

# OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 17th December 1975

The Council met at half past two o'clock

## PRESENT

HIS EXCELLENCY THE ACTING GOVERNOR (*PRESIDENT*)  
SIR DENYS ROBERTS, KBE, QC, JP  
THE HONOURABLE THE FINANCIAL SECRETARY (*Acting*)  
MR DEREK JOHN CLAREMONT JONES, JP  
THE HONOURABLE THE ATTORNEY GENERAL  
MR JOHN WILLIAM DIXON HOBLEY, QC, JP  
THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS  
MR DENIS CAMPBELL BRAY, CVO, JP  
THE HONOURABLE JAMES JEAVONS ROBSON, CBE, JP  
SECRETARY FOR THE ENVIRONMENT  
DR THE HONOURABLE GERALD HUGH CHOA, CBE, JP  
DIRECTOR OF MEDICAL AND HEALTH SERVICES  
THE HONOURABLE IAN MACDONALD LIGHTBODY, CMG, JP  
SECRETARY FOR HOUSING  
THE HONOURABLE LI FOOK-KOW, CMG, JP  
SECRETARY FOR SOCIAL SERVICES  
THE HONOURABLE DAVID AKERS-JONES, JP  
SECRETARY FOR THE NEW TERRITORIES  
THE HONOURABLE LEWIS MERVYN DAVIES, CMG, OBE, JP  
SECRETARY FOR SECURITY  
THE HONOURABLE DAVID WYLIE McDONALD, JP  
DIRECTOR OF PUBLIC WORKS  
THE HONOURABLE KENNETH WALLIS JOSEPH TOPLEY, JP  
DIRECTOR OF EDUCATION  
THE HONOURABLE IAN ROBERT PRICE, TD, JP  
COMMISSIONER FOR LABOUR  
DR THE HONOURABLE CHUNG SZE-YUEN, CBE, 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, OBE, JP  
THE HONOURABLE HILTON CHEONG-LEEN, OBE, JP  
THE HONOURABLE LI FOOK-WO, OBE, JP  
THE HONOURABLE JOHN HENRY BREMRIDGE, JP  
DR THE HONOURABLE HARRY FANG SIN-YANG, OBE, JP  
THE HONOURABLE MRS KWAN KO SIU-WAH, MBE, JP  
THE HONOURABLE LO TAK-SHING, JP  
THE HONOURABLE FRANCIS YUAN-HAO TIEN, OBE, JP  
THE HONOURABLE ALEX WU SHU-CHIH, OBE, JP

**ABSENT**

THE HONOURABLE DAVID HAROLD JORDAN, CMG, MBE, JP  
 DIRECTOR OF COMMERCE AND INDUSTRY  
 THE HONOURABLE PETER GORDON WILLIAMS, OBE, JP

**IN ATTENDANCE**

THE CLERK TO THE LEGISLATIVE COUNCIL  
 MR KENNETH HARRY WHEELER

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**Papers**

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

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Subsidiary Legislation:	
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Sessional Papers 1975-76:

- No 18—Annual Report of the Hong Kong Productivity Council for the year ended 31st March 1975 (published on 17.12.75).
- No 19—Statement of Accounts of the Chinese Recreation Ground and Yau Ma Tei Public Square for the year ended 31st March 1975 (published on 17.12.75).
- No 20—Accounts of the Lotteries Fund for 1974-75 (published on 17.12.75).
- No 21—Report of the Brewin Trust Fund Committee on the Administration of the fund for the year ended 30th June 1975 (published on 17.12.75).
- No 22—Statement of Accounts of the Chinese Temples Fund for the year ended 31st March 1975 (published on 17.12.75).
- No 23—Statement of Accounts of the General Chinese Charities Fund for the year ended 31st March 1975 (published on 17.12.75).

**Papers (Continued)**

No 24—Annual Report of the Hong Kong War Memorial Fund Committee for the year 1974 (published on 17.12.75).

No 25—Statement of Accounts of the Police Welfare Fund for the year ended 31st March 1975 (published on 17.12.75).

No 26—Report of the Trustee of the Police Children's Education Trust and Police Education and Welfare Trust for the period 1st April 1974-31st March 1975 (published on 17.12.75).

No 27—Statement of Accounts of the Grantham Scholar-ships Fund for the year ended 31st August 1975 (published on 17.12.75).

No 28—Urban Council Estimates of Revenue and Expenditure for the year ended 31st March 1977 (published on 17.12.75).

**Oral answers to questions****Legislation—drafting progress**

1. MR LO asked:—

Sir, what progress, if any, has been made in the revision of the

- (a) Weights and Measures Ordinance and
- (b) The Merchandise Marks Ordinance?

THE FINANCIAL SECRETARY:—Sir, as my honourable Friend is aware, new legislation on weights and measures has been under consideration for some time. It is recognized that the existing legislation is out of date and inadequate and that it needs to be replaced by a bill more appropriate to present day requirements.

The details of this legislation have not been finally settled, but a considerable amount of work has been done on it. The main provision would make it an offence to sell, or offer for sale, goods whose quantity, weight or measure had been misrepresented; and there would be provisions for the testing of scales, balances, rules and other apparatus for weighing and measuring.

The Government similarly recognizes the need to strengthen the law with regard to consumer protection. To this end, work has been done on a draft bill, to be called the Trade Descriptions Bill, which would repeal the Merchandise Marks Ordinance and introduce fresh provisions for the marking of goods and for the control of false or misleading indications of price.

Both these pieces of legislation are eminently desirable and the Government would like to be able to introduce them at an early date. But they would both require the recruitment of significant numbers of staff to supervise and enforce their provisions. The proposed Weights and Measures Bill, in particular, would call for the recruitment of a considerable number of inspectors, all of whom would need to be trained. At present there is no one in Hong Kong who is expert in this field. So it would be necessary either to post staff overseas for training or to recruit the initial staff and instructors from overseas. This would involve substantial expenditure which, at the present time, cannot be afforded, taking into account the other calls on the Government's resources and, in particular, current limitations on the recruitment of staff.

While, therefore, the Government recognizes the desirability of introducing these two pieces of legislation, it can see no advantage in doing so before it is in a position to enforce the law. But I can assure my honourable Friend that the two bills will be brought forward as soon as the staff and training facilities necessary to police them can be afforded.

MR LO:—Your Excellency, I am delighted to note that the Government recognizes the need to improve consumer protection. But I would like to tackle if I may my honourable Friend the Acting Financial Secretary with regard to that part of his reply when he says that he could see no advantage in introducing it before we are in a position to enforce the law. I am sure my honourable Friend the Acting Financial Secretary is aware of the existence of the Consumer Council—would not that Council help to enforce this new law?

THE FINANCIAL SECRETARY:—Sir, I'm sure the Consumer Council—which has for almost two years now been doing an excellent job—would do its best in this regard. But it would not have the statutory powers, I would say, to enforce the law. We would have to lay down in the legislation that the law would be enforced by Government officers under statutory powers, and I really can't see how the Consumer

**[THE FINANCIAL SECRETARY] Oral answers**

Council, which is only a quasi-official organization, could be given those powers.

MR LO:—I am sorry I have to pursue this point. I am not quite sure what my honourable Friend the Acting Financial Secretary means because I don't think the Consumer Council today enforces anything statutorily.

HIS EXCELLENCY THE PRESIDENT:—Is that a question?

MR LO:—Yes, the question is: in what way would the activities of the Consumer Council with regard to the two new bills be different from its activities today?

THE FINANCIAL SECRETARY:—Sir, I think that's just the point. The activities of the Consumer Council would not be greatly different even if this legislation was passed. The Consumer Council operates at the moment largely through moral persuasion and I think this has been very effective. I would repeat that, in the Government's view, we should not pass legislation until we as a Government are able to enforce it.

DR CHUNG:—Sir, I would like to ask my honourable Friend a supplementary question on a different aspect. In the light of the world movement on metrication, will my honourable Friend confirm that in reviewing the Weights and Measures Ordinance, this aspect of metrication will be taken into account?

THE FINANCIAL SECRETARY:—Yes, Sir, I can give that assurance. I believe a statement was made in this Council recently on the question of metrication by my honourable Friend the Director of Public Works, that it is the Government's policy to pursue metrication in Hong Kong and we are doing so within Government departments. And certainly as regards this legislation we would include metric weights and measures.

MR CHEONG-LEEN:—Sir, could my honourable Friend be a little more specific as to what is meant by "significant numbers of staff" and if the number is significant both from the financial and numerical point of view? Will consideration be given to utilizing manpower in other Government departments, for example the Urban Services Department?

THE FINANCIAL SECRETARY:—Sir, I don't think my honourable Friend quite realizes that the enforcement of legislation of this sort requires trained staff. I believe in the United Kingdom it takes something like two or three years to train weights and measures inspectors. As regards the first part of my honourable Friend's question, I would say that if we had numbers of weights and measures inspectors in Hong Kong equivalent to our population in comparison with that of the United Kingdom we would need over a hundred inspectors; and certainly even if we had considerably less than that I would reckon by the time we were in full operation the total cost could be as much as \$15 million for weights and measures alone because quite apart from the staff the equipment they would have to use is extremely expensive.

### **Taxis—malpractices by drivers**

2. MR LOBO asked:—

Sir, what steps is Government taking to prevent malpractices by taxi drivers such as:—

- (a) refusing to accept passengers;
- (b) carrying passengers without activating their meters and demanding higher payments for certain journeys; and
- (c) insisting on taking additional passengers between points of hiring and destination?

SECRETARY FOR THE ENVIRONMENT:—Sir, my honourable Friend will wish to know that I intend to discuss malpractices of taxi-drivers with the Transport Advisory Committee tomorrow. I will inform him of the Transport Advisory Committee's views but I should like to stress that while malpractices by taxidrivers do, of course, take place, the evidence is that the majority of taxi drivers provide an honest service to the public. It is only the irresponsible minority which behaves badly.

The present law probably provides adequate penalties for a number of offences such as those specified by my honourable Friend but, to obtain a conviction, an aggrieved passenger must be prepared to make a complaint to the police and give evidence in support of a prosecution. Not everyone is willing to do this but even so, during the first ten months of this year, a total of 170 summonses were taken out in respect of this kind of offence and out of these 170 cases 142 had sufficient evidence to proceed further.

[SECRETARY FOR THE ENVIRONMENT] **Oral answers**

Apart from these prosecutions the Transport Department also seeks the support of the taxi associations in disciplining their members. However, all taxi drivers do not belong to an association and probably the only effective solution will be to increase competition within the trade to the extent that drivers will risk losing money if they refuse passengers or demand higher fares. Proposals for increases in the number of taxis will be put to Executive Council early in 1976.

**Government laboratory—staffing**

3. MRS SYMONS asked:—

Sir, has Government any plans to increase the staff of the narcotics section of the Government Laboratory so that reports on the chemical analysis of exhibits required for court proceedings can be made available more quickly?

DR CHOA:—Sir, in reply to the honourable Member's question I would first like to say that the present situation is exceptional and the problem is not just insufficient staff for the Narcotics Section but for the whole Government Laboratory. The problems of the Narcotics Section have recently made news because there have been several discoveries of clandestine factories and some large seizures. The section is normally capable of handling routine investigations and the work involved when a clandestine factory is uncovered, but it cannot cope when several cases occur together. To handle this kind of situation, staff was previously borrowed from other sections of the laboratory. As other sections are now more than fully occupied no staff can be deployed. In fact the staff in the other sections of the laboratory are also finding it difficult to keep abreast of the increasing work load and delays inevitably occur throughout the whole of the laboratory.

Although I originally sought approval for additional staff for the new Forensic Laboratory in Kowloon in connection with the 1974-75 draft Estimates this request could not be proceeded with at that time because of other priorities. However, as it was apparent that the existing staff in the Forensic Laboratory could not cope with the amount of work coming in I asked for the creation of five additional posts, a senior chemist, a chemist and three laboratory assistants in July this year and the Deputy Financial Secretary is now arranging for a paper to be put to Finance Committee seeking approval for the creation of these five posts on a supernumerary basis. It will, however, take some time to recruit and train suitable staff and these additional posts will

therefore make little impact in the short term and there will, I am afraid, continue to be delays in providing scientific evidence if the number of cases requiring such evidence continues at the present high level.

For the future, I will be seeking approval for the creation of additional posts for the new Forensic Laboratory in Kowloon so as to enable the Government laboratory staff to provide scientific evidence as required by the courts and to meet their many other commitments.

### Civil Service salaries

4. MR BREMRIDGE asked:—

Sir, what is Government's policy as a good employer with regard to salary rises for civil servants in respect of known increases in the cost of living since April 1974?

THE FINANCIAL SECRETARY:—Sir, I am answering to this question on behalf of the Colonial Secretary.

The principles governing the Government's policy on salary increases for the Civil Service were set out in a statement which was circulated to members of this Council in 1968. I have today tabled\* copies of this statement for the information of honourable Members.

The main principle is that civil servants should be remunerated at levels which they might expect to obtain in comparable employment with reasonably good employers in the private sector.

Within this principle, it is accepted that the Civil Service has a reasonable claim to the maintenance of real income provided that this is also the experience of other employees—although it follows that civil servants do not have an automatic right to have the real value of their salaries protected.

However, when considering proposals for increases in salaries, the Government, like any other employer, must take into account its ability to pay in the light of the economic and financial circumstances prevailing at the time.

This means that, before an award is made to the Civil Service, the Government must decide the priority to be given to its duty to behave as a reasonably good employer, as against its assessment of the state of the public finances and other competing claims on its limited resources. In other words, the Government must have regard to general public policy as well as to its normal pay policy.

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\* See page 318.

**Oral answers****\* STATEMENT OF PRINCIPLES AND AIMS IN  
CIVIL SERVICE REMUNERATIONS**

The stated aim of Government in its policy of Civil Service remuneration is that it is the duty and responsibility of Government to maintain a Civil Service recognized as efficient and staffed by members whose conditions of service are regarded as fair both by themselves and by the public which they serve.

2. It is an essential pre-requisite of any consideration of Civil Service remuneration that it can be properly assumed that the remuneration is matched by a high standard of efficiency. The responsibilities with which the service is charged and the duties which civil servants have to fulfil are such that they can be properly carried out only if the standards of efficiency and performance are at least as high as those in the outside field of comparison. If this central assumption can seriously and with reason be called in question, then it is a consequence that the grounds for fair remuneration are seriously undermined.

3. It is therefore considered of prime importance that the Senior Civil Service Council gives equal emphasis to its duties in the promotion of efficiency in the Public Service as to its responsibilities for the well-being of the service.

4. In the interpretation of fair remuneration, it is proposed that some guidance is given to the Council in the form of principles that Government would find acceptable, as the context within which the Council deliberations on pay and conditions of service would take place.

5. The Government subscribes to the principle of fair comparison with the current remuneration of outside staffs employed on broadly comparable work taking account of differences in other conditions of service.

6. The Government recognizes that this principle has limitations in practice in that there may be few or no appropriate fields of comparison in the private sector for some substantial parts of the Public Service. Further, that at present no suitable fact-finding machinery for collecting and analysing data at present exists.

7. It is intended that Government as a matter of priority will seek to set up machinery for this purpose and undertakes that the conclusions reached by this machinery will be made equally available to the official and staff sides of the Council.

8. It is Government's position that this is the proper fundamental principle to apply to pay for the service. Where service salaries are public knowledge and not subject to arbitrary variation, there is a high degree of standardization. To acquire a degree of flexibility in pay and conditions of service in this situation to meet changed circumstances means the adoption of a principle that is publicly defensible in most, if not all, political, economic and social circumstances. It is considered that the principle of fair comparison is the one that most nearly fulfils this condition.

9. The practical difficulties preclude the adoption of this principle as a first consideration in all circumstances at present, but it is the Government's policy that this principle should be given increasing emphasis as the practical difficulties are surmounted.

10. It stems from the proposition of the principle of fair comparison that Government service pay and conditions policy should not be utilized to further ends of public and social policies not applicable to the public at large, except

insofar as these policies are reflected in practice and pay by outside comparison or are related to the promotion of efficiency within the service. In short, the test of fair comparison is not that the situation in the private sector is fair, but that it is fair to pay civil servants by and large the equivalent of what they would get in other employment.

11. While it is not possible for Government to bind itself never to affect service pay and conditions by acts of public policy, it would not be desirable or workable for these considerations to be imported into the deliberations of the Senior Civil Service Council which by its very nature is non-political.

12. It is recognized that the service has a reasonable claim to the maintenance of real income on the evidence of cost of living indices provided it can be demonstrated that this is also the experience of other employees. It cannot be conceded, however, that there is any automatic right or privilege for civil servants to protect the real value of their salaries and wages.

13. It is accepted that internal relativities where introduced by design rather than accident in salary scales are complementary to the principle of fair comparison, provided that they do not become the dominant consideration thereby tending to make the salary structure too rigid. However, where there is a dearth of outside employment of a closely comparable nature to the equivalent occupation in the Public Service, the principle of internal relativities must perforce become a major consideration.

14. It is accepted that it is undesirable in the Public Service for officers to be required to undertake identical duties for different basic salary scales. None-theless, it is necessary to take into account the different circumstances of officers, difficulties in recruitment and other factors. These will be recognized in the form of allowances or conditions of service, but not in basic salary scales. The position with regard to women's pay remains however as Government has previously indicated. Government preserves the right at all times to offer employment by contract on any salary and conditions that it sees fit to meet special circumstances.

#### **Office accommodation—1**

5. MR LO asked:—

Sir, what is the total area and annual cost of office space rented by the Government commercially?

MR McDONALD:—Sir, at present Government leases 908,000 square feet of commercial office space at a cost of \$35,403,233 *per annum*.

MR LO:—Thank you. Is the Director of Public Works Department satisfied with the use of the space rented and is there any inconvenience with regard to the use of space rented by segregating individual departments into different buildings?

MR McDONALD:—Sir, the Secretary for the Civil Service, advised by an inter-departmental committee, is examining the most effective

[MR McDONALD] **Oral answers**

methods of meeting Government's present and long term office requirements and the issue of use of space would be a main feature of this examination.

**Office accommodation—2**

6. MR LO asked:—

Sir, in the context of the Government's long term policy regarding the building of its own office accommodation does Government plan to rebuild the Fire Brigade Building, Old Murray Building or New Rodney House?

MR McDONALD:—Sir, as I have already said the Secretary for the Civil Service, advised by an inter-departmental committee, is currently examining the most effective methods of meeting Government's long term office accommodation requirements.

It is not unlikely that some of the departments accommodated in the three buildings named may in the reasonably near future be moved elsewhere to meet their own or public needs.

There are no plans to rebuild on the Fire Brigade Building site. A study is in hand to determine the feasibility of constructing a multiuser building on the Central Reclamation to provide a Central Fire Station together with accommodation for other Government departments. The aim is to release the site presently occupied by the Fire Brigade Building for sale. It is intended that the Department of Commerce and Industry, the only other occupant of the Fire Brigade Building, will be accommodated either in a custom-designed building on the Wan Chai Reclamation or in leased accommodation.

The site of old Murray House is part of a large site earmarked for a complex development to accommodate Government offices, a public car park and a new Supreme Court Building. The Civil Service Branch is studying the need for the proposed development in this location and could conceivably advise against proceeding with the scheme as planned. If such advice is tendered and accepted the site, either wholly or in part, would be offered for sale.

New Rodney Block is situated within an area planned for public open space and although no decision has yet been taken on its future use, the building will be retained.

MR LO:—Sir, hopefully, then, is the Government saying that after deliberations of the committee referred to in the answer, departments like the Registrar General's Department will not be split into five separate buildings in the central area?

MR McDONALD:—Sir, this would be considered by the committee and they would make a recommendation in due course.

### **Vocational training centre**

7. MISS KO asked:—

Sir, when is a decision likely to be reached on the proposed vocational training centre for the blind which will also house mentally retarded sightless children?

SECRETARY FOR SOCIAL SERVICES:—Sir, the proposal to build a training centre for mentally retarded blind children and a vocational training centre for blind adults was not included in the original Social Welfare Five Year Plan, but has been included as a possible development for next year in the 1975 review of the plan.

The voluntary agency sponsoring this project has received a generous offer from the Christoffel Blindenmission of West Germany to donate more than one million dollars towards the capital and recurrent costs of the project. In view of the donor's desire to move quickly, this matter was discussed yesterday afternoon at the relevant sub-committee of the Social Welfare Advisory Committee and the sub-committee advised that the project should be supported. If the Social Welfare Advisory Committee concurs I am confident that a start can soon be made on this project and I am sure that this news will please my honourable Friend, Miss KO.

### **School attendance**

8. MR LEE asked:—

Sir, how many children in the 12 to 14 age group are not receiving a normal day-school education?

MR TOPLEY:—Sir, in September this year about 68,000 children aged 12, 13 and 14 were not receiving any kind of day-time education.

[MR TOPLEY] **Oral answers**

This figure makes up about 20%—20.5% to be exact—of the estimated population in the age group 12, 13 and 14. There were, however, another 10,000 children attending night school which reduces the prime figure.

I have to add that because these statistics relate to children within a particular age band enrolled in schools they vary between different months of the year so that the March 1975 survey gave a corresponding figure of about 42,000, which is about 12.5% of the age group, and if you exclude those in night schools, the figure then reduces to 32,000 odd or about 10% of the population in the age group.

MR LEE:—Sir, as the figure of 20.5%, or even 12.6%, of the total estimated population of this age group is by no means small, will my honourable Friend tell this Council why these children are not receiving normal day school education and what is Government planning to improve the situation?

MR TOPLEY:—The prime answer to my honourable Friend's question is that there are inadequate places in secondary schools at present. When we are able, as I hope we shall be able very soon, to make progress with our plans for secondary education expansion under the White Paper arrangements, then I hope these numbers will be very considerably reduced. But it is a fact, of course, that some children are at present not at school because they are sick, or helping their mothers at home, or their fathers with their business and things of that kind, and this is a fact which we shall have to take account of still when we are developing our secondary education system.

Mrs SYMONS:—Sir, what proportion of these children not at school have not finished their primary education, and what plans have been made for 1976—for September 1976—for the continuing education of those who have completed six years of primary education in this group?

MR TOPLEY:—For the first part of my honourable Friend's question, I am at a loss to answer because the method of calculating the figure which I have given—that is the total number of persons in the age group 12 to 14—is estimated by processes known to the Census and Statistics Department and from that number is subtracted

the enrolment in schools at a particular moment of time. Because this is the method which we are called upon to use it is impossible to identify those children who have in fact left the school system during the primary stage.

My honourable Friend goes on to ask me what are we going to do in September 1976 for children of this kind. As I have indicated in this Council on a previous occasion, we do hope to make some progress at least with the White paper on Secondary Education, but I should, I think, add that the inter-departmental committee on services for youth has not been idle and that investigations have been carried out in Chai Wan and in Wong Tai Sin to identify specifically those children who are in these relevant age group, that is 12, 13 and 14, and who are not at school, to find out what they are in fact doing and to give aid to those who are in need of aid. In fact a number of cases have been discovered where we could then find them places in schools or where they needed other forms of assistance and this has been given. This has largely been an operation under the aegis of the Social Welfare Department.

### **Blindness—prevention of**

9. MR CHEONG-LEEN asked:—

Sir, as 1976 has been designated by WHO as "Foresight Prevents Blindness Year", what are Government's plans in this connection locally, on Government's part as well as in co-operation with voluntary groups?

DR CHOA:—Sir, the Secretary General of the International Agency for Prevention of Blindness wrote to me in June this year that a massive world-wide fund raising effort was being planned for in 1976 not 1977 with backing of the World Health Organization. I was informed of the suggestion that a National Committee representing ophthalmic, scientific and blind societies interested in the prevention of blindness should be formed in all countries in line with WHO's resolution passed in May this year urging countries to co-operate in next year's international effort for the prevention of blindness.

The Secretary General visited Hong Kong at the end of July and I had the opportunity to discuss the matter with him personally. It was decided between us that the Hong Kong Ophthalmological Society should be the appropriate agency in Hong Kong to organize and co-ordinate all efforts to launch a campaign in Hong Kong. I have

**[DR CHOA] Oral answers**

been told that under the auspices of the Hong Kong Ophthalmological Society two meetings have been held since September this year, attended by representatives of the Hong Kong Ophthalmological Society itself, the Hong Kong Optometry Association, the Hong Kong Society for the Blind, the Ebenezer School for the Blind, the Eye Bank and Research Foundation, the American Optical Corporation of Industrial Accident Prevention Department, and the Social Welfare Department. My department, and I am sure I can speak for the Social Welfare Department as well, will give any assistance this group may require.

MR CHEUNG:—Sir, has Government no plans to deal with blindness other than physical blindness, for example, blindness in planning?

DR CHOA:—That, Sir, is outside my province.

**Report on certificated masters**

10. MR F. W. LI asked:—

Sir, when will the report of the Special Commission on Certificated Masters be published?

SECRETARY FOR SOCIAL SERVICES:—Sir, the report of the Special Commission on Certificated Masters was considered by the Executive Council last month. As a result, a further examination of several points was ordered. This examination is now being undertaken.

**MTR and KCR interchange**

11. DR CHUNG asked:—

Sir, will Government consider building an interchange for the MTR and the KCR somewhere in the Kowloon Tong area in order to make better use of both railways?

SECRETARY FOR THE ENVIRONMENT:—Sir, the short answer to my honourable Friend's question is "yes", as there are obvious advantages in having an interchange between the mass transit railway and the Kowloon-Canton Railway at Kowloon Tong. This interchange would provide direct access to Hong Kong and Urban Kowloon for railway

passengers and access to the New Territories for mass transit passengers.

A steering group has been set up under the chairmanship of the General Manager of the Railway to examine the proposal but it is too early to say whether it is feasible.

DR CHUNG:—Sir, may I ask my honourable Friend what will happen if the finding of the feasibility study is negative? Does it mean that there will be no interchange for the MTR and the KCR in the Kowloon Tong area or thereabouts?

SECRETARY FOR THE ENVIRONMENT:—Sir, if the feasibility study was negative and said it wasn't feasible then there would be no interchange.

DR CHUNG:—Sir, may I ask a further supplementary? Will my honourable Friend explain why this particular interchange, which is so desirable, was not given an earlier feasibility study than it is given at this stage when the mass transit railway design has already been finalized and constructional work is being commenced? In short, Sir, may I ask my honourable Friend why couldn't Government realize the obvious advantages of this interchange at the time when the MTR was designed some five or even ten years ago?

SECRETARY FOR THE ENVIRONMENT:—Sir, I am afraid the MTR design wasn't designed five or ten years ago—it is still in fact being designed.

DR CHUNG:—Sir, does that mean that the work is being constructed without the design being finalized? (*Laughter*)

SECRETARY FOR THE ENVIRONMENT:—No, Sir, with a project the size of the mass transit railway all that has been designed is a first stage which is running from Hong Kong under the harbour to Kwun Tong. A scheme has been proposed, but detailed designs are really still in hand.

DR CHUNG:—Sir, I am not asking a question but I am really confused.

**Oral answers**

MR LO:—Sir, I would like to continue the confusion a bit. I assume from my honourable Friend's reply, feasibility in this respect will not increase Government's liabilities? (*Laughter*)

SECRETARY FOR THE ENVIRONMENT:—I am not quite sure of the question, Sir. (*Laughter*)

MR LO:—It's a fairly simple one, Sir. It's whether feasibility of the interchange, assuming it's decided to be feasible, will it increase the cost of building the MTR and thus the eventual liability of Government guarantees?

SECRETARY FOR THE ENVIRONMENT:—Most certainly. If you build something extra, Sir, you increase the cost; and therefore if it is built as part of the mass transit railway, I presume it will also increase Government's liabilities.

MR CHEUNG:—It could be built, Sir, as part of the Kowloon-Canton Railway, could it not?

SECRETARY FOR THE ENVIRONMENT:—Sir, an interchange means it joints two things together. (*Laughter*)

MR CHEONG-LEEN:—How long will that feasibility study take?

SECRETARY FOR THE ENVIRONMENT:—I am hoping, Sir, within six months.

**Public transport—White Paper**

12. MR CHEONG-LEEN asked:—

- Sir, (a) is it the intention of Government to issue a White Paper on Public Transport and  
(b) if so, when will such White Paper be ready?

SECRETARY FOR THE ENVIRONMENT:—Sir, I am grateful to my honourable Friend for providing me with this opportunity to give a

progress report on the issue of the White Paper on Transport Policy which will, of course, cover our proposed policy with respect to both public and private transport.

In order to give some idea of when the proposed White Paper might issue, perhaps I could give a run down of the events since the Government issued the Green Paper "Transport in Hong Kong" in June of last year. The penultimate paragraph of that discussion paper says that a team of Government officials and consultants are studying the measures required to match our road capacity to the demand likely to be placed upon it and that the team is preparing a comprehensive transport study.

Seven out of the nine tests for which the consultants are responsible within the comprehensive transport study have now been completed and I understand that the consultants' final two tests will be completed within a month or so. These tests, which are based on reasonable assumptions about the prospective geographical distribution of the population, indicate the effects on our mobility, to 1991, of varying our transport systems and of introducing restraints on private motoring. For example, one test assumes that, by 1991, we retain the trams and have the whole of the Mass Transit Railway Preferred System, improved bus speeds (in consequence of restraints on other traffic), new ferry services, improved roads and an improved Kowloon-Canton Railway. It then assesses the capability of this system to cope. A further test assumes that there is no Mass Transit Railway East Kowloon line, no trams and some further changes in the Kowloon-Canton Railway system. It then appraises the extent to which *this* transport system can take the strain.

The consultants will be submitting a report on the conclusions to be drawn from their researches on such matters as the future role for the Kowloon-Canton Railway, for the mass transit railway, for the public light buses and for the franchised buses; together with indications of the required road expenditure and any necessary limitations on road use, such as restrictions on the use of private cars, if public transport services are to be operated at acceptable speeds over the years ahead.

The policy recommendation of the Transport White Paper will be based both on this report and on further tests to be carried out by a back-up team of Government officials who have been working with the consultants in the preparation of the first nine tests of the comprehensive transport study.

**[SECRETARY FOR THE ENVIRONMENT] Oral answers**

This means, now coming to the second part of my honourable Friend's question, that the timing for the publication of the White Paper should, on present planning, be towards the end of next year, that is, to be quite clear, December 1976.

MR CHEONG-LEEN:—Can my honourable Friend state at this time whether the proposed White Paper will take full cognizance of the potential transport requirements of Lantau Island?

SECRETARY FOR THE ENVIRONMENT:—That's a bigger question, Sir. It will, but it is not based upon any land connexion. The planning for Lantau, has at present been based upon a ferry system.

MR CHEUNG:—Will Government make available the consultant's report to members of this Council long before the White Paper is drafted?

SECRETARY FOR THE ENVIRONMENT:—I would hope so, Sir. This is what happened with the last comprehensive transport study.

**Statement****Annual Report of the Hong Kong Productivity Council  
for the year ended 31st March 1975**

DR CHUNG:—Your Excellency, among the various paper laid on the table of this Council today is the Annual Report of the Hong Kong Productivity Council for the financial year ended 31st March 1975.

The fiscal year under review ended on a less optimistic note than it began, with increasingly depressed world-wide business conditions and a deteriorating world balance of payments position leading to a decline in demand for manufactured and semi-processed products. Due to its heavy dependence on international trade, the economy of Hong Kong accordingly underwent a sharp down-turn during the year, interrupting a prolonged growth trend which started from 1959.

Despite the recession in industry during the financial year 1974-75, the Productivity Centre was able not only to maintain its general level

of activities but, in some cases, expand them. It provided training to 6,620 persons representing a 5% increase over the previous year, and undertook 102 consultancy and technology projects as compared with 104 a year ago.

The Productivity Centre continued with its emphasis on technology training. Parallel with its low cost automation services, the centre organized five industrial exhibitions for specialized production equipment and industrial materials. The centre also organized four study missions abroad to study new techniques in the fields of efficient use of energy, industrial safety, air-conditioning and refrigeration, and synthetic leather.

The centre is now playing a new role in providing technical support services to foreign potential investors wishing to set up manufacturing in Hong Kong. During the year, it assisted a number of foreign companies in carrying out feasibility studies of industrial projects.

Sir, I should like to take this opportunity to express the deep sorrow of the Productivity Council at the passing away in June this year of the late Mr Terence SORBY who was the First Chairman of the Productivity Council during the formative years from 1967 to 1970 and who was also an Official Member of this Legislative Council in his capacity as the then Director of Commerce and Industry. The important role he played in promoting the productivity movement in Hong Kong will always be remembered.

HIS EXCELLENCY THE PRESIDENT:—Thank you Dr CHUNG. I will see that your kind words are passed on to MRS SORBY.

DR CHUNG:—Thank you, Sir.

### **Government business**

#### **Motions**

### **FACTORIES AND INDUSTRIAL UNDERTAKING ORDINANCE**

MR PRICE moved the following motion:—

That the Factories and Industrial Undertakings (Work in Compressed Air) Regulations 1975, made by the Commissioner

**[MR PRICE] Motions**

for Labour on the 29th November 1975, be approved.

He said:—Sir, I move the first motion standing in my name on the Order Paper for the approval of the Factories and Industrial Under-takings (Work in Compressed Air) Regulations 1975.

These long and complex regulations have a simple objective—to ensure that adequate precautions are taken to protect workers from sickness and ill health arising from working in an environment of compressed air. They in no way apply to the many and varied uses by industry of compressed air.

First, I shall describe briefly why some work must be done in compressed air, and the forms of illness which it can cause. Compressed air is required to keep out excess water which may be encountered, for example, when tunnelling through porous rock or soil. The pressure of the compressed air depends, to some extent, upon the depth below ground and the porousness of the soil in which the work is being performed.

The illness called decompression sickness, which may result from working in compressed air, is associated with the fact that when a worker wishes to leave the working area he must enter a man-lock and be brought back by carefully controlled stages to the normal, ambient pressure. Unless this is done with meticulous regard for the procedures laid down in decompression tables, the compressed air which has been absorbed in the blood, or tissue fluids, will not be able to escape, with the result that bubbles of gas form in the body. These can cause pain, particularly in the joints and limbs, ranging from relatively mild discomfort to really intense suffering, leading to collapse. There are other symptoms such as headaches, giddiness, convulsions, vomiting and numbness of the limbs. These can arise in acute cases, where their onset can occur towards the end of normal decompression—or even up to 12 hours after decompression when the worker will have left the construction site. Also, there is the possibility of a chronic condition, that is necrosis, associated with decompression sickness. Necrosis is the wasting away of the bones particularly at the shoulder and hip joints.

These technical regulations cover four broad areas—

the provision of proper equipment, controlled and operated by trained and responsible people;

detailed procedures for decompression;

preventive medicine and health education, and,

the provision of special medical supervision and facilities on site in the event of sickness.

I shall first deal with the provision of proper equipment and responsible trained personnel. The contractor must nominate a person to take overall charge of construction work in compressed air; and this person must have had substantial training and experience in this type of work (regulation 5(1)). A vital piece of equipment is the man-lock in which workers will be compressed for a short period at the start of the shift, and decompressed when they finish work. Every man-lock must conform to the standards laid down for quantity of air supply, temperature, means of communication, proper provision of gauges and valves, and other equipment (regulation 8). In addition there are restrictions on the number of people who may be in the man-lock at any one time.

Regulation 7 provides for the purity of the compressed air supplied to any lock or working chamber.

As equally important as the provision of the man-lock, and other special types of lock, is the quality of the persons in charge of them. Particular emphasis has therefore been laid on the qualifications and duties of lock attendants. They must be properly trained in compression and decompression procedures; they must keep records relating to the compression and decompression of every worker; and they must screen workers and others before entry to the man-lock to ensure that they have proper authority to enter compressed air. The contractor must appoint not less than three lock attendants in respect of each man-lock (regulations 10 and 11). The duties and qualifications of medical lock attendants are similar (regulation 23). To ensure that attendants can properly perform their responsible tasks, regulation 35 requires any one working in compressed air to obey the instructions issued, in the course of their duties, by lock attendants or medical lock attendants.

All these requirements provide a firm basis for ensuring that the equipment, and personnel associated working in compressed air are of the required standard.

The second broad area of the regulations provides for procedures for bringing a person who has worked in compressed air back to normal atmospheric pressure. If the pressure in the working area is

**[MR PRICE] Motions**

less than 14 pounds per square inch there is no risk, and no need for persons to be decompressed. For pressures exceeding 14 lb. per square inch specific procedures must be followed. These are the very heart of the regulations. The lock attendant must follow precisely the detailed decompression tables (contained in the Third Schedule), showing how the pressure in the man-lock is to be progressively reduced, and held for specific periods dependent upon the length of time the worker has spent in compressed air, and its pressure. For example, if a worker has been exposed between 4 and 8 hours to a working pressure of 28 lb. per square inch a complicated procedure must be followed strictly to ensure pressure by stated stages until normal atmospheric pressure is reached, and the worker emerges from the man-lock. In total, he would be required to spend 115 minutes being decompressed in the man-lock. Obviously, the higher the pressure in the working area the greater the length of time the worker must remain under decompression in the man-lock. In an extreme case a worker exposed to pressure of 40 lb. per square inch, for more than four hours, must spend three hours and 40 minutes in the man-lock being decompressed. Attempts to speed up the decompression procedures, or to take other short cuts will greatly increase the chances of decompression sickness. As a further precautionary measure, a limit is placed on the number of exposures to compressed air to which a worker may be subjected during a 24 hour period (regulation 12).

It is most unlikely that workers would ever be exposed to pressures in excess of 50 lb. per square inch and such work requires the prior authority of the Commissioner (regulation 12(4)).

The third feature of the regulations covers preventive medicine and health education. Contractors must appoint doctors for the medical supervision of compressed air work (regulation 24). Before a person starts work in compressed air for the first time he must undergo examination by the doctor appointed by the contractor or his employer, and be certified fit for such employment (regulations 26(1) and (2)). There are also requirements for x-ray and regular medical examinations of workers. People suffering from a cold in the head, chest infection, sore throat or ear ache must report the matter and are not permitted to enter compressed air (regulations 26(2), (3) and (4)). A further medical examination is necessary if these conditions, or some other injury, keep the person away from work for more than three days (regulation 26(5)).

Records and registers must be kept relating to medical examinations and the pressure exposures of each worker; and the employer must retain these for five years, or such lesser period as the Commissioner may determine (regulation 27(4)). I intend to discuss with appropriate medical interests the possibility of creating a central registry where these records could be deposited. Such records could prove a valuable source of material for research by the medical profession. But, also, they may be needed for examination if a worker develops bone necrosis, which often takes a number of years to become evident.

Further, each worker must be informed of the importance of observing all the procedures in the regulations. The Fourth Schedule contains an advisory leaflet which must be issued, and explained, to a worker when he starts work; it also gives simple and clear advice to him on what to do if he feels ill after leaving the work site (regulation 32). Regulation 31 lays down conditions under which a worker may enter compressed air for the first time, and ensures that he is accompanied in the man-lock by an experienced person. There is a limit of a maximum of four hours exposure on the first occasion that a person works in a pressure exceeding 14 lb. per square inch. Appropriate warning notices must be displayed in the man-lock (regulation 8(8)), and there must be no consumption of alcohol and no smoking during work in compressed air (regulation 34).

The fourth feature of the regulations provides for the unfortunate circumstances where, despite all precautions, a worker suffers from decompression sickness. The *only* treatment—I would stress the *only* treatment—is for the patient to be recompressed in a medical lock to the pressure at which he was working and then for him to be slowly decompressed under medical supervision. The man-lock is unsuitable for this purpose because it will be in use to compress and decompress workers going to and leaving the working face. So, where pressures above 14 lb. per square inch are involved the regulations require the provision of a medical lock and a medical lock attendant (regulations 21, 22 and 23). The medical lock, like the man-lock, must meet specific standards and where more than 100 people are employed on the site additional medical locks must be provided in the ratio of one lock for every 100 persons or part thereof (regulation 21(2)).

The onset of decompression sickness may occur hours after the worker has left the construction site. The symptoms may be similar to those of drunkenness, but not necessarily so. Or the worker may collapse. It is vital that he be taken to the nearest medical lock

**[MR PRICE] Motions**

without delay. Therefore, those working in compressed air exceeding 14 lb. per square inch must wear, next to the skin, a warning badge supplied by the employer giving the address of the medical lock to which he should be sent if taken ill (regulation 33(1)). I have taken administrative steps to ensure that medical practitioners, hospitals, and the Royal Hong Kong Police Force will be made aware of the implications of this badge worn by a worker.

Sir, at some considerable, but I think unavoidable length, I have explained in broad terms, how these complicated regulations will deal with the problems of working with compressed air. They are similar to those in force in many countries, and I have no doubt that the international contractors who will be using compressed air in parts of the mass transit project are already aware of the well established principles upon which they are based. They are derived from United Kingdom regulations, as updated by the Construction Industries Research and Information Association, but have been tailored to Hong Kong's special needs. Consultations had been held with the Chairman of the United Kingdom Medical Research Council Decompression Sickness Panel; and my staff have had useful discussions with officials of the Mass Transit Railway Corporation who have endorsed the regulations. I have also received valuable advice from the Director of Fire Services and from my honourable colleagues the Director of Medical and Health Services and the Director of Public Works.

Sir, work in compressed air can be hazardous if proper precautions are not taken, and if the correct and detailed procedures are neglected. These hazards can be minimized by the proper observance of these regulations, for which there is ample justification.

DR FANG:—Sir, I rise to support the resolution moved by my honourable Friend and, in doing so, would like to thank him for having explained so clearly the nature and purpose of this legislation. These regulations are timely and, from the medical point of view, absolutely necessary in order to ensure that the health of those who work in compressed air is properly safeguarded. I am glad to know that the regulations are based on those adopted in the United Kingdom and that furthermore they also take into consideration the special needs of Hong Kong. I am glad to know too that Labour Department staff have discussed the regulations with the Mass Transit Railway Corporation officials. With the start of work underground for the purpose of the mass transit railway, large numbers of employees will have to

accustom themselves to working in such environments. Obviously, careful supervision of the implementation of this complicated legislation will be needed and I wish to urge the corporation to ensure that this is provided and that no short cuts are adopted. In this way the hazards to the health of the workers will be reduced to the minimum and hopefully it will be possible to avoid entirely any serious mishaps.

MR PRICE:—Sir, I am grateful to my honourable Friend for his support for these regulations.

*Question put and agreed to.*

### **INDUSTRIAL TRAINING (CONSTRUCTION INDUSTRY) ORDINANCE 1975**

MR PRICE moved the following motion:—

Pursuant to section 22 of the Industrial Training (Construction Industry) Ordinance 1975, that—

- (a) the rate of levy be 0.25 *per cent* of the value of any construction works; and
- (b) any construction works the value of which does not exceed \$250,000 be not liable to the levy.

He said:—Sir, in moving the second motion standing in my name on the Order Paper, I am speaking at the request of the Construction Industry Training Authority, which came into being on 5th September 1975 after the Industrial Training (Construction Industry) Ordinance had been passed by this Council on 30th July 1975.

Section 5 of that ordinance empowers the Authority to make recommendations with respect to the rate of levy to be imposed on the value of construction works undertaken in Hong Kong, and to be payable by the contractors concerned. Subsection 22(1) of the ordinance requires that the rate of levy must be prescribed by resolution of this Council: and subsection 22(4) provides such a resolution may exempt construction works of a value below an amount stated in that resolution.

After a careful examination the Training Authority recommends, for the approval of this Council, that the rate of levy should be 0.25% of the value of the construction works subject to the levy. It is the view of the authority that this rate will be sufficient to cover the total capital and recurrent expenditure estimated at \$7.1 million in 1976.

**[MR PRICE] Motions**

The Authority also recommends that construction works of the value of \$250,000 and below should not be liable to levy because such works would mainly be of a decorative nature or maintenance, not requiring the appointment of an Authorized Person under section 34 of the ordinance or the approval of the Building Authority under the Buildings Ordinance, and because it would be extremely difficult and costly to try and collect the levy in respect of such works.

The income from a levy of 0.25% on the \$3,000 million estimated value of construction works subject to the levy between January and December 1976 will be \$7.5 million. The estimated difference of \$0.4 million between estimated income and estimated expenditure will provide for a small reserve.

The figure which I have mentioned of \$3,000 million is arrived at by estimating the total value of all building and civil engineering works, both public and private, during 1976 at \$5,000 million, and subtracting from that figure an estimated \$1,000 million in respect of non-construction works such as air-conditioning, electrical, lift and fire service installations, and other works which are not liable to the levy by virtue of the definition of "value" in section 2 of the ordinance. A further \$1,000 million is then subtracted in respect of works of the value of \$250,000 and below which are not liable to the levy.

The capital expenditure for 1976 amounts to \$6.5 million, and comprises professional fees and payments to the contractor responsible for the construction of the training centre and the cost of equipment. The recurrent expenditure of \$0.4 million covers salaries for the staff and rent of temporary office accommodation. In addition, the Authority estimates that about \$0.2 million may have to be paid to Government as interest on that part of the loan from the Development Loan Fund which may be utilized to meet capital costs during the early part of 1976, when income from the levy may be below the capital expenditure.

Notwithstanding that its application for a loan of \$8.8 million from the Development Loan Fund has been approved, the Authority has decided to finance the project as far as possible from the levy only which it hopes to start collecting from mid-January 1976. The Authority will draw upon the loan only if it becomes necessary. This will not only reduce to the absolute minimum the amount of interest to be paid, but should also enable the authority to be quickly self-supporting, thus allowing Government to release the loan at some date for other important purposes.

I should add that the Building Contractors Association Limited has endorsed the proposals for the levy and that the authority is currently establishing a temporary office and is recruiting staff. The necessary administrative arrangements for collection of the levy will be ready by early January 1976. Under subsection 22(3) of the ordinance, the levy, if approved, will come into effect thirty days after the publication in the *Gazette* of the resolution.

The training centre is scheduled for completion in April 1977 in Tai Yip Street, Kowloon Bay, on a site for which a grant has been approved by my honourable colleague the Secretary for the Environment.

Sir, I beg to move that pursuant to section 22 of the Industrial Training (Construction Industry) Ordinance 1975 a levy of 0.25% be imposed on the value of construction works undertaken in Hong Kong, and that any construction work of which the value does not exceed \$250,000 shall not be liable to the levy.

*Question put and agreed to.*

### **First reading of bills**

#### **BANKRUPTCY (AMENDMENT) BILL 1976 PENSIONS (AMENDMENT) BILL 1976**

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

### **Second reading of bills**

#### **BANKRUPTCY (AMENDMENT) BILL 1976**

THE ATTORNEY GENERAL moved the second reading of:—"A bill to amend the Bankruptcy Ordinance."

He said:—Sir, the Bankruptcy (Amendment) Bill 1976 seeks to make two main changes in the bankruptcy law.

The first is the introduction of a provision which will enable the Supreme Court to dispense with the public examination of a bankrupt. As the law stands, a public examination is compulsory in all cases although there is often little benefit from such an examination because

[THE ATTORNEY GENERAL] **Bankruptcy (Amendment) Bill—second reading**

the Official Receiver has already obtained all the information which is available in the course of his own investigation. Furthermore, creditors often do not attend the public examination. The preparation for and conduct of such an examination takes up a considerable amount of the Official Receiver's time and in view of the limited benefits in many cases it is now considered appropriate that the Supreme Court should have the proposed new power to dispense with the examination in suitable cases. The Official Receiver will have to give notice of his intention to proceed under the proposed section and creditors will be able to oppose the Official Receiver's application if they wish.

The other main proposal concerns the introduction of a simpler procedure for the handling of bankruptcies where the assets are not expected to exceed \$10,000.

The bill, Sir, makes other minor amendments to the Bankruptcy Ordinance and transfers control of the Bankruptcy Estates Account from the Registrar of the Supreme Court to the Official Receiver.

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

*Question put and agreed to.*

**PENSIONS (AMENDMENT) BILL 1976**

THE ATTORNEY GENERAL moved the second reading of:—"A bill to amend the Pensions Ordinance."

He said:—Sir, the decision to raise the retiring age of district judges from 55 to 60 calls for some amendment to the Pensions Ordinance. The new retiring age will itself be prescribed shortly by amending Letters Patent, which will at the same time confer on the district judges that security of tenure of office now conferred on Supreme Court judges.

The decision that district judges should have the same security of tenure as Supreme Court judges, which means that they may be removed from office only after the question has been considered by the Judicial Committee of the Privy Council, led to a consideration of their position in relation to section 5 of the Pensions Ordinance. That section, Sir, declares that the grant of a pension is not of right and makes provision for the reduction or withholding of pension on the

ground of misconduct or other irregularity. It is now considered that the application of section 5 to judicial officers who have security of tenure under the Letters Patent is not appropriate, though it must be said that the section has always applied to Supreme Court judges who already have security of tenure. Accordingly, Sir, the bill will, in addition to making amendments which are a consequence of the raising of the retiring age of district judges, also disengage Supreme Court judges and district judges from section 5. A new section 7A is, however, proposed, which will provide, in lieu of the provisions of section 5(3), for the grant to a judge who is removed from office of such pension or gratuity as the Governor thinks fit. A judge who retires from the service will continue to be entitled to a pension in accordance with section 6 of the Pensions Ordinance.

Clause 6 of the bill proposes a quite separate amendment. It concerns the calculation of the amount of gratuity payable in the case of a pensionable civil servant who dies whilst still in the service or in certain cases who dies after retirement. The aim, Sir, is to correct the present imbalance between the treatment of pensionable officers and those serving on contract in the case of death whilst still in the public service.

The amendment provides that a commuted pension gratuity (which may be the maximum amount of the death gratuity which can be paid) may be supplemented by treating the officer's period of service to be the lesser of twice his actual period of service (up to a maximum of 20 years), or the period of service he would have completed if he had continued in the public service until he became 55 years of age.

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

*Question put and agreed to.*

## **TRUSTEE (AMENDMENT AND VALIDATION) BILL 1975**

### **Resumption of debate on second reading (3rd December 1975)**

*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).*

**MERCHANT SHIPPING (RECRUITING OF SEAMEN)  
(AMENDMENT) (NO 2) BILL 1975**

**Resumption of debate on second reading (3rd December 1975)**

*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).*

**CHEERO CLUB INCORPORATION (REPEAL) BILL 1975**

**Resumption of debate on second reading (3rd December 1975)**

*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 bills**

Council went into Committee.

**TRUSTEE (AMENDMENT AND VALIDATION) BILL 1975**

Clauses 1 to 3 were agreed to.

**MERCHANT SHIPPING (RECRUITING OF SEAMEN)  
(AMENDMENT) (NO 2) BILL 1975**

Clauses 1 to 4 were agreed to.

**SUPREME COURT BILL 1975**

Clauses 1 to 8 were agreed to.

Clause 9

THE ATTORNEY GENERAL:—Sir, I move that clause 9 be amended as set out in the paper before honourable Members.

*Proposed amendments**Clause*

9 That clause 9 be deleted and there be substituted the following—

"Profession-  
al  
qualificatio-  
ns of  
judges.

**9. (1) A person shall be eligible to be appointed to be a judge of the Supreme Court if—**

- (a) he is qualified to practise as an advocate in a court in Hong Kong, England, Scotland, Northern Ireland or the Republic of Ireland having unlimited jurisdiction either in civil or criminal matters; or
- (b) he is qualified as mentioned in paragraph (a) and prior thereto was qualified to practise as a solicitor in such a court,

and, in either case, he has for at least 10 years practised as an advocate or solicitor in such a court.

(2) A person shall also be eligible to be appointed to be a judge of the Supreme Court if—

- (a) he is qualified to practise as an advocate in a court in Hong Kong, England, Scotland, Northern Ireland or some other part of the Commonwealth or the Republic of Ireland having unlimited jurisdiction either in civil or criminal matters; or
- (b) he is qualified as mentioned in paragraph (a) and prior thereto was qualified to practise as a solicitor in such a court,

and, in either case, he has, subject to subsection (3), for at least 10 years—

- (i) been a member of the Colonial Legal Service;
- (ii) been a member of the Legal Branch of Her Majesty's Overseas Civil Service;

**Supreme Court Bill—committee stage**

- (iii) been a member of Her Majesty's Overseas Judiciary;
- (iv) been a District Judge appointed in accordance with section 4 or 7 of the District Court Ordinance;
- (v) been a permanent magistrate appointed by warrant under section 5 of the Magistrates Ordinance;
- (vi) been a legal officer as defined in section 2 of the Legal Officers Ordinance; or
- (vii) held any office specified in the Registrar General (Establishment) Ordinance appointment to which is restricted to persons who are legally qualified.

(Cap. 336.)

(Cap. 227.)

(Cap. 87.)

(Cap. 100.)

(3) For the purposes of calculating the period of 10 years referred to in subsection (2), periods of less than 10 years falling within any of paragraphs (i) to (vii) of that subsection may be combined, and there may be included in such period, any period of practice as an advocate or solicitor in any of the courts referred to in subsection (2)(a)."

The amendments were agreed to.

Clause 9, as amended, was agreed to.

Clauses 10 and 11 were agreed to.

Clause 12

THE ATTORNEY GENERAL:—Sir, I move that clause 12 be amended as set out in the paper.

*Proposed amendments**Clause*

- 12 That clause 12 be amended by inserting after subclause (3) the following new subclause—

"(4) The High Court shall have in addition such jurisdiction as may be exercised in England by the Lord Chancellor and judges of the Supreme Court of Judicature in England under the Mental Health Act 1959."

(1959 C. 72.)

The amendment was agreed to.

Clause 12, as amended, was agreed to.

Clauses 13 to 29 were agreed to.

Clause 30

THE ATTORNEY GENERAL:—Sir, I move that clause 30 be amended as set out in the paper.

*Proposed amendments*

*Clause*

30 That clause 30(3) be amended by deleting "in special circumstances".

The amendment was agreed to.

Clause 30, as amended, was agreed to.

Clause 31 was agreed to.

Clause 32

THE ATTORNEY GENERAL:—Sir, I move that clause 32 be amended as set out in the paper.

*Proposed amendments*

*Clause*

32 That clause 32 be amended—

(a) in subclause (1) by deleting "section 42" and substituting the following—  
"sections 41 and 42"; and

(b) in subclause (3) by deleting "three judges" and substituting the following—  
"two or more judges".

The amendments were agreed to.

Clause 32, as amended, was agreed to.

**Supreme Court Bill—committee stage**

Clauses 33 to 35 were agreed to.

Clause 36

THE ATTORNEY GENERAL:—Sir, I move that clause 36 be amended as set out in the paper.

*Proposed amendment**Clause*

36 That clause 36 be amended by deleting "High Court" and substituting the following—

"Supreme Court".

The amendment was agreed to.

Clause 36, as amended, was agreed to.

Clauses 37 to 59 were agreed to.

New clause 45A "Abolition of writs *ne exeat regno* and *ne exeat colonia*".

*Clause read the first time and ordered to be set down for second reading pursuant to Standing Order 46(6).*

THE ATTORNEY GENERAL:—Sir, in accordance with Standing Order 46(6), I move that the new clause 45A as set out in the paper be read a second time.

*Question put and agreed to.*

Clause read the second time.

THE ATTORNEY GENERAL:—Sir, I move that new clause 45A be added to the bill.

*Proposed addition**Clause*

New That there be added before clause 46 in Part VII the following new clause—  
clause

"Abolition of *writs ne exeat*

Abolition  
of writs *ne  
exeat regno*  
and *ne  
exeat  
colonia*.

**45A.**The writ of *ne exeat regno* is abolished and for the avoidance of doubt the writ of *ne exeat colonia* is also abolished."

The addition of the new clause was agreed to.

*Schedule*

THE ATTORNEY GENERAL:—Sir, I move that the Schedule be amended as set out in the paper.

*Proposed amendments*

Schedule That the Schedule be amended—

(a) by inserting after the amendment to the Road Traffic Ordinance the following—

"(Cap. 227.)	Magistrates Ordinance.	Sections 105, 108, 112, 113, 115(4) and 118(1)(d), (e) and (f) are amended by deleting "of the court" wherever it occurs."; and
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(b) by adding at the end of the Schedule the following—

"(79 of 1975.)	Small Tribunal Ordinance 1975.	Claims Section 28(4) is amended by deleting "section 37A of the Supreme Court Ordinance" and substituting the following— "section 49 of the Supreme Court Ordinance 1975".
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The amendments were agreed to.

The Schedule, as amended, was agreed to.

**LANDLORD AND TENANT (CONSOLIDATION)  
(AMENDMENT) (NO 4) BILL 1975**

Clauses 1 to 11 were agreed to.

Clause 12

SECRETARY FOR HOUSING:—I rise to move the amendments to clause 12(a), Sir, set out in the paper before honourable Members.

The first amendment will delete the words "or principal tenant" from the proposed new paragraph (j). These words are, in fact, not necessary since the existing definition of "landlord" in regard to sub-tenancies covers the principal tenant in relation to such sub-tenancies.

The second amendment replaces the words "an unincorporated body of persons" in paragraph (k) with the words "partnership or firm". The original phrase is regarded as an unsatisfactory legal definition of the categories of persons at whom this amendment is aimed.

I should add, Sir, that this Government, in relation to leases of quarters taken in the name of the Colonial Treasurer Incorporated, will be in exactly the same position as other corporate bodies under this new paragraph, and will cease to be protected under Part II of this ordinance.

*Proposed amendments*

*Clause*

12 That clause 12(a) be amended—

- (a) in the proposed new paragraph (j) by deleting "or principal tenant" wherever it occurs;
- (b) in the proposed new paragraph (k) by deleting "or an unincorporated body of persons" and substituting the following—  
" , partnership or firm".

The amendments were agreed to.

Clause 12, as amended, was agreed to.

Clause 13

SECRETARY FOR HOUSING:—This clause goes hand in hand with clause 15, which provides for rent increases where the landlord undertakes improvements to the property. We have received some helpful comments on clause 15 which we will wish to consider in more detail than is possible now and I will therefore shortly propose the deletion of clause 15. With the removal of clause 15, clause 13 serves no useful purpose.

The deletion was agreed to.

Clause 14 was agreed to.

Clause 15

SECRETARY FOR HOUSING:—Sir, for the reasons given when I dealt with clause 13, I move that clause 15 be deleted. I would like to assure honourable Members that an amendment on these lines will be proposed early next year.

The deletion was agreed to.

Clauses 16 and 17 were agreed to.

Clause 18

SECRETARY FOR HOUSING:—Sir, with the deletion of clause 15, this clause is no longer required and I therefore move its deletion.

The deletion was agreed to.

Clause 19

SECRETARY FOR HOUSING:—Sir, I move the deletion of clause 19. As with clause 18, the deletion of clause 15 makes this clause superfluous.

The deletion was agreed to.

Clauses 20 to 24 were agreed to.

Clause 25

SECRETARY FOR HOUSING:—Sir, I move the amendment of clause 25 as set out in the paper before honourable Members. This follows



*Proposed addition**Clause*

New clause 5A That there be inserted after clause 5, the following new clause—

"Amendment of section 28.	<b>5A.</b> Section 28(3) of the principal Ordinance is amended—
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(a) by deleting "commencement of the Landlord and Tenant (Consolidation) (Amendment) Ordinance 1973" and substituting the following—

"15th November 1973";

(b) by deleting "premises" and substituting the following—  
"building or part thereof"; and

(c) by inserting after "this Part" the following—

"notwithstanding the termination or expiry of the agreement, whether the agreement was made before or after the commencement of the Landlord and Tenant (Consolidation) (Amendment) (No 4) Ordinance 1975".

*Question put and agreed to.*

Clause read the second time.

SECRETARY FOR HOUSING:—Sir, I move that new clause 5A be added to the bill.

The addition of the new clause was agreed to.

**CHEERO CLUB INCORPORATION (REPEAL) BILL 1975**

Clauses 1 and 2 were agreed to.

Council then resumed.

### Third reading of bills

THE ATTORNEY GENERAL reported that

the Trustee (Amendment and Validation) Bill

the Merchant Shipping (Recruiting of Seamen) (Amendment) (No 2) Bill and

the Cheero Club Incorporation (Repeal) Bill

had passed through Committee without amendment and that the Supreme Court Bill and the

Landlord and Tenant (Consolidation) (Amendment) (No 4) Bill

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

*Question put on each bill and agreed to.*

Bills read the third time and passed.

### Adjournment

*Motion made, and question proposed. That this Council do now adjourn—*THE ATTORNEY GENERAL.

3.50 p.m.

### Social Planning and Population Growth

MR CHEONG-LEEN:—Sir, I was intrigued by the editorial in the November issue of the Hong Kong Council of Social Service "Welfare Digest", which stated that the main challenge to the Council in the field of social planning was advocating and promoting:—

- (a) the elimination of poverty;
- (b) maximization of welfare; and
- (c) pursuit of equality, or at least, the equality of opportunity.

In general terms, I subscribe to these social policy aims of the Council, as they could enhance the living standards of our population.

I have also read the 1975 annual review of the Five Year Plan for Social Welfare Development, which has been carried out in consultation with the Council of Social Service and its member agencies.

The plan covers various aspects of Social Security (such as public assistance, disability and infirmity allowances and accident compensation); services for offenders (such as probation and aftercare); services for young people and for the elderly; community development and rehabilitation for the physically disabled and mentally retarded.

This annual review is an indication of the dedication and energy of the Council of Social Service in co-operating with Government to maximize welfare and to eliminate poverty, thus fulfilling the first two of the aforementioned aims of social policy.

Looking back over the past ten years, the living standards in Hong Kong have risen, perhaps not as high as many of us would have liked, but risen they have. I well recall the days when transistor radios, TV sets, electronic calculators and fashionable ready-to-wear clothing were regarded as luxury items. Today, all these and many similar products are made in Hong Kong and are within the buying power of the average family.

The people of Hong Kong by and large have exerted themselves most assiduously to raising up their own living standards. Next to Japan, Hong Kong together with Singapore has the highest standard of living in Asia. And all this has been accomplished despite the fact that our population has risen from 3.6 million in 1965 (according to official statistics) to 4.4 million in 1975.

A tribute is due to the unremitting efforts of the Family Planning Association in bringing to the attention of the public the need for proper family planning. Together with Government efforts in this direction, the association has assisted in the reduction of the birth rate from 2.81% in 1965 to 1.97% in 1974.

Since the Government has now taken over family planning services in Government health centres and hospitals, it is anticipated that family planning work will expand even more in the coming years to bring about a further reduction in the birth rate.

It was fortunate that, from 1965 to 1974, Hong Kong went through a continuous rate of economic growth, which assisted us to absorb without much difficulty both the natural increase of population and the sizeable number of immigrants, legal as well as illegal.

It is probable however that our real population is somewhat higher than the officially stated figure of 4.4 million, and I would not be at all surprised if our population is more than  $4\frac{1}{2}$  million.

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I estimate that Hong Kong's rate of increase in population from all sources—natural increase, legal immigration from China, and illegal immigration from everywhere—should be within the region of 2.5% to 3% *per annum*. Assuming a present population figure of  $4\frac{1}{2}$  million, we arrive at an estimated net increase in population in 1976 of between 112,000 to 135,000 persons. This is indeed a formidable figure in terms of social planning, bearing in mind Government's need for more funds for social development plans in housing, education, social welfare, youth services, *etc.*

Sir, I have no intention of claiming that my figures on the current state of Hong Kong's population are the most accurate, for I am not a demographer or a soothsayer. But I have put forward these statistics for consideration by honourable Members in order to register the seriousness of our population problem in relation to our plans for social development and the raising of living standards.

From the standpoint of future planning it is the population growth rate which is of greater significance rather than the total number of people. The more rapid the increase in population, the more onerous it will be for the social and economic policies to accommodate it. Population growth and family planning are therefore important factors to be considered if Hong Kong is to achieve the goals of higher living standards and improved quality of life.

As the New Towns Development Scheme takes on momentum we will find the urban areas overflowing into the New Territories to make Hong Kong into one overall megalopolis, where pollution, traffic congestion and erosion of green areas could impose a dehumanising effect in towns such as Tsuen Wan, Sha Tin and Tai Po. And all these aspects are related to what we will do about population growth and family planning in the coming years.

Let us not forget too the one million people who are living in the densely populated Group B housing estates, whose children will multiply and grow up in the narrow estate corridors and streets, thus negatively affecting their growth into healthy and responsible citizens of Hong Kong.

I assume it is not the Government's intention to put its head into the sand in the face of a storm, but is prepared to face up squarely to the problem of population growth in Hong Kong. I assume too that the reported reactivation of an *ad hoc* working group could be correct,

and that the working group will not allow matters to drag or portray an attitude of official fatalism and resignation.

For some time past the Family Planning Association and its supporters have been urging Government to establish a population policy and to take more effective measures on population growth. Other honourable Members, particularly the honourable LI Fook-wo, have already stressed the urgency of the matter in this Council.

I think it is well recognized and accepted that insofar as the control of legal and illegal immigration is concerned, the Government has adopted and continues to adopt the most practicable measures available under conditions as they vary from time to time.

Yet in regard to internal population growth, the Government has so far shown a "shying away" attitude in examining and proposing more effective measures at population growth.

During my recent visit to India, I came across a newspaper article which reported that compulsory enforcement of family planning was favoured by a number of Indian MPs at a meeting of the parliamentary consultative committee for the Health Ministry. One suggestion put forward was that employees in private companies should be required to submit annual returns on the additions to the family, so that the employee concerned could be cautioned or otherwise if he violated the set family norms. Another suggestion called for an execution of a bond by every public servant at the time of his or her entry into service accepting the prescribed norm. I hasten to add that the newspaper article did not state what was the prescribed norm. (*Laughter*)

In any event, the newspaper article reported that it was felt that it might be easier to enforce such measures on government employees, but not on the general public. (*Laughter*)

Let me for the record state that I would be the last person in Hong Kong to want to urge the Government to adopt such novel approaches towards our own well-disciplined Civil Service. (*Laughter*)

But I quote from this newspaper article, Sir, to emphasize the fact that even in India where tens of millions of people have deeply ingrained traditions towards the family, still a growing number of Indian parliamentarians are gravely worried about their country's population, which might reach one billion before the end of the century. The Indian Health Minister was reported as saying that "the time had come to consider ways and means of introducing a

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package of incentives and disincentives to accelerate the family planning campaign with the emphasis on results".

As honourable Members are aware, Singapore has already taken family planning to the point where economic disincentives are instituted on couples contemplating large families. In South Korea, the Planned Parenthood Federation has set up a network of mothers' clubs as part of its population-control movement, with dramatic results. This has led to improved access to education and health care for that country's existing population.

I do not propose that the Hong Kong Government should follow what other countries are doing to handle our own population growth. Our population policy should be tailored to our own circumstances and specific needs.

As an example, the question could be asked as to whether Government is exerting sufficient efforts to explore the possibility of increasing the flow of emigration from Hong Kong to foreign countries, including some of the larger countries in South America such as Brazil. Additionally would it not be feasible for friendly negotiations to commence so that some of the many thousands of legal immigrants from China who were originally of Indonesian domicile be given the opportunity to return to Indonesia?

The aforementioned are a few of the questions which need to be examined by the *ad hoc* working group in order to arrive at a positive expression by Government of a population policy suited to the vital needs of Hong Kong for the coming years. For without a well-defined and well-activated population policy, our young people will have no more than half a chance towards acquiring equality of opportunity, which is the third aim as stated in the social policy editorial of the Hong Kong Council of Social Service Welfare Digest.

4.05 p.m.

SECRETARY FOR SOCIAL SERVICES:—Sir, the honourable Member on my left has just drawn our attention this afternoon to the problems associated with population growth as it affects Hong Kong.

Perhaps I should at the outset clarify the reference to the working group made by my honourable Friend Mr CHEONG-LEEN. There are in fact two separate *ad hoc* working groups in existence. The first is the group chaired by the Deputy Secretary for Social Services with

representatives from the Medical and Health Department and the Family Planning Association. Its original purpose was to oversee the smooth transfer of the clinics previously operated by the Family Planning Association to the Government. As this has been successfully completed, this group continues to meet to advise Government on further expansion of the services of both the Family Planning Association and the Medical and Health Department's Family Health Service.

The second *ad hoc* working party has been set up to consider the problems of population growth in Hong Kong, and as honourable Members will recall, the Colonial Secretary stated on 6th November this year, that it has reached a number of conclusions which it is intended to present to the Executive Council in the very near future.

Sir, Hong Kong's estimated population in mid-1975 was 4,367,000. This estimate was about 30,000 higher than the medium projection made as a result of the 1971 census. What is interesting about the figure for mid-1975 is that the increase in growth of the population was occurring at a time when migration into Hong Kong was higher than previously anticipated, while within Hong Kong fertility rates were falling to lower levels than previously envisaged. If fertility rates continue towards a lower trend this bodes well for the future. But leaving that aside, the medium projected population growth over the next two years is likely to be of the order of 80,000 per year, or just less than 2% *per annum*.

Although these figures differ slightly from those given by my honourable Friend, both indicate that a problem exists and that it must be carefully watched. I agree that the excellent work done in the past by the Family Planning Association must not be allowed to dissipate, and honourable Members are undoubtedly conscious that Government is building on the foundations so well begun. Control of legal and illegal immigration must be seen in this context and Government's efforts are recognized not only in this Council but among the people of Hong Kong at large.

Sir, at this juncture I should like to say a few words about population policy. The phrase "population policy" has been used from time to time both within and outside this Chamber; to avoid possible confusion, I would like to suggest that it might be defined as measures adopted by governments which have demographic consequences. At the World Population Conference held in Bucharest in August 1974, Hong Kong was represented by the Commissioner for Census and Statistics who participated as a member of the UK Delegation. Impressions gained from the conference were that there was no universally

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accepted population policy as such; but there was a widely accepted recognition of the family as "representing the basic level of decision; freedom of the individual in general, and in particular to decide on the number and spacing of children".

Sir, people in themselves must be recognized as an asset. What policy makers have to assess is the right balance between a population being too high and it being too low. However our problems in Hong Kong are unique. The total land area is only about 400 square miles, 80% of which is not suitable for development. Thus 85% of our people are living in only 15 square miles of space. We do not have large untapped hinterlands. It is in this context that the Government has strongly supported family planning services in Hong Kong, and more recently has become involved in the direct provision of these services.

Our hard-working labour force, our enterprising employers, and our Government have brought about the massive economic development of the last 25 years or so. In turn, Hong Kong has been able to raise the standard of living in providing educational, medical and welfare services and in providing housing for a large proportion of our population. Nevertheless excessive population growth will have important implications for our social and economic development programmes.

Sir, while we have not adopted any economic disincentive measures aimed to discourage population growth, the rate of growth in Hong Kong compares reasonably well with that of Singapore. In 1964 the crude birth rate in Hong Kong was 3.07% and in Singapore, 3.16%; in 1974 these figures dropped to 1.97% and 1.95% respectively. In 1964 the natural rate of increase in Hong Kong was 2.54%, in comparison with 2.6% in Singapore; in 1974 the respective figures were 1.45% and 1.4%.

Nevertheless, the situation must be clearly monitored and the programme to meet the need for further publicity and provision of family planning services must be intensified.

Present figures indicate that while 18% of the estimated married female population between the ages of 15 to 49 was attending family planning clinics in 1970, that by 1974 the figure had increased to 28%. This percentage must be further increased if only because the number

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of women in this category will rise by almost one fifth over the next five years.

Sir, Government is thus fully alert to this problem. Much has been achieved in recent years. And on that fine foundation Government's social planning will advance in order to further the economic and social well being of our people.

*Question put and agreed to.*

### **Next sitting**

HIS EXCELLENCY THE PRESIDENT:—Before I adjourn the Council, may I extend to all Members my best wishes to them for Christmas and the New Year. Council will now adjourn until 2.30 p.m. on Wednesday, the 7th of January.

*Adjourned accordingly at quarter past four o'clock.*

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