

OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 7th January 1976

The Council met at half past two o'clock

PRESENT

HIS EXCELLENCY THE ACTING GOVERNOR (*PRESIDENT*)
SIR DENYS TUDOR EMIL ROBERTS, KBE, QC, JP
THE HONOURABLE THE FINANCIAL SECRETARY
MR CHARLES PHILIP HADDON-CAVE, CMG, 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 DAVID HAROLD JORDAN, CMG, MBE, JP
DIRECTOR OF COMMERCE AND INDUSTRY
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, CMG, 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 PETER GORDON WILLIAMS, 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, OBE, JP
DR THE HONOURABLE HARRY FANG SIN-YANG, OBE, JP
THE HONOURABLE MRS KWAN KO SIU-WAH, MBE, JP
THE HONOURABLE LO TAK-SHING, OBE, JP
THE HONOURABLE FRANCIS YUAN-HAO TIEN, OBE, JP
THE HONOURABLE ALEX WU SHU-CHIH, OBE, JP

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL
MR KENNETH HARRY WHEELER

Papers

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

<i>Subject</i>	<i>LN No</i>
Subsidiary Legislation:	
Post Office Ordinance.	
Post Office (Amendment) (No 2) Regulations 1975.....	270/75
Coroners Ordinance.	
Places for Post-mortem Examination (Amendment) (No 2) Order 1975	274/75
Public Health and Urban Services Ordinance.	
Commercial Bathhouses (Amendment) By-laws 1975	275/75
Public Health and Urban Services Ordinance.	
Food Business (Amendment) By-laws 1975.....	276/75
Public Health and Urban Services Ordinance.	
Frozen Confections (Amendment) By-laws 1975.....	277/75
Public Health and Urban Services Ordinance.	
Hawker (Amendment) (No 2) By-laws 1975.....	278/75
Public Health and Urban Services Ordinance.	
Laundries (Amendment) By-laws 1975	279/75
Public Health and Urban Services Ordinance.	
Milk (Amendment) By-laws 1975	280/75
Public Health and Urban Services Ordinance.	
Offensive Trades (Amendment) By-laws 1975.....	281/75
Public Health and Urban Services Ordinance.	
Pleasure Grounds (Amendment) (No 2) By-laws 1975	282/75

<i>Subject</i>	<i>LN No</i>
Public Health and Urban Services Ordinance.	
Swimming Pools (Amendment) By-laws 1975.....	283/75
Urban Council Ordinance.	
Urban Council Financial (Amendment) By-laws 1975.....	284/75
Prisons Ordinance.	
Prisons (Amendment) (No 3) Order 1975.....	285/75
Antiquities and Monuments Ordinance.	
Antiquities and Monuments Ordinance (Commencement) Notice 1975	286/75
Training Centres Ordinance.	
Training Centre (Consolidation) (Amendment) Declaration 1975.....	287/75
Supreme Court Ordinance.	
Supreme Court Fees (Amendment) Rules 1975.....	288/75
Landlord and Tenant (Consolidation) Ordinance.	
Landlord and Tenant (Consolidation) Ordinance (Amendment of Fourth Schedule) Notice 1975	289/75
Antiquities and Monuments Ordinance.	
Antiquities (Excavation and Search) Regulations 1976.....	1/76
Dangerous Goods Ordinance.	
Dangerous Goods (General) (Amendment) Regulations 1976	2/76
Medical Registration Ordinance.	
Medical Practitioners (Registration and Disciplinary Procedure) (Amendment) Regulations 1976.....	3/76
Protected Places (Safety) Ordinance.	
Protected Places Declaration (Amendment) Order 1976.....	4/76
 Sessional Papers 1975-76:	
No 29—Annual Report of the Director of Accounting Services with the Accounts of Hong Kong 1974-75 (published on 7.1.76).	

No 30—Director of Audit's Report and Certificate on the Accounts of the Hong Kong Government for the year ended 31st March 1975 (published on 7.1.76).

No 31—Despatch dated 2nd January 1976 to the Secretary of State for Foreign and Commonwealth Affairs on the Report by the Director of Audit for the year ended 31st March 1975 (published on 7.1.76).

Oral answers to questions

Sentencing policy

1. MR LO asked:—

Sir, (a) is the Attorney General satisfied with all the sentences imposed by the courts in 437 cases of offences against the person during the 12 months ended 30th September 1975 listed in his letter to me through the UMELCO Office dated 11th December 1975?

(b) If not, in how many out of the 437 cases has the Attorney General applied to the Full Court for a review of sentence?

HIS EXCELLENCY THE PRESIDENT:—Attorney General, would you mind answering question 14 first (*laughter*).

THE ATTORNEY GENERAL:—Sir, the Council is aware that in the latter part of 1975 I represented to the Chief Justice my concern that sentences are not severe enough to contribute effectively in present circumstances to the restoration of law and order. The sentences in the cases referred to in the question were among those I had in mind.

I applied for a review of sentence in two of the 437 cases. In one case, a defendant convicted of robbery was bound over for two years. In the other case, two persons convicted of an assault with intent to rob were put on probation. Leave to apply for a review of the sentences was given in both cases. However, the defendants could not by then be traced and the necessary papers could not be served. In these circumstances, the applications remain pending.

MR LO:—Sir, I apologize for having got the order of the questions wrong and I hope it won't put my honourable Friend, the Attorney General, at a disadvantage when answering a supplementary question I hope to ask him. What about, Sir, the 435 cases which the Attorney General hasn't applied to the Full Court for review? Could Council perhaps be told the reason why?

THE ATTORNEY GENERAL:—Sir, this is not a simple matter and I am grateful to the honourable Mr LO for giving me an indication that he intended to ask this supplementary question. It's not one that can easily be dealt with, either, within the confines of a supplementary question. But I will do my best, Sir.

Whilst it is my view, as I have just said, that a marked upward increase in the general level of sentences is urgently necessary, the fact is that this is not something that can be achieved by the exercise of the Attorney General's power to seek a review of sentence. No one, Sir, should be under any illusion about that. May I say, first of all, that it must be clearly understood that the fact that the power to apply for a review of sentence is not exercised in any particular case does not mean that I consider the particular sentence or sentences generally for the particular offence to be adequate. A number of facts has to be taken into account in deciding whether to apply for a review of sentence. A particularly difficult area—unless there is a point of principle, which is one which does not arise so often—a particularly difficult area is that where a sentence in the particular case is in line with the prevailing general level of sentences for the offence in question and where it is the general level itself which is the cause of concern. The difficulty is the greater where the sentence for a particular offence has already been the subject of regular consideration by appellate courts when hearing appeals by convicted persons. The general level then naturally reflects more or less the view of the appellate courts and the fact that the sentence imposed by a trial judge reflects the view of the appellate courts plainly limits the use that can be made of the Attorney General's power to apply for a review of sentence. I must make it clear also that it would, in my opinion, be an abuse of the discretion which the Attorney General has in this matter to apply for a review in a case where I consider that the application would certainly fail whatever my view may be as to the adequacy of the particular sentence. This, Sir, has been my difficulty in relation particularly to sentences for robbery, for rape and for other offences involving violence or the threat of violence.

Oral answers

MR LO:—Sir, may I finally ask what efforts are being made by the Attorney General to endeavour to narrow the gap of assessment of the adequacy of sentence which apparently exists between the appellate courts and the Attorney General?

THE ATTORNEY GENERAL:—I am, Sir, doing what I can. The power of review which I have is exercised regularly, and certainly wherever I consider it is appropriate. One of the difficulties is, of course, that cases have to be brought to my notice. I do my best to ensure that they are. Wherever we think it is appropriate particular problems are drawn to the attention of the courts, but it is of course a traditional part of our system of justice that the Crown does not press for heavy sentences. Nonetheless, we do in fact, wherever we think we properly can, draw the background to particular offences to the attention of the courts. The real answer and the real way in my view by which this gap can be narrowed is in the way in which it has recently been done and that is by a public expression—and in my view, particularly in this Council—of public concern. As you know, Sir, this matter was touched on during the debate on the Governor's address. It's been touched on today; it's touched on regularly now in so many public discussions. That in my view is the way in which this gap will be narrowed. It is the duty of the courts, in my view, to respond to public demands to protect the public. What is needed is to make sure that the courts are well aware of the depth of public concern.

MR CHEONG-LEEN:—Could the honourable Attorney General confirm that all 437 cases have already been reviewed?

THE ATTORNEY GENERAL:—I have already answered that question, Sir. I said that I applied for review of sentence in two out of 437 cases.

MR CHEONG-LEEN:—That I did understand was the case. But I simply wish to have it made clear that in applying for a review of two cases, it had not been after a review of a number of cases, but it had in fact been after reviewing all 437 cases. Is that the case, Sir?

THE ATTORNEY GENERAL:—Sir, I do not understand the question.

MR CHEONG-LEEN:—In other words, after reviewing 437 cases, it appears from the answers given that it was thought necessary that only two cases warranted a request for review. Is that correct?

THE ATTORNEY GENERAL:—Yes, Sir. I don't want to repeat what I have said in answering the first supplementary question. Apart from the two cases which I have particularly referred to in my first answer, the remainder are what I would call within the general level of sentences for the offences in question.

MR CHEONG-LEEN:—Then may I again refer to the second paragraph of his reply where it is stated that it was not possible to trace defendants who were put on probation? Would this indicate that the probation system was unable in this case to keep in touch with the defendants concerned?

THE ATTORNEY GENERAL:—I think I should require notice of that question, Sir.

MR BREMRIDGE:—One final question, Sir. Despite the doctrine of separation of powers, does Government accept that sentencing policies are a matter for the legislature and not the judiciary?

THE ATTORNEY GENERAL:—I would suggest, Sir, that that question does not arise out of the question which is before Council.

Official Receiver's Office

2. MR LO asked:—

Sir, putting first things first, may I ask what are Government's plans for providing qualified accountants and other staff for the Official Receiver's Office to deal with outstanding liquidation and bankruptcy cases?

THE ATTORNEY GENERAL:—Sir, proposals made by the Official Receiver to meet the very heavy burden now falling on his office, not only by reason of the increase in the number of insolvencies but also by reason of their increasing complexity, will shortly receive consideration.

Oral answers

MR LO:—Sir, is the delay in the matter receiving attention due to shortage of staff?

THE ATTORNEY GENERAL:—Not so far as I am aware, Sir.

Water quality

3. MR LOBO asked:—

Sir, what is the present position on the pilot scheme for the installation of aerators to improve water quality in Kowloon Bay?

SECRETARY FOR THE ENVIRONMENT:—Sir, methods of improving water quality in Kowloon Bay typhoon shelter were the subject of a technical report produced by the Public Works Department in June of last year. The report concluded that poor water circulation within the typhoon shelter had led to a gradual deterioration of water quality. The principal sources of pollution are waste water from squatter and licensed areas, sullage waste from the older resettlement estates and illegal discharge of industrial waste into stormwater drains. At critical times, the basin is practically devoid of dissolved oxygen, thus creating septic conditions which lead to the generation of offensive smells.

The report stated that air diffusers fixed to the sea bottom would be the most suitable method of improving water quality. These diffusers would bubble air through the polluted water to increase levels of dissolved oxygen, thus improving water quality and eliminating smells. Preliminary investigations indicated that approximately 420 air diffusers would probably be needed at a capital cost of HK\$3.5 million, and an annually recurrent cost of HK\$800,000.

It was recommended in the report that the pollution load in the typhoon shelter should be accurately assessed and that the rate of water exchange within the basin should be measured. This has been done and the Advisory Committee on Environmental Pollution has endorsed a proposal that a pilot study of air diffusers should be conducted by installing twenty of them at a cost of approximately HK\$300,000.

An application has therefore been made for the inclusion of an item in Category D of the Public Works Programme for the pilot

scheme. It is hoped that this can be implemented during the 1976-77 financial year.

MR LOBO:—Sir, may I know if any other steps are being taken; for instance, to minimise the illegal discharge of water from industrial areas and so on?

SECRETARY FOR THE ENVIRONMENT:—Yes, Sir, but unfortunately this is a longer term proposal. Squatter and licensed areas are generally provided with night soil collection and solid waste collection services and it is not until really these areas go can we hope to reduce sullage water from drains running into the harbour. The same with the older resettlement areas; we are trying to improve the collection system of sullage water from balconies which at present goes into the stormwater drains rather than into the sewers. And in the case of illegal discharges from industrial wastes we are carrying out investigations into that sort of pollution.

Legislation for auxiliary medical professions

4. DR FANG asked:—

Sir, what progress has been made by the working party established some two years ago to consider legislation governing the professions supplementary to medicine?

DR CHOA:—Sir, the working party has come to the conclusion that such legislation is both feasible and desirable, and, in fact, two working drafts of a proposed ordinance have been prepared and considered, but some amendments still require to be made. These are under consideration.

Once the ordinance has been enacted, it will be necessary for regulations to be prepared to deal with each of the seven professions concerned, namely, chiropodists, dietitians, medical laboratory technicians, occupational therapists, physiotherapists, medical technologists and technicians (diagnostic and therapy) and speech therapists. In fact, a first rough draft has been prepared of regulations dealing with the medical laboratory technicians, and this will be considered as soon as the ordinance has been finalized. It is hoped that this set of regulations, when in complete form, will provide a pattern on which the regulations for the other professions can be based.

Oral answers

DR FANG:—Sir, may I ask my honourable Friend to indicate the approximate date when the main ordinance will be finalized and the first regulations dealing with medical laboratory technicians will be introduced?

DR CHOA:—I am told, Sir, hopefully all this could be done this year.

Tanneries in Sheung Shui

5. MR LOBO asked:—

Sir, will Government confirm its intention to close the tanneries at Sheung Shui on 31st July 1976 the latest if they have not moved to their new location at Kwai Chung by that date?

SECRETARY FOR THE NEW TERRITORIES:—Yes, Sir. The owners of tanneries at Sheung Shui have been given every assistance and encouragement to develop their new sites at Kwai Chung. The sites, which are formed and serviced, were granted in 1973. The land was valued at \$20-40 a square foot depending on the date of the land exchange entitlements being surrendered. The owners were given the benefits of paying this in twenty annual instalments at 5% interest. Even when one takes the cost of the acquiring of land exchange rights into consideration, no one would, I think, disagree with me if I said that these terms were far from onerous and, in fact, payment of premium instalments is up-to-date.

Two clear years have now elapsed since the grants were executed and what has happened? Not one of them has started to construct any new factory buildings, and it is most unlikely that any suitable premises will be completed and ready for the tanneries to move into before the 31st July 1976.

It is now nearly four years since the owners of tanneries at Sheung Shui were warned that they would have to move to Kwai Chung or shut down. After a six-month extension they were finally informed, in December 1973, that they would have to leave by the 31st July this year.

Building plans have been approved but no one has started to build and it is clear that the tannery owners have made no serious effort to move. In these circumstances, the Government does not intend to grant any further relief to them and will clear the land on the stipulated date.

We can, Sir, no longer tolerate the appalling pollution of Sheung Shui caused by the tanneries.

Textile agreement with EEC

6. MR TIEN asked:—

Sir, will Government make a detailed statement on the outcome of recent consultations with the EEC on the implementation of the Hong Kong/EEC Textile Agreement in 1975 and 1976?

MR JORDAN:—Sir, the consultations held in Brussels in the middle of last month were the last round in a series. These consultations had been sought by the European Economic Community to settle difficulties arising from exports that exceeded the notional limits for 1975 set out in the Agreement between Hong Kong and the Community.

I describe these limits as notional because they clearly could not be applied in all cases. We did not reach agreement until 18th July, over half-way through the year. In some cases, where the trade had up to then been under no restriction at all, exports had already reached or nearly reached the so-called "limits". It was clearly out of the question to reduce exports to nil or to a mere trickle until 31st December. This would have been contrary to the basic purposes of the Agreement and indeed of the International Arrangement under which we negotiated.

So some "excesses" over these notional limits were inevitable from the start. The question was what—if anything—should be done about them.

We finally agreed on a number of different ways of dealing with them: in some cases the so-called "excesses" were not very large and we agreed to write them off; in others we used the flexibility provisions in the Agreement itself to reduce them to nil; in others we transferred unused quota from one member state to another; in some we transferred quota from one category to another; and finally in a limited number of cases, where the so-called "excesses" were very considerable, where in

[MR JORDAN] **Oral answers**

other words we had in 1975 exported a lot more than the 1975 notional limit, we agreed to deduct a proportion of the excesses from the 1976 quotas.

In conducting these consultations my principal concern was to preserve for Hong Kong at least as much quota for 1976 as we had for 1975. This would also ensure that we had enough quota in 1976 to be able to make a full allocation to every quota-holder who qualifies by exporting at least 95% of his quota in 1975, that is to say that in 1976 he would get no less than his quota for the five-and-a-half months from 18th July 1975 grossed up for a twelve-month period. In only one case, that of knit shirts exported to Denmark, is there a possibility (depending on the final export figures) that we may not be able fully to meet this requirement, but if that happens we shall be able to compensate the quota holders concerned by offering them quota in the same category for another Member State or in another category for Denmark.

The outcome of consultations like these can never be entirely satisfactory for both sides but in this case I believe it represents a reasonable compromise between positions that were originally very far apart, and at least it provides stability and certainty for 1976. This issue which has been hanging over our heads for many months has now been finally settled.

Reporting crime—1

7. MR CHEONG-LEEN asked:—

(Asked in the Cantonese dialect. The following is the interpretation of what Mr CHEONG-LEEN asked)

Sir, (a) to what extent has the system for reporting crime recently been simplified, and

(b) how much more can it be simplified so as to reduce inconvenience to and obtain increased co-operation from members of the public?

SECRETARY FOR SECURITY:—Sir, since 1973 the system has been simplified and improved in a number of ways. First by the provision of separate facilities in most urban police stations for members of the public making reports. This allows the officer on duty to devote his

attention exclusively to members of the public and ensures that officers with particular aptitudes in dealing courteously and efficiently with members of the public are selectively employed on these duties. Women officers have been particularly successful in this respect. Secondly there has been a streamlining of actual reporting and recording procedures. Thirdly there has been an increase in the number of places where a report can be made. There are now, for instance, 46 police stations, 16 police posts, and 52 neighbourhood police units, reporting centres and mobile posts. These are, of course, additional to the "999" telephone system and reports to police officers on the beat.

So far as simplification of procedures is concerned, when a minor crime is reported, basic essential details are recorded directly onto a proforma, and into the investigator's notebook, thereby eliminating the lengthy process of taking statements verbatim. However in cases of a more serious nature, further details may be required which could entail the recording of a statement.

In answer to the second question I would say that though the system of reporting and recording crime is under continual review, there is, of course a limit to the extent to which the system can be further simplified. The primary purpose of reporting crime is to enable the criminal to be identified and brought to court. Consequently it is essential that the police obtain all the relevant facts, to enable a successful prosecution to take place. To achieve this highly desirable conclusion it follows that a degree of inconvenience to the public is unavoidable. Therefore the emphasis is aimed not at further simplification of the reporting system, but greater co-operation between the police and members of the public. This is why the Police Public Relations Bureau launched a campaign in October last year to explain to the public that reporting procedures are not as complex as are often imagined. This message was publicized through Police Call, Junior Police Call (whose members distributed 250,000 leaflets), Voice of Junior Police Call and other Radio Hong Kong programmes, and also by means of press release and a press conference.

Nevertheless the need to reduce inconvenience to members of the public is constantly emphasized by the Commissioner of Police, who will continue to keep under review the system of reporting and recording crime with a view to reducing to a minimum the time spent by members of the public in making reports.

MR CHEONG-LEEN:—Sir, what consideration has been given to seeking greater co-operation from the police to reduce the length of time for the public to report crimes at police stations?

Oral answers

SECRETARY FOR SECURITY:—I was not aware there was a need to reduce the length of time which the public require in order to report crime. The fact that separate facilities have now been made available in the great majority of reporting centres, usually in a separate room, is, I understand, a means of speeding up the process and I am not aware (unless the honourable Member can state particulars) of cases in which there are substantial delays to be attended to.

MR CHEONG-LEEN:—I shall be happy to provide them, Sir. Would it be possible for the honourable Member to investigate whether tallies could be made as to how long it takes to report each individual crime at police stations?

SECRETARY FOR SECURITY:—I would certainly ask the Commissioner of Police whether manpower which really ought to be engaged in pursuing crime could and usefully be diverted in this way. I gather that the Member has cases in mind in which the time taken to make a tally would be justified. The Fight Violent Crime Committee is, of course, a forum in which this particularly important matter might be discussed under the chairmanship of the Secretary for Home Affairs and of which the honourable Member, myself and the Commissioner of Police are, of course, members.

MR CHEONG-LEEN:—Thank you very much, Sir, but may I clarify the point about taking time for tallies? That does not require manpower but a stop-watch.

HIS EXCELLENCY THE PRESIDENT:—That is not a question is it?

MR CHEONG-LEEN:—No Sir.

Reporting crime—2

8. MR CHEONG-LEEN asked:—

(Asked in the Cantonese dialect. The following is the interpretation of what Mr CHEONG-LEEN asked)

Sir, in order to encourage those members of the public who are not prepared to go to police stations, police reporting

centres or neighbourhood policing units to report crime, will Government make available at CDO offices, kaifong offices and other suitable places a simple report form for use by such members of the public which could then be forwarded to the police for purposes of statistical intelligence?

SECRETARY FOR SECURITY:—Sir, as I have mentioned in reply to the previous question the police have expanded their reporting facilities and launched the "report crime" campaign. And there are welcome signs that a greater proportion of the public is reporting crime using these methods.

In order that effective action may be taken when a crime is reported, it is important that the details of the crime be accurately obtained, and a trained police officer is probably the most properly equipped person to do this.

If simple report forms were made available at CDO offices and kaifong offices etc, it would probably produce more reports, but I believe it would also produce more paper and perhaps confusion. Certainly their reliability and content would be of a much lower standard than those made direct to a police officer so their use for investigative and statistical purposes would be lessened. Furthermore the availability of what one might term second-hand reporting facilities at CDO offices might very well lead to a reduction in properly reported crime, as people who might otherwise have gone to a police reporting centre and given a comprehensive report, might feel that it was sufficient to fill in a form at the CDO or kaifong offices—provided, of course, that they were open.

I therefore conclude that a system such as my honourable colleague proposes would detract from the present satisfactory trend of increased reporting of crime to the police by members of the public.

MR CHEONG-LEEN:—Sir, has consideration been given to the confusion and misunderstanding which could arise as a result of lower standards of reporting for traditional reasons at some police stations?

SECRETARY FOR SECURITY:—May I ask the honourable Member to repeat that question?

HIS EXCELLENCY THE PRESIDENT:—Would you mind, Mr CHEONG-LEEN?

Oral answers

MR CHEONG-LEEN:—Sir, if it is a fact that the standard of reporting for historical reasons varies from one police station to another, has my honourable Friend given any consideration as to the possible confusion and misunderstanding that could thereby arise and whether any improvements can be made?

SECRETARY FOR SECURITY:—I have not given any thought to this, Sir, and therefore I am not aware whether any improvements can be made.

KCR Terminal tower clock

9. MR CHEUNG asked:—

May I ask a question of which I gave notice on 31st December? Sir, will Government take steps to ensure that the tower clock of the old KCR Terminal is kept working and is illuminated during the hours of darkness?

MR McDONALD:—Sir, on the 2nd of January the Electrical and Mechanical Office, Public Works Department, assumed responsibility for the clock operation and maintenance. Since then the clock has been working and illuminated during the hours of darkness. *(laughter)*

MR CHEUNG:—Will my honourable Friend consider delegating wider responsibility on the admirable Electrical and Mechanical Office?

MR McDONALD:—Yes, Sir.

Protection of workers' hearing

10. MR ALEX WU asked:—

Sir, will Government consider amending the law to make it compulsory for employers of piling workers to provide such workers with protective hearing equipment while operating pile-drivers?

MR PRICE:—Sir, Government will certainly consider what practical steps should be taken to protect workers' hearing. However, at this

stage I prefer to keep open the options as to whether such protection should be by the methods suggested in the question and whether or not it should be limited only to workers employed on pile-drivers.

MR ALEX WU:—Sir, could my honourable Friend name a few trades other than piling to which protection for workers' hearing is likely to be extended?

MR PRICE:—Yes, Sir, although there is no quick answer to that question because there are in fact two dangerous types of exposure to noise. First of all, there is a continuous exposure of eight hours or so to a loud but fairly steady sound and then there is also an exposure for a lesser period to an intermittent or fluctuating noise. There is not one problem, but at least two. It would appear that there are problems arising from noise from weaving looms, rotary printing presses, lace knitting machines, boiler making, rivetting and descaling of ships, drop forging and blacksmith shops.

Noise from piling work

11. MR ALEX WU asked:—

Sir, in order to help abate noise pollution, particularly in residential areas, will Government extend the present 10-hour ban on piling work so as to prohibit such work between 7 p.m. and 7 a.m.?

MR McDONALD:—Sir, the Noise Pollution Sub-Committee of EPCOM has recommended measures for the reduction of noise nuisance created by construction works and one of the recommendations is to extend the present 10-hour ban on piling works to cover the period between 7 p.m. and 7 a.m. The proposed measures are being examined by various branches and departments of Government.

Further reduction of noise pollution is highly desirable but consideration must be given to the overall effects of restricting working hours. In the case of piling works however it is thought that the suggested extension of the prohibition period would not have a serious effect on programming or costs in the construction industry.

Oral answers**Air traffic control**

12. MRS SYMONS asked:—

Sir, are steps being taken to ensure that there is no deterioration in the standard of air traffic control at Kai Tak?

THE FINANCIAL SECRETARY:—There is no reason, Sir, to expect any deterioration in standards of air traffic control at Kai Tak.

If it ever became necessary, appropriate steps would be taken to ensure that this did not happen.

Government assistance to schools

13. MRS SYMONS asked:—

Sir, what are Government's views on the proposed scheme of Government assistance put forward by the Hong Kong Private Anglo-Chinese Schools Association on 30th September 1975?

MR TOPLEY:—Sir, the Hong Kong Private Anglo-Chinese Schools Association suggested a fairly comprehensive scheme of Government assistance to private schools. This scheme includes revising the ceiling of fee assistance for pupils in bought places, subsidies for teachers' salaries, putting up more school sites for sale, giving or guaranteeing loans for school building projects, helping financially with the purchase of equipment, and setting up central workshops to teach practical subjects.

These proposals have been examined and they are being discussed between the Education Department and the Private Schools Associations.

The department has always recognized the contribution of private schools in the provision of education in Hong Kong. For this reason, it has always been the policy to try to help private schools wherever possible. Free grants of sites and interest-free loans to help building costs are made to non-profit-making private schools and on completion, places are bought in these schools, and in addition, a *per capita* grant is paid to the schools to help them attract qualified teachers and meet other operating costs.

In the case of independent private schools, financial assistance is generally limited at present to fee assistance for pupils occupying bought places. The proposals made by the Hong Kong Private Anglo-Chinese Schools Association really concern an extension of Government assistance well beyond the present arrangements.

Now when looking at these proposals, I believe that two things must be kept in mind. First, we must be satisfied that any scheme of assistance to independent private schools that may be agreed on does not amount to subsidizing profits and the second thing in my view that we have to keep firmly in mind is that we mustn't consider the proposals in isolation from the department's plans to extend and expand secondary education, an implementation of the 1974 White Paper. It is in this context that the proposals are now being looked at and discussed.

Government school playgrounds

13. Miss Ko asked:—

Sir, (a) does Government have the intention to make better use of Government school playgrounds and premises after school or in the evenings for activities such as leisure time activities or other programmes; and

(b) if so, what are its plans?

MR TOPLEY:—Sir, very extensive use is already made in the evenings of Government secondary schools. Of the 22 Government secondaries, only three have spare capacity of any significance. The main users are the Evening Institute, the Polytechnic and the technical institutes. There are other users including the Chinese University Extramural Department, the Adult Education Section of my own department, the Red Cross, St John Ambulance, and the Civil Aid Services.

While the Government secondary schools do make their premises available for evening use, they also have to see that they do not do this to the disadvantage of their own day students. All Government secondary schools offer a wide range of extra-curricular activities and most of these take place after the normal school day, so it is not really practicable to make the premises available before 6.30 p.m., and seven o'clock is much more convenient.

[MR TOPLEY] Oral answers

All the Government primary schools, except five which are located in inconvenient spots, have been usefully utilized after normal school hours.

At the present time the Sports and Recreation Unit of the Education Department is looking into ways of expanding the present evening and weekend use of all school premises for recreation and sports programmes. There is a pilot scheme, involving the use of school premises as district games centres on Saturday afternoons, being conducted in four districts now.

It can be seen that Government schools are used near to the maximum so that fresh venues for welfare and educational activities out of school hours will generally have to look to the aided schools. If there is an unsatisfied demand for instance from voluntary welfare agencies for the use of premises, I think these requirements should be worked out carefully, co-ordinated through the Hong Kong Council for Social Service, and put to me.

MISS KO:—Sir, does Government have the intention to encourage the aided schools to make better use of their playgrounds and premises after school or in the evening for the same purposes?

MR TOPLEY:—Sir, yes. I think though that there must be a degree of priority for educational uses because that's what the schools were put up for in the first place. And there are some other qualifications that I think it would be proper for me to draw attention to. That is to say that when people want to use the school, it must be for a proper purpose and users must be in a position to guarantee proper supervision of the activities which are going to take place. This is very important and of course they've got to meet the related expenses for cleaning and things of that kind and to make good any damage that results from outside use. I have some little difficulties here. Although I hear muffled grumbles about aided schools not being co-operative. I have got no clear picture of a real solid cause of complaint in this area; that is why in my original reply I did ask for collated information on demands in this area.

Government business**Motions****BANKRUPTCY ORDINANCE**

THE FINANCIAL SECRETARY moved the following motion:—

That the Bankruptcy (Amendment) Rules 1975, made by the Chief Justice on the 17th November 1975, be approved.

He said:—Sir, I move the first motion standing in my name in the Order Paper.

Section 113 of the Bankruptcy Ordinance empowers the Chief Justice, with the approval of this Council, to make rules, and section 114 allows him to prescribe a scale of fees and percentages in respect of proceedings under the ordinance.

In accordance with these powers, the Chief Justice has made the Bankruptcy (Amendment) Rules 1975. The purpose of these rules is to bring the fees in Table A in Part II of the Appendix to the principal rules into a more realistic relationship with costs, by increasing them by 150%. Costs will still not be fully covered. The fees under these rules are partly collected by the Registrar of the Supreme Court and partly by the Registrar General.

Question put and agreed to.

COMPANIES ORDINANCE

THE FINANCIAL SECRETARY moved the following motion:—

That the Companies (Fees and Percentages) (Amendment) Order 1975, made by the Chief Justice on the 5th November 1975, be sanctioned.

He said:—Sir, I move the second motion standing in my name in the Order Paper.

Section 296(3) of the Companies Ordinance empowers the Chief Justice, with the approval of this Council, to prescribe the fees payable in respect of proceedings under the ordinance.

In accordance with these powers, the Chief Justice has made the Companies (Fees and Percentages) (Amendment) Order 1975. The

[THE FINANCIAL SECRETARY] Motions

purpose of the order is to bring the fees into a more realistic relationship with costs, by increasing them by 150%. Costs will still not be fully covered.

Question put and agreed to.

LANDLORD AND TENANT (CONSOLIDATION) ORDINANCE

THE FINANCIAL SECRETARY moved the following motion:—

That the Tenancy Tribunal (Amendment) Rules 1975, made by the Chief Justice on the 4th December 1975, be approved.

He said:—Sir, I move the third motion standing in my name in the Order Paper.

Section 27 of the Landlord and Tenant (Consolidation) Ordinance empowers the Chief Justice, subject to the approval of this Council, to make rules for regulating the procedure, business and hours of tenancy tribunals.

In accordance with these powers, the Chief Justice has made the Tenancy Tribunal (Amendment) Rules 1975. The purpose of these rules is to improve procedures and to add a schedule of fees to the Rules to provide for fees now contained in Part II of the First Schedule of the Landlord and Tenant (Consolidation) Ordinance. At the same time, the taxing fees which were set in 1959, are increased by between 150% and 250% depending on the amount of annual rent. As only about \$18,000 was collected under these rules in 1974-75, the effect of the increases on the public and the temper of the public will be negligible.

Question put and agreed to.

MAGISTRATES ORDINANCE

THE FINANCIAL SECRETARY moved the following motion:—

That the Magistrates (Fees) (Amendment) Regulations 1975, made by the Chief Justice on the 21st November 1975, be approved.

He said:—Sir, I move the fourth motion standing in my name in the Order Paper.

Section 134(1) of the Magistrates Ordinance empowers the Chief Justice, with the approval by resolution of this Council, to make regulations as to the fees to be taken at the magistrates' court in respect of any proceedings.

In accordance with these powers, the Chief Justice has made the Magistrates (Fees) (Amendment) Regulations 1975. The purpose of these regulations is to revise the fees charged for copies of documents under the regulations so as to be consistent with fees charged in the Supreme Court. No increase in revenue is expected from this amendment.

Question put and agreed to.

MATRIMONIAL CAUSES ORDINANCE

THE FINANCIAL SECRETARY moved the following motion:—

That the Matrimonial Causes (Fees) (Amendment) Rules 1975, made by the Chief Justice on the 5th November 1975, be approved.

He said:—Sir, I move the fifth and the last motion standing in my name in the Order Paper.

Section 54 of the Matrimonial Causes Ordinance empowers the Chief Justice, with the approval by resolution of this Council, to make rules prescribing the fees and costs under the ordinance.

In accordance with these powers, the Chief Justice has made the Matrimonial Causes (Fees) (Amendment) Rules 1975. The purpose of these rules which were made in 1967, is to bring the fees payable into a more realistic relationship with costs by increasing them by 75%.

Question put and agreed to.

PENSIONS ORDINANCE

THE ATTORNEY GENERAL moved the following motion:—

That regulation 4(c) of the Pensions (Amendment) Regulations 1976, made by the Governor in Council on the 2nd January 1976, be approved.

[THE ATTORNEY GENERAL] **Pensions Ordinance**

He said:—Sir, regulation 4(c) of the Pensions (Amendment) Regulations 1976 enables an officer who retires from the public service after 7th March 1973 at the normal age of 55 and who is immediately re-employed on pensionable terms (his pension being suspended in the meantime under section 11 of the Pensions Ordinance) to vary subsequently any option already exercised with respect to the payment of a commuted gratuity and a reduced pension in consequence. Since this provision has retrospective as well as future operation it is subject to the approval of this Council.

Question put and agreed to.

First reading of bills

COMPANIES (AMENDMENT) BILL 1976
COUNTRY PARKS BILL 1976
WILD ANIMALS PROTECTION BILL 1976
APPRENTICESHIP 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

COMPANIES (AMENDMENT) BILL 1976

THE FINANCIAL SECRETARY moved the second reading of:—"A bill to amend the Companies Ordinance."

He said:—Sir, in 1955 the then Ninth Schedule of the Companies Ordinance which is the present Eighth Schedule was amended so as to increase the fees payable to the Registrar of Companies. Before this amendment, the fees payable for registration of companies were small and there was a maximum fee of \$500 as a result of which companies whose nominal capital exceeded \$3 million paid no fee on the excess. In order to provide for a phasing in of the new fees, including the removal of the maximum limit, the amendment in 1955 was drawn in such a manner that the new fee was chargeable as an additional fee only when companies which had been incorporated before 1st June 1955 either increased their nominal capital or allotted any part of the excess

after that date. Since 1955 many companies have paid the additional fee. But there are still 134 pre-1st June 1955 companies which have neither increased their nominal capital nor allotted shares from the excess and which have thus not yet paid the additional fee in respect of their unissued excess nominal capital after over 20 years. Accordingly, clause 4 of the bill introduces an additional item in the Eighth Schedule to provide for the payment of the additional fee on or before 1st January 1977. The revenue may benefit to the extent of \$3 million. Should a company decide that its excess nominal capital is unlikely to be issued then it is open to it to cancel its unissued capital pursuant to section 53 of the Companies Ordinance. This is not an onerous task and can be effected by a resolution passed at a general meeting. There is therefore no compulsion upon the companies to pay fees on nominal capital which exceeds their actual requirements.

The opportunity has also taken to introduce two minor amendments to the principal ordinance. The first is to remove doubts as to whether a foreign company can be a subsidiary of a Hong Kong company.

The second is to transfer the power to approve a change in name of a company from Your Excellency to the Registrar of Companies.

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

Question put and agreed to.

COUNTRY PARKS BILL 1976

SECRETARY FOR THE ENVIRONMENT moved the second reading of:— "A bill to provide for the designation, control and management of country parks and special areas, the establishment of the Country Parks Board, and for purposes connected therewith."

He said:—Sir, when Sir Murray addressed this Council at the opening of the current session on 8th October 1975 he noted the rapidly increasing popularity of the countryside as a place of open air recreation and stressed the need for legislation for its proper management and protection. The Country Parks Bill 1976 is intended to fulfil this need and it seeks to create a special authority with the powers to control and protect the countryside and the responsibility to develop for informal recreation those areas under its control and protection.

[SECRETARY FOR THE ENVIRONMENT] **Country Parks Bill—second reading**

Clause 2 of the bill designates the Director of Agriculture and Fisheries as the Country Parks Authority. He is already responsible for the development of country parks and recreational facilities in the countryside and although he has limited resources at his disposal he has indicated by his work at Shing Mun and Jubilee Reservoir, Bride's Pool and Plover Cove, Wong Nei Chong and Aberdeen Reservoir what can be achieved at small expense. The authority would be assisted by a Country Parks Board to be established under clause 5 of the bill, consisting of not less than ten members of whom at least five should be public officers. The board is intended to be a high powered one so as to give the authority the full support of both the community and the Government.

The responsibility of the authority to develop and manage country parks and special areas is spelt out in clause 4. Apart from providing, as part of its duties, facilities and services for the public enjoyment of the country parks and special areas, the authority will also take measures to encourage their use and development for the purposes of recreation and tourism.

The powers given to the authority to control and protect the countryside are comprehensive. Clause 4 empowers the authority to recommend to the Governor the designation of areas as country parks and special areas. Clause 8 provides for the preparation of draft maps by the authority showing proposed country parks. Once the draft map is gazetted in accordance with clause 9, new development within the area of the proposed country park, without the prior approval of the authority, would be prohibited under clause 10.

Under clause 11 the public is given the right to object to the draft map and any such objection would be heard by the Country Parks Board who may direct the authority to amend the map or reject the objection. The draft map, amended where necessary, will then be submitted to the Governor in Council for approval. Thereafter, the area shown on the approved map would be designated by the Governor to be a country park in accordance with clause 15.

Sir, a considerable area of Hong Kong will be designated as country parks, much of it in the New Territories and much within the Waterworks Catchment Areas. In view of our land shortage and the many uses to which land is put in Hong Kong, it is very necessary to protect the interests of those whose land will lie within the boundaries of any country park or special area designated under the bill.

Under the bill, therefore, the control of land within the country park would remain with the appropriate Land Authority. However, the Country Parks Authority may, under the provisions of clause 16, request the relevant Land Authority to require the occupier of any leased land to stop, or modify, any use of his land which is incompatible with the purpose and intent of the country park. A sanction against the occupiers who fail to comply with the requirement of the Land Authority is provided under clause 16(3).

Also, while the bill provides that no compensation would be paid to the owner of, or to any person interested in, any land merely because it is situated within or is affected by a country park, where in accordance with this bill:—

- (a) the authority refuses to approve new development which is permitted by the lease conditions under which the land is held; or
- (b) the occupier is required by the Land Authority to stop, or modify an otherwise legitimate use of his land,

then the owner or persons owning a compensatable interest would have the right to claim compensation. Clause 18(4) provides that the value of land for the purpose of calculating compensation shall be such value as would be assessed under the Crown Land Resumption Ordinance if the land were to be resumed under that ordinance.

Where only Crown land is involved, any suitable area can be brought into the ambit of this bill by being designated as a special area by the Governor in accordance with clause 23.

Clause 24 will also empower the Governor to exclude any village areas, traditional burial grounds, temples and buildings of historic value etc. from any country park or special area. The Governor may also exclude from a country park or special area any area in respect of which a lease is issued, or is to be issued, for the purpose of recreation or tourism.

In this respect the Secretary for the New Territories is now drawing up a plan which will delineate these areas and I think it can be accepted that he will protect the legitimate interests of New Territories villagers should any conflict arise between them and the Country Parks Authority.

There is a possibility of an overlap of responsibility arising between the Country Parks Authority and the Water Authority in respect of

[SECRETARY FOR THE ENVIRONMENT] **Country Parks Bill—second reading**

those parts of a country park or special area which fall within water gathering grounds. To ensure that the waterworks' views are given full consideration by the authority before he exercises his powers under the ordinance it is proposed that the Governor should issue a directive to this effect to the authority under clause 7. In addition the Water Authority will be represented on a working party which is to be formed to settle the boundaries of the country parks and special areas and he will therefore have the opportunity at this stage of making such representations as he thinks necessary to safeguard Waterworks interests.

Clause 25 of the bill authorizes the Governor in Council to make regulations covering almost all aspects of the good management which will be necessary if the country parks and special areas are to be preserved. Clause 25(1)(b) allows regulations to be made to prohibit or restrict the entry of vehicles to country parks and special areas. This is considered to be essential as unrestricted vehicle access would not only cause air, noise and visual pollution but would also create traffic problems.

To sum up, Sir, this bill is to provide enabling legislation for the Government to give comprehensive protection to the countryside and to develop it for open air recreation.

Motion made. That the debate on the second reading of the bill be adjourned—
SECRETARY FOR THE ENVIRONMENT.

Question put and agreed to.

WILD ANIMALS PROTECTION BILL 1976

SECRETARY FOR THE ENVIRONMENT moved the second reading of:— "A bill to make provision for the conservation of wild animals, and for purposes connected therewith."

He said:—Sir, at present certain species of wildlife are afforded protection under the Wild Birds and Wild Mammals Protection Ordinance (Chapter 170) which prohibits the hunting or trapping of specified animals. Unfortunately, some forms of animal life are not covered by the ordinance. This bill, generally, aims to remove this anomaly by changing the title of the ordinance and introducing a new definition of animal to cover all forms of animal life. The Wild Birds and Wild Mammals Protection Ordinance will be repealed.

The opportunity is also being taken of this change in the ordinance, to protect the relatively harmless Burmese python (more precisely known as python molurus bivittatus) by adding it to the schedule of protected wild animals. This particular python, which is indigenous to Hong Kong, is on Appendix I of the International Convention Protecting Endangered Species and action is in hand to preclude trade in this animal under the Animals and Birds (Restriction of Importation and Possession) Ordinance (Chapter 187). Such action is called for by the Hong Kong Government to facilitate the United Kingdom ratification of the Endangered Species Convention.

Sir, the protection of this snake may give rise to some concern in Hong Kong as people may feel that it will be impracticable to identify a snake to see if it is a Burmese python before killing it in the interest of self-protection (*laughter*). Suitable publicity will therefore be made to carefully that the intention of the law is to explain prohibit the deliberate hunting of this endangered species of snake either for sale or human consumption.

Motion made. That the debate on the second reading of the bill be adjourned—
SECRETARY FOR THE ENVIRONMENT.

Question put and agreed to.

APPRENTICESHIP BILL 1975

MR PRICE moved the second reading of:—"A bill to promote and regulate the employment of apprentices in certain trades and occupations, and to provide for matters connected therewith and incidental thereto."

He said:—Sir, as stated in the long title this bill aims to promote and regulate the employment of apprentices in certain trades and occupations. In other words, the purpose of the bill is to improve existing and future apprenticeship training in those trades which are essential to the industrial well-being of Hong Kong.

An apprenticeship is a form of systematic training for three or four years whereby a youth acquires the skills and knowledge needed for his trade. The practical element of such training takes place under supervision within the employer's undertaking; and the related technical education is normally provided by means of a part-time day-release course run in a technical education institution. Experience elsewhere has shown that an apprenticeship along these lines provides the best and

[MR PRICE] Apprenticeship Bill—second reading

most economical method of training skilled manpower because apprentices are exposed to the pressures of industrial conditions, and are usefully and productively employed.

The Apprenticeship Bill provides a framework to bring order to this important area of training skilled manpower, and to ensure that young people employed in trades, to be specifically designated, will be properly trained and fairly treated in respect of their conditions of employment. This control of conditions of employment is essential to safeguard the apprentice from an unscrupulous employer or the employer from an idle apprentice.

Eight years have elapsed since one of my predecessors indicated in this Council that consideration was being given to legislation on craft apprenticeship. Since then many voices have been heard both inside and outside this Council advocating the introduction of apprenticeship legislation. The time taken to introduce this bill has been due to the complexity of the problem of drafting legislation suited to Hong Kong's needs, and to the long and careful deliberations by the Industrial Training Advisory Committee, and subsequently by the Hong Kong Training Council and its Committee on Apprenticeship.

In addition, it would not have been possible to present this bill to this Council without the considerable advances made in technical education in recent years, in particular the creation of additional technical institutions. Further, it would have been extremely difficult to introduce such legislation without the help of a broadly based body such as the Hong Kong Training Council, or without the past six years' research by the staff of the Labour Department and their experience in developing voluntary apprenticeship schemes. Here, I should mention that serving on the Training Council and its Committee on Apprenticeship are representative of workers and the major employers' associations, such as the Chinese Manufacturers' Association, the Federation of Hong Kong Industries, and the Employers' Federation of Hong Kong.

Another indication of the need for legislation can be seen from a comparison between the numbers of apprentices now undergoing adequate training in voluntarily registered schemes—that is, about 2,500 craft apprentices and 500 technician apprentices—against the overall numbers of apprentices or trainees indicated by recent manpower surveys as being under some form of training. These latest surveys indicate that there are about 15,000 apprentices or trainees at

the craft level and 2,000 at the technician level. These figures clearly show that many apprentices or trainees are not receiving proper training.

Although the skilled manpower training scene in 1975 was better than in 1969, there is still a long way to go to meet industry's needs for adequately and properly trained apprentices. Furthermore, the last two years have shown that we have reached the limit to which apprentice training can be promoted on a voluntary basis. In order to narrow the gap between the skilled manpower requirements of industry and the numbers undergoing proper apprentice training, legislation is necessary to improve the training in designated trades of all existing and future apprentices, to whom the bill will ultimately apply, by ensuring that they will receive the necessary training and technical education to become competent skilled workers in the modern context. This is also the consensus of the industry training boards, the Committee on Apprenticeship, and the Training Council itself.

Sir, having dealt briefly with the background to the bill I shall describe some of its important features.

In 1968 it was the intention to limit the bill to craft trades. But, since then the various bodies associated with industrial training have consistently advised that technicians, as well as craftsmen, are best trained through apprenticeship; and voluntary training schemes for technician apprentices have made considerable progress. Therefore, it is both realistic, and consistent with the needs of industry, to make provision within the bill for the eventual inclusion of technician apprentices.

However, in the first instance the bill will apply only to young persons aged between 14 and 16 employed in designated craft trades and to their employers. I stress that this is just the first step towards the long term objective of bringing within the scope of this legislation apprentice training in *all* designated trades for *all* persons under 21 years of age employed in those trades.

The essence of the bill is clause 6(1), which requires that an employer may employ a young person in a designated trade *only* if the employer has entered into a contract of apprenticeship with the young person or the latter has already completed an apprenticeship in that trade and holds a certificate of completion. A valid contract of apprenticeship is both the principal element of the legal framework of the bill and the lynchpin of proper apprentice training.

[MR PRICE] **Apprenticeship Bill—second reading**

The bill, if it becomes law, will be administered by the Labour Department: clause 4 sets out clearly the functions of the Commissioner. For sometime I see the main duties of the Industrial Training Division of the Labour Department, including the additional staff which will be required to administer the law, to be to advise and assist employers in the training and the employment of apprentices.

Clause 15 requires the mandatory registration of every new contract of apprenticeship in respect of a designated trade. Clause 17 provides for the voluntary registration of new contracts of employment of apprentices who fall outside the scope of the bill. The advantage of the latter clause is that it permits an employer to register a contract of apprenticeship of an apprentice who is either older than 16 years of age or whose trade is not a designated trade. Such voluntary registration benefits and protects both the apprentice and the employer.

Clause 18(1) provides that existing apprenticeship contracts which have been attested under section 4(2)(e) of the Employment Ordinance do not require to be re-registered. Clause 48 applies certain provisions of the Employment Ordinance to employers and registered apprentices under the Apprenticeship Bill.

Completion and termination of apprenticeship and the disciplinary measures which an employer may take in relation to an errant registered apprentice are covered by clauses 28 to 32.

The bill requires an employer to give a certificate to a registered apprentice on completion of his apprenticeship (clause 28). This will record the practical work done by the apprentice and the technical courses he has taken and for the first time on an industry wide basis will provide employers with a yardstick of a worker's skill. This certificate, countersigned by the Commissioner, should play an important role in raising the standards and social status of the blue-collar work of industrial apprentices.

Clause 12 makes it an offence to employ an apprentice known to be bound by a registered contract to another employer, and so protects an employer from the risk of having his registered apprentice poached.

Clauses 44 and 45 vest in the Governor the powers to raise at a later date the upper age limit in the definition of "young person" to under 21 and to specify any trade or occupation to be a designated trade.

Clause 47 empowers the Commissioner to make regulations which are subject to the approval of this Council. If this bill is passed into law, I shall at the earliest possible opportunity introduce a motion for the approval of regulations which have the full support of the Hong Kong Training Council. The contents of these regulations will include matters set out in clause 47(1) of the bill and in particular will provide for the detailed terms and conditions to be included in an apprenticeship contract.

The Crown is excluded from the bill, not because the Crown is unwilling to be bound or to give a lead in the training of apprentices, but rather because the references made in the bill to other ordinances which do not bind the Crown (clauses 48 and 49) would make impracticable the binding of the Crown under this bill. I am authorized to say that Government, in its capacity as an employer, will adhere to the principles and practices contained in the bill.

In discussion with the Hong Kong Training Council, I agreed to give an undertaking in this Council that I would consult the Training Council before tendering advice to the Governor either to exercise his powers under clauses 44 and 45. I now give that undertaking. In addition, I give an assurance that I shall consult the Hong Kong Training Council on the criteria for exemption on any of the grounds set out in clause 6(2).

The Hong Kong Training Council at its meeting on 13th January 1976 will decide which trades to recommend for designation in the first instance by the Governor under clause 45. This first batch of recommended trades will be selected on the basis of the degree of skills involved, their numbers and importance to industry, and with regard to the availability of related technical education facilities.

I assure honourable Members that ample notice will be given before a trade is designated, and that the law will be enforced with discretion in the early stages. Officers of the Industrial Training Division will assist to the greatest possible extent any employer who requires help in understanding or carrying out the requirements of the bill.

Sir, by eventually ensuring that all young people in a large number of designated trades are properly trained, Hong Kong's industries will remain vigorous, competitive and profitable as they progress into more sophisticated techniques and technology. I regard this bill as an important beginning on which to build much good for industry and for the young people who acquire their skills in industry.

Apprenticeship Bill—second reading

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

Question put and agreed to.

BANKRUPTCY (AMENDMENT) BILL 1976**Resumption of debate on second reading (17th 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).

PENSIONS (AMENDMENT) BILL 1976**Resumption of debate on second reading (17th 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.

BANKRUPTCY (AMENDMENT) BILL 1976

Clauses 1 to 7 were agreed to.

PENSIONS (AMENDMENT) BILL 1976

Clauses 1 to 6 were agreed to.

DEPOSIT-TAKING COMPANIES BILL 1975

Clause 1

THE FINANCIAL SECRETARY:—Sir, I move that clause 1 be amended as set out in the paper before honourable Members.

The reasons for the amendment are self-evident.

*Proposed amendment**Clause*

- 1 That clause 1 be amended by deleting "1975" and substituting the following—
"1976".

The amendment was agreed to.

Clause 1, as amended, was agreed to.

Clause 2 was agreed to.

Clause 3

THE FINANCIAL SECRETARY:—Sir, I move that clause 3 be amended as set out in the paper before honourable Members.

Sir, in replying to honourable Members' speeches during the debate on the second reading, I said that I would be proposing to add one more sub-paragraph to clause 3(1) so as to remove from the ambit of the bill. the taking of deposits within a group of companies. In the event, I have decided not to proceed with this because we have not so far been able to devise a form of words which would not open the way for evasion of the need to register by companies which we consider ought to register. So I propose that, for the present, those companies taking deposits, for employment in their business, from related companies, should apply for exemption under clause 35 if they consider that there is any danger of such deposit-taking being construed as the carrying on of a business. When we come to make an assessment of the effectiveness of the legislation, after about one year, we shall consider again whether to make an amendment in this respect.

The amendment to clause 3 which is proposed is to remove sub-paragraph (2)(e). This sub-paragraph would have the unintended effect,

[FINANCIAL SECRETARY] Deposit-taking Companies Bill—committee stage

which was not appreciated earlier, I am afraid, of excusing from registration those companies taking deposits in the international capital markets.

*Proposed amendment**Clause*

3 That clause 3 be amended by deleting paragraph (e) of sub-clause (2).

The amendment was agreed to.

Clause 3, as amended, was agreed to.

Clauses 4 to 9 were agreed to.

Clause 10

THE FINANCIAL SECRETARY:—Sir, I move that clause 10 be amended as set out in the paper before honourable Members.

The amendment, Sir, is to provide for the possibility of a locally-incorporated company having its capital expressed in a foreign currency.

*Proposed amendment**Clause*

10 That clause 10 be amended in paragraph (b) of subclause (2) by deleting "the case of a company incorporated outside Hong Kong" and substituting the following—
"any other currency".

The amendment was agreed to.

Clause 10, as amended, was agreed to.

Clauses 11 to 37 and First and Second Schedules were agreed to.

Council then resumed.

Third reading of bills

THE ATTORNEY GENERAL reported that the Bankruptcy (Amendment) Bill and the Pensions (Amendment) Bill

had passed through committee without amendment and that the Deposit-taking Companies 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.

Implementation of White Paper on Secondary Education

MR CHEONG-LEEN:—I feel certain that I am voicing the sentiments of many community leaders and responsible citizens when I urge the Government to take a forthright decision to implement in the coming financial year the White Paper on expansion of secondary education.

Implementation has been delayed for one full year already, and public opinion will be most critical of Government—and rightfully so— if implementation of the White Paper does not commence from the 1976-77 fiscal year.

Government can with reason be accused of lacking in moral leadership if it does not effectively seek to implement the White Paper in the next fiscal year.

One of the prime reasons why the state of violent crime has been serious is because of the build-up over the past years of a hard-core number of primary school drop-outs and 12-14 year olds who can neither continue schooling nor find work lawfully in industry or commerce.

[MR CHEONG-LEEN] **Implementation of White Paper on Secondary Education**

Surveys have been completed on primary school drop-outs and the 12-14 year youngsters not in school in Wong Tai Sin and Chai Wan Districts. I suggest that steps be taken urgently to initiate similar surveys in all the other districts.

Plans need to be formulated to pinpoint and to reduce the number of primary school drop-outs to the absolute minimum.

The out-reach programme has to be expanded quickly together with other suitable programmes to take care of the hard-core elements in the 12-14 age group, before they are led astray into a life of chronic and hardened crime.

The Government can no longer delay in its moral responsibility to implement the White Paper in 1976-77. It is a plain fact that Hong Kong's greatest asset is our people, and the quality of that asset is in their educational, intellectual, technological and moral standard. Yet how can we improve this standard if we are still having every year over 30,000 young people who are either primary school drop-outs or who cannot find places in a secondary school at the critical age level of 12 to 14.

For the sake of sheer economic survival we must take action this year if we are to compete with South Korea and Singapore in the race to strengthen and level up our standards of industrial technology, for which the prerequisite is a sound general education among our young people.

The Government should aim with single-mindedness towards uplifting its youth development programme, and this includes implementing the White Paper on Secondary Education according to the time schedule envisaged, that is, completion by 1980.

Amendments and improvements of course will have to be made in future in the light of experience, and relevant to the changing social, economic and technological needs of our community. But the longer the delay, the more the Government will be open to the accusation by community leaders and educationalists of procrastination and lack of resoluteness. I have every reason to believe that Government will seek to preserve its credibility in the eyes of the community and do everything possible to fulfil its moral commitment to the younger generation of Hong Kong.

Implementation of the White Paper on Secondary Education should therefore commence without fail during the next financial year.

MRS SYMONS:—I am confident that, with so many hopeful signs of an upturn in the economy, Government will no longer delay the implementation of the 1974 White Paper on Secondary Education by providing many more places in the Secondary School Entrance Examination pull-through this coming summer. Our children can be no longer deprived of secondary education for at least three years. As I have said in this Council on a previous occasion the necessary cut-back of funds in 1975 when matched by concerted re-organization of many curricula in junior secondary forms was acceptable, though regrettable.

But the time has come for action, and there will be little good-will towards the Government in general and the Education Department in particular if the implementation of the White Paper is not firmly begun this September. The 1976 target must be reached at the very least, by one or other or all of the methods of expansion suggested by the White Paper—the building of new schools, the use of converted primary schools and other under-utilized Government buildings, extended day and floatation and the buying of places as and when these can be bought judiciously.

I urge at this time for the greatest possible co-operation between the Finance Branch in offering immediate funds for the maximum extension possible, and the Education Department in drawing up definitive plans for such funds to be utilized this coming academic year. The people of Hong Kong are most anxious for the White Paper to be implemented without any further delay. Government must not, cannot and should not hesitate in this important and challenging task of preparing our young citizens for the future; and my colleagues and I plead in the strongest possible terms for this earnest of serious and sensitive Government planning in the field of education.

A provisional target of public sector places in Forms I to III in the coming September was given as just over 136,000 in the White Paper. By now with the present academic year almost half way through I am certain that my honourable Friend, the Director of Education, would know the extent of expansion necessary if we are to meet the target. The Education Department has the correct figures, it has the correct costings, and I conclude my appeal confident that given the necessary funds the Education Department will see that the target is reached, if not surpassed, this coming September.

[MRS SYMONS] **Implementation of White Paper on Secondary School**

In Hong Kong we are used to achieving our goals ahead of schedule, and it is my firm hope that when called upon for resolute and quick action my colleagues in the Education Department will do Hong Kong proud; as will my honourable Friend, the Financial Secretary when he makes the proper provision for funds for secondary education this coming academic year.

MISS KO:—Sir, I am deeply concerned that the White Paper on Secondary Education has been deferred because of financial constraints and I wish to join my colleagues in urging the Government to implement the White Paper in the coming financial year.

According to the recent report on "Social Causes of Violent Crimes Among Young Offenders in Hong Kong" the lack of places in secondary schools could adversely affect the youngsters dropping out of school. Once the youngsters are out of school they could be exposed to various bad influences which could lead them to be involved in delinquent acts.

Offenders are more often found amongst youngsters who do not attend school according to the report. Being poorly equipped with knowledge and skill, some are likely to take up early employment, receiving low economic reward and tending to drift from job to job. Some will remain idle. Under such circumstances, they are more likely to encounter the triad elements, who some would view as daring and exciting, and thus become delinquents. The report shows that the earlier the offenders leave school, the earlier they come in contact with the triad elements. What would be the total cost in dollars to the community even if only some of them turn to crime?

According to the Director of the Youth Guidance Project in Wong Tai Sin, many of the youngsters in Wong Tai Sin who cannot go to secondary schools are found to be unoccupied and doing nothing productive. They are spending their time just wandering, playing football in playgrounds and parks or hanging about on street corners everyday, and this renders association with delinquents and triad societies highly possible. Some of them are employed illegally as child labourers or casual workers. Employment at such young age hampers the intellectual and physical development of the children and also has a bad effect on their emotional outlook. It is worrying to be told by the honourable Director of Education that there were 68,000 children between 12 to 14 who were not receiving any kind of day-time education in September last year.

We are all aware that there is no real alternative to schooling for children from 12-14. Basic education provides young people with the necessary foundation for further development of their potential and skills as well as deep underlying moral principles. All these are very important in the development of a healthier community and also for the promotion of our commerce and industry. Therefore, our plans in the White Paper for the expansion of secondary education are very significant to our community and they also provide an investment in our commerce and industry. We should now decide we cannot afford to defer these plans any more, even if it is necessary to freeze some of our other plans.

In the meantime, until the nine year education can be provided for all children, I would urge more organizations to run evening schools for this age group and to provide more opportunities for pre-vocational training. I also hope that the Youth Guidance Projects with an out-reaching approach will be expanded as soon as possible in different districts.

With these words, I hope that Government will give secondary education the highest priority and start to implement the White Paper in the coming financial year.

4.05 p.m.

MR TOPLEY:—Sir, my honourable Friends have placed me in a dilemma. There is an excellent rule that the budget must not be anticipated. The rule is not made for the fun or thrill of having secrets but to enable financial policy to be made as a whole, consistently, with balance between the parts. On the other hand this is a matter of vital public importance on which an official response can be called for at any time, and there can be no rule which stops honourable Members calling for an adjournment debate because the timing is inconvenient to the Government.

My honourable Friend Mrs SYMONS calls for resolute and swift action. I shall certainly try not to disappoint her. My honourable Friend Mr CHEONG-LEEN calls for single-mindedness. I shall try not to disappoint him. My honourable Friend Miss KO SIU-WAH asks that secondary education receive the highest priority. I hope she in turn will not be disappointed.

I can say this with some conviction: the Education Department and the Finance and Social Services Branches of the Secretariat have been

[MR TOPLEY] Implementation of White Paper on Secondary School

locked not in battle but in deep discussion of how we can meet the deep-felt wish of Members, indeed of the whole community, for decisive action in the realm of secondary education. We have analysed the situation thoroughly and now can see pretty clearly what can be done and what cannot. I am confident that this year I shall be able to make some progress in implementing the White Paper. That is as far as I should go and can go. I cannot anticipate the budget proposals.

As my honourable Friends have pointed out we face, in the matter of children not at school, a social as much as an educational problem but one that must be met largely by educational means. But it is important to distinguish the problem of children leaving primary school without completing the course from that of children not receiving a secondary education because no secondary places are available. The former are the true drop-outs, for they leave school of their own volition in many cases because they don't like it and are therefore ill-prepared for life, vulnerable to bad influences and in some cases turn to crime. I am establishing a departmental working party to look at the age structure of our primary school population to find out why children enter school late in some instances, and leave school without completing the course in others. I am also placing increasing stress upon the "activity" approach in primary schools with a view to creating better conditions for learning. When I can abolish the Secondary School Entrance Examination then I hope that the atmosphere of primary schools will further improve because pupils in primary 5 and 6 will be following a broader curriculum.

The problem of 12 to 14 year olds not at school because of lack of places is a different matter altogether. All three of my honourable Friends have stressed the frustrating effects of not providing schooling for a proportion of our 12-14 year olds not to speak of the effects on our economic strength. In this they are quite right. There appears to be general agreement and it was certainly the conclusion of the Interdepartmental Committee on Services for Youth that the main and vital thing to be done for those 12-14 year olds who are not at school is to get them into school. But I can also assure my honourable Friends Mr CHEONG-LEEN and Miss KO SIU-WAH that the committee will be commissioning further activities and studies in the specialized areas to which they have drawn attention.

Question put and agreed to.

Next sitting

HIS EXCELLENCY THE PRESIDENT:—In accordance with Standing Orders I now adjourn the Council until 2.30 p.m. on Wednesday, the 21st of January.

Adjourned accordingly at ten minutes past four o'clock.

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