

**OFFICIAL REPORT OF PROCEEDINGS****Wednesday, 18 July 1979****The Council met at half past two o'clock****PRESENT**

HIS EXCELLENCY THE ACTING GOVERNOR (*PRESIDENT*)  
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 CALVERT GRIFFITHS, QC

THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS (*Acting*)  
MR JOHN CHARLES CREASEY WALDEN, JP

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

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

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

THE HONOURABLE JAMES NEIL HENDERSON, JP  
COMMISSIONER FOR LABOUR

THE HONOURABLE GERALD PAUL NAZARETH, OBE  
LAW DRAFTSMAN

THE HONOURABLE WILLIAM COLLINS BELL, OBE, JP  
DIRECTOR OF PUBLIC WORKS (*Acting*)

THE HONOURABLE DONALD LIAO POON-HUAI, OBE, JP  
SECRETARY FOR HOUSING (*Acting*)

THE HONOURABLE SELWYN EUGENE ALLEYNE, JP  
SECRETARY FOR THE CIVIL SERVICE (*Acting*)

THE HONOURABLE GRAHAM BARNES, JP  
SECRETARY FOR THE ENVIRONMENT (*Acting*)

THE HONOURABLE COLVYN HUGH HAYE, JP  
DIRECTOR OF EDUCATION (*Acting*)

THE HONOURABLE JOHN WALTER CHAMBERS, JP  
SECRETARY FOR SOCIAL SERVICES (*Acting*)

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

DR THE HONOURABLE LAM SIM-FOOK, JP  
DIRECTOR OF MEDICAL AND HEALTH SERVICES (*Acting*)

THE HONOURABLE ROGERIO HYNDMAN LOBO, CBE, JP

THE HONOURABLE JAMES WU MAN-HON, OBE, JP

THE HONOURABLE HILTON CHEONG-LEEN, OBE, JP

THE HONOURABLE LI FOOK-WO, CBE, JP

THE HONOURABLE JOHN HENRY BREMRIDGE, OBE, JP

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

THE HONOURABLE LO TAK-SHING, OBE, JP

THE HONOURABLE FRANCIS YUAN-HAO TIEN, OBE, JP

THE HONOURABLE LYDIA DUNN, OBE, JP

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

THE HONOURABLE LEUNG TAT-SHING, OBE, JP

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

THE HONOURABLE PETER C. WONG, OBE, 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 ANDREW SO KWOK-WING

**ABSENT**

THE HONOURABLE OSWALD VICTOR CHEUNG, CBE, QC, 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 DAVID KENNEDY NEWBIGGING, JP

**IN ATTENDANCE**

THE CLERK TO THE LEGISLATIVE COUNCIL

MR STEPHEN TAM SHU PUI

**Papers**

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

<i>Subject</i>	<i>LN No</i>
<b>Subsidiary Legislation:</b>	
Buildings Ordinance.	
Building (Demolition Works) (Amendment) Regulations 1979 .....	170
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**Sessional Paper 1978-79:**

No 56—Report on the Administration of the Immigration Service Welfare Fund for the year ended 31 March 1979 (published on 18.7.79).

## Oral answers to questions

### Value of HK dollars

1 MR CHEONG-LEEN asked:—*Sir, what further measures will Government now take to prevent the further decline in value of the Hong Kong dollar?*

THE FINANCIAL SECRETARY:—*Sir, part of the recent decline in the exchange value of the Hong Kong dollar, as measured by its trade weighted exchange rate index, reflects the current weakness of the US dollar against other major currencies. To the extent that any measures taken by the US authorities succeed in stabilizing the exchange value of the US dollar, the exchange value of the Hong Kong dollar will also be stabilized to some degree.*

As for our own situation, which has led to a weakening of the Hong Kong dollar against the US dollar, I explained in the budget speech that measures had to be taken to bring the growth rate of total final demand more into line with the growth rate of the economy's output; and I stressed that this should be done in such a way as to facilitate a relative shift of resources in favour of exports. The measures announced in the budget speech are being progressively implemented and they are having their intended effect. When it becomes apparent that the rate at which the visible trade gap is widening has slowed down, the exchange value of the Hong Kong dollar, both in terms of the trade weighted exchange rate index and in relation to the US dollar, should strengthen. Indeed, I believe there is evidence that the economy *is* now beginning to adjust in the way intended.

This is not to say that, from time to time, a whole variety of technical, money flow and political factors will not affect the fortunes of the Hong Kong dollar on the foreign exchange market. (The demand for US dollars yesterday, for example, was due in part to the sharp increase in gold prices). But I do not believe it would be appropriate for the Exchange Fund to intervene in the foreign exchange market by selling US dollars or other currencies, so as to prop up the exchange value of the Hong Kong dollar. It is our long established practice to intervene only to smooth out—or to attempt to smooth out—*excessive* distortions in the market rate. Experience elsewhere clearly indicates that to attempt to preserve a given exchange rate, or a range of exchange rates, through intervention alone will fail and at a cost in resources which can be ill spared.

MR CHEONG-LEEN:—*Sir, specifically what evidence is there to show that the economy is now beginning to adjust in the way intended, and to refresh our memories, what is the way that is intended?*

THE FINANCIAL SECRETARY:—*Sir, well, I can best answer that question, Sir, with reference to the growth rates of the main trade and monetary aggregates in the first six months of this year compared with the first six months of*

last year. Final figures are not yet available but the estimates I have with me are quite accurate enough for my purpose.

As for the trade aggregates: the value of domestic exports in the first half of this year, in the first six months of this year, was up by 33% on the first half of last year, and between the first and second quarters of this year, the growth rate of domestic exports accelerated. The value of total exports that's domestic exports and re-exports taken together, the value of total exports in the first half of this year, was 37% up on the first half of last year. Whilst the value of imports was up by rather less, at 36%. Now this is in contrast to the position in 1978 over 1977 when the growth rate of imports at 29% in 1978 over 1977 exceeded the growth rate of total exports by a considerable margin, the growth rate of total exports was only 20%.

Furthermore the visible trade deficit which has, of course, attracted so much attention, a visible trade deficit of the first half of this year was only just slightly more than 16% of total imports, compared with 17.2% in the first six months of last year, and so not only do I expect the absolute size of the visible trade gap to be rather less and certainly no more than the \$12 000 million I forecast in the budget speech, but also, and this is the really significant point, the visible trade gap as a percentage of imports has ceased to widen; and it did widen very rapidly between 1976 and 1978.

I would further point out, Sir, that as evidence of a shift of resources into exports, the value of imports of raw materials, semi-manufactures and capital goods represented 58% of total imports in the first half of this year compared with 55% in the first half of last year. Also, the growth rate of imports of consumer goods in the first half of this year compared with the first half of last year was only 35% compared with 40% in the first half of last year, compared with the first half of 1977.

As for the monetary aggregates: the annualized growth rate of M2 was 18% in the second quarter of this year compared with the rate calculated on the same basis in the second quarter of last year when it was 32%. Again M2 increased by 9% in the first half of this year compared with 13.4% in the first half of last year. These estimates indicate that the growth rate of money supply is roughly in line now with the forecast growth rate of GDP in money terms in 1979.

The growth rate of bank loans and advances is taking longer to slow down although I do believe that high interest rates are beginning to have a constraining effect. In the first quarter of this year the growth rate of bank loans and advances was 10% compared with no less than 14% during the fourth quarter of 1978. In the second quarter of this year, the growth rate was still lower at 7.4% which on an annualized basis was about 33%. This is less than the growth rate in 1978 of 43%, but is of course still too high, and I must confess it continues to be a cause of concern and attention.

MR CHEONG-LEEN:—Sir, is the Financial Secretary satisfied with the rate at which there is a relative shift of resources in favour of exports?

THE FINANCIAL SECRETARY:—The short answer to that question must be yes.

MISS DUNN:—*Sir, as one of the elements of the Financial Secretary's anti-inflationary budget is the exercise of tighter control over public expenditure. Can he say whether he is satisfied that public expenditure is being contained within the estimates?*

THE FINANCIAL SECRETARY:—Well, I am satisfied, Sir, that departments are co-operating with us, with the Finance Branch in this endeavour and that the meaning of the cash limit system of control is now better understood and indeed it is now well understood, but I could not honestly say that I am entirely happy about the number of new commitments which are tumbling upon us.

MR LO:—*Sir, in simpler terms, is the Financial Secretary saying that despite all his efforts, Hong Kong's trade gap is still widening?*

THE FINANCIAL SECRETARY:—No, Sir, Hong Kong's trade gap defined in my terms has ceased to widen.

### **Free provisions for Vietnamese refugees**

2 MR TIEN asked:—*Sir, since an increasing number of Vietnamese refugees under Government care are now working and able to make a living, will Government state whether such refugees should continue to be provided with free food and accommodation at public expense and if not, when will such assistance cease?*

SECRETARY FOR SECURITY:—Sir, it is not the intention that those refugees from Vietnam in Government care who are working should continue to be provided with free food at public expense. Such assistance is already being reduced.

The present arrangements are that all refugees on arrival remain in their boats whilst they are processed. Thereafter accommodation is arranged for them ashore. The first accommodation is invariably in the Government dockyard. After a period of about a fortnight they are moved into open camps or other flatted accommodation and during these periods they receive free food.

It is the policy of the Administration that, after an initial period of about two weeks in such accommodation, refugees should begin to contribute to the costs of their own care and maintenance. On this basis a progressive reduction

in the number of refugees for whom rations are provided in this type of accommodation has already commenced. It will continue to the point where rations are given only to those who are unable to provide for themselves or whose circumstances justify.

A scheme for the recovery of rent is not being ruled out but as yet no simple and effective scheme has been evolved.

REV. MCGOVERN:—*Sir, in the context of working refugees, given the history of some Hong Kong employers who are known to exploit workers for an increase of their own profits, what measures does the Government have in hand to protect wages of our own Hong Kong workers?*

SECRETARY FOR SECURITY:—*Sir, I deal with refugees because immigration matters are within my programme area and there are inevitably, of course, a wide number of matters now affecting other programme areas. Bearing this qualification in mind and without in any way accepting the first statement by the Member I will, however, try to reply. To get the issue into perspective, there are about 8 000 refugees from Vietnam working out of a labour force of about 2 million. We are trying to distribute refugees to places where there is an unsatisfied demand for labour. In addition one of the conditions of landing them is that they may work, but there is also the possibility that if circumstances justify it, permission to work could be withdrawn.*

MR CHEONG-LEEN:—*Sir, it has been reported in the press recently that some of the refugees are selling their rations in order to have hot food. Could this be looked into with a view to seeing if there is a better or more economical way of feeding the refugees?*

SECRETARY FOR SECURITY:—*Sir, I am aware of this practice. It stems from the fact that the kitchens which are being used to feed refugees are also required to feed or to stand by to feed other members of the community in times of difficulty and disaster during typhoons. Accordingly we thought we had devised a simple scheme by which refugees received dry rations for part of their food and not a cooked meal. This has given rise to the problems which Mr CHEONG-LEEN has referred to. Given a reasonably free society, it is not easy to see how one can preclude somebody who is given rations in kind, from disposing of it in a way it is now happening. We are, however, alive to it and with Divine intervention perhaps we can find a solution.*

### **Abandoned cars**

3 MR CHEONG-LEEN asked:—*Sir, what is the estimated number of abandoned cars on the roads of Hong Kong, and will it be possible to reduce this number progressively within the next 12 months?*

SECRETARY FOR THE ENVIRONMENT:—Sir, the estimated number of abandoned vehicles on the roads of Hong Kong at present is roughly 1 150, 50 on Hong Kong Island, 500 in Kowloon and 600 in the New Territories.

I would very much hope that Government will be able to reduce these numbers substantially during the next year and this should be possible. The recent increase is largely due to a hitch in the chain of procedures involved in clearing an abandoned car from the roads, caused by the Government contractor for crashing up the abandoned cars losing his works site to the MTR. But a very urgent search is going on for a new one, and provided the contractor or a contractor can be re-established, it should be possible to make some impact on the present backlog.

MR CHEONG-LEEN:—*Sir, when will it be possible to have the contractor reestablished and once that contractor has been re-established, at what rate would it be feasible to reduce the number of abandoned cars monthly?*

SECRETARY FOR THE ENVIRONMENT:—Sir, I expect that the contractor will, or somebody to substitute for him, will be back in business within about 2½ months. I could not give you a monthly figure on the rate at which it will catch up with the backlog but on the rate the contractor was going before, he will be through the whole of the backlog in about one year.

### **Size of HK identity card and driving licence**

4 MR PETER C. WONG asked:—*Sir, is Government aware that the HK identity card and driving licence cannot be conveniently placed in an average sized card holder or wallet, and if so, for the convenience of the public now that it is mandatory to carry these documents, could consideration be given to scaling them down to the size of a commercial credit card?*

SECRETARY FOR SECURITY:—Sir, I understand that it is widely regarded that these documents cannot be placed conveniently in some card holders or wallets.

I agree that smaller documents would be a convenience. Depending on the availability of staff and computer resources, it may be possible to introduce a smaller driving licence of approximately the same size as a credit card, sometime in 1980.

It is not mandatory to carry identity cards except in Ping Chau but in considering long-term plans to improve the registration of persons system, the issue of a more convenient size of card or device will not be overlooked.

MR PETER C. WONG:—*Sir, could not a more convenient sized identity card be introduced by 1980 or as soon as is practicable?*



SECRETARY FOR SECURITY:—No, Sir, There are 4 280 000 such cards in circulation and an average of 400 000 alterations to such cards each year. It is clearly an immense operation to reduce the size of the card and if I may say so, a huge inconvenience to those persons in the community who do not carry credit cards.

### **Land Administration**

5 MISS DUNN asked:—*Sir, with reference to the Secretary for the Environment's undertaking in the 1979 budget debate, is the Government in a position to make at least an interim statement on its present thinking about the organization of land administration?*

SECRETARY FOR THE ENVIRONMENT:—Sir, there is as yet no agreed view on any changes in the organization of the land administration, and any Government thinking which I could mention at the present time would still be at best an individual view.

Our efforts since April have been largely directed towards securing the staff for strategic land development planning within the Secretariat. I intend to launch proposals in respect of a revised structure for land administration a bit later in the year.

MISS DUNN:—*Sir, as I did not ask for an agreed view, may I repeat my original question. What is the Government's present thinking about the organization of land administration?*

SECRETARY FOR THE ENVIRONMENT:—Sir, it would be wrong for me to say that the Government doesn't think, (*laughter*) even though thinking is obviously an individual business and I mentioned in my reply that all that I could say was an individual view. In his speech in the Budget, in his reply to Miss DUNN, Mr JONES said that he appreciated the need for a re-think of the administration of land but that a new organization to improve on the present organization must be better, and must be better in many respects. I know that his view tends towards a unified lands department, and mine, I also would echo this view. But that is probably as far as I can go at the present moment.

MISS DUNN:—*Sir, should not the Secretary for the Environment, or the Secretary for the New Territories, or the Director of Public Works at least summarize the several points of view which apparently are prevailing which the administration appear unable to reconcile?*

HIS EXCELLENCY THE PRESIDENT:—I hear your statement, Miss DUNN, and I think Mr BARNES has answered your question to the best of his ability.

### **Disposal of 'Sky Luck'**

6 MR WONG LAM asked in Cantonese dialect:—

請問政府將如何處理已遭棄置之「天運」號輪船？

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

*What will Government do to dispose of the abandoned ship 'Sky Luck'?*

SECRETARY FOR ECONOMIC SERVICES:—Sir, under section 21(1) of the Shipping and Port Control Ordinance, the Director of Marine may give to an owner of a vessel which is abandoned in the waters of Hong Kong such directions as he thinks fit in respect of the removal, movement, anchoring, mooring, securing, raising or destruction of the vessel. On 5 July the Director issued to the owner of the 'Sky Luck' a direction to remove the vessel from its present position at Shek Kok Tsui, Lamma Island, by 8am on 16 July.

There has been no response from the owner to the direction and as a consequence, the Director of Marine has seized the vessel under section 21(3) of the Shipping and Port Control Ordinance. He will be publicizing this seizure in the *Gazette*. He will not be able to dispose of the vessel until a reasonable period has been allowed for the lodging of possible claims.

MR WONG LAM asked in Cantonese dialect:—

閣下，至於一段時間，所謂一段時間是指多久呢？

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

*Sir, what do you mean by a reasonable period?*

SECRETARY FOR ECONOMIC SERVICES:—I should think, Sir, in this context thirty days would be a reasonable period.

### **Lunch-time catering facilities**

7 MR CHEONG-LEEN asked:—*Sir, is the Government satisfied that lunchtime catering facilities for industrial workers in Kwun Tong are adequate and, if not, what measures are being taken to improve the situation?*

SECRETARY FOR SOCIAL SERVICES:—Sir, as in most industrial areas, lunchtime catering facilities for industrial workers in Kwun Tong are far from adequate. For fire safety reasons public restaurants are not allowed in industrial buildings, and there are comparatively few non industrial buildings in these areas.

So far as cooked food stalls are concerned, the standard planning provision for industrial areas is 0.6 hectares for every 100 000 workers. There are at

present five major cooked food stall bazaars in the Kwun Tong industrial area, which make up only about 30% of the standard provision. Plans are in hand for three more bazaars to be completed within the next 2-3 years, which will more than double the area of cooked food stalls.

Under the existing Food Business By-laws, it is possible for individual factories to provide canteens on their premises for their own workers. Small or medium size factories, however, have found it uneconomical to set aside space for this purpose, and in Kwun Tong there are only 14 such canteens. In order to encourage more factories to provide catering facilities for their workers the Government and the Council are at present considering a proposal to create a new class of factory canteen which will have to be licensed, but would be subject to less stringent requirements than are applied to public restaurants; and unlike the present canteens they would be allowed to serve workers from a number of nearby factories.

MR CHEONG-LEEN:—*Sir, can assurance be given by the Acting Secretary for Social Services that Government will do everything possible to expedite the plans which have just been disclosed by him?*

SECRETARY FOR SOCIAL SERVICES:—Well, Sir, this is primarily a matter for another Council of which Mr CHEONG-LEEN is a distinguished Member, but I am sure that Government will co-operate with the Council in providing these facilities.

MR CHEONG-LEEN:—*Sir, although it is primarily the responsibility of another Council, the reason I am asking for assurance is that the assurance and support from Government is pretty crucial to having the plans implemented at an early date.*

### **Young persons and triad societies**

8 DR HO asked:—*Sir, will Government state what it is doing to prevent young persons from being lured or intimidated into joining triad or quasi-triad societies, particularly at private parties organized by these societies?*

SECRETARY FOR SOCIAL SERVICES:—Sir, in recent years the Government has stepped up its efforts to improve both the basic social services and the general environment in order to improve the quality of life in Hong Kong. In particular, there has been a rapid expansion of educational facilities; as from September last year all primary school leavers will have three years of junior secondary education in the public sector. This will close the gap between school and employment which is believed to have been the cause of much delinquency hitherto. In addition a wide variety of recreational and cultural activities have been developed. All these developments help by providing healthy and constructive outlets for young people.

Whilst these activities meet the needs of the majority of young people, they need to be supplemented by more intensive personal guidance and help for a minority whose individual needs and problems cannot be met by the basic community services. Various types of personal social work services are provided to deal with this group, including social work in schools, family life education and outreaching social work.

Furthermore, the Police Force mounts a considerable effort at all levels to counter the threat posed by gangs and quasi-triad organizations, and the Junior Police Call movement, which has about 230 000 members, exerts a positive influence on young people and helps to improve their relations with the Police. Private parties are of course not subject to any form of licensing, but if the Police have information that offences have been committed at any of these parties, action is taken in the form of raids and prosecutions where appropriate.

I would therefore like to urge young people who are subject to any form of intimidation or other pressure to join such groups, to seek the aid of the Police to enable them to take action.

DR HO:—*Sir, is Government satisfied that all the efforts described in the reply, in particular those of the Police Force, have adequately suppressed the activities of the triad, or quasi-triad societies to a reasonable extent?*

SECRETARY FOR SOCIAL SERVICES:—*Sir, some of the measures I mentioned, particularly the special services for young people, were announced in the White Paper on Social Welfare Services which was published quite recently and we envisage an increase from 2.2 million dollars expenditure last year up to about 30 million dollars in about 1985, so this programme is only just getting under way and it is probably too soon to expect any marked improvements. As far as Police activities are concerned, as Members know, the Commissioner of Police is satisfied that in recent years he has had a considerable degree of success in containing the increase of crime in Hong Kong, and I am sure that this particular category is no different from the rest.*

### **Effects of fluoridated water**

9 MR SO asked in Cantonese dialect:—

政府有沒有注視食水加氟對市民健康的影響？

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

*Is the Government monitoring the effects on public health of using fluoridated water?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—*Yes, Sir, since the introduction of fluoridation of water in Hong Kong in 1961 for the purpose of improving*

public dental health, the effects of fluoridation in the prevention of dental caries in children have been monitored clinically in our dental clinics.

Also, a study done in 1968 showed that there was a general reduction of 50% in the incidence of dental caries among the attendants in the clinics.

Routine monitoring in the clinics is continuing.

MR SO asked in Cantonese dialect:—

閣下，政府有無留意世界有些地方已經暫時停止在食水加氟，等候食水加氟是否會引起皮膚病或癌症等試驗的結果？

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

*Sir, is Government aware of the situation in other countries where they have temporarily ceased using fluoridated water, awaiting the result of the study on whether the use of fluoridation in water causes cancer or other skin diseases?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Yes, Sir.

MR CHEONG-LEEN:—*Sir, does the Director of Medical and Health Services consider that another study should be carried out, bearing in mind the last study was done in 1968?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Yes, Sir, a study is being planned to be carried out as soon as it can be arranged.

### **Services at Shouson Hill**

10 MR BREMRIDGE asked:—*Sir, will Government please advise when the Services quitted the old ammunition depot at Shouson Hill?*

SECRETARY FOR THE ENVIRONMENT:—Sir, the Services released the old ammunition depot at Shouson Hill to Government on 1 July 1975.

MR BREMRIDGE:—*Will the Government compare critically this long and wasteful fallow period of four years with promises frequently made in this Chamber to increase the supply of building land, particularly for up-market flats?*

SECRETARY FOR THE ENVIRONMENT:—The area—Shouson Hill ammunition dump—has been in use almost ever since 1975. It has been used as a Police driving school and for storage of medical stores. During this period it has been planned and re-planned and there is substantial development of high class housing proposed. About half of this development, which should provide

land for about 238 flats or houses, should go on the market in the early part of next year. The actual ammunition dump cannot be put on the market as long as the Police occupy it, and arrangements are being made for a replacement driving school but this will still take two or three years.

MR BREMRIDGE:—*Sir, does Government agree that Police driving schools are ill-suited to highly expensive development land?*

SECRETARY FOR THE ENVIRONMENT:—*Sir, it entirely agrees—which is why they are to be removed.*

### **Government business**

#### **First reading of bills**

##### **MARRIAGE REFORM (AMENDMENT) BILL 1979**

##### **MATRIMONIAL CAUSES (AMENDMENT) BILL 1979**

##### **MATRIMONIAL PROCEEDINGS AND PROPERTY (AMENDMENT) BILL 1979**

##### **URBAN COUNCIL (AMENDMENT) BILL 1979**

##### **WASTE DISPOSAL BILL 1979**

##### **HONG KONG WAR MEMORIAL FUND (AMENDMENT) BILL 1979**

##### **DANGEROUS DRUGS (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**

##### **MARRIAGE REFORM (AMENDMENT) BILL 1979**

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

He said:—*Sir, this Bill makes provision for certain procedural amendments to the way in which the laws governing marriage will apply.*

The amendment proposed by clause 2 is to correct an unfortunate typographical error that occurred in the print of the Bill.

Clause 3 seeks to amend section 9 of the principal Ordinance which is concerned with the procedure for the post-registration of a customary marriage or a validated 'modern' marriage under Part IV of that Ordinance. In the normal way, the parties to a marriage of either of these types can apply to the Registrar of Marriages for their marriage to be registered. However, if one of the parties to the purported marriage disputes the existence of the marriage or is unwilling to join in such an application, the other party may apply to the District Court for a declaration that a marriage is subsisting between that party and the other party to the marriage. Having obtained the declaration, the applicant can then have the marriage registered by the Registrar. Consequently, when both parties are in agreement, only the application to the registrar is required; but where there is a disagreement between the parties two steps are necessary, namely, an application by one of the parties to the District Court for a declaration and then an application by that party to the Registrar of Marriages for registration of the marriage on the basis of the declaration.

However this procedure only comes into operation where one of the parties to the marriage is unwilling to join in the application to the Registrar and that presupposes the dissenting party is aware of the application for registration. It follows unfortunately that no application to the court for a declaration is possible where one of the parties cannot be found.

The proposed amendment would enable one party to a purported customary or validated marriage to apply to the District Court for such a declaration in a case in which the whereabouts of the other party cannot after careful and reasonable inquiry be ascertained or it is for any other reason impracticable for such other party to be apprised of the application for registration. It will be for the District Court to ensure that this procedure is not abused.

Clause 4 seeks to replace section 15 of the principal Ordinance by a new section which will make the procedure for the dissolution of a customary marriage the same as that for a validated marriage, namely, either under Part V of the principal Ordinance or under the Matrimonial Causes Ordinance. Thus, for the first time, a non-consensual divorce will become available to a wife in a Chinese customary marriage.

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

*Question put and agreed to.*

## **MATRIMONIAL CAUSES (AMENDMENT) BILL 1979**

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

He said:—Sir, in its present form, section 9 of the principal Ordinance restricts the jurisdiction of the Court to a marriage that is monogamous. The main purpose of the Bill is to replace section 9 of the principal Ordinance by a new section which extends the jurisdiction of the Court to cover a Chinese customary marriage and this is consequential upon the Marriage Reform (Amendment) Bill 1979, which Members have just considered.

The replacement of section 9 makes it necessary for insertion in section 2 a definition of adultery which excludes intercourse by a man who is a party to a customary marriage with his concubine.

Clause 3(b) is concerned with section 7A(2) of the principal Ordinance which provides where the amount of maintenance has been agreed between the parties in the dissolution of a customary or validated marriage under Part V of the Marriage Reform Ordinance, a former wife cannot subsequently apply to the Court for a variation in the amount of the maintenance. The proposed amendment would likewise exclude such an application on the part of a former husband.

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

*Question put and agreed to.*

### **MATRIMONIAL PROCEEDINGS AND PROPERTY (AMENDMENT) BILL 1979**

THE ATTORNEY GENERAL moved the second reading of:—‘A bill to amend the Matrimonial Proceedings and Property Ordinance’.

He said:—Sir, the amendment proposed by the Bill is a matter of procedure and would empower a court that is hearing a petition for divorce to discharge a maintenance order affecting the petitioner and respondent which had been made by another court, thus enabling a fresh maintenance order to be made in the divorce proceedings. This would incidentally bring the law into conformity with that in the United Kingdom.

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

*Question put and agreed to.*

### **URBAN COUNCIL (AMENDMENT) BILL 1979**

THE SECRETARY FOR THE ENVIRONMENT moved the second reading of:—‘A bill to amend the Urban Council Ordinance’.



He said:—Sir, the object of the Bill is to amend and simplify some of the Urban Council's financial procedures.

Clauses 2(a)(ii), 4 and 7 simplify existing accounting procedures by enabling the Urban Council to present its annual accounts in the form of Receipts and Payment instead of Revenue and Expenditure.

Delegation of powers to invest Council funds on fixed deposit with a licensed bank is provided for by clause 2(a)(iii).

Clause 6(1) makes explicit the Council's right to revise its annual budget and clause 3 further allows the Council, within specific limits, to make bylaws delegating the power of revision, including the power to revise by authorizing expenditure in excess of the budget provision.

Clause 8 permits the Council to prescribe fees for the signing of official documents by public officers on behalf of the Council and to reduce, vary, remit or refund any fee or charge payable to the Council.

Clause 5 is a drafting amendment and removes an obsolete subsection. Clause 10 makes a consequential amendment to the Interpretation and General Clauses Ordinance (Cap. 1) which will be timed to coincide with the enforcement of by-laws made under the new section 41A.

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

*Question put and agreed to.*

## **WASTE DISPOSAL BILL 1979**

THE SECRETARY FOR THE ENVIRONMENT moved the second reading of:—‘A bill to provide for the collection and disposal of waste and to make consequential amendments to the Public Health and Urban Services Ordinance’.

He said:—Sir, this Bill is the first of five pieces of legislation, designed to protect the environment of Hong Kong, which it is intended to place before this Council in the next 18 months.

The aim behind the legislation is to introduce a framework for environmental management at a stage when we still have the opportunity to adopt this approach rather than waiting until serious pollution problems appear which would force us as they have forced other countries to react in haste and impose more drastic and perhaps even blanket controls which could do serious damage to industry. Consultation between the Environment Branch and industrial organizations has shown the advantages of the measured and flexible approach which is being adopted and which will minimize impact of controls on the economy.

The purpose of the Waste Disposal Bill 1979 is to introduce new measures relating to the disposal of waste, and consolidate existing measures for waste collection.

Waste disposal is not a subject which fires most people's imaginations; but it is important, not least because, if it is not dealt with properly, it can very quickly force itself upon everybody's attention in no uncertain manner. The aim of this Bill is to ensure that waste disposal is dealt with as efficiently and cost-effectively as possible, and to ensure that the public is adequately protected against any harmful effects of pollution by solid wastes.

This Bill may be conveniently divided into four main areas, that is:—

- (a) waste management;
- (b) waste collection;
- (c) waste disposal; and
- (d) associated provisions.

I will deal with each of these briefly in turn.

#### *Waste Management*

Apart from agricultural and human wastes, about 4 600 tonnes of waste must be disposed of every day, and we expect 6 700 tonnes in 1984. Toxic and hazardous wastes from certain industries also require special attention. Waste management means the overall arrangements for collection, management and disposal of all wastes and, as the environment, public health and safety of every one is involved, it is proposed that plans for waste management should be published for public comment and that they should be prepared in consultation with an Advisory Committee which will include unofficials. Part II of the Bill accordingly stipulates the machinery, which is not unlike the machinery prescribed in the Town Planning Ordinance, for the preparation, publication and final approval of waste management plans, and for the constitution of the Waste Management Advisory Committee to assist in their preparation. The plan will form the policy framework in which waste management will be carried out.

#### *Waste Collection*

The existing system of waste collection, as administered by the two principal collection authorities will remain unchanged and clauses 10 to 15 of the Bill will replace in an almost identical form sections 16 to 19 of the Public Health and Urban Services Ordinance (Cap. 132). But there will be some changes in the law relating to the collection of trade and animal waste by the Collection Authorities. The Urban Council in the urban areas and the Urban Services Department or DAF in the New Territories—the latter being constituted as a Collection Authority largely to cope with animal wastes—will have powers to seek reimbursement of the cost of disposal of trade and animal wastes

incurred by them. The system of licensing contractors for the removal of household wastes remains unchanged.

### *Waste Disposal*

Although the disposal of waste is mentioned in the various pieces of legislation there is presently no legislation dealing specifically with it. Under clause 2 of the Bill the Director of Public Works will become the Disposal Authority for all classes of waste, other than animal waste.

Clause 17(1) will prohibit the use of any land for waste disposal, unless a licence for that purpose has first been obtained from the DPW. There will be certain exceptions to this rule, such as disposal of waste on tips, disposal of household waste within the curtilage of the household, and the deposit of wastes of one kind or another for agricultural or horticultural purposes.

Clause 18 provides DPW with the powers which he will need to control wastes which could be hazardous if improperly dumped and which will be prescribed in regulations. The penalties for contravening either of these sections are a fine of up to \$50 000 for a first offence, and up to \$100 000 for subsequent offences. It is hoped that this will be severe enough to deter anyone from wantonly dumping hazardous wastes.

Government is also determined to ensure that waste is not imported into Hong Kong for the sole purpose of disposal. The relevant prohibition will not apply to waste imported as part of a manufacturing process or to waste generated by ships, trains or planes visiting Hong Kong. But other prospective importers of waste must obtain a licence for importing wastes from the Director of Public Works, and will be liable to a fine of up to \$50 000 if they fail to do so. The aim is to prevent Hong Kong becoming a dumping ground for hazardous wastes which no one else will accept.

### *Associated Provisions*

Finally, those aspects of the Bill which make the system work. As I said earlier, the system of licences for the collection of wastes remains unaltered, and provision is made for their issue, amendment and cancellation with or without a prescribed period of prior notice in Part V of the Bill. The provision for cancellation without notice or with less than the prescribed 90 days notice would be invoked where there was considered to be a danger to public health involved in the continuance of the licensed collection. The Bill provides for an appeals procedure against the Collection Authority, who is also the licensing authority, and for an Appeals Board in clause 25. A further provision will permit the Authority or a public officer to appeal to the Governor in Council against the decision of the Appeals Board, if he considers that it is against the public interest.

Sir, this Bill will be binding on the Government. It is very necessary for Government to show that it is willing to abide by the same pollution controls as it imposes on industry, and by making this Bill binding on the Crown, Government will be seen to be accepting the obligations which it intends to impose on others.

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

*Question put and agreed to.*

### **HONG KONG WAR MEMORIAL FUND (AMENDMENT) BILL 1979**

THE SECRETARY FOR SOCIAL SERVICES moved the second reading of:—‘A bill to amend the Hong Kong War Memorial Fund Ordinance’.

He said:—Sir, the Hong Kong War Memorial Fund was established by statute on 21 February 1947 to provide for the maintenance, education, benefit or advancement of members of the regular and volunteer forces and auxiliary organizations listed in the Schedule to the Hong Kong War Memorial Fund Ordinance, who took part in the battle of Hong Kong in 1941 or suffered a subsequent captivity. The Fund covers both those who were injured or suffered illness or hardship during their service or captivity and their dependants, as well as the dependants of those who died.

Hitherto, it has been necessary to establish that an applicant's current situation is specifically attributable to injuries or hardship suffered during the period of service or captivity. In recent months there has been a good deal of public concern about the plight of a number of ex-prisoners of war who are in financial difficulties, but who have not been able to obtain assistance from the Fund because their present circumstances cannot be said to be specifically attributable to their wartime experiences.

The Bill before Council seeks to widen the scope of the Fund so as to cover such cases. The Government's view is that this is right and proper, in that there is no doubt that in many cases the appalling hardships suffered by prisoners of war have affected their ability to earn a living, particularly as they grow older, even though it may not be possible to establish any direct connection. Dependants of these ex-prisoners of war will also be eligible for assistance, by virtue of other provisions of the Ordinance.

There have been suggestions that all ex-prisoners of war, regardless of their present financial situation, should receive assistance. This would in the Government's view be wrong, in that it would confer on this group of people a privileged status which it would not be possible to justify. It will therefore still be necessary to establish that a beneficiary's capacity to earn a living is impaired.

The opportunity is also being taken in the present amendment to add to the First Schedule the Auxiliary Nursing Service, the Royal Naval Yard Police and the St John Ambulance Brigade. There is some doubt whether these three units are covered by the existing Schedule and it is therefore considered desirable to list them separately.

The amendment, if enacted, will inevitably have the effect of increasing payments from the Fund, and it is necessary to ensure that sufficient funds will be available to meet both the original objects of the Fund and the additional commitments under the amended provisions. The Government therefore proposes to underwrite the Fund, and later this afternoon the Finance Committee of this Council will be asked to accept the necessary financial commitment.

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

*Question put and agreed to.*

## **DANGEROUS DRUGS (AMENDMENT) BILL 1979**

THE SECRETARY FOR SECURITY moved the second reading of:—‘A bill to amend the Dangerous Drugs Ordinance.’

He said:—Sir, broadly speaking, there are two types of sentences which a court can impose on a minor drug offender. The first are non-custodial, such as a fine or probation order. The second are custodial sentences either to a prison as provided under the Dangerous Drugs Ordinance or to a drug addiction treatment centre as provided under the Drug Addiction Treatment Centres Ordinance.

The proposal in this Bill is to make it mandatory for the Courts to obtain a drug addiction treatment centre suitability report on minor drug offenders, when a custodial sentence is intended. These treatment centres are specially designed for the treatment of drug addicts. Prior to an offender being sent to an addiction treatment centre, the court is required to first consider a report of the Commissioner of Prisons on the suitability of such person for cure and rehabilitation and on the availability of a place at a centre. However there is no such provision under the Dangerous Drugs Ordinance (Chapter 134) prior to a minor drug offender being sent to imprisonment.

Since 1977 about 20 to 25% of all persons admitted into prisons proper were sentenced to imprisonment for offences against section 8 or 36 of the Dangerous Drugs Ordinance, which relate generally to the taking of drugs and the possession of equipment for the purpose. Many of these

persons can probably be better dealt with by being sent to a drug addiction treatment centre than directly to prisons where there is no specialized treatment available for their problems of addiction. It is to allow this course to be followed and for at least a report on a drug offender to be obtained that the amendment is proposed. Thereafter a Court, after considering a suitability report, will be able either to send an offender to a treatment centre or to a prison depending on its judgment of the circumstances and nature of each case.

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

*Question put and agreed to.*

## **INLAND REVENUE (AMENDMENT) (NO 6) BILL 1979**

### **Resumption of debate on second reading (4 July 1979)**

*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).*

## **SMALL CLAIMS TRIBUNAL (AMENDMENT) BILL 1979**

### **Resumption of debate on second reading (4 July 1979)**

*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).*

**PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT) BILL 1979****Resumption of debate on second reading (4 July 1979)**

*Question proposed.*

MR CHEONG-LEEN:—Sir, as the Secretary for Home Affairs said when introducing this Bill at the Second Reading, many Urban Council public libraries already have a wide range of educational and cultural activities, such as story hours for children, adult education talks, film shows and various exhibitions. Record listening sections and video cassette facilities are provided in some of the larger Urban Council libraries. There are also rotating museum exhibitions at many libraries. These extension services have arisen out of new and changing demands on the part of the public living in different urban districts.

Due to the shortage of land in the urban areas, the Urban Council has plans to build more multi-purpose buildings where market facilities, cooked food centres (or mini-restaurant centres to give it another name), can be combined with cultural and recreational services such as district libraries and indoor games halls, all on different floors of course. This is a new trend or concept which can be transplanted to the development of the New Towns in the New Territories in order to make optimum use of available land and I urge that such a possibility be considered.

*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).*

**REGISTRATION OF PERSONS (AMENDMENT) (NO 2) BILL 1979****Resumption of debate on second reading (4 July 1979)**

*Question proposed.*

MR CHEONG-LEEN:—Sir, clause 5 of the Bill requires a person to use the name which appears on his or her identity card in dealings with Government departments.

While the Secretary for Security said two weeks ago when introducing the Bill that it is not intended to make failure to do so an offence, does that mean that in practice a Government department will refuse to have any dealings with a person unless he or she produces an identity card?

Has there been any assessment of how many illegal immigrants there are in Hong Kong who have been here for a certain period of time and who have found employment and are settled in the community? To what extent could these people be subject to blackmail, intimidation or regarded as opportunities for corruption in their everyday activities within the community?

Are there any publicly announced requirements or guidelines under which an illegal immigrant who has been living and working in Hong Kong for some time can feel safe enough to surface and to apply for an identity card?

SECRETARY FOR SECURITY:—Sir, I should like to try to reassure Mr CHEONG-LEEN about his reservations.

We did not think it right to make it an offence for a person to fail to use the name on his identity card in his dealings with Government departments. Neither is it intended that a person should be refused a service if he does not or cannot produce his identity card. For example, it would be unacceptable to deny a person medical treatment in such circumstances.

However, in some circumstances proof of identity will be required, for example, as a precondition for the issue of certain licences and permits and when this is required the transaction will be completed using the name on the identity card.

In short the aim of clause 5 is to encourage the use of identity cards in dealings with Government departments.

If I have understood Mr Hilton CHEONG-LEEN's second point correctly he is anxious about illegal immigrants in the community who have not yet surfaced by applying for registration under the Ordinance.

It is obviously difficult to estimate how many illegal immigrants and overstayers are currently living in Hong Kong without having registered. We do not believe that the number is large, but we certainly cannot say so with any certainty. Illegal immigrants from China, for example, usually present themselves for registration within a few weeks of their arrival. That they can do so is given wide publicity in the media and I am sure is very well-known. There is of course some risk that between the time of their arrival and of registration they may be subject to criminal victimization, but this is inherent in the fact of their illegal entry in the first place and their subsequent stay.

I would not however wish to depart from the general principle of immigration control that each case is dealt with on its merits. For this reason I would not support the proposal that there should be published guidelines of the type proposed by Mr CHEONG-LEEN.

*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).*

## **BIRTHS AND DEATHS REGISTRATION (AMENDMENT) BILL 1979**

### **Resumption of debate on second reading (4 July 1979)**

*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).*

## **PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL 1979**

### **Resumption of debate on second reading (4 July 1979)**

*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).*

## **CLEAN AIR (AMENDMENT) BILL 1979**

### **Resumption of debate on second reading (4 July 1979)**

*Question proposed.*

MR PETER C. WONG:—Sir, section 26 of the Magistrates Ordinance stipulates that any complaint or laying of any information of an offence shall be made within 6 months.

Clause 4 of the Bill seeks to extend this period to 2 years in respect of the offences mentioned in this clause. The reasons for doing so were given by the Commissioner for Labour in the 2nd paragraph of his speech when he moved the Bill on 4 July 1979.

However, Unofficial Members generally feel that an extension from 6 months to 2 years is undesirable. After a lapse of 2 years, an offender may find it difficult to remember accurately the facts of his case and material witnesses may not be available.

The Commissioner for Labour concurs with Unofficial Members that a one year limitation would be a reasonable compromise. Clause 4 of the Bill will be amended accordingly in Committee.

*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).*

## **EMPLOYMENT (MISCELLANEOUS PROVISIONS) BILL 1979**

### **Resumption of debate on second reading (4 July 1979)**

*Question proposed.*

MR JAMES WU:—Sir, I believe that economists and statesmen generally agree that it is the human resources of a nation, not so much its capital nor material resources, that ultimately determine the character and pace of its economic and social development. To the extent that human beings are the active agents who create wealth and accumulate capital by exploiting natural and other resources, and who build social, economic and political institutions, a country that is unable to develop the skills and knowledge of its people and to utilize them effectively in national development will be unable to develop anything else.

The principal institutional mechanism for developing human skills and knowledge is the formal educational system, and it is therefore natural that the degree of development of a nation could be gauged by the basic education it could provide for its citizens.

In this last regard, Hong Kong's affluence is not a leader amongst the developing countries in the region, and it is good to see that we have now eventually caught up with some of our competitors.

As the Commissioner for Labour has mentioned, the primary function of this Bill is to enable Government to take measures, and to make additional regulations where necessary, to ensure that young people are given the opportunity to attend junior secondary school to finish the 9-year free and compulsory education, by prohibition for their employment either in the industrial or non-industrial firms, prior to reaching 15 years of age or

finishing F-3 before 14 years of age whichever occurs first. At our present stage of development and with the traditional concern of Chinese parents for the education and well-being of their children, I do not foresee any hardship or difficulty in the enforcement of this Bill, bearing in mind that most foreign criticisms of child-labour in Hong Kong in the past were either ill-informed, or harbouring ulterior motives particularly by trade-protectionists.

On the contrary, as Hong Kong is forced to mechanize and diversify into more sophisticated industries, a more mature and educated work force is paramount for the development of the higher capability and productivity that are so essential for meeting competition. For this reason, child labour will by itself vanish from our industrial scene so will those who believe that such are still profitable to exploit. As the Chinese saying goes: 'Magnificent vessels are completed later (大器晚成)', the industrialists in Hong Kong look forward to receiving a larger crop of educated work force who are better equipped to comprehend and to operate the more refined sophisticated products and processes in our factories.

MR CHEONG-LEEN:—Sir, I subscribe to the view expressed by the Commissioner for Labour when introducing this Bill that it will make a substantial contribution in commemorating the International Year of the Child.

It is noted that those children who complete Form III before reaching 15 years of age will be allowed to work if they so wish. On the other hand, if they or their parents wish them to continue their studies, I hope that every encouragement and assistance will be given to them to do so, and that they should not be so prevented because of insufficient family income.

I am concerned about the proposed Regulation which will permit a child who has reached 13 years of age to work during the summer holidays for up to 8 hours between the hours of 7am to 7pm. During summer time, this would in actuality be 6am to 6pm. If a 13-year old child lives some distance from the place of work, he or she would most likely have to wake up at 5am every morning. Working 8 hours a day during the summer months, especially if a child has to rise at such an early hour daily, goes against the spirit and purpose of school summer holidays. I would ask the Commissioner for Labour to monitor this situation very carefully to see if any amendments to the legislation is required for next year.

I fully endorse the Commissioner for Labour's statement that child labour in industry is no longer a serious problem, and I believe Hong Kong compares most favourably with what is practised in other Asian countries. However, the Commissioner cannot afford to relax in his efforts, and should rally the support of grass-roots organizations such as CDO committees and MACs in exerting continuous social pressure towards the complete elimination of child labour.

COMMISSIONER FOR LABOUR:—Sir, I am most grateful to Members for their valuable comments on, and support of, the Bill.

With regard to Mr Hilton CHEONG-LEEN's point about those children who are permitted to work up to 8 hours during the summer holiday period, I can assure him that we will watch this carefully. But I should emphasize that this permission is subject to parental consent, is limited to non-industrial employment, and cannot be given for the prohibited occupations. So generally speaking the employment will not be heavy, unhealthy or hazardous in nature.

*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).*

## **CROWN LAND (AMENDMENT) BILL 1979**

### **Resumption of debate on second reading (24 January 1979)**

*Question proposed.*

MR YEUNG:—Sir, the existing law empowers the Director of Public Works and the Housing Authority in the urban area and the Secretary for the New Territories and the Housing Authority in the New Territories to pull down squatter huts on unleased Crown land after notices have been posted. This Bill seeks to provide the Government with improved control to pull down squatter huts when they are in the process of being erected or not being habitually and *bona fide* used so as to stop racketeering for profit at the expense of unsuspecting purchaser. Apart from the question of whether the Housing Authority, being a statutory body and principally designed and structured to provide public housing should as a matter of principle be vested with such power, the Unofficial Members of this Council have expressed support on this aspect of the Bill.

For leased Crown land which is more commonly known to the public as private land, the existing law passed in 1972 gives the Housing Authority in the urban area and Tsuen Wan and the Secretary for the New Territories in the New Territories (except New Kowloon and Tsuen Wan) the power to pull down unauthorized buildings erected on agricultural land. As 99% of the agricultural land is situated in the New Territories, this legislation is therefore a matter of particular concern to the people of the New Territories. It is natural that the interests of Heung Yee Kuk and the New Territories District Advisory Boards are aroused by any proposed amendment to it and

since the publication of this Bill several representations have been made to the Secretary for the New Territories and the UMELCO Office on the principal Ordinance and the amendment sought by the Bill.

In principle it is against public interest to allow buildings and huts to be erected illegally or to allow agricultural buildings to be used for industries or other purposes on private land in the New Territories. The undesirable effect of the existing large number of tolerated huts built after 1949 covering the plains of the New Territories and particularly along the New Territories Circular Road is most alarming. The traditional serenity and tranquility of the countryside have completely been washed away by a sea of shanty huts, by noise from the cottage factories and test engines of the make-shift roadside garages. There is not one stream that is not polluted. Not one district is clean. The rice padis which have once supported the villagers are now fallow because the traditional waterways over each other's fields are blocked. Many vegetable gardens are lying uncultivated because of littering and dumping. Many fruit trees have simply died because of the foul air.

It is therefore right and proper for Government to be given effective power to control and to rectify the situation.

However there are many village houses built on agricultural land without formal blessing of the Government due to various reasons such as misunderstanding and ignorance of the people, the lack of convenient communications and information in the pre-war days, and the absence of a civil government during war time and immediately after the war.

For the same reasons it is not uncommon to find agricultural structures having long been converted to dwellings or other uses as the traditional way of life in the agricultural society has undergone fundamental change. The change was to a large measure forced upon the farming community by the influx of new-comers from China since 1949, by the growth of countryside population, by the attraction of city life here and abroad, by the introduction of industrialization and by the rapid urbanization of the district.

It is neither fair nor justifiable for the Government to challenge these buildings.

I understand that it has been the Government's policy not to disturb unauthorized buildings or conversions of user of long standing. For the purpose of good order the Government should take this opportunity to expressly recognize such buildings and conversions by way of an assurance to the public that there will be no change in the existing Government policy after the introduction of the amendment namely

(1) Section 11 of the Crown Land Ordinance (which deals with the statutory duty of the landowner to report unauthorized structures built by a third party on his land) will not be used by the Government except in exceptional cases such as in the case of collusion between the landowner and the third

party or in other like cases. Furthermore for the purpose of encouraging the co-operation of landowners this assurance should be extended so that the Government would assist landowners in demolishing unauthorized structures of the third party provided such structures would be subject to demolition and other courses of action if found illegally erected on unleased Crown land.

(2) Sub-section (1) of section 12 of the principal Ordinance re-enacted in the proposed amendment without any substantial change (and which deals with the unauthorized erection of buildings on leased land) will not affect the existing Government policy and in fact Government will on application of the landowners legalize such buildings and structures of long standing by granting such modification or permit upon such conditions as if applications were made at the time of erection of such buildings.

(3) As for unauthorized conversions of agricultural buildings to other use, I understand that it has been the practice to require landowners to purge the breach of the condition of user contained in the Crown lease or permit. The amendment proposed in the Bill merely strengthens the hand of Government in exercising such practice. Nevertheless it is something new in law and therefore a cut off date for its operation is desirable as a matter of principle and fairness in respect of which I understand Government is prepared to propose an amendment to the Bill at the Committee Stage.

The Government policy applicable to the New Territories has been administered by the New Territories Administration, which is charged to recognize local customs and traditions and to pay regard to particular circumstances prevailing only to the New Territories and such administration has for the last seven decades been by and large working smoothly with the people of the New Territories and has earned their trust, confidence and respect. The Bill seeks to extend the powers of the Housing Authority in respect of section 12 of the Ordinance to the remaining parts of the New Territories. It is therefore questionable why an additional authority is at all required. Perhaps Government may like to explain such a move. In any event the Hong Kong Housing Authority, being an independent statutory body, is outside the direct control of the legislature or Government and therefore cannot be considered as a suitable choice for this purpose. If such powers were to be vested at all in an additional authority, it is thought that the Director of Housing will be a better choice for historical reasons as well as for the reason that he is a Government official and therefore directly answerable to the legislature and Government for all the actions he takes.

The Unofficial Members are therefore pleased to support the Bill if the appropriate amendments and assurances will be given by the Government.

SECRETARY FOR THE NEW TERRITORIES:—Sir, I wish particularly to speak in support of this Bill in order to give some assurance in response to doubts

and anxieties which have been expressed especially by the Heung Yee Kuk in the consultations on the Bill.

First and most important I wish to make it clear that there is no intention to change the existing procedures for reporting and deciding whether or not an illegal structure on private leased land should be demolished. There is no intention on the part of the Government to be any less thorough in the process of establishing the ownership of any land or structure, the lease conditions or licences governing them, the age of a structure, any previous toleration granted as a result of a squatter control survey, or any of the other factors we take into consideration at present. As an additional re-assurance before any action is taken against a structure on private land, the law requires us to post notices upon it and persons affected by these notices have an opportunity to make representations to the District Office.

Let me also add that the introduction of the Director of Housing as an Authority for squatter control in the New Territories will make no difference in itself to the practice of squatter control, affects nobody's status, nobody's rights, nor my role as the Land Authority in the New Territories.

One other point on which I would again re-assure property owners in the New Territories is that there is absolutely no intention to take action against structures which have been in existence for a long time even though there may be no record of them on office files perhaps because they were built when administration to record them was lacking, or because they were built, for example, during the Japanese occupation. In appropriate cases I am quite willing to record their existence and to rectify past omission.

The last point I wish to make relates to the question of unlawful structures on leased land erected by tenants or trespassers. I have been asked whether Government is prepared to make a commitment to take action against such structures when reported by the landowner. The answer is that we shall aim to be consistent; we shall investigate any such reports, but the action we take will be just the same as the action we would take if we discovered the irregularity ourselves. If the offence is long-standing, tolerated after recognition in a survey, we shall not take action. In such cases a landowner may well have recourse at the civil law, but that is a different matter. Our aim is fairness in the administration of the Ordinance.

Sir, I support the motion.

SECRETARY FOR HOUSING:—In the course of the debate on the Crown Land (Amendment) Bill 1979, a number of perceptive comments and constructive criticisms of the Bill have been made, comments and criticisms which demonstrate that Members are alive both to the scope of our perennial problem of squatting and also to the difficulties faced by the man-on-the-ground in his thankless task of enforcement. I would first express my gratitude to Members for their valuable assistance.

In his speech just now, Mr Charles YEUNG has alluded to the addition of an authority for the remainder of the New Territories by the transfer of responsibility for squatter control from the New Territories Administration to the Housing Department. The extension of responsibility, which was agreed by Government in 1978, will be a gradual process of handover and results from a recognition on the part of both the New Territories Administration and the Housing Department that the intimate link between the twin problems of the prevention of squatting and of the provision of housing for our population requires a closer co-ordination than can be afforded by simply working in tandem. It is clear, however, from what Mr Charles YEUNG has just said, that this extension of responsibility has been the cause of some unease amongst landowners and residents of the New Territories and I would take this opportunity to add my assurance to that just offered by the Secretary for the New Territories that the hand-over will not bring in its train any drastic change related to leased land in the manner in which Government's land policy is implemented. In fact, as has been demonstrated in the Tsuen Wan district, and has been described in some detail by the Secretary for the New Territories, landowners and residents of other parts of the New Territories will find that in this case the devil that they do not as yet know is little worse (or should I say better) than the devil who is already with them.

Attention has been drawn to the absence of any specific provision in the Ordinance for appeal against the posting of notices on structures on leased land whose use has been converted to one other than that authorized under the terms of the lease. I would assure Members that in the posting of the notice itself, the opportunity is provided to enable the lessee to reconvert his structures to an authorized use or to take up with the Land Authority the question of whether such use is proper or not. I am satisfied that this, together with the existing channels of appeal against administrative action, will provide adequate safeguard against error.

On a related point Mr Charles YEUNG has proposed that the Bill be framed in such a way as to ensure that where the conversion of user of a legal structure on leased land has already come to the attention of the Authority, and to that extent at least has been condoned, the Authority should not be able to take summary action against the structure, that is that the provisions of the law should not be retrospective. While such a distinction could be made administratively it is clearly more prudent that the element of doubt as to intention should be removed from the letter of the Law, and it is therefore proposed to move an amendment to clause 5 of the Bill at the Committee Stage. At the same time the opportunity is taken to amend the schedule to the Ordinance more clearly to reflect the Housing Department Squatter Control Division's agency relationship with the Land Authority in respect of leased land.

*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).*

**WIDOWS' AND CHILDREN'S PENSIONS (AMENDMENT) BILL 1979**

**Resumption of debate on second reading (4 July 1979)**

*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).*

**MASS TRANSIT RAILWAY CORPORATION (AMENDMENT) BILL 1979**

**Resumption of debate on second reading (4 July 1979)**

*Question proposed.*

*Question put and agreed to.*

Bill read the second time.

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

**MERCHANT SHIPPING (RECRUITING OF SEAMEN) (AMENDMENT) BILL 1979**

**Resumption of debate on second reading (4 July 1979)**

*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).*

**SHIPPING AND PORT CONTROL (AMENDMENT) (NO 2) BILL 1979****Resumption of debate on second reading (4 July 1979)**

*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.

**INLAND REVENUE (AMENDMENT) (NO 6) BILL 1979**

Clauses 1 and 2 were agreed to.

**SMALL CLAIMS TRIBUNAL (AMENDMENT) BILL 1979**

Clauses 1 to 5 were agreed to.

**PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT) BILL 1979**

Clauses 1 to 5 were agreed to.

**REGISTRATION OF PERSONS (AMENDMENT) (NO 2) BILL 1979**

Clauses 1 to 6 were agreed to.

**BIRTHS AND DEATHS REGISTRATION (AMENDMENT) BILL 1979**

Clauses 1 and 2 were agreed to.

**PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL 1979**

Clauses 1 to 7 were agreed to.

**CLEAN AIR (AMENDMENT) BILL 1979**

Clauses 1 to 3 were agreed to.

Clause 4

MR PETER C. WONG:—Sir, I move that clause 4 be amended as set out in the paper before Members.

*Proposed Amendment***Clause 4**

That clause 4 be amended in proposed new section 9A by deleting ‘2 years’ and substituting the following—  
‘1 year’.

The amendment was agreed to.

Clause 4, as amended, was agreed to.

Clauses 5 and 6 were agreed to.

**EMPLOYMENT (MISCELLANEOUS PROVISIONS) BILL 1979**

Clauses 1 and 2 were agreed to.

Schedule was agreed to.

**CROWN LAND (AMENDMENT) BILL 1979**

Clauses 1 to 4 were agreed to.

Clause 5

SECRETARY FOR HOUSING:—Sir, I move that clause 5 be amended as set out in the paper circulated to Members. The amendment proposed for sub clause 5(a) would ensure that where the conversion of user of a structure legally erected on Crown land has already come to the attention of the Authority, the Authority would not be able to take summary action against the structure, that is, the provision of the law would not be retrospective. As explained during the second reading of this Bill, this was the intention of this original amendment, and although the distinction could have been achieved administratively, it is clearly more prudent that it be spelt out in the law.

*Proposed Amendment*

**Clause 5**

That clause 5(a) be amended by deleting paragraph (b) in proposed new subsection (1) and substituting the following—

‘(b) a structure on leased land or land occupied under a licence, being a structure which by virtue of a covenant, condition or stipulation in a Crown lease or licence can be used only for agricultural purposes—

(i) is being used for any other purpose in breach of that covenant, condition or stipulation; and

(ii) the use for that other purpose is not authorized by any permission granted, or does not appear in any survey or record made, by the Authority before the date on which the Crown Land (Amendment) Ordinance 1979 came into operation.’

The amendment was agreed to.

Clause 5, as amended, was agreed to.

Clauses 6 and 7 were agreed to.

**Clause 8**

SECRETARY FOR HOUSING:—Sir, I move that clause 8 be amended as set out in the paper circulated to Members. This amendment to the Schedule will make the Director of Housing rather than the Housing Authority an authority under the Bill in the same way as was previously the case with the Commissioner for Resettlement and will thus more accurately reflect the Housing Department’s agency role for the land authority in respect of this land.

*Proposed Amendment***Clause 8**

That clause 8 be amended in paragraphs (b) and (c) by deleting ‘Housing Authority’ wherever it occurs and substituting in each place the following—

‘Director of Housing’.

The amendment was agreed to.

Clause 8, as amended, was agreed to.

**WIDOWS’ AND CHILDREN’S PENSIONS (AMENDMENT) BILL 1979**

Clauses 1 to 3 were agreed to.

**MASS TRANSIT RAILWAY CORPORATION (AMENDMENT) BILL 1979**

Clauses 1 to 5 were agreed to.

**MERCHANT SHIPPING (RECRUITING OF SEAMEN) (AMENDMENT) BILL 1979**

Clauses 1 to 6 were agreed to.

Schedule was agreed to.

**SHIPPING AND PORT CONTROL (AMENDMENT) (NO 2) BILL 1979**

Clauses 1 to 3 were agreed to.

Council then resumed.

**Third reading of bills**

THE ATTORNEY GENERAL reported that the

INLAND REVENUE (AMENDMENT) (NO 6) BILL

SMALL CLAIMS TRIBUNAL (AMENDMENT) BILL

PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT) BILL

REGISTRATION OF PERSONS (AMENDMENT) (NO 2) BILL

BIRTHS AND DEATHS REGISTRATION (AMENDMENT) BILL

PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL

EMPLOYMENT (MISCELLANEOUS PROVISIONS) BILL

WIDOWS' AND CHILDREN'S PENSIONS (AMENDMENT) BILL

MASS TRANSIT RAILWAY CORPORATION (AMENDMENT) BILL

MERCHANT SHIPPING (RECRUITING OF SEAMEN) (AMENDMENT) BILL and the

SHIPPING AND PORT CONTROL (AMENDMENT) (NO 2) BILL

had passed through Committee without amendment and that the

CLEAN AIR (AMENDMENT) BILL and the

CROWN LAND (AMENDMENT) BILL

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

*Question put on each Bill and agreed to.*

Bills read the third time and passed.

### **Adjournment**

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

### **Home ownership for middle-income Hong Kong belongers**

MR CHEONG-LEEN:—There is much concern at the sharp increases within the past 12 months of both rentals and selling prices of medium and large flats, which have risen by between 50% to 150%.

According to the 'Property Review 1979', out of a total of 65 255 private and public domestic units expected to be built in 1979, there will only be 1 160 medium and 355 large flats.

The 1980 forecast is even more dismal. Of a total of 66 705 units, only 615 will be medium and 350 will be large flats.

Medium flats are between 1 000-1 700 square feet of covered area, and large flats are over 1 700 square feet.

One of the reasons for this sharp demand for medium and large flats is that with the opening up of China and the licensing of more banks, newly arrived expatriate personnel have to find quickly and pay top prices for accommodation.

A second reason is that money from countries in the Far East has been coming into Hong Kong for investment, speculative or otherwise, in the real estate field.

A third reason is that Government itself does not have an adequate building programme for medium and large flats for civil servants entitled to such accommodation. By competing with the private sector, Government is helping to force rentals up and to fuel inflation. Government thinks that ultimately it will gain by selling land at inflated prices.

Fourthly, there is currently more speculation in the acquiring of medium and large flats by individuals or companies seeking a quick turnover and big profits on a sellers' market.

When renewing leases for flats for civil servants who are entitled to quarters, it is likely that Government will have to pay rentals which are near

to or even higher than the salaries of the individuals concerned. This situation is, to say the least, abnormal.

Although Government will soon be releasing a number of sites for high-quality private residential development, such accommodation will not come on-stream until 2 to 4 years from now.

Now where does all this leave our middle-income Hong Kong belongers, whose incomes are in the range of \$5 000 - \$10 000 a month?

Those who are living in rent-controlled premises are safe for the time being. They have mostly been paying rent with increases of 21% every 2 years.

Hong Kong belongers in this \$5 000 - \$10 000 monthly income bracket who are renting flats built after 1973 are subject to unlimited rent increases upon the prescribed notice being given.

Should they wish to buy a medium flat at today's prices, they find it financially beyond their means to do so.

A new medium flat of between 1 000 - 1 700 square feet is currently selling at \$800 000 to \$2 million. At prevailing interest rates, it is not feasible for a middle-income Hong Kong believer to purchase his own flat.

Sir, Hong Kong continues to be an attractive place for investment, for the setting up of regional offices, and for people of diverse talents and backgrounds to come to live here and contribute to our economic growth. They will be taking up whatever large or medium flats that are available at premium prices.

In the foreseeable future therefore there will be a severe shortage of large and medium flats, a situation which will keep rentals and purchase prices at premium prices.

While the Government Home Ownership Scheme for those with income under \$5 000 monthly should continue full speed ahead, is it not time to review the needs of middle-income Hong Kong belongers who now want to buy their own medium flats?

In this regard, I urge that the Government Home Ownership Scheme be extended to Hong Kong belongers in the middle-income group of \$5 000 to \$10 000 monthly income.

Land can be made available by Government at fair market value and building be entrusted to reputable private developers on the same basis as the existing Home Ownership Scheme. Instalment payments terms up to 15 years at 10% annual interest should be made available.

The development of Government-sponsored home ownership schemes for this middle-income group of \$5 000 - \$10 000 monthly income could be put

in the hands of the Hong Kong Housing Society, so as to allow the Housing Authority to concentrate on providing homes for lower income families.

The qualifications for participation are to be a minimum period of permanent residence and working in Hong Kong of 10 years, with the requirement that the flat cannot be resold for at least 7 years after occupancy. Whether or not civil servants will be allowed to participate, it will be up to Government to decide.

I would also urge that the scope of the Hong Kong Building and Loan Agency Ltd. be reviewed. The current eligibility for a loan is that the applicant's family income does not exceed \$6 000 monthly and the maximum loan is limited to 4 years' salary. Since this Agency is in the unique position of having no waiting list at all, it is worthwhile to review both the limits and eligibility for loan applications so as to accommodate those with incomes of up to \$10 000 monthly.

It may be argued that Government should not be seen to compete with private enterprise in providing homes for the \$5 000 to \$10 000 middle income group. On the other hand, it can be argued with even greater force that the Government Home Ownership Scheme for lower income groups has helped to stabilize the prices of small flats, and has in no way deterred private enterprise from building more small flats. The 1979 forecast for the production of small flats of under 1 000 sq. ft. is 35 000 units in the public sector, and 27 500 in the private sector; the 1980 forecast is 35 500 and 28 500 respectively.

Sir, Hong Kong's middle-income belongers are the backbone of our community. They are part of the 'sandwiched society' so eloquently described by the Honourable Roger LOBO on a previous occasion in this Council. Those living in post-1973 flats are paying increased rents out of all proportion to their income. They should not be blamed for being critical of Government's apparent indifference to their plight.

Is Government aware of the worsening housing problem of our middle-income belongers in the \$5 000 to \$10 000 monthly income group, and what does Government propose to do about it?

DR HO:—Sir, in supporting the motion, I wish to speak briefly about one particular segment of middle-income Hong Kong belongers, namely those civil servants and employees of quasi-government institutions who are earning between \$6 485 and \$8 945 per month and are eligible to receive housing allowances from their employers.

Since the Government is already spending a considerable sum of money on housing allowances each year, I suggest that this money should be put to better use by helping the officers concerned to purchase their own homes through a mortgage scheme. Such a scheme would, in the long term, be of financial benefit to both the Government and its employees.



The Government would have only a limited financial commitment, say 10 years, until the mortgage is paid off and its employees would eventually come to own their own homes.

Along with their counterparts in the private sector, home ownership is a major aspiration of our civil servants. For those who are receiving housing allowances, their main concern is what will happen to them and their families upon their retirement when they will have to look for alternative accommodation. With their monthly pension, it is unlikely that they would be able to rent a flat of the same standard as before.

It is my view that a mortgage scheme would not only boost the morale of the public service but also encourage more young people of the right calibre to enter the Government service.

I understand that the Government is already considering a scheme along these lines. If so, I urge them to implement it as quickly as possible before further price escalations prevent it from being viable.

SECRETARY FOR HOUSING:—In winding up the debate on the Landlord and Tenant (Consolidation) (Amendment) Bill 1979 on 6 June, I mentioned that the supply of medium and large flats could change significantly with an increasing number of suitable sites being made available. Members may be aware that a number of sites have already been offered.

Mr CHEONG-LEEN now suggests that the Home Ownership Scheme should be extended to every household in Hong Kong earning less than \$10 000 a month. Recently, the income limit for the Home Ownership Scheme has been revised to \$5 000 per month, and almost 90% of families in Hong Kong are within this income bracket.

According to the March 1979 Labour Force Survey, a total of only 2.2% of the total number of households had income in excess of \$10 000 a month. If the income limit were to be raised as suggested, this would mean that nearly 98% or virtually the total population would be eligible. This would be unprecedented even in planned economies and would certainly be inconsistent with the circumstances in Hong Kong. Moreover, such action would only dilute the efforts towards assisting lower income families.

Mr CHEONG-LEEN also suggested reviewing the scope of the Building and Loan Agency. Since the Agency went public in April 1972, it has operated on a commercial basis. Although there is a normal income guideline of \$6 000 a month for the applicant, the household income criterion is reasonably flexible, provided the collateral is acceptable to the Agency. The income group referred to by Mr CHEONG-LEEN should, therefore, have little difficulty in obtaining a loan either from the Agency or from other banks.

To sum up, the short answer to Mr CHEONG-LEEN's plea on behalf of the families earning between \$5 000 to \$10 000 a month is that Government is aware of the shortage of medium and large flats in relation to demand and intends to remedy the situation by tackling the crux of the problem which is land supply.

As regards Dr HO's speech on housing loans for civil servants, I understand that the matter is receiving attention.

### **Adjournment and next sitting**

HIS EXCELLENCY THE PRESIDENT:—In accordance with Standing Orders I now adjourn the Council until 2.30pm on Wednesday, 1 August.

*Adjourned accordingly at twenty minutes past four o'clock.*