

OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 18th May 1977

The Council met at half past two o'clock

PRESENT

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR CRAWFORD MURRAY MACLEHOSE, GBE, KCMG, KCVO
THE HONOURABLE THE CHIEF SECRETARY
SIR DENYS TUDOR EMIL ROBERTS, KBE, QC, JP
THE HONOURABLE THE FINANCIAL SECRETARY (*Acting*)
MR DAVID HAROLD JORDAN, CMG, MBE, JP
THE HONOURABLE THE ATTORNEY GENERAL (*Acting*)
MR GARTH CECIL THORNTON, QC
THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS
MR LI FOOK-KOW, CMG, JP
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, CBE, TD, JP
COMMISSIONER FOR LABOUR
THE HONOURABLE DAVID GREGORY JEAFFRESON, JP
SECRETARY FOR ECONOMIC SERVICES
THE HONOURABLE ALAN JAMES SCOTT, JP
SECRETARY FOR THE CIVIL SERVICE
THE HONOURABLE EDWARD HEWITT NICHOLS, OBE, JP
DIRECTOR OF AGRICULTURE AND FISHERIES
THE HONOURABLE THOMAS LEE CHUN-YON, JP
DIRECTOR OF SOCIAL WELFARE
THE HONOURABLE DEREK JOHN CLAREMONT JONES, JP
SECRETARY FOR THE ENVIRONMENT
DR THE HONOURABLE THONG KAH-LEONG, JP
DIRECTOR OF MEDICAL AND HEALTH SERVICES
THE HONOURABLE ERIC PETER HO, JP
SECRETARY FOR SOCIAL SERVICES
THE HONOURABLE DAVID RAYMOND BOY, JP
SOLICITOR GENERAL (*Acting*)
THE HONOURABLE DONALD LIAO POON-HUAI, OBE, JP
SECRETARY FOR HOUSING (*Acting*)
THE HONOURABLE WILLIAM DORWARD, OBE, JP
DIRECTOR OF COMMERCE AND INDUSTRY (*Acting*)
DR THE HONOURABLE CHUNG SZE-YUEN, CBE, JP
THE HONOURABLE LEE QUO-WEI, CBE, JP
THE HONOURABLE OSWALD VICTOR CHEUNG, CBE, QC, JP

THE HONOURABLE ROGERIO HYNDMAN LOBO, 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, OBE, JP
 THE HONOURABLE LO TAK-SHING, OBE, JP
 THE HONOURABLE FRANCIS YUAN-HAO TIEN, OBE, JP
 THE HONOURABLE ALEX WU SHU-CHIH, OBE, JP
 THE REV THE HONOURABLE JOYCE MARY BENNETT, JP
 THE HONOURABLE CHEN SHOU-LUM, JP
 DR THE HONOURABLE HENRY HU HUNG-LICK, OBE, JP
 THE HONOURABLE LEUNG TAT-SHING, JP
 THE REV THE HONOURABLE PATRICK TERENCE McGOVERN, SJ, JP
 THE HONOURABLE PETER C. WONG, JP
 THE HONOURABLE WONG LAM, JP

ABSENT

THE HONOURABLE MISS LYDIA DUNN, JP

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL
 MRS LOLLY TSE CHIU YUEN-CHU

Papers

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

<i>Subject</i>	<i>LN No</i>
Subsidiary Legislation:—	
Acetylating Substances (Control) Ordinance.	
Acetylating Substances (Control) (Amendment) Regulations 1977	98
Hong Kong Airport (Regulations) Ordinance.	
Hong Kong Airport (Amendment) Regulations 1977	99
Road Traffic Ordinance.	
Road Traffic (Construction and Use) (Amendment) (No 2) Regulations 1977	103

<i>Subject</i>	<i>LN No</i>
Telecommunication Ordinance. Telecommunication (Cable and Wireless Limited) (Amendment of Licence) Order 1977	104
Country Parks Ordinance 1976. Tai Po Kau Nature Reserve (Special Area) Order 1977.....	105
Public Health and Urban Services Ordinance. Hawker (Permitted Place) Declaration No 8/1977.....	106
Sessional Paper 1976-77:—	
No 47—Supplementary Provisions approved by the Urban Council during the Fourth Quarter of the Fiscal Year 1976-77 (published on 18.5.77)	

Oral answers to questions

Martial arts

1. MR CHEONG-LEEN asked:—

Sir, will Government take steps to include genuine martial arts activities within the broad framework of Government's policy to promote physical recreation, sports and culture?

SECRETARY FOR HOME AFFAIRS:—Sir, martial arts activities already form part of the programme in the Government's promotion of recreation and sport and as part of the youth activities run in Community and Youth Centres. "Tai Kik" which is the most common and popular form of martial arts practised in Hong Kong is among the many activities organized and promoted by the Recreation and Sport Service. During the year 1976-77, a total of 143 Tai Kik classes were organized with over 25,000 participants. The Recreation and Sport Service has recently extended its activities to other forms of martial arts and since December last year, 11 courses have been organized with over 500 participants. In addition, there are currently over 27 martial arts classes being run in Community and Youth Centres by the Social Welfare Department and voluntary agencies with over 580 participants.

MR CHEONG-LEEN:—Sir, is any legislation being contemplated to eliminate the criminal connection with martial arts activities? And if such is being considered, is there a possibility that such legislation can be introduced during this session?

Oral answers

SECRETARY FOR HOME AFFAIRS:—I believe this question was asked in this Council in December last year. When the Secretary for Security answered the question, he confirmed that legislation was being drafted. I think this is now in its final stages but whether or not we will be able to make the current session is something that I have not looked into.

Hong Kong Passports

2. MR F. W. LI asked:—

Sir, (a) how many applications for Hong Kong Passports are outstanding?

(b) what is the average interval between an application for a passport and its issue?

SECRETARY FOR SECURITY:—Sir, 2,571 at 30th April. For 85% of applications up to 10 working days elapse for the issue of a new passport and up to 6 working days for a replacement passport. The remaining 17% take longer depending on the individual circumstances of the applicant.

MR F. W. LI:—Sir, what is the average number of applications per month? Is the figure of 2,571 at the end of April considered normal?

SECRETARY FOR SECURITY:—The number, Sir, is about 80,000 per annum. The figure therefore at 30th April, depending on seasonal travel, is about the norm.

Desalting plant

3. DR CHUNG asked:—

Sir, in accordance with Standing Order 19(6) and with the consent of my absent Colleague Miss Lydia DUNN, may I with your permission, Sir, ask Question No 3. The question is:—

Will Government state:—

- (a) the contribution the desalting plant will make to Hong Kong's water supply system over the twelve months ending 30th April 1978?
- (b) the extent to which this contribution will reduce the probability of restrictions having to be imposed if rainfall during the Summer months is below average?

DIRECTOR OF PUBLIC WORKS:—Sir, the desalter could contribute 10,700 million gallons to our overall water resources over the twelve months period ending 30th April 1978.

If rainfall during the summer is 9% below average, as forecast by the Royal Observatory, and with the aforementioned contribution from the desalter, restrictions in supply to about 16 hours per day will need to be enforced throughout the dry season. Without the desalter contribution restrictions during the dry season would be more severe with supply being reduced to about 8 hours per day.

DR CHUNG:—Sir, the production of 10,700 million gallons of water over a period of 12 months works out to be about 30 million gallons per day. Will the Director of Public Works state what is the maximum output of the desalter per day?

DIRECTOR OF PUBLIC WORKS:—Sir, the maximum output from each unit of the desalter would be approximately 6.67 million gallons per day.

DR CHUNG:—Sir, what is the maximum output for all the units of the desalter, the whole plant?

DIRECTOR OF PUBLIC WORKS:—Sir, during the period it would be 10,700 million gallons. This is because only 3 units are in operation at present, one more would come into operation in June and two more units would come into operation in September.

MR PETER C. WONG:—Sir, has Government any plans to increase the capacity of the desalting plant?

DIRECTOR OF PUBLIC WORKS:—Yes, Sir, in due course, the intention would be to increase the present desalter from a 40 million gallons per day output to a 60 million gallons per day output.

Youth Services

4. MR CHEONG-LEEN asked:—

Sir, will Government sponsor, or support the sponsoring of a Seminar on Youth Services during 1977/78 for the purpose of establishing a more coherent, more meaningful and more comprehensive dialogue between Government and the voluntary agencies which are active in providing developmental, rehabilitation and preventive social services for young people?

Oral answers

DIRECTOR OF SOCIAL WELFARE:—Sir, I would like to assure Mr CHEONG-LEEN that Government is constantly in dialogue with the voluntary sector in all areas of social welfare including services for young people. Voluntary agencies through the Council of Social Service are actively involved in the planning and review of social welfare services.

The Council of Social Service regularly organizes seminars on social welfare matters which are of concern to the community. The Government participates in such seminars by providing papers and speakers and by making contributions to discussions. If the Council of Social Service proposes to hold a seminar on services for young people, Government will no doubt support and participate in the usual manner.

Public light bus—fares

5. MR S. L. CHEN asked:—

Sir, in view of the sporadic increase in fares by public light bus operators, will Government consider enforcing appropriate control over the fare structure of public light buses?

SECRETARY FOR THE ENVIRONMENT:—Sir, with the exception of the so-called "Maxicab" services, which operate on fixed routes, schedules and fares, public light buses are a non-franchised form of public transport. They compete with each other and I might add also with the large buses and are permitted to vary their routes and frequencies in accordance with their own estimate of the demand for their services.

The Government has considered the possibility of controlling the fares of this form of transport but, on the advice of the Transport Advisory Committee, it has decided against doing so. For to control fares would, in effect, mean denying the competitive nature of this form of public transport, with its flexible routes and with passengers being given the opportunity of being picked up or set down at any point. The fact is that competition among PLBs is normally sufficient to ensure a reasonable uniformity of fares. It is only in periods of very high demand that fare levels can be pushed higher. What this amounts to, however, is no more than the operation of normal market forces and, in that respect, is no different from, say, the fixing of the prices of vegetables or fish.

Furthermore, it would be extremely difficult to devise a scheme for controlling the fares of public light buses while at the same time retaining the flexible nature of their operations. Given the nature of the

business, it would not be difficult to devise means to circumvent almost any controls and they would therefore not be easily enforceable.

DR CHUNG:—Sir, is Government aware that such increases are as much as 200% during some peak periods and these are tantamount to profiteering?

SECRETARY FOR THE ENVIRONMENT:—Yes, Sir, the Government is aware that in some circumstances you can have a considerable increase, but this is in a situation of exceptionally high demand and very rarely happens. To control the fares of all public light buses because of a few abuses would not be, in my view, in the public interest.

REV JOYCE M. BENNETT:—Sir, does not the competitive nature of the public light buses increase the chaos on our roads?

SECRETARY FOR THE ENVIRONMENT:—Sir, any excess traffic increases the chaos on the roads. An excess number of private cars could do exactly the same. The fact is that Government has licensed almost 4,500 public light buses now and there is no way of de-licensing them. They are allowed to operate and they operate, in our view, in a way which makes a considerable contribution to public transport in Hong Kong.

Pharmacy Course

6. DR FANG asked:—

Sir, what is the present position on the earlier proposal to establish a pharmacy course locally either in one of the Universities or in the Polytechnic?

SECRETARY FOR SOCIAL SERVICES:—Sir, Government is considering in conjunction with the Director of the Polytechnic the possibility of establishing a health services division within the Polytechnic that would take over responsibility for providing para-medical training in Hong Kong. With this in view the Polytechnic has commenced recruitment of a suitable expert to plan the requirements for a new health services division. The Director of Medical and Health Services is also working on our requirement for pharmacists over the next 10 years. Government intends to seek the views of the Medical Development Advisory Committee as well as those of the University and Polytechnic Grants Committee on the best way of meeting this requirement before coming to any final decision in the matter.

Oral answers

DR FANG:—Sir, is this course arranged to be held at the Polytechnic, a degree course or a diploma course?

SECRETARY FOR SOCIAL SERVICES:—Sir, I don't think we can assume that the course will, in fact, be at the Polytechnic although the present indication is that it would appear to be the most appropriate institution for the conducting of this course. So, I must beg to defer from answering the hypothetical question which Dr FANG asks in the second part of the supplementary.

Crime in Public Housing Estates

7. MISS KO asked:—

Sir, (a) does Government consider that the incidence of crime in public housing estates and playgrounds in these areas has been sufficiently contained, and

(b) if not, would Government further strengthen the police presence and introduce other additional measures to fight crime in these areas?

SECRETARY FOR SECURITY:—No, Sir. Crime will only be considered to be sufficiently contained in an area when it has been eradicated.

While there will be no let up in the fight against crime, either in housing estates and playgrounds or elsewhere, I must reiterate what I said in reply to a question from Miss KO in this Council on 28th April, that it is necessary to concentrate our efforts on the areas of greatest need. Action by the police and by members of the public has resulted in a significant reduction in the amount of crime committed in housing estates and playgrounds. The number of crimes reported in public housing estates in the first quarter of 1977 was 2,350 compared with a quarterly average of 3,190 for 1976, a 26 per cent drop. The provision of 20 Neighbourhood Policing Units and 33 Reporting Centres in Estates has contributed to this improvement.

Miss Ko:—Sir, does Government do everything possible to ensure the safety from criminals of children and young people while they are on the way to or returning from youth activities and study-rooms especially in the evening?

SECRETARY FOR SECURITY:—I very much hope so, yes, Sir. The duty of the district police commander is quite clear. It is to maintain law and order in his district and he applies a very large police force within his organization as flexibly as he can to achieve that outcome.

China Engineers Building

8. DR HU asked:—

Sir, in view of the order issued to demolish the China Engineers Building, is Government considering any form of assistance to the tenants?

SECRETARY FOR THE ENVIRONMENT:—Sir, when a dangerous industrial building has to be closed, the primary responsibility for assisting tenants must lie with the landlord. This is because the building is owned by him and he has contracted to accommodate the tenants in it in return for their payment of rent. So, in this sort of case, the Government's chief concern must be to see that the landlord fulfils his responsibilities to his tenants. It is not right that the Government should relieve him of those responsibilities, at the expense of the taxpayers, and, by so doing, to encourage others to evade similar responsibilities in the future.

In the case of the closure of the China Engineers Building, the landlord has offered all the displaced tenants assistance in removing their factory equipment and in providing temporary storage for such equipment. He has also assisted the tenants to find alternative accommodation to enable them to restart their operations. While the Government has kept a close watch on the situation from the beginning, it has quite properly confined its assistance to advising on the availability of other industrial premises in the East Kowloon area, in offering mediation between employers and employees, and in providing advice regarding alternative jobs to those workers wishing to seek them.

Child Care Centres Regulations

9. MISS KO asked:—

Sir, has progress on the implementation of the Child Care Centres Regulations so far been satisfactory?

DIRECTOR OF SOCIAL WELFARE:—Sir, as far as child care centres run by welfare organizations are concerned, progress has been satisfactory. All the 100 child care centres in this category have applied for registration under the Child Care Centres Ordinance. It is expected that about

[DIRECTOR OF SOCIAL WELFARE] Oral answers

81 of these centres will have completed registration before the end of May 1977. The others are actively making alterations to their premises with financial help from the Lotteries Fund to meet the requirements of Public Works and Fire Services Departments. However, progress has not been too satisfactory in the registration of private child care centres. Out of the 90 such centres which have applied for registration, only 30 of them will be able to complete registration before the end of this month. 31 centres being grossly unsuitable and basically unregistrable have been asked to close. The others are still making improvements to their premises to comply with the requirements of the Ordinance.

MISS KO:—Sir, will Government in the near future review the Child Care Centres Regulations and, if necessary, make appropriate revisions?

DIRECTOR OF SOCIAL WELFARE:—Sir, perhaps I should mention that the regulations are being implemented in three stages. Stage 1 requires that the centres must be safe, structurally and in relation to fire precautions, and that the children must be provided with adequate food and supervision. The need for a review of the regulations was discussed by the Social Welfare Advisory Committee at one of its recent meetings. It was recommended that during the current financial year, the Department in conjunction with the Day Nurseries Committee of the Hong Kong Council of Social Service should review the situation in the light of experience gained during stage 1, and this will be carried out.

MR LOBO:—May I know, Sir, the number of children involved in the centres which are not going to be able to be registered and those who are not completed before the legislation comes into effect, and if the Social Welfare Department has made arrangements to look after these children?

DIRECTOR OF SOCIAL WELFARE:—Sir, I shall reply to this in my answer to Miss KO's next question.

Child Care Centres

10. Miss KO asked:—

Sir, are there provisions to cope with the problems of children being displaced by the closure of these child care centres

which fail to comply with the required operational standards by 1st June this year?

DIRECTOR OF SOCIAL WELFARE:—Sir, during the current financial year welfare agencies will be setting up new child care centres with the support of the Lotteries Fund and Government subvention to provide 1,100 new places, making a total of 11,000 places providing child care service. In addition, welfare agencies are being encouraged to set up more centres as accommodation in new housing estates becomes available. This will to some extent meet the demand for service created by the closure of the unregistrable centres, which are usually rather small centres, each catering for an average of 10 children.

In the meantime, I have been in discussion with the Hong Kong Council of Social Service on a proposal to invite voluntary organizations to establish non-profit making and self-supporting nurseries in both private and public housing accommodation to cater for children of working mothers who are able and willing to pay an economic fee for the service. Although no subvention should be required for such nurseries, consideration is being given to assist these projects with grants from the Lotteries Fund towards their initial capital outlay on the ground that while no subsidy on recurrent expenditure is justified, there is a social reason for us to assist in the setting up of a good child care service for working mothers.

In the private sector, many enquiries and requests for advice are being made to my Child Care Centres Inspectorate on the establishment of new nurseries and play groups which will meet the standard required by the Ordinance. No doubt, a number of these new centres will be in operation to replace the substandard ones which will have to close. I further understand from the Inspectorate that many parents, instead of sending their children to substandard nurseries, are now using kindergartens or the services of child-minders and baby-sitters. All these developments will help to ease the demand created by the closure of the unregistrable child care centres.

Sir, I would like to assure my Friend, Miss Ko, that when we take action against any of the centres which must be closed down, our social workers will look into the individual cases of children involved and discuss with the parents about the need for placement of their children. In cases where no satisfactory arrangement can be made by their parents and where a child is in need of care or protection, temporary institutional care will be provided and in this regard, my Department will have the co-operation and support of the voluntary organizations providing child welfare services.

Oral answers

REV JOYCE M. BENNETT:—Sir, has the Director of Social Welfare had any contact with the Education Department in connection with the greater demands for kindergartens because of the closing of these child care centres?

DIRECTOR OF SOCIAL WELFARE:—Sir, there is a Working Party on Pre-school Education set up consisting of representatives of Education Department and the Social Welfare Department. They are in the process of discussing this matter.

Water wastage

11. MR LEUNG asked:—

- Sir, (a) does Government consider the existing controls over water wastage adequate, and
- (b) if not, would Government consider introducing more effective measures?

DIRECTOR OF PUBLIC WORKS:—Sir, the control of waste in the water distribution system is the responsibility of the Waterworks Waste Detection Unit. This unit conducts programmed tests throughout the whole of the system, area by area, to assess flows and to detect leakage. These measures are considered to be adequate.

The control of wastage arising from careless use or misuse of water by the public is primarily a matter of education, as such wastage is very much in the consumer's hands. Honourable Members will be aware that the Director of Water Supplies addressed the news media last week, seeking the public's co-operation in conserving water and indicating everyday means by which consumption may be reduced. Approaches have been made to Kaifongs, Mutual Aid Committees and Village Representatives as well as Government bodies, such as the Housing and Home Affairs Departments, enlisting their aid to obtain voluntary co-operation in avoiding wastage. This is part of an overall campaign to conserve water, which will shortly be intensified.

As far as enforcement is concerned, action will be taken against offenders under the provisions of the Waterworks Ordinance. The staff of the Water Supplies Department has been alerted to the need for greater vigilance and the public's assistance has also been requested in bringing to the department's notice any instances of wastage. This will supplement the activities of the Waterworks Prosecution Unit in the

detection of illegal users. The Prosecution Unit's activities have increased as a result of the recent secondment to it of additional staff. For the present these controls are considered to be adequate although they are kept under continuous review.

MR CHEUNG:—Sir, what are the existing controls over leakage from pipes and distribution mains as distinct from wastage for careless use or misuse of water?

DIRECTOR OF PUBLIC WORKS:—The Waste Detection Unit carries out these tests at the moment during the night, checking on the flows in the system and determining leakage by checking with past records. As for wastage, it is rather difficult to determine its proportion. This can only be assessed by inspection of the system and getting reports from the public and from other parts of the Waterworks Unit.

Continuous Broadcasting Service

12. MR CHEUNG asked:—

Sir, will Government consider establishing a continuous service broadcasting weather forecasts, warnings of torrential rain, typhoons, fog, flooding, landslides, fires and other actual or impending dangers, road conditions, traffic blocks and other information of which timely dissemination is essential?

SECRETARY FOR HOME AFFAIRS:— Sir, I understand that the Director, Royal Observatory will be conducting test broadcasts to determine the technical feasibility of a separate and continuous broadcast of time signals and meteorological information with a view to introducing an experimental weather broadcasting service later this year. It is not possible to say at the present time whether this service should be put on a permanent basis and whether it can cover the scope envisaged in Mr CHEUNG's question until Government has had an opportunity to assess whether this experimental service will attract significant audiences and whether it might duplicate some of the services now provided by RTHK.

MR CHEUNG:— Sir, as time signals and meteorological information has been broadcast by Radio Hong Kong for a great number of years, what precisely are these test broadcasts the Director of Royal Observatory is about to embark on?

Oral answers

SECRETARY FOR HOME AFFAIRS:—I mentioned, Sir, that they were technical tests and they are aimed to check installation and functioning of the equipment. Because of a wide coverage the equipment will have to be moved from the Royal Observatory to Tate's Cairn and also they are aimed to measure signal strength as well as to establish physical reception area of the transmission.

MR CHEUNG:—Sir, would resources be made available to the Observatory for making these test broadcasts and the Director's report on the feasibility evaluated with some expedition and then broadcast to the public?

SECRETARY FOR HOME AFFAIRS:—Sir, on the first part of the question I understand that the Director is able to conduct the experiment without any extra resources, in other words, he can do so with his existing resources. As regards the second part, I will certainly urge my Colleagues in the Government Secretariat to process the report when it is received.
(laughter)

Government business**Motions****LEGAL AID ORDINANCE**

THE CHIEF SECRETARY moved the following motion:—

Under subsection (2) of section 7 of the Legal Aid Ordinance, that the amounts of disposable income and disposable capital specified in subsection (1) of that section be amended, with effect from 1st June 1977, by substituting:—

- (i) for "seven hundred dollars", "one thousand dollars"; and
- (ii) for "four thousand dollars", "ten thousand dollars".

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

When the Legal Aid Ordinance was enacted in 1966, legal aid was made available in civil cases to persons whose disposable income did not exceed \$500 a month and whose capital resources did not exceed \$3,000.

These limits were raised in 1972 to \$700 a month and \$4,000. Between then and September 1976, the index of nominal average daily wages showed an increase of about 40%.

Consequently, it is likely that a smaller proportion of the population qualifies for civil legal aid than in 1972, in spite of the more generous methods of assessing disposable income and capital which were introduced in 1973 and 1974.

The growth in the numbers of legal aid certificates issued in civil cases has been substantial, from 411 in 1967, to 1,376 in 1971 and 2,302 last year.

These figures show that members of the public have become increasingly aware of the availability of civil legal aid and of the benefits which it can bring.

This Resolution proposes to raise the limits of disposable income and capital to \$1,000 a month and \$10,000 respectively. These changes should ensure that more persons will become eligible for civil legal aid than at any time since the inception of the scheme in 1966. It is thought that about 60% of the population (including dependants) would qualify, though this can be no more than a rough estimate.

Legal aid in civil cases is an important social service and I am sure that Members will agree that it is important that its benefits should be available to a larger proportion of the population than at present.

Question put and agreed to.

FACTORIES AND INDUSTRIAL UNDERTAKINGS ORDINANCE

THE COMMISSIONER FOR LABOUR moved the following motion:—

That the Factories and Industrial Undertakings (Protection of Eyes) Regulations 1977, made by the Commissioner for Labour on the 4th May 1977, be approved.

He said:—Sir, I move the motion standing in my name on the Order Paper for the approval of the Factories and Industrial Undertakings (Protection of Eyes) Regulations 1977. These regulations were made by me on 4th May 1977 and have been submitted to Your Excellency in accordance with the provisions of section 7(3) of the principal ordinance.

[THE COMMISSIONER FOR LABOUR] **Motions**

As I mentioned in this Council on 10th November 1976, the protective ring of occupational safety regulations is now nearly completed, but among items outstanding is the important area of protection of the eyes of workers. Unfortunately, accidents to eyes are all too frequent, and in recent years the number of workers who have received eye injuries in the course of their employment has risen annually by about 12% from 600 in 1973 to 836 in 1976. Fortunately none of these were fatal. However, any eye injury, even a trivial one, is highly unpleasant, and severe injury to both eyes can result in a 100% loss of earning capacity. It was with these factors in mind that I decided to make these regulations, adapted from the United Kingdom's Protection of Eyes Regulations 1974, requiring employers to provide suitable protection for the eyes of workers in certain industrial processes known to be particularly dangerous to the eyes.

The main provisions include the following:—

- (i) Regulations 5 and 6 require a proprietor of an industrial undertaking where any of the processes specified in the schedule are carried out to provide approved eye protectors, approved eye shields or approved fixed shields not only for the use of every person employed in any of the specified processes, but also for use by any other person who may be exposed to a risk of injury to his eyes from that process.
- (ii) Regulation 7 requires the proprietor of an industrial undertaking to maintain in good condition the protective equipment which he provides, to make arrangement for its storage, and to take reasonable steps to ensure that those for whom the protective equipment is supplied make full and proper use of it.
- (iii) Regulation 8 requires an employee who has been provided with protective equipment to make full and proper use of it and to report to the proprietor the loss or destruction of, or damage or defect to, such equipment.
- (iv) Regulation 3(2) permits the Commissioner for Labour to exempt any industrial undertaking from these regulations if he is satisfied that the requirements in respect of which the exemption is granted are not necessary or are not reasonably practicable.
- (v) Regulation 9 provides for penalties. A proprietor of an industrial undertaking who commits an offence under Regulations 5, 6 or 7 is liable to a fine up to a maximum of \$5,000.

If any other person contravenes the provisions of these regulations, he will on conviction be liable to a fine of up to \$2,000.

On 24th August 1976 the Labour Advisory Board unanimously endorsed the proposal to make these regulations and subsequently the four main employers associations also supported this move.

In the very near future under Regulation 4(1) I propose to prescribe by notice in the *Gazette* approved specifications in respect of eye protectors, shields and fixed shields for the purpose of these regulations which, other than Part 1, will not come into operation until the expiry of a period of 90 days from the date of publication of such notice in the *Gazette*.

These prescribed specifications will be by reference to standards approved elsewhere, British and American to begin with followed possibly later by others. These specifications will enable a proprietor of an industrial undertaking to ascertain easily that the eye protector that he purchases is up to the standard approved by the Commissioner for Labour.

MR JAMES WU:—Sir, I have pleasure in supporting the motion before Council. Indeed, I feel that considering the importance of eyesight and the harm that could be easily be done to it in a hazardous trade or work-place, the introduction of these regulations is long overdue.

I also feel that the message of the Regulations should be brought to the shop-floor for the constant attention and reminder of both the management and in particular, the workers, by the use of colourful posters. Experience has shown that all too often, workers do not bother to use or wear protective gears because they are not accustomed to them, thereby resulting in tragic accidents that could never be remedied.

As the Commissioner of Labour said, there would be 90 days before these Regulations are brought into force after being gazetted. I sincerely hope that this time would be put to good use in publicity and education to bring awareness to the shop-floor.

COMMISSIONER FOR LABOUR:—Sir, I thank Mr James WU for the support of the motion. I confirm there will be adequate publicity given to these new regulations, that the factory inspectorate during visits to

[THE COMMISSIONER FOR LABOUR] Motions

industrial undertakings will draw attention to the standards gazetted and will also offer advice and assistance.

Question put and agreed to.

First reading of bills**ESTATE DUTY (AMENDMENT) BILL 1977****INLAND REVENUE (AMENDMENT) BILL 1977****RATING (AMENDMENT) BILL 1977****STAMP (AMENDMENT) BILL 1977****PRISONS (AMENDMENT) BILL 1977****COMPANIES (AMENDMENT) (NO 2) BILL 1977****SUMMARY OFFENCES (AMENDMENT) BILL 1977****AGRICULTURAL PESTICIDES BILL 1977****Second reading of bills****ESTATE DUTY (AMENDMENT) BILL 1977**

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

He said:—Sir, the main purpose of the bill is to implement the proposals described in paragraph 221 of the Budget Speech.

Clause 3 of the bill amends section 13 of the principal Ordinance by raising the maximum allowance for funeral expenses of \$10,000. Clauses 2, 4 and 5 make consequential amendments.

Clause 6 of the bill adds a new Thirteenth Schedule setting out the rates of duty applicable to the estate of persons dying on or after the commencement of this bill, if enacted.

These amendments have the effect of increasing the exemption limit for Estate Duty from \$300,000 to \$400,000 and of increasing the maximum allowance for funeral expenses from \$5,000 to \$10,000 with abolition of the overriding limit, which now applies, of $2\frac{1}{2}\%$ of the value of the free estate.

The cost to the revenue of these amendments in 1977-78 is about \$1.5 million.

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

Question put and agreed to.

INLAND REVENUE (AMENDMENT) BILL 1977

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

He said:—Sir, the main purpose of the bill is to implement the proposal in paragraphs 211 to 214 of the Budget Speech as modified in the Financial Secretary's speech winding up the Debate.

Clause 2 of the bill amends Section 42B of the principal Ordinance by providing for firstly a new supplementary allowance of \$2,500 for a single person and a new supplementary allowance of \$5,000 for a married person; secondly, a progressive reduction of the supplementary allowances by 15% of the amount by which the taxpayer's income exceeds the supplemented basic allowance until the supplementary allowances are eliminated, and thirdly an increase in child allowances from \$3,000 to \$4,000 for the first child, from \$2,500 to \$3,000 for the second child and from \$1,500 to \$2,000 for the third child.

These amendments have the effect of removing some 50,000 small taxpayers from the tax net and keeping out a further 10,000 who would otherwise become liable for provisional tax for the year of assessment 1977-78, and of giving some relief to salaries and personal assessment taxpayers in the lower and middle income ranges.

The new supplementary allowances and increased child allowances will apply for all final salaries tax and personal assessments for the year of assessment 1976-77 and for assessments in respect of subsequent years of assessment. The cost to revenue for these amendments is estimated at \$74 million for 1977-78.

The opportunity is taken also to increase the size of the Inland Revenue Board of Review from 60 to 75 to provide a larger membership to cope with increased commitments. Clause 3 of the bill provides for this increase.

Inland Revenue (Amendment) Bill—second reading

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

Question put and agreed to.

RATING (AMENDMENT) BILL 1977

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

He said:—Sir, the purpose of the bill is to implement the proposal described in paragraphs 202 and 203 of the Budget Speech providing for temporary relief to cushion the impact of the increased rates payable in 1977-78, where these rates would otherwise be substantially higher than those payable in 1976-77.

Clause 2 of the bill adds a new section to the principal Ordinance to provide that, for the years 1977-78 and 1978-79, the rates payable for any tenement shall not be more than one-third higher than the rates payable in the immediately preceding year. For the year 1979-80 and subsequent years, this relief is available only where the rent of the tenement is controlled under Part I of the Landlord and Tenant (Consolidation) Ordinance.

Provision is made for the Commissioner for Rating and Valuation to ascertain the rates that would have been payable in the preceding year in cases where an existing tenement had not been separately valued in the valuation list in force on 31st March 1977. There is also provision for refunds in cases of over-payment.

All the provisions of the bill have become effective since 1st April 1977 as a result of an Order made by Your Excellency under the Public Revenue Protection Ordinance. Although the relief is based on the total rates payable, the loss of revenue is to be borne by the general rate. The estimated cost to revenue is \$46 million in the year 1977-78.

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 1977

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

He said:—Sir, the main purpose of the bill is to implement the proposals described in paragraphs 217 to 220 of the Budget Speech.

First the bill provides for exemption from stamp duty of instruments in respect of service agreements with corporate bodies, compradore notes, letters of allotment and assignments of letters patent and trade marks. These exemptions are to apply to instruments which would otherwise have become liable to duty on or after 1st April 1977.

Secondly, as a further earnest of the Government's intention to promote home ownership, the bill amends the schedule of the principal ordinance by raising the platforms that govern the application of concessionary rates of duty on conveyances of low value properties from \$75,000 and \$150,000 to \$100,000 and \$175,000 respectively.

Thirdly, these new platforms are similarly extended to Head 53(1), in respect of voluntary dispositions inter vivos.

All the provisions of the bill as set out have been effective since 1st April 1977 as a result of an order made by Your Excellency under the Public Revenue Protection Ordinance. The estimated cost to revenue is \$15 million for 1977-78.

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

Question put and agreed to.

PRISONS (AMENDMENT) BILL 1977

THE SECRETARY FOR SECURITY moved the second reading of:—"A bill to amend the Prisons Ordinance."

He said:—Sir, the principal objective of the amendments in this bill is to update and streamline the disciplinary procedures applicable to all persons, both uniformed and civilian, employed in the Prisons Department, bearing in mind the very rapid expansion in the Service over the last few years.

[THE SECRETARY FOR SECURITY] **Prisons (Amendment) Bill— second reading**

The explanatory memorandum sets out the reasons for the bill, but I have some points by way of further elaboration:—

- (1) The chief effect of the amendments is to give the Commissioner greater powers of punishment than he possesses, but this is to be balanced by a comprehensive appeal and review system proposed in new Rules.
- (2) The Commissioner exclusively is given a new power, namely, that of dismissal of Assistant Officers. This proposal places responsibility at the right level and—given the expansion in the Prisons and other uniformed services—is desirable for administrative efficiency.
- (3) The revised procedures make a distinction between the more senior officers of the Department, that is Superintendent and above, for whom the disciplinary procedures of Colonial Regulations apply, and the officers below this rank, who are to be dealt with in accordance with the Ordinance and Rules.
- (4) Provision is also made for interdiction of an officer on full pay during departmental investigation of his conduct or of alleged disciplinary offences; and also when criminal proceedings are contemplated against him.

In the light of the experience gained in the last two years in the Fire Services Department, for which similar procedures are in operation, I believe that the revised procedures and powers included in this draft bill will provide fair but effective machinery for dealing with disciplinary cases of all those employed in the Prisons Department. I commend them.

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

Question put and agreed to.

COMPANIES (AMENDMENT) (NO 2) BILL 1977

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

He said:—Sir, the bill introduces two provisions, both of which the Companies Law Revision Committee recommended in its Second

Report. First, the bill gives statutory backing to a scheme the Registrar of Companies has been operating administratively, whereby applicants can have the company names they propose to adopt reserved for three months. The main object of this arrangement is to give them some protection while they are going through the formalities leading to formal registration as companies under the Companies Ordinance.

Second, it empowers the Registrar of Companies to order a company to change its name if, by mistake, it has been registered in a name which contravenes any statutory provision regarding business names.

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

Question put and agreed to.

SUMMARY OFFENCES (AMENDMENT) BILL 1977

THE SOLICITOR GENERAL moved the second reading of:—"A bill to amend the Summary Offences Ordinance."

He said:—Sir, the maximum penalty, under the Summary Offences Ordinance, for touting in a public place is, at present, a fine of \$1,000. There is no provision for imposing more severe fines or imprisonment on persistent offenders for second or subsequent offences. It is considered that such provision is desirable to assist in combating this social nuisance.

The maximum penalty for touting at the Airport has recently been raised by an amendment to the Hong Kong Airport Regulations, from a fine of \$500 to a fine of \$1,000 for a first offence and \$2,000 or imprisonment for 6 months for a second or subsequent offence.

This bill, if passed, will provide similar penalties in respect of touting generally.

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

Question put and agreed to.

AGRICULTURAL PESTICIDES BILL 1977

THE DIRECTOR OF AGRICULTURE AND FISHERIES moved the second reading of:—"A bill to provide for the registration and control of agricultural pesticides and for matters connected therewith."

[THE DIRECTOR OF AGRICULTURE AND FISHERIES] **Agricultural Pesticides Bill—
second reading**

He said:—Sir, the bill replaces the present controls on agricultural pesticides which are administered under the Pharmacy and Poisons Ordinance and the Import and Export Regulations and which experience has shown to be inadequate.

Firstly the bill provides for a system of registration for agricultural pesticides imported, sold or supplied for local use. Under the bill the Director of Agriculture and Fisheries will maintain a register of agricultural pesticides in two parts. Part I of the register will list agricultural pesticides of low toxicity which have been registered unconditionally. Part II will list those which have been registered subject to conditions imposed by the Director because of their greater toxicity. Extremely toxic pesticides, such as parathion and mevinphos, will be prohibited from import or use other than in exceptional circumstances and with stringent safeguards, the conditions of which will be laid down in a special permit issued by the Director.

Secondly, the bill introduces a system of licensing importers and suppliers of agricultural pesticides. Licences will not be required, however, by farmers, horticulturists or householders who lend, exchange, or supply registered pesticides to each other on a non-commercial basis, or possess them for their own use. Licensees will be required to comply with conditions laid down by the Director as regards conditions for storage, transport, packaging and labelling. In particular licences will specify that pesticides may only be sold in approved containers which are properly labelled regarding contents, concentration and instructions for safe and effective use. This condition is necessary to protect the public against accidents as all too often at present pesticides are sold in second-hand containers such as beer and soy sauce bottles. At the same time the user will be protected against dilution, adulteration and misleading information. Control of handling to which licensees will also be subject will prevent pesticides being stored or sold where there is a risk of contamination of foodstuffs.

There will be no material changes from present import, export or trans-shipment arrangements although it is anticipated that the possession of a licence to import registered poisons will in practice facilitate import procedures.

The bill applies to pesticides in liquid or powder form but not to aerosols nor to certain other finished products impregnated with pesticides, such as mosquito coils and insecticidal plastic strips, which will

continue to be controlled under the Pharmacy and Poisons Ordinance where appropriate.

It is anticipated that this new bill will go a considerable way to filling the lacunae present in current legislation and to bring relevant law into a more coherent and understandable whole.

Motion made. That the debate on the second reading of the bill be adjourned—THE DIRECTOR OF AGRICULTURE AND FISHERIES.

Question put and agreed to.

LEGAL PRACTITIONERS (AMENDMENT) BILL 1977

Resumption of debate on second reading (4th May 1977)

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).

INDUSTRIAL AND REFORMATORY SCHOOLS (AMENDMENT)

BILL 1977

Resumption of debate on second reading (4th May 1977)

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.

LEGAL PRACTITIONERS (AMENDMENT) BILL 1977

Clauses 1 and 2 were agreed to.

**INDUSTRIAL AND REFORMATORY SCHOOLS (AMENDMENT)
BILL 1977**

Clauses 1 to 10 were agreed to.

Clause 11

THE DIRECTOR OF SOCIAL WELFARE:—Sir, I move that Clause 11 be amended as set out in the paper before honourable Members.

The proposed amendment is to ensure that under section 28 of the ordinance an incorrigible youthful offender is not transferred from a reformatory school to a detention centre or training centre without a report to the court from the Commissioner for Prisons on the offender's suitability for detention in a training centre or a detention centre. It is also proposed that the youthful offender be remanded in the custody of the Commissioner for Prisons for the assessment of his suitability for this purpose.

Proposed amendment

Clause

11 That clause 11 be amended by deleting paragraph (b) and substituting the following—

"(b) by inserting after subsection (3) the following new subsections—

"(3A) An order under subsection (1) for the detention of a youthful offender in a detention centre shall take effect as if it had been made under the Detention Centres Ordinance.

(3B) A court or magistrate shall not make an order under subsection (1) for the detention of a youthful offender in training centre or detention centre unless the Commissioner of Prisons has informed the court or magistrate that in his opinion the youthful offender is suitable for detention in a training centre or a detention centre and that a place is available for him in a training centre or a detention centre.

(3C) On an application made under subsection (1) a court or magistrate shall remand the youthful offender who is the subject of the application in the custody of the Commissioner of Prisons for such period, not exceeding 3 weeks, as the court thinks necessary to enable the Commissioner to form an opinion as to whether or not the youthful offender is suitable for detention in a training centre or in a detention centre."."

The amendment was agreed to.

Clause 11, as amended, was agreed to.

Clauses 12 and 13 were agreed to.

Council then resumed.

Third reading of bills

THE ATTORNEY GENERAL reported that the

Legal Practitioners (Amendment) Bill 1977

had passed through Committee without amendment and that the

Industrial and Reformatory Schools (Amendment) Bill 1977

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.

Valedictory to Mr Price

HIS EXCELLENCY THE PRESIDENT:—Honourable Members, Mr PRICE will shortly be leaving us on retirement and this is the last sitting of this Council he will appear. He leaves after 3 years membership of this Council and 12 years of service with the Labour Department. His contribution towards advancing of labour legislation and in improving the welfare of the labour force has been so great that a short speech

[HIS EXCELLENCY THE PRESIDENT] **Valedictory to Mr Price**

cannot possibly comprise an adequate tribute. Whether the field is industrial training, industrial safety, conditions of employment or labour relations Mr PRICE has made a decisive personal contribution, and will leave Hong Kong a better place than he found it. These wideranging and carefully thought-out reforms that he has introduced could not have been achieved without his expert knowledge, quiet determination and complete dedication.

We wish him and his wife a very happy retirement.

DR CHUNG:—Sir, my Unofficial Colleagues and I would like to associate ourselves with Your Excellency's remarks on the valuable contributions given by Mr PRICE to this community for the past 12 years.

When he came to Hong Kong from Malaysia in 1965, he brought with him a wealth of knowledge and experience in the specialist field of workmen's welfare and benefits. His expertise in this field was particularly useful to us in Hong Kong during the past ten years when much emphasis has been put in the advancement of our labour legislation.

During these many years he has helped to formulate and implement what I think may reasonably be described as "fair employment practices". If some of these legislation may not have been universally well received outside this Council, this is understandable, as labour legislation by its nature is controversial.

Mr PRICE has also been instrumental in placing before this Council a great volume of subsidiary legislation, with the laudable aim of ensuring that the conditions of employment and working environment of our work force, particularly the industrial workers, are made both adequate and reasonably safe. In addition to the results of his efforts which have come before this Council, all of us are aware that his department has done much to ensure that matters relating to industrial relations, workmen's compensation and other types of labour benefits are expeditiously resolved.

My Unofficial Colleagues and I wish to pay a tribute to Mr PRICE for his very intensive personal efforts in bringing about all these significant improvements in conditions of employment for the almost two million wage and salary earners of this community. We also wish him and Mrs PRICE many many more years of health and happiness.

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 1st of June.

Adjourned accordingly at twenty-five minutes to four o'clock.