

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 28th April 1976****The Council met at half past two o'clock****PRESENT**

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR CRAWFORD MURRAY MacLEHOSE, KCMG, KCVO, MBE
THE HONOURABLE THE COLONIAL SECRETARY
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 (*Acting*)
MR GARTH CECIL THORNTON, QC
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 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 FRANCIS YUAN-HAO TIEN, OBE, JP
THE HONOURABLE ALEX WU SHU-SHIH, OBE, JP

ABSENT

THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS
 MR DENIS CAMPBELL BRAY, CVO, JP
 THE HONOURABLE LI FOOK-WO, OBE, JP
 THE HONOURABLE LO TAK-SHING, OBE, JP

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL
 MR KENNETH HARRY WHEELER

Papers

The following papers were laid pursuant to Standing Order No 14(2):—

<i>Subject</i>	<i>LN No</i>
Subsidiary Legislation:	
Child Care Centres Ordinance 1975. Child Care Centres Regulations 1976.....	101
Public Health and Urban Services Ordinance. Colouring Matter in Food (Amendment) Regulations 1976.....	102
Public Health and Urban Services Ordinance. Imported Meat and Poultry Regulations 1976	103
Child Care Centres Ordinance 1975. Child Care Centres Ordinance 1975 (Commencement) Notice 1976	104
Child Care Centres Ordinance 1975. Child Care Centres Regulations 1976 (Commencement) Notice 1976	105
Sessional Paper 1975-76:	
No 40—Report of the Finance Committee on the Draft Estimates of Expenditure 1976-77 (published on 28.4.76).	

Oral answers to questions**Compensation for victims of violent crime**

1. MR CHEONG-LEEN:—

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

Sir, will Government increase the scale of compensation awarded to victims of rape and other crimes of violence?

SECRETARY FOR SOCIAL SERVICES:— Sir, victims of violent crime may be compensated for their injuries by one of the two administrative boards. The Criminal Injuries Compensation Board assesses compensation in accordance with the scales applicable to the Emergency Relief Fund. The Law Enforcement Injuries Compensation Board has a broader basis of assessment in that it can either use the Emergency Relief Fund scales or assess compensation on the basis of common law damages, regardless of the negligence of the law-enforcement officer, whichever is the greater. In both cases, the boards may, at their discretion, increase an award up to a maximum of 100% in recognition of the victim's prevention, or attempted prevention, of the commission of a crime. Conversely, compensation may be reduced if the Boards consider it appropriate, having regard to the victim's conduct, character and way of life.

Victims of sexual offences, such as rape, are eligible under the Criminal Injuries Compensation Scheme for compensation although the Emergency Relief Fund scales are not relevant. In these cases, the board considers all applications, taking into account the individual circumstances of each case and compensation is awarded on the merits of each case, having general regard to the level of compensation payable to other victims of crimes of violence.

Sir, if I may now answer the question ... *(laughter)*. The Director of Social Welfare is at present reviewing the rates of assistance payable under the Emergency Relief Fund which were last revised in October 1974. Any revision of rates will also apply to the two compensation schemes, subject of course to the approval of the Finance Committee of this Council.

MR CHEONG-LEEN:—Sir, can consideration be given to the discretionary power of the compensation boards being amended to allow for

[MR CHEONG-LEEN] **Oral answers**

an increased maximum of up to three times of the normal level of grant if the victim was effecting or attempting an arrest of an offender, the prevention of the commission of a crime or giving help to any police officer, or other person engaged in such activity?

SECRETARY FOR SOCIAL SERVICES:—Sir, I will consult the boards to see if the present two times is in fact not adequate.

Overseas driving licences

2. MR CHEONG-LEEN:—

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

Sir, (a) will the Government take steps to abolish the present distinction between Hong Kong passport holders, who obtain a recognized overseas motor driving licence, yet are not allowed to drive in Hong Kong on such a licence, and visitors who are; and

(b) how soon can such steps be taken?

SECRETARY FOR THE ENVIRONMENT:—Yes, Sir, the Government does propose to abolish the distinction to which my honourable Friend refers. At present, an overseas passport holder can come here and, on the strength of his passport and overseas driving licence, obtain a Hong Kong driving licence without a test. By contrast, the holder of a Hong Kong passport who has an overseas driving licence cannot, on the strength of this, obtain a Hong Kong driving licence without a test. Nor, of course, can the Hong Kong passport holder automatically be regarded as a visitor who, as such, is entitled to drive on his overseas licence, for up to 12 months.

It is now proposed to get away from the matter of nationality or type of passport, so that anyone with an overseas driving licence can drive in Hong Kong for a maximum of 12 months. New arrivals proposing to stay in Hong Kong for more than a year may, within the year, take a test to obtain a Hong Kong driving licence.

I hope that amendments to the Driving Licence Regulations can be put to Executive Council in June or July and these will require

everyone taking up residence in Hong Kong who wishes to obtain a Hong Kong driving licence to pass a test within 12 months of their taking up residence. This will bring Hong Kong into line with international practice and the distinction complained of by my honourable Friend will be removed.

MR CHEONG-LEEN:—Sir, if it is possible for non-Hong Kong persons who are assigned to Hong Kong to do a tour of duty to be issued with a driving licence within two or three days after their application is made, will it be possible, in the meantime, pending the passing of such legislation as my honourable Friend refers to, to extend such facility to permanent Hong Kong residents with the same type of valid overseas driving licence?

SECRETARY FOR THE ENVIRONMENT:—I suspect, Sir, the law wouldn't allow it, but I will certainly have my Friend's suggestion looked into.

Swine influenza

3. MR LOBO asked:—

Sir, in view of the publicity in the United States about an outbreak of swine influenza, will the Government make a statement on the present situation and whether or not it is likely to affect Hong Kong?

DR CHOA:—Sir, at the end of January 1976, an outbreak of influenza occurred in a military camp at Fort Dix, New Jersey, United States. A new strain of influenza A virus, closely related to swine influenza virus, was detected. This virus, designated now as A/New Jersey/76 strain, is said to be similar to the one which was presumed to have caused the 1918 epidemic. There were altogether 12 confirmed cases. The signs and symptoms of the cases were considered comparatively mild although there was one death among them. There has been no further infection in the camp after February and no evidence of spread outside the camp so far.

In February, the World Health Organization alerted National Influenza Centres all over the world, of which the Virus Unit of the Medical and Health Department is one, to reinforce surveillance.

Early in April, a consultative meeting of international experts was called by the World Health Organization in Geneva to advise on

[DR CHOA] **Oral answers**

further action. A specialist from the Medical and Health Department's Virus Unit attended this meeting.

The consensus of opinion is that it is entirely possible that the outbreak of swine influenza-like virus in Fort Dix might have been a unique event in a military recruit population and would not lead to a wide-spread epidemic such as experienced in 1957-58 and 1968-69. In any case, Hong Kong will be in a position to watch further developments of the situation closely and will be guided by WHO to take necessary measures at the appropriate time. As regards vaccination, it is accepted that the use of a vaccine can modify the incidence of influenza in man, but, in order to be effective, it has to be prepared with the new epidemic strain. Such a vaccine will provide only a certain degree of immunity for a limited period of time, hence, mass vaccination as a public health measure is generally not recommended except in the face of a pandemic.

Cremations—waiting periods for

4. DR FANG asked:—

Sir, how quickly can steps be taken to reduce the present waiting periods for cremations at Diamond Hill and Cape Collinson Crematoria?

SECRETARY FOR THE ENVIRONMENT:—Sir, the present waiting period for cremations at the Urban Council crematoria at Diamond Hill and Cape Collinson is two days. I hope that my honourable Friend agrees that this is not unreasonable and I assume that his question was prompted by the situation earlier this year, when the waiting period crept up to five days or more. I understand that the Urban Council took measures to cut down the waiting time and has now introduced measures which, for the time being, are likely to hold the waiting time at two days.

The main cause of delays with cremations is the present overloading of the two crematoria. This makes proper maintenance difficult and creates a constant danger of serious disruption in the event of breakdowns.

The Urban Council has been pressing for the capacity of the crematoria to be increased. This has my full support, not only because it will reduce the risk of long waiting periods but also because cremation reduces the need to provide scarce land for burials.

With the easing of financial stringencies it is intended to press ahead with the expansion programme, and in fact orders have been placed for new cremators to be added to the existing Cape Collinson crematorium; these should be in operation within a year, and possibly in late 1977 the small and elderly Diamond Hill crematorium can be replaced, and the capacity increased.

DR FANG:—Sir, is my honourable Friend aware that even last month there was a case on Kowloon side which had to wait for more than one week?

SECRETARY FOR THE ENVIRONMENT:—No, Sir. The times I have been given are obviously averages, but if my honourable Friend would give me the case in question, I will look into it, Sir.

Visit by EEC experts

5. MR TIEN asked:—

Sir, will Government make a statement on the recent visit by GSP experts from EEC Member States and Commission?

MR JORDAN:—Sir, this group of experts visited Hong Kong from 28th March to 3rd April at the invitation of the Hong Kong Government. During their stay here we organized a programme which enabled them to get a first hand impression of general economic and social conditions in Hong Kong as well as to understand the difficulties and limitations faced by our industries. In the course of this, they met and had discussions with a wide cross-section of the Hong Kong community including the major trade and industrial associations.

At the moment, the European Economic Community's Generalized Preference Scheme excludes Hong Kong's textiles and leather footwear from preference but the Council of Ministers has undertaken to review the case for the inclusion of Hong Kong's textiles this year when the scheme for 1977 is to be drawn up.

However, this visit was more designed to enable these experts to become better acquainted with conditions in Hong Kong rather than directly to influence their thinking with regard to Hong Kong's position in the Scheme.

Mr TRAN, the leader of the group, ventured his opinion, at a press conference held shortly before the group's departure, that the visit had improved the chances of the inclusion of Hong Kong's textiles in the scheme in 1977.

Oral answers**Police—beat coverage in housing estates**

6. Miss KO asked:—

Sir, now that the Police Force has more men, can additional policemen be put on the beat within public housing estates?

SECRETARY FOR SECURITY:—The short answer is yes, Sir. But this needs some further amplification.

During the last year the strength of the Force increased by 1,180 to 15,400, which is within 630 of its establishment. This welcome additional manpower in the regular force has been distributed between the Uniformed Branch and the CID, according to establishment deficiencies and operational needs, preference being given to areas where the greatest problems exist. The strength of most police divisions is currently up to establishment in both CID and Uniformed Branch and in some cases exceeds it.

In order to achieve flexibility, manpower resources are deployed by District Police Commanders according to the needs of specific areas, priority being given to counter crime measures. The number of regular police officers assigned to public estates has been increased this year, particularly in those estates where significant problems have been identified and further increases in Uniformed Branch strength are planned in 1976-77, although at this stage of this year I cannot say precisely what additional numbers of police officers will be actually posted to housing estates. Of the 27 new Neighbourhood Police Units for which provision is made in the Estimates, 24 will be in public estates.

Thus, within the existing establishment, resources are deployed so far as possible to optimum effect and housing estates receive a coverage proportionate to their needs and the competing requirements of other areas.

Water supply in 1980s

7. MR JAMES WU asked:—

Sir, will the water supply projects now under construction or planned for the near future ensure an adequacy of supply throughout the 1980s?

MR McDONALD:—Sir, water supply projects currently under construction or planned for the near future will not in themselves ensure an adequacy of supply throughout the 1980s.

Proposals have, however, been formulated to cover the future demand for water supplies and these will be submitted shortly to the Governor in Council for consideration.

MR JAMES WU:—Sir, in view of the importance of the water supply problem will my honourable Friend, the Director of Public Works, make public these proposals at the first appropriate moment?

MR McDONALD:—Yes, Sir.

Statement

Report of the Finance Committee on the Draft Estimates of Expenditure 1976-77

THE COLONIAL SECRETARY:—Sir, on the 25th February 1976, the draft Estimates of Expenditure for 1976-77 were referred to the Finance Committee for examination under Standing Order 60(8). The Committee has completed its examination and its report has been laid on the table today.

I should like to express my appreciation of the valuable contribution of Members of Finance Committee, who devote so much of their time and energy to the scrutiny of public expenditure.

I refer not only to their careful examination of the Annual Estimates, but also to the regular meeting of Finance Committee, which are held throughout the year, at which requests for supplementary provision are considered; and I can assure them that this important public service is greatly appreciated by the Government.

Government business

Motion

CORRUPT AND ILLEGAL PRACTICES ORDINANCE

SECRETARY FOR THE NEW TERRITORIES moved the following motion:—

[SECRETARY FOR THE NEW TERRITORIES] **Motion**

That the Corrupt and Illegal Practices Ordinance shall be applied to the Heung Yee Kuk and to any election of members of the Heung Yee Kuk.

He said:—Sir, the resolution before the Council today proposes to apply the provisions of the Corrupt and Illegal Practices Ordinance to the elections for Special Councillors, Executive Committee members and Chairman and Vice-Chairman of the New Territories Heung Yee Kuk.

The Heung Yee Kuk is a statutory body which has amongst its objects the promotion of co-operation and understanding between the Government and the people of the New Territories, and its principal function is "to advise the Government on social and economic developments in the interests of the welfare and prosperity of the people of the New Territories". It is clearly desirable that the elections for the principal offices in this important public body should not only be honest and free from corruption but should be seen to be so.

At present the Corrupt and Illegal Practices Ordinance applies only to the Urban Council elections, and it is appropriate that it should now be extended to cover the Heung Yee Kuk elections, which are the only other statutory elections for a public body in Hong Kong.

The ordinance lays down high standards of behaviour in connection with election procedures, and sets out in detail the practices which are corrupt or illegal. In particular it contains provisions making it an offence to give or offer any money or other gift or loan so as to influence a voter at an election, or to use threats of any kind for the same purpose. It is also an offence under the ordinance to give or provide, *corruptly* any meal, drink or entertainment so as to influence any individual elector. I would emphasize the word "corruptly"; the purpose of the ordinance is to eliminate corrupt and illegal practices during elections, and not to interfere with the tradition of the exchange of hospitality between friends.

The Heung Yee Kuk has strongly supported the application of this ordinance to its elections, and I myself feel that this step is most necessary, and consonant with the need to ensure the scrupulous conduct of elections for this representative body.

Question put and agreed to.

First reading of bills

CO-OPERATIVE SOCIETIES (AMENDMENT) BILL 1976
MOTOR VEHICLES INSURANCE (THIRD PARTY RISKS)
(AMENDMENT) BILL 1976
STAMP (AMENDMENT) BILL 1976
CORRUPT AND ILLEGAL PRACTICES (AMENDMENT)
BILL 1976
INDEPENDENT COMMISSION AGAINST CORRUPTION
(AMENDMENT) (NO 2) BILL 1976
PROBATION OF OFFENDERS (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**CO-OPERATIVE SOCIETIES (AMENDMENT) BILL 1976**

THE FINANCIAL SECRETARY moved the second reading of:—"A bill to amend the Co-operative Societies Ordinance."

He said:—Sir, the purpose of this bill is to amend the principal ordinance in the interests of clarity. To avoid confusing my honourable Friends therefore I shall simply invite them to read the explanatory memorandum. Meanwhile I move that the debate on this motion be now adjourned.

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

Question put and agreed to.

MOTOR VEHICLES INSURANCE (THIRD PARTY RISKS)
(AMENDMENT) BILL 1976

THE FINANCIAL SECRETARY moved the second reading of:—"A bill to amend the Motor Vehicles Insurance (Third Party Risks) Ordinance."

He said:—Sir, the main object of the bill now before Council is to introduce into the Motor Vehicles Insurance (Third Party Risks)

[THE FINANCIAL SECRETARY] **Motor Vehicles Insurance (Third Party Risks) (Amendment) Bill—second reading**

Ordinance (Chapter 272), provisions similar to those in the United Kingdom Motor Vehicles (Passengers Insurance) Act, 1971, which requires the users of motor vehicles to be insured in respect of liability for death or bodily injury of passengers and prohibits any agreement between the user of a motor vehicle and a passenger to restrict liability.

Under existing legislation in Hong Kong, a motorist is required to take out third party insurance to cover liability for death or injury arising from the use of a motor vehicle to any person, other than those carried inside the motor vehicle. Under section 6(1)(b)(ii) of the Motor Vehicles Insurance (Third Party Risks) Ordinance, such insurance is required to cover the death of or bodily injury of only such passengers as are carried for hire or reward or by reason of or in pursuance of a contract of employment. In no other case does a motorist have to have insurance cover for the death or injury of his passengers.

It is therefore proposed that sections 6 and 12 of the Motor Vehicles Insurance (Third Party Risks) Ordinance be amended by:—

- (a) requiring the user of a motor vehicle to be insured in respect of liability for death or bodily injury of his passengers; and
- (b) rendering ineffective any antecedent agreement between the user of a motor vehicle and his passengers, whether this is intended to be legally binding or not, which seeks to negate or restrict the liability of the user for the death or bodily injury of the passengers, or which seeks to impose conditions with respect to the enforcement of such liability.

The Accident Insurance Association of Hong Kong and the Hong Kong Automobile Association are agreeable to this proposal. However in order to allow time for the Accident Insurance Association to adjust its administrative machinery for compulsory passenger insurance, the Association will need a minimum of 12 months' notice from the time the legislation is passed until the operative date. It is therefore proposed that clauses 3 and 4 of the bill, if passed into law, should not come into operation until the 1st of June 1977.

The bill also seeks to amend sections 4 and 20 of the Motor Vehicles Insurance (Third Party Risks) Ordinance by:—

- (a) increasing the maximum penalty for driving a motor vehicle without effective third party insurance from a fine of \$1,000

and imprisonment for 3 months, to a fine of \$10,000 and imprisonment for 12 months, coupled with liability for a period of disqualification from driving of not less than 12 months nor more than 3 years; and

- (b) enabling regulations to be made requiring the production of a third party insurance certificate, on giving notice to the Commissioner for Transport of a change of ownership of a vehicle.

In the latter respect I should explain that under regulation 24 of the principal regulations to the ordinance, any person applying for a vehicle licence is required to produce to the Commissioner for Transport a certificate of insurance against third party risks. At present, however, this requirement is only met on initial licensing of a vehicle or renewal of a licence and not on the transfer of ownership of a vehicle.

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

Question put and agreed to.

STAMP (AMENDMENT) BILL 1976

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

He said:—Sir, the object of this bill is to add a number of statutory exemptions from stamp duty to those already provided for under the Stamp Ordinance. The first exemption proposed is in respect of leases and conveyances of consular premises. It is an accepted international obligation that consulates and Commonwealth commissions are not required to pay stamp duty in respect of their premises. While exemption in respect of leases has been provided under the Stamp Ordinance, no such provision is made in respect of purchases, where exemption has hitherto been granted under section 96(b) of the Interpretation and General Clauses Ordinance. Clause 3 of the bill adds a new section 40A to the principal ordinance to provide a statutory basis for exempting from stamp duty both leases and conveyances of consular premises.

The second exemption proposed is in respect of conveyances on sale to the Crown. Although the Crown is generally exempt from stamp duty, the seller is not so exempt and is legally liable to pay all the duty in respect of the conveyance. Exemption in each case

[THE FINANCIAL SECRETARY] **Stamp (Amendment) Bill—second reading**

has hitherto been granted under section 96(b) of the Interpretation and General Clauses Ordinance. Clause 2 of the bill amends section 40 of the principal ordinance to provide the necessary statutory exemption in respect of conveyances of property on sale to the Crown.

The third exemption proposed is in respect of all instruments—and I repeat all instruments—executed by the Urban Council. At present, only the Urban Council as such is exempt from stamp duty but this leaves undiminished the liability to stamp duty of any other party to a document jointly executed with the Urban Council. For example, a person who enters into a lease with the Urban Council is still liable to pay half of the stamp duty as prescribed under the Stamp Ordinance. But, as all instruments executed by the Housing Authority are exempt from stamp duty, the other party to a document jointly executed with the Housing Authority is exempt as well. To put the Urban Council in the same position as the Housing Authority, clause 2 of the bill adds a new paragraph (*ee*) to section 40(4) of the principal ordinance to provide exemption in respect of all instruments executed by the Urban Council.

The fourth exemption proposed is in respect of a surety guarantee given under the Probate and Administration Ordinance. Although surety guarantees are chargeable to duty under the Stamp Ordinance, for as long as we can ascertain, it has been the practice for these documents to be filed in the Probate Registry of the Supreme Court without being stamped. Clause 2 of the bill adds a new paragraph (*h*) to section 40(4) of the principal ordinance to regularize this long established practice.

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

Question put and agreed to.

**CORRUPT AND ILLEGAL PRACTICES (AMENDMENT)
BILL 1976**

THE ATTORNEY GENERAL moved the second reading of:—"A bill to amend the Corrupt and Illegal Practices Ordinance."

He said:—Sir, there is at common law a rule whereby a court is required to have specific regard to the danger of convicting a person on the evidence of an accomplice without corroboration.

This bill seeks to modify the application of this rule to prosecutions for corrupt and illegal practices at those elections to which the Corrupt and Illegal Practices Ordinance applies. These are Urban Council elections and, as a result of the resolution passed by this Council today, Heung Yee Kuk elections.

The bill provides that one party to a corrupt practice or an illegal practice shall not be regarded by the court as an accomplice of the other party in a prosecution of the latter for an offence under the Corrupt and Illegal Practices Ordinance. This does not, of course, mean that there is any obligation on the court to believe the evidence of that other party to the corrupt or illegal practice, but merely that the court would have to decide whether or not in the particular case such a witness is worthy of belief, the fact that he might be an accomplice being disregarded.

Honourable Members will recall that what is proposed in this bill in relation to offences at elections is already the law in relation to bribery generally by virtue of the enactment in 1970 section 22 of the Prevention of Bribery Ordinance.

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

Question put and agreed to.

INDEPENDENT COMMISSION AGAINST CORRUPTION (AMENDMENT) (NO 2) BILL 1976

THE ATTORNEY GENERAL moved the second reading of:—"A bill to amend the Independent Commission Against Corruption Ordinance."

He said:—Sir, there is, so I am told, an old Scottish proverb which says—"Words are but wind, but seein's believin." (*laughter*)

When I saw, in printed form, the recently enacted Independent Commission Against Corruption (Amendment) Ordinance 1976, I was reluctant to believe what I saw, but the embarrassing truth could not be ignored. Two small words which should have been included in the revised section 10 introduced at the committee stage were not to be seen. The words of the draftsman were but wind indeed.

The result of this technical error is that the necessary powers relating to the use of reasonable force and entry and search of premises, which are ancillary to the powers of arrest set out in section 10(1)

[THE ATTORNEY GENERAL] **Independent Commission Against Corruption
(Amendment) (No 2) Bill—second reading**

and (2) of the ordinance do not extend to the group of offences specified in subsection (2). This is contrary to the intention of this Council and in order to cure the defect with all practical speed I have put forward this bill today.

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).

PROBATION OF OFFENDERS (AMENDMENT) BILL 1976

SECRETARY FOR SOCIAL SERVICES moved the second reading of:—"A bill to amend the Probation of Offenders Ordinance."

He said:—Sir, the object of this bill is to remove all provisions relating to probation committees which have not met for more than eight years. The original intention of these committees was to provide a channel through which probation officers might obtain advice on individual cases from a body which was representative of local interests and experience.

In 1968 a working party responsible for examining the need for juvenile courts was asked to consider whether the constitution and duties of the probation committees required amendment. The working party concluded that the committees were spending too much time considering individual case histories and suggested that the two probation committees, one for Hong Kong Island and the other for Kowloon and the New Territories, should be replaced by a single more broadly based committee to deal with the relationship between the Probation Service and the courts in the treatment of probationers.

The same working party also recommended that a full time juvenile court magistrate should be appointed to deal with juvenile cases. This recommendation, which has been accepted and implemented, anticipated that probation officers and juvenile court magistrates would work in close harmony and might thereby obviate the need to refer juvenile cases to probation committees. Consequently, it was decided to hold in abeyance the reconstitution of the probation committees pending an assessment of the operation of the juvenile courts.

With the reconstitution of the juvenile courts in February 1975, it became apparent that there was no longer a need for a probation committee to serve as a medium for case consultation between the courts and the probation officers because there is already a close and effective consultation between them. As regards adult cases, these can be effectively covered, in the absence of a probation committee, since probation officers are supervised by the courts and by the Principal Probation Officer.

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

Question put and agreed to.

HONG KONG INDUSTRIAL ESTATES PROVISIONAL AUTHORITY BILL 1976

Resumption of debate on second reading (7th April 1976)

Question proposed.

MR JAMES WU:—Sir, I welcome the introduction of the Hong Kong Industrial Estates Provisional Authority Bill 1976 as proposed by my honourable Friend the Financial Secretary. Indeed, I have long suggested the setting up of Industrial Parks, and I have therefore watched with much interest the work which has been done in this direction in the last two years. Although this formative stage has taken quite a long time, it is "better late than never" as the saying goes. It will also be seen that the introduction of this legislation comes about at a very opportune time, although I must press for early implementation of the work which will flow from the Provisional Authority.

Sir, I know that the provision of land at economic prices for special industries, as the proposed Authority is charged to perform, would not have become a reality without the very real interest shown by Your Excellency and by my honourable Friend, a most considerate Financial Secretary, who said in his speech during the debate on the Governor's address in November 1974, that he recognized that some industries which could be of considerable benefit to our economy as a whole, could not establish themselves in high rise buildings.

Sir, I am most happy to see this change of thinking, as I have always believed that, as in the case of Germany and Japan since

[MR JAMES WU] **Hong Kong Industrial Estates Provisional Authority Bill —
resumption of debate on second reading (7.4.76)**

the latter part of the last century, rapid economic success had been made possible only by strong government encouragement of development within an essentially private enterprise economy. Since the basic essentials of production are man-power, capital and land, and as the Government holds most of the land and can manipulate the capital supply, it is clear that the Government must assume an important role in economic development.

When I was first appointed to the Trade and Industry Advisory Board about ten years ago, I was surprised to notice that as far as the official view was concerned, Government leadership and direct encouragement to trade and industry was thought to be tantamount to restriction and interference. In a report in 1967 following a mission to an ECAFE Conference on Metal and Engineering Industries and the study visit to Australia, I strongly advocated the provision of industrial land at special economic terms to encourage the development of our engineering industries. I said then that by tradition, the Cantonese are good craftsmen and mechanics, and that in South East Asia most of the engineering and ship-building craftsmen were Cantonese. On the other hand the increasing land prices even in those days were beginning to erode if not destroy what little engineering based industries we had which could otherwise be developed to provide a wider industrial base and support for other industries. At that time I had in mind the need to set up production foundries and forges, as these industries are base to the development of many others. However, it is a fact that the lack of an industrial land policy during these years has consistently made it difficult for such industries to establish here, and indeed those set up are limited to temporary sites on Crown land thus restricting development and modernization. At the same time as this was happening, our competitors in the region have been encouraging the development of strong engineering industries as the nucleus of their industrial development. We have over the years lost much of the initiative in this particular field, and we are certainly behind our main competitors although we can more easily marshal and develop the skill and the capital, and certainly the will to use them.

As an industrialist and an engineer, I am therefore glad to see the emergence of sensible and helpful policies designed to help Hong Kong to recover lost ground. I have been told by the quasi-Government group that recently returned from a mission to Australia for foreign investments and markets that since their visit hardly a week passes without two or three Australian visitors enquiring for engineering production

capabilities and capacity in foundries, forges, machining and fabrication work. That these have come at a time when our textiles and other established industries are hard pressed by quotas and restrictions should be of significance and inspiration to our economic planners, and show the direction of our future development. There are of course many other worthwhile industries that are land intensive and cannot be tolerably established in high-rise factories and these indeed are the ones that we should give due consideration as long as they are viable, will up-grade our technology, provide support for our existing and new industries and in general help to broaden our industrial base to provide employment for our growing male population with high education and aspirations. It is also important however that rules and procedures be established by the Authority to safeguard and ensure that all land provided will be fully utilized in accordance with the intents and purposes proposed, and to prevent abuse and speculation.

Sir, I wish also to speak briefly on the subject of industrial land for general use. In November 1974, my honourable Friend the Financial Secretary also said that he was a protagonist of deliberately making more land available for industry, and that he was aiming to increase the availability of general industrial land near the centres of population and especially in the new towns. With industrial land prices skyrocketing to an unprecedented and intolerable height of \$650 per square foot during the last six months, I shall be glad to have from my honourable Friend an assurance that no effort will be spared to make available for public auction as much industrial land as possible to meet this urgent demand.

Sir, with these remarks, I support the motion before Council.

THE FINANCIAL SECRETARY:—Sir, as my honourable Friend Mr Wu has said, the Government's policy is to make available more land for industry generally, provided it can be disposed of at a price which meets the full cost of formation and development and with due regard to existing asset values. I agree land prices during the last six months have risen quite sharply as the economy has begun to move out of the recessionary phase but I do not understand his use of the word "intolerable". But I can assure him that as much general industrial land as possible will be made available by public auction; and I would remind him in paragraph 169 of the budget speech* I said that twenty-eight acres will be put on the market by my honourable Friends, the Director of Public Works and the Secretary

* See page 550.

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for New Territories during the present financial year. As regards land made available with a restricted use and conditions attached I am glad my honourable Friend accepts that it must be put to really productive use to the benefit of the economy as a whole. This means, among other things, placing at least some reliance on the discipline of the market mechanism and not deluding ourselves into believing that the bureaucratic decision-making process would be an entirely satisfactory substitute.

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).

DISTRICT COURT (AMENDMENT) BILL 1976

Resumption of debate on second reading (7th April 1976)

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).

LABOUR TRIBUNAL (AMENDMENT) BILL 1976

Resumption of debate on second reading (7th April 1976)

Question proposed.

MR CHEUNG:—Sir, as is to be expected with a new institution created by a new ordinance, experience of its working has shown that not only does the ordinance itself need amending but two of the procedural rules made under it has caused difficulty and should also be amended.

The interpretation and effect of so simple a rule as rule 7(2) has been the subject of an acute divergency of judicial opinion, and, if I remember correctly, of two different decisions of the Full Court. It deals with the procedure which should be followed when the tribunal has declined jurisdiction of a case, under powers given by section 10, and has transferred the case to the Court. When the ordinance was first enacted it was contemplated that cases involving a difficult question of law or which have unusual complications might be so transferred by the tribunal to a court. I discussed this particular matter with the Attorney General before he went on leave and we would recommend that the present rule should be changed to provide that when a court is seized of a case on transfer from a tribunal it should deal with the case under its own rules of procedure.

The other rule which has caused difficulty is rule 12(2) which provides that a copy of an award by the tribunal might be registered in the District Court; when registered, it can be enforced by the process of that court. Unfortunately the rule says the award is to be registered within three months after it is made, without providing what is to happen if it is registered late; it posed a conundrum which would have been very expensive for two actual parties involved to have got resolved. I, myself, see no good reason why the period should not be extended from three to twelve months. With this view the Attorney General was also good enough to inform me that he also agreed, and we would recommend an extension of the period to twelve months in which the award might be registered.

I hope therefore that these amendments to these two rules may soon be made.

THE ATTORNEY GENERAL:—Sir, I am glad to be able to inform honourable Members that action is in hand to deal with both points referred to by my honourable Friend, Mr CHEUNG. This matter involves the Labour Tribunal (General) Rules which are made by the Chief Justice. I can say at this stage that the Honourable the Chief Justice has accepted the principle of both the amendments suggested. The necessary amending rules are now in draft form ready to be submitted to the Chief Justice immediately after the enactment of the bill now before Council.

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).

AERIAL ROPEWAYS (SAFETY) BILL 1976**Resumption of debate on second reading (7th April 1976)**

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).

**LIFTS AND ESCALATORS (SAFETY) (AMENDMENT)
BILL 1976****Resumption of debate on second reading (7th April 1976)**

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.

APPROPRIATION BILL 1976

HIS EXCELLENCY THE PRESIDENT:— We shall consider the Schedule first in accordance with Standing Order 55, taking the Heads in groups. The question is that the sums of money for the following Heads stand part of the Schedule.

Heads 21 to 33 were agreed to.

Head 34

MR CHEONG-LEEN:—I would like to express concern once again at the number of drop-outs in the primary school system. I am

told that there is a high possibility that there are nearly as many drop-outs within the Primary 1 to 3 years as in the Primary 4 to 6 years. If this is so, then it is a situation that is to be deplored, and ought not to be tolerated, in view of the large number of primary school places that are available.

Firstly, I suggest it be made mandatory under penalty of a fine or other appropriate penalty for all primary school principals to report drop-outs to the Education Department within a period of 60 days or less if practicable.

Secondly, more special classes should be established for drop-outs and over-age primary students.

Thirdly, increasing priority should be given to subsidizing nurseries and kindergartens for lower-income families.

These three points are but part of a larger and more co-ordinated effort which is required to reduce the incidence of primary school drop-outs, as well as to reduce the number of potential misfits, juvenile delinquents and young criminals in our midst.

MR TOPLEY:—Sir, the general situation is that in 1972 there were 20,000 children 6-11 years old not at school and by 1975 the figure had fallen to 4,000, less than 1% of the age group.

Figures for drop-outs or for premature leavers are harder to collect and interpret. The raw data do indicate a higher proportion of premature leavers in the early years of primary school but it is probable that a large proportion of these are undetected transfers. I hope to make our statistical work more sophisticated.

Policing of the kind envisaged by my honourable Friend would be cumbersome and very expensive so that I do not intend to proceed along the lines he suggests.

Our present arrangements for monitoring non-attendance are, I believe, sound. We have also mounted for this and allied purposes a reaching out scheme of social work, in co-operation with the Social Welfare Department.

There are already adequate places in special classes for slow learners and suitable arrangements for re-entrants to the primary system.

We are not in a position at present in the light of our other priorities to consider subsidizing kindergarten places.

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Head 34 was agreed to.

Heads 35 to 48 were agreed to.

Head 49

MR CHEONG-LEEN:—Sir, I wish to raise three points on this Head.

First, as music parlours and other like establishments are visited from time to time by teams comprising representatives of the Police and Medical and Health Department in order to encourage the girls working there to have regular medical check-ups, would it be possible to go one step further and make such check-ups compulsory.

A register of the names and addresses of the girls working in such establishments could be compiled by the Medical and Health Department, and such register could be made available if required to the Triad Society Bureau and the Social Welfare Department.

Since there is a large number of music parlours and similar establishments in existence, positive preventive measures should be taken to reduce even further the incidence of venereal disease in the community, bearing in mind that many young factory workers, apprentices, mechanics and labourers patronize such establishments.

A posture of burying one's head in the sand is not going to wave away with a magic wand the existence of music parlours and similar places, with their attendant fire hazards, triad involvement, control and manipulation of the girls working in such places, and possibilities for corruption.

Second, the ophthalmic service in Hong Kong is heavily utilized and the staff at the three full-time outpatient centres serving 4.5 million people are much overworked. Anyone who has to join the long queues in front of a Government eye clinic can attest to this fact.

Among the secondary school population, it has been estimated that between 25% to 30% are wearing glasses. Attributable factors could be congenital, educational methods, environmental, or otherwise. To alleviate this situation, I think the Education Department, with the advice and support of the Medical and Health Department, should set up a programme to have teachers trained into carrying out screening tests with the use of the Snellen Chart. This is a simple process and could be done at least once a year in every class-room commencing

at Primary I level. Should the screening test indicate that the student ought to have ophthalmic attention, the teacher could so advise the parents. The programme is a preventive one, and it ought to be embarked upon as soon as possible, especially since relatively speaking it is not an expensive programme. I am sure that there could be found a number of voluntary bodies which would be prepared to donate some or all of the Snellen Charts.

Third, as against the number of drug addicts given by the honourable Secretary for Security during this debate, I take leave to quote the following paragraph from page 75 of the 1975 Hong Kong Annual Report:

"Drug addiction remains a serious social problem in Hong Kong, with perhaps as many as 100,000 persons, mostly male, addicted to opium or heroin. This represents about 2% of the population. A central register of drug addicts was established in April 1972. It has now received some 50,000 returns from reporting agencies indicating that there are at least that number of addicts in the community."

Sir, whether the figure is 35,000, or 50,000 or 100,000, the problem is a serious one. I would therefore like to see a much stronger anti-drugs campaign. The main thrust of the campaign should be at young people, particularly since younger males are more prone to push drugs or commit violent crime to get drug supplies for their own use, while the females would become prostitutes. I agree that there are some excellent programmes of drug treatment and rehabilitation, but they are very limited in size. As stated in the Annual Report, "considerable expansion will be essential if the back of the addiction problem is to be broken". When that will take place is anybody's guess. Mean-time, it is vitally essential that there is a community-wide and well-co-ordinated effort to cut off the flow of young people from joining the ranks of the well-publicized estimate of 100,000.

I hope it will be possible for all voluntary organizations at the grass-roots level to be instructed and primed to put across the anti-drugs message, to be aimed especially at young people. For this purpose, sufficient funds must be provided to make the drive an effective and on-going success.

DR CHOA:—Sir, visits to music parlours and allied establishments are made by health staff of the Social Hygiene Service for the dual purpose of tracing sources of infection in regard to venereal diseases and to request defaulters to return to clinics for follow-up. In theory

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it is, of course, possible to introduce routine compulsory examination, but experts in the field have expressed the opinion that in practice such a step is not any more effective in reducing the incidence of venereal diseases in a community.

In regard to a programme for teachers to be trained for carrying out visual acuity tests, I would like to inform my honourable Friend that a screening programme has already been operated by the Education Department for the benefit of school children attending certain Government primary schools at primary 1 level. School children requiring further assessments are then referred to Government eye clinics. Plans to extend vision screening to cover all primary 1 students and later on possibly at primary 4 level are now being considered by a working party as part of the programme plan on rehabilitation services.

As far as the number of drug addicts in Hong Kong is concerned, I would refer my honourable Friend to the Secretary for Security's statement in this Council on April 7th, that the services of an international expert in data collecting and analysis in this field had been secured. Mr WERBELL has now arrived from United States and I would hope to give this Council the results of his investigations during the next session.

The Preventive Education and Publicity Sub-committee of ACAN has also been conducting an in-depth study of our needs in the area of preventive work, and has agreed on the need to concentrate on those held to be most at risk of becoming drug addicts. These are young males in the 15 to 24 age range, of limited education, working principally in unskilled occupations, and living in overcrowded conditions. The sub-committee, under the able chairmanship of Dr K. L. STUMPF, is currently working on an overall strategy of preventive education, including the best means of reaching the target audience, and also on the resources needed to achieve their objectives.

Head 49 was agreed to.

Heads 50 to 53 were agreed to.

Head 54

MR CHEONG-LEEN:—Sir, it is to the credit of the police that with the growing co-operation of the public we are now hopeful of winning

the battle against violent crime in our midst. It is also to be admitted that we still have a long way to go yet, and that more policemen, more money and more effective anti-crime programmes are required. We cannot afford to be complacent.

It is interesting to recall that neighbourhood patrol units sprang into existence because of a real and pragmatic need, despite the fact that they were initially frowned upon by the police. Would it be possible for a special section to be set up within the police to train, guide and supervise these neighbourhood patrol units so that they could augment the regular and auxiliary police in patrolling nearby streets, public parks and playgrounds? All members of existing and future neighbourhood patrol units would of course have to be regularly screened, and they would have to abide by the guide-lines laid down as to responsibility and scope of action. They should be allowed to exist only where their presence is welcome and accepted by the residents in the area. There is a need for more organized public support to help the Police cope with robberies, especially since the rate of detection for robberies has been low, *i.e.* 15.1% during the first seven months of 1975.

SECRETARY FOR SECURITY:—Sir, there are two points here. The training of the patrol and the area of operation.

There have been no changes in the last two months in the arrangements for training which I outlined in an answer to a question on 11th February. Facilities for training MAC security patrols do exist, and are organized by the Home Affairs Department who are responsible for encouraging the development of MACs. They carry out this work with the active co-operation of the police through the Police Community Relations Officer and the Legal Department and as far as I am aware this system is coping with the demand and frankly I would prefer not to disturb it and go to the lengths of establishing a separate MAC Training Section within the police, as proposed by my honourable Member. But should changes be necessary we will most certainly be ready to make them.

As regards to the area of operation, it is the opinion of the Commissioner that the MAC security patrols are effective and useful within the multi-storey buildings they were established to patrol. The members of the patrol are well acquainted with these buildings and with most of the people they are likely to meet.

On the other hand the policing of streets and other public places is a more complex and difficult operation requiring much longer training

[SECRETARY FOR SECURITY] **Appropriation Bill—committee stage**

by those concerned. I think it is really best done by the police and we do not propose to extend MAC patrols to public places. Of course, continuous efforts are made to improve the public security, in these places, and I have already stated that 27 additional police neighbourhood policing units will be established this year. That I think is as far as we should go at this stage.

Head 54 was agreed to.

Heads 55 to 80 were agreed to.

Head 81

MR CHEONG-LEEN:—Sir, it is estimated that there are about 16,500 factories in Hong Kong employing fewer than 50 workers each. These small factories play a vital role in our economy, either operating independently on their own or doing sub-contracting work. However, too many of these small factories are inefficient, under-capitalized, out of touch with technological advances in their product field, and are desperately in need of some form of flexibly applied Governmental support.

Although the Hong Kong Productivity Centre and the Hong Kong Management Association have been providing training services by way of specialized courses and certain advisory services which are of benefit to small factories, perhaps a more in-depth study should now be made of what further services could be offered either direct by Government or indirectly by Government-assisted organizations.

Meanwhile, the Productivity Centre could provide extension and technical services to the smaller factories on a wider scale. Government for example could subsidize up to 75% of the cost of any technical survey carried out by the Productivity Centre at the request of any small registered factory to improve its production quality control, administrative or other related problems. Any subsidy in this direction would help in the long run to keep production costs down, improve the quality of products, and raise the living standards of our industrial workers.

THE FINANCIAL SECRETARY:—The honourable Member's views and suggestions are noted, Sir.

Head 81 was agreed to.

Heads 82 to 85 were agreed to.

Head 86

MR CHEONG-LEEN:—The enthusiasm and vision of my honourable Friend the Secretary for the New Territories emboldens me to remind the honourable Financial Secretary that New Territories residents, especially those in the towns, will be expecting more social and cultural services in return for the rates which they are beginning to pay. Particularly I want to draw attention to the need for museum services in the New Territories, and if a plan can be drawn up to provide such services, the requisite funds should not unreasonably be withheld. A co-ordinated approach in the development of museum services, in the New Territories by the Central Government and in the urban areas by the Urban Council, will enable Hong Kong residents to recognize the depth and strength of their history and cultural heritage.

I would also remind the various Government agencies in the New Territories of the need to have a co-ordinated effort in stabilizing the number of hawkers in existing towns in the New Territories and in effectively planning to have hawkers only in off-street sites in all the new towns and housing estates. There must be a clear-cut break with the past in the new towns in that there will be no hawking in the streets as exists in such profuse abandon in the urban areas.

Head 86 was agreed to.

Question put that the Schedule stand part of the bill and agreed to.

Clauses 1 and 2 and the Preamble were agreed to.

HONG KONG INDUSTRIAL ESTATES PROVISIONAL AUTHORITY BILL 1976

Clauses 1 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 FINANCIAL SECRETARY] **Hong Kong Industrial Estates Provisional Authority
Bill—committee stage**

Proposed amendment

10 That clause 10 be amended, in subclause (1), by deleting "the Director of Audit" and substituting the following—

"such auditor as the Governor may appoint".

The amendment was agreed to.

Clause 10, as amended, was agreed to.

Clauses 11 to 13 were agreed to.

**INDEPENDENT COMMISSION AGAINST CORRUPTION
(AMENDMENT) (NO 2) BILL 1976**

Clauses 1 and 2 were agreed to.

AERIAL ROPEWAYS (SAFETY) BILL 1976

Clauses 1 to 32 were agreed to.

**LIFTS AND ESCALATORS (SAFETY) (AMENDMENT)
BILL 1976**

Clauses 1 to 3 were agreed to.

Council then resumed.

Third reading of bills

THE ATTORNEY GENERAL reported that the

Appropriation Bill the

Independent Commission Against Corruption (Amendment) (No 2) Bill the

Aerial Ropeways (Safety) Bill and the

Lifts and Escalators (Safety) (Amendment) Bill

had passed through Committee without amendment and that the Hong Kong Industrial Estates Provisional Authority 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 and next sitting

HIS EXCELLENCY THE PRESIDENT:—In accordance with Standing Orders I now adjourn the Council until 2.30 p.m. on Wednesday the 12th of May.

Adjourned accordingly at fifteen minutes to four o'clock.

Price: \$14.00

Code No.: G410876

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