must take the value of the land to be the amount which the land if sold in the open market might be expected to realize, and this value would normally be based on the development obtainable in accordance with any restrictions contained in the Crown Lease. The Town Planning Ordinance however clearly states at subsection (3) of section 4 that, except in the case of resumption under the Crown Lands Resumption Ordinance, no compensation shall be paid to the proprietor or any person interested in any holding by reason of the fact that it lies within or is affected by any zone or district set apart for use for residential, commercial, industrial or other specified uses. Thus if, for example, a resumed lot forms part of an area zoned for open space, as the law now stands a compensation board could only take this use into account when assessing the value of the land even though development for commercial or residential purposes might be allowed by the Crown lease.

This obviously bears unfairly on the land owner affected and, whilst it has been the administrative practice to disregard the effects of zoning when land is acquired by voluntary negotiations with the owner, it is considered that the law should be amended so that compensation boards shall also disregard these effects when assessing compensation resulting from compulsory acquisition under the Crown Lands Resumption Ordinance. The amendment to that Ordinance proposed in the bill before honourable Members would achieve this object.

MR BRAY: —Sir, the question of resumption of land in the New Territories is an extremely sensitive one and for this reason I discussed the proposed bill with members of the Heung Yee Kuk in November last year. Its purpose was understood and welcomed. However, when the bill was published it gave rise to considerable anxiety in the country as it was thought that the bill emphasized that compensation for agricultural land must be assessed without regard to the development potential of that land. The bill has no bearing on this vexed problem. Nor does the bill, as some in the New Territories thought, give any new powers under the Town Planning Ordinance to resume land. I was however advised by the Heung Yee Kuk that it would help to allay anxiety in the New Territories if I were to emphasize these points today.

I should also say that the question of compensation for agricultural land resumed within areas planned for development has been the subject of prolonged discussion between myself and the Heung Yee Kuk. These discussions stand adjourned, with the agreement of the Kuk, pending the formulation by the Government of specific proposals which will take into account the range of problems discussed with the Kuk. In the meantime we have already agreed a scheme under which any owner of land within a new town who feels frustrated in his development aims can surrender this land in exchange for the grant of land outside layout areas. This opportunity to exploit the development potential of agricultural land in new towns by exchange grants outside has been welcomed.

Although I have spoken mostly about what the bill is not about, I support the motion. (*Laughter.*)

*Motion made. That the debate on the second reading of the bill be adjourned*—THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER).

*Question put and agreed to.*

**Crown Lands Resumption (Amendment) Bill—second reading***Explanatory Memorandum*

This Bill amends section 12 of the principal Ordinance so as to require a Compensation Board, when determining the compensation to be paid for land resumed under the Ordinance, not to take into consideration any change in value of the resumed land by reason of it being within, or affected by, any zone or area reserved for public purposes by the Town Planning Board.

**EMPLOYMENT (AMENDMENT) BILL 1973**

MR TSUI moved the second reading of:—"A bill to amend the Employment Ordinance."

He said:—Sir, section 30 of the principal Ordinance gives new powers to the Governor in Council to make regulations concerning the procedure for the registration of employment agencies and the conditions under which registrations may be granted or withdrawn.

When the drafting of regulations to control employment agencies came to be considered it was found that the provisions in Part VII were deficient in two important aspects. First, section 28 does not specify the ground on which an employment agency may qualify for registration. Second, the Commissioner of Labour was not empowered, as was originally intended, to refuse, or withdraw registration of an employment agency known to be involved in malpractices.

Under section 29, the Governor in Council is empowered to make regulations regarding the conditions under which registration may be refused or cancelled, but this section does not meet the deficiencies of section 28 since regulations can only be made concerning certain limited aspects of the registration of employment agencies. Consequently it is now proposed to repeal the whole of Part VII of the Employment Ordinance and to replace it with a completely new Part permitting the making of enforceable and comprehensive regulations for the control of such agencies.

Clause 28A of the bill pertains to licensing. To avoid the possibility of confusion with the registration of job seekers by employment agencies, it is now proposed to license employment agencies, rather than to register them. Unless exempted from licensing, employment agencies will require separate licences for dealing with employment locally and employment overseas. If an agency originally licensed for both operations should later decide to drop one side of its activities, it would then be necessary to cancel the relevant licence only.

Sub-clause (1) of clause 28 defines an employment agency, while sub-clause (3) excludes certain types of employment agency from the scope of the proposed legislation. Most of these are non-fee-charging and non-profit-making, as was originally intended. I wish to comment, in particular, on item (d) of sub-clause (3), which excludes employment agencies dealing solely with domestic servants. These agencies, although profit-making, operate on a small scale. Many do not have proper premises and are not even registered under the Business Registration Ordinance. This exclusion is proposed partly because it is not feasible to enforce the proposed regulations against them, and partly because domestic servants, being in great demand, are unlikely to be exploited.

I also draw honourable Members' attention to sub-clause 3(g) which excludes newspapers or other publications which operate a non-profit-making service, since the provision of such service is not their principal function.

Clause 28D empowers the Commissioner, on application, to exempt from the licensing requirements non-profit-making employment agencies which would not qualify for exclusion under sub-clause (3) of clause 28. Exempted agencies, which may be fee-charging or otherwise, are still to be governed by certain regulations, but it is in the public interest that there should be some watch on their activities. In this they differ from the excluded agencies. Under clause 28E, the Commissioner is empowered to withdraw such exemption when the employment agency ceases to be non-profit-making or if he is satisfied that such an agency should not be so exempted in the public interest.

Clause 29D specifies the offences under the bill and the penalties therefor. Clause 30 empowers the Governor in Council to make comprehensive regulations governing the issue of licences and matters relating thereto. The combined effects of this bill and the proposed subsidiary legislation yet to be made by Your Excellency in Council will provide the Commissioner of Labour with the requisite powers to control employment agencies in the following manner:

- (a) every non-excluded employment agency will need to obtain a licence from the Commissioner of Labour on the payment of a fee, or alternatively obtain a certificate of exemption;
- (b) the fees chargeable by an agency from a job seeker on first registration, and subsequent registrations, will be limited to \$3.00 per registration per applicant;
- (c) the fees chargeable by an agency from an employer for obtaining an employee will be limited to \$10.00 per type of vacancy on first registration, and \$5.00 per type of vacancy on re-registration;

[MR TSUI]     **Employment (Amendment) Bill—second reading**

- (d) the commission chargeable from a job-seeker on successful placement will be limited to 10% of the job-seeker's first month's wages;
- (e) the commission chargeable from an employer on successfully obtaining for him an employee will be a matter of agreement between the employer and the agency;
- (f) agencies will be required to submit returns at quarterly intervals to the Commissioner of Labour giving details of their registrants.

Sir, this bill, if approved, will come into operation on a day to be appointed by the Governor by notice in the *Gazette*. It is intended that six months should elapse before that appointed day, in order that employment agencies can be given ample time to adjust their operations so as to comply with the regulations, which will be made soon.

*Motion made. That the debate on the second reading of the bill be adjourned—MR TSUI.*

*Question put and agreed to.*

*Explanatory Memorandum*

The Bill repeals and replaces Part VII of the principal Ordinance.

2. Section 28 defines an employment agency and sets out the employment agencies which are excluded from the application of the new Part.

3. Section 28A prohibits the carrying on of an employment agency unless it is licensed under the Ordinance or the Commissioner has exempted it. This section also prohibits the carrying on of an employment agency at any place other than its licensed place of business. By section 28B, separate licences are required for an employment agency which seeks to provide employment both within and outside Hong Kong.

4. Section 28C empowers the Commissioner to refuse to issue or renew a licence and to revoke any licence. The grounds for such refusal or revocation are specified in subsection (1). Subsection (3) provides for an appeal to the Governor against any such refusal or revocation.

5. Section 28D empowers the Commissioner, on application, to exempt a non-profit making employment agency from the licensing requirements of the new Part. Section 28E enables him to withdraw any exemption granted under section 28D.

6. Section 29 requires a licensee to maintain, and keep available for inspection, prescribed registers relating to the operation of an employment agency. This section also requires a licensee to submit prescribed returns to the Commissioner. Section 29A regulates the operation of an employment agency, especially in relation to the fees and commissions which may be charged by it for services rendered.

7. Section 29B vests prescribed powers in the Commissioner, and public officers authorized by him, to inspect the premises and books of a licensed or exempted employment agency. Section 29C authorizes the Commissioner, authorized officers and police officers to enter and search any premises on which it is suspected that an offence under the new Part has been committed. Section 29D specifies the offences under this Part and the penalties therefor. Section 30 empowers the Governor in Council to make regulations under this Part.

### **Adjournment and next sitting**

HIS EXCELLENCY THE PRESIDENT: —In accordance with Standing Orders I now adjourn the Council until 2.30 p.m. on Wednesday the 25th of April.

*Adjourned accordingly at half past three o'clock.*