

OFFICIAL REPORT OF PROCEEDINGS

Meeting of 11th September 1968

PRESENT

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR DAVID CLIVE CROSBIE TRENCH, KOMG, MC
THE HONOURABLE THE COLONIAL SECRETARY
MR MICHAEL DAVID IRVING GASS, CMG
THE HONOURABLE THE ATTORNEY GENERAL
MR DENYS TUDOR EMIL ROBERTS, OBE, QC
THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS (*Acting*)
MR PAUL TSUI KA-CHEUNG, OBE
THE HONOURABLE THE FINANCIAL SECRETARY (*Acting*)
MR MICHAEL DENYS ARTHUR CLINTON, GM
DR THE HONOURABLE TBNG PIN-HUI, CMG, OBE
DIRECTOR OF MEDICAL AND HEALTH SERVICES
THE HONOURABLE ALEC MICHAEL JOHN WRIGHT, CMG
DIRECTOR OF PUBLIC WORKS
THE HONOURABLE WILLIAM DAVID GREGG, CBE
DIRECTOR OF EDUCATION
THE HONOURABLE ROBERT MARSHALL HETHERINGTON, DFC
COMMISSIONER OF LABOUR
THE HONOURABLE KENNETH STRATHMORE KINGHORN
DISTRICT COMMISSIONER, NEW TERRITORIES
THE HONOURABLE DAVID RICHARD WATSON ALEXANDER, MBE
DIRECTOR OF URBAN SERVICES
THE HONOURABLE ALASTAIR TREVOR CLARK
DIRECTOR OF SOCIAL WELFARE
THE HONOURABLE KAN YUET-KEUNG, CBE
THE HONOURABLE GEORGE RONALD ROSS, OBE
THE HONOURABLE KENNETH ALBERT WATSON, OBE
THE HONOURABLE FUNG HON-CHU, OBE
THE HONOURABLE TSE YU-CHUEN, OBE
THE HONOURABLE WOO PAK-CHUEN, OBE
THE HONOURABLE SZETO WAI, OBE
THE HONOURABLE WILFRED WONG SIEN-BING, OBE
THE HONOURABLE ELLEN LI SHU-PUI, OBE
THE HONOURABLE WILSON WANG TZE-SAM
THE HONOURABLE HERBERT JOHN CHARLES BROWNE
DR THE HONOURABLE CHUNG SZE-YUEN, OBE
THE HONOURABLE ANN TSE-KAI

ABSENT

THE HONOURABLE TERENCE DARE SORBY
DIRECTOR OF COMMERCE AND INDUSTRY

IN ATTENDANCE

THE DEPUTY CLERK OF COUNCILS
MR DONALD BARTON

MINUTES

The minutes of the meeting of the Council held on 23rd August were confirmed.

PAPERS

THE COLONIAL SECRETARY, by Command of His Excellency the Governor, laid upon the table the following papers: —

<i>Subject</i>	<i>LN No</i>
Subsidiary Legislation: —	
Merchant Shipping Ordinance.	
Merchant Shipping (Marine Courts) Regulations 1968	88
Miscellaneous Licences Ordinance.	
Miscellaneous Licences (Amendment) Regulations 1968	89
Post Office Ordinance.	
Post Office (Amendment) Regulations 1968	90
Stamp Ordinance.	
Stamp (Bank Authorization) (No 2) Order 1968	91
Boilers and Pressure Receivers Ordinance.	
Boilers and Pressure Receivers (Exemption) Order 1968	92
Public Health and Urban Services Ordinance.	
Sanitation and Conservancy (New Territories) Regulations 1968	93
Public Health and Urban Services Ordinance.	
Declaration of Markets in Urban Areas to which Ordinance Applies	94
Public Health and Urban Services Ordinance.	
Declaration of Market in Urban Areas to which Ordinance Applies	95
Sessional Papers 1968:—	
No 20—Annual Report by the General Manager, Railway for the year 1967-68.	
No 21—Annual Report by the Commissioner for Resettle- ment for the year 1967-68.	
No 22—Annual Reports by the Director of Broadcasting for the years 1966-67—1967-68.	

Reports:—

Statement of Accounts of the Preventive Service Welfare Fund for the year ended 31.3.68.

Progress Report of the Hong Kong Narcotics Advisory Committee 1967-68.

QUESTIONS Equal

pay for women

1. MRS ELLEN LI SHU-PUI asked the following question:—

Will Government inform this Council what progress has been made towards the implementation of equal pay for women in Government service as recommended by the Salaries* Commission three years ago and accepted in principle by Government since?

THE COLONIAL SECRETARY:—Sir, considerable progress has been made since the subject was discussed in this Council during the Budget debate last March. Certain proposals are now before the Executive Council for its consideration within the next week or so. If these prove acceptable to the Governor in Council, the next stage will be to refer the financial implications to the Finance Committee of this Council.

These proposals deal with two aspects of the equal pay scheme. First, they cover the actual method of implementing the scheme; secondly, they include recommendations for the application of the scheme to a large number of grades in the Public Service in which men and women can be regarded as doing identical work. Progress is also being made in the examination of the remaining grades, some of which, however, raise complex issues.

Traffic congestion: North-east Kowloon

2. DR S. Y. CHUNG asked the following question: —

Is Government aware of the ever-increasing traffic congestion at the two roundabouts along Prince Edward Road (one at Kowloon City and one near San Po Kong, and since this route is the only thoroughfare linking urban Kowloon with the rapidly developed industrial areas of Kwun Tong and San Po Kong, what short- and long-term plans has Government to improve the traffic flow at these two critical points?

* 1965 Hansard, pages 560-1.

† Pages 132 & 217.

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MR A. M. J. WRIGHT:—Your Excellency, I can assure Dr CHUNG that Government is well aware of the increasing congestion both at the Kowloon City and San Po Kong roundabouts and in Prince Edward and Kwun Tong Roads. The entire road network in this areas of North-east Kowloon has been the subject of a detailed traffic investigation by the Traffic and Transport Survey Unit of the Public Works Department, and measures to improve the situation, both in the short and the long term, have been included in the Public Works Programme.

In view of the comprehensive nature of the work a special team has been set up within the Civil Engineering Office to co-ordinate and expedite design and construction. We plan to carry out the work in three stages. Stage I will consist of:—

- (i) The extension of Lung Cheung Road between Sha Tin Pass Road and Hammer Hill Road. This will involve the construction of a new road to dual carriageway standards. It will provide an alternative route for traffic between north-east and north-west Kowloon.
- (ii) The construction of three flyovers connecting Prince Edward Road (east of Kowloon City Roundabout) with Ma Tau Chung Road, Argyle Street and Prince Edward Road (west of the Roundabout). The Roundabout will be retained to cater for north-south movements and for circulating traffic.
- (iii) The duplication of Prince Edward Road between Kowloon City and San Po Kong Roundabout to provide, exclusive of the road within the Airport, a 10-lane divided carriageway. This compares with the existing 4 lanes plus cycle tracks.
- (iv) Removal of the roundabout at San Po Kong and the construction of a flyover linking the southbound carriageway of Choi Hung Road with the westbound carriageway of Prince Edward Road.

It is intended that all these works should proceed concurrently. Detailed designs are in hand and it is expected that the whole of Stage I will be completed by 1971. However, these improvements by themselves will be inadequate to meet the expected growth in traffic.

Stage II, which will overlap to some extent the works scheduled for Stage I, will involve the construction of more flyovers; one linking Kwun Tong Road with Lung Cheung Road at the Clear Water Bay Road junction, and a second at the junction of Lung Cheung Road and Po Kong Village Road to serve in particular Tsz Wan Shan Resettlement Estate. At the same time Prince Edward Road between Choi Hung Road and Clear Water Bay Road will be widened to provide two

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additional traffic lanes, and Kwun Tong Road between Clear Water Bay Road and Lai Yip Street will be duplicated to provide a total of 12 traffic lanes. We plan to complete all the works in Stage II by 1973.

In the third and final stage a new road in tunnel under the runway at Kai Tak is planned, linking Kwun Tong Road with either To Kwa Wan Road or Kowloon City Road. Detailed planning and design for this new traffic route, which is required to relieve the Kwun Tong Road/ Prince Edward Road corridor even with the improvements already mentioned, has still to be finalized. It is in some measure linked to the expansion of the Airport, which is still under consideration by Government.

DR S. Y. CHUNG:—Thank you, Sir.

Primary schools

3. MR WILSON T. S. WANG asked the following question:—

What were the numbers of primary school places in March 1968

(a) In Government and aided schools?

(b) In private primary schools?

MR W. D. GREGG:—Sir, this question deals with primary school *places*. In March 1968 there were 517,000 primary places in government and aided schools and 233,000 in private schools, giving a total of 750,000 places in all.

4. MR WILSON T. S. WANG asked the following question:—

What was the estimated number of children of school age 6-11 in March 1968 and how many were then studying in

(a) Government and aided primary schools? and

(b) private primary schools?

MR W. D. GREGG:—Sir, this question deals with the number of children estimated to be in the six to eleven age group in March 1968. The estimate is 639,000. Of these 542,000 were enrolled in day and night primary schools (373,000 in aided schools and 169,000 in private schools). It is, however, necessary to add to these figures the number of children within this age group who were still enrolled in kindergartens at the one end and in secondary schools at the other. This gives a grand total of children of this age attending school of 560,000.

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5. MR WILSON T. S. WANG asked the following question: —

What was the estimated number of children of school age 6-11 who were not in school in March 1968?

MR W. D. GREGG:—From the figures I have just given it would appear that of the 639,000 in the age range, some 79,000 were not, or were not yet attending school. I would like to stress the phrase “not yet”, because I would not like honourable Members to assume that all these 79,000 have been deprived for ever of the opportunity of education. It frequently happens in Hong Kong that many thousands of children do not begin their schooling until they are well above the minimum age for admission. These children must of course be outside the normal age range by the time they finish the course. I have just said that there were 542,000 children within the proper age group attending primary schools; but the total enrolment in primary schools at this time was 696,000, including a very substantial number of children outside the normal age range 124,000 of them to be exact. I am quite confident therefore that many of these 79,000 will ultimately be attending school. Indeed many of them, who may not have been in school last March, will be in school now at the beginning of the new academic year.

MR Y. K. KAN: —I wonder if the Director of Education could give us any information about primary school development in recent years which would illustrate the significance of the figures which he had just given for 1968?

MR W. D. GREGG: —Yes, Sir, I agree with the honourable Member that very often trends are perhaps more significant than isolated figures. As an example, if this question about the number of children not in school had been asked about three years ago, in 1965, when the new development scheme for primary education was just beginning, the answer would have been 136,000 and not 79,000 as today. Another point, when one is talking about children not in school one must go to the census figures and we don't have a census every year. We had one in 1961 and a bi-census in 1966 and one of the questions which this census seeks to find is an answer to this very question of how many people are in school and if I may just quote brief comparison of those two census years by census areas. In 1961 on Hong Kong Island it was estimated that there were 10% not in school. By 1966 this had been reduced to 5.8%. In Kowloon 10% reducing to 3.5%. In New Kowloon 13.7% reducing to 6.8%. New Territories 18.6% reducing to 9.4%. In most of the populated areas of the Colony therefore the number over this period had been practically halved. The only exception

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are the boat people who do present a rather difficult problem. They are comparatively small in numbers and the figure for 1961 was 80% and in 1966 73%. There is one final point that I would like to make on this; in my 1964-67 Triannual Survey, on page 82, there is a comparison of the number of children enrolled in primary schools as a percentage of the estimated primary age group and it reads as follows: 1964, 92%; 1965, 93%; 1966, 96.2%; 1967, 98.4%. And that is as far as this book goes, but for 1968 the percentage rises to 104.3%. So 1968 is quite an important year. This is the first time in the history of Hong Kong when the number of primary pupils attending schools is greater than the age group for which these schools are intended to cater and this was in March. Since March, we have opened 13 brand new schools and have completed major extensions to 15 others providing additional accommodation for another 36,000 pupils this month.

6. MR WILSON T. S. WANG asked the following question:—

As Government has assured us that as from the academic year 1970-71 there shall be an aided-place for every school child age 6-11 who seek primary education, what is the total number of aided places that will be provided by then?

MR W. D. GREGG:—In order that Government may achieve its planning target in the sphere of government and aided primary education if possible by 1970-71 it will be necessary to increase the present 517,000 aided places by just over 140,000 places to a total of about 660,000 places. There are sufficient new projects in the pipeline for new schools and extensions to existing schools to achieve this target. It is, I know, dangerous to guarantee finishing dates, particularly where so many projects are involved and all sorts of things may crop up to delay either the start or the finishing of a particular scheme. All I dare say is that based on the progress made to date I am reasonably confident that the target will be achieved on time. This will mean of course that if the private sector is maintained at around 240,000, there will be places for the rather formidable total of 900,000 pupils.

Secondary schools

7. MR WILSON T. S. WANG asked the following question:—

What is the number of children studying in primary 6 at the time of the last secondary school entrance examination

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[MR WANG]

and how many of them sat for this examination and how many of them have been awarded aided or assisted places,

(a) In grammar secondary schools?

(b) In technical, modern or short-course schools?

MR W. D. GREGG:—At the time of the last Secondary Schools Entrance Examination there were approximately 80,000 children enrolled in Primary 6. Of these 35,900 sat for the examination and 11,549 were awarded places in government or aided secondary schools or were given assisted places in private schools.

The breakdown is as follows:—

Government and aided schools (Certificate of Education Courses)	8,658
Private schools	1,803
Secondary modern schools	1,088

MR WILSON T. S. WANG:—The 11,000 is not exceeding 15% of 80,000?

MR W. D. GREGG: —I am afraid I must look into this one, Sir. I was under the impression that the places so far awarded were at least up to the 15% of those finishing the 6-year course, but I am afraid this one I do not feel able to answer off the cuff.

Following is the additional information:—

The statement on 11th September 1968 was in answer to certain specific questions and it is not possible to relate the information given in any precise way to Government's policy of seeking to provide secondary education up to the School Certificate level for 15% - 20% of the primary school leaving population, because the figure quoted in answer to the question included secondary modern places which are not counted in the 15% provision by Government. Moreover, the figure did not include pupils admitted privately by school authorities for whom full Government subsidies are nevertheless payable.

The present position is that to cater for an enrolment of 79,439 pupils, in classes Primary 6 day and night schools, Government is providing a total of 11,903 places in government,

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aided and selected private secondary schools which offer school certificate courses. This gives a percentage of 15%. If primary night schools, which nowadays tend to cater for older age groups, are excluded the percentage rises to 16.5%.

8. MR WILSON T. S. WANG asked the following question: —

What were the estimated numbers of boys and girls at age 12, 13, 14 in March 1968 and how many of these boys and girls were in school and how many were not?

MR W. D. GREGG:—It is estimated that in March 1968 there were some 271,900 boys and girls aged twelve, thirteen or fourteen. Of these approximately 201,000 were attending schools of different kinds.

CRIMINAL PROCEDURE (AMENDMENT) (No 2) BILL 1968

THE ATTORNEY GENERAL moved the First reading of:—“A Bill to amend further the Criminal Procedure Ordinance.”

He said:—It is, as honourable Members will be aware, the policy of the Government to review, from time to time, the emergency legislation which was brought into force as a result of the disturbances of 1967. Where it is thought possible to do so, such legislation will be revoked, as has already been done in the case of a number of emergency regulations.

In other instances, where it is thought that there is a permanent need for legislation of a kind contained in emergency regulations, appropriate bills will be brought before this Council for consideration. This Bill proposes to enact, as new sections of the Criminal Procedure Ordinance, with minor modifications, provisions which are at present to be found in the Emergency (Courts) Regulations 1967 and regulation 88 of the Emergency (Principal) Regulations.

The proposed new section 122 of the Criminal Procedure Ordinance seeks to confer on a judge, a district judge or a magistrate the power to exclude members of the public from the court in which he sits, from the court building and from its curtilage. A similar power, in respect of any court, is conferred on the Chief Justice.

Subsection (3) of the new section makes it clear that this power cannot be used so as to exclude those whose official or other business requires their presence in the court or building, which will of course include witnesses, counsel and solicitors, or to exclude journalists.

[THE ATTORNEY GENERAL] **Criminal Procedure (Amendment) (No 2) Bill—First reading**

Subsection (6) is designed to preserve the existing common law and statutory powers of the courts to exclude, where the administration of justice so requires. It is made an offence, punishable by a fine of \$5,000 and to imprisonment for six months, to contravene a direction given under subsection (1) or (2) of the new section.

There were, during 1967, many occasions on which the administration of justice was gravely hampered by the behaviour of organized groups, which crowded the courts with the object of intimidating the judge or magistrate and of using the proceedings as an opportunity for hostile and untruly demonstrations. Where this happens, the judge or magistrate must have power to clear not only the court but the building and its immediate surroundings, if he is to be able to continue his task. While it is to be hoped that this sort of demonstration will not occur again, and there is nothing to indicate any recurrence at present, nevertheless the Government believes that the courts must be armed with this power in case it does. It is to be noted that the exercise of this power will not mean that the proceedings will be held *in camera*, since the press will be entitled to attend and, of course, to give full publicity to the proceedings.

The new section 123, however, does confer on a court the power to hold proceedings *in camera* if it considers it desirable to do so or if it is satisfied that a witness is apprehensive as to what may happen to him, or to a member of his family or a friend or to his property or business if he gives evidence in open court.

Subsection (2) of the proposed new section 123 also empowers a court to take steps to ensure that identity of a witness shall not be disclosed, if the court is satisfied 'that a witness is apprehensive as to the consequences to himself, his family, or friends, property or business of his giving evidence.

Unfortunately, experience has shown that some witnesses have refused to give evidence, or been deterred from giving true evidence, by fear of the consequences of doing so, if those against whom their evidence is being given, or the friends of the accused, learn of their identity and it is therefore considered that this is a necessary power in the present day circumstances of Hong Kong.

Honourable Members will observe that the powers contained in this Bill are conferred on judges and courts, who will alone decide whether or not the interests of justice require that they should be exercised.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

Objects and Reasons

The “Objects and Reasons” for the Bill were stated as follows: —

This Bill seeks to add two new sections namely, sections 122 and 123 to the principal Ordinance.

2. The proposed new section 122 re-enacts, with modifications, the provisions of the Emergency (Courts) Regulations 1967 and confers power on judges of the Supreme Court, District Judges or magistrates, when hearing criminal proceedings, to exclude the public from their respective courts, the court building and the curtilage of the court building. The Chief Justice is empowered to direct the closing of any court hearing a criminal proceeding.

3. The proposed new section 123 re-enacts the provisions of regulation 88 of the Emergency (Principal) Regulations which provides that a court may, in certain circumstances, order that criminal proceedings before it be conducted in camera.

EMPLOYMENT BILL 1968

MR R. M. HETHERINGTON moved the Second reading of: —“A Bill to repeal and re-enact with certain amendments the Employers and Servants Ordinance, to provide for the protection of the wages of employee’s, to regulate employment agencies, and for matters connected therewith; and to make consequential amendments to the Contracts for Overseas Employment Ordinance.”

He said: —Sir, since I spoke at length in this Council three weeks ago when introducing this Bill*, adequate publicity has been given to its provisions. It stimulated a fair amount of public interest and I am grateful for observations, both verbally and in writing, which I have received. I think that it is fair to say that it has been generally welcomed although I am aware that not all the provisions are to everybody’s liking.

Shortly before publication of the Bill in the *Government Gazette* and, subsequently, as a result of a further detailed examination of the text, it was brought to my notice that some clauses could be improved if they were slightly re-worded. Consequently, I propose to move, at the Committee stage, about eight amendments which will seek to clarify, to remove doubt, and to ensure consistency of wording without affecting the substance of the provisions concerned. In addition, I propose to move amendments to clause 29 and the definition of employment agency in clause 31. The effect of these amendments will bring a newspaper or other publication, which carries out the functions of an employment agency, within the provisions of Part VII of the Bill. I intend to recommend

* Pages 371-8.

[MR HETHERINGTON] **Employment Bill—Second reading**

that regulations to be made under clause 30 should exempt from the relevant provisions of Part VII a newspaper or other publication which merely carries advertisements of vacancies for employment. The regulations would then have the same effect as was intended when clause 29 and the definition of employment agency in clause 31 were originally drafted. I also propose to move an amendment to clause 21 which specifies those deductions which may be made by an employer from the wages of his employee. I am now advised that some employers make deductions from wages at the request of their employees for insurance premia, trade union dues, tax reserve certificates, and other miscellaneous items. I consider that, subject to certain safeguards, such deductions should also be permissible and the purpose of the amendment will be to allow them to be continued to be made.

I understand that at least three or four of my Unofficial Colleagues will be speaking in support of the motion for the Second reading. They may wish to raise other matters not covered by the amendments which I propose to move. I can only assure them, at this stage, that I will, of course, consider what they may say before the committee stage of the Bill is taken. In order that adequate time may be given for further reflexion before this Bill passes through its final stages, it is proposed to defer these stages to the next meeting of this Council.

THE COLONIAL SECRETARY seconded.

DR S. Y. CHUNG:—Your Excellency, in the past there have been criticisms of the manner in which some workers are employed in Hong Kong. Many workers are employed on daily-rates, others on hourly-rates or piece-rates. There is nothing wrong with this method of calculating wages—it is done in all other industrially-advanced countries including USA, United Kingdom, Germany, Australia, etc. But unlike their counter-parts in other countries, a number of these workers in Hong Kong do not have security in their jobs. When their services are terminated, they are treated as casual workers although they have been working continuously with the same employer for many years.

These workers can lose their jobs over-night without prior notice nor redundancy pay despite their many years of service with the same employer. I am sure responsible employers will agree with my honourable Friend, Mr HETHERINGTON, that these workers are in effect regular workers and it is unjust to treat them no better than casual workers on termination of their services. The proposed Employment Bill will provide security of employment for a large number of workers in Hong Kong and will require an employer to give a minimum of seven days'

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notice or payment of seven-days' wages in lieu of notice before terminating the service of an employee who has been in continuous employment. This is certainly a major step forward in the right direction. Employers will however have difficulty in understanding the Bill in many of its aspects.

For instance, the major criterion used in the Bill to determine whether an employee is a casual worker or a regular worker is the definition of continuous employment set out in the Schedule. Paragraph 1 of the Schedule can be interpreted, according to some legal opinion, to mean that in computing continuous employment only a period of employment before the commencement of the Ordinance shall be taken into account and hence no period of employment after the commencement of the Ordinance can be continuous. I am certain that the provisions of the Schedule are intended to apply to periods after the commencement of the Ordinance as well as to the period of four weeks immediately preceding its enactment.

Under paragraph 3(1) and paragraph 6(b) of the Schedule a worker can technically be in continuous employment simultaneously with four separate employers and therefore enjoy fringe benefits from four independent sources. I however do not worry too much about this case for if the services of a worker are sought by four separate employers he deserves all the fringe benefits, but I wonder how he will manage to eat four lunches in a day or live in four separate dormitories if these are among the fringe benefits provided!

Nevertheless, serious anomalies are present in the definition of continuous employment. For example an 18-hour week of employment can be considered as continuous employment whereas a 48-hour week employment may be treated as non-continuous employment. Paragraph 3(1) and paragraph 6(b) say that the week shall count if the employee has worked on three days for not less than six hours per day, whether or not continuously. Therefore continuous employment can be achieved with an 18-hour week. On the other hand, the week could conceivably not count if the employee has worked on two days of ten hours each and five days of 5.6 hours each, making a total of 48 hours. This certainly seems absurd but it can happen with the present definition. I therefore think a better way to define a worked week is by way of certain minimum number of hours worked within a week without further reference to the minimum number of days worked. I suggest for the consideration of my honourable Friend, Mr HETHERINGTON, that a 24-hour week be used as the minimum for defining continuous employment.

Whilst still dealing with the Schedule, I think it is necessary to state clearly that paragraph 4 relates only to non-political strikes and to strikes declared legal by the Honourable Commissioner of Labour. In

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order to avoid disputes between employees and employers it is also desirable to make it absolutely clear that paragraph 4 of the Schedule does not give an employee any right to claim from his or her employer any fringe benefits whatever during the strike period.

Turning now to another aspect of the Bill. Many industries in Hong Kong are subject to seasonal fluctuations in sales. Some of these industries because of the nature of their work such as ship-building and the contracting industries or because of the nature of their products such as fashion garments, cannot produce for stock. These factories have no alternative but to gear their production and hence labour force to sales volume.

Let us take an example to illustrate this point. Say a factory employs 1,000 persons for the major part of the year but during the off season business is normally down by one-third. Therefore due to the peculiarities of the trade the factory has to reduce its output as well as its labour force by one-third. The management can cut production and labour force in two different ways. One is to terminate the employment of one-third of its labour force which means that about 330 persons will be out of work. The other way is to retain the whole labour force but on a rotation schedule so that every employee works 4 instead of 6 days a week during the off season period. The workers will therefore be laid off two days in the week but no person will lose his or her job. I am sure my honourable Friend, Mr HETHERINGTON, will agree with me that in the interests of the workers and the overall interests of the community, it is preferable that employers adopt the second way, that is short-term lay-off, to meet seasonal sales decline.

This phenomenon is in fact not confined to those industries which cannot make for stock because of the nature of their trade but also extends to many industrial undertakings, particularly smaller ones, which due to financial reasons cannot afford to carry excessive or even any reasonable stock of finished products and which have to synchronize production and labour force with sales. These factories often work overtime for a period when sales are booming and work the labour force by rotation for off season periods. There are many factories in Hong Kong operating in this manner.

According to some legal opinion the process of lay-off as I have just described is in fact suspension. Both lay-off and suspension have three main identical features. First, the employee is not required to report to work. Secondly, no wage is paid to the employee and thirdly, the continuity of his period of employment is not considered as broken by such lay-off or suspension. I am further informed by legal counsel that section 10 of the Bill may well be interpreted to mean suspensions other than those specified are disallowed notwithstanding the practice of the trade or contractual rights.

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The implications of this are very serious. Majority of factories in Hong Kong employ both male and female workers working together in the production lines. According to Factories and Industrial Undertakings Regulations chapter 59 section 7, regulation 14 prohibits the employment of women on more than six days in any week. However no such factory can operate efficiently and economically with male workers alone on the rest day of female workers. Therefore it is normal practice that whenever there is a statutory rest day for female workers, the employer will also provide a rest day (albeit without pay) for the male workers. There is a measure of ambiguity in the Bill which seems to suggest that an employer could be guilty of a breach of the law if he does not provide employment for a male worker on the now accepted rest day if there is employment available. I do not think that this is the spirit of the Bill and therefore feel that some improvements in the provisions of section 10 are necessary in order to safe-guard against such unintentional legal interpretations.

Sir, I wish to add that the foregoing comments have the unanimous support of my honourable Unofficial Colleagues.

MR P. C. Woo: —Sir, the Employment Bill, if passed through this Council, has wide application because by clause 3(2)(a) it shall apply to every employee otherwise than by way of manual labour, whose wages or salaries amount to less than \$1,500.00 per month. We must consider the provisions in this Bill very carefully.

My Unofficial Colleagues and I are rather disturbed by clause 32(1) of the Bill which makes it a criminal offence if any employer fails to pay his employee wages within 7 days after the wages are due. It appears to me to be superfluous to make a breach of contract, which is a civil claim, a criminal offence, even in England where there are numerous statutes to protect the interest of the worker and servant, there is no similar provision that failure to pay wages when due shall be an offence.

In my view, such provision will not help the employee much but on the other hand it will cause the employer undue trouble and irreparable harm.

It is true that the offence must be wilful and without reasonable cause. However, “wilful” and “without reasonable excuse” are terms of art in criminal law and much depends on the whims of the judge who has full discretion to say what is and what is not “wilful” or “without reasonable excuse” in each particular case.

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It is also true that clause 33(1) provides that no prosecution for such an offence can be commenced without the consent in writing of the Commissioner of Labour and that the Commissioner shall hear the employer or give him an opportunity of being heard before he gives his consent.

Let us visualize how clauses 32(1) and 33 will operate.

When an allegation under clause 32(1) is made to the Commissioner against the employer, the employer will undoubtedly answer such allegation as provided in clause 33(2) and in doing so will necessarily disclose his case in full to the Commissioner so as to deny or justify the non payment. Such process, in my view, tends to put a breach of contract on the same footing as an indictable offence, which has to go through the committal proceedings and if a *prima facie* case has been made out by the prosecution then the accused of such indictable offence will be committed for trial.

Pausing here a little, it may be helpful to know whether on the whole employers here are so notorious for refusing to pay their employees the wages when due that legislation has to be introduced to stop such practice. If this be the case, then it will justify clause 32(1); otherwise it seems rather purposeless to create such an offence.

If the Commissioner, after hearing the employer, decides to sanction the prosecution, it will be extremely prejudicial to the defence of the employer at the actual trial since he has already disclosed his case at the preliminary hearing. Furthermore, as clause 33(3) empowers an officer of the Labour Department to conduct the prosecution, the Commissioner, in a sense, is both the judge at the preliminary hearing and the prosecutor at the trial in court. This is against the principle of natural justice that no one should act as judge and prosecutor in the same case.

On the other hand, what benefit does clause 32(1) give to the employee? First of all, the employee has to make a complaint to the Commissioner of Labour who will then investigate into the matter and will have to hear the employer and decide whether there is any wilfulness or absence of reasonable excuse on the part of the employer in withholding payment. If the Commissioner is satisfied that there is no *prima facie* case against the employer then the employee will have to go to the Civil Court to enforce his civil claim.

If on the other hand, the Commissioner is satisfied that the employer has wilfully and without reasonable excuse refused to pay the wages then the employer will be prosecuted under clause 32(1). It will take quite some time before such a case is disposed of, as the Magistrates'

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Courts are at present rather congested and the matter cannot certainly be disposed of in a few days' time after the complaint is made. The result of this will be considerable delay and the employee will have to wait a long time before he is paid on account of the criminal proceedings. The only advantage of such a clause is that the employee might use it as a lever to force his employer to make payment of his wages when due. But this might constitute a danger of extortion by the employee on the employer.

Then who would be benefited by clause 32(1)? Even if the employer is convicted the employee will not be paid any more than the wages due, and the fine, the maximum of which being \$5,000.00 which the employer has to pay, is to be paid to Government.

For these reasons, Sir, I submit that Government should reconsider making a breach of contract into a criminal offence.

Another point which I wish to mention is the absence of a clause as contained in the existing Employers and Servants Ordinance (Cap. 57) of exemption from payment of court fees and costs in certain cases as provided in section 7 of the said Ordinance. The section enacts that—

“No fees shall be payable by and no costs exceeding fifty dollars shall be awarded against any servant or his employer in respect of any proceedings, concerning a contract of service, instituted in the District Court—

- (a) by or on behalf of the servant against his employer—
 - (i) for the recovery of wages alleged to be due to the servant under the terms of such contract; or
 - (ii) for the recovery of damages by the servant for alleged wrongful dismissal; or
- (b) by or on behalf of the employer against his servant for damages for the alleged wrongful determination of such contract by the servant.”

I quite see the reason for not re-enacting section 7(a) because any contravention of this Section is a criminal offence under this Bill but I fail to understand why section 7(b) is deleted. If Government reconsiders the matter I think the said section should be retained with the necessary amendments.

Sir, with these observations, I support the motion.

MRS ELLEN LI:—I stand to support the points made by my two Colleagues in this Council, on certain anomalies in this Bill.

[MRS LI] Employment Bill—Second reading

I will confine my comments on Part VIII of this Bill which deals with offences and penalties for non-payment, or late payment or withholding of wages due to employees, from the point of view of domestic employment, and employments in the offices of professional people, such as doctors, lawyers architects, as well as employment in all the social welfare agencies, because the Bill covers all kinds of employments.

Without going into any argument on the point of justice and personal rights and liberty and on the undesirable effects of making a normal civil debt into a criminal offence, any legislation which protects one section of the community at the expense of the other sections of the community can not be considered to be fair and just law for all. As it stands, an employee, if he embezzles a huge sum of money or destroys an expensive piece of property or equipment, all his employer can do as compensation for the loss is to deduct from his wages the maximum of \$300. But even if the employer owes him a small part of his wages for more than 7 days, he commits an offence and is liable to prosecution and on conviction to a fine of \$5,000. You can starve your wife and your children and owe money to your friends, but not your employees. I may be exaggerating the case a little bit, but it can happen under this Bill. It may not be probable, but it is possible.

Any employer is liable to be prosecuted by permission of the Commissioner of Labour after the “accused” is “given” an opportunity of being heard. This means that he has to prove his “reasonable excuse” to the satisfaction of the Commissioner who sits in judgement of his innocence or guilt depending on whether or not the excuses are accepted as reasonable. “Reasonable” is only a relative term. What seems reasonable to one person may not be regarded as so to another.

When a person in a highly respectable position of confidence, such as a doctor, or a lawyer, or a chairman of a welfare agency, or a bank manager and many others is summoned to appear in a court or before the Commissioner of Labour for questioning, he has everything to lose— his reputation and his “face” both of which are his stock in trade—even if he wins the case. In other words: he loses even if he wins.

Part VIII as it stands and under the present unsettled conditions in Hong Kong can be easily abused and turned into dangerous weapon for blackmail. I would like to see some improvement made to this section.

MR R. M. HETHERINGTON: —Sir, I thank my honourable Colleagues for their observations on the Bill before Council. I will study the text of their speeches before deciding what amendments should be proposed

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during the Committee stage. For the present, I will merely make some general comments on some of the points raised.

I confirm that Dr CHUNG is correct in presuming that the provisions of the schedule are intended to apply not merely to the period of four weeks before the bill becomes law but to all periods thereafter. One of the amendments to which I referred in my earlier speech will seek to remove all doubt on this point.

I also agree with Dr CHUNG that there are circumstances in which a strike or lockout can be illegal and I will consider an appropriate amendment to paragraph 4 of the Schedule to ensure that the position is made clear. Dr CHUNG mentioned only a strike but I feel sure that he would accept the logic of extending his argument to a lockout. In passing, I wish to point out that Dr CHUNG is mistaken in thinking that a strike can be declared legal by me. I have no such power.

I can not accept Dr CHUNG'S suggestion that paragraph 4 should also be amended to make it clear that an employee has no right to fringe benefits during a strike. The purpose of the schedule is expressly to compute the period of continuous employment for the purposes of part II of the Bill and not to determine rights to fringe benefits during a strike or lockout.

I am a little surprised that Dr CHUNG should mention a faintly ludicrous situation where a worker might qualify for fringe benefits of lunches and dormitory accommodation from four separate employers. Nonetheless, I see no reason to limit fringe benefits and the Bill does not seek to do this.

I accept the criticism that an anomaly could arise from the definition of continuous employment. Dr CHUNG and I both agree that the minimum qualifying period should be some combination of hours in a day and days in a week. His counter-proposal is similar to that followed in the United Kingdom Contracts of Employment Act. It is likely that, in the United Kingdom, an employee could qualify for continuous employment only by working several days whereas it would not be impossible in Hong Kong for an employee to 'satisfy the suggested minimum of 24 hours in two days. Consequently, I consider that Dr CHUNG'S alternative is equally likely to create an anomaly. It is inevitable that, where an attempt is made to draw a firm clear line, anomalies are likely to occur round about that line. I will keep in mind Dr CHUNG'S helpful suggestion if, in the light of experience, I find that the definition of continuous employment is unsatisfactory.

I note Dr CHUNG'S remarks on clause 10. The purpose of this clause is to give a statutory right to an employer to suspend an employee in certain specified circumstances for disciplinary reasons. This

[MR HETHERINGTON] **Employment Bill—Second reading**

is a unilateral right conferred on an employer. I accept that there are certain similar consequences of layoff and suspension but I also believe that there are important distinctions between a layoff or rotation for reasons of production which I think calls for agreement of the workers and suspension under the provisions of clause 10 for disciplinary reasons which can be exercised by employers without any such agreement. I am advised that the meaning of clause 10 is plain and does not exclude the possibility of contractual agreement otherwise. For example, if under the terms and conditions of a contract of employment, which means all the terms and conditions and not merely those which may be expressly stated in a formal written agreement, a male worker is provided with a regular rest day, whether or not with pay, nothing in the Bill could make the provision of 'that rest day a breach of contract. On the other hand, it is not possible to contract out by agreement from the express provisions of clause 10 by agreeing to a period of suspension beyond the limits prescribed although, because the power to suspend is discretionary, an employer could agree not to use it.

I regret that I must disagree with my honourable Colleague, Mr Woo, about the operation of clauses 32(1) and 33. Payment of wages regularly and in full as and when they become due is the hallmark of any good employer and the provision for seven days grace is more than is allowed in other territories. I observe that Mr Woo bases his arguments on United Kingdom law but conditions are different there. Hong Kong does not have the same traditions nor the strong trade union movement to act as a watchdog for the workers who may be victimised by unscrupulous employers. Not that I believe there are many in Hong Kong but it would be wrong to ignore them completely. In answer to Mr Woo's particular question on this point, I confirm that the records of the Labour Department show that there are regrettably such employers and these have been responsible for serious and unnecessary hardship to workers. I must state categorically that no good, reasonable employer has anything whatsoever to fear from the provisions of clauses 32(1) and 33 of this Bill. It is true that a claim for wages due may be enforced by civil proceedings but there is no other means of securing prompt payment of wages in all cases except by means of a penal sanction. The main purpose of this provision is deterrent. The only employers who have anything to fear are bad employers and I am surprised that both Mr Woo and Mrs LI should appear to espouse their cause.

Mr Woo seeks to retain section 7(b) of the Employers and Servants Ordinance which facilitates proceedings by employers against employees while abandoning section 7(a) which provides corresponding facilities for employees in proceedings against employers. I was going to remain silent on that point but perhaps speechless would be a more appropriate

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word. The Bill envisages a rather different procedure from that of the Employers and Servants Ordinance. It is hoped that employees and employers who have cause to be aggrieved will bring their complaints to the Labour Relations Service of the Labour Department where they can be settled by means of conciliation and mediation without recourse to courts of either civil or criminal jurisdiction.

I would like finally Sir, to record my appreciation of Dr CHUNG's remark that the Bill, in providing security of employment for a large number of workers in Hong Kong, is a step forward in the right direction.

The question was put and agreed to.

The Bill was read the Second time.

PUBLIC SERVICES COMMISSION (AMENDMENT) BILL 1968

THE COLONIAL SECRETARY moved the Second reading of: —“A Bill to amend further the Public Services Commission Ordinance.”

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

The Bill was read the Second time.

Council went into Committee to consider the Bill clause by clause.

Clauses 1 to 5 were agreed to.

Council then resumed.

THE COLONIAL SECRETARY reported that the Bill before Council had passed through Committee without amendment and moved the Third reading.

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

The Bill was read the Third time and passed.

PREVENTION OF CORRUPTION (AMENDMENT) BILL 1968

THE ATTORNEY GENERAL moved the Second reading of: —“A Bill to amend further the Prevention of Corruption Ordinance.”

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read the Second time.

Council went into Committee to consider the Bill clause by clause.

Clauses 1 and 2 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Bill before Council had passed through Committee without amendment and moved the Third reading.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read the Third time and passed.

SUPPLEMENTARY APPROPRIATION (1967-1968) BILL 1968

THE ACTING FINANCIAL SECRETARY moved the Second reading of: — “A Bill to authorize a supplementary appropriation to defray the charges of the financial year ended the 31st day of March 1968.”

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read the Second time.

Council went into Committee to consider the Bill clause by clause.

Clauses 1 and 2, the Schedule and the Preamble were agreed to.

Council then resumed.

THE ACTING FINANCIAL SECRETARY reported that the Bill before Council had passed through Committee without amendment and moved the Third reading.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read the Third time and passed.

ADJOURNMENT

THE COLONIAL SECRETARY moved the adjournment.

THE ATTORNEY GENERAL seconded.

Family planning

MRS ELLEN LI SHU-PUI: —This month, one million children go to schools, but there are at least half a million more very young ones waiting to go to schools as well as some 300,000 or more youngsters out of schools for any reason on the streets.

Family planning

We keep on worrying about their future—their chances in life, their opportunities for a decent living, for training for a job and a skill, a healthy life physically and mentally, etc. etc.

We feel frustrated most of the time that we cannot do nearly enough for them, but our development of schools, housing, medical services, social services, transportation and all other facilities simply cannot keep pace with our rapid growth of population.

If we think we are in a predicament now, what will it be 10 years from now? We know the problem is there, but what is everyone doing about it?

Population explosion is a world-wide problem and the answer to that is family planning which has been accepted, adopted and incorporated into the national health programmes of many nations in the world.

In May 1965 a decision was made in the World Health Organization to give advice and assistance on family planning to any country that needs it. In June 1967 the Family Planning Act was passed in Parliament in United Kingdom to enable the Minister of Health to encourage and urge local health authorities to provide Family Planning Service in their programmes.

1968 is Human Rights Year. This summer at the UN International Conference on Human Rights, 84 nations approved a resolution of which Great Britain was one of the 11 sponsors which considers that couples have a basic human right to decide freely and responsibly on the number and spacing of their children and a right to adequate education and information in this respect.

In Hong Kong, although there is no official Government policy on Family Planning, the Government is indirectly providing family planning service through the Family Planning Association by way of a substantial subvention, the loan of clinic facilities, permission to interview patients in Government clinics and hospitals, and willing co-operation from various Government Department. For the year 1968-69 the subvention amounts to \$500,000 which is approximately 40% of the Association's expenditure. Of the total of 49 Family Planning Association clinics, 35 are in Government premises. Oversea donations, special grants from locally-based International organizations and local contributions make up the other 60% of the funds needed.

Up to the present, the result of the work done by this voluntary agency has been very gratifying. The crude birth rate has been decreasing since 1961 and a recent demographic study based on age specific birth rates has shown that the real fertility rate had dropped by 9%

[MRS LI] Family planning

between 1965 and 1966 and there was a further drop of 10% between 1966 and 1967. This fertility decline can be directly correlated with an increase in family planning practice through an intensive educational publicity programme and greatly expanded clinic service by introducing new technics in contraceptive methods.

In 1966, there were 731,000 women in the child bearing age of 15-44 years, yet 50% of the babies were born to mothers in their twenties. By 1976, eight years from now, it is estimated that there will be 957,000 women in the child bearing age group (an increase of 33%) but the number of women in their twenties will have been more than doubled from 197,000 reaching nearly 404,000.

On another side of the picture, the results of the Urban Family Life Survey of June 1967 now being analysed show that 76% of the married women do not want any more children and yet only 42% of these women are practising birth control in some form. This means that many unwanted children are still being born. This Survey further show that 68% want only 2 children and 87% want no more than 3.

Putting all these facts together, we cannot but come up with the following conclusions:

1. that without any doubt, Hong Kong needs widespread Family Planning services,
2. that our Family Planning publicity and service need to be doubly expanded to meet the demand of the increasing group of mothers in their twenties,
3. that a voluntary organization run by an Executive Committee of voluntary members, no matter how hard working and enthusiastic, has its limitations of the scope and effectiveness. It is unlikely that it could ever develop sufficiently or quickly enough to cater for the real needs of Hong Kong on its own,
4. that such an urgent and pressing problem deserves the highest priority in attention, financial support and active participation and I repeat, active participation by all concerned—the Government, the employers and all responsible parents themselves.

It is hoped that Government, as a sign of good faith and encouragement, would endorse family planning as an official policy since Government is already sponsoring the family planning services to a great extent. The official endorsement would certainly strengthen the confidence of the public.

Family planning

Secondly, we hope that in the immediate future, Government would find it possible to incorporate family planning service as part of their Maternal and Child Health Service in all Government maternity institutions.

Thirdly, it is about time that all good employers should take up the challenge to initiate the provision of family planning service to their employees as a measure of welfare for their employees, especially employers in industries. By relieving pressure of large families on one side will certainly increase productivity and efficiency on the other.

Fourthly, a need for a Family Planning Board is indicated to initiate research and evaluate programmes to determine target birth rates for future economic requirements and to plan programmes to achieve this aim.

Last but not least is the need for an intensive mass public education campaign through exhibitions, radio, television, films, independently sponsored and produced.

For the time being, the Family Planning Association will continue to keep up its good work, but it certainly needs all the support it can get from everyone interested in the future of Hong Kong.

MR H. J. C. BROWNE:—Sir, I like to support everything all that has been said by the Honourable Mrs Ellen LI, but I would like to elaborate on some of the economic and social aspects of family planning.

Government has already played a valuable part in the development of family planning services in Hong Kong, but if they put further effort into a wide-spread campaign I am confident the results will be extremely rewarding in the years to come. I believe the cost to Government of greater involvement in an official family planning programme would be relatively small, since the necessary infra-structure and medical facilities already exist.

I understand that it costs Government about \$150 for each child born in a maternity hospital, and that the recurrent cost of a primary school place comes to something in the region of \$400 per annum, and more for secondary schools and this of course does not take into account the capital cost of the school. A demographer could help to work out approximate figures of the hard cash that we could expect to save in capital and recurrent costs for housing, education, social welfare and in medical services in the 70's and 80's, if Government were to start more active promotion of family planning now.

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It is evident that there is a real desire by the majority of Hong Kong parents to control the growth of their family, and if family planning services could be made more readily available we might expect to follow the remarkable success achieved in Singapore, where attendance at family planning clinics was tripled in the 2½ years since the beginning of 1966 when the Singapore Government adopted family planning as a national programme.

I would however like to assure everyone here that I am not just putting forward these views just to save Government money in the next few years. I sincerely believe that the knowledge and ability to space and limit their children will give parents and their families a chance of a healthier and happier family life and greater economic security, which in turn will lead to a general improvement in the standard of living in Hong Kong.

MR Y. K. KAN: —Sir, birth control, like gambling, is not one of the subjects about which I would normally care to be engaged in public debate. Debate on such matters is always inconclusive, and seems to generate an unusual amount of emotion rather than cool logical reasoning. However, on this occasion I have been persuaded by the Honourable Mrs Ellen LI, to say a few words in support of her plea for a more positive Government policy on family planning. I do so wholeheartedly. Today, our community faces many perplexing problems—housing, education, medical care, employment, public order and so on. All these to a large extent stem from, or are aggravated by, one basic problem, the Problem of People. It would be unrealistic to attempt to tackle our social and economic problems and spend millions of dollars, year after year on housing, education, medical and social services, and ignore the root cause, that is, a rapid population growth. Government, I suggest, can no longer stand aside and take a passive view on family planning. It should instead assume a more active role in encouraging and even providing direct family planning services, even though by so doing it may offend the susceptability of a small section of the community. In conclusion, we all know that Government's policy is to promote productivity. For example, Government, I believe, is spending \$2.3 millions this year on the Productivity Council of which I believe my honourable Friend, Dr S. Y. CHUNG is the Chairman. [DR CHUNG:—"Only the Deputy Chairman"]. This policy of course has my full support, but should not Government also pay more attention to the other side of the picture and do more about over-production.

Family planning

DR S. Y. CHUNG: —Sir, on a point of clarification, I am only the Deputy Chairman of the Council.

MR A. T. CLARK: —Your Excellency, I am not going to compound the error of those who suppose that “social welfare” should speak for all “social services”: this is very much the business of my honourable Friend Dr TENG.

But if the Social Welfare Department is not (yet) famous for its planning, certainly the family is our central concern. So potentially are all children who have neither a school place nor a job. We recognize the validity of my honourable Unofficial Friends’ economic and social warnings, even though a high birthrate is only one of the factors that may create poverty and increase psychological pressures. In fact while rising standards of living bring demands for ever higher social expenditure in their train, other countries do seem to experience one still mysterious factor in the drop in their birth rates, as standards go up, that is not attributable to deliberate family planning methods.

Overpopulation is a relative problem. In the world’s poorer areas it may be linked to inadequate production or distribution of cheap food, and to the rising cost of housing and of governing compact industrial communities (in contrast to the rural, extensive, low-overhead societies which they replace but which their culture still hankers back to).

The former directors of Social Welfare spoke out on many public occasions for spacing out additions to families, so as to relieve pressure on incomes and on wage-earners’ housing and again at an International Planned Parenthood Federation Regional Council. As to Hong Kong families or mothers’ own wishes in the matter, may I suggest that it is a little too soon to be using any figures from the incomplete and unpublished Urban Family Life Study, though the final interpretations may very well support Mrs Li. Undoubtedly, as in all societies that have abandoned ruralism and discovered modern medicine, the goal of a large family for its own sake is becoming more unattractive. In any event the Social Welfare Department has been in the van, and it is hard to see how it could have done more even had there been a formal declaration of policy.

For example, confining our view for the moment to the Family Planning Association—We have assisted in introducing their field workers to social work methods, we have talked them into interviewing skills; their literature is in all our centres, and the Resettlement Department also distributes them; our caseworkers inform young couples, large

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families, and others of the facilities that exist; they can have space in our new resettlement estate welfare buildings; we would like to help their senior workers with further training so that they can assume more by way of caseloads of the “difficult” (the unresponsive or careless) clients. The department is also glad to hear of tentative thoughts of appointing an executive director to share the administration with the medical director; I don’t want to be dogmatic about it, but our experience of voluntary agencies in general is that a prestigious council concerned with publicity and fund-raising, a semi-professional hardworking executive committee confining itself to policy, and a qualified fulltime chief executive with full authority to run the operation within the bounds of the policy directives. These make for the most efficient, economical and influential organization.

But there are others in the field. The Catholic Marriage Guidance Council also have their own publicity, which we too make use of. Their emphasis naturally lies on education of the clients; they also use social workers.

This raises the unavoidable question of conscience. The social work profession helps, it guides, it uses persuasion only with discretion, it never uses compulsion or restraint (except to enforce the law). Neither a worker nor a client with any conscientious reservation is ever urged to adopt expediency. Knowledge is put in their way, but it is not fed to them. In this we are only trying to be fully respectful of minority beliefs.

I do welcome the Honourable Mrs Li’s appeal to employers to join in. As more firms appoint welfare officers, we would happily advise them on any aspects of their work that go beyond the Labour Department’s normal field of interests and we try to keep them up to date on the public and voluntary services available to their employees and welfare aspects of family planning would of course be part of this.

As to research now, a survey is being done on so-called “resistant” clients, and this should be valuable to the FPA, and more widely. Similar small projects no doubt will continue, being within the existing powers and proper functions of universities and agencies. Large scale research costs large sums of money. When the Census and Statistics Department is fully established, the question of priorities would still remain. “Target birth rates” might not be too hard to fit in to its fundamental programmes. But frankly we are all sufficiently close to unanimity for once, not to require proof of what is self-evident—that it is better that Hong Kong should not have unwanted children. Research may be better reserved for the things whose facts are disputed and our birth rate is already going down.

Family planning

Does the question then reduce itself to whether the government should take over all responsibility for family planning? This would have implications for other agencies, proud of their independence, who are doing work which is essential to achieve the colony's overall policies.

As for a specific policy statement, the solid, inconspicuous official backing that all concerned in family planning have had for years past is surely in Hong Kong terms a much more convincing proof of our interest and a more likely guarantee of future confidence? But it is time for me to yield the floor. On the general issue, Sir, I support what the previous speakers have said.

DR P. H. TENG:—Your Excellency, I have listened with great interest to the remarks made by my honourable Friends and as the Honourable Mrs Ellen LI has been very actively associated with the Family Planning Association of Hong Kong since the early days of its existence and as Mrs BROWNE has been the Association's chairman for the past two years, I have the highest regard for their viewpoints and those of my Friend the Honourable Mr Y. K. KAN on the subject of family planning.

It gives me pleasure to add that the work of the Family Planning Association is not only well known for its achievements and the success of its programme, but it is regarded by the experts as a model centre for training personnel from nearby countries.

The question of population dynamics is a subject which has not only engaged the close attention of national health administrations, but discussions on this and other related problems have been annually put on the Agenda of World Health Assemblies and WHO Regional Committee meetings.

My honourable Friend the Honourable Mrs LI and two honourable Colleagues have pleaded for further Government assistance in this sphere, even to the extent of intergrating all family planning activities into the Colony's general public health programme and accepting complete responsibility for family planning work here. It would therefore be appropriate to examine the position elsewhere. In the United Kingdom, for example, the National Health Service (Family Planning) Act 1967 empowers local authorities to provide family planning assistance on both medical and social grounds, but I must emphasize that this is permissive legislation only and is not a directive and that, as Mrs LI has already noted, the services of the Family Planning Association and other voluntary bodies continue to be used. In this connection it might be pertinent to quote what the Minister of Health, the Right Honourable Kenneth

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ROBINSON, said at the Conference on family planning for Britain in April, 1968 organized by the Royal Society of Health:—

“Of course in present financial circumstances some local authorities may feel themselves inhibited from doing as much as they would wish straight away. But whatever the temporary difficulties, we are all increasingly coming to understand that more must be done, that the ultimate objective of family planning is not the restriction of human life but its enrichment, and that its purpose is nothing less than to enable society to promote man’s mental, emotional and spiritual aspirations. It is hard to think of any aspect of our citizens’ welfare more worthy to command attention.”

With these words I am in full agreement. May I say here that I do not think that there is any substantial difference between the official positions of the United Kingdom and the HK Governments on this point. As I see it the extent to which we subvent the Family Planning Association’s activities and assist it with accommodation in Government clinics, etc. reflect a degree of official support no different from that appertaining into Britain.

Here in the Western Pacific region there is a wide variation in the approach to the problem: in certain countries, such as Japan, South Korea and Singapore, family planning is the responsibility of the government concerned; in others such as the Philippines the programme is undertaken by non-governmental agencies without government support, while elsewhere, for example in Australia, family planning is allowed but there is no special official programme.

The Government of Hong Kong has not only shown its interest in the work of the Family Planning Association by granting recurrent annual subventions and in providing the much needed space in the Maternal and Child Health Centres but individual Heads and other Officers of Government Departments have actively participated in the conferences and seminars arranged by the Hong Kong Family Planning Association. Most of the sessions conducted by the Family Planning Association take place in Government clinics and Maternal and Child Health Centres; of the total of 28 Maternal and Child Health Clinics, 23 work in close co-operation with the Family Planning Association which conducts 40 sessions per week in them. Other sessions are held in Government hospitals and other medical institutions. There is a genuine and increasing desire both by the Association and by Government to work more and more closely together and this dovetailing of the Association’s sessions into clinics conducted by the Government Maternal and Child Health Service seems to be an ideal arrangement.

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Apart from the actual medical work performed by the Association, its social workers not only interview mothers in the clinics but they visit the maternity wards in hospitals and health centres to interview mothers; in July of this year alone 8,672 mothers were interviewed, and of these some 2,500 expressed immediate interest in the Association's activities.

One of the gratifying aspects of the work of the Association is the fact that it is affiliated not only with its many counterparts in other parts of the world but also, because of its independent and voluntary status, it has been able to receive financial assistance and expertise from overseas academic institutions and research foundations. The Family Planning Association has, of course, also benefitted from the valuable services given by the many public spirited citizens whose zeal and enthusiasm have materially helped in the work of this Association. I feel therefore that the present status quo of the Family Planning Association should be preserved at all costs but that Government should continue to render its support by granting adequate financial assistance and extending help in many other directions.

Since 1963 the subvention paid to this Association has doubled from \$250,000 in that year to half a million in the current financial year. Furthermore I can say that no activity of the Association has had to be curtailed due to any shortage of funds and I can assure honourable Members that no reasonable request will be refused.

The Association is active also in conducting various research projects designed not only to improve the methods offered but also to examine various social and demographic matters relevant to the problems. I need hardly say that Medical and Health Department lends its full support to such investigations and provides assistance whenever required.

Another gratifying feature is that the Association has a distinguished full-time Medical Director whose salary is paid in toto by the International Planned Parenthood Association.

In conclusion I would like to reiterate my thanks not only to the Family Planning Association for the excellent work that is being done by its paid and voluntary staff but also for the most valuable support and keen interest shown by the many civic minded persons who give so much of their valuable time to further the work of the Association on a voluntary basis, and may I also assure my honourable Friends that we will certainly consider together with the Family Planning Association what further steps need to be taken to ensure that the development of the Family Planning Association and its work continue to keep abreast of the needs. Thank you.

The question was put and agreed to.

NEXT MEETING

HIS EXCELLENCY THE GOVERNOR:—Council will now adjourn.
The next meeting will be held on 25th September.

Adjourned accordingly at five minutes to Four o'clock