

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 12 December 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, K.B.E., J.P.

THE HONOURABLE THE FINANCIAL SECRETARY (*Acting*)
SECRETARY FOR ECONOMIC SERVICES
MR. DAVID GREGORY JEAFFRESON, J.P.

THE HONOURABLE THE ATTORNEY GENERAL (*Acting*)
LAW DRAFTSMAN
MR. GERALD PAUL NAZARETH, O.B.E.

THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS
MR. LI FOOK-KOW, C.M.G., J.P.

THE HONOURABLE DAVID AKERS-JONES, C.M.G., J.P.
SECRETARY FOR THE NEW TERRITORIES

THE HONOURABLE LEWIS MERVYN DAVIES, C.M.G., O.B.E., J.P.
SECRETARY FOR SECURITY

THE HONOURABLE DAVID WYLIE McDONALD, C.M.G., J.P.
DIRECTOR OF PUBLIC WORKS

THE HONOURABLE KENNETH WALLIS JOSEPH TOPLEY, C.M.G., J.P.
DIRECTOR OF EDUCATION

THE HONOURABLE ALAN JAMES SCOTT, J.P.
SECRETARY FOR HOUSING

THE HONOURABLE EDWARD HEWITT NICHOLS, O.B.E., J.P.
DIRECTOR OF AGRICULTURE AND FISHERIES

THE HONOURABLE THOMAS LEE CHUN-YON, C.B.E., J.P.
DIRECTOR OF SOCIAL WELFARE

THE HONOURABLE DEREK JOHN CLAREMONT JONES, C.M.G., J.P.
SECRETARY FOR THE ENVIRONMENT

DR. THE HONOURABLE THONG KAH-LEONG, J.P.
DIRECTOR OF MEDICAL AND HEALTH SERVICES

THE HONOURABLE ERIC PETER HO, J.P.
SECRETARY FOR SOCIAL SERVICES

THE HONOURABLE JOHN CHARLES CREASEY WALDEN, J.P.
DIRECTOR OF HOME AFFAIRS

THE HONOURABLE JOHN MARTIN ROWLANDS, J.P.
SECRETARY FOR THE CIVIL SERVICE

THE HONOURABLE JAMES NEIL HENDERSON, J.P.
COMMISSIONER FOR LABOUR

THE HONOURABLE WILLIAM DORWARD, O.B.E., J.P.
DIRECTOR OF TRADE, INDUSTRY AND CUSTOMS

THE HONOURABLE OSWALD VICTOR CHEUNG, C.B.E., Q.C., J.P.

THE HONOURABLE ROGERIO HYNDMAN LOBO, C.B.E., J.P.

THE HONOURABLE LI FOOK-WO, C.B.E., J.P.

THE HONOURABLE JOHN HENRY BREMRIDGE, O.B.E., J.P.

DR. THE HONOURABLE HARRY FANG SIN-YANG, O.B.E., J.P.

THE HONOURABLE ALEX WU SHU-CHIH, O.B.E., J.P.

THE REVD. THE HONOURABLE JOYCE MARY BENNETT, O.B.E., J.P.

THE HONOURABLE CHEN SHOU-LUM, O.B.E., J.P.

THE HONOURABLE LYDIA DUNN, O.B.E., J.P.

DR. THE HONOURABLE HENRY HU HUNG-LICK, O.B.E., J.P.

THE HONOURABLE LEUNG TAT-SHING, O.B.E., J.P.

THE REVD. THE HONOURABLE PATRICK TERENCE MCGOVERN, O.B.E., S.J., J.P.

THE HONOURABLE PETER C. WONG, O.B.E., J.P.

THE HONOURABLE WONG LAM, O.B.E., J.P.

DR. THE HONOURABLE RAYSON LISUNG HUANG, C.B.E., J.P.

THE HONOURABLE CHARLES YEUNG SIU-CHO, J.P.

THE HONOURABLE ALLEN LEE PENG-FEI

THE HONOURABLE DAVID KENNEDY NEWBIGGING, J.P.

THE HONOURABLE ANDREW SO KWOK-WING

THE HONOURABLE HU FA-KUANG, J.P.

THE HONOURABLE WONG PO-YAN, O.B.E.

ABSENT

THE HONOURABLE LO TAK-SHING, O.B.E., J.P.

THE HONOURABLE FRANCIS YUAN-HAO TIEN, O.B.E., J.P.

DR. THE HONOURABLE HO KAM-FAI

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL
MRS. LORNA LEUNG TSUI LAI-MAN

Papers

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

Subject *L.N. No.*

Subsidiary Legislation:

Peak Tramway Ordinance.	
Peak Tramway (Tolls) Order 1979	277
Detention Centres Ordinance.	
Nei Kwu Chau Detention Centre Order 1979	280
Juvenile Offenders Ordinance.	
Delegation of Powers	281
Evidence Ordinance.	
Evidence (Authorized Persons) (No. 9) Order 1979	282
Public Health and Urban Services Ordinance.	
Hawker (Permitted Place) (No. 5) Declaration 1979	283

Sessional Papers 1979-80:

- No. 20—Supplementary provisions for the quarter ended 31 March 1979 (Final)
(published on 12.12.79).
- No. 21—Accounts of the Lotteries Fund 1978-79 (published on 12.12.79).
- No. 22—Chinese Temple Fund—Income and Expenditure Account with Balance
Sheet for the year ended 31 March 1979 (published on 12.12.79).
- No. 23—General Chinese Charities Fund—Income and Expenditure Account with
Balance Sheet for the year ended 31 March 1979 (published on 12.12.79).
- No. 24—Grantham Scholarships Fund—Income and Expenditure Account with
Balance Sheet for the year ended 31 August 1979 (published on 12.12.79).
- No. 25—Urban Council—Estimates of Revenue and Expenditure for the year ending
31 March 1981 (published on 12.12.79).

Oral answer to questions

Queen Elizabeth Stadium

1. MR. F. K. HU asked:—*Will Government inform this Council whether all the necessary equipment and fittings will be available to ensure that the opening of the Queen Elizabeth Stadium is not delayed?*

SECRETARY FOR HOME AFFAIRS:—Sir, with one exception, tenders for all specialist equipment and fittings have either been awarded or will shortly be awarded. Based on the best information available at the present time, these equipment and fittings will be ready for the opening of the Stadium in June next year.

The one exception is stage equipment. In this connection, the Director of Urban Services has recently informed the Principal Government Architect that the Urban Council has decided to purchase, with its own funds, a portable stage from a certain supplier; consequently, it would be necessary for the ancillary stage equipment to be purchased by Government from the same supplier. As this constitutes a departure of normal tender procedure, the matter is receiving attention in the Government Secretariat.

Establishment review of auxiliary services

2. MISS DUNN asked:—*In view of the many calls being made and likely to be made on our auxiliary services such as the A.M.S. and C.A.S. does the Government intend to review their present establishment?*

SECRETARY FOR SECURITY:—Sir, the heads of the auxiliary services do keep their establishments under regular review.

And I am generally satisfied that the membership of the respective auxiliary services is sufficient to meet operational commitments. I can assure Miss DUNN that we do watch the situation in the light of demands, experience and possible future developments.

MISS DUNN:—*Sir, is it true that the auxiliary services are being called upon to service the new towns because of the lack of facilities there?*

SECRETARY FOR SECURITY:—There are, Sir, a number of proposals in the pipeline in fact referring to auxiliary services in the new towns. For example, the Auxiliary Police are likely to be expanded in number in 1980-81 and 82-83 to serve Tuen Mun and Sau Mau Ping. There is also expansion of the Civil Aid Services projected to the N.T. and the headquarters of that expanded service has already had the approval of Finance Committee. There will be some further expansion obviously in the N.T. as persons are recruited.

New road to Shun Lee Tsuen

3. REVD. JOYCE M. BENNETT asked:—*When will the new road from Clearwater Bay Road to Shun Lee Tsuen be opened and what publicity will be given regarding its opening?*

DIRECTOR OF PUBLIC WORKS:—Sir, one carriageway of the new Clearwater Bay Road between Choi Wan Estate and Shun Lee Tsuen will be opened for two-way traffic on the 21st of this month. The Commissioner for Transport will be issuing explanatory data to the media for publication immediately prior to the opening.

The other carriageway is expected to be completed by mid-1980. The full road width then available will allow for three uphill and two downhill lanes.

Courses in horticulture

4. REVD. JOYCE M. BENNETT asked:—*Will the Government make a statement on the introduction of courses in horticulture into the technical institutes and/or other educational establishments?*

DIRECTOR OF EDUCATION:—Sir, short courses in the field of agricultural plant machinery have already been run by the Haking Wong Technical Institute in conjunction with the Department of Agriculture and Fisheries.

I have also been in contact with the Director of Agriculture and Fisheries about the need to set up a department in the Tuen Mun Technical Institute which is due to be completed in 1984. The Director feels, that Director, not this Director (*laughter*), that the establishment of such a section would be difficult to justify and that we can meet these needs best by running short courses on occasional basis.

I should add that the Department of Agriculture and Fisheries runs about 25 short courses each year in horticulture for young farmers. It also runs a large number of one-day on-the-farm seminars on market gardening.

REVD. JOYCE M. BENNETT:—*Sir, has the Government made a survey of future needs for gardeners, to be needed in the botanical gardens, our parks, our pleasure gardens, our sitting out areas, our schools and other institutional gardens? Is the Director of Education aware of the great difficulties employers have in engaging competent gardeners to improve the quality of our living environment?*

DIRECTOR OF EDUCATION:—No, Sir, the Director of Education is not aware. In fact, Miss BENNETT's supplementary takes him rather by surprise. The position is that the Education Department responds to requests for training and education from various bodies in the field of technical education, principally from the Training Council but also, of course, among others from relevant

Government departments. I have had no such requests either from the Training Council or from the Director of Urban Services or from the Director of Agriculture and Fisheries. I will now, however, enquire of the relevant departments whether they have undertaken a survey, whether they think a survey is justified and depending upon the reply we will take some suitable action.

Ma Tsai Hang fire victims

5. REVD. JOYCE M. BENNETT asked:—*Will the Government make a statement on its policy towards resettling the fire victims from Ma Tsai Hang and say what is being done to remove them from the schools in which they have been squatting since that tragic event?*

SECRETARY FOR HOUSING:—Sir, the policy for resettling the Ma Tsai Hang fire victims, as with all victims of natural disasters, is to rehouse them according to eligibility. Families who were living in accommodation in the Squatter Hut Survey of 1964 are provided with public housing, others qualify for temporary housing.

As a result of the Ma Tsai Hang fire on the 6 October, 1,197 families lost their homes. Of these, 91 families have been accommodated in permanent public housing, but because of the large fire three days earlier at Lei Yue Mun, a small amount only of temporary housing was available in Kowloon at the time of the Ma Tsai Hang fire. Following extensive consultations with them, it was agreed that the Ma Tsai Hang families would move into temporary housing areas in Fanling and Tai Po, or if they preferred, to make their own temporary arrangements pending the construction of an additional new temporary housing area in Sha Tin. We expect this to be ready for occupation next October.

So far, 600 families have moved to Fanling and Tai Po; 400 preferred to make their own arrangements until the new Sha Tin Area is ready; the remaining 100 families, about 360 people, have declined the offer. They continue to occupy eight temporary shelters, including four schools, which were provided immediately after the fire, and they are demanding accommodation in or near Kowloon.

Unhappily, Sir, this will not be possible until the new Sha Tin Area to which I have just referred, is completed. These families are not eligible for permanent public housing and cannot reasonably be given priority over the waiting list.

The staff of the Housing and Home Affairs Departments will continue to do everything possible to persuade these families to vacate the temporary shelters and accept the arrangements we are offering. These families have suffered great loss through this fire, and a firm but sympathetic approach is necessary. In this connection, I would like to record our appreciation of the co-operation and assistance of the many organizations which permit the use of their premises in these emergencies. It is unfortunate that occasionally this spirit of co-operation is met with what I can only call ingratitude from people such as this remaining

group of Ma Tsai Hang families. Honourable Members will, I hope, agree that it would not be right to accede to the demands of this minority group, in particular having regard to the agreement which we reached painfully, I may say, with their representatives and which has been honoured by the majority of the families.

REVD. JOYCE M. BENNETT:—*Sir, can the Secretary for Housing be more specific about how the schools which these homeless are squatting can be helped in order that the schools can be reassured that temporary shelter that they have given does not last 12 months or more?*

SECRETARY FOR HOUSING:—We appreciate, Sir, that the schools naturally are very anxious about the situation. They are being imposed upon. As to what we can do, persuasion is clearly the best method. I would hesitate to suggest that we physically remove these people into the temporary housing in Tai Po or Fanling which we can provide for them, if only because this removal can only be done at the request of the headmasters or the supervisors of the schools concerned.

REVD. JOYCE M. BENNETT:—*Sir, is it not true that by allowing them to remain in the schools we are in fact giving them temporary shelter in an urban area?*

SECRETARY FOR HOUSING:—That, Sir, is a good technical point.

Overloading of goods vehicles

6. MR. CHEN asked:—*Will Government consider stepping up its efforts to enforce the law against the overloading of goods vehicles?*

SECRETARY FOR THE ENVIRONMENT:—Sir, the Government has already stepped up its efforts to enforce the law against this offence. In the first nine months of this year the Police brought almost 3,000 prosecutions against drivers for overloading goods vehicles and the number of prosecutions for the whole year is now expected to be at least 3,800. This is over 90 per cent more than the 1,980 prosecutions for overloading brought in 1975, that is some four years ago, and there has, in fact, been a steady increase in the intervening years. Over the same period the number of goods vehicles on the road has increased by about 60 per cent, so the percentage growth in prosecutions for this offence has exceeded the percentage increase in the number of goods vehicles.

MR. CHEN:—*Sir, will Government give an assurance that before restricting any roads to the exclusive use of public service vehicles, due consideration will be given to congestion that might be caused to alternative routes, particularly by slow-moving goods vehicles, many of which are overloaded?*

SECRETARY FOR THE ENVIRONMENT:—Sir, I promise to give consideration to this. I doubt whether it is completely relevant to the question, its only relevance being the very last words of Mr. CHEN's supplementary.

HIS EXCELLENCY THE PRESIDENT:—Point taken.

SECRETARY FOR THE ENVIRONMENT:—Thank you.

Compulsory insurance for workers in dusty trades

7. MR. PETER C. WONG asked:—*Will Government make a statement regarding the implementation of compulsory insurance under Part IV of the Workmen's Compensation Ordinance in respect of relevant employment in dusty trades as suggested by the Commissioner for Labour in this Council on 2 February 1977?*

COMMISSIONER FOR LABOUR:—Sir, the then Commissioner for Labour said in this Council on 2 February 1977 that 'if the proposed silicosis and asbestosis scheme is adopted in the form now being pursued, Part IV of the Ordinance would have to be brought into force in respect of the relevant employments in dusty trades'.

Subsequently a scheme, known as the Pneumoconiosis Compensation Scheme, was drawn up and I introduced a Bill, entitled Workmen's Compensation (Amendment) (No. 2) Bill 1978, to give legislative effect to the scheme, into this Council in May 1978. The objectives of this Bill were to provide for the payment of compensation to workers or their dependants for permanent total or partial incapacity or death resulting from pneumoconiosis arising out of and in the course of employment in any specified trade, industry or process; to establish a pneumoconiosis compensation fund; and to require compulsory insurance in respect of such employment.

The Bill was passed into law on 7 June 1978, but has not yet been brought into operation. Honourable Members will recall that I said in this Council on 16 November 1978 that some unforeseen practical difficulties had been encountered. These problems arose during the drafting of the subsidiary legislation for the scheme, and out of the consultations with the Building Contractors Association on this. The two main problems are, firstly, that the scheme requires proof of employment in the specified trades or industries in order to qualify for compensation and secondly, that the construction industry, in which the majority of pneumoconiosis cases occur, has a very high labour mobility which would make compliance with the legislation by employers so difficult as to be almost impossible.

A revised scheme has therefore been prepared in consultation with the various interested organizations. The most significant difference between the

original scheme and the revised one is that the Pneumoconiosis Compensation Fund rather than the originally proposed insurance scheme will be financed by a levy on employers in the two major industries concerned and compulsory insurance will not then be required.

The revised scheme will be submitted to the Executive Council for approval in principle in the near future and, if it is approved, a fresh bill will be drafted to give effect to the scheme, which I hope to be able to introduce into this Council before the end of the current session. When the scheme is approved, it is intended, subject to approval of the revised financial commitment by the Finance Committee of this Council, so the ex-gratia payment to persons who are already known to be suffering from pneumoconiosis can begin without awaiting the further legislation proposed.

MR. PETER C. WONG:—*Sir, apart from the Pneumoconiosis Scheme just mentioned in detail by the Commissioner for Labour, is the Government currently considering bringing other trades or industries within the ambit of Part IV of the Ordinance?*

COMMISSIONER FOR LABOUR:—*Sir, I also said when I spoke in November 1978 that I was expecting to receive a report from a working party on a revision of the Workmen's Compensation Ordinance. I have since that time received this working party report and one of its recommendations is to introduce compulsory insurance generally. Consultations on this have been taking place and I have recently sought advice from the Labour Advisory Board. I would hope to proceed to Executive Council within the next two or three months.*

Law and order during the Lunar New Year period

8. MR. WONG LAM asked in Cantonese:—

請問政府有何措施，以應付目前急劇增加之械劫案件及歲晚之治安問題？

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

Sir, will Government state what measures will be taken to tackle the current spate of armed robberies, and to maintain law and order during the Lunar New Year period?

SECRETARY FOR SECURITY:—*Sir, the Commissioner of Police has redeployed the relevant elements in the Force in such a way as to counter the recent upsurge in armed robberies. Measures taken include an increase in the number of crime prevention patrols in known crime blackspots and the deployment of plain clothes officers in some banks. There will be no relaxation of Police vigilance during the Lunar New Year period, when, on past experience, an increase in criminal activity may be expected.*

The number of armed robberies reported to the Police in the first 11 months of this year totalled 4,365 compared with 3,692 in the whole of 1978. However, there are some signs that the situation may be improving as the number fell to 439 in November as against 574 in October. The preliminary indications so far this month are that this improvement is being maintained.

MR. WONG LAM asked in Cantonese:—

閣下，政府有沒有研究槍械的來源？

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

Sir, does Government consider the sources of firearms?

SECRETARY FOR SECURITY:—I have details of the sources of firearms, but I think it would be more appropriate for a discussion of this particular series of robberies not to take place here in full debate in the Council, and I would be very glad to arrange for Mr. WONG Lam to receive further briefing about it.

(THE FOLLOWING WRITTEN REPLY WAS PROVIDED SUBSEQUENTLY)

OF THE 78 REPORTED ROBBERIES THE FOLLOWING FIGURES SHOW THE OCCASIONS WHEN WEAPONS WERE USED:—

FIRE ARMS	3
PISTOL-LIKE OBJECTS	42
OTHER WEAPONS	4
UNARMED	<u>29</u>
	<u>78</u>

MR. SO asked in Cantonese:—

閣下，近來扒手、小偷，非常活躍，使市民受到很大的困擾，尤以在擠迫的公共車輛上為甚，請問當局在歲晚當前，採取甚麼步驟，防止此類事件發生？

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

As recently a lot of pick-pockets are operating, especially on congested public transport vehicles, what measures has the Government taken to avoid such incidents happening?

SECRETARY FOR SECURITY:—I should be grateful if the honourable Member would put down a substantive question on the subject.

Restriction of dangerous goods vehicles

9. MR. CHEN asked:—*Will Government consider introducing restricted operating hours for vehicles carrying dangerous goods?*

SECRETARY FOR SECURITY:—Sir, the suggestion that restricted operating hours should be introduced for dangerous goods vehicles requires careful consideration, and I will arrange for this to be looked at by the Dangerous Goods Standing Committee. When their views are available I will consult the Secretary for the Environment.

Without anticipating the Committee's advice I should add that as road congestion in some areas is not limited to certain peak hours, due regard would need to be given to the practicability of this suggestion in the light of the requirements of domestic and industrial users as well as public safety.

Relocation of the Police Driving School from Shouson Hill

10. MR. BREMRIDGE asked:—*Following on the reply given in this Chamber on 18.7.79, will the Government please advise when the Police Driving School is to be relocated from the very valuable development land it occupies at Shouson Hill?*

SECRETARY FOR THE ENVIRONMENT:—Sir, the Government has tried, but has so far failed, to discover a suitable site for the temporary removal of the Police Driver Training School. This means that the earliest time we can now expect to move it out of Shouson Hill is 1984, when it is hoped that a new driver training school, to incorporate Police, Fire Services and other Government driver training, will have been completed on a site above Lung Cheung Road.

There is, however, some land available in Shouson Hill which is not affected by the Driving School and this is being processed for sale in 1980. The site is capable of accommodating about 86 large flats or perhaps a rather smaller number of town houses.

MR. BREMRIDGE:—*Would Government please state how many flats could be built when the Police Driving School is removed?*

SECRETARY FOR THE ENVIRONMENT:—About 140, Sir.

MR. BREMRIDGE:—*Will Government agree that promises about increasing the supply of building land need to be matched by performance?*

SECRETARY FOR THE ENVIRONMENT:—Yes, Sir, the Government at present is doing a great deal of work on trying to find additional building land for high-quality housing.

Government business

Motions

MERCHANT SHIPPING ORDINANCE

THE ATTORNEY GENERAL moved the following motion:—That sections 34A, 34B and 34C of the Merchant Shipping Ordinance shall expire on 31 December 1980.

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

On 10 January this year this Council passed the Merchant Shipping (Amendment) Bill 1979. That Bill added 4 new sections to the principal Ordinance, namely sections 34A, 34B, 34C and 34D. The first 3 sections provide for the forfeiture of a passenger ship if the owner or master has committed an offence against section 34 of the principal Ordinance, which relates to the carrying of excess passengers. Detailed provision is made to ensure that no injustice results; the Attorney General's approval is required, notice must be given, claims have to be determined by a magistrate and if the magistrate orders a ship to be forfeited, the owner can appeal to the Governor. Section 34D provides that the preceding 3 sections will expire on 31st of this month unless this Council by resolution otherwise determines.

As Members will recall, these provisions were aimed at ships trafficking in refugees. Circumstances have not yet so altered that we can forgo these defences, and this motion seeks approval for the retention of sections 34A, 34B and 34C until the end of 1980, unless this Council otherwise determines.

Sir, I beg to move.

Question put and agreed to.

IMMIGRATION ORDINANCE

THE ATTORNEY GENERAL moved the following motion:—That section 18(3) of the Immigration Ordinance shall expire on 31 December 1980.

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

Members will recall that on the same date that I mentioned in moving the previous motion, the 10 January, they passed the Immigration (Amendment) Bill 1979. That Bill was concerned with section 18(2) of the principal Ordinance, under which a person who is refused permission to land in Hong Kong may not be removed from Hong Kong by an Immigration Officer after the expiry of 2 months beginning with the date on which he was refused such permission. Such

a restriction on this particular power was obviously not appropriate in respect of refugees from Vietnam. The Immigration (Amendment) Bill 1979 accordingly added a new subsection (3) to section 18, which provides that subsection (2) does not apply to refugees from Vietnam. Subsection (4) was added at the same time to provide that subsection (3) would cease to have effect on 31 December 1979 i.e. 31st of this month unless this Council by resolution otherwise determined. Sir, our circumstances are still such that subsection (3) is clearly required and this motion seeks approval for its retention until the end of next year, unless otherwise determined by this Council.

Sir, I beg to move.

Question put and agreed to.

CRIMINAL PROCEDURE ORDINANCE

THE ATTORNEY GENERAL moved the following motion:—That the Legal Aid in Criminal Cases (Amendment) Rules 1979, made by the Chief Justice on 29 November 1979, be approved.

He said:—Sir, I move the third motion standing in my name on the Order Paper. This seeks approval of the Legal Aid in Criminal Cases (Amendment) Rules 1979 which were made by the Chief Justice on 29 November.

The purpose of these rules is to increase the maximum permissible fees payable by the Director of Legal Aid to solicitors and counsel assigned under the principal rules to represent accused persons in their trials in the High Court or District Court and in criminal appeals. In respect of trials in the High Court and criminal appeals, the existing maximum fees were fixed as long ago as January 1970 and for District Court trials in August 1973.

During the last decade there has been a considerable increase in the cost of living, as we all know, and consequently in the overheads of legal practitioners in the private sector. To meet these increases legal practitioners have naturally substantially increased their fees for non-legal aid cases. In the Government sector during the same period the salaries of lawyers in the public service have likewise been increased substantially.

The stage has now been reached that many legal practitioners who accept legal aid assignments do so only at considerable personal sacrifice, because the present prescribed maximum fees that may be paid to them under the principal rules have become unrealistic with the passage of time.

In general terms the proposed maximum fees represent an increase of about 130% for barristers and about 160% for solicitors in respect of High Court trials and appeal cases. For District Court trials the percentage increases are approximately 25% and 33% respectively.

Sir, before I resume my seat I must express the gratitude that the Government owes to members of the Hong Kong Bar Association and the Hong Kong Law Society for the skilled services they have so generously given to their clients in legally aided criminal cases since legal aid was first applied to criminal cases on 1 January 1970.

Sir, I beg to move.

Question put and agreed to.

(Mr. Oswald CHEUNG and Mr. Peter C. WONG declared an interest and abstained from voting on this motion).

LEGAL PRACTITIONERS ORDINANCE

THE ATTORNEY GENERAL moved the following motion:—That section 26AA of the Legal Practitioners Ordinance shall expire on 31 December 1980.

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

In March of this year the then Attorney General introduced into this Council a Bill to amend the Legal Practitioners Ordinance. The Bill had two main objects. First to reconstitute the Advisory Committee on Legal Education with an enlarged membership and new terms of reference. One of these was to advise on the future demand for lawyers and the means whereby that demand may be met.

The second object was to introduce some restriction on eligibility for admission to the roll of students maintained by the Law Society of Hong Kong. This roll effectively determines which students may ultimately qualify for admission as solicitors—apart from those who first qualify as English solicitors wholly in England.

The need for this restriction, described by the then Attorney General as ‘an unwelcome one’, arose in this way. For many years the English Law Society 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 purposes of articles. This is one of the three main methods by which students may now qualify for admission in Hong Kong.

However, due to changes in the system of legal education in England this facility will stop by the end of 1982.

In these circumstances the Advisory Committee on Legal Education considered that, in order to prevent a possible rush of students seeking to enrol so as to preserve in some way their position in relation to that method of qualifying, it would be necessary to close the roll to all prospective students

other than those holding the Post Graduate Certificate in Laws of the University of Hong Kong or holding a recognized law degree.

This restriction was set out in the Bill in a new section which ultimately became section 26AA of the Legal Practitioners Ordinance.

Following the introduction of the Bill, there were lengthy discussions between the then Attorney General and some honourable Members concerning the restriction on enrolment. These discussions centred over the question of whether or not it would be right to deny non-graduates the opportunity of enrolling as students. The Members felt that thought should be given as to whether it would be possible to devise ways and means whereby non-graduates could take courses of study in Hong Kong to become solicitors. For the Government's part, it was accepted that such an investigation should be carried out and that in those circumstances, it would not be appropriate for the restriction to be made part of the permanent law. And so section 26AA of the Ordinance was amended by this Council to provide that it would expire by the end of the year, i.e. by the end of this year, unless extended by this Council.

Since the matter was last before the Council, much has happened.

The newly constituted Advisory Committee on Legal Education has examined the complicated issues involved in the enrolment restriction. But, as Members would expect, it is not possible to consider these in isolation and larger questions have had to be considered—in particular what is the future demand for lawyers in Hong Kong and how that demand is to be met.

The Advisory Committee has now produced and presented its First Report. This has recently been seen and noted by the Executive Council.

The Committee has recommended that there should be three possible ways of qualifying for admission as a solicitor. First, through the School of Law at the University of Hong Kong. Secondly, through a separate course of legal education for non-law graduates and mature students; and thirdly, through a course for employed trainees.

In making these recommendations the Committee noted the necessity to make some increase in the present projected growth figures for solicitors in Hong Kong and that there was a limit to the number of under-graduates and graduates who could be admitted to the School of Law. The Committee also felt that, unless there was some flexibility in the methods of obtaining qualifications, there was a risk that suitable entrants to the profession would not come forward.

But in the limited time available to the Committee it has not been possible for it to consider all possibilities and work out in detail the different alternatives. Detailed investigations and much effort will be required to devise suitable courses of training and determine who is to provide them. Other major questions are the finding of suitable lecturers, the conducting of examinations and the provision of money to finance these schemes.

These questions will, of necessity, take considerable time, although I can assure Members that they will be pursued with speed and vigour. In the meantime, it would be wrong to allow section 26AA to lapse. In the circumstances it is thought appropriate to extend its life for a further year, within which time I hope that the investigations I have mentioned will be complete, and a further report will have been made.

Sir, I beg to move.

Question put and agreed to.

HONG KONG AND YAUMATI FERRY COMPANY (SERVICES) ORDINANCE

THE SECRETARY FOR THE ENVIRONMENT moved the following motion:—With the consent of the Company, that the Schedule to the Ordinance be amended—

- (a) in paragraph 2 by deleting ‘the 26 January’ and substituting the following— ‘31 December’;
- (b) in paragraph 6(6) by deleting ‘and 1979’ and substituting the following— ‘,1979 and 1980’;
- (c) in paragraph 7(2) by deleting ‘and 1979’ and substituting the following— ‘,1979 and 1980’; and
- (d) by inserting after paragraph 22 the following new paragraph—

‘Further
continuance
of
concession.

22A. Notwithstanding paragraphs 1 and 22, the concession shall continue until 31 December 1980, subject to the terms and conditions specified in this Schedule.’.

He said:—Sir, I rise to move the first motion standing in my name on the Order Paper. It provides, under section 5 of the Hong Kong and Yaumati Ferry Company (Services) Ordinance (Chapter 266), for the extension of existing concessions by amending the Schedule to that Ordinance. The amendments proposed have the consent of the Company.

The Government is preparing a new draft Ferry Services Bill which is intended to replace the existing Ferries Ordinance (Chapter 104) and also Chapter 266. Under the proposed Bill, franchises will be granted to major ferry operators and minor operators will be licensed. The proposed arrangements bear some similarity to those in the Public Omnibus Services Ordinance (Chapter 230) and will simplify the existing procedures.

It was originally hoped that consultations on the new arrangements and negotiations with the ferry operators on draft franchises could be completed, and the Ferry Services Bill enacted, in the course of 1979. The franchises could then have been granted with effect from 1 January 1980 when the existing concessions expired. However, the discussions with the Hong Kong and Yaumati Ferry

Company on these matters are proving to be extremely detailed and complicated, covering as they do every aspect of ferry operations and of the Government's relationships with the Company, and they have not yet been completed. This means that the original timetable cannot be followed and that interim arrangements are needed.

The intention now is that the Ferry Services Bill will be brought before this Council in 1980 and that franchises and licences will be granted to take effect from 1 January 1981. So the interim arrangements will need to cover the period to 31 December 1980 and this has been accepted by the Company. The amendments required to extend the existing arrangements, as set out in the motion, involve amendments to the Schedule to the Hong Kong and Yaumati Ferry Company (Services) Ordinance for the continuance of existing services and the waiving of royalty payments for one year.

Sir, I beg to move.

Question put and agreed to.

(Mr. Alex WU declared an interest and abstained from voting on this motion).

'STAR' FERRY COMPANY (SERVICES) ORDINANCE

THE SECRETARY FOR THE ENVIRONMENT moved the following motion:—With the consent of the Company, that the Schedule to the Ordinance be amended—

(a) in paragraph 5(6) by deleting 'and 31 December 1979' and substituting the following

—

' , 31 December 1979 and 31 December 1980';

(b) in paragraph 13(2) by deleting 'and 31 December 1979' and substituting the following

—

' , 31 December 1979 and 31 December 1980'; and

(c) by inserting after paragraph 19 the following new paragraph—

'Further
continuance
of
concession.

19A. Notwithstanding paragraphs 1 and 19, the concession shall continue until 31 December 1980, subject to the terms and conditions specified in this Schedule.'

He said:—Sir, I move the second motion standing in my name on the Order Paper. It provides, under section 5 of the 'Star' Ferry Company (Services) Ordinance (Chapter 274), for the extension of existing concessions by amending the Schedule to the Ordinance. The amendments proposed have the consent of the Company.

The new draft Ferry Services Bill which is intended, *inter alia*, to replace the existing Ordinance will provide for a new franchise for the 'Star' Ferry. The interim arrangements I have referred to in relation to the Hong Kong and

Yaumati Ferry Company are also required for the 'Star' Ferry Company and they have been accepted by that Company. The proposed amendments to the Schedule to the Ordinance will accordingly extend the existing concessions to the 'Star' Ferry Company for one year to 31 December 1980, and waive royalty payments and advertising revenue due to the Government for the same year.

Sir, I beg to move.

Question put and agreed to.

(Mr. NEWBIGGING declared an interest and abstained from voting on this motion).

Motion (in Committee)

SUPPLEMENTARY PROVISIONS FOR THE QUARTER ENDED 31 MARCH 1979 (FINAL)

Council went into Committee, pursuant to Standing Order 58(2), to consider the motion standing in the name of the Financial Secretary.

THE FINANCIAL SECRETARY moved the following motion:—That this Council approves the supplementary provisions for the quarter ended 31 March 1979 as set out in Paper No. 20.

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

The schedule of supplementary provisions for the final quarter of the financial year 1978-79 covers a total amount of 86 million dollars. Of this sum, 31 million dollars was required to cover the net expenditure of the unallocated stores account of the Government Supplies Department; 24 million dollars was required to meet additional expenditure on welfare allowances arising from a lowering of the qualifying age for the old age allowance; 14 million dollars was required to augment personal emoluments subheads on account of the 1978 salaries revision; and 7 million dollars was required for public works projects.

This schedule brings the total supplementary provisions for 1978-79 to 2,102 million dollars. But because of savings in other subheads, actual total expenditure at 11,090 million dollars for the full financial year 1978-79 in the event was 824 million dollars more than the original estimates.

The Finance Committee has approved all the items in the schedule. The purpose of this motion is simply to seek the covering authority of this Council.

Sir, I beg to move.

Question put and agreed to.

Council then resumed.

THE FINANCIAL SECRETARY reported that the motion had been agreed to in committee without amendment.

Question agreed by the whole Council pursuant to Standing Order 58(4).

Second reading of bill

LAW REVISION (MISCELLANEOUS AMENDMENTS) BILL 1979

Resumption of debate on second reading (28 November 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.

LAW REVISION (MISCELLANEOUS AMENDMENTS) BILL 1979

Clauses 1 and 2 were agreed to.

Schedule was agreed to.

Council then resumed.

Third reading of bill

THE ATTORNEY GENERAL reported that the

LAW REVISION (MISCELLANEOUS AMENDMENTS) BILL

has 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:—Before I adjourn the Council may I extend to all Members a very happy Christmas and a very successful New Year. In accordance with Standing Orders I now adjourn the Council until 2.30 p.m. on Wednesday, 2 January 1979.

Adjourned accordingly at thirteen minutes past three o'clock.