

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 24th April 1974****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 (*Acting*)
MR MICHAEL DENYS ARTHUR CLINTON, CMG, GM, JP
THE HONOURABLE THE FINANCIAL SECRETARY (*Acting*)
MR DAVID HAROLD JORDAN, MBE, JP
THE HONOURABLE THE ATTORNEY GENERAL (*Acting*)
MR GARTH CECIL THORNTON, QC
THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS
MR DENIS CAMPBELL BRAY, JP
THE HONOURABLE DAVID RICHARD WATSON ALEXANDER, CBE, JP
DIRECTOR OF URBAN SERVICES
THE HONOURABLE JAMES JEAVONS ROBSON, CBE, JP
SECRETARY FOR THE ENVIRONMENT
THE HONOURABLE JOHN CANNING, JP
DIRECTOR OF EDUCATION
THE HONOURABLE IAN MACDONALD LIGHTBODY, CMG, JP
SECRETARY FOR HOUSING
THE HONOURABLE LI FOOK-KOW, JP
SECRETARY FOR SOCIAL SERVICES
THE HONOURABLE DAVID AKERS-JONES, JP
SECRETARY FOR THE NEW TERRITORIES
THE HONOURABLE DAVID WYLIE MCDONALD, JP
DIRECTOR OF PUBLIC WORKS
THE HONOURABLE LEWIS MERVYN DAVIES, CMG, OBE
SECRETARY FOR SECURITY (*Acting*)
THE HONOURABLE JAMES DAVID MCGREGOR, ISO, JP
DIRECTOR OF COMMERCE AND INDUSTRY (*Acting*)
THE HONOURABLE WOO PAK-CHUEN, CBE, JP
THE HONOURABLE SZETO WAI, CBE, 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 OSWALD VICTOR CHEUNG, ODE, QC, JP
THE HONOURABLE ANN TSE-KAI, OBE, JP
THE HONOURABLE ROGERIO HYNDMAN LOBO, OBE, JP
THE HONOURABLE MRS CATHERINE JOYCE SYMONS, OBE, JP
THE HONOURABLE PETER GORDON WILLIAMS, JP
THE HONOURABLE JAMES WU MAN-HON, JP
THE HONOURABLE HILTON CHEONG-LEEN, OBE, JP
THE HONOURABLE HUGH MOSS GERALD FORSGATE, OBE, JP
THE HONOURABLE KENNETH LO TAK-CHEUNG, JP

ABSENT

DR THE HONOURABLE GERALD HUGH CHOA, CBE, JP
 DIRECTOR OF MEDICAL AND HEALTH SERVICES
 THE HONOURABLE LI FOOK-WO, OBE, JP

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL
 MR KENNETH HARRY WHEELER

Papers

The following papers were laid pursuant to Standing Order 14(2): —

| <i>Subject</i> | <i>LN No</i> |
|--|--------------|
| Subsidiary Legislation: | |
| Quarantine and Prevention of Disease Ordinance. | |
| Prevention of the Spread of Infectious Diseases (Cancellations) Notification 1974 | 78 |
| Quarantine and Prevention of Disease Ordinance. | |
| Prevention of the Spread of Infectious Diseases (Amendment) Regulations 1974 | 79 |
| Dogs and Cats Ordinance. | |
| Dogs and Cats (Fees) (Amendment) Order 1974 | 82 |
| Factories and Industrial Undertakings Ordinance. | |
| Construction Sites (Safety) Regulations 1973 (Commencement) Notice 1974 | 83 |
| Protection of Women and Juveniles Ordinance. | |
| Delegation of Powers | 84-85 |
| The Hongkong and Shanghai Banking Corporation Ordinance. | |
| Resolutions..... | 86 |

Sessional Papers 1973-74:

No 58—Supplementary Provisions for the Quarter ended 31st December 1973 (published on 24.4.74).

No 59—Twelfth Annual Report by the Social Work Training Fund Trustee for the year ended 31st March 1973 (published on 24.4.74).

No 60—Annual Summary by the Director of Education for the year 1972-73 (published on 24.4.74).

No 61—Annual Report by the Commissioner of Prisons for the year 1972-73 (published on 24.4.74).

Oral answers to questions

Government pensions

1. MR ANN asked: —

Will Government indicate the number of categories of Government servants who are not eligible for a pension or allowance in lieu of pension?

THE COLONIAL SECRETARY (ACTING): —Sir, four categories of Government servants are not eligible for a pension or allowance in lieu of a pension.

The first category comprises officers serving on gratuity-bearing agreement terms. They receive a gratuity normally calculated at 25% of gross salary drawn during the period of service plus earned leave.

The second category is made up of officers on the pensionable or non-pensionable establishment who retire with less than ten completed years of service. They are eligible for a short service gratuity of an amount not exceeding five times the annual pension or allowance for which they would have been eligible had there been no qualifying period.

The third category consists of female officers who were appointed to pensionable offices before the 17th November 1972, the date on which the marriage bar in the public service was removed, and who retire on marriage after 5 or more completed years of service. They may, if they wish, elect to cease to serve on pensionable terms. If they do, they receive a gratuity of an amount not exceeding one year's

[THE COLONIAL SECRETARY (ACTING)] **Oral answers**

pensionable emoluments, or four and one-sixth times the annual amount of the pension which might have been granted to them, whichever is the less, in respect of their service as single officers.

The fourth category comprises daily-paid employees. Those who retire with 5 or more years' unbroken service are eligible for a gratuity at the rate of 15 times their daily pay at the time of their retirement for every 12 months of completed service. Those retiring with less than 5 years' service are not eligible for this benefit.

Post office boxes

2. DR CHUNG asked: —

Will Government provide statistics showing

- (a) the number of post office boxes installed in various post offices and
- (b) the number of unoccupied boxes or the number of waiters, as the case may be, in each of these post offices as at 31st March 1974?

THE FINANCIAL SECRETARY (ACTING): —Sir, post office boxes are provided at 30 post offices, and I am tabling* a list showing the number of boxes available, the number vacant (if any) and the number of applications (if any) on the waiting list at each of these offices.

There are altogether 20,735 boxes. There are 317 vacant boxes and 3,695 applications on the waiting lists.

* POSITION OF P.O. BOXES AT 31ST MARCH, 1974

| <i>Post Office</i> | <i>Total No. of Boxes</i> | <i>Vacant Boxes</i> | <i>Applications on Waiting List</i> |
|------------------------|---------------------------|---------------------|-------------------------------------|
| GPO | 6,750 | - | 1,498 |
| Aberdeen | 200 | - | - |
| Causeway Bay | 400 | - | 33 |
| Cheung Sha Wan | 600 | - | 28 |
| Fanling | 50 | - | 11 |
| Hennessy Road | 300 | - | 48 |
| Kam Tin | 50 | - | 19 |
| King's Road | 300 | - | 51 |
| Kowloon Central | 4,620 | - | 248 |

| <i>Post Office</i> | <i>Total No. of Boxes</i> | <i>Vacant Boxes</i> | <i>Applications on Waiting List</i> |
|-------------------------|-------------------------------|---------------------|---|
| Kowloon City | 396 | — | 81 |
| Kwun Tong | 300 | — | 226 |
| Mong Kok | 900 | 53 | — |
| North Point | 200 | — | 214 |
| Peng Chau | 50 | 42 | — |
| Sai Ying Pun | 200 | — | 23 |
| San Tin | 100 | 85 | — |
| Sha Tau Kok | 50 | 38 | — |
| Sha Tin | 156 | — | 38 |
| Sham Shui Po | 400 | — | 36 |
| Shau Kei Wan | 300 | 17 | — |
| Shek Wu Hui | 200 | — | 29 |
| Sheung Wan | 700 | — | 126 |
| Tai O | 50 | 48 | — |
| Tai Po | 58 | — | 27 |
| Tsat Tsz Mui | 350 | 34 | — |
| Tsim Sha Tsui | 2,350 | — | 671 |
| Tsuen Wan | 200 | — | 22 |
| Tuen Mun San Hui | 100 | — | 13 |
| Wan Chai | 105 | — | 74 |
| Yuen Long | <u>300</u> | <u>—</u> | <u>179</u> |
| Total | <u>20,735</u> | <u>317</u> | <u>3,695</u> |

DR CHUNG: —Sir, may I ask a supplementary question arising from the answer given by my honourable Friend? In view of the tremendous length of the waiting list, especially in one or two places such as the General Post Office and Tsim Sha Tsui, has Government any plan to reduce this waiting list?

THE FINANCIAL SECRETARY (ACTING): —Yes, Sir. Nearly half of the waiting list for boxes is at the GPO, but when the new General Post Office is completed by the end of next year, a further 6,000 boxes can be provided. The Postmaster General is also investigating the possibility of installing additional boxes at other offices; 350 additional boxes will be available shortly at North Point and Sha Tin—most of them at North Point; more boxes will be provided—at King's Road (700) and Sham Shui Po (100)—if the Public Works Sub-Committee approves the necessary alterations to the building.

Oral answers**Advertisements**

3. MR CHEONG-LEEN asked: —

What steps will be taken to eliminate unsightly advertisements on the walls of public property, hill slopes, lamp *etc.*?

SECRETARY FOR THE ENVIRONMENT: —Sir, I understand that my honourable Friend is referring to Crown land and Crown property, and not to advertisements on private property which falls under the jurisdiction of either the Urban Council or, in the New Territories, the Urban Services Department.

The Public Works Department removes unsightly advertisements from Crown land and property in response to either reports and observations made by its own personnel during the normal course of their duties, or complaints from the general public.

An average of around eight to ten complaints per month are received by the PWD from the general public. All are dealt with as promptly as available resources permit. Where possible the PWD recovers the cost of removal from those responsible for the advertisement.

The Public Works Department is also responsible for removing unsightly advertisements from lamp posts. Although these are the property of the power companies, lamp posts are deployed in accordance with the PWD plans and come under Government control.

The Summary Offences Ordinance (Chapter 228) enables action to be taken against the improper fixing of posters and marking of rocks and road-sides. The offences carry a fine of \$500 or 3 months' imprisonment.

MR CHEONG-LEEN: —Sir, over the past six months, how many reports and observations have come in from PWD personnel? If such information isn't available immediately, could this information be provided to me in writing at a later date?

SECRETARY FOR THE ENVIRONMENT: —I don't have the information available, Sir, but I will certainly supply it.

Prevention of accidents in amusement parks

4. MRS SYMONS asked: —

Will Government take further steps to prevent accidents being caused by mechanical devices and vehicles provided for entertainment purposes in amusement parks?

SECRETARY FOR SECURITY: —Sir, it is not intended in the immediate future to introduce further measures to prevent possible accidents. It is thought that the present controls are adequate. The existing controls take two forms, first a place of public entertainment licence issued by the Urban Council. I understand this is issued on the advice of the Building Authority and the Fire Services Department under section 4 of the Places of Public Entertainment Ordinance; and secondly an annual permit granted by the Commissioner of Police under section 8 of the same ordinance. No permit is in fact issued unless a licence has first been issued.

A condition of the permit is that the holder regularly at intervals of not less than one week inspects, overhauls and carries out such work as may be necessary to ensure the good working order of all mechanical devices and shall record these inspections in a register which shall be produced for inspection by police officers.

MRS SYMONS: —Sir, in addition to the inspection of records kept by the operators of places of public entertainment licences, would it be possible for spot checks to be made from time to time of the actual equipment itself?

SECRETARY FOR SECURITY: —We would certainly look into this, Sir, and in doing so would, of course, wish to consider the legal responsibility of the operator. But we will certainly consider the honourable Member's proposal.

Weight marking of wrapped bread

5. MR CHEONG-LEEN asked: —

Can steps be taken to ensure that loaves of bread (which are usually referred to as "a pound of bread") when sold to the public clearly indicate on the package the weight of the contents?

Oral answers

MR MCGREGOR: —Sir, the only way to ensure that the correct weight is shown on a wrapped loaf of bread is to require this to be done by legislation. As my honourable Friend will appreciate, it would not be possible to apply such a rule to unwrapped bread, the sale of which is done by verbal contract. There is no legislation at present which would permit the mandatory marking of weights and measures on foodstuffs or other consumer goods. Any such legislation would, of course, mean the establishment of a new range of internal controls which would probably require a fairly substantial back-up system of administration, checking, and legal action. Clearly, this could be an expensive proposition.

I do not wish to express a view at this stage on the question of consumer protection by means of product marking. It is a matter which does not simply involve the Commerce and Industry Department nor indeed, in its widest context, only the Government. It is a matter of very considerable interest to the community as a whole and to the consumer in particular.

This being so, I should like to propose that this matter, that is the compulsory marking of consumer products, might be considered by the new Consumer Council in the first instance.

In the meantime, I confirm that it is an offence in law for any item to be offered or sold under false or misleading marking. That applies equally to wrapped bread marked to show a weight which is not accurate.

Industrial estates

6. MR WU asked: —

- (a) What progress has been made in the provision of industrial estates for special land-intensive industries?
- (b) Where are the proposed estates and
- (c) when would they be available for sale or rental?

SECRETARY FOR THE ENVIRONMENT: —Sir, although six potential sites for the establishment of industrial estates have been identified, for the time being work is being concentrated on one area where the basic requirement of a water supply and roads is already available. This is a 150-acre reclamation site on the northern side of Tai Po harbour. Whether this area can accommodate an industrial estate, the

date at which it can be made available and the method to be adopted in developing it, will depend upon whether acceptable solutions can be found to a number of problems, particularly that of finance.

MR WU: —Sir, in view of the changing markets of our exports, would Government ensure that the steps of creating this land-intensive industrial estate be expedited so as to encourage development towards a more diversified and broader based industry?

SECRETARY FOR THE ENVIRONMENT: —Sir, I should like to give that assurance, but as I have pointed out there are a number of problems which have to be looked at and solved first. I think most Government departments who are concerned with this recognize that an industrial estate probably is a very desirable thing and if we can get the scheme off the ground, we will certainly do so.

Housing in Licensed Areas

7. MR WONG asked: —

- (a) Will Government report on progress made in the development of further Licensed Areas to accommodate 20,000 persons?
- (b) When will these areas be ready to receive homeless families?

SECRETARY FOR HOUSING: —Sir, my honourable Friend is referring to a statement made by me in this Chamber last November, when I said that the Housing Department had completed new Licensed Areas for 9,000 persons in the earlier part of the year, and that work or planning was proceeding for new Licensed Areas for a further 20,000 persons, to be completed by May 1974.

Of this target of 20,000 persons, new Licensed Area accommodation for 10,000 was duly provided in the last six months of 1973-74. During the present quarter (April to June) we hope to complete more new Licensed Areas for 11,000 persons, so beating our declared target by about 1,000 spaces, but admittedly slipping back by a month or so in our timetable. I believe that the staff of the Housing Department have done very well to keep up with this demanding programme, and we intend to maintain this pace over the whole of 1974-75. In this year, we plan to build Licensed Areas for a further 39,000 persons—this figure does of course include the 11,000 spaces to be completed

[SECRETARY FOR HOUSING] **Oral answers**

between April and June this year. This figure of 39,000 persons stems from an assessed requirement for 35,000 more spaces, plus 4,000 spaces for unforeseen contingencies.

Tsim Sha Tsui cultural complex

8. MR WANG asked: —

Will Government display for public comments plans for the new cultural complex at Tsim Sha Tsui?

MR McDONALD: —Sir, at present there is no item in the Public Works Programme for a cultural complex at Tsim Sha Tsui although there is a Category C item for a museum in the programme which ultimately will form part of the complex.

The Public Works Department has recently been giving assistance in the form of feasibility studies to the Urban Council to enable the members of that Council to formulate their ideas on the accommodation and on the disposition of the facilities proposed for inclusion in the scheme.

When the total schedule of accommodation for the project has been approved and sketch plans prepared there will be a press release describing the proposals and illustrating the intentions which will give the general public ample opportunity to make comment.

Smoke pollution

9. MR ANN asked: —

Will Government increase the present low maximum penalty of \$1,000 for smoke pollution caused by ships?

SECRETARY FOR THE ENVIRONMENT: —Sir, my honourable Friend will be glad to hear that consideration is being given to increasing the present maximum penalty for smoke nuisance caused by ships from \$1,000 to \$5,000. For this purpose, an appropriate amendment to regulation 36 of the Merchant Shipping (Control of Port) Regulations is being considered in the context of a wider exercise aimed at revising a number of penalties for offences under the Merchant Shipping Ordinance (Chapter 281) and the regulations made under that Ordinance.

It is hoped that these amendments can be put to the Executive Council shortly.

Baptist College academic qualifications

10. MR WANG asked: —

- (a) What progress has Government made on the representations of the Baptist College as to the status of its qualifications?
- (b) Have these been assessed by the Council for National Academic Awards?

THE COLONIAL SECRETARY (ACTING): —Sir, the Government did indeed explore the possibility of assistance by the United Kingdom Council for National Academic Awards with a view to an independent assessment. Unfortunately, the activities of the Council are restricted by its Royal Charter to Great Britain, and it was not therefore in a position to advise us.

The status of Baptist College qualifications has therefore been reconsidered within the Government, and as a result College diploma holders are now granted half the number of increments awarded to degree holders in grades for which the normal minimum academic entry qualification is matriculation. For example, the entry point for an Executive Officer Class II is \$1750 per month for university graduates, \$1660 per month for Baptist Diploma holders, and \$1570 per month for matriculants. In grades where the difference between a degree holder and a matriculant is only one increment, no incremental credit is given to holders of the Baptist College Diploma. Full details are set out in a Civil Service Branch circular which was issued only two weeks ago. In addition, the conditions of appointment for Principal Welfare Assistants and Supervisors have recently been amended to provide for the direct appointment of Baptist College diploma holders at either \$1400 per month or \$1660 per month according to performance.

PWD consultants

11. MR LOBO asked: —

How many consultants are currently employed by Government on Public Works Department projects?

MR McDONALD: —Sir, the Architectural Office is currently employing 10 architectural, 5 structural engineering, 4 building services

[MR McDONALD] **Oral answers**

engineering and 5 quantity surveying consultants on a variety of projects.

The remaining offices of the department are at present utilizing the services of 15 engineering and surveying consultants.

Building plans

12. MRS SYMONS asked: —

- (a) How many submissions and re-submissions of building plans are awaiting approval in the Buildings Ordinance Office?
- (b) How many applications for permission to commence work are outstanding?

MR McDONALD: —Sir, as at 19th April 1974 there were 567 first submissions and 580 re-submissions of building and structural plans awaiting approval. Regarding consents to commence work there were 54 superstructure and general building applications and 119 site formation, foundation and miscellaneous applications outstanding.

MRS SYMONS: —Sir, may I ask whether such submissions and resubmissions as described by my honourable Friend the Director of Public Works do in fact constitute a backlog, and if there is such a backlog, what can be done to expedite the work of the Building Ordinance Office?

MR McDONALD: —Sir, the figure I quoted was simply the numbers of submissions and re-submissions received by the Buildings Ordinance Office which are currently being processed or are awaiting processing and do not reflect in themselves any delays in processing. Projects can only be said to be delayed if they are not dealt with within the statutory time limits. Although I have no up to the minute figures on the outstanding cases, the out of time cases, I can quote the figures as at the end of March when only 8 out of 665 building submissions and 65 out of 466 structural submissions were out of time. These delays have been due to staff shortages which at present show a 57 per cent deficiency in the buildings surveyor discipline and 70 per cent deficiency in the structural engineering discipline. Recruitment exercises

are in hand which it is hoped will produce results in the not too distant future. Temporary assistance is being given on the structural side by consultants employed to check superstructure details and calculations.

DR CHUNG: —Sir, will my honourable Friend say in simple words whether the number of building plans awaiting approval is increasing or reducing?

MR McDONALD: —Sir, the average over the past six months has been approximately around a thousand submissions per month. So far in April it has risen by about 10 to 15 per cent.

DR CHUNG: —Sir, in other words, it is increasing then?

MR McDONALD: —Yes, Sir.

DR CHUNG: —Thank you.

Prison labour

13. MR WANG asked: —

Will Government consider the use of prison labour for raising crops and for livestock husbandry?

SECRETARY FOR SECURITY: —Sir, such a programme does not appear to be feasible at this time. The raising of crops and livestock would require large tracts of arable land, adjacent to the existing and proposed minimum security institutions. Such land is not generally available. At current staffing levels too the provision of the necessary technical staff would also present difficulties. The honourable Member will perhaps be glad to know that prison labour is used within the programme of the Forestry Division, Agriculture and Fisheries Department, and for projects approved by the New Territories Administration.

Water supplies

14. MR WOO asked: —

- (a) Will Government make a statement on the water supply situation?
- (b) Will there be any rationing this summer?

Oral answers

MR McDONALD: —Sir, the abnormally high rainfall in 1973 left the reservoirs with a total storage of 65,513 million gallons or 97.3% full at the start of the winter season.

Although rainfall for the first three months of 1974 was well below average the storage position on 15th April was 39,820 million gallons or 59% of full capacity. It can therefore be seen that the present position is satisfactory and unless an exceptionally low rainfall pattern is experienced no water supply restrictions are anticipated this summer on account of a shortage of water resources.

The situation will as always be kept under review.

MR WOO: —Sir, from the start of the winter season and to the 15th April, there is a reduction of 25,693 million gallons or a 28.3 *per cent* reduction. Will my honourable Friend keep an eye on whether there is any wastage of water for domestic or industrial purposes?

MR McDONALD: —By comparison with previous years' figures, there does not appear to be any undue wastage this year; in fact the loss over even the last week has been only one *per cent*. There does not seem to be any undue wastage.

Government business

Motion (in Committee)

Supplementary provisions for the quarter ended 31st December 1973

Council went into Committee, *pursuant to Standing Order 58(2)*, to consider the motion standing in the name of the FINANCIAL SECRETARY (ACTING).

THE FINANCIAL SECRETARY (ACTING) moved the following motion: —

That this Council approves the proposals set out in Paper No 58.

He said: —Sir, the schedule of supplementary provision for the third quarter of the financial year 1973-74, that is for the period 1st

October to 31st December 1973, covers a total of \$192.3 million. This compares with \$313.4 million for the previous quarter and with \$171.5 million for the corresponding period in 1972-73.

Of this sum of \$192.3 million, Public Works Non-Recurrent account for \$93.5 million; of this sum \$81.4 million is required because of more rapid progress than expected on a number of existing projects, \$9.7 million for projects upgraded to Category A of the Public Works Programme and for new Public Works Non-Recurrent projects outside the Public Works Programme, and the balance of \$2.4 million is required for commitments carried over from the previous year. The major items requiring supplementary provision included compensation for surrender and resumption of land, fitting out of premises, the airport runway extension, road widening and other road works such as the Airport Tunnel Road from Mok Cheong Street to Kowloon Bay Reclamation, the Clearwater Bay/Kwun Tong Road and the Waterloo Road/Prince Edward Road/Boundary Street interchange improvements.

Items other than Public Works Non-Recurrent account for \$98.8 million: the major items include \$19.4 million for providing additional subventions to subsidised schools to meet salary adjustments and increased repairs to school buildings; \$16 million for paying disability and infirmity allowances to an increased number of applicants; \$9.4 million in respect of personal emoluments of the Prisons Department as a result of the 1972 and 1973 salary revisions and a considerable increase in establishment; \$9.2 million for increased rates of temporary increases in pensions following on the revision of salaries; \$5.3 million for increased expenditure on maintenance and improvements to pedestrian and vehicular aids, and roads and bridges; \$4.3 million for additional printing services and the increased cost of paper; \$4 million for increased expenditure on passages for Government officers and their dependants; \$2.2 million to assist towards the running costs of the United Christian Hospital; and \$2.1 million for increased expenditure in connection with the Fight Violent Crime Campaign.

The Finance Committee has approved all the items in the schedule and the purpose of this motion is to seek the covering authority of this Council.

Question put and agreed to.

Council then resumed.

THE FINANCIAL SECRETARY (ACTING) reported that the motion had been agreed to in committee without amendment.

Question agreed by the whole Council pursuant to Standing Order 58(4).

First reading of bills

URBAN COUNCIL (AMENDMENT) BILL 1974

INLAND REVENUE (AMENDMENT) (NO 2) BILL 1974

ESTATE DUTY (AMENDMENT) BILL 1974

REVISED EDITION OF THE LAWS (AMENDMENT) BILL 1974

Bills read the first time and ordered to be set down for second reading pursuant to Standing Order 41(3).

Second reading of bills

URBAN COUNCIL (AMENDMENT) BILL 1974

THE COLONIAL SECRETARY (ACTING) moved the second reading of: —“A bill to amend the Urban Council Ordinance 1973.”

He said: —Sir, following its reconstitution in April last year, the Urban Council has adopted an emblem, the design of which incorporates the crest of the Colony Armorial Bearings together with a stylized version of the Hong Kong Bauhinia tree flower. The effect is most attractive and distinctive and it is appropriate that the official status of the Urban Council should be signified in this way.

This bill protects the Urban Council emblem and makes it an offence to use or possess the emblem without reasonable excuse or authority of the Council. Similar protection is given to the Armorial Bearings of Hong Kong under the Colony Armorial Bearings (Protection) Ordinance and to the badges and emblems of the Hong Kong Tourist Association under the Hong Kong Tourist Association Ordinance.

Motion made. That the debate on the second reading of the bill be adjourned—THE COLONIAL SECRETARY (ACTING).

Questions put and agreed to.

INLAND REVENUE (AMENDMENT) (NO 2) BILL 1974

THE FINANCIAL SECRETARY (ACTING) moved the second reading of:—"A bill to amend the Inland Revenue Ordinance."

He said:—Sir, this bill has been drafted to implement two of the tax proposals that the Financial Secretary made in his budget speech last February. The first was to increase the initial allowances for expenditure on plant and machinery from one-fifth to one-quarter. If this bill is passed, the change will take effect from 1st April 1974. The second was to give the Commissioner of Inland Revenue power to impose an additional surcharge of up to 10 per cent on any amount of tax and surcharge still unpaid six months after the date for payment.

On 10th April 1974, this Council made a resolution introducing a new table of rates of annual depreciation allowances ranging from 5% to 30% for plant and machinery. These new rates were designed to reform the system and increased the annual allowances for some taxpayers. The change in initial allowances now proposed by the amendment to section 37 of the ordinance set out in clause 2 of the bill, will apply generally to the capital expenditure of persons carrying on a trade, profession or business and will thus offer a more general encouragement to manufacturers to re-equip and to upgrade their plant and machinery. Clause 3 makes similar provision for plant and machinery acquired under a hire-purchase agreement. The increase in these initial allowances will cost the revenue about \$10 million in 1974-75.

The second proposal has been made because the existing surcharge of up to 5% of unpaid tax takes no account of the length of the period of default. It therefore pays a defaulting taxpayer to leave the tax and surcharge unpaid as long as possible. At current rates of interest the advantage of leaving tax and surcharge unpaid can be quite considerable and the taxpayer cannot lose since he can always stop further proceedings by paying the amount due. The proposed additional surcharge of up to 10% on amounts still unpaid six months after the due date for payment should encourage earlier payment of amounts due. Clause 4 of the bill amends section 71 of the ordinance accordingly.

If this bill is passed, this proposal will be effective from 1st July this year which should give defaulters ample time to pay up before becoming liable to the additional surcharge.

[THE FINANCIAL SECRETARY (ACTING)] **Inland Revenue (Amendment) (No 2)
Bill—second reading**

In order to ensure that no tax in default for more than six months before 1st July escapes the new provision, clause 4 enables the Commissioner to levy a surcharge of up to 10% in these cases even though the due date may be before 1st July.

The effectiveness of the 10% surcharge will be assessed after twelve months to see whether more stringent measures are needed.

Motion made. That the debate on the second reading of the bill be adjourned—THE FINANCIAL SECRETARY (ACTING).

Question put and agreed to.

ESTATE DUTY (AMENDMENT) BILL 1974

THE FINANCIAL SECRETARY (ACTING) moved the second reading of:—"A bill to amend the Estate Duty Ordinance."

He said:—Sir, this bill has been drafted to implement one of the tax relief proposals made by the Financial Secretary in his budget speech last February.

The intention is to provide that, in respect of the estates of persons dying after 1st April 1974, no estate duty shall be levied on estates worth up to \$300,000. The present figure is \$200,000.

The bill would do this by adding a new Eleventh Schedule to the Ordinance, in which the present first platform providing for duty at 5% on estates valued between \$200,000 and \$300,000 would be omitted. The rates of duty would remain unchanged for estates valued over \$300,000.

For estates worth only marginally more than the \$300,000 the existing provision for marginal relief in section 32 of the Ordinance will of course continue to apply.

Motion made. That the debate on the second reading of the bill be adjourned—THE FINANCIAL SECRETARY (ACTING).

Question put and agreed to.

REVISED EDITION OF THE LAWS (AMENDMENT) BILL 1974

THE ATTORNEY GENERAL (ACTING) moved the second reading of:—"A bill to amend further the Revised Edition of the Laws Ordinance 1965."

He said:—Sir, the purpose of this bill is to introduce a small measure of flexibility with respect to the contents of the annual revision of the laws.

Under section 13(3) of the Revised Edition of the Laws Ordinance 1965, the Attorney General is empowered to publish in the annual revision, in the form of a separate booklet, a new revised edition of all the subsidiary legislation made under a particular ordinance. Such a booklet must include all the subsidiary legislation made under that ordinance—none can be omitted.

In most cases this raises no problem, but in a few instances, the subsidiary legislation under an ordinance is so bulky, that to produce a revised edition of all of it may be both uneconomic and unnecessary.

For example, under the Merchant Shipping Ordinance there are nearly 600 pages of subsidiary legislation contained in 22 separate instruments. Under the Public Health and Urban Services Ordinance there are over 50 instruments of subsidiary legislation.

Clause 2 would amend section 13 to allow the Attorney General in suitable cases to revise single instruments of subsidiary legislation made under an ordinance. In most cases the existing practice will continue.

Clause 3 makes a consequential amendment to section 15.

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

Question put and agreed to.

STREETS (ALTERATION) (AMENDMENT) BILL 1974**Resumption of debate on second reading (10th April 1974)**

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 43(1).

Committee stage of bill

Council went into Committee.

STREETS (ALTERATION) (AMENDMENT) BILL 1974

Clauses 1 and 2 were agreed to.

Council then resumed.

Third reading of bill

THE ATTORNEY GENERAL (ACTING) reported that the Streets (Alteration) (Amendment) Bill 1974 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

First reading of bill

CHILDREN'S PLAYGROUND ASSOCIATION (AMENDMENT) BILL 1974

Bill read the first time and ordered to be set down for second reading pursuant to Standing Order 41(3).

Second reading of bill**CHILDREN'S PLAYGROUND ASSOCIATION (AMENDMENT)
BILL 1974**

MR LOBO moved the second reading of:—"A bill to amend the Children's Playground Association Ordinance."

He said:—Sir, this bill was published in full in the *gazette* on the 22nd and 29th March of this year and notice of which was given by advertisement in the *South China Morning Post* and in the *Wah Kiu Yat Po* on the 27th March and 1st April this year. I have no doubt that the provisions of this bill will commend themselves to honourable Members. It will have the effect of changing the name of the Children's Playground Association to the Hong Kong Playground Association. The intention of this change is not that less should be done for children than has been done in the past by this very well worth-while association but rather that the facilities provided by the association shall extend to the youth as well as the children of the Colony.

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

Question put and agreed to.

Adjournment

Motion made and question proposed. That this Council do now adjourn—
THE COLONIAL SECRETARY (ACTING).

3.05 p.m.

Primary school leavers who cannot enter secondary schools

MR CHEONG-LEEN:—Sir, in recent weeks, senior members of Government have commented in public on the large number of primary school leavers who will be unable to enter secondary school coming September.

These young people are generally considered to be within the 12-14 year age group, although some of them will be over 14 years of age.

[MR CHEONG-LEEN] **Primary school leavers who cannot enter secondary schools**

There is as yet no reasonably accurate estimate of what the number will be this year. A figure of 20,000 has been mentioned, but it might well be more than that.

I would suggest that the Education Department enlist the cooperation of all primary school principals, requesting them to furnish the department by the end of September or mid-October with a list of the names and addresses of all primary school leavers who cannot continue with their education.

By way of supplementary information, the names and addresses of Primary 5 and 6 drop-outs could also be supplied to the Education Department by each primary school on a monthly or quarterly basis.

It is possible that the Education Department can come up with an even more effective way of obtaining the information required. The CDOs and the numerous voluntary societies also could work together in this respect.

The method does not matter. What does matter is getting the information in time and deploying the combined efforts of Government and the community in coming to grips with what is a major social problem having to do with law and order and the safety and well being of our people.

For many years already we have seen this problem mounting in seriousness and intensity. We hope this year it will not reach the boiling point where the lid can be blown off the top, assuming that quick and ample measures are taken to take some of the heat out of the problem.

Warnings from different Government departments have been increasing lately on the growing involvement by young people in various forms of crime, such as robbery, rape, triad activity, gang fights, chopper attacks and murder.

Many of the young people involved have had little or no secondary education, but have acquired several years of grim experience in a social "No Man's Land" where jungle laws prevail, and a sense of identity comes from attachment to the street gang.

I do not see the need to cite today specific examples to illustrate how serious is the problem, as it is all too self-evident to honourable Members.

Furthermore, both the Education Department and the Home Affairs Department are aware of the public concern, and are, I believe, considering various plans to meet the situation.

The question is: will these plans be too experimental or limited in scope this year so that they cannot fully get to grips with the problem in all its magnitude?

Perhaps during this adjournment debate Government can take the opportunity to state how it intends to look after and to provide meaningful activity for the large number of primary school leavers who will not be entering secondary school this fall.

The long-term solution of course is providing for three years of universal secondary education, but this possibility is still many years away.

Meantime the social problem remains; so, what are the possibilities?

First of all, for those primary school graduates who wish to continue school but cannot find a secondary school place, I suggest a crash programme in the setting up of occupational training courses which could be organized in each CDO district, in under-utilized classrooms and work-shops, in community and youth centres, in kaifong association premises, and other suitable places.

The courses should be full-time during the day for those who are not working so as to keep them off the streets, and at night for those who have day-time jobs.

The curriculum will have to be a good balance between general education and vocational training, in order to minimize loss of interest half-way during the courses.

The fees to attend these courses should be reasonable, but provision ought to be made for a flexible system of fee remission for deserving cases.

Secondly, for youngsters who will not be continuing their secondary education at all, I would envisage the full-scale mobilization of the recreational and community development resources within each CDO district aimed at keeping them involved in meaningful activity and away from the influence of triad gangs and other criminal elements.

This is an area which to my mind calls for urgent, concentrated and innovative planning and action, particularly by the Home Affairs Department and the Social Welfare Department, in order to provide

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community oriented activity for the estimated 20,000 youngsters of more who will not continue on into regular secondary school.

It is an area where the Urban Council, the Kaifong Associations, the Area Committees, the Mutual Aid Committees, *etc.* can all in a well coordinated effort play a constructive and community-building role.

With the upsurge in violent crime among young people which now seems to be taking place, coupled with inflation and rising prices, it would seem only prudent that we define our major priorities this year to include the caring for every one of these young people who cannot continue their secondary education but who are so heartlessly exposed to illegal influences which will turn them into criminals within our society.

SECRETARY FOR HOME AFFAIRS: —Sir, I am glad that my honourable Friend Mr CHEONG-LEEN has raised the problem of the 12 to 14 age group who are not at school. My honourable Friend Mr Wilson WANG also drew attention to this problem in his speech in this Chamber on 14th November last year.

I should, however, say at the outset that I believe the only satisfactory solution to this problem in the longer term is to provide school places for all the children concerned. The proper place for these children is at school. The problem is therefore a residual one—that is one of dealing with what is left after decisions are taken on secondary education, though I do not wish to go into the question of school places today, while we are waiting for the Board of Education's consideration of public comments on the education green paper and the ensuing discussion of the Government's white paper on education.

But whatever is done about secondary education expansion we shall have some children aged 12 to 14 who are not at school. This was the first problem on which the Inter-Departmental Committee on Services for Youth focussed its attention when it was set up by Your Excellency last October. At first I thought we might be able to think of some type of service which could be provided quickly as a sort of a substitute for education. We have looked at several ideas but we can now see that there really is no solution to the problem. Children should be at school. If there are not enough school places then resources of buildings or staff or money are insufficient. Yet any other similar service for these children requires buildings and staff and

money of very much the same sort. If we can produce more resources we can produce more school places. If we cannot produce more school places we cannot produce school type services.

This sounds defeatist and it would be if we had left it at that. I agree with my honourable Friend that we need more than statistical information about the size of the problem though even this is not easy to pin down in between census years. We shall consider again whether we are likely to get the information from primary schools but we were put off the idea before because so many parents change their children's schools without telling the staff and may do so after the end of term. To look among those who leave primary school but who are not allocated an assisted school place after the secondary school entrance exam would involve much wasted effort for the majority go on with their education in some way. There are not very many of these children so the problem lies in finding some way to draw them out rather than in hunting them down. An idea I like is to offer the children not at school a chance to go to a camp during term time when the camps are slack. These children usually miss out on camps run during the summer youth programme because we do not know where to find them but they might be brought forward by their parents if special camps were run for children not at school. If such a scheme did nothing else it would at least give these children some fun which they would not otherwise get.

Another approach is by what might be termed a reaching out process. A pilot project is being conducted by the Social Welfare Department in the Chai Wan area. Door to door visits are being paid to selected households in an attempt to find out more about young people, their problems, needs, and the services that should be provided. Over 5,000 homes have already been visited in the course of the survey. The completion of the survey which started two months ago and then its analysis will take about one year.

Having identified the children the next step is to decide what to do with them in the period until school places can be provided. One is bound to think along the lines of some training or educational activity such as my honourable Friend mentions. One of the projects under consideration is the provision of handicraft classes in welfare centres and the like. The aim is not to provide apprenticeship or prevocational training because the children are still very young—but to give them an opportunity to work under guidance with the sort of tools and materials that may be useful to them in earning a living later in life. The Association of Boys and Girls Clubs is already running seven handicraft programmes for children between the ages of 8 and 14. It would be

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practical to provide similar facilities at ten more centres and I hope we shall be able to find resources for this. Other similar proposals are under consideration by the committee.

On the wider aspect of caring for young people the Council for Recreation and Sport has endorsed the establishment of a Community Recreation and Sports Officers Scheme. This would provide professionally qualified officers throughout the community to organize and stimulate sport and recreational activities, and secure the maximum utilization and co-ordination of existing facilities. This scheme is being considered in the Secretariat.

The schemes we are looking at are good in themselves and will also be capable of adaption to the problem of school drop-outs which will emerge as school places come to match the number of children needing them. Any more ideas along these lines would be most welcome. I should be very glad if my honourable Friend would meet the Inter-Departmental Committee to go into the matter further.

All this is worth doing but let us not pretend there is an escape from the basic fact that there is no real alternative to schooling for children—schooling for children—at this age. If we could set up a crash programme of full time occupational training courses we could provide school places. If we do not provide school places then these children will have to face life as best they can on an education that stops dead at the age of twelve.

Question put and agreed to.

Next sitting

HIS EXCELLENCY THE PRESIDENT: —Accordingly I now adjourn the Council until 2.30 p.m. on Wednesday the 8th of May.

Adjourned accordingly at twenty minutes past three o'clock.