

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 4th July 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 FINANCIAL SECRETARY
MR CHARLES PHILIP HADDON-CAVE, CMG, JP
THE HONOURABLE THE ATTORNEY GENERAL (*Acting*)
MR JOHN WILLIAM DIXON HOBLEY, JP
THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS
MR JACK CATER, CBE, JP
THE HONOURABLE DAVID RICHARD WATSON ALEXANDER, CBE, JP
DIRECTOR OF URBAN SERVICES
THE HONOURABLE JAMES JEAVONS ROBSON, CBE, JP
SECRETARY FOR THE ENVIRONMENT (*Acting*)
DR THE HONOURABLE GERALD HUGH CHOA, CBE, JP
DIRECTOR OF MEDICAL AND HEALTH SERVICES
THE HONOURABLE PAUL TSUI KA-CHEUNG, CBE, JP
COMMISSIONER OF LABOUR
THE HONOURABLE TAN 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 TAN FRANCIS CLUNY MACPHERSON, JP
DISTRICT COMMISSIONER, NEW TERRITORIES
THE HONOURABLE ALEXANDER STUART ROBERTSON, JP
DIRECTOR OF PUBLIC WORKS (*Acting*)
THE HONOURABLE CHARLES JOHN GRAFTON LOWE, JP
DIRECTOR OF EDUCATION (*Acting*)
THE HONOURABLE WOO PAK-CHUEN, CBE, JP
THE HONOURABLE SZETO WAI, OBE, JP
THE HONOURABLE WILFRED WONG SIEN-BING, 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 ROGERIO HYNDMAN LOBO, OBE, JP
THE HONOURABLE MRS CATHERINE JOYCE SYMONS, OBE, JP
THE HONOURABLE JAMES WU MAN-HON, JP
THE HONOURABLE HILTON CHEONG-LEEN, OBE, JP
THE HONOURABLE GUY MOWBRAY SAYER, JP
THE HONOURABLE LI FOOK-WO, OBE, JP
THE HONOURABLE HUGH MOSS GERALD FORSGATE, JP

ABSENT

THE HONOURABLE ANN TSE-KAI, OBE, JP

IN ATTENDANCETHE 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: —	
Public Health (Animals and Birds) Ordinance.	
Public Health (Animals and Birds) (Exhibitions)	
Regulations 1973	115
Public Health (Animals and Birds) Ordinance.	
Public Health (Animals) (Boarding Establishment)	
Regulations 1973	116
Public Health (Animals and Birds) Ordinance.	
Public Health (Animals) (Riding Establishment)	
Regulations 1973	117
Road Traffic Ordinance.	
Road Traffic (Protective Equipment) Regulations 1973	118
District Court (Civil Jurisdiction and Procedure) Ordinance.	
District Court Suitors' Funds Rules 1973	119
Revised Edition of the Laws Ordinance 1965.	
Annual Revision 1972	120
Buildings Ordinance.	
Building (Administration) (Amendment) Regulations	
1973	121
Matrimonial Causes Ordinance.	
Matrimonial Causes (Decree Absolute) General Order	
1973	122
Revised Edition of the Laws Ordinance 1965.	
Annual Revision 1972	123

Sessional Papers 1972-73: —

No 60—Annual Judicial Statistics by the Registrar, Supreme Court for the year 1971-72 (published on 4.7.73).

No 61—Annual Report by the Hong Kong Tourist Association for the year 1972-73 (published on 4.7.73).

Oral answers to questions

Extension of service for civil servants

1. MR WANG asked: —

When will the debate on the motion regarding the retiring age of civil servants which was adjourned in this Council on 17th January 1973 be resumed?

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER): —Sir, when I moved the adjournment of the debate on this motion in January of this year, I informed this Council that consultations with the Staff Side of the Senior Civil Service Council were in progress.

These consultations have been proceeding constructively and I hope that the Council may be able to reach agreement very shortly. I shall be happy to continue the debate on the motion as soon as consultations in the Council have been concluded, and when you, Sir, in Executive Council feel able to endorse the agreement reached.

I would not wish to put a deadline on the negotiations, during which a great deal of goodwill and understanding has been shown.

Mass Transit System

2. MR WU asked: —

Will Government provide an opportunity for a general debate in this Council on the Mass Transit Scheme before the award of contracts?

THE FINANCIAL SECRETARY (MR HADDON-CAVE): —Sir, my honourable Friend can rest assured that there will be several opportunities for debate in this Council on the mass transit railway project. I have in mind the general debate on transport policy which is the subject of a later question today by my honourable Friend Mr Wilson WANG. I have in mind also the debates on two pieces of legislation now being prepared as a matter of urgency at the request of the Mass Transit Steering Group. One piece of legislation is designed to empower the Government compulsorily to acquire land, including rights and easements in land and buildings, for the purposes of providing work sites, station entrances ventilation shafts and similar facilities for the mass transit railway. The other piece of legislation is designed to provide for the establishment of a mass transit railway corporation, which would be set up as a statutory corporation with responsibilities for

[THE FINANCIAL SECRETARY] **Oral answers**

overseeing and co-ordinating the design, financing, construction and equipment of the mass transit railway, and for subsequent operating and maintaining the system on completion. Subject to the advice tendered to Your Excellency by Executive Council, I hope to be able to introduce both bills into this Council before the end of this year or, preferably, before any contract or contracts is awarded for the construction and equipment of the mass transit railway. It is the Government's view that, if possible, such contract or contracts should be entered into by the mass transit railway corporation rather than by the Government, so as to avoid any later legal complications involved in the Government assigning the contract or contracts to the Corporation.

Having said all this, Sir, I am still not sure if I have answered the question, because I do not really know what my honourable Friend had in mind when he referred to a "general debate". I am sure he was not suggesting that we should have a public debate in this Council on the selection of the contractor or contractors. Such a debate would obviously be inappropriate, whether it occurred before or after the selection. Nor, I hope, did he have in mind a general debate on whether the project should be handled as a single contract or as a series of individual contracts. Such a debate would not only be highly theoretical, but would also have to be cast in extremely general terms to avoid prejudicing our position in any subsequent negotiations. And I certainly hope my honourable Friend was not suggesting that we should have a general debate on whether or not Hong Kong should have a mass transit railway at all, because the Government has already taken a firm decision to construct at least the first four stages of the railway and this Council recently approved a resolution establishing the Mass Transit Fund.

Perhaps I could, with your permission, Sir, take this opportunity to dilate briefly on the position we have now reached in our task of deciding upon the most appropriate arrangements for constructing and financing the first four stages of the mass transit railway. Honourable Members will recall the statement I made in this Council on the 14th February this year, when I said, among other things, that the Government had decided to hold further consultations with several of the consortia who had put up single-contract proposals, with a view to obtaining, to the maximum extent possible and within a strict timetable, the information necessary for a decision to be reached as to whether a single contract or a multi-contract approach should be adopted. I also explained that the decision to hold further consultations with four consortia had been taken because both the single contract approach and the multi-contract approach would be equally feasible; because the advantages and disadvantages were finely balanced as between these

two approaches; and, most importantly, because the information then to hand on the prices and credit terms likely to be available from the various consortia was then insufficient to enable a decision to be taken with confidence on which of these two approaches to adopt.

The Mass Transit Steering Group has now held two rounds of consultations with each of the four consortia, the first round in the latter half of March and the second round in the latter half of June. These consultations were aimed at eliciting from each of the consortia firm indications (but not firm commitments) as to the credit terms they would offer, the pricing methods and procedures they would adopt, and the overall price they would be likely to charge, for a single contract to construct and equip the first four stages of the mass transit railway. A considerable amount of additional information has now been obtained on these points, as well as on such matters as the length of the construction period and the way in which the overall co-ordination and management of the project would be handled by each consortium. The Steering Group is now faced with the task—and it is not an easy task—of evaluating all this information with a view to making firm recommendations to Executive Council on a series of questions.

To begin with, the Steering Group must decide whether to recommend that the project should be dealt with on a single-contract basis (that is to say, awarding the credit financing, construction and equipment of the railway to a single consortium selected either by tender or by negotiation) or on a multi-contract basis (that is to say, splitting the project into a number of contracts, each to be let separately by international competitive tender, with the credit (and, for that matter, the loan) financing arrangements being handled by a group of merchant bankers specially retained for the purpose).

If a negotiated single contract approach were recommended, the group would then have to make firm recommendations on the nature of the contractual relationships and arrangements preferred, as well as on the consortium or consortia with whom we should enter into further exchanges with a view to concluding a contract. Consideration would have to be given to whether the selection of the contractor could be made immediately, on the basis of present information, or whether further consultations or negotiations would need to be held with two or more consortia before the final selection could be made and the process of negotiating an agreement begun.

On the other hand, if the group's recommendation and the Government's decision was in favour of a multi-contract approach, the question of the selection of contractors would not arise because this would be achieved by normal international tendering procedures. However, firm recommendations would need to be made by the Group as to how best

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the multiplicity of contracts could be co-ordinated, and how best the financing package could be assembled and managed.

These, Sir, are important questions and decisions on them will have to be taken in the very near future. And they are difficult questions as well, because of the need to safeguard Hong Kong's best interests in all respects. The Steering Group has constantly been guided by this need in approaching its task, and this means that the group's recommendations must have regard not only to securing the best possible deal for the mass transit railway project itself, but also to safeguarding the Government's overall fiscal and economic policies in the future. The Steering Group is now working out its recommendations on these very important and complicated questions; and I hope that a submission on them can be put before Your Excellency in Council within the next few weeks. The sequence of events thereafter will obviously depend on the form of the decision taken, but whether a single contract approach, a multi-contract approach (or, for that matter, some variant) were adopted, it remains the Government's firm intention that construction should commence on site during the first half of 1974. To this end, every effort will be made to conclude the contractual procedures (whatever they may be) by the end of this year. In the case of the negotiated single-contract approach, this will require a firm decision to be made on which consortium to select, and the issue of a letter of intent to that consortium signifying the Government's intention to negotiate a contract well before the end of the year.

MR WU: —Sir, I am grateful for my honourable Friend's information on the progress on the award of the contract in regard to the MTS. I am aware that we have agreed in principle on the going ahead of the Mass Transit Scheme, and I am also aware that we are committed to proceed with the work. I am satisfied also with the opportunity that will be given for debate when the two bills are to be introduced, and I thank him.

Pensions reviews

3. MR SAYER asked: —

What steps can be taken to expedite the procedure for consideration and payment of an *ex gratia* increase to Government pensioners after a salary revision has taken place for serving officers?

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER): —The long standing practice has been to review pensions only after a general salary award to the Public Service has been made, and to arrange for the payment of any approved *ex gratia* increases to pensioners after action on behalf of serving officers has been completed. In view of the number of persons involved, about 100,000 serving officers and 10,000 pensioners, and the complexity of the calculations, these revision exercises inevitably take time. However, I fully understand the importance of increases to pensioners, and I am having the procedures examined to see precisely what can be done to accelerate them.

Ferry pier facilities

4. MR FORSGATE asked: —

In view of the larger number of people who travel on the outlying routes, will Government take steps to improve and modernize the berthing and loading facilities of ferry piers?

THE FINANCIAL SECRETARY (MR HADDON-CAVE): —Sir, with the exception of Cheung Chau, Tai O and Tung Chung, the passenger ferry piers on all outlying routes operated by the Hong Kong and Yaumati Ferry Company are at present adequate for peak demand at weekends and public holidays.

For Cheung Chau there is already a Category B item in the Public Works Programme for improvements to the present ferry pier so as to allow the easy berthing of triple-decker ferries. These improvements, however, may take between 18 and 24 months to complete.

Little can be done to improve matters at Tai O and Tung Chung where shallow water and continual silting restrict the piers to small vessels only. But what is being done is actively to encourage holiday makers to go instead to Silver Mine Bay where large ferries can berth and load. In particular, the Hong Kong and Yaumati Ferry Company have recently been given permission to transport up to eight coaches to Lantau on Sundays and public holidays. With pre-purchased tickets, passengers alighting at Silver Mine Bay can go to Cheung Sha.

Much of the trouble at ferry piers arises from the fact that, whereas the movement of holiday makers from Hong Kong to outlying islands is spread over many hours, they all tend to return to Hong Kong in a short period between 4 and 6 o'clock in the evenings. This strains the capacity of both vessels and piers.

[THE FINANCIAL SECRETARY] **Oral answers**

As regards passenger ferry piers on other outlying routes the position is, as I have said, at present adequate for peak demand. But passenger demand on outlying routes is forever increasing and a careful watch is being kept to see, for example, whether and when a second pier will be needed on Lamma Island. One useful development I might mention in passing is the Hong Kong and Yaumati Ferry Company's 60-seater motor launches which will be available for recreational traffic and whose docking requirements are minimal.

Urban Council car registration number

5. MR SZETO asked: —

Can Government confirm that a registration number of UC1 has been issued to an official car of the Urban Council? If so, on what grounds was the issue based?

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER): —Sir, if I were a more experienced parliamentarian and lacking in that integrity which characterizes all Members of this Council, I could honestly reply that the answer to the first part of the question is "No, Sir", so the second part wouldn't arise. But that would be less than honest with the House.

No such number has been issued but it is the intention to submit a draft measure to Executive Council in the very near future to enable the numbers UC1 and UC2 to be issued to the two official cars to be used, and so far ordered, by the Chairman and Members of the Urban Council. At this stage, I would not like to anticipate Your Excellency's decision in this matter on the advice of honourable Members of Executive Council, but I should perhaps say that the AM series, which is used solely for Government vehicles, is not thought to be appropriate for use by the Chairman and Members and staff of the Urban Council, and the UC prefix will clearly denote the connection of the vehicles purchased by the Urban Council with that body.

MR SZETO: —Sir, would my honourable Friend consider that an amendment to the existing legislation is required in order to introduce this very special number?

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER): —I thought Sir, that I had made it clear that that fact is fully realized and that in the very near future a measure to enable the numbers to be issued will be placed before you, Sir, in Council.

Storage space for rice stocks

6. MR WOO asked: —

Will Government confirm there is adequate storage for rice stocks in the Colony?

MR HO: —Sir, I can confirm that there is adequate storage for our rice stocks.

Vegetable Marketing Organization (1)

7. MR WONG asked: —

Will Government state the average daily volume of vegetables handled by the Vegetable Marketing Organization during April, May, and June this year, and the percentage of vegetables processed by that Organization which is locally produced?

THE FINANCIAL SECRETARY (MR HADDON-CAVE): —Sir, the average daily volume of vegetables handled by the Vegetable Marketing Organization during April, May and June 1973 was as follows:

in April — 3,456 piculs, of which 78.3% were locally produced;
in May — 3,595 piculs, of which 79.4% were locally produced;
in June — 3,286 piculs, of which 81.1% were locally produced.

MR WONG: —Thank you, Sir.

Vegetable Marketing Organization (2)

8. MR WONG asked: —

Does Government consider it desirable that all wholesaling of vegetables should be channelled through the Vegetable Marketing Organization? If not, why not?

THE FINANCIAL SECRETARY (MR HADDON-CAVE): —Sir, the Government considers that the Vegetable Marketing Organization should continue as at present to concentrate on the wholesaling of locally produced vegetables intended for urban consumption. The wholesaling of imported vegetables will be covered by new markets which are now being built or planned. These markets will be run by an organization similar in type to the Vegetable Marketing Organization and will be under the same authority, namely the Director of Agriculture and Fisheries in his capacity as Director of Marketing.

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The reason why it is not felt desirable for all wholesale vegetable marketing to be channelled through the VMO is that the method of marketing imported vegetables differs from that required by local producers. They receive a variety of services from the VMO which are not needed by importers.

Building plans

9. MR LEE asked: —

Will Government state how many building plans were outstanding on 15th May this year, and how many were still outstanding at the end of June?

MR ROBERTSON: —Sir, the direct answer to the honourable Q. W. LEE's question is that there were 1,850 plans outstanding on the 15th May and 1,450 on the 30th June.

However, as these figures alone might give the impression that the considerable efforts being made in the Buildings Ordinance Office to expedite approval of plans have not been successful, I would like to give some further information.

Besides adopting a system of curtailed checking of all plans from 15th May, the Buildings Ordinance Office have engaged consultants to consider the soil stability aspects of Architects' submissions; they had already employed consultants to assist with structural submissions. The effect of all these moves has been to increase the capacity of the Buildings Ordinance Office to deal with submissions from about 850 a month to 1,350 a month.

The average rate of monthly submissions in the first four months of the year was 900, but during the months of May and June this increased to 1,100. Notwithstanding this increased rate of submission, all but 40 plans submitted before 1st May had been dealt with by the 30th June. Furthermore, even if the high rate of submissions continues during the July and August, it is estimated that outstanding plans at the end of these two months will be 1,200 and 950 respectively—that is to less than the improved monthly rate of output from the Buildings Ordinance Office.

Thus, Sir, we see every prospect within the next two months of being able to deal with plans within the statutory period.

Traffic in Nathan Road

10. DR CHUNG asked: —

Does Government consider that traffic along Nathan Road is approaching saturation and has Government considered, or will Government consider, the desirability and feasibility of constructing a multi-deck road along this main thoroughfare on the Kowloon peninsula?

MR ROBERTSON: —Sir, Nathan Road is indeed very heavily committed for long periods of the day and Government is aware of the need to carry out extensive works to provide relief.

A multi-deck road along the same route is not in our current plans, and would indeed be impossible for many years because of the mass transit railway line to be built in Nathan Road. The mass transit works, incidentally, make the problem of relieving Nathan Road traffic all the more pressing because of the inevitable interference with traffic which will result from the construction of the railway.

There are various measures in hand which will help considerably.

First, there are two elevated crossings of Nathan Road. A crossing from Prince Edward Road to Lai Chi Kok Road is at the tender stage now, and works should be completed in early 1976. A crossing from Cheung Sha Wan Road to Boundary Street is so intimately bound up with the mass transit works that it must be built at the same time as the railway; however, this crossing should be in operation by late 1976.

Second, two moves are in hand to provide subsidiary routes to Nathan Road. An extension of Tong Mi Road, now under construction and due to be completed early next year, will connect with Jordan Road, Waterloo Road, Argyle Street and Lai Chi Kok Road and will provide a through route from Ferry Street to Tai Kok Tsui. Furthermore, work should be completed by early 1975 on a route parallel to Canton Road between Salisbury Road and Jordan Road.

Third, tenders are now out for a computerized control system for the whole of West Kowloon. When this system is in operation in 1976 it will enable optimum use to be made of the road system.

Finally, the major works envisaged to relieve the Nathan Road artery have been described as the West Kowloon Corridor. This will be an elevated road running along the waterfront from Gascoigne Road to Lai Chi Kok, with the now familiar ramped connections to the principal crossing roads along its length.

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The first section of this road, from Gascoigne Road to Tong Mi Road, is now out to tender and works should be completed before the end of 1975; this section will be particularly helpful in reducing Nathan Road traffic.

Finally, Sir, I would like to make two general points. Consultants are already engaged in an updating of previous “long term road studies” to ensure that our planning takes full account of the traffic needs of the next two decades. Secondly, the need to carry out approved works in the shortest possible time is fully appreciated by the PWD, and we are giving this aspect of all our proposals the closest attention.

DR CHUNG: —Sir, most of the improvement described by my honourable Friend for the relief of traffic congestion along Nathan Road will not be completed until about the end of 1976. Will my honourable Friend say what short-term measures could be introduced to improve the appalling situation on Nathan Road during the interim period of two to three years between now and 1976?

MR ROBERTSON: —Sir, all positive measures involving engineering works to improve traffic flow unfortunately take some time. If traffic conditions in Nathan Road become intolerable before the new works which I have described can be carried out, it may be necessary to adopt restrictive measures to limit the use of the roadway to certain classes of vehicles at certain times of the day.

Bus services (1)

11. MR CHEONG-LEEN asked: —

What is Government's public transport policy in regard to the two bus services in Kowloon and Hongkong Island, and the public light bus system? Are the existing services coping with the public demand in accordance with the standards set by Government?

THE FINANCIAL SECRETARY (MR HADDON-CAVE): —Sir, I am not too sure what the first part of my honourable Friend's question seeks to discover, but I take it that he really wants to know whether the Government is in favour of allowing both enfranchised buses and public light buses to operate together. This is a question which can be dealt with in detail only in the context of a discussion on the Government's general transport policy which is the subject of a later question by my honourable Friend Mr Wilson WANG. But I am prepared to say

at this stage that, in far too many instances, public light buses are performing functions which, in terms of road use, could be performed more efficiently by franchised buses without any loss of convenience to the passenger. I refer, in particular, to the carriage of large numbers of passengers non-stop over long routes. Ultimately this trade must be taken away from public light buses, which would then concentrate on providing services in areas where the enfranchised buses do not operate, and other special services where their flexibility of operation provides an advantage.

As regards the second part of the question, may I first speak, Sir, about our enfranchised buses. Both bus companies are required under their respective Ordinances to provide efficient and adequate services. Between them, KMB and CMB operate some 2,000 vehicles which daily cope with some 2 million passengers. This is a not inconsiderable performance by international standards—in London 6,000 buses carry 4 million passengers a day—but the companies' services are patently inadequate to cope with peak periods and to meet demands for recreational traffic at weekends and on public holidays, though more adequate services are partly dependent on less congested road conditions.

During the past five years the Government has done a very great deal to help raise the standards of service provided by the bus companies quite apart from road works and the provision of special terminals, such as the very expensive one now in operation on Connaught Road Central. Royalties have been foregone and fares permitted to rise, thus improving the cash flow position of the companies; and advice has been made available from bus specialists brought to Hong Kong on the Government's initiative and at the taxpayers expense. Recently KMB have, with the help of the Transport Department, completed a revision of their operating schedules with the assistance of these experts and, when these are introduced on 16th July, the travelling public will enjoy more frequent services. I am informed that CMB is considering the introduction of similar new schedules later this year.

The improved cash flow position of the companies has made it possible for capacity to be expanded: KMB has added 46% to its carrying capacity in the past 5 years whilst CMB in the same period has added 36%. Of course these figures have to be treated with caution: buses can be on the books, but not on the roads. But additional capacity has certainly been acquired by the companies in recent years. It is an unfortunate fact, however, that the usefulness of much of the additional capacity has been frustrated by worsening road congestion. The bus companies and the Hong Kong Tramways estimate that they lose as much as one quarter of their daily vehicle

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miles, and therefore carrying capacity, in traffic snarl-ups (though more efficient operating arrangements might of course reduce this loss). The remedies which the Government proposes for giving priority to buses and trams on our roads will be dealt with in detail when our comprehensive transport policy comes to be discussed, and I will try to give some indication of what we have in mind when I come to answer the second question from my honourable Friend which is down on the Order Paper today.

But the companies can certainly be faulted in two important respects: in the first place, mechanical failures put too many of their vehicles off the road too often. Secondly, the companies must pay more attention to the less profitable routes where services are required if people who live in the vicinity are ever to leave their cars at home in peak hours.

Turning to public light buses, our 3,800 public light buses carry an estimated million and a quarter passengers a day and are coping with the public demand for their services almost whenever and wherever it arises. They switch with great facility from running punters to Happy Valley to sending swimmers to Shek O and then back to carrying commuters to Central.

Again Government has done a great deal since public light buses were regularized in September 1969 to establish and enforce standards regarding mechanical fitness, to make appropriate—or in any way as appropriate as we can make them—traffic arrangements and to provide terminals.

To sum up, Sir: our enfranchised buses and public light buses carry between them well over 3 million passengers a day so that they are managing to keep our extremely mobile population on the move. But quite apart from the need to extend the network of services, the Government is concerned with the quality of existing services. On many routes waiting times are unacceptably long; too many buses break down and then contribute to the congestion which they should be relieving; a great number of our buses are tatty and all are prone to over-crowding. The Government is further concerned with the proper role of public light buses in our evolving transport system, for their present role is not one which ought to be maintained indefinitely. These are difficult problems but the Government is not prepared to admit that they are not within our wit and ingenuity to solve.

Bus services (2)

12. MR CHEONG-LEEN asked: —

What measures are being planned by Government over the coming two to five years to expand and to provide improved bus services for people living on Hong Kong Island, Kowloon and the New Territories, bearing in mind the growing congestion of our main roads?

THE FINANCIAL SECRETARY (MR HADDON-CAVE): —Sir, I am not sure why my honourable Friend refers to measures being planned over the next two to five years, unless he feels that this is a convenient period of reference. The fact is that the improvement of bus services has been a continuing concern of Government for a number of years now and I would refer, for instance, to my statements to this Council on KMB on the 1st September 1971 and on CMB on the 7th June 1972.

I agree, however, with my honourable Friend that the growing congestion on our main roads makes it imperative to expand and improve bus services if the public are to be enabled to move about their daily business at a reasonable speed and in reasonable comfort; and Government has a number of measures in mind to this end.

First—and most obvious—the two bus companies have recently submitted to Government plans for expanding their existing fleets of buses and these plans are now under examination. Measures are already being taken to this end, as witness the recently announced expansion of KMB services in the New Territories, including an increase in the number of routes from 36 to 48, the provision of almost 100 additional double decker buses on these routes and the experiment of two long distance express services with no standing passengers.

Secondly, plans are being made to clear the way on some of the major routes to enable buses to move with less encumbrance from other traffic. Consideration is being given, for instance, to the creation of bus only lanes and even some roads which will be confined entirely to public transport, at least at certain hours of the day. In the case of other roads, where this solution is not feasible, measures are being considered (I would stress that no decision has yet been taken) to ban the loading and unloading of goods vehicles at certain times of the day when congestion is at its worst.

I should emphasize, Sir, that these are only examples and other possibilities are being considered. The main point is that, to the extent that buses are able to move more quickly and smoothly, not only are passengers able to cut down their journey times but, by making more journeys, the buses can carry more passengers, thus cutting down the queueing time at bus stops and speeding up journeys still further.

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Thirdly, proposals are being examined to improve the standard and comfort of buses in order to induce those who would otherwise use private cars or taxis or PLBs to make more use of buses. The companies, for instance, are giving some consideration to the possible provision on certain routes of higher standard buses at somewhat higher fares for those who wish to pay to travel in greater comfort.

Finally, Sir, the whole question of the measures necessary to match our road and public transport capacity to the demands likely to be placed on them in the coming years is now being examined by a well qualified team of consultants and Government officials under the general guidance of a Steering Group. It is expected that these studies will provide, in the course of the next year or so, data on which comprehensive and detailed transport plans to implement agreed policies can be based. Of course, a considerable part of our public transport needs in the 80s will be met by the mass transit railway. But even then the mass transit railway is only expected to carry a half of all public transport passengers travelling in the urban areas at that time and most of the rest will need to travel on buses. In the meantime, the bus will remain the key to the problem of movement in the 70s and the Government is determined to ensure that efficient enfranchised bus services will be provided.

MR CHEONG-LEEN: —Sir, will the consultants also estimate the optimum number of buses which our road system will be able to carry in the years to come, bearing in mind, of course, that the road system is constantly expanding and that the mass transit system will be built over a number of years?

THE FINANCIAL SECRETARY (MR HADDON-CAVE): —I am sure, Sir, that that is one of the variables that the consultants will be concerned with.

MR CHEONG-LEEN: —Sir, does the honourable Financial Secretary realize how formidable a task the Government faces in attempting to make some of our buses so much more comfortable as to entice members of the public to take the buses rather than taxis, or even *pak pais*?

THE FINANCIAL SECRETARY (MR HADDON-CAVE): —Yes, Sir, there is a conflict here; cheap travel and comfortable travel are not easy objectives to reconcile.

Transport policy debate

13. MR WANG asked: —

When will the debate on transport policy promised by the Financial Secretary take place in this Council?

THE FINANCIAL SECRETARY (MR HADDON-CAVE): —Sir, I do not think it is quite correct to say that I promised a debate on transport policy. What I actually said in the budget speech was as follows:

“ . . . as honourable Members will doubtless wish to debate the whole range of problems connected with a viable and acceptable transport policy for the 70s and 80s outside the context of the Appropriation Bill, I do not propose to put forward today . . . ” etc., etc.

I take it that my honourable Friend's question reflects a wish by Unofficial Members that there should be a debate along the lines I described in the budget speech and the Government will be happy to arrange this as soon as possible by moving a suitable motion. At the moment we have in mind laying, at the same time, a White Paper containing specific proposals (and a draft of this White Paper is in an advanced state of preparation) but we have not yet finally decided whether or not to lay it. The specific proposals in the White Paper, and therefore in the speech introducing that paper, will be grouped around the three essential elements of an overall transport policy. Namely:

- (a) the provision of as much road capacity as is feasible in our densely populated urban areas;
- (b) the improvement (and the rationalization) of our public transport facilities; and
- (c) the application of measures to make the best use of available road capacity.

At the same time, as I have mentioned in my reply to the second question put to me by my honourable Friend Mr Hilton CHEONG-LEEN, we have put in hand a major study to update our various transport studies and statistics. The purpose of this study is to revise our present predictions of the demands likely to be made on different sectors of the developing transport system over time so that the content of, and the balance between, the three main elements of our overall transport policy can be appropriately determined.

Oral answers**Disclosure of confidential information**

14. MRS SYMONS asked: —

Will Government take effective steps to prevent information relating to confidential matters under discussion from being disclosed without authorization to the press?

THE SECRETARY FOR HOME AFFAIRS (MR CATER): —Sir, my honourable Friend is clearly referring to those matters which if leaked could be contrary to the public interest. I can assure her that the Government takes this problem very seriously, and that all possible steps are taken to guard against unauthorized disclosure. As honourable Members will know, Government servants are not allowed to make restricted information public without proper authority: if they do, they are liable to disciplinary action. Moreover, Government officers and others who have access to classified information are subject to the Official Secrets Act under which disclosure of such information, without authority, can be a criminal offence.

Having said that, Sir, I should add that this in no way affects my, or indeed this Government's, attitude towards the proper free flow of information of public interest to the community through the media. In this Council last November, I advocated the great value of more direct contact between Government departments and the media, and stressed the fact that certain departments already enjoyed good relations on these lines. Since that time I have been pleased to note that the situation has continued to improve.

May I thank the honourable Member for raising this matter, and suggest that if she would be willing to make available, in confidence, whatever details she has of breaches of these regulations then I can assure her that a most thorough investigation will be undertaken.

MRS SYMONS: —Sir, in thanking Mr CATER for his reply, may I ask him to perhaps wait for me after the meeting. I have the information for him.

THE SECRETARY FOR HOME AFFAIRS (MR CATER): —Thank you.

Fugitive Offenders Act

15. MR LOBO asked: —

In view of the public concern over the Godber case and in the light of Mr Anthony ROYLE's reply in the House of Commons recently, will the Attorney General state

whether he has facts in his possession against Mr GODBER to support an application under section 1 of the Fugitive Offenders Act 1967?

THE ATTORNEY GENERAL (ACTING) (MR HOBLEY): —For obvious reasons, Sir, I cannot disclose what evidence the Police have in this matter.

Statement

Building plans

MR ROBERTSON: —Sir, honourable Members will recall the publicity which was given to a statement made to the Commission of Inquiry on the Po Shan Road disaster last October in which it was said that there would have to be restrictions on development in the Pok Fu Lam area from Mount Davis to Wah Fu Estate, in the Mid-levels between Caine Road-Bonham Road and the 700 foot contour bounded on the east by Glenealy and extending to the west as far as Kotewall Road and the University of Hong Kong. These restrictions were made necessary by the inability of the road system to cope with the intensive programme of building and rebuilding taking place.

In order to implement these restrictions it was intended to use powers contained in the Buildings Ordinance; however, it has become clear that the Ordinance does not adequately provide for this kind of restriction.

In view, therefore, of the serious traffic problems which would result if building continues to be unrestricted in these areas, it is proposed to introduce legislation at the next sitting of this Council which will require the Building Authority to refuse to approve new building plans submitted after today for building works in these two areas for a period of 6 months. Similarly, modifications of leases where they are required to permit redevelopment in these areas will not be granted.

During this 6-month period traffic engineers will carry out a thorough study of all aspects of the traffic problem to permit Government to make a decision as to the proper extent and duration of the restrictions.

The traffic study will include consideration of improvements to present traffic routes; construction of new routes; the possibilities of restriction on different types of vehicle at certain times of day; the use of marine transport; and so on.

[MR ROBERTSON] **Statement**

These measures have become necessary because of the unusually high rate of building taking place along the length of a very restricted road system, and every effort will be made to minimize their duration.

Government business

Motions

BANK NOTES ISSUE ORDINANCE

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

It is hereby resolved that the powers of all the note-issuing banks to make, issue or re-issue and circulate notes are extended until and including the 12th July 1974.

He said: —Sir, the Bank Notes Issue Ordinance lays down that the powers of the note-issuing banks lapse automatically unless renewed by this Council from time to time. The present powers of these banks expire on the 12th July 1973. It is proposed in this resolution that these powers should be renewed for the maximum permissible period of twelve months. It does not in any way alter them.

Question put and agreed to.

"STAR" FERRY COMPANY (SERVICES) ORDINANCE

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

It is hereby resolved, with the consent of the Company, that the Schedule to the Ordinance be amended in paragraph 16 by inserting, after sub-paragraph (1) thereof, the following new sub-paragraph—

“(1A) In the event of the Company becoming a subsidiary of a public company registered in Hong Kong—

- (a) whose shares are listed on a recognized stock exchange in Hong Kong;
 - (b) the majority of whose directorate are and will continue to be British subjects;
 - (c) the management and administrative staff, or an effective majority thereof, of which, to the satisfaction of the Governor in Council are and will be British subjects;
- and

(d) the control of which is and will be within Hong Kong and essentially British,

such event shall not be deemed to be a breach of the representations contained in sub-paragraph (1); but if such a public company fails or ceases to comply with sub-sub-paragraphs (a), (b), (c) or (d) the Company shall be deemed to be in breach of those representations."

He said: —Sir, this motion is proposed under section 5 of the "Star" Ferry Company (Services) Ordinance. Its purpose is to seek the approval of this Council to amend paragraph 16 of the Schedule to the Ordinance to enable the "Star" Ferry Company to be merged with the Hongkong and Kowloon Wharf and Godown Company.

The "Star" Ferry Company operates on a franchise under the "Star" Ferry Company (Services) Ordinance. The Schedule to the Ordinance includes, among other things, provisions for the company to remain public with its shares freely transferable and for the majority of its Board of Directors, management and administrative staff to be British subjects. The main intention behind these provisions is to ensure that the company will not be under the control of a single individual or of an organization in which the Hong Kong public is not substantially interested.

A joint application has been made to the Government by the "Star" Ferry Company and the Hongkong and Kowloon Wharf and Godown Company for approval for the two companies to merge. These companies are very closely connected, having common directors and management and operating a joint subsidiary company. From the Government's viewpoint, there is no objection to the merger provided that the Wharf Company complies with the same requirements, namely, that its shares are freely transferable and that its directorate, management and administrative staff are British subjects. The motion seeks to amend paragraph 16 of the Schedule to this effect. The merger will, in fact, further the intention of these requirements since the public's shareholding in the Wharf Company is far wider than its shareholding in the Ferry company.

Should this motion be approved by this Council, Sir, the Ferry Company will, after the merger, continue to operate as it does now except that it will be a subsidiary of the Wharf Company. Its operations will still be governed by the "Star" Ferry Company (Services) Ordinance.

MR SZETO: —Sir, I cannot imagine that the proposed merger of the "Star Ferry" Company with the Hong Kong and Kowloon Wharf and Godown Company Ltd. will meet with any opposition from this

[MR SZETO] **"Star" Ferry Company (Service) Ordinance**

Council, nor would there be likely any from the public. Since, as explained by my honourable Friend the Financial Secretary, the approval for the merger is subject to the compliance of the several requirements in the schedule of the Ferry Company's Ordinance governing its status and management, also because the two companies are closely connected having common directors and management, it can be assumed that the efficiency of ferry operations will not be adversely affected by the merger. In all probability it may be enhanced.

Sir, with rising costs and increasing competition offered by the Cross Harbour Tunnel, the Ferry Company's finance may become problematic although the Company has endeavoured to improve its revenue by increased advertisements. The prospect of much more serious competition from the mass transit railway in the near future must be recognized. The proposed merger of a small single-purpose company with a big concern of diversified activities is, in my view, analogous to a baby being taken in the bosom of a protective mother and therefore only benefit can come of the union. To the shareholders of the Ferry Company an exchange of shares with the Wharf Company offers many advantages. To the public, on the other hand, ferry services must not be jeopardized. Therefore, the administrative expenditure of the subsidiary must be clearly defined and, more important, Sir, both companies' existing equal partnership operation in the container transport service, from which the Ferry Company at present draws substantial earnings and hence profit, must not be altered to the detriment of the Ferry Company.

Sir, I support the motion.

Question put and agreed to.

First reading of bills

CIVIL EVIDENCE BILL 1973

MISCELLANEOUS AMENDMENTS BILL 1973

**AGRICULTURAL PRODUCTS (MARKETING) (AMENDMENT) BILL
1973**

**FACTORIES AND INDUSTRIAL UNDERTAKINGS (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

CIVIL EVIDENCE BILL 1973

THE ATTORNEY GENERAL (ACTING) (MR HOBLEY) moved the second reading of: —"A bill to make, for civil proceedings, provision as to the admissibility in evidence of statements of opinion and the reception of expert evidence; and to facilitate proof in such proceedings of foreign law."

He said: —Sir, this bill seeks to make changes in the law concerning evidence of opinion and expert evidence. This subject was examined in England by the Lord Chancellor's Law Reform Committee and the majority recommendations of the Committee were given effect by the Civil Evidence Act 1972. Briefly, the object of the Committee's recommendations was to clear up further technicalities in the law of evidence and to mitigate costs.

This bill follows the United Kingdom Act as closely as possible.

The effect of clause 2 will be to render written statements of opinion admissible in evidence in substantially the same way as written statements of fact are now admissible by virtue of section 38D of the Evidence Ordinance. This will enable the opinion of an expert which is not challenged to be put before a court in writing, thereby saving costs and avoiding the considerable difficulties which are sometimes encountered in procuring the attendance of expert witnesses.

Clause 3, Sir, deals with reports by expert witnesses. It enables rules of court to relax restrictions on the admissibility of out-of-court statements made by a witness which would otherwise apply by virtue of the Evidence Ordinance. Rules of court may also be made requiring pre-trial disclosure of an expert's report, and for the exclusion of a report which is not duly disclosed. Furthermore, there is provision for the making of rules of court prohibiting anyone who does not disclose an expert's report from calling, without the leave of the court, any oral expert evidence whatsoever with respect to specified matters.

Changes will be made by clause 4 in the admissibility of opinion evidence. Firstly, the rule that an expert witness may not express an opinion as to the actual issue in the proceedings will cease to apply. Secondly, the opinion of a witness who is not an expert will be admissible to the extent that it is given as a way of conveying facts actually perceived by the witness. This provision recognizes that witnesses to fact frequently cannot give evidence of an event adequately without at the same time expressing an opinion on the matter, based on their own knowledge and experience. In practice, courts have already largely eroded the rule that non-experts may not express

[THE ATTORNEY GENERAL (ACTING)] **Civil Evidence Bill—second reading**

opinions, and this change does no more than recognize the position by statute.

Clause 5 lays to rest an old rule, very often relaxed in practice, which says that only a lawyer who is entitled to practise in a country may give expert evidence of that country's laws. It also enables previous findings of foreign law made by the Supreme Court of Hong Kong or England, or made on appeal from either of those courts, or made by the Judicial Committee of the Privy Council, to be admitted in subsequent proceedings in which the same point arises.

Finally, Sir, clause 6(5) preserves the power of a court in civil proceedings to exclude evidence in its discretion.

Motion made. That the debate on the second reading of the bill be adjourned—THE ATTORNEY GENERAL (ACTING) (MR HOBLEY).

Question put and agreed to.

Explanatory Memorandum

The Bill seeks to introduce into the law of Hong Kong the provisions of the U.K. Civil Evidence Act 1972, which gave effect to the recommendations in the 17th Report of the U.K. Law Reform Committee. These provisions, which are based as closely as possible on the U.K. Act, deal with evidence of opinion and expert evidence in a way which will mitigate costs incurred in adducing such evidence in legal proceedings.

Clause 1(2) enables the new provisions to be brought into operation at the appropriate time.

Clause 2 makes hearsay statements of opinion admissible in evidence in civil proceedings to substantially the same extent as hearsay statements of fact are so admissible under Part IIA of the Evidence Ordinance.

Clause 3 deals with the rules governing the procedure for adducing expert evidence in civil proceedings. Subclauses (1) and (2) make it clear that such rules may exempt experts' reports from certain restrictions imposed by Part IIA of the Evidence Ordinance on the admissibility in evidence of an out-of-court statement made by a person called as a witness. Subclauses (3) to (6) make it clear that such rules may provide for the disclosure before trial of experts' reports and for the exclusion of a report not disclosed in pursuance of a direction given for that

purpose. The rules may also prescribe the conditions subject to which oral expert evidence may be given and may prohibit the calling of such evidence by a party who has failed to comply with a direction for the pre-trial disclosure of his expert's report.

Clause 4 deals with the admissibility of opinion evidence. Subclause (1) makes admissible the opinion of an expert on any relevant matter within his expertise and subclause (2) provides that the opinion of a non-expert on any relevant matter is admissible if stated as a way of conveying relevant facts personally perceived by him. Under subclause (3) "relevant matter" for these purposes includes an issue in the proceedings.

Clause 5 provides that a person need not be qualified to practise in the courts of a foreign country in order to give expert evidence on the law of that country. It also enables previous findings of foreign law made by the Supreme Court, the Full Court, the Supreme Court of England, and in appeals therefrom, or the Judicial Committee of the Privy Council to be admitted, in certain circumstances, in subsequent proceedings in which the same point arises, for the purposes of proving the foreign law concerned.

Clause 6 contains the necessary definitions and provides for the procedure to be adopted in arbitrations and proceedings before tribunals to which, by virtue of subclause (1), clauses 3 and 5 apply. Subclause (5)(a) preserves the power of a court to exclude any evidence at its discretion, and subclause (5)(b) provides that the Bill will not prejudice the operation of any agreement between the parties to civil proceedings as to the admissibility of any evidence.

Clause 7 enables the rules necessary for the purposes of this Bill to be made by the Chief Justice.

MISCELLANEOUS AMENDMENTS BILL 1973

THE ATTORNEY GENERAL (ACTING) (MR HOBLEY) moved the second reading of: —"A bill to make miscellaneous amendments to certain Ordinances."

He said: —Sir, honourable Unofficial Members of this Council and the Executive Council are called upon to serve on many committees, both statutory and non-statutory, by virtue of their membership of one or both of the Councils. The heavy burden which this imposes on them has long been recognized.

The matter has therefore recently been considered with a view to lightening the burden where circumstances permit. The choice is not

[THE ATTORNEY GENERAL (ACTING)] **Miscellaneous Amendments Bill—second reading**

an easy one because in so many cases it is either desirable or necessary that Unofficial Members should be members of committees. However, it is felt appropriate in the case of the Chinese Temples Committee, the Grantham Scholarship Fund Committee and the Sir Robert Black Trust Fund Committee that there should no longer be a legal requirement that one or more members of the committees must be an Unofficial Member of this Council or the Executive Council. This bill will provide accordingly.

It will not of course preclude the appointment of honourable Unofficial Members to any of those committees. The position for the future will be that honourable Members will continue to be appointed on a personal basis if that is appropriate.

Motion made. That the debate on the second reading of the bill be adjourned—THE ATTORNEY GENERAL (ACTING) (MR HOBLEY).

Question put and agreed to.

Explanatory Memorandum

The purpose of this Bill is to amend a number of Ordinances in order to reduce the number of statutory committees on which Unofficial Members of the Executive and Legislative Councils are required to serve by law.

**AGRICULTURAL PRODUCTS (MARKETING)
(AMENDMENT) BILL 1973**

THE FINANCIAL SECRETARY (MR HADDON-CAVE) moved the second reading of: —"A bill to amend the Agricultural Products (Marketing) Ordinance."

He said: —Sir, the purpose of this little bill is twofold. In the first place, it seeks to make amendments to the principal Ordinance consequent upon replacing the office of "marketing officer" by the offices of "market manager" and "senior manager". Secondly, it provides for an increase in the membership of the Marketing Advisory Board established under the principal Ordinance to advise Your Excellency on the operation of the Vegetable Marketing Organization.

On the first point, honourable Members will note that the present legislation refers to the office of "marketing officer" who has certain statutory functions. This office has been abolished and the statutory

functions are now discharged by the "market manager" and "senior manager" of the Vegetable Marketing Organization. It is, therefore, necessary to amend the principal Ordinance to reflect the statutory responsibilities of the "market manager" and "senior manager". Accordingly clause 2 inserts a definition of a "market manager" and a "senior manager" of the Vegetable Marketing Organization.

The second amendment seeks to remove the present statutory limit on the membership of the Marketing Advisory Board to not more than six persons in addition to the Chairman. With the steady expansion of the activities of the Organization, there is a need to enlarge the membership of the Board to include more people with an interest in and experience of vegetable marketing matters. Accordingly, Sir, clause 5(a) of the bill provides for the size of the Advisory Board to be determined at Your Excellency's discretion.

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

Clause 2 of the Bill adds to the principal Ordinance definitions of "market manager" and "senior manager".

Clause 3 deletes from section 3(1) provision for the appointment of a Marketing Officer and inserts a new subsection providing for the appointment of market managers and a senior manager.

Clause 4 adds section 5A which requires the Director and any person acting on his behalf to comply with directions which may be given by the Governor.

Clause 5(a) amends section 6(2) so that the size of the Marketing Advisory Board is at the discretion of the Governor. Clause 5(b) enables the Director to appoint a secretary to the Advisory Board.

Clause 6 amends the categories of persons who may exercise the powers of search, seizure and arrest in section 11.

FACTORIES AND INDUSTRIAL UNDERTAKINGS (AMENDMENT) BILL 1973

MR TSUI moved the second reading of: —"A bill to amend the Factories and Industrial Undertakings Ordinance."

Factories and Industrial Undertakings (Amendment) Bill — second reading

He said: —Sir, as indicated in the Explanatory Memorandum appended to the bill, it is designed to clear the way for safety regulations in respect of construction work and cargo handling. The bill also increases the maximum penalty that may be provided for by regulations made under the Ordinance to \$10,000 and increases the additional penalty for continuing offences up to \$1,000 a day. It is considered that the present maximum fine of \$5,000 is insufficient to deter proprietors from committing offences under the regulations and this increase will underline the importance Government attaches to industrial safety.

In the course of 1972 the Labour Department received reports from the construction industry of notifiable accidents affecting no less than 4,500 workmen of whom 65 lost their lives; and for the year 1971 the corresponding figures were 3,918 and 43. These figures emphasize the urgent need for the enactment of "specialized" safety regulations to meet the situation. When this bill becomes law, it is my intention to submit for approval by this Council a comprehensive set of regulations designed to provide adequate safety standards in the construction industry.

The increasing use of modern devices and sophisticated techniques for cargo handling, including containerization, has brought with it new safety problems requiring specialized treatment. The task of preparing appropriate safety regulations is in hand, and this will be submitted for the approval of this Council as soon as practicable.

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

Question put and agreed to.

Explanatory Memorandum

The main purpose of this Bill is to enable regulations to be made, under section 7 of the Ordinance, providing for safety requirements on construction work sites and in relation to cargo handling, and imposing duties on persons and firms engaged in carrying out construction work or cargo handling.

Clause 2 inserts definitions of "construction work" and "contractor" in section 2 of the Ordinance and makes consequential amendments to the definition of "industrial undertaking".

Clause 6 adds a new Schedule to the Ordinance. The new Schedule specifies what are structures and works for the purposes of the definition of "construction work".

Clause 3(a) and (b) amends section 7 to enable regulations to be made imposing duties upon contractors.

Clause 3(c) increases the maximum fine which may be imposed for contraventions of the regulations made under the Ordinance from \$5,000 to \$10,000 and clause 5 amends section 12 of the Ordinance by increasing the fine which may be imposed for continuing offences from \$500 to \$1,000 for every day during which an offence is continued.

**FIXED PENALTY (TRAFFIC CONTRAVENTIONS)
(AMENDMENT AND VALIDATION) BILL 1973**

Resumption of debate on second reading (20th June 1973)

Question proposed.

MR CHEONG-LEEN: —Sir, I support the amendment to the Fixed Penalty (Traffic Contraventions) Ordinance enabling members of the Royal Hong Kong Auxiliary Police Force to assist the regular Police Force in enforcing the parking laws.

I understand that there are about 70 auxiliary policemen who are daily on the job. They have received special training as "traffic wardens" and in the issuance of traffic contravention tickets.

So far no auxiliary policewomen have been assigned to carry out this kind of task, and I suggest that the Commissioner of Police consider training auxiliary policewomen to take on the role of "traffic wardens".

Female traffic wardens are to be found in many countries, and I am sure that Hong Kong women are equally suitable for this type of work.

In due course, auxiliary policemen who are now acting as "traffic wardens" could be released to take on other tasks such as patrolling the streets in the battle against crime and in making Hong Kong a safer place for our people to live in.

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER): —Sir, I had not intended to speak on this bill but, as my honourable Friend Mr CHEONG-LEEN has raised a subject very dear to my heart, I would

[THE COLONIAL SECRETARY] **Fixed Penalty (Traffic Contraventions)
(Amendment and Validation) Bill —
resumption of debate on second reading
(20.6.73)**

like to assure him that the use of auxiliary policewomen as traffic wardens is engaging the attention of the Secretary for Security, the Commissioner of Police and myself at this very time.

Question put and agreed to.

Bill read the second time.

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

Committee stage of bill

Council went into Committee.

**FIXED PENALTY (TRAFFIC CONTRAVENTIONS)
(AMENDMENT AND VALIDATION) BILL 1973**

Clauses 1 to 3 were agreed to.

Council then resumed.

Third reading of bill

THE ATTORNEY GENERAL (ACTING) (MR HOBLEY) reported that the Fixed Penalty (Traffic Contraventions) (Amendment and Validation) Bill 1973 had passed through Committee without amendment and moved the third reading of the bill.

Question put and agreed to.

Bill read the third time and passed.

Unofficial Member's bill

Second reading of bill

**HOSEINEE SOCIETY OF HONG KONG INCORPORATION
(AMENDMENT) BILL 1973**

Resumption of debate on second reading (20th June 1973)

Question proposed.

Question put and agreed to.

Bill read the second time.

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

Committee stage of bill

Council went into Committee.

HOSEINEE SOCIETY OF HONG KONG INCORPORATION (AMENDMENT) BILL 1973

Clauses 1 to 3 were agreed to.

Council then resumed.

Third reading of bill

MR CHEUNG reported that the Hoseinee Society of Hong Kong Incorporation (Amendment) Bill 1973 had passed through Committee without amendment and moved the third reading of the bill.

Question put and agreed to.

Bill read the third time and passed.

Valedictory to Mr FRAMPTON

MR WOO: —Sir, this is the last occasion on which Mr FRAMPTON will be with us as Clerk of this Council. On behalf of the Unofficial Members I rise to say a few words of appreciation of his work.

Mr FRAMPTON took up his appointment on the 16th January 1970 after receiving a short period of training in the House of Commons in parliamentary procedure. The time which he spent there was well spent for he has brought to this Council a useful knowledge of parliamentary procedure on which all of us have come to rely from time to time. He has discharged his duties efficiently and courteously and has at all times demonstrated his willingness to help any Member of this Council who has approached him.

He has also discharged with the same degree of care and consideration the duties of Secretary of the Hong Kong Branch of the Commonwealth Parliamentary Association, and it has fallen upon him

[Mr Woo] **Valedictory to Mr Frampton**

to look after many parliamentary visitors from Britain and other parts of the Commonwealth. It has been pleasant working with Mr FRAMPTON and we shall all miss him.

He now goes on a well-earned leave and I understand that after that he will be taking up a new posting. We wish him well in his future career and place it on record that he has done a very good job in the service of this Council.

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER): —Sir, of course I have some complaints against Mr FRAMPTON (*laughter*), but they all relate to today's sitting. For one thing he got my questions in the wrong order (*more laughter*); for another thing, he overestimated by nearly five minutes the duration of this sitting. (*More laughter*). But apart from those two slight douches, I say goodbye to him with great sorrow. He has done me very well.

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 18th of July.

Adjourned accordingly at twenty three minutes to four o'clock.