

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 27th August 1969****The Council met at half-past Two o'clock**

[Mr PRESIDENT in the Chair]

PRESENT

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR DAVID (CLIVE CROSBIE) TRENCH, GCMG, MC
THE HONOURABLE THE COLONIAL SECRETARY
SIR HUGH (SELBY) NORMAN-WALKER, KCMG, OBE, JP
THE HONOURABLE THE ATTORNEY GENERAL (*Acting*)
MR GRAHAM RUPERT SNEATH, QC, JP
THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS
MR DAVID RONALD HOLMES, CBE, MC, ED, JP
THE HONOURABLE THE FINANCIAL SECRETARY
SIR JOHN (JAMES) COWPERTHWAIT, KBE, CMG, JP
DR THE HONOURABLE TENG PIN-HUI, CMG, OBE, JP
DIRECTOR OF MEDICAL AND HEALTH SERVICES
THE HONOURABLE JAMES JEAVONS ROBSON, JP
DIRECTOR OF PUBLIC WORKS
THE HONOURABLE DONALD COLLIN CUMYNN LUDDINGTON, JP
DISTRICT COMMISSIONER, NEW TERRITORIES
THE HONOURABLE JOHN CANNING, JP
DIRECTOR OF EDUCATION
THE HONOURABLE ARTHUR PATRICK RICHARDSON, JP
COMMISSIONER OF LABOUR
THE HONOURABLE BRIAN DENIS WILSON, JP
DIRECTOR OF URBAN SERVICES
THE HONOURABLE KAN YUET-KEUNG, CBE, JP
THE HONOURABLE FUNG HON-CHU, OBE, JP
THE HONOURABLE WOO PAK-CHUEN, OBE, JP
THE HONOURABLE SZETO WAI, OBE, JP
THE HONOURABLE WILFRED WONG SIEN-BING, OBE, JP
THE HONOURABLE ELLEN LI SHU-PUI, OBE, JP
THE HONOURABLE WILSON WANG TZE-SAM, JP
THE HONOURABLE HERBERT JOHN CHARLES BROWNE, JP
DR THE HONOURABLE CHUNG SZE-YUEN, OBE, JP
THE HONOURABLE LEE QUO-WEI, OBE, JP
THE HONOURABLE OSWALD VICTOR CHEUNG, QC, JP

ABSENT

THE HONOURABLE GEORGE TIPPET ROWE, JP
DIRECTOR OF SOCIAL WELFARE
THE HONOURABLE DAVID HAROLD JORDAN, MBE, JP
DIRECTOR OF COMMERCE AND INDUSTRY
THE HONOURABLE TSE YU-CHUEN, OBE, JP
THE HONOURABLE MICHAEL ALEXANDER ROBERT HERRIES, OBE, JP

IN ATTENDANCE

THE DEPUTY CLERK OF COUNCILS
MR DONALD BARTON

PAPERS

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

<i>Subject</i>	<i>LN No</i>
Subsidiary Legislation: —	
Penicillin Ordinance.	
Penicillin (Penicillin and other Substances) (Amendment) Regulations 1969	113
Sanitation and Conservancy (New Territories) Regulations.	
Sanitation and Conservancy (New Territories) Regulations (Commencement) Notice 1969	115
Road Traffic (Amendment) Ordinance 1969.	
Road Traffic (Amendment) Ordinance 1969 (Commencement) Notice 1969	116
Public Transport Services (Hong Kong Island) (Amendment) Ordinance 1969.	
Public Transport Services (Hong Kong Island) (Amendment) Ordinance 1969 (Commencement) Notice 1969	117
Public Transport Services (Kowloon and New Territories) (Amendment) Ordinance 1969.	
Public Transport Services (Kowloon and New Territories) (Amendment) Ordinance 1969 (Commencement) Notice 1969	118
Road Traffic (Construction and Use) (Amendment) Regulations 1969.	
Road Traffic (Construction and Use) (Amendment) Regulations 1969 (Commencement) Notice 1969	119
Road Traffic (Driving Licences) (Amendment) Regulations 1969.	
Road Traffic (Driving Licences) (Amendment) Regulations 1969 (Commencement) Notice 1969	120
Road Traffic (Parking and Waiting) (Amendment) Regulations 1969.	
Road Traffic (Parking and Waiting) (Amendment) Regulations 1969 (Commencement) Notice 1969	121
Road Traffic (Public Omnibus and Public Car) (Amendment) Regulations 1969.	
Road Traffic (Public Omnibus and Public Car) (Amendment) Regulations 1969 (Commencement) Notice 1969	122

<i>Subject</i>	<i>LN No</i>
Road Traffic (Regulation and Licensing of Vehicles) (Amendment) Regulations 1969.	
Road Traffic (Registration and Licensing of Vehicles) (Amendment) Regulations 1969 (Commencement) Notice 1969	123
Road Traffic (Roads and Signs) (Amendment) Regulations 1969.	
Road Traffic (Roads and Signs) (Amendment) Regulations 1969 (Commencement) Notice 1969	124
Road Traffic (Taxis, Public Omnibuses and Public Cars) (Amendment) Regulations 1969.	
Road Traffic (Taxis, Public Omnibuses and Public Cars) (Amendment) Regulations 1969 (Commencement) Notice 1969	125
Sessional Paper 1969: —	

No 21—Annual Report of the Police Children's Education Trust and the Police Education and Welfare Trust for the year 1968-69 (to be published on 28.8.69).

ORAL ANSWERS TO QUESTIONS

Abortion (1)

1. MR O. V. CHEUNG asked: —

Is there any truth in the report that Government medical officers declined to perform an abortion on a girl allegedly raped and pregnant, and if so, would the Honourable Director of Medical and Health Services make a statement on what occurred and whether the matter will be reconsidered?

DR P. H. TENG: —Sir, it is true that a pregnant girl, whom it was alleged had been raped, was referred to the Casualty Department of Queen Mary Hospital on 6th August by a registered medical practitioner in private practice. She was admitted and given a thorough medical examination and, in the opinion of the doctor who, incidentally, holds a Specialist qualification in Obstetrics and who examined her, revealed no justification for terminating the pregnancy. She was then referred to two other doctors, one of whom is a Specialist in Psychiatry, and although she was naturally in a distressed condition, there was

[DR TENG] **Oral answers**

not, in the professional opinion, grounds for performing a therapeutic abortion. The girl was kept in the hospital and during that time she was seen by the medical social worker of the hospital and the Social Welfare Department case worker who made intensive examination of her history and her circumstances with a view to helping her. The girl was discharged from Queen Mary Hospital on 20th August and was admitted as a voluntary patient into a girls' hostel accompanied by her aunt.

The Medical and Health Department is not in a position either to agree or to decline to perform an abortion on an alleged case of rape. Such a decision is not made by a Government department but by doctors acting on their medical knowledge and according to professional ethics. A doctor treating such a case would act in this way whether he were in Government service or in private practice. A therapeutic abortion can only be considered by a doctor if there is risk to the health of the mother from permitting the pregnancy to continue which would diminish her normal life expectancy. However, before deciding to undertake a therapeutic abortion, a doctor needs to consider the possible risk to the mother associated with an operation to terminate pregnancy. In this case, after taking full account of her medical condition, the doctors decided that there were no grounds for interfering with the pregnancy, which in any case the law did not permit having regard for her medical condition.

There is therefore no question of the Government reconsidering any decision. So far as her health is concerned the future of the girl in question remains in the hands of her medical advisers; in her own interests I suggest that this matter be left for them to decide in consultation with her.

MR CHEUNG: —May I ask a supplementary question, Sir? Have enquiries been made by Government since the girl's discharge from hospital as to her alleged story about a rape?

DR TENG: —Yes, Sir, enquiries which have been made do not indicate that this amounted to a case of criminal rape.

MR Y. K. KAN: —What was the period which expired between the date at which it was alleged that this girl was raped and the date at which she sought medical advice in connexion with this abortion?

DR TENG: —Sir, when she was examined, she was found to be sixteen weeks pregnant.

MRS ELLEN LI: —May I ask a supplementary question please? Is it not true that the abortion in this case after three months has a certain risk to the life of the mother?

DR TENG: —Indeed, Sir, there is a certain degree of risk involved. The mortality rate in some quarters indicate that there is 1% mortality and 6% perforation of the uterus and as high as about 50-60% post operative complications and therefore doctors would hesitate to perform such an operation if the patient's life is not in imminent danger.

Abortion (2)

2. MR CHEUNG asked: —

Has Government any plans to introduce legislation on the law of abortion to bring it into line with the law in England?

THE ACTING ATTORNEY GENERAL (MR G. R. SNEATH): —Sir, the answer to this question is that Government has no plans for introducing legislation on the law of abortion to bring it into line with the law in England.

As will be known to some honourable Members, Government did give consideration in 1968 to the introduction of this English legislation which had been enacted in 1967 and Unofficial Members of the Executive Council were consulted at that time. The consensus of opinion at that time was that such a change in the law was not required in Hong Kong and indeed that it might be in conflict with traditional views on this subject in the community.

I would like to expand this answer by saying something about the English law concerning abortion. It should be pointed out first that the English law does not permit abortion on the grounds that have been urged in the correspondence columns of the press: the fact that a pregnancy has been caused by rape or incest is not of itself a legal ground for abortion in England: neither is the danger that a child would be unwanted if born and thus in danger of growing up without family and without love.

The English Act is, therefore, perhaps less sweeping in the changes it makes than is sometimes supposed. What it did do was to expand the old common law defence that was available to a person facing criminal prosecution as a result of having performed an abortion. It spelt out and expanded this defence which is available to a medical practitioner by laying down that he could plead that he had performed the operation on the advice of two registered medical practitioners, that advice being to the effect that the continuance of the pregnancy would

[THE ACTING ATTORNEY GENERAL] **Oral answers**

involve injury to the physical or mental health of the pregnant woman or to any of her existing children, and that this risk was greater than if the pregnancy were terminated; or alternatively there was a substantial risk that the child itself, if born, would suffer from such physical or mental abnormalities as to make it seriously handicapped.

What perhaps made this Act so controversial at the time is the test of the risk to health of the woman or her children whereas there are many people who maintain that the right to life of the embryo human being was being too lightly set aside.

Apart from the question of whether the substance of the law should be changed, Government is considering whether the present situation could be improved by introducing legislation which would clarify the law on this subject which at present is not perhaps as clear as one would wish in those cases where the medical practitioner terminates pregnancy in what he, as a doctor considers to be the best interests of the mother.

Shing Mun Valley Flooding

3. MR SZETO WAI asked: —

Will Government explain what was the cause of the recent flooding in the Shing Mun Valley, and what measures will be taken to prevent its recurrence?

MR J. J. ROBSON: —Sir, the cause of the recent flooding in the Shing Mun Valley was the heavy rain on the 10th and 11th of August coupled with the fact that the Jubilee Reservoir and the Lower Shing Mun Reservoir were almost full when this occurred. The rain which fell on Sunday, 10th August, caused Jubilee Reservoir to overflow early in the morning of Monday, 11th August, and the heavy rain on that day—12½ inches in all—very quickly caused the Lower Shing Mun Reservoir to do likewise.

In respect of the second part of the honourable Member's question, two items exist in the Public Works Programme entitled "Shing Mun River Flood Control Scheme, Stages I and II" and funds have been provided for this purpose. Since 1966 the riverbed below the Shing Mun Reservoir has been widened as land became available, but the widening and channelling, which is required to increase the capacity of the river at two critical sections, is likely to be an extended process involving as it does the acquisition of the private land and the removal of squatters from the area.

Marriage Reform and Intestates' Estates Legislation—Publicity

4. MR FUNG HON-CHU asked: —

In view of the importance attached to public reaction to the tentative draft bills on Marriage Reform and Intestates' Estates, is Government aware that the purpose of the publicity has so far not been achieved, particularly as the translated versions of the explanatory memoranda are not adequate enough to convey the full significance of the bills, for example, the translation about clause 4(9), by itself of the Intestates Estates Bill which leaves much to be desired, and if so, what steps are being contemplated to encourage and inspire public comments?

THE SECRETARY FOR HOME AFFAIRS (MR D. R. HOLMES): —Sir, in the case of both bills the Explanatory Memoranda, which form the main body of the publicity so far put out, have been published in full in both languages. They are quite full and lengthy and I am satisfied that the Chinese translations are comprehensive and accurate. The Memoranda do not of course cover every detail and every implication of the proposed legislation and it may well be that some points have not yet attracted the attention they deserve. I am inclined to agree that the example cited by the honourable Member may be such a case.

It was always our intention to engage in a second round of publicity and the material for this will shortly be prepared. I have asked one of my officers to call upon Mr FUNG in this connexion and we shall be grateful for any help which he or any other honourable Member may find time to give us in selecting other points, in addition to the one Mr FUNG has cited to which perhaps we should try to attract a special emphasis.

In general my impression is that there is a reasonable degree of public understanding of, and support for, the proposals about marriage, but that less public interest has so far been shown in the Intestates' Estates Bill, the provisions of which are more technical and complex. We shall do our best to ensure that nothing goes by default but there is a limit to the extent to which public interest can be officially stimulated.

MR FUNG: —Sir, for a bill of such significance, does my honourable Friend not agree that the Chinese translation of the bill should be the bill itself and not the explanatory memorandum?

MR HOLMES: —Well, Sir, I would agree that in the case of the point to which Mr FUNG has drawn attention the full translation of the whole bill would have clarified this particular point. But it is my feeling that

[THE SECRETARY FOR HOME AFFAIRS] **Oral answers**

there are few such points of substance to which attention could only be drawn by means of a complete translation of the whole bill. Such a translation of course, would never omit any point. It would at the same time be voluminous and I think so complex that it might well obscure certain points and not succeed in drawing full attention to them in the manner Mr FUNG has proposed. However, Sir, if on the examination which we will undertake in order to find how many such points may have been omitted—if it should prove that the best way to draw attention to them should be the provision of a complete translation in the Chinese language, I would certainly see no difficulty in undertaking that.

Industrial land development

5. DR S. Y. CHUNG asked: —

How many industrial land plots in terms of number and size sold each year during the last five years remain undeveloped or underdeveloped?

MR ROBSON: —Sir, I regret that in the time available it has not been possible to ascertain the precise figures that my honourable Friend seeks, but the following may be taken as approximately accurate in respect of land in the urban areas.

Of all the lots sold in 1964, 52 containing 617,800 square feet remain undeveloped or underdeveloped, *ie* the prescribed building covenant has not yet been fulfilled. However, of this figure, 26 lots containing some 300,000 square feet have been re-entered for non payment of premium and either subsequently offered for sale or resold or will be offered for sale in the near future.

In the subsequent four years of all the lots sold the following remain undeveloped or underdeveloped but in most cases there is no indication that development will not take place: —

1965 8 lots containing 150,000 square feet

1966 7 lots containing 65,000 square feet

1967 5 lots containing 74,000 square feet

1969 9 lots containing 236,000 square feet

I regret that in respect of the New Territories it has not been possible to collect the statistics required by my honourable Friend

in the time available. However, I am able to say that there is a total of some 4.6 million square feet of industrial land in the New Territories held under lease by private persons or firms which has not yet been developed by the Crown lessees. Some 2 million square feet of this land lies in Tsuen Wan and Kwai Chung and another 2 million square feet, restricted to shipbreaking and associated industries, is situated in Junk Bay.

I will arrange, Sir, to get the figures requested as soon as possible and pass them to my honourable Friend.

Following is the additional information: —

INDUSTRIAL BUILDINGS IN N.T.

	<i>Completed</i>	<i>Gross floor area (sq. ft.)</i>	<i>Plans Approved</i>
1965	39	1,826,056	79
1966	43	1,685,260	32
1967	30	814,783	27
1968	28	1,263,846	17
1969 (Jan.-July)	<u>11</u>	<u>137,140</u>	<u>32</u>
Total	<u>151</u>	<u>5,727,085</u>	<u>187</u>

INDUSTRIAL BUILDINGS IN N.T.

<i>1965</i>	<i>Completed</i>	<i>Gross floor area (sq. ft.)</i>	<i>Plans Approved</i>
January ...	4	73,360	-
February ...	1	26,466	-
March ...	4	241,823	8
April	3	137,127	5
May	3	243,239	7
June	2	48,419	8
July	4	155,157	4
August ...	1	20,817	8
September ...	3	81,030	15
October ...	3	101,695	6
November ...	6	372,579	14
December ...	<u>5</u>	<u>324,344</u>	<u>4</u>
Total	<u>39</u>	<u>1,826,056</u>	<u>79</u>

INDUSTRIAL BUILDINGS IN N.T.

<i>1966</i>	<i>Completed</i>	<i>Gross floor area (sq. Ft.)</i>	<i>Plans Approved</i>
January ...	6	201,624	1
February ...	9	519,390	-
March ...	6	24,189	2
April ...	2	261,420	2
May ...	2	13,952	4
June ...	2	105,962	2
July ...	2	54,831	6
August ...	2	21,142	1
September ...	3	72,046	1
October ...	4	265,572	6
November ...	4	131,160	5
December ...	<u>1</u>	<u>13,972</u>	<u>2</u>
Total ...	<u>43</u>	<u>1,685,260</u>	<u>32</u>

INDUSTRIAL BUILDINGS IN N.T.

<i>1967</i>	<i>Completed</i>	<i>Gross floor area (sq. Ft.)</i>	<i>Plans Approved</i>
January ...	1	16,615	3
February ...	2	60,855	1
March ...	1	34,209	2
April ...	5	226,021	3
May ...	4	15,020	4
June ...	6	97,372	3
July ...	1	84,466	-
August ...	1	1,915	2
September ...	1	7,692	3
October ...	2	92,922	1
November ...	3	148,536	1
December ...	<u>3</u>	<u>29,160</u>	<u>4</u>
Total ...	<u>30</u>	<u>814,783</u>	<u>27</u>

INDUSTRIAL BUILDINGS IN N.T.

<i>1968</i>	<i>Completed</i>	<i>Gross floor area (sq. Ft.)</i>	<i>Plans Approved</i>
January ...	3	385,166	1
February ...	4	62,925	1
March ...	1	264,742	1
April ...	2	105,184	1
May ...	3	31,189	-
June ...	4	28,355	2
July ...	-	-	2
August ...	3	125,237	-
September ...	3	88,817	1
October ...	4	87,604	1
November ...	-	-	1
December ...	<u>1</u>	<u>84,627</u>	<u>6</u>
Total ...	<u>28</u>	<u>1,263,846</u>	<u>17</u>

INDUSTRIAL BUILDINGS IN N.T.

<i>1969</i>	<i>Completed</i>	<i>Gross floor area (sq. Ft.)</i>	<i>Plans Approved</i>
January ...	1	31,591	4
February ...	2	16,917	3
March ...	-	-	6
April ...	2	7,420	3
May ...	-	-	5
June ...	5	79,724	7
July ...	<u>1</u>	<u>1,488</u>	<u>4</u>
Total ...	11	137,140	32
August ...			
September ...			
October ...			
November ...			
December ...			

Protection against non-payment of wages

6. MRS ELLEN LI asked: —

Is Government actively considering effective measures to protect workmen against non-payment of wages?

MR A. P. RICHARDSON: —Sir, the short answer to the question is "yes". Government is considering measures to give added protection against non-payment of wages. Before indicating what these measures are, it might, I think, be as well were I to summarize the measures which are already in force.

The Employment Ordinance already makes it an offence to withhold wages wilfully and unreasonably. There is clear and straightforward protection for workers' wages under the Bankruptcy and Companies Ordinances and in these respects our legislation is well up to international standards.

There is nothing doubtful or equivocal about these laws. They give specific protection to workers. They follow international practice and the assumption is that the workers themselves will take advantage of them.

In the present Fairwear case I am satisfied that the workers know how easily they could have, and still can, seek the protection of these laws.

Although, as the law stands, my department cannot start their legal action for them we have done literally everything else but that, including arranging for legal aid.

This is the situation the Fairwear workers face and they must recognize it. There is still time for them to assert their claim and the machinery is ready for them to use.

[MR RICHARDSON] **Oral answers**

Having said that I must recognize that the crux of the matter is that workers clearly expect the Labour Department to initiate action which they can and should take themselves. But no legislation that I can think of will assist people who will not help themselves, and no legislation will prevent the financial failure of an employer.

There are however other fields in which present legislation can be improved, and give more initiative to the Labour Department. We are considering the establishment of entirely new machinery, possibly in the form of labour courts, to provide both workers and employers with an acceptable, speedy and alternative means of settlement of pay and other legal claims. It would also be timely to deal with another Hong Kong problem by making a principal ultimately responsible for payment of wages to the employees of contractors and subcontractors, as well as for the wages of his contractors' employees. We are also giving thought to introducing a provision which is in force in a number of countries and which makes it an offence for a person to employ someone when he does not intend paying his wages or has no reasonable grounds for believing that he will be able to do so when they become payable.

Other measures which we are considering would give employees greater priority to claim on their employer's assets in bankruptcy and winding-up proceedings and would empower a magistrate, under certain circumstances, to issue a warrant to prevent an employer from absconding in order to avoid payment of his debts to his employees.

But I must repeat that however the laws are written and however carefully we watch over the interests of workers, they must guard their own interests. I would like to see both employers and employees obliged to notify me as soon as it is claimed that wages are in arrears, so as to avoid these cases building up.

Cemeteries

7. MR Y. K. KAN asked: —

In view of the shortage of burial grounds will Government take urgent steps to make adequate provisions for additional cemeteries and to ensure the public of non-profiteering in this connexion?

MR B. D. WILSON: —Sir, when my honourable Friend speaks of a shortage of burial ground, I'm assuming that he refers to private cemeteries. There's no particular shortage at the moment in the public cemeteries operated by the Urban Council at Wo Hop Shek and Sandy Ridge. Their burial fees of \$5 or \$15, which includes the

cost of transport to the cemetery, are kept low to meet those in greatest need and there's also provision for those fees to be waived where necessary.

As regards private cemeteries, it's correct that some of the larger ones are nearly full. I understand that proposals will shortly be placed before Executive Council for extensions to certain private cemeteries.

In the legislation governing private cemeteries, there's no provision to control their burial fees. Private cemeteries authorities are free to stipulate their own burial fees. The point is that the fee for each private cemetery must vary according to the cost of providing burial plots. Some cemeteries with steep sites require expensive terracing, approach roads and drainage. Others may be more fortunate. More expensive burial plots are often used to subsidize cheaper ones. Several private cemeteries provide free burial for those who can't afford the normal fees.

It should be appreciated that controlling burial fees in private cemeteries isn't going to make more space available for permanent burial. We would hope that more people will begin to think of the alternative of cremation which the Urban Council is anxious to promote. The cremated ashes of the deceased are handed back to the relatives who may dispose of them how they like. For instance, by interment in an urn section; by deposit in a religious institution or enshrined in an appropriate place of their own choosing. There's nothing to prevent ancestor-veneration in respect of cremated ashes in the same manner as at a permanent burial plot. Finally, at a fee of only \$30, cremation is obviously a lot cheaper than permanent burial in most private cemeteries.

Housing Authority estates: eligibility (1)

8. MR WILFRED S. B. WONG asked: —

In view of the fact that a large number of six to seven person flats in Wah Fu Estate remain unoccupied will government consider requesting the Housing Authority to relax its rules so that the function of low cost housing can be fulfilled and the huge loan from public funds can be justified?

MR WILSON: —Sir, flats for 6 persons are among the more numerous at the Wah Fu Housing Authority estate; about half of them are occupied. More than half the flats for 7 persons are also occupied. The slow rate of occupation at Wah Fu estate is less a

[MR WILSON] **Oral answers**

matter of stringent rules of eligibility than of the outlying position of the estate. It's less popular because of the time, inconvenience and extra cost of transport to the north side of Hong Kong Island where most of the occupants work. Furthermore, the rules of eligibility have already been relaxed for Wah Fu Estate. For every other Housing Authority estate, the family income must be between \$400 and \$900 per month. But, for Wah Fu, the income limits are \$400 to \$1,250 per month. As with all Housing Authority estates, any size of flat may be occupied by two persons fewer than its stated capacity, provided the tenant is qualified in other respects under the rules of eligibility and is willing to pay the rent.

Wah Fu is a large estate, not yet completed. Although the rate of occupation is not as fast as that for estates in more central urban areas, over 100 families a month are moving into the estate which now has some 20,000 people in residence.

MR WONG: —Would the Chairman of Urban Council be able to furnish the up to date number of 6, 7 and 8 person flats in the Wah Fu Estate which are vacant?

MR WILSON: —Of the 6 person flats 1,312 have been let, 1,906 are still unlet, that is slightly under half are let. Of the 7 person flats 332 have been let, 64 unlet. Of the 8 person flats 661 have been let, 570 unlet.

MR WONG: —Thank you.

Housing Authority estates: eligibility (2)

9. MR WONG asked: —

Is Government aware that the family pattern in the relevant income group qualified for Housing Authority Estates is changing from larger to smaller families?

MR WILSON: —Sir, the Housing Authority is well aware that families of persons eligible for its housing are becoming smaller in size. This pattern has become so pronounced that, earlier this year, Government approved a recommendation by the Housing Authority that families of only four persons should be eligible for Government low cost housing. Hitherto, an eligible family had to consist of not less than five persons. This revised ruling now applies to applicants for Housing Authority and Government low cost housing flats alike.

But this doesn't mean to say that the Housing Authority now proposes to change its ratio of small to large flats. The Authority hopes eventually to be able to provide each individual with more than the present standard of 35 sq ft per person. It would be inadvisable therefore to start changing the ratio at this stage. In the meantime, any size of flat under the Authority's management may be occupied by two persons fewer than its stated capacity, provided the tenant is qualified in other respects under the rules of eligibility and is willing to pay the rent.

CRIMINAL PROCEDURE ORDINANCE

The Governor's recommendation signified by the Acting Attorney General *pursuant to Standing Order No 23(1)*.

THE ACTING ATTORNEY GENERAL (MR G. R. SNEATH) moved the following resolution: —

Resolved, pursuant to section 9A of the Criminal Procedure Ordinance, that the Legal Aid in Criminal Cases Rules 1969, made by the Chief Justice on the 20th day of August 1969 under section 9A of that Ordinance, be approved.

He said: —Sir, under section 9A of the Criminal Procedure Ordinance the Honourable the Chief Justice may, with the approval of this Council, make rules for the granting of legal aid in criminal cases.

The rules now before Council replace those made in 1962, and are considerably more detailed, comprising as they do some 19 substantive rules compared to 5 in the earlier rules. The trials and appeals in respect of which legal aid may be granted remain the same; namely, criminal trials before the Supreme Court; appeals in the Full Court from the District or Supreme Court and finally appeals in the Supreme Court from a magistrate's decision in a criminal case except where the accused had pleaded guilty.

The new rules follow more closely the practice established for granting legal aid in civil cases. Thus the Director of Legal Aid becomes the authority for granting it, and as in civil cases he picks the solicitor and counsel to be assigned from a panel of those members of the legal profession willing to act for aided persons. He may also appear himself such a person.

The fees for solicitors and counsel have been increased considerably. This is in accordance with practice in England, where the fees are meant to represent a fair return for work done and are not intended to include an element of charitable work on the part of practitioners.

[THE ACTING ATTORNEY GENERAL] **Criminal Procedure Ordinance**

These new rules impose a requirement to make a contribution as is done in civil cases. This contribution is assessed by the Director of Legal Aid having regard to the disposable income and disposable capital of the legally aided person. I should add here that legal aid may be granted only where the person concerned has disposable income of less than \$1,500 a month and the disposable capital of less than \$10,000. There is, however, a complete discretion vested in the judges of the Supreme Court to grant legal aid in murder cases even where these limits are exceeded.

Question put and agreed to.

FACTORIES AND INDUSTRIAL UNDERTAKINGS ORDINANCE

MR A. P. RICHARDSON moved the following resolution: —

Resolved, pursuant to section 7 of the Factories and Industrial Undertakings Ordinance, that the Factories and Industrial Undertakings (Amendment) (No 2) Regulations 1969, made by the Commissioner of Labour on the 20th day of August 1969 under section 7 of that Ordinance, be approved.

He said: —Sir, under existing legislation no women and no one under the age of 18 may be employed underground in a mine or a quarry. The Factories and Industrial Undertakings (Amendment) (No 2) Regulations 1969, if approved, will extend this prohibition to underground work involving tunnelling operations. The extension is considered to be logical and in fact will only affect males under the age of 18 years, as there is considerable and widespread superstition which effectively prevents the employment of women underground.

The regulations also introduce a requirement that before commencing employment underground the person should undergo a medical examination at the prospective employer's expense and be declared fit by the Senior Industrial Health Officer. For those under the age of 21 periodic examinations at intervals of not more than one year are required. These proposals are in accordance with the provisions of International Labour Conventions numbers 123 and 124 and International Labour Recommendation number 124. Underground work is potentially hazardous and particularly so to those suffering from certain diseases, ailments and physical defects. Insofar as is known to me no one under the age of twenty one is at present employed underground in Hong Kong. A provision has been included to permit the Commissioner to dispense with the pre-employment medical examination of

any person of 21 years and over when he is of the opinion that the underground work on which the person is to be employed is unlikely to take more than six months to complete.

The remainder of the amendments in the Factories and Industrial Undertakings (Amendment) (No 2) Regulations cover notification of change of rest days, the repeal of the existing regulation which requires that shifts to be rotated and a requirement that rest rooms for those women and young persons who are permitted to work up to 11 o'clock at night on shift work be approved in writing by the Commissioner.

Proprietors are at present required to notify the department before they change the period of employment and intervals for meals or rest of women and young persons. That they are not required to give notification of change of rest days makes enforcement of the existing regulations very difficult. The proposed amendment will indirectly benefit those proprietors who do comply with the law and who do not make women and young persons work on the day on which they should be resting or otherwise enjoying themselves.

Repeal of the requirement that shifts be rotated will, I believe, be to the advantage of both workers and employers. It has been found that many workers object strongly to rotating shifts and wish to be able to choose and remain on the shift which suits them best. Many in fact resign rather than change their shift and the Commissioner of Labour has for some time granted exemption from this particular requirement whenever exemption has been requested.

The present regulation 12(2)(a) requires that where women and young persons are required to work up to ten o'clock (I think it is 11 o'clock, Sir, I have got it wrong here) in the evening that the shift work be carried out in a building approved in writing by the Commissioner, and regulation 12(2)(b) requires that "a *suitable* room in which no industrial process is carried on is provided and equipped for use as a dining room and rest room". Rest rooms need not necessarily be situated in the same building or premises as that approved in writing by the Commissioner for carrying on shift work, and some difficulty has been experienced in trying to ensure that anything but very substandard accommodation is provided.

The Labour Advisory Board endorses the proposals unanimously. The Federation of Hong Kong Industries, the Employers' Federation of Hong Kong, the Hong Kong General Chamber of Commerce, and the Chinese Manufacturers' Association whom I have also consulted have all informed me that they have no objection to the new regulations.

If approved, the regulations will come into effect on 1st October 1969.

Factories and Industrial Undertakings Ordinance

DR S. Y. CHUNG: —Your Excellency, both labour and management in industry, I am certain, will welcome the revocation of sub-paragraph (c) of regulation 12(2) which specifies that women and young persons cannot be employed on shift work unless provision is made for rotating shifts.

However, it is very unsatisfactory to both labour and management that sub-paragraph (d) of the same regulation limits in any scheme of shift work the period of employment to not more than eight hours in any day for any woman or young person. I have spoken briefly on* this particular issue early this year and with your permission, Sir, I would like to express more fully the undesirable implications of sub-paragraph (d).

When a factory is running a scheme of three equal shifts in a day of 24 hours, it is true that the maximum duration per shift is eight hours. Nevertheless, if a factory is operating on only two equal shifts in a day, the present regulations specify that the period of employment for women and young persons shall neither begin earlier than six o'clock in the morning nor later than eleven o'clock (not ten) in the evening. In other words, there are seventeen hours available for the two equal shifts and each shift therefore can and should have a maximum period of employment of 8½ hours. As honourable Members are aware, the period of employment means the period, inclusive of actual working time as well as the time allowed for meals and rest, within which persons may be employed on any day.

Generally, a factory does not enter into a full two-shift operation right from its establishment. Also, a factory cannot in general change abruptly from a non-shift operation to a scheme of shift work requiring two full and equal shifts. Furthermore, there is a tendency to employ a short swing shift of 4 or 5 hours duration in the evening after a full-time day-shift under regulation 9 or even after an overtime employment of day-shift under regulation 11. A typical time schedule for the period of employment would be, say, from eight o'clock in the morning to five o'clock in the afternoon for the day-shift and from five o'clock in the afternoon to ten o'clock in the evening for the short swing shift. I understand that a similar short swing shift system is gaining popularity in some industries in the United Kingdom.

There is at present a shortage of labour in Hong Kong industry. The introduction of a short swing shift will open up new sources of labour supply. There are, I believe, housewives and high-school students who wish to work in factories for four or five hours a day in the evening for earning some income without jeopardizing their attention on household chores and academic studies respectively.

* Pages 35-6.

By December 1971 when we will be in the final stage of the five-phase programme for the reduction of hours of work, the period of employment for young persons (between the age of 16 and 18 years) and women under general conditions shall be limited to ten hours in any day. It therefore seems appropriate to extend the period of employment, at least for the day-shift, in any scheme of shift work also to ten hours in any day. Such an extension on the period of employment will be beneficial to both labour and management on the one hand and will not adversely affect the improvement of labour conditions in Hong Kong on the other. I earnestly request Government give immediate and serious consideration to this proposal.

Finally, I wish to draw the attention of honourable Members on regulation 29 which governs the provision of means for closing openings in any floor through which a shaft or driving belt may pass. With the modern concept of individual motor drive, mechanical power transmission from one floor to another by means of rotating shafts or moving belts is already obsolete. On the other hand, as a result of Hong Kong's development in multi-storey factory buildings and rapidly rising labour wages there is increasing use of inter-floor conveyors. It seems necessary to make provisions for closing, in case of fire, such openings in any floor through which a conveyor may pass. I hope my honourable Friend the Commissioner of Labour will give due consideration to this suggestion in his next batch of amendments for the Factories and Industrial Undertakings Regulations.

Sir, with these remarks I support the motion before Council.

MR RICHARDSON: —Sir, I am grateful to my honourable Friend for supporting the motion and for raising these other important matters. I would immediately agree that regulation 29 does need amendment. It is being considered with the batch of other safety regulations and I shall seek Council's approval of these amendments later. I shall also sympathetically examine my honourable Friend's proposal concerning the working hours for those employed on shift work and shall continue to do what I can to help industries establish short swing shifts in the evening.

Question put and agreed to.

SUPPLEMENTARY PROVISIONS FOR THE QUARTER ENDED 30TH JUNE 1969 SCHEDULE NO 1 OF 1969-70

Council went into committee *pursuant to Standing Order No 58(2)*, to consider the motion standing in the name of the Financial Secretary (Sir JOHN COWPERTHWAITTE).

**Supplementary provisions for the quarter ended 30th June 1969
schedule No 1 of 1969-70**

The Governor's recommendation signified by the Financial Secretary pursuant to *Standing Order No 23(1)*.

THE FINANCIAL SECRETARY moved: —"That this Council approves the supplementary provisions for the quarter ended 30th June 1969, as set out in Paper No 1 of 1969-70."

He said: —Sir, the schedule for the first quarter of this financial year covers supplementary provision totalling \$21.6 million. \$12.2 million was required for Public Works Non-Recurrent of which \$1.0 million represented revotes of funds unexpended in the last financial year. \$1.5 million was required as a result of accelerated progress on existing projects, and \$7.6 million was to meet the cost of new projects, \$3.6 million was needed to finance additional defence works for the Ministry of Public Building and Works (a part of which is reimbursable) and \$1.5 million for compensation for surrenders and resumptions of property.

Finance Committee has approved all the items in the schedule. The covering approval of this Council is now sought.

Question put and agreed to.

Council then resumed.

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

Question agreed pursuant to Standing Order No 58(4).

**IMMIGRATION (CONTROL AND OFFENCES)
(AMENDMENT) BILL 1969**

Resumption of debate on second reading (13th August 1969)

Question again proposed.

Question put and agreed to.

Bill read the second time.

Bill committed to a committee of the whole Council pursuant to Standing Order No 43.

PUBLIC TRANSPORT SERVICES (KOWLOON AND NEW TERRITORIES) (AMENDMENT) (NO 2) BILL 1969

Resumption of debate on second reading (13th August 1969)

Question again proposed.

MR FUNG HON-CHU: —Sir, Government's decision to reduce royalty from 20 per cent of gross receipts of the Kowloon Motor Bus Company to 15 per cent appears to all intents and purposes, designed to place additional finances at the disposal of the company for its expansion programme without resorting to an unpopular upward adjustment in the company's existing tariff structure.

The estimated \$5 million that the concession will allow the company to save this year is not an exceptionally large sum when considered in the context of its proposed expansion scheme. The saving, however, should enable it to take some concrete steps leading to an overall improvement in its services to the general public. It is hoped that the company will grasp the opportunity.

The reduction in royalty was presumably arrived at in discussions between Government and the company but this Council is still in the dark as to the terms, if any, under which the concession is to be granted.

The company's performance in recent years and at present has been disappointing, to say the least, and in view of its unsatisfactory record, it is clearly necessary to ensure that it improves its services. I hope therefore that, as a condition for the reduction of royalty, Government has secured from the Company a binding obligation to improve services significantly and to live up to the conditions of its franchise. If it fails to improve within a reasonable time Government should consider the introduction of suitable legislation to permit competition by interested parties or steps to revoke its franchise.

Bus services in Kowloon are in urgent need of improvement not only in the interest of the travelling public but more important to put an end to the contempt which the law must endure in order to accommodate public demand for transport during rush hours.

MR SZETO WAI: —Sir, the reduction of KMB's existing royalty as proposed in the bill, whilst it will enable the Company to effect some improvements to its services, is neither a long-term measure to improve public transport in Kowloon and the New Territories nor a determined effort to remove the anomaly that exists in bus royalties.

[MR SZETO] **Public Transport Services (Kowloon and New Territories)
(Amendment) (No 2) Bill—resumption of debate on
second reading (13.8.69)**

I would like to ask honourable Members' indulgence and to bring to their notice the vast discrepancy in bus royalties. For the revenues the two bus companies derived from their operations last year, KMB had to pay a royalty of eight times that paid by CMB, though its revenue was less than three times of that received by CMB. The latter's \$2½ M royalty represented only 6¾% of its gross receipt and amounted to approximately the concessions in fuel duty and licence fees it received. If royalty, after allowing for these concessions, is taken as an indirect tax on bus users, then clearly there is an inequitable treatment between bus users on the Island and their counter-parts in the Mainland.

Quite apart from its anomalous basis, KMB's existing royalty rate is excessive, as the average equivalent rate on a similar basis required of all other franchised public transport operators including the two Ferry Companies and the Tram Company in recent years was only half or less of what KMB was required to pay, *ie*, 10% or less. Furthermore, in the case of all other public transport companies, no royalty is payable if they do not make a net profit from their operations.

Sir, a downward royalty adjustment does not mean that KMB would return to its days of excessive profits before 1964 when Government adopted a *laissez-faire* attitude. There are other methods of regulating the profits of a monopolist concern. A realistic view should be taken of our considerable economic changes in recent years, and the special circumstances in KMB's franchised territory to which I will refer later. The Transport Advisory Committee is in favour of KMB being charged full fuel duty and licence fees, but has its royalty reduced in order that it may have a reasonable return on capital employed as a public transport concern requiring vast expansion. This is, of course, on the premise that the Company must have an efficient management.

The inefficiency of KMB and the inadequate and poor services it provides have been the subject of constant criticisms and complaints. Putting aside its incapability to cope with increased travel demand resulting from rapid developments in its franchised territory, the condition of its buses, their poor maintenance and the general discourteous attitude of their crews require considerable improvements. Whilst it is clear that the proposed reduction in royalty should go some way to improve its services and image, it remains to be seen how soon these improvements would be effected, and when some of its many dilapidated buses will be replaced by new ones which were promised to be on the roads in April of this year.

The KMB's franchise was renewed in February 1960 and section 11 of the principal Ordinance requires the Company to provide and maintain adequate services of public passenger transport in Kowloon and the mainland portion of the New Territories. But during the period from 1960-68, the changes—physical, economic and social have been so great in the franchised area which, to be fair to KMB, could not have been envisaged by the company in 1960 when it was basking in the bliss of great profits. In the course of nine years, the population of its franchised domain grew from 1.93 M to 2.74 M—an increase of 810,000, *ie*, 42%. Also in this period due to rising standard of living there has been a 37% increase in the use of public transport by the average person. The demand for bus transport in Kowloon and the Mainland since 1960 has, therefore, increased by 95%. Further, because of the rapid development of new industrial towns and large housing estates, the built-up area of Kowloon and New Kowloon has expanded during this period from 2,000 acres to over 5,500 acres—almost 3 times, which dictated longer bus journeys as new residential, commercial and industrial developments sprang up in previously rural and vacant areas. Undeniably, this triple increase in population, urban area and travel habits would impose excessive stress and strain on any public transport concern, save the best of organization and efficiency. The increase in number of passengers carried by KMB from 1960 to 1968 was 61%, there is therefore a deficiency of 34% much of which was carried by illegal transport. The location of the majority of our new large housing estates with their steep approaches and heavy loads adds another problem to a bus company whose maintenance and servicing facilities are weak and inadequate.

As the demand of public transport has been rising in recent years at a rate of 6½% per annum, unless KMB's deficiency is made up with redoubled effort, it will be well-nigh impossible to see demand being adequately met by a company with its present poor performance. Whilst endorsing KMB's proposed expansion programme of purchasing 465 new buses over the next two years, the Transport Advisory Committee considers it inadequate and represents no more than the bare minimum that the Company has to do in order to make a start on improving its services.

Sir, in view of the many factors aggravating public transport in Kowloon and the New Territories, the time has, perhaps, come for Government to reassess the situation and to determine whether our existing arrangement of a single franchised operator, leaving aside his efficiency and capability, could ever cope with the fast growing demand of a territory of almost 3,000,000 people with 75% of their travel made on public transport. A mere reduction in royalty for the current year or the next will certainly not solve our problems.

**Public Transport Services (Kowloon and New Territories) (Amendment)
(No 2) Bill—resumption of debate on second reading (13.8.69)**

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAIT): —Sir, I am grateful to honourable Members for their useful comments and suggestions—although I think that some of them, fall outside the strict scope of today's business.

My honourable Friend, Mr FUNG, has asked what conditions have been attached to the proposed royalty reduction and has expressed the hope that "Government has secured from the company a binding obligation to improve services significantly and to live up to the conditions of the franchise". No such condition has in fact been explicitly attached for the good reason that the Company already has a binding obligation to do these things under the terms of its franchise. Equally we believe that it would be very difficult for the Company to carry out these obligations without an increase in the present level of its remuneration. But it has been made clear that our view of reasonable remuneration which is reflected in the proposal is appropriate only to an efficient company. As I said when moving the second reading of the bill, I propose to introduce an amendment at the Committee Stage limiting the effect of the reduction to one year, unless renewed. There will therefore be an opportunity for Council to review the position early next year.

I agree with my honourable Friend Mr SZETO that at present royalty bears more heavily on passengers on the Mainland than on the Island, looked at as a percentage of fares (which is not necessary I think the only or right way to look at it), although they were originally fixed in 1960, I believe, to give roughly the same incidence on both sides of the harbour. It is our present intention to change this but a final solution is not possible at one step in the present rather unpleasant situation.

Question put and agreed to.

Bill read the second time.

Bill committed to a committee of the whole Council pursuant to Standing Order No 43.

Committee Stage

**IMMIGRATION (CONTROL AND OFFENCES)
(AMENDMENT) BILL 1969**

Clause 1.

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER): —I take the opportunity of fulfilling an undertaking I gave to this Council. Should the bill now being considered in Committee be read a third

time and passed and should it subsequently receive your assent, Sir, it is the intention that the controls it enables will be introduced on and from 8th September this year.

Clause 1 was agreed to.

Clause 2 was agreed to.

**PUBLIC TRANSPORT SERVICES (KOWLOON AND NEW
TERRITORIES) (AMENDMENT) (NO 2) BILL 1969**

Clause 1 was agreed to.

Clause 2.

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAITTE): —Sir, I rise to move that clause 2 be amended as set forth in the paper before honourable Members.

Proposed Amendment

Clause

2 (a) That paragraph (a) be deleted and the following substituted—

“(a) in subsection (1) by deleting the full stop at the end thereof, substituting a colon and adding the following proviso—

“Provided that in respect of the financial year of the Company beginning on the 15th February 1969 and ending on the 14th February 1970 the rate of royalty to be paid by the Company to the Government under this section shall be fifteen *per cent.*”.

(b) That paragraph (c) be deleted and the following substituted—

“(c) by inserting the following new subsection after subsection (5)—

“(6) The Legislative Council may, by resolution, amend the rate of royalty specified in subsection (1), or amend that rate for any yearly period beginning on the 15th February and ending on the 14th February of the following year; and any resolution under this subsection may have retrospective effect to the 15th February in the year in which it is passed.”.

The Amendment was agreed to.

Clause 2, as amended, was agreed to.

PHARMACY AND POISONS BILL 1969

HIS EXCELLENCY THE PRESIDENT: —With the concurrence of honourable Members we will take the clauses in blocks of not more than ten.

Clauses 1 to 14 were agreed to.

Clause 15.

THE ACTING ATTORNEY GENERAL (MR G. R. SNEATH): —Sir I rise to move that clause 15 be amended as set forth in the paper before honourable Members.

Sir, you will recall that at the Second Reading of this bill my honourable Friend Mr CHEUNG urged an amendment to this clause. As he pointed out then, the Legal Adviser to the Pharmacy and Poisons Board—appointed under clause 3(1)—might have been involved in inquiries into, and the decision to refer, a disciplinary case to the Disciplinary Board. It would then be objectionable if he had to sit with the Disciplinary Committee as their Legal Adviser when the complaint was being considered.

The effect of this amendment is that the Legal Adviser to the Pharmacy and Poisons Board will no longer automatically be the adviser to the Disciplinary Committee but the Governor will be free to appoint any legally qualified person to act in that capacity.

I should just add Sir, that my honourable Friend Mr CHEUNG has been consulted with regard to the wording of this amendment, agrees with it and expressed the view that he would prefer that it should be moved by myself.

*Proposed Amendment**Clause*

15 That subclause (2) be deleted and the following substituted therefor—

"(2) The Governor shall appoint a legally qualified person to act as the legal adviser to a Disciplinary Committee."

The Amendment was agreed to.

Clause 15, as amended, was agreed to.

Clauses 16 to 38 and Schedule were agreed to.

MISREPRESENTATION BILL 1969

HIS EXCELLENCY THE PRESIDENT: —With the concurrence of honourable Members we will take the clauses in blocks of not more than five.

Clauses 1 to 7 were agreed to.

**PUBLIC HEALTH AND URBAN SERVICES
(AMENDMENT) BILL 1969**

HIS EXCELLENCY THE PRESIDENT: —With the concurrence of honourable Members we will take the clauses in blocks of not more than five.

Clauses 1 to 16 were agreed to.

STAMP (AMENDMENT) (NO 2) BILL 1969

HIS EXCELLENCY THE PRESIDENT: —With the concurrence of honourable Members we will take the clauses in blocks of not more than five.

Clauses 1 and 2 were agreed to.

Clause 3.

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAIT): —Sir I rise to move that clause 3 be amended as set forth in the paper before honourable Members.

Sir, the Acting Financial Secretary gave notice of his intention to move this amendment at the Committee Stage when he moved the second reading on 30th July.

My honourable Friend, Mr P. C. Woo, has pointed out that the clause as originally drafted could cause a person unfairly to be deprived of the concessionary rates. Such a situation would arise when a conveyance executed in good faith as a conveyance on sale was subsequently deemed by the Collector of Stamp Revenue to be a conveyance or transfer of land operating as a gift with the value of the land not exceeding \$40,000. As section 12B as originally drafted does not provide for certification in circumstances in which the Collector *deems* a conveyance to operate as a voluntary disposition *inter vivos*, the conveyance would not be eligible for stamping at the concessionary rates.

[THE FINANCIAL SECRETARY] **Stamp (Amendment) (No 2) Bill—
committee stage**

The amendment now proposed is that section 12B of the original clause 3 should become sub-section (1) of section 12B and that a new sub-section (2) should allow for certification in the situation I have just described.

Proposed Amendment

Clause

3 That the new section 12B be amended—

(a) by being renumbered as subsection (1) thereof; and

(b) by inserting the following new subsection—

"(2) Where a conveyance or transfer of land is, under subsection (4) of section 27, deemed to be a conveyance or transfer of land operating as a voluntary disposition *inter vivos*, and the instrument is certified in accordance with section 12A, the parties to the transaction shall produce to the Collector, if the value of the land conveyed or transferred does not exceed forty thousand dollars, a certificate in accordance with subsection (1) for the purposes of paragraph (a) or (b), as the case may be, of sub-head (1) of head 53 of the Schedule. If such certificate is attached to the instrument, the instrument shall be deemed to be certified in accordance with this section."

The Amendment was agreed to.

Clause 3, as amended, was agreed to.

Clauses 4 to 11 were agreed to.

MENTAL HEALTH (AMENDMENT) BILL 1969

Clauses 1 to 4 were agreed to.

INLAND REVENUE (AMENDMENT) (NO 3) BILL 1969

Clauses 1 and 2 were agreed to.

Bills—Third reading

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER) reported that the Immigration (Control and Offences) (Amendment) Bill 1969 had passed through committee without amendment and moved the third reading.

Question put and agreed to.

Bill read the third time and passed.

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAITTE) reported that the Public Transport Services (Kowloon and New Territories) (Amendment) (No 2) Bill 1969 had passed through committee with one amendment and moved the third reading.

Question put and agreed to.

Bill read the third time and passed.

DR P. H. TENG reported that the Pharmacy and Poisons Bill 1969 had passed through committee with one amendment and moved the third reading.

Question put and agreed to.

Bill read the third time and passed.

THE ACTING ATTORNEY GENERAL (MR G. R. SNEATH) reported that the Misrepresentation Bill 1969 had passed through committee without amendment and moved the third reading.

Question put and agreed to.

Bill read the third time and passed.

MR B. D. WILSON reported that the Public Health and Urban Services (Amendment) Bill 1969 had passed through committee without amendment and moved the third reading.

Question put and agreed to.

Bill read the third time and passed.

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAITTE) reported that the Stamp (Amendment) (No 2) Bill 1969 had passed through committee with one amendment and moved the third reading.

Question put and agreed to.

Bill read the third time and passed.

THE ACTING ATTORNEY GENERAL (MR G. R. SNEATH) reported that the Mental Health (Amendment) Bill 1969 had passed through committee without amendment and moved the third reading.

Question put and agreed to.

Bill read the third time and passed.

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAIT) reported that the Inland Revenue (Amendment) (No 3) Bill 1969 had passed through committee without amendment and moved the third reading.

Question put and agreed to.

Bill read the third time and passed.

ADJOURNMENT

Motion made, and question proposed. That this Council do now adjourn—
THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER).

Question put and agreed to.

3.34 p.m.

NEXT SITTING

HIS EXCELLENCY THE PRESIDENT: —Council Will accordingly now adjourn. It is intended that the next sitting will be held on Wednesday 1st October when Council commences a new session under Standing Order No 5. A proclamation formally advising the opening date of the next session will be issued in due course.

Adjourned accordingly at twenty-five minutes before Four o'clock.