

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 14 March 1979****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 JACK CATER, KBE, JP

THE HONOURABLE THE FINANCIAL SECRETARY
MR CHARLES PHILIP HADDON-CAVE, CMG, JP

THE HONOURABLE THE ATTORNEY GENERAL
MR JOHN WILLIAM DIXON HOBLEY, CMG, QC, JP

THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS
MR LI FOOK-KOW, CMG, JP

THE HONOURABLE DAVID AKERS-JONES, CMG, JP
SECRETARY FOR THE NEW TERRITORIES

THE HONOURABLE LEWIS MERVYN DAVIES, CMG, OBE, JP
SECRETARY FOR SECURITY

THE HONOURABLE DAVID WYLIE McDONALD, CMG, JP
DIRECTOR OF PUBLIC WORKS

THE HONOURABLE KENNETH WALLIS JOSEPH TOPLEY, CMG, JP
DIRECTOR OF EDUCATION

THE HONOURABLE ALAN JAMES SCOTT, JP
SECRETARY FOR HOUSING

THE HONOURABLE GARTH CECIL THORNTON, OBE, QC
SOLICITOR GENERAL

THE HONOURABLE EDWARD HEWITT NICHOLS, OBE, JP
DIRECTOR OF AGRICULTURE AND FISHERIES

THE HONOURABLE THOMAS LEE CHUN-YON, CBE, JP
DIRECTOR OF SOCIAL WELFARE

THE HONOURABLE DEREK JOHN CLAREMONT JONES, CMG, 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 JOHN CHARLES CREASEY WALDEN, JP
DIRECTOR OF HOME AFFAIRS

THE HONOURABLE JOHN MARTIN ROWLANDS, JP
SECRETARY FOR THE CIVIL SERVICE

THE HONOURABLE JAMES NEIL HENDERSON, JP
COMMISSIONER FOR LABOUR

THE HONOURABLE DAVID TZI-KI WONG, JP
SECRETARY FOR ECONOMIC SERVICES (*Acting*)

THE HONOURABLE OSWALD VICTOR CHEUNG, CBE, QC, JP

THE HONOURABLE ROGERIO HYNDMAN LOBO, CBE, JP

THE HONOURABLE HILTON CHEONG-LEEN, OBE, JP

THE HONOURABLE LI FOOK-WO, CBE, JP

THE HONOURABLE JOHN HENRY BREMRIDGE, 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, OBE, JP

THE HONOURABLE CHEN SHOU-LUM, OBE, JP

THE HONOURABLE LYDIA DUNN, OBE, JP

DR THE HONOURABLE HENRY HU HUNG-LICK, OBE, JP

THE HONOURABLE LEUNG TAT-SHING, JP

THE REV. THE HONOURABLE PATRICK TERENCE McGOVERN, OBE, SJ, JP

THE HONOURABLE PETER C. WONG, JP

THE HONOURABLE WONG LAM, OBE, JP

DR THE HONOURABLE RAYSON LISUNG HUANG, CBE, JP

THE HONOURABLE CHARLES YEUNG SIU-CHO, JP

DR THE HONOURABLE HO KAM-FAI

THE HONOURABLE ALLEN LEE PENG-FEI

THE HONOURABLE DAVID KENNEDY NEWBIGGING, JP

THE HONOURABLE ANDREW SO KWOK-WING

ABSENT

THE HONOURABLE DAVID HAROLD JORDAN. CMG, MBE, JP
DIRECTOR OF TRADE, INDUSTRY AND CUSTOMS

THE HONOURABLE JAMES WU MAN-HON, OBE, JP

DR THE HONOURABLE HARRY FANG SIN-YANG, OBE, JP

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL
MR STEPHEN TAM SHU-PUI

Papers

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

<i>Subject</i>	<i>LN No</i>
Subsidiary Legislation:	
Public Health and Urban Services Ordinance. Public Cemeteries (New Territories) (Amendment) Regulations 1979.....	57
Evidence Ordinance. Evidence (Authorized Persons) (No 3) Order 1979	58
Immigration Ordinance. Immigration (Places of Detention) (Amendment) (No 6) Order 1979	63
Legal Practitioners Ordinance. Students (Amendment) Rules 1979	64
Public Revenue Protection Ordinance. Public Revenue Protection (Motor Vehicles) (First Registration Tax) Order 1979	65
Public Revenue Protection Ordinance. Public Revenue Protection (Road Traffic) (Registration and Licensing of Vehicles) Order 1979.....	66
Public Revenue Protection Ordinance. Public Revenue Protection (Road Traffic) (Registration and Licensing of Vehicles) (No 2) Order 1979	67
Dangerous Goods Ordinance. Dangerous Goods (General) (Amendment) Regulations 1979.....	68
Immigration Ordinance. Immigration (Places of Detention) (Amendment) (No 7) Order 1979	69

<i>Subject</i>	<i>LN No</i>
Interpretation and General Clauses Ordinance. Deputy Director of Urban Services (New Territories) (Change of Title) Notice 1979	71

Sessional Papers 1978-79:

- No 45—Urban Council Estimates of Revenue and Expenditure for the year ending 31 March 1980 (published on 14.3.1979).
- No 46—Annual Report of the Li Po Chun Charitable Fund for the period 1 September 1977 to 31 August 1978 (published on 14.3.1979).
- No 47—Income and Expenditure Account of the Police Welfare Fund with Balance Sheet for the year ended 31 March 1978 (published on 14.3.1979).

Oral answers to questions

Cremation facilities

1 MR WONG LAM asked in Cantonese dialect:—

政府是否知道本港對火葬設施的需求日益增加？若然，請問可否興建更多火化場以應需求？

(The following is the interpretation of what Mr WONG Lam asked).

Is Government aware of the growing demand for cremation facilities and, if so, will it provide more crematoria to meet such demand?

SECRETARY FOR THE ENVIRONMENT:—Sir, the Government is certainly aware of the growing demand for cremation facilities and, indeed, the policy is to encourage it so as to conserve land that would otherwise be required for burial in cemeteries.

There were 9,889 cremations in 1978 and this represented a ratio of about 45% cremations to 55% burials. The aim is to achieve a ratio of 70% cremations to 30% burials in ten years' time and, on this basis, by the late 1980s the projected annual demand for cremations should be approximately 24,000.

The existing crematoria at Cape Collinson and Diamond Hill have a capacity of 9,200 cremations per year. So far, they have managed to cope with the existing demand of just under 10,000 cremations by operating extended hours.

A new crematorium to replace the existing one at Diamond Hill will be completed by the middle of this year, giving an additional capacity of 2,700 cremations per annum. Another new crematorium, with a capacity of 4,000 cremations per year, is also being constructed at Tsuen Wan and will be in operation by the third quarter of this year. Planning provision has also been made for the further expansion of these two crematoria to allow for an additional 4,000 cremations per year if this is required. So, by the end of this year, there should be a total capacity of approximately 16,000 cremations per year, with the possibility of expanding this by a further 4,000 as and when required.

On top of this, there is also provision in the Public Works Programme for the construction of two more crematoria at Sha Tin and Tuen Mun, each having a capacity of 4,000 cremations per year and each with planning provision for a further expansion of 2,000 per year as and when necessary. Both these facilities are expected to be completed in 1981.

By the beginning of 1982, therefore, the capacity of the then available crematoria will be approximately 24,000, with a provision for a further 8,000 cremations per year as and when required. This programme will ensure that adequate cremation facilities will be available throughout the 1980s. Furthermore the location of crematoria at Cape Collinson, Diamond Hill, Tsuen Wan, Sha Tin and Tuen Mun will ensure a reasonable geographical spread.

MR WONG LAM asked in Cantonese dialect:—

閣下，請問焚化骨石與及屍體，是否在同一焚化爐中進行呢？

(The following is the interpretation of what Mr WONG Lam asked).

Sir, could my honourable Friend tell us whether the bodies and exhumed remains are burnt in the same furnace?

SECRETARY FOR THE ENVIRONMENT:—No, Sir, not at the moment but there would be provision to do so with this new expanded capacity.

MR WONG LAM asked in Cantonese dialect:—

閣下，據所知，在等候焚化骨石之時，要輪候六個月之久，請問可否盡量縮短現時所需的輪候時間？

(The following is the interpretation of what Mr WONG Lam asked).

Sir, as far as I know the waiting time for burning of exhumed remains would take as long as six months, could this be shortened in any way?

SECRETARY FOR THE ENVIRONMENT:—Yes, Sir, it can be shortened when these new facilities come on stream and this will be, in fact, later on this year. It won't be very long now.

Child care by SWD

2 REV. JOYCE M. BENNETT asked:—*Will Government state:*

- (a) *how many children are under the care and supervision of the Social Welfare Department because their parents are considered unfit to look after them;*
- (b) *how many of these children are living at home, and in institutions;*
- (c) *how often are they and their parents visited by Government social workers; and*
- (d) *how many caseworkers and casework supervisors are there who deal with these children?*

DIRECTOR OF SOCIAL WELFARE:—Sir, there are 996 children currently under the care and supervision of the Social Welfare Department for various reasons which render the parents unfit or unable to look after them.

Of the 996 cases, 688 of the children are living with their parents at home and 308 are staying in institutions.

During the first several months, the caseworker contacts the parents and the children about once or twice a week depending on the situation. Later on, as the situation improves, the frequency of such contacts is gradually reduced to about once a month.

There are at present 67 professionally trained caseworkers in the Department carrying such cases which constitute about 13% of their total caseload as they also deal with other types of cases. There are altogether 17 casework supervisors responsible for the work of 144 caseworkers in the Family Services Division with a total workload of 15,000 cases. On average, one supervisor supervises about 9 caseworkers.

REV. JOYCE M. BENNETT:—*Sir, is the Government satisfied there are enough caseworkers as I estimate that one caseworker has about 103 cases?*

DIRECTOR OF SOCIAL WELFARE:—Sir, at present the overall manning scale in family services is one caseworker to about 100 cases. This is not satisfactory. An organization and method study has been carried out and has suggested an improved manning scale and this recommendation is being considered in Government.

Defective lorries

3 MR CHEONG-LEEN asked:—*Can Government give an estimate of the percentage of lorries on the road in Hong Kong which are unroadworthy and will more spot checks be made to get defective lorries off the road?*

SECRETARY FOR THE ENVIRONMENT:—Sir, I am afraid that at present it is not possible to give such an estimate. The Commissioner for Transport estimates that something like 60% of all goods vehicles have some defect or other, but most of these are minor defects which are not serious enough to make the vehicles concerned dangerous or unroadworthy.

The reason for this lack of knowledge is that, up to now, goods vehicles have only been subject to compulsory inspection when they are first put on the road. This is clearly unsatisfactory and, although the need for annual inspection of goods vehicles has been recognized for some time, it has not been possible to introduce it because of a lack of testing facilities. A new vehicle examination centre is, however, now being built at Kowloon Bay and, when it opens later this year, it will be possible to give effect to the policy of annual inspections. The centre will have a capacity to test some 44,000 lorries a year or about as many as there are now on the roads. It is expected that the introduction of this policy will have a significant effect in improving lorry maintenance standards.

On the second part of the question, Sir, the Police, with the assistance of motor vehicle examiners, do carry out limited spot checks of vehicles at the roadside. These are, however, constrained by a shortage of staff and it is pertinent that motor vehicle examiners can undertake more inspections, and more thorough inspections, in vehicle testing centres.

MR CHEONG-LEEN:—*Sir, what is the estimate of the number of goods vehicles with serious defects?*

SECRETARY FOR THE ENVIRONMENT:—Sir, I think I can only repeat what I have said that at present it is not possible to give such an estimate.

Traffic accidents due to defective lorries

4 MR CHEONG-LEEN asked:—*Will Government state the number of traffic accidents attributable to defective lorries over the past 12 months and what measures are being taken to reduce such accidents?*

SECRETARY FOR THE ENVIRONMENT:—Sir, the information stored in the Government computer is not sufficient to say how many accidents were caused by defective lorries. In 1978 goods vehicles were involved in 3,277 traffic accidents. The vehicles concerned and their drivers were, however, not responsible for all of these accidents and, even when they were, it was not necessarily because the vehicle in question was defective. Nevertheless, the records of all the 3,277 accidents will be examined manually to extract what information there is on the roadworthiness of the vehicles involved and I will pass this information to Mr CHEONG-LEEN when it is available.

Over the last five years accidents involving goods vehicles as a percentage of all accidents have increased from about 12% to just under 16%. But over that period the number of lorries on the road has increased faster than any other category of vehicle and they now comprise over 20% of all vehicles. As I explained when answering the previous question the planned introduction later this year of compulsory annual inspections for all goods vehicles should in due course considerably reduce the number of lorries on the roads with serious mechanical defects.

MR CHEONG-LEEN:—*Sir, when the new examination centre opens at the end of this year, will there be enough staff available to ensure that in 1980 all goods lorries will be inspected during that year at least once?*

SECRETARY FOR THE ENVIRONMENT:—Yes, Sir, it is the intention to have enough staff to examine all goods vehicles as from the end of this year.

Maintenance of cranes and heavy construction equipment

5 MR SO asked in Cantonese dialect:—

政府可否對起重機及其他重型建築機械的操作及保養，進行更為頻密的檢查，並採取種種適當的措施，例如提出檢控等，以期儘量避免因疏忽而造成意外？

(The following is the interpretation of what Mr SO asked).

Will Government carry out more inspections of the operation and maintenance of cranes and other heavy construction equipment and take all reasonable measures including prosecutions to minimize the risk of accidents arising from negligence?

COMMISSIONER FOR LABOUR:—Sir, the Labour Department at present has a staff of 15 inspectors whose job is to inspect construction sites to ensure that building contractors are aware of and fulfil their obligations under the Construction Sites (Safety) Regulations. These regulations cover, amongst other things, the operation and maintenance of cranes and places the responsibility on building contractors for ensuring that such equipment is maintained in safe working order and is operated only by trained and competent persons.

During 1977 the Labour Department's inspectors made 4,626 inspections of construction sites and during 1978 they made 5,750 such inspections. On average, this meant between three and four visits to each site each year, although in practice of course more inspections were made to the larger or more hazardous sites than to the others.

It is intended to double the number of inspectors available for this type of work during the next three or four years and to increase the frequency of inspection. While this may be an improvement it is of itself only a part

of what is necessary to better safety standards. Inspection by the Factory Inspectorate cannot maintain a continuous presence, what is vital is safety-conscious supervision by contractors, engineers, and their staff.

With regard to prosecutions, during 1977, 144 summonses under the Construction Sites (Safety) Regulations were heard in the Magistracies, of which 13 involved lifting appliances, and fines totalling \$159,150 were imposed. During 1978, 385 such cases, including 66 involving lifting appliances, were heard and fines totalling \$231,850 were imposed. Summonses will continue to be taken out against contractors who fail to fulfil their obligations under the Construction Sites (Safety) Regulations.

MR SO asked in Cantonese dialect:—

閣下？政府會否考慮訓練操作這些重型機械及起重機的工作人員，並規定他們領有牌照？

(The following is the interpretation of what Mr SO asked).

Is Government considering the training of more staff for the operation of this heavy construction equipment and considering the licensing of them?

COMMISSIONER FOR LABOUR:—Sir, the construction industry itself as well as Government have been to some degree concerned about the training and I am pleased to be able to report to this Council that although most of the training is and has to be carried out on the job, the Construction Industry Training Centre has recently, with the agreement of the Public Works Department, been granted some land on which to train operators on various types of construction equipment. I hope this scheme will start in July.

MR LO:—*On a more practical note, how many accidents have actually occurred from negligent use of cranes and how does this figure proportionately compare with, say, traffic accidents?*

COMMISSIONER FOR LABOUR:—To set this in proportion—that is the accidents involving lifting appliances. In 1977 there were 11,916 accidents in construction work of which 85 were fatal. In 1978 there were 14,738 of which 80 were fatal. The number of accidents actually involving lifting appliances in construction sites in the two years were 29 in 1977, with one fatal and 31 in 1978 with 3 fatal. I am not, I am afraid, off hand, familiar with the traffic accident figures, but I would like to make one additional point and that is that during 1977 there were 1,400 work sites in operation. In 1978 there were 1,700.

Noise levels in discotheques

6 MR CHEONG-LEEN asked:—*Will Government conduct a survey of the noise levels in discotheques to ascertain whether there is any danger of some form of deafness being caused by prolonged exposure to such noises?*

SECRETARY FOR SOCIAL SERVICES:—No, Sir. Discotheques happen to be a particularly popular form of entertainment at the present time, but no one is compelled to frequent such establishments. Disco fever has also hit other communities, but I am not aware of its curtailment or suppression by any authorities on public health grounds. Accordingly any survey of noise levels in discotheques is likely to be an academic exercise and, in the circumstances, it does not appear to me to be appropriate for the Government to conduct one at present.

MR CHEONG-LEEN:—*Sir, can the Secretary for Social Services or the Director of Medical and Health Services state whether there is any danger of some form of deafness being caused by prolonged exposure to high noise levels in discotheques say, for example, 90 or 95 decibels and above?*

SECRETARY FOR SOCIAL SERVICES:—Sir, I understand that some work has been done in this field elsewhere but I am not aware of any medical evidence having been published that noise in discotheques is conclusively shown to have impaired hearing.

Piling and drilling

7 MR SO asked in Cantonese dialect:—

政府在過去十二個月內，對逾時操作打樁機及鑽地機的建築公司所提出的檢控共有多少宗？又政府已採取甚麼措施，以減少操作此類機械所發出的噪音對市民健康的損害？

(The following is the interpretation of what Mr SO asked).

Will Government state the number of prosecutions that have been instituted in the past twelve months against construction companies for operating piling and drilling machines outside permitted hours and steps taken to reduce the danger to health of excessive noise generated by such operations?

SECRETARY FOR THE ENVIRONMENT:—Sir, I cannot give a precise answer to the first part of this question as separate figures are not kept of these particular offences and it would involve an excessive amount of work to extract them from more than 5,000 case files kept separately in various police sub-stations. My firm view, however, based on the evidence of complaints submitted to the Government, is that the offence of operating piling and drilling machines outside permitted hours has rarely, if ever, been committed in recent years. Complaints against construction noise are overwhelmingly related to noise during permitted hours.

As regards the second part of the question, amendments have been made to the Summary Offences Ordinance to extend the hours during which piling operations are banned, from between 8pm and 6am at present, to between

7pm and 7am and to apply the ban to all construction machines of higher than one horse-power. The extended ban will come into force on 1 July this year.

Work is also proceeding on the preparation of a comprehensive Noise Abatement Bill and this will, among other things, permit measures to be taken to better control construction noise during permitted hours of work. I hope to be able to bring this Bill forward during the next Session of this Council.

Government Business

Motions

MASS TRANSIT RAILWAY CORPORATION ORDINANCE

THE FINANCIAL SECRETARY moved the following motion:—Under section 12(1) of the Mass Transit Railway Corporation Ordinance that the Schedule to the Resolution of the Legislative Council published as Legal Notice No 242 of 1975 in the *Gazette* on the 31 October 1975 amended from time to time be further amended by adding as items 24, 25 and 26 the following—

- | | |
|--|--|
| ‘24. A loan arranged by Lazard Brothers and Co. Ltd to finance contracts placed in the UK. | 111 million United States Dollars and such amounts as may become payable in respects of interest. |
| 25. Export Credits to finance contracts placed in France. | 127 million Hong Kong Dollars and such amounts as may become payable in respect of interest and other charges. |
| 26. Supplier credit facility arranged by Siemens—AEG to finance a contract placed in West Germany. | 6 million United States Dollars and such amounts as may become payable in respect of interest.’ |

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

Section 12 of the Mass Transit Railway Corporation Ordinance requires the authority of this Council for the granting of guarantees by the Financial Secretary, on behalf of the Government, in respect of the repayment of loans and other indebtedness incurred by the Mass Transit Railway Corporation.

The motion I am introducing today seeks authority for Government guarantees for loans, export credits and a supplier credit negotiated by the Corporation, in respect of five contracts for the extension of the railway to Tsuen Wan, all of which are on a fixed price basis.

The two loans to finance contracts placed in the United Kingdom, for 150 rail-cars and for power supply equipment, amount to US\$111 million but there is provision for switching the loans into Hong Kong dollars at any time during their currency in the event that Hong Kong dollars become available on terms and conditions acceptable to all parties to the Agreements.

The two export credits to finance contracts placed in France, for escalators and for civil works in relation to Kwai Hing and Kwai Fong stations and structures, are denominated in Hong Kong dollars so there is no exchange risk associated with the HK\$127 million involved.

The supplier credit of US\$6 million to finance a contract placed in Germany is for the supply of overhead conductors.

The interest rates involved will be competitive and amounts due in respect of interest will be covered by the guarantees.

If Honourable Members make this resolution, the Government's total guarantee commitment in respect of the Mass Transit Railway Corporation will stand at HK\$8,580 million.

Sir, I beg to move.

Question put and agreed to.

VOTE ON ACCOUNT

THE FINANCIAL SECRETARY moved the following motion:—That—

- (a) a sum not exceeding \$5,863,788,000 may be expended in the manner expressed in the Schedule from the general revenue and funds of Hong Kong on account for or towards defraying the service of the financial year commencing on 1 April 1979 and ending on 31 March 1980;
- (b) where on or after 1 April 1979 the Financial Secretary directs that any revenue, whether received by way of fee, penalty or proceeds of sale or by way of an extra or unusual receipt, shall be applied as an appropriation-in-aid of any Head of Expenditure referred to in the Schedule, such revenue shall, without being paid into the general revenue, be applied, audited and dealt with accordingly, and so far as it is not so applied shall be paid into the general revenue.

SCHEDULE

<i>Head of Expenditure</i>	<i>Amount upon which Provision on Account is based</i>	<i>Amount of vote on Account</i>
	\$	\$
21. His Excellency the Governor's Establishment	2,320,000	468,000
22. Agriculture and Fisheries Department ...	72,867,000	29,668,000

<i>Head of Expenditure</i>	<i>Amount upon which Provision on Account is based</i>	<i>Amount of vote on Account</i>
	\$	\$
23. Audit Department	8,800,000	1,760,000
24. Census and Statistics Department	16,816,000	3,363,000
25. Civil Aviation Department.....	66,430,000	33,714,000
26. Defence: Auxiliary Medical Service.....	3,757,000	751,000
27. Defence: Civil Aid Services	8,067,000	2,416,000
28. Defence: Miscellaneous Measures	425,530,000	136,231,000
29. Defence: Royal Hong Kong Auxiliary Air Force	6,708,000	2,812,000
30. Defence: Royal Hong Kong Regiment (The Volunteers)	8,776,000	3,728,000
31. Education Department	307,317,000	66,299,000
32. Education Subventions	1,311,353,000	323,870,000
33. Fire Services Department.....	156,597,000	47,319,000
34. Government Laboratory.....	7,705,000	1,702,000
35. Government Secretariat	84,463,000	17,449,000
36. Government Supplies Department	35,303,000	7,822,000
37. Home Affairs Department.....	28,011,000	5,910,000
38. Housing Department.....	64,933,000	15,979,000
39. Immigration Department.....	59,751,000	12,211,000
40. Independent Commission Against Corruption	57,614,000	11,843,000
41. Information Services Department	18,503,000	3,893,000
42. Inland Revenue Department	72,818,000	15,247,000
43. Judiciary	42,176,000	8,503,000
44. Kowloon-Canton Railway	44,723,000	11,484,000
45. Labour Department.....	43,382,000	9,520,000
46. Legal Department	18,708,000	4,562,000
47. Legal Aid Department	14,796,000	3,191,000
48. London Office	9,315,000	1,863,000
49. Marine Department.....	73,809,000	20,609,000
50. Medical and Health Department	633,674,000	144,335,000
51. Medical Subventions	339,827,000	106,802,000
52. Miscellaneous Services.....	634,076,000	218,117,000
53. New Territories Administration.....	77,917,000	22,015,000
54. Office of Unofficial Members of Executive and Legislative Councils.	3,897,000	779,000
55. Pensions.....	331,600,000	66,320,000
56. Police: Royal Hong Kong Police Force	717,928,000	170,718,000
57. Police: Royal Hong Kong Auxiliary Police Force.....	37,024,000	7,405,000
58. Post Office.....	200,690,000	52,677,000

<i>Head of Expenditure</i>	<i>Amount upon which Provision on Account is based</i>	<i>Amount of vote on Account</i>
	\$	\$
59. Printing Department	26,186,000	6,917,000
60. Prisons Department.....	133,404,000	29,881,000
61. Public Debt	47,340,000	20,116,000
62. Public Services Commission.....	633,000	127,000
63. Public Works Department:		
Headquarters	16,397,000	3,492,000
64. Public Works Department:		
Building Development.....	212,015,000	42,831,000
65. Public Works Department:		
Engineering Development	453,248,000	100,849,000
66. Public Works Department:		
Lands, Survey and Town Planning ..	64,108,000	17,093,000
67. Public Works Department:		
New Territories Development	16,451,000	3,306,000
68. Public Works Department:		
Water Supplies	267,824,000	56,002,000
69. Public Works Non-Recurrent:		
Headquarters	99,588,000	92,962,000
70. Public Works Non-Recurrent:		
Buildings	408,200,000	401,199,000
71. Public Works Non-Recurrent:		
Engineering	673,802,000	663,325,000
72. Public Works Non-Recurrent:		
New Towns and Public Housing (other than Housing Authority)	1,299,526,000	1,285,784,000
73. Public Works Non-Recurrent:		
Waterworks	118,000,000	117,337,000
74. Radio Television Hong Kong	45,987,000	19,021,000
75. Rating and Valuation Department.....	20,912,000	4,305,000
76. Registrar General's Department	23,280,000	4,970,000
77. Registry of Trade Unions.....	876,000	175,000
78. Royal Observatory	17,822,000	8,220,000
79. Social Welfare Department.....	513,996,000	103,970,000
80. Social Welfare Subventions.....	117,000,000	29,250,000
81. Standing Commission on Civil Service		
Salaries and Conditions of Service ..	414,000	83,000
82. Subventions: Miscellaneous	116,637,000	29,909,000
83. Trade Industry and Customs		
Department.....	88,156,000	20,439,000
84. Transfers to Funds	1,010,500,000	1,010,500,000
85. Transport Department.....	25,979,000	7,196,000
86. Treasury.....	21,025,000	4,439,000
87. Universities and Polytechnic	461,407,000	160,677,000
88. Urban Services Department	105,376,000	26,058,000
	<u>12,454,070,000</u>	<u>5,863,788,000</u>

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

This year, as in recent years, the debate on the Second Reading of the Appropriation Bill is to be extended into April to allow Honourable Members more time to examine the Draft Estimates for 1979-80 and, of course, the Budget Speech. Thus the enactment of the Appropriation Ordinance will not take place until the end of April. This motion, therefore, seeks funds on account to enable the Government to carry on existing services between the start of the financial year on 1 April next and the issue of the General Warrant following the enactment of the Appropriation Ordinance. The funds on account sought under each head have been determined in accordance with rules which have been agreed by the Finance Committee of this Council.

Expenditure will be regulated in accordance with the heads and subheads shown in the Draft Estimates for 1979-80. A Vote on Account Warrant will be issued to the Director of Accounting Services authorizing him to make payments up to the amount specified in this motion, and will limit the expenditure in accordance with the agreed rules. The provision under the Vote on Account will be subsumed upon the enactment of the Appropriation Ordinance, and the General Warrant issued after the enactment of the Appropriation Ordinance will replace the Vote on Account Warrant and be effective from 1 April 1979.

Under the Appropriation-in-Aid system certain receipts, consisting of fees and charges, will be appropriated-in-aid and used to offset expenditure instead of being credited to General Revenue. The motion also seeks the authority of this Council to enable me to direct that such receipts shall be applied in this way during the period covered by the vote on account.

Sir, I beg to move.

Question put and agreed to.

First reading of bills

INLAND REVENUE (AMENDMENT) (NO 3) BILL 1979

LEGAL OFFICERS (AMENDMENT) BILL 1979

LEGAL PRACTITIONERS (AMENDMENT) BILL 1979

MAGISTRATES (AMENDMENT) BILL 1979

REGISTRATION OF UNITED KINGDOM PATENTS (AMENDMENT) BILL 1979

PUBLIC SERVICES COMMISSION (AMENDMENT) BILL 1979

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

Second reading of bills

INLAND REVENUE (AMENDMENT) (NO 3) BILL 1979

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

He said:—Sir, *clause 3* of the Bill introduces a new procedure whereby direct appeal against the Commissioner’s determination may be made to the High Court, if the parties concerned are in agreement. The intention is that appeals against the Commissioner will be lodged with the Board of Review in the normal manner as laid down in section 66 in the Ordinance, but where the parties to the appeal agree, within the time allowed, to have the appeal heard by the High Court direct, it will be transferred from the Board of Review to the High Court.

The Inland Revenue Ordinance presently provides for three levels of appeals: *first*, a right of objection to the Commissioner of Inland Revenue against an assessment made by an Assessor; *secondly*, a right of appeal to the Board of Review against the Commissioner’s determination of the objection; and, *thirdly*, a right of appeal to the High Court, on a point of law, against the Board’s decision. In addition, appeals also lie to the Court of Appeal and to the Privy Council in London.

The proposal to provide for the right of direct appeal, by-passing the Board of Review, is made in the interests of both the Commissioner of Inland Revenue and of taxpayers. The Commissioner wishes to see that, in cases which involve important or difficult points of law, binding judicial precedents are established as soon as possible. Taxpayers wish to see that their expenses are minimised. Where large sums are in dispute, a taxpayer often engages at his expense, a tax silk to represent him before the Board because adverse decisions by the Board, particularly on questions of fact, are very difficult to upset on subsequent appeals to the Courts. In such cases, it ought to be possible, if the parties so prefer, to have the appeal argued before the High Court. At present, not infrequently, cases concerning important questions of law, as determined by the Board, are subsequently taken on appeal to the High Court.

Clause 5 of the Bill proposes to restore a procedure which existed prior to the enactment of the Supreme Court Ordinance in February 1976, whereby an appeal against a decision of the Board of Review may be made direct to the Court of Appeal without going through the High Court first, subject to the leave of the Court of Appeal.

Finally, clause 2 of the Bill seeks to introduce two minor technical amendments to section 63C(1) of the principal Ordinance to make it clear that in assessing provisional salaries tax for any year of assessment, losses available for set-off in that year will be taken into account. *But*, needless to say, losses taken into account in the *preceding* year will not again be available for set-off in that year of assessment. Clause 2 also provides that the standard rate applicable to provisional salaries tax will be the rate prevailing in the year of assessment. These two proposed amendments to section 63C(1) give legislative effect to existing Departmental practice and will obviously operate to the advantage of taxpayers.

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

Question put and agreed to.

LEGAL OFFICERS (AMENDMENT) BILL 1979

THE ATTORNEY GENERAL moved the second reading of:—‘A bill to amend the Legal Officers Ordinance.’

He said:—Sir, the Finance Committee of this Council recently approved proposals for changes in the management structure of the Attorney General’s Chambers. The main purpose of this Bill is to make necessary consequential changes in the Legal Officers Ordinance.

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

Question put and agreed to.

LEGAL PRACTITIONERS (AMENDMENT) BILL 1979

THE ATTORNEY GENERAL moved the second reading of:—‘A bill to amend the Legal Practitioners Ordinance.’

He said:—Sir, it makes two proposals.

Firstly it will reconstitute the Advisory Committee on Legal Education with an enlarged membership and new terms of reference, which particularly require it to advise on the future demand for lawyers and the means whereby that demand may be met.

Secondly, the Bill proposes some restriction on eligibility for admission to the roll of students maintained by the Law Society of Hong Kong, which effectively determines which students may ultimately qualify for admission

as solicitors—other than those who first qualify as English solicitors wholly in England. The change, Sir, is an unwelcome one.

For many years, the Law Society of England has provided examination facilities in Hong Kong so that students may qualify for admission as solicitors here without having to go to England either for examination or for the purpose of articles. This is one of the three main methods by which students may now qualify for admission in Hong Kong.

In consequence of changes in the system of legal education in England, that facility will be withdrawn with effect from the end of 1980. Fortunately, the Law Society of Hong Kong has been able to procure the services of the English Law Society's examiners until the end of 1982. This means that students now enrolled have 4 years to qualify as a solicitor by this method.

The roll of students will, if this Bill becomes law as it now stands, be closed with effect from its publication in the *Gazette* on 23 February except to students who hold the Post Graduate Certificate in Laws of the University of Hong Kong or a law degree conferred by a recognised university. No further students will be admitted with a view to qualification by the method which is to disappear by 1983. This retrospective closing of the roll is necessary in order to avoid a possible rush of students seeking admission in order to preserve their position in relation to that method of qualifying. The Advisory Committee on Legal Education considered this aspect with great care and was very conscious of its responsibility to prospective students. Nevertheless, given that the final examination for this method of entry to the solicitors' profession will be set in 1982, the Committee felt, and the Government has accepted, that a student who has not already embarked on a course of study does not stand a reasonable chance of completing the course by then. Accordingly, the Committee recommended the immediate closing of the roll to which this Bill seeks to give effect.

Sir, the loss of this method of qualifying as a solicitor will hopefully be offset by an increased number of qualified students leaving the School of Law at the University of Hong Kong in 1982. Nevertheless, there will be a net loss and the Advisory Committee on Legal Education is urgently considering how the future demand for lawyers should be met in terms of type of training and methods of qualifying.

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

Question put and agreed to.

MAGISTRATES (AMENDMENT) BILL 1979

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

He said:—Sir, it enable those who are specified in the proposed section 35A of the Magistrates Ordinance to inspect and obtain a copy of the record of proceedings before a magistrate. Sir, I wish only to add that, so far as the new section enables the Attorney General to obtain a copy of a court record, I consider it to authorize me to obtain such a copy for the use of the Office of the Unofficial Members of the Executive Council and this Council, who from time to time have a very clear and proper interest therein.

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

Question put and agreed to.

REGISTRATION OF UNITED KINGDOM PATENTS

(AMENDMENT) BILL 1979

THE SECRETARY FOR ECONOMIC SERVICES moved the second reading of:—‘A bill to amend the Registration of United Kingdom Patents Ordinance.’

He said:—Sir, Hong Kong does not have an original patents registration system. Inventors who wish to protect their inventions here must therefore apply to the United Kingdom Department of Trade for the grant of a United Kingdom patent and then subsequently register that patent in Hong Kong. But patent law in the United Kingdom has changed recently. The Patents Act 1977 provides that inventors may now apply not only for United Kingdom patents but also for what are known as European patents (UK) which are granted under the Convention on the Grant of European Patents. Such a patent gives wider protection than a United Kingdom patent. It is therefore likely or perhaps I should say patents that inventors will prefer to apply for the grant of European patents (UK) rather than United Kingdom patents.

The purpose of the Registration of United Kingdom Patents (Amendment) Bill is to amend the principal Ordinance to take account of the changes introduced in the United Kingdom by the Patents Act 1977 in respect of the registration of United Kingdom patents in Hong Kong and to allow for the registration of both United Kingdom patents and European patents (UK) in Hong Kong.

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

Question put and agreed to.

PUBLIC SERVICES COMMISSION (AMENDMENT) BILL 1979

THE SECRETARY FOR THE CIVIL SERVICE moved the second reading of:—‘A bill to amend the Public Services Commission Ordinance and to make consequential amendments to other Ordinances.’

He said:—Sir, the Bill serves two main purposes:

First, to provide for the temporary appointment of a Chairman or Member of the Commission when those offices are vacant, and

Second, to provide for the Commission to advise the Governor on any matter affecting the conduct and discipline of public officers on which the Governor is required by Colonial Regulation 65 to consult the Commission.

The opportunity is also taken to rectify a technical omission in the definition of ‘judicial office’ and to slip in a change in the name of the Commission from ‘Public Services Commission’ to ‘Public Service Commission.’

Motion made. That the debate on the second reading of the Bill be adjourned—THE SECRETARY FOR THE CIVIL SERVICE.

Question put and agreed to.

EMPLOYMENT (AMENDMENT) BILL 1979**Resumption of debate on second reading (14 February 1979)**

Question proposed.

MR TIEN:—Sir, it is with the greatest of pleasure that I rise to support the motion before Council.

My honourable Friend, the Commissioner for Labour has proposed certain amendments to the Paid Annual Leave provisions of the Employment Ordinance and in this, he has my full support as whole-heartedly now as when I responded to Your Excellency’s Address to this Council in October 1976 when you, Sir, first broached the idea of paid annual leave for all employees covered by the Employment Ordinance.

In the year since the Paid Annual Leave provisions came into operation, there has been ample opportunity for both employers and employees to put such provisions into practice.

Recently, both employers and employees have had further opportunity to put these provisions to good use. The press has reported that in the manufacturing

sector in particular, employers have combined the seven days of paid annual leave with those of the statutory Lunar New Year holidays.

This has enabled many of our workers to visit their relatives in China during that time of the year as has been the custom in the past. It is to be hoped, however, that when through trains become available, the necessity of queuing up over-night in order to visit China, would become a dim memory.

As my honourable Friend has pointed out in his speech introducing the present motion, the provisions have worked well by and large. A review has, however, shown there are certain loopholes which have enabled the less scrupulous to circumvent the law. It is to plug such loopholes and for the sake of greater clarity that these amendments are being introduced.

I fully endorse the present measures and with these remarks, Sir, I support the motion before Council.

MR PETER C. WONG:—Sir, after careful study, I am satisfied that the Employment (Amendment) Bill 1979 has achieved its objective—the removal of certain ambiguities.

I have stressed in this Council time and again that legislation should not be vague and imprecise. Any proposal to rectify such deficiency will always receive my whole-hearted support.

The proposed amendments, Sir, will no doubt benefit both employees and employers and, if I may add, the Administration as well. I am sure the efforts of the Commissioner for Labour in clarifying the intention of the legislature will be widely appreciated.

Sir, I support the motion.

REV. MCGOVERN:—Sir, when the original Amendment No 3 of 1977 was introduced into this Council fears were expressed by several Members that too much flexibility could lead to confusion and thus to non observance of the law by some employers. It was stressed that the original version of the law was partly experimental and that it would be kept under review in order to ensure that loopholes were plugged if they occurred. As predicted, they did occur. Today's amendment is an effort to plug some of those loopholes. In so far as it does so I support this Bill. I especially support the declaration in the new subsection (6) of 41A. This should make it perfectly clear that no confusion can exist between the present statutory holidays and rest days on the one hand, and the additional 7 consecutive days paid annual leave on the other.

If confusion does arise it can now be clearly attributed to malice on the part of those who do not want to observe this law.

Without repeating the arguments which occurred during the original most interesting debate, I would like to put on record that I still have some reservations and misgivings about the implementation of the new and simplified subsection (3) of section 41A. The compromise flexibility clause allowing only four consecutive days 'if the employee so requests' is open to misunderstanding and abuse. The majority of employees in Hong Kong are in no position to make requests. Many of them have been brainwashed into their employers' own mentality that a worker is there to do what he is told, and should feel honoured to have the privilege of being allowed to do so.

Apart from possible abuses, it should be noted that under the new subsection (3), as under the old, if a worker does request (freely or under threat) to opt for four consecutive days instead of seven, he has under the Ordinance, no freedom of choice as to *when* he takes the remaining three days. According to subsection (3) he gets them in accordance with subsection (1). Subsection (1) states that '... the time when the leave is so granted shall be appointed by the employer ...' You can forget about the rest of the sentence which optimistically goes on 'after consultation with the employee or his representatives.' This is Hong Kong where consultation with employees is about as rare as fresh Li Chees at Christmastime. In case you think I am exaggerating I suggest you consult the Review of 1978—for some strange reason called Hong Kong 1979. You will find that there are 25 establishments known to the Labour Department with formal joint consultation committees. It is not clear whether this is 25 out of the some 59 thousand odd registered companies, or the 39 thousand more odd manufacturing establishments. But in either case the figure is a fair indication of the part that consultation plays in the life of a Hong Kong worker.

I end by repeating what I said when the original Bill was introduced in 1977, because from what I have observed in the past few weeks I think it is still relevant. I said '... efforts to introduce flexibility should not be allowed to obscure the main issue. The main issue is that when this Bill becomes law, however modified, all qualified workers will have an absolute right to ask for and get at least seven consecutive days paid annual leave. The various options should not obscure that main fact'. With these observations, pending further tightening of the law, I temporarily support the motion. (*laughter*)

COMMISSIONER FOR LABOUR:—Sir, I am grateful to my honourable Friends for their support; to Dr TIEN, for emphasizing the uses to which the leave is being put; to Mr Peter C. WONG, for emphasizing the need to keep law under review for the purpose of removing ambiguities as they are exposed; to Father MCGOVERN, rather tepidly perhaps, for emphasizing the need to ensure that workers get their leave to which they are entitled. I should perhaps add that formal joint consultation is probably only suitable to the larger and more sophisticated organizations. More informal consultations, of course, do take place on a much wider scale in very many manufacturing establishments. I think it's only rather after Christmas for Li Chees.

Question put and agreed to.

Bill read the second time.

Bill committed to a committee of the whole Council pursuant to Standing Order 43(1).

Committee stage of bill

Council went into Committee.

EMPLOYMENT (AMENDMENT) BILL 1979

Clauses 1 to 4 were agreed to.

Council then resumed.

Third reading of bill

THE ATTORNEY GENERAL reported that

EMPLOYMENT (AMENDMENT) BILL

had passed through Committee without amendment and moved the third reading of the Bill.

Question put on the Bill and agreed to

Bill 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 2.30pm on Wednesday, 28 March.

Adjourned accordingly at eighteen minutes past three o'clock.