

Wednesday, 8th October 1969

The Council resumed 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
MR DENYS TUDOR EMIL ROBERTS, OBE, QC, JP
THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS
MR DAVID RONALD HOLMES, CMG, CBE, MC, ED, JP
THE HONOURABLE THE FINANCIAL SECRETARY
SIR JOHN (JAMES) COWPERTHWAITTE, KBE, CMG, JP
DR THE HONOURABLE TENG PIN-HUI, CMG, OBE, JP
DIRECTOR OF MEDICAL AND HEALTH SERVICES
THE HONOURABLE ROBERT MARSHALL HETHERINGTON, DFC, JP
COMMISSIONER OF LABOUR
THE HONOURABLE TERENCE DARE SORBY, JP
DIRECTOR OF COMMERCE AND INDUSTRY
THE HONOURABLE DAVID RICHARD WATSON ALEXANDER, MBE, JP
DIRECTOR OF URBAN SERVICES
THE HONOURABLE GEORGE TIPPETT ROWE, JP
DIRECTOR OF SOCIAL WELFARE
THE HONOURABLE JAMES JEAVONS ROBSON, JP
DIRECTOR OF PUBLIC WORKS
THE HONOURABLE DONALD COLLIN CUMYN LUDDINGTON, JP
DISTRICT COMMISSIONER, NEW TERRITORIES
THE HONOURABLE JOHN CANNING, JP
DIRECTOR OF EDUCATION
THE HONOURABLE KAN YUET-KEUNG, CBE, JP
THE HONOURABLE FUNG HON-CHU, OBE, JP
THE HONOURABLE TSE YU-CHUEN, OBE, JP
THE HONOURABLE KENNETH ALBERT WATSON, 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 GERALD MORDAUNT BROOME SALMON, JP

IN ATTENDANCE

THE DEPUTY CLERK OF COUNCILS
MR DONALD BARTON

PAPERS

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

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| <i>Subject</i> | <i>LN No</i> |
|----------------|--------------|

Subsidiary Legislation: —

Revised Edition of the Laws Ordinance 1965.

Revised Edition of the Laws (Correction of Error)

| | |
|-------------------------|-----|
| (No 2) Order 1969 | 151 |
|-------------------------|-----|

Sessional Paper 1969-70: —

No 9—Annual Report by the Registrar of Trade Unions for the year 1968-69 (published 6.10.69).

No 10—Annual Report by the Accountant General for the year 1968-69 (published 6.10.69).

No 11—Annual Report by the Commissioner of Prisons for the year 1968-69 (published 8.10.69).

MOTION

Resumption of debate on the motion "That an address be presented to His Excellency the Governor as follows: —

We, the Hong Kong Legislative Council here assembled, beg leave to offer thanks for the speech which has been addressed by you to the Council."

MR D. C. C. LUDDINGTON: —Your Excellency, my honourable Friend Mr Wilfred WONG last Thursday called attention to the need for more land* to be made available in the New Territories at reasonable rates for new industries. My honourable Friend Dr CHUNG, in making a series of recommendations to ensure that Hong Kong continued to provide a favourable industrial environment in comparison with other competing territories*, emphasized that we must regularly examine our industrial land policy.

May I assure both these honourable Members that Government has done much to ensure that industrial land will be available in the New Territories as it is required and as fast as it can be taken up and put to full use by industry. The outline zoning plan for the development of Tsuen Wan and Kwai Chung (excluding Tsing Yi Island), which has been amended over the years to meet new demands, provides for a gross area of just over five hundred acres of industrial land. Some 205 acres have already been built on by industrialists,

* Pages 37 and 53.

in addition 35 acres are now in private hands (largely, as far as I can tell, those of practising industrialists) but a great deal of this land has not yet been built on. In addition some 50 acres are under firm negotiation for exchange. There remain two areas designated for industry which require further development by the Public Works Department before the land can be used. Their development depends on other engineering works which are under consideration such as the container terminal and the mass transit system. I have deliberately not mentioned large areas of Tsing Yi Island which are being developed for specialized industries such as a power station, oil farms and an oil refinery as the inclusion of such figures might give a misleading impression. But future development on this island could provide much land for general industrial use.

The cost of completing the basic building covenants on the 35 acres of industrial land in Tsuen Wan and Kwai Chung already in private hands but yet to be built upon amounts to a total of forty-six million dollars. Thus the building industry is faced with a formidable task to cope with the demand for industrial building in Tsuen Wan alone. In other mainland areas of the New Territories there is a total of 50 acres of industrial land on which building covenants totalling in value of five million dollars have still to be completed.

Outline Zoning Plans for Castle Peak and Sha Tin have been published which provide, on full development, gross areas of 356 acres and 467 acres for industrial use respectively.

Stage I of Castle Peak development estimated to cost fifty-four and a half million dollars is already well in hand and will provide some 27 acres of industrial land by 1972. Honourable Members may recall that industrial land was made available for exchange in May this year at a low premium of ten to twelve dollars a square foot with attractive low building covenants so as to encourage industries to move out to this more distant area.

Government approval for Stage I Phase I of the S-ha Tin development estimated to cost fifty million dollars was announced on 5th September. This will make about ten acres of industrial land available by 1974.

In addition to these major projects, the New Territories Administration has been concerned about the need to develop smaller industrial areas, appropriately serviced to meet the needs of special industries and of the smaller market towns of the New Territories such as Yuen Long, Sheung Shui and Tai Po. Unfortunately the cost of developing such areas is not negligible, and it has been difficult to justify this expenditure in the light of the past recession in industrial development at Tsuen Wan where fully serviced land was available. Communications

[MR LUDDINGTON] **Motion**

and drainage are the two costly items. You mentioned in your address* the present estimates of the cost of our five year road programme. Drainage problems in the northern New Territories, which were the subject of special investigations in 1965 and 1966, are likely to give rise to significant expenses in the future. Despite this, these projects for minor industrial areas have not been abandoned and are currently under review.

I have laid stress on the costs involved in developing properly serviced industrial land in the New Territories because these affect the rates at which such industrial land can be sold. As I said recently in answering a question in this Council "the more sophisticated industries on which Hong Kong's economy depends must be[†] established in planned areas provided with essential services....". The cost of providing this land must be borne by the purchasers who are going to benefit from it, and in general it is this cost which must govern the rates at which the land is made available.

I am aware that the majority of the residents of the New Territories are no longer economically dependent on agriculture and that more and more are engaged in industry. Thus their interests, as well as those of the Colony as a whole, are served by the adequate provision of industrial land. But I must emphasize that "adequate" does not mean "indiscriminate" and I do not see that these mutual interests would be served by any major deviation from the policy of developing properly planned and serviced industrial areas in the New Territories.

In this context I should like to emphasize the asset which agriculture still represents to Hong Kong. Not only does it supply a significant portion of our supplies of fresh vegetables, poultry, pork and eggs but it also provides the natural environment for the original New Territories villages and the scenic background to which so many of our urban dwellers resort for a change from their normal crowded concrete environment. Any major concession to the call for abandonment of control of agricultural land in favour of cheap under-capitalized industry, would not only undermine Government's policy of building up modern self-contained towns, but would also go a long way towards depriving Hong Kong of the irreplaceable heritage of agricultural land which it took centuries to form.

This clash of interest between the demands of small industries and agriculture is a matter which is a major concern to the New Territories Administration and the Heung Yee Kuk at the present time.

* Page 5.

† 1969 Hansard, page 306.

May I close by saying that I would personally welcome any authoritative guidance on the short and long term needs and the general and particular needs of industry in the New Territories. In recent years advice which has been taken from particular industries had proved unfortunately over-optimistic. I am always ready to recommend a revision of land policies in the New Territories to meet modern demands. But such revision must be the result of a thorough examination of all new proposals to ensure that they will benefit the Colony as a whole.

Sir, I support the motion.

DR P. H. TENG: —Your Excellency, the problem of drug addiction*, to which my honourable Friend Mr Wilfred WONG referred, has been the concern of not only Government but voluntary organizations such as the Society for the Aid and Rehabilitation of Drug Addicts, the Lutheran World Service and the Discharged Prisoners' Aid Society. An Action Committee Against Narcotics has been functioning for some years now to co-ordinate the efforts of Government and voluntary agencies, to campaign against this scourge and for the suppression of the narcotics trade, to implement programmes for the medical and social rehabilitation of addicts, to publicize matters concerning the evils of drug addiction, and to conduct research on the various aspects of the problem. The Society for the Aid and Rehabilitation of Drug Addicts receives from Government an annual subvention on a deficiency grant basis for its recurrent expenditure while the capital cost of building and expansion has been borne partly by the Lotteries Fund and largely by Government subvention. To cope with the increased demand by addicts who wish to be treated and rehabilitated, the Society has recently expanded its facilities at Shek Kwu Chau to treat up to 500 addicts. In addition, a pilot centre for the treatment of female addicts has now been established in Wan Chai. For such facilities, recurrent expenditure has increased from \$100,000 in 1962-63 to \$1.43 millions in 1968-69 and it is anticipated that it will exceed \$2.5 millions in 1969-70. The total recurrent and capital expenditure from 1963 to 1970 is in the region of \$ 10 millions. For research, \$110,000 allocated by the Lotteries Fund has been spent recently in carrying out a survey on the community's attitude to the problem of drug addiction. In the field of health education, all possible help and co-operation has been given to the Action Committee and voluntary organizations by Government departments. While Government will provide every possible means to help the addict, I sincerely hope that all members of the community will assist Government and the voluntary organizations in tackling the problem of drug addiction which has social, educational and economic as well as medical aspects.

* Page 38.

[DR TENG] Motion

Details of Government's scheme to deal with the problem of the mentally retarded children were given in my reply to my honourable Friend Mr P. C. Woo on the 13th August this year* in this Council but I can assure my honourable Friend Mr Wilfred WONG that the need to cater for as many as possible of those unfortunate people is realized and Government has been eager to associate itself either in assisting or planning with voluntary organizations which may be interested in this problem.

In conclusion, I have great pleasure in joining my Colleagues on this Council in thanking your Excellency for your address.

MR G. T. ROWE: —Sir, during the course of this debate one or two points have been raised on social welfare matters, on which it would be appropriate that I should comment.

My honourable Friend Mr Wilfred WONG has suggested that consideration should be given to the establishment of and encouragement for more homes for the aged†.

I am glad to say this is already being done, and that it is Government's policy to encourage the provision of non-profit-making homes for the aged by grants of land by private treaty at nil premium, by the provision of capital grants for building and equipment from the Lotteries Fund, and by the provision of subventions for recurrent expenditure. Not all old people of course require special homes to care for them. In Hong Kong at least, the great majority of old people are cared for by their families or are capable of looking after themselves and prefer to do so. I hope this will always be the case. But there does exist the need in the case of those old people who, for one reason or another, are incapable of looking after themselves and have no one to care for them; and more homes for the aged are required to meet this need. There are at the present time 15 non-profit-making homes for the aged with a total capacity of 2,334 persons. It has been estimated that in the next 5 years some 2,000 additional places will be required. There are at the present time 7 new homes or extensions to existing homes already planned. On their completion, which will be in about a year's time, these will provide an additional 1,050 places. I have no doubt that still further homes will be required and will be provided; although the time has come, I think, to consider alternative ways of providing the necessary accommodation and supervision other than by the building of separate special homes. An experiment in this direction has been made in the Wah Hong House

* 1969 Hansard, page 482.

† Page 39.

in the Wah Fu Estate, and I think it likely that this experiment will be repeated in other housing estates.

My honourable Friend Mrs Ellen LI has referred to the recent summer programmes for youth activities* and asked how successful they were in involving the large group of youngsters not in school and unemployed.

Her remarks are timely, and I thank her for them. It is a fact that most of the participants in the summer programmes were students of one kind or another; this is somewhat natural, since the programmes were largely organized with the object of providing meaningful activities during the summer for young people who otherwise would have little or nothing to occupy their time. The point made by Mrs LI has however already come to the attention of the Co-ordinating Committee responsible for the summer programmes, and will be further considered in the context of planning for next summer.

Mrs LI has also suggested that it is perhaps about time that we examine the possibilities for a system of social security or insurance† in the form of a provident fund on a contributory basis. I know she appreciates, as I am sure do all Members of this Council, that first priority is being given to the introduction of a realistic and comprehensive scheme of public assistance and that this is a matter of greater need. In considering still further measures of social security, it is I think necessary to determine carefully the relative importance and priority of other needs as well as the merits of alternative measures to meet them.

I am myself doubtful whether a contributory provident fund scheme merits first priority at the present time, or whether it would itself be appropriate to circumstances of need at the present time. Also, and quite apart from other factors, I am doubtful whether people themselves, who would be required to contribute to it, would consider it a measure of high priority. It is interesting to note that one of the questions asked by Dr MITCHELL in the recent Urban Family Life Survey was on the lines of—"If an old age pension scheme were introduced, would you be willing to contribute to it?" Of those who answered this question, some 50% said "No".

With these brief remarks, Sir, I support the motion before Council.

MR D. R. W. ALEXANDER: —Sir, it is indeed encouraging to hear my honourable Friends Mr BROWNE‡ and Mrs LI‡ talk, respectively, of the Urban Council having done a great job with parks and playgrounds in the urban areas and of the effective summer-entertainment

* Page 42.

† Page 44.

‡ Pages 42 and 49.

[MR ALEXANDER] **Motion**

programme organized by Government Departments and voluntary agencies.

It is doubtful if the extent of the entertainment programme which is organized by the Urban Council and Urban Services Department throughout the year but which "quickens" in the summer months is fully appreciated by many people. In fact, in the period from 1st January until 30th September of this year, this programme, involving many items sponsored jointly with outside organizations and other departments, has produced

- 64 Film shows
- 46 Military band concerts
- 32 Botanical trips
- 30 Chinese band concerts and opera performances
- 26 Variety shows
- 24 Swimming parties
- 12 Pop-in dances
- 10 Launch and ferry picnics
- 9 Summer holiday camps
- 6 Miscellaneous functions in connexion with Chinese festivals
- 4 Mini-Tattoos

Altogether, this year, through these functions alone, some 300,000 young persons have been entertained—mainly from Resettlement Estates, and I would like to pay tribute publicly to all the practical and willing assistance and encouragement which have been given to this programme by many individuals, clubs, firms and organizations, too numerous to mention here—in addition to many Government Departments other than my own. Also, my honourable Friend the Director of Education tells me that his Department has entertained in camps, by competitions, on cruises, in art and photo groups, by swimming instruction, *etc* some 430,000 children—of whom 137,000 benefited directly from events made possible by generous grants from the Royal Hong Kong Jockey Club. The Social Welfare Department also has involved some 90 to 100,000 attendances of children and young persons in various summer activities.

Nor must I fail to mention the outstanding success of the Urban Council Popular Concerts which more than justify their name by bringing within the reach of ordinary citizens good music, according to one's taste—ranging from Beethoven and Bach to Swing. These concerts invariably take place before a full or nearly full house. And they, together with the other cultural services provided by the Urban Council, ensure that the older members of our community are not

forgotten. So far this calendar year, these Popular Concerts have provided entertainment by way of 34 performances attended by over 40,000 persons, and included, among other things, orchestral concerts, choirs, solo recitals, and ballet.

Mr BROWNE* is right, however, in saying that we need to develop more parks in the New Territories where young people can picnic and camp. In this connexion, a number of modest projects like the development of picnic spots have just been completed or are in an advanced stage of planning, as for example the picnic area at Tai Mong Tsai which was completed this summer and those proposed for Fung Yuen and Ting Kok. And I am sure that as the necessity to develop roads and communications opens up the more remote parts of the Territories, every opportunity will be taken to develop additional facilities such as Mr BROWNE has in mind, and which, generally speaking, would be for the benefit of the massive young urban population, so that they might escape now and then from the concrete jungles in which many of them live.

My honourable Friend Mr Wilson WANG also has lent encouragement to us by saying that a great deal has been done in Hong Kong in recent years in the provision of facilities for sports and physical recreation†, but he spurs us on to even greater efforts. I think it might be interesting for honourable Members to know that since 1962 the responsibilities of the Urban Council and Urban Services Department for open space and recreational facilities have grown from 610 to 1,251 acres of open space within which, in this same period, the number of children's playgrounds, gardens, and active recreational facilities such as games pitches, tennis courts, swimming pools, *etc* has increased from 318 to 860. And by the end of the present financial year, these figures will again show significant increases. For example, the next few months will see the opening of two more fairly large parks in Kowloon, *ie* phase II of Morse Park consisting of some 28 acres set in one of the most densely populated portions of Kowloon, and Kowloon Park of 18 acres at Tsim Sha Tsui where part of Whitfield Barracks once stood. We also expect the completion of 3 large groups of swimming pools in 1970 at Morse Park, Kwun Tong and Lei Cheng Uk (all financed by generous grants from the Royal Hong Kong Jockey Club) and still more pools are projected and being planned at Morrison Hill, Kennedy Town (again with Jockey Club help), and at Tai Wan (Hung Hom). Plans for an indoor stadium in Kowloon are also progressing and an area has been set aside in Kowloon for a football stadium.

Nor are the New Territories being neglected: very shortly a new sports ground will be opened at Yuen Long, planning is in progress

* Page 49.

† Page 46.

[MR ALEXANDER] **Motion**

towards developing recreational facilities at Fanling, and there is a project for building a swimming pool at Tsuen Wan (again with Jockey Club assistance). In addition, I am in touch with my honourable Colleague the District Commissioner of New Territories, on the question of additional cultural facilities in his bailiwick.

I give these illustrations as an assurance to honourable Unofficial Members that Government is both aware of the needs in this respect and taking steps towards meeting at least some of them. Government also knows that these needs will continue to grow but it is confident that with the active and valuable co-operation of and consultation with the Urban Council, and other bodies already directly interested in these matters, steady progress will continue towards making it possible for more and more of the population, particularly the young, but by no means forgetting the older people, to enjoy recreation, both active and passive, in the open air and also in specially designed buildings.

I think it is well-known that the Unofficial Members of the Urban Council (through the Recreation and Amenities Select Committee) are tireless in their endeavours to ensure the adequate provision of recreational facilities and to plan ahead to meet future needs. Government itself is not complacent in this matter and is well aware that the needs and demands for more recreational outlets for all sections of our community must be met in fair measure if we are to have a balanced and healthy community.

Another matter to which my honourable Friend Mr Wilson WANG has also drawn attention is the need for organizations to be set up in Hong Kong similar to the Central Council for Physical Recreation and the Sports Council* in Britain. For me, this theme has a somewhat familiar ring as Mr WANG said something on similar lines at the last Urban Council debate when he recommended that there should be a Committee appointed by Government to include members from leading sports bodies and to act as an advisory group to Government for the promotion of Community Sports and Recreation. My reply to Mr WANG's proposal then was that, only some 18 months previously (in the spring of 1967), a Sub-Committee of the Recreation and Amenities Select Committee had submitted its report on recommendations made by Mr K. L. GILL in his "Survey on Recreation for Young People". It was true that Mr WANG had submitted a dissenting view, but the Sub-Committee recommended, and its report was endorsed in Select Committee, that any increased effort in this field should concentrate on "supporting existing sports organizations". It was felt then that a co-ordinating committee could not be set up without either duplicating the work or derogating from the authority of not only several

* Page 47.

Government Departments and the Urban Council, but also the Amateur Sports Federation and the Olympic Committee of Hong Kong. In reply to Mr WANG at that time I said that I was not aware of the emergence of factors in recent months which would persuade me to change this view. However, I note that Mr WANG's present recommendations distinguish recreation from sport, and it may be that this matter should be looked at again.

Sir, I support the motion before Council.

MR J. CANNING: —Sir, I am very grateful for the interest which is shown in education by the Unofficial Members. No fewer than nine of my honourable Friends referred to education in their speeches, directly or indirectly.

General satisfaction has been expressed in the success there has been in our primary expansion programme where as you, Sir, indicated we are likely to have an overall surplus of aided primary school places before 1971*. It would I think be appropriate for me at this point to pay tribute to the many voluntary agencies that have co-operated with government in making this achievement possible. These agencies vary from large powerfully supported organizations such as church bodies and major philanthropic societies such as the Tung Wah Hospitals to smaller representative groups in villages in the New Territories. All are prepared to devote their time and their money to providing education for the children in our community and I should like to express my thanks to them.

It is of course important in providing primary schools to provide them within easy access of the children the schools are to serve. This we try to do. The new estates, of various kinds, are planned from the beginning with this in mind and the planners have I think been notably successful in this respect. In the older, already developed areas in the colony, schools have to be built where suitable land is available and it is not always possible to ensure that there is a school at every street corner. It is our aim to encourage children to attend schools in their immediate area but I would be against compulsion in this respect and it is inevitable that more prestigious schools tend to draw their pupils from rather a wide area. My honourable Friend, Mr Wilson WANG[†], referred to the provision of primary schools in rural areas and suggested that Government should consider transporting children to central schools in those cases where it may be impractical to build new schools. The position in the New Territories is that we have just about reached saturation point in the provision of primary schools. Village communities have always taken great pride in sponsoring their own schools and village elders

* Page 4.

† Page 45.

[MR CANNING] **Motion**

continually take a keen personal interest in their schools. The small number of primary school projects now proceeding in the New Territories is mainly a gap filling exercise and additional projects are approved only if it can be shown that the village is so far from a bus route or an established school that it would be unreasonable to expect children to walk the long distances necessary.

It has been suggested by honourable Members that future surplus primary school classrooms should be made available for kindergarten purposes or for post-primary vocational classes. These suggestions will be borne in mind but I would advise Members not to expect too great a bonus in this respect. It is possible that the rate of population increase in the later part of the 1970's and in the 1980's may well be such as to outstrip the Colony's ability to keep pace with it in terms of new buildings. It would therefore be prudent not to embark on drastic changes in policy during the 1970's which could not easily be maintained or if necessary discontinued after the primary age group begins to rise again.

The main problems of the 1970's as far as provision of places is concerned will be in the post-primary sector and a number of my honourable Friends have commented on this. In your address, Sir, you said that you hoped that it would soon be possible to reach conclusions on our target figures for the provision of government and aided places in post-primary educational institutions. This field covers the whole range of technical education from the junior technical schools to the proposed polytechnic. The Polytechnic deserves a special mention here. The Polytechnic Planning Committee has worked very hard since it was set up and a good deal of ground has been covered. Investigations are continuing into the range and variety of courses to be offered and a possible site for the new building. It is however a matter of some complexity and there are some other matters of substance which have yet to be resolved.

Large sums of money, capital and recurrent will be needed if expansion of the order indicated by honourable Members is to be achieved and it is therefore of extreme importance that the whole system of post-primary education should be inter-related and balanced so that the maximum educational return for every dollar spent is achieved.

My department has drafted proposals for expansion in this field but I would like to say now that it is already clear that Government alone cannot do all that would be desirable in this field of education and it is my earnest hope that the voluntary agencies which have done so splendidly in helping with primary education will accept the

challenges there are in the post-primary field and come forward with their help.

Sir, my remarks so far have been concerned with the quantity of education to be provided in the various sectors. I should now like to say something about the quality of education we should seek to provide. Honourable Members are concerned, and rightly so, that the educational and cultural standards of our children should be raised. They are also concerned that our students when they leave our schools should have a social awareness and feel an identity with this community in which we live. They should also be productive and contribute to and share in the continued prosperity of this community which all Members have so much at heart. These are the challenges which face those of us engaged in education and I am confident that with the continued up-dating of the skills of our present teaching force by courses of training, with the extension of the standard teacher-training course to two years which have already been introduced, with the introduction of educational television and a widening of the scope and variety of post primary education we shall be able to provide an education service for the 1970's of a range and quality which our children deserve.

Sir, I beg to support the motion before Council.

MR J. J. ROBSON: —Sir, in his speech my honourable Friend, Mr SZETO Wai, made reference to the relative priorities of Housing, Water Supplies and Road Development* in the competition for funds which may be available over the next few years. Whilst I agree with him that Housing will continue to attract a large slice of Government's financial cake, I cannot agree that we can afford to relax in spending on our water supplies for the benefit of road development. This may seem surprising as I think it is fair to say that the Colony is now better off for water than ever before. But demand is rising rapidly and we cannot afford to rest on our laurels. The consumption in September was 20% higher than in September last year and on the 22nd of September 192.7 million gallons of water were used. At this rate demand will soon outstrip supply and it will not be possible to delay expenditure on waterworks projects.

Let me hasten to add, however, I fully support the view that in future years considerably greater effort must be given to the building of new roads and improving existing ones. In this connexion, and as mentioned by Your Excellency, a 5-year Road Construction and Improvement Programme has been drawn up which envisages an expenditure of some \$487 million, and I shall be pressing hard for its implementation. If, in the event, funds for the execution of this programme are not available from anticipated revenue, there appears

* Page 33.

[MR ROBSON] **Motion**

to be a good case for raising additional revenue by way of increased taxation on vehicles, drivers and fuel.

Mr SZETO also advised that when drawing up plans for our Urban Renewal Scheme*, the need for modern market facilities should not be forgotten and he suggested that Government should build markets combined with car parks*. The design of such buildings is not straight-forward, but I agree in principle that they would help to relieve both hawking and traffic problems. One of the major difficulties, however, is to find suitable sites which could be used for this purpose, bearing in mind that Government's policy is to construct multi-storey car parks only in commuter areas and my honourable Friend's proposal would therefore mean a change in that policy. If, however, the policy were changed, then combined market/car park buildings could be built in the Western District and would help the environment by removing both hawkers and parked vehicles from the streets.

They would also serve the same purpose in Sham Shui Po where my honourable Friend suggests suitable sites should be acquired for urban renewal. But the road and sub-division patterns in this area are much better than those in the Western District of Hong Kong which has many narrow streets and difficult building lots.

In 1967 the PWD carried out a study of Sham Shui Po which revealed that it would be necessary to acquire a considerable amount of property and re-house some 11,000 persons to achieve any significant improvement to the environment. Thus, while I agree that improvements should be made to the environment in Sham Shui Po, this will require considerable Government expenditure and staff effort and would be difficult to undertake at the present moment.

However, the new road which is to be constructed through the Yau Ma Tei Typhoon Shelter to link the southern part of Kowloon with the new Lai Chi Kok Bridge, will help to relieve the present congestion in the roads through Sham Shui Po and also in Nathan Road. This project is in the Public Works Programme and I hope that approval will shortly be given to the reclamation of a strip of land parallel to the Yau Ma Tei sea-wall, which is required for the road construction.

Whilst on the subject of traffic congestion, Mr SZETO has also urged early action to remove the railway terminus[†] to its new site at Hung Hom. Recommendations for the development of this site are under consideration and in the meantime certain railway re-provisioning works have already been carried out at Hung Hom. The main work

* Page 34.

† Page 33.

could commence within three months of Public Works Sub-Committee's approval of the facilities which are to be provided over the terminus area, and the voting of funds.

I am sure that all the departments involved in the planning of Government housing estates share Mr Q. W. LEE'S view* that at present the less central estates are somewhat lacking in community facilities and amenities. For the last 10 years the need has been to house people and in the drive to achieve this it has been necessary to concentrate on the provision of the essentials at a lower standard of community facilities than is desirable in the long term. But this does not mean, in the planning of these areas, that the next stage of expanding the scale and scope of the community facilities was forgotten.

Using the same illustrations as my honourable Friend, at Sau Mau Ping there are 12 estate schools and with the further school which is to be built, these are sufficient to cater for the primary school requirements of the planned population of 130,000. Secondary schools are not, at present, built as part of Resettlement Estates, but in the area east of Clear Water Bay Road there are now 3 secondary schools. A fourth is under construction and a fifth is in Category C of the Public Works Programme. In addition, there are no less than 33 sites reserved for primary and secondary schools. This is more than sufficient for the future population of the area and I am sure that the Director of Education and the many private bodies in Hong Kong, who take such an interest in Education, can be relied upon to ensure that in future secondary schools are built in pace with the rise of population.

With regard to the provision of clinics I am glad to assure my honourable Friend that the problem has been kept under constant review. Besides the Royal Hong Kong Jockey Club Clinic at Kwun Tong, which has facilities for out patients, minor casualty, child health and maternity services, there are, within the housing estates, no less than 7 Welfare Clinics and 14 Low Cost Clinics. Low Cost Clinics are run by private doctors in the ground floor of domestic blocks while Welfare Clinics are generally located in the Estate Welfare Centres and let at a peppercorn rent for operation by voluntary agencies.

There is also a site for a hospital at Kwun Tong and I am informed by the Honourable Director of Medical and Health Services that negotiations are now in hand with the Hong Kong Christian Council for the erection of the United Christian Hospital.

The Resettlement Estate Welfare Centres which are now built on the scale of one centre for every 50,000 persons, also provide

* Page 55.

[MR ROBSON] **Motion**

accommodation for meeting rooms, libraries, nursery schools, and information centres for the various agencies engaged in relief and welfare work.

But in addition to the primary schools, nursery schools, clinics, libraries, etc., we also provide in Resettlement Estates: —

- | | |
|---|--|
| restaurants | —as separate buildings—to the scale of 1:16,000 people; |
| kindergartens | —in the ends of domestic blocks—to the scale of one 6-classroom unit to 16,200 people; |
| post offices and banks | —linked to Estate Administration Offices; |
| sub-fire stations and ambulance centres | —the first one is being converted from ground floor accommodation at the Shek Yam Low Cost Housing Estate; |
| recreation space within estates | —at the rate of 0.15 acres per 1,000 people. So far 110 acres have been provided and in the Kwun Tong area plans are also in hand for a fairly large rest garden on the hillside at Ham Tin. |

Other amenities and public services are provided on a regional rather than on an estate basis. In the Kwun Tong area, for instance, there are now 2 markets and 9 sites reserved for future markets. One community centre exists at Tsui Ping Road, another in Lei Yue Mun Road and a further 3 sites are reserved. A swimming pool is under construction and, but for the failure of the Goodman Corporation, would by now have been completed. Further pools could be provided in either the present 23 acres of public open space or the further 157 acres which have been reserved for this purpose, and I would like to see many more swimming pools built.

Police stations are also provided on a regional basis and the one at Kwai Chung mentioned by my honourable Friend is a Divisional Police Station which would serve a population of 200,000 to 500,000. This project is in Category B of the Public Works Programme and it could, if necessary, be built before the end of 1973, although this may be in advance of the build up of population and the requirements of the Police Department.

From what I have said it will be appreciated that the development of Government housing estates involves the joint effort of many Government departments. Co-ordination is achieved by monthly

meetings of an inter-departmental committee which considers Resettlement and Low Cost Housing programmes and progress. Sketch plans for estates are also circulated to all the Government departments involved, and to the public utility companies.

Key members of the Committee are also members of the Housing Board and provide the link by which the Board can keep under review the success, or failure, of the overall housing policy. I do not think therefore that the Board needs any more strength, and I believe that boards and committees kept as compact as possible are more efficient. The Board has of course authority to co-opt members and does so whenever special problems arise.

My honourable Friend, Mrs LI, stressed the need to keep under review the location of Government built housing estates, the ancillary services to be provided and the rules under which flats are allocated. This is certainly a most important aspect of our housing work and one that also comes within the purview of the Housing Board.

The Board's latest report, which will shortly be circulated to honourable Members for information, as well as an interim report submitted in August, makes a number of important observations and comments on these aspects of housing policy. I can therefore reassure my honourable Friend that she may expect to hear more about this subject in the next few months.

In the meantime I am sure Mrs LI will be pleased to learn that in the new Mark VI Resettlement Blocks 27% of the flats are designed to accommodate 3 adults at 35 sq ft per adult, and the largest flats, of which there are only 18%, are designed for a maximum of 7 adults.

A recent analysis of the construction costs of resettlement estates reveals that the basic cost per flat for toilets, balconies, corridors, lifts, etc. is \$2,970 and thereafter the living floor area per adult costs only \$148 per unit of 35 sq ft. There is therefore little incentive to provide smaller than 3-persons flats especially if the rules governing allocation are relaxed somewhat.

In the case of Government Low Cost Housing Estates the Housing Authority now accepts applications from any family of four for the allocation of 5-unit flats. In other words, children under 10 are considered as adults and this I think is the approach recommended by Mrs LI for all Government housing.

Sir, my honourable Friend Mr BROWNE advised that Government should occasionally blow its own trumpet but I hope it is not thought that I have been selected as Chief Soloist. I am no musician and would rather keep my breath for the ever expanding public works programme which the 1970s must bring.

Sir, I have pleasure in supporting the motion before Council.

Motion

MR T. D. SORBY: —Sir, in your address^{*}, you mentioned the vigour and surge of the economy during the last decade. The wave is once again moving forward and it seems to me more strongly than ten years ago, and better able to stand up to destructive cross-currents.

My honourable Friend Dr CHUNG drew attention to things we might be doing now, nevertheless, against the day when the flood slackens.

He specifically mentioned the need to ensure that conditions and environment remain attractive to industrial investors[†], indeed more attractive than in competing countries. The Government does much to make a basically hostile physical environment attractive for industry, and I believe that for the most part, and certainly in all major matters, we have got most of our economic infrastructural priorities right in content, extent, and time, and correctly related to what we can reasonably afford. There may be a few rough edges and some unevenness, but they are surely part of the price we pay for rapid growth overall.

I do not myself think with Dr CHUNG that the creation of an Industrial Development Board with wider representation both of Government departments and from outside the Government than is at present found in the Trade and Industry Advisory Board is necessarily the right approach to better co-ordination of policies which bear on the development of industry. Sometimes there are failures of co-ordination, but they occur much less frequently than they used to. My department can reasonably claim to have a good understanding of the legitimate aspirations of industry; and we are not slow to represent them to other departments when the need arises. On all matters of importance affecting industry on which we are consulted, I take advice either formally through the Trade and Industry Advisory Board, or informally through a wide variety of channels.

In the majority of matters that I feel necessary to refer to the Trade and Industry Advisory Board, the interests of industry and external trade are almost inextricably intermixed. I see no indication of any widespread change from this position. And no particular benefit, but much unnecessary duplication and risk of delay, if there were to be separate boards appointed by Your Excellency to advise me on matters affecting industry and trade.

If Government felt that because of changed circumstances there was a case for deeper intervention or interference with, or control of, manufacturing industry, the situation might be different. But it does not. We do not think there is a need to be seriously troubled about our competitors seizing our markets overseas on the back of

^{*} Page 3.

[†] Page 16.

protected domestic markets or special inducements to encourage import substitution or manufacture for export, any more than that Japan should be unduly concerned by competition from Hong Kong. If our competitors prosper, by and large we prosper with them, and—in absolute terms—to a greater extent, provided we retain our own dynamism. Surely that is the lesson of the last five years in Asia.

That is not to say that we should be complacent, and anything we can do to improve internal co-ordination of effort between those Government departments or external agencies concerned with industrial development could be valuable. We are working now on one aspect of this with particular reference to handling potential investors from overseas.

My honourable Friend coupled with his proposal to have separate boards for trade and industry a suggestion that the industry board should have a wider frame of reference. I agree that—with the important exception of this Council—there is no established forum on which Government representatives are present officially whose terms of reference would permit discussion of matters affecting industry "not in isolation but together in their totality", to quote my honourable Friend's words. In this context, Dr CHUNG mentioned specifically industrial land policy, industrial training policy, technical education facilities, industrial infrastructure, manpower development. But where do we stop? What about wages, company law, incidence and effect of taxation, and of course external commercial policy? I cannot see any forum of the nature my honourable Friend has in mind as being other than an alternative to this Council, but with a slightly more restricted approach. If there is to be discussion of matters touching industry in the broadest sense, surely the occasion could and should be the debate on the economy which it was suggested, when the new Standing Orders were introduced, should be associated with the presentation of the annual Estimates.

Your Excellency, I should like to make one further point before I sit down. From time to time, events bring home very forcefully how dependent we are on international trade and on the climate of opinion as to rules and regulations in which it is conventionally conducted. This is one of these occasions. The Cotton Textiles Committee of the GATT began a fairly routine annual deliberation this morning, in Geneva. It is expected to conclude its business on Friday. We are represented there by my deputy and Hong Kong's permanent representative in Geneva, as part of the British delegation; but we are also there, in our own right, as the single non-metropolitan territory which is a contracting party to the international Cotton Textiles Arrangement.

This meeting in Geneva is unlikely to produce any decisions of importance to Hong Kong, although it is the last annual review before

[MR SORBY] **Motion**

the Arrangement expires at the end of September 1970. Its business is more likely to be adjourned. Nonetheless the Cotton Textiles Committee meets at a time when a number of policy decisions, the nature of which can be determined with fair exactitude, will have to be taken in the foreseeable future by participating Governments, and there will be much probing of positions.

Ten years ago, Hong Kong industry and commerce, when confronted with a similar event, would have been in the greatest turmoil; but not so this year. My deputy in Geneva has a precise but flexible brief, worked out in my department in conjunction with the Textiles Advisory Board of which I am, *ex officio* Chairman. This is a measure of the meeting of minds between officialdom and informed representatives of industry and commerce achieved over the years. It has not been achieved without casualties in the best sense on both sides; it is well worth preserving.

I take this opportunity of recording my appreciation of the work not only of the present Textiles Advisory Board but also of those past members who have from time to time stood down to permit a greater spread of informed opinion both within and outside the Board and in other more senior councils.

Sir, I support the motion.

MR R. M. HETHERINGTON: —Sir, I was heartened by the general support which my Unofficial Colleagues gave in their speeches to the programme of labour legislation which you hoped would be ready for consideration by this Council in the coming session. I was particularly encouraged by the confidence expressed by my honourable Friend, Dr CHUNG, that all progressive employers are aware of their responsibilities and will support appropriate legislation to ensure that labour continues to receive a fair portion of our industrial and economic success. I have already given a formal notice of my intention to introduce in to this Council an important amending bill concerned with workmen's compensation and this should come before honourable Members later this month. Good progress has been made with other bills. In view of her remarks about young people working in shops, restaurants, and other trades and as apprentices I feel assured of the support of my honourable Friend, Mrs LI, for proposals under consideration for the extension of rest days, holidays with pay, and sickness allowances to employees in the non-industrial sector and for the better protection of apprentices. I also hope that she will support a bill in preparation which will protect a woman from losing her employment solely on account of absence from work before and after childbirth.

Several Members raised the subject of the better protection of wages of workers. An important step in this field was taken only twelve months ago when the Employment Ordinance* was enacted. In recent months it has become clear that the protection afforded by this Ordinance and other Ordinances concerned with bankruptcy and like matters requires strengthening. We are examining a number of proposals to this end. These do not include the suggestion by my honourable Friend, Mr FUNG, to introduce a Government-operated scheme† to insure against non-payment of wages. We must not lose our sense of proportion about this subject. I offer a rough and, I suspect, very conservative estimate of \$500 millions as the total amount paid out in wages each month. Only a minute fraction of this large sum remains unpaid when it becomes due and remedial measures must not create greater problems than they solve as I suspect Mr FUNG's suggestion would. Two cases—the Vanda case was not concerned with unpaid wages—stirred the conscience of the community in recent months; and rightly so because it is distressing to see workers deprived of their rightful earnings seeking redress in public. However, there are limits to the extent to which legislation can effectively protect the wages of workers because it is impossible to legislate against bad management. It is unlikely that the measures which we are now considering would have completely solved the problems of the workers in the two cases which I have mentioned because there was insufficient money immediately available to pay them. When speaking on the Employment Ordinance last year I said that "payment of wages regularly and in full as and when they become due is the hallmark of any good employer". It may be worth considering, in smaller and undercapitalized firms, the payment of wages at weekly intervals to ensure that liabilities do not accumulate and that workers receive their earnings more frequently.

Dr CHUNG refers to the progressive reduction of hours of employment for women and young persons in industry‡, to the continued endemic shortage of labour, and to the high rate of growth of our exports. While there has been a steady expansion in our industrial labour force it seems clear that, in these circumstances, there must also have been an encouraging increase in productivity to account for our successes. The Labour Department is well aware of the desirability of encouraging development in this field. My honourable Friend, Mr BROWNE, may not be aware that Mr LAO, senior officer of the department, and I are both members of the Hong Kong Productivity Council. Mr LAO also serves on its executive committee and takes an active part in its programme sub-committee which plans the training programmes of the Hong Kong Productivity Centre. It is the present

* 1969 Hansard, page 339.

† Page 23.

‡ Page 50.

[MR HETHERINGTON] **Motion**

practice for officers of the Labour Relations Service when visiting firms to emphasize the importance of productivity, a subject which we think is most suitable for discussion in the joint consultative committees which we have been fostering, with some success, in the last two years. We know that some of these committees have, in fact, effectively dealt with this subject.

Mrs LI appeals to industry to provide more training courses for young persons whereas Dr CHUNG seeks a review of Government's present policy regarding the training of craftsmen and technicians. As you remarked, Sir, there must be further advances in technical education, a complex field which requires much care and forethought. The Industrial Training Advisory Committee is tackling this immense and difficult problem and has now almost reached the final phase of its present work. Manpower surveys have been completed for all ten major industries and reports have been made on seven of them. I hope that the remaining three will be completed by about the end of this year. The committee will then be in a position to prepare its recommendations which are likely to have an important influence on all aspects of industrial training in the seventies.

Dr CHUNG raised the special problem of engineering craftsmen both in the budget debate in March* and in an adjournment debate at the beginning of April† in which I spoke. It remains the present policy of Government that training of craftsmen is a joint responsibility, with Government providing institutional training for certain common basic trades, and with industry giving training for all other trades either through apprenticeship schemes or by other systems of vocational training. It is within the terms of reference of the Industrial Training Advisory Committee to examine this policy and to recommend any modifications which may appear necessary. I can assure Dr CHUNG that his views will receive the fullest consideration by this committee. He also referred to the importance of industrial supervisors. The Labour Department established a new supervisory training section in the winter of 1958-59 offering courses for trainers and supervisors. Although an apparently encouraging number of supervisors attended the courses they were not as successful as we had hoped. The section was wound up a few years ago. It was our view at the time that many firms were paying merely lip-service to what was a currently fashionable form of training and that the benefits of the course were not being passed on when the trainee returned to his or her firm. I rather think that we were ahead of the times and that industry was not ready for the service offered. I believe that Dr CHUNG has something much more elaborate in mind than that which we offered ten years ago and

* 1969 Hansard, page 157.

† 1969 Hansard, page 235.

I am pleased with this revival of interest in the subject. I understand that those concerned may bring their ideas, appropriately, to the attention of the Industrial Training Advisory Committee.

My honourable Friend, Mr Wilfred WONG, asks for the establishment of labour exchanges*. We already have them under the different name of offices of the Local Employment Service and these, in the climate of an acuter labour shortage, are having much greater successes in bringing employers and workers together than ever before. In some cases we are unable to find candidates for jobs for which previously we had an excess of applicants.

Finally, Sir, the title of my department is widely used in similar forms elsewhere, including the International Labour Organization which operates as an agency of the United Nations, and is generally acceptable. I am not opposed to a more appropriate title but Dr CHUNG's suggestion that it should be called the Manpower Department is too restrictive. I deal with problems of manpower but this is the responsibility of only one out of the six divisions of the department.

Sir, I support the motion before Council.

3.38 p.m.

HIS EXCELLENCY THE PRESIDENT: —I think honourable Members might like a break at this point and I will suspend the sitting for 15 minutes until five minutes before four o'clock.

3.55 p.m.

HIS EXCELLENCY THE PRESIDENT: —Council will resume.

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAIT): —Sir, I had hoped, in the light of the annual debate on the Estimates, that I would have little part to play in this debate and that Council would concern itself with social and political rather than economic and financial matters. But, as indeed I suspected, it was a forlorn hope.

As usual, I have been much interested, and instructed, by the contributions to the debate of my honourable Friends, Mr Wilfred WONG and Dr CHUNG, the one imbued with political philosophy, the other with scientific management.

I am not surprised that my honourable Friend Mr WONG should quote Plato for I detect in his remarks a leaning towards a certain Platonic totalisarianism in his political economy. I am frankly rather dismayed by his raising the question of direction of labour* (in which he was supported by my honourable Friend Mr SZETO); such direction seems to me to be an evil in both political and economic terms. In

* Page 36.

[THE FINANCIAL SECRETARY] **Motion**

any case, I, for one, would not be able to identify an "undesirable development in employment structure". I suspect that my honourable Friend has in mind the fallacy that retail distribution is not productive in an economic sense. Any shift of labour from hawking to industry must come about, in my view, as a consequence of the ability and willingness of industry to offer sufficiently attractive terms of employment.

I must confess myself a little puzzled too, by the philosophical phrase he uses in connexion with rents—that is "rental increase rationalization"* . Rational rents are market rents, even if social considerations may sometimes require interference with market forces. But in any case I think he is not correct in his description of the present situation when he implies that the rents being paid at levels below \$500 per month have been rising rapidly. It is true that there have been substantial increases in some rents at higher levels, but there has been no significant movement at the lower end, due, no doubt, in part to the effect of public housing on demand at this level.

My honourable Friend DR CHUNG is an eminent and successful exponent of scientific management, both in the theoretical and in the practical fields; but I feel that his expertise in this field has led him into the fallacy of supposing that what is effective, and indeed necessary if we are to progress, in the narrower field of the individual firm has similar application in the broad field of the general economy; that is, in the modern jargon, in the field of macro—as well as micro—economics. I think this is a fallacy, particularly in Hong Kong, although I understand what causes it to arise. We cannot, I believe, afford to make the errors of universal effect which are the inevitable result of the "basic industrial planning" Dr CHUNG would like to see; we *can* afford the small-scale mistakes made by individual entrepreneurs; indeed, they are almost a condition of general advance. Looking back over the last twenty years or so it is remarkable how almost invariably our departures from reliance on market forces have ended in, if not disaster, at least unfortunate or embarrassing situations.

I am afraid that I cannot understand my honourable Friend's particular argument about who should pay for industrial training. He says, and I agree without qualification, that in our type of export economy, there should be no export subsidies; he goes on to say that in economics less dependent on exports it is in order that industry should pay for industrial training because it can pass on the cost to domestic consumers, but that in our type of export economy, not industry but, I presume, the taxpayer, should pay, because industry cannot pass the cost on to domestic consumers. I do not myself understand

* Page 37.

the logic of this, for I cannot see what difference there is between making domestic consumers and domestic taxpayers pay; nor do I see what is distinctive about the cost of industrial training, among all other industrial costs, that justifies making the taxpayer rather than the industrialist meet them; nor do I see how having these costs met by the taxpayer does not amount to an export subsidy in an export economy, but having other costs so met does. There are grounds, I would agree, for arguing that basic skills, like basic general education, should be provided at general public expense, but there are compelling grounds I believe for requiring industries to make a substantial contribution towards the teaching of the special skills they require. When my honourable Friend argues the contrary, I fear I cannot myself quite absolve him in this instance from the charge of advocating special interests to which he pleaded not guilty earlier in this debate.

I was glad to hear from my honourable Friend Mr BROWNE the view that we are still best off with out *laissez-faire* economy but I was not so happy to hear him, echoed in much the same words by my honourable Friend Mr SALMON, expressing concern at the "overheating" of our economy. It is misleading I think to apply to Hong Kong metaphors which may be appropriate to other economies. We are not suffering from "over-heating", for that implies an expansion of domestic credit and domestic demand in excess of current resources. Our recent expansion is still, and, I think, will largely remain, the effect of external demand, not of an artificial internal stimulation, even if that external demand reflects to some extent inflation in our overseas markets. And, while rapid expansion brings with it the need for rapid re-adjustments of the economy which may have uncomfortable, even injurious, effects on some individuals or some sectors, I do not think that we are well enough off to be able to afford a deliberate sacrifice of opportunities for progress in the cause of cushioning the transitions involved. Unlike Mr BROWNE, I prefer a 25% growth rate for exports to a 15% rate.

Of course, there are fiscal temptations in the idea that we should be taking steps to damp down the economy. Our main fiscal instrument for this would be a severe increase in taxation in order to raise substantial amounts of surplus revenue and sterilize spending power by remitting the surplus outside the Colony. An alternative, monetary, course, would be to force a reduction of banking lending by requiring banks to increase very substantially their percentage liquidity; this, too, might damp down activity by taking money out of the economy. But let me hasten to say, I would not advocate, but would rather strenuously oppose, any such proposition as I am sure my honourable Friends will too. I do not think that we are clever enough to know what rate of expansion of the economy would be "right", to use a question-begging term, or to regulate it at that rate.

[THE FINANCIAL SECRETARY] **Motion**

One phenomenon of our expansion which seems to worry people is one which I am happy to see—the increase in wages—not only because I am happy to see greater rewards going to labour from our prosperity, but also because it shows that we are no longer under-selling ourselves abroad to the extent we may have been in the past. Our terms of trade have been improving substantially in recent years. It has been a part of our basic economic strategy to achieve this by fostering the employment of our resources at fullest possible stretch. I do not share the often-expressed concern that increasing wages may price us out of markets and let our rivals in. In our type of economy wages rise in general, no further and no faster than our competitive position allows; they do not rise independently of it. We do not need to achieve greater productivity because wages have risen; or rather wages are rising partly because we are achieving greater productivity. I am afraid in this field, too, there is a tendency to look on our experience in terms of experience elsewhere, whereas circumstances are entirely different and there is no analogy.

My honourable Friend Mr SALMON has spoken of the plans for a container terminal*, has chastized us for delay and has attempted to disarm a possible rejoinder that delay has been the responsibility of the shipping lines. I do not feel that I have been disarmed. It is, I think, a little disingenuous to suggest that we should have provided special facilities, at a cost of \$100 million and upwards, before the shipping companies had made up their minds whether or not they were going to build container ships for our routes or, as important, what type of container ship. This is not basically a chicken and egg situation as he suggests; we might indeed have laid a most sterile egg. Expensive mistakes have been made elsewhere by undue precipitancy. It took, in fact, a very long time for the lines to make up their minds. Actual developments are about two years behind those forecast in the first Container Committee Report of 1966. Furthermore, if we had proceeded then we might have built inadequate 800 ft long berths compared with the 1,000 ft berths required now that lines have made up their minds—possibly a good example of the desirability Your Excellency mentioned of taking decisions not as early as possible, but at the last practicable moment.

Comparisons with other ports are not I think appropriate. I have already remarked that expensive mistakes have been made elsewhere; while in Singapore, for example, additional wharves are required in any case and it is relatively simple to adapt these for ordinary use if containerization does not meet expectations. Elsewhere it has often been possible to adapt existing wharves at relatively small expense. The

* Page 58.

best, possibly only, site available to us presents difficulties and involves costs much greater than elsewhere.

We are, as Your Excellency said, now considering how the Kwai Chung scheme should be implemented in the light of the engineering report to which my honourable Friend referred with approbation. But one thing about the situation worries me. Hong Kong has always been a private enterprise port; indeed, in 1946 a proposal to set up a Port Trust was decisively turned down*. But now it appears that everyone looks to Government to play a major role, both organizationally and financially, in the setting up of a Container Terminal. Mr SALMON himself implied as much. Is private enterprise, then, opting out of the port? Is Government going to have to involve itself more directly in sea transport as it has had to in air transport? I should be sorry myself if this were so.

My honourable Friend Mr FUNG has referred to the practice of the power companies in requiring some property-owners to make space available for transformers, which may then be used to supply neighbouring property as well as their own. Let me make one thing clear at once. My honourable Friend has implied that the companies do this to their own profit at the expense of the proprietor. This is not so, at least not since the companies' profits were subject to control. Like other costs, the costs of compensating proprietors, if that were done, would be borne in the last resort by the consumer, one way or another. The question of siting transformers is really one of equity between consumers. We have been conscious of this problem for many years and have done research into the situation elsewhere. I am afraid that it is an intractable problem which no-one has anywhere been able to solve on a satisfactory basis; nor have we produced any new ideas ourselves. In respect of equity, however, I think it can be argued that the situation has improved in recent years by the fact that individual properties on which the companies require transformers to be sited tend now to be larger so that a higher proportion of the supply is generally consumed on the premises. The Electricity Supply Commission to which my honourable Friend referred, endorsed the present practice of the companies but we shall continue to look for solutions.

Sir, I support the motion.

THE SECRETARY FOR HOME AFFAIRS (MR D. R. HOLMES): —Sir, I would like to make some very brief remarks in response to my Friend the Honourable Ellen LI's comments on the Marriage Reform Bill[†].

* 1946 Hansard, pages 246-7.

† Page 41.

[THE SECRETARY FOR HOME AFFAIRS] **Motion**

I share the honourable Member's satisfaction that the way seems at last to be almost clear to proceed with these long-needed reforms, and I do fully agree that the time has come to prepare to set up the practical machinery that will be required. The need for additional registries is accepted and the Registrar General has this matter under consideration; there are other practical matters also affecting a number of departments which are now under examination.

I must say, however, that I had not thought that the new legislation would lead, as Mrs LI predicts, to "many family disputes arising out of this bill"*, nor, so far as I know, has it until now been suggested that new judicial machinery would be needed to deal with such matters, since the bill is largely concerned with one aspect only of the marriage relationship, namely the validity of the marriage. The bill does provide that, if a dispute as to the validity of a marriage arises in the course of post-registration procedure, the District Court may hear and determine the matter.

What I propose, Sir, is to discuss these matters in detail with the honourable Member with a view to ascertaining whether there are points we have so far overlooked in our efforts to foresee the practical problems and requirements which will arise if and when this bill becomes law.

Sir, I support the motion.

THE ATTORNEY GENERAL (MR D. T. E. ROBERTS): —Sir, as you know there has been a substantial amount of comment on, and some criticism of, the Multi-storey Building (Owners Incorporation) Bill[†], which was published in June and which was referred to by my honourable Friend, Mr WONG. In particular, some detailed, helpful and pertinent suggestions have been made on the bill by the Law Society of Hong Kong, the Royal Institution of Chartered Surveyors, residents' associations and a number of companies which are concerned in the construction and management of residential blocks.

Generally speaking, the majority of those who have commented were in favour of giving it a chance and of modifying it, if necessary, in the light of practical experience, though reservations have been expressed on some of its aspects.

It is hoped that the bill, amended so far as this is considered desirable in the light of the comments received, may be ready to present to Executive Council by the end of the year, by which time the other

* Page 41.

† Page 39.

bills referred to by the Honourable Mr WONG should also have been submitted to that Council.

I assume from the general sense of the Honourable Mrs LI's remarks on the subject, though she does not directly say so, that she is proposing that there should be further legislation designed to eliminate prostitution*, rather than to accept its existence and regulate it.

Of course, we already do have laws which seek to obstruct and punish those who organize and profit from prostitution. While it is true that bars, boarding houses, bath houses and soft drink shops can be used for the purposes of prostitution, this reproach cannot fairly be levelled against all of these establishments and consequently, legislation must not be such as to place unreasonable restrictions upon those owners who discourage the use of their premises for immoral purposes.

Therefore, we should, I suggest, be reluctant to impose new controls and restrictions, unless we are satisfied that they will not unduly interfere with legitimate business and that existing laws are inadequate.

It can well be argued that our present legislation is sufficient, if it is possible to enforce it effectively, a task which is never simple when the law is attempting to prevent an activity for which there is a not inconsiderable demand. We can, I think, reasonably claim that prostitutes have largely disappeared from our streets, which is not the case in many big cities of the world, and that, to this extent at least, we have had achieved some success in meeting the problem.

The Honourable Mr FUNG, the Honourable Mr TZE and the Honourable Mr WONG referred to different aspects of crime† and its discouragement and punishment.

It is, unhappily, true that in recent years the total number of cases of serious crime, and particularly of robbery, has substantially increased, but so has our population, and the number of serious crimes per capita is in fact less than it was 20 years ago. Furthermore, the crime rate in Hong Kong for the size of its population remains one of the lowest in the world.

In this enviable situation, no doubt the prime reason is the essential honesty and decency of the inhabitants of the Colony. But, however, it should also be remembered that one of the major factors in preventing crime is a high degree of likelihood of being caught; and the Royal Hong Kong Police have a rate of detection of serious crimes

* Page 44.

† Pages 22, 25 and 38.

[THE ATTORNEY GENERAL] **Motion**

which is matched in few countries, a rate which it has been able to maintain in spite of the ever increasing calls on its energies and resources.

Nevertheless, the number of robberies does cause concern and special efforts are being taken to deal with them, including the taking of some of the worst cases to the Supreme Court for trial. One honourable Member suggested that corporal punishment should be used more widely. Very few of such sentences have been imposed by the courts for some time and this may be due in part to a defect in the Corporal Punishment Ordinance, which will be remedied if honourable Members support a bill for the purpose which will shortly be put before Executive Council for approval before submission to this Council.

The Honourable Mr FUNG asks whether the police force is losing the initiative in the fight against crime. I can assure him that the police do not think so, that the Government does not think so and that such statistics as are available strongly suggest that the police remain, as they have been for many years, able to deal with great competence with the level of crime with which we are faced.

Honourable Members have referred to the need to impose such punishments as will discourage crime, and particularly crimes of violence. Of course, the courts are not subject to any outside dictation as to the sentences they impose, though they are prepared to consider and take into account evidence as to the prevalence of any offence, as a factor in determining the appropriate punishment for a particular offender.

Sometimes sentences appear to be unreasonably low but it must be remembered that judges and magistrates are imposing sentences daily and possess greater experience of this difficult task than anyone else. And it should be borne in mind that the critic is often unaware of some of the factors which influenced the court when it was deciding the appropriate penalty.

Allowance also has to be made for variation between the opinions of judges and magistrates as to the gravity of an offence. Sometimes this disparity can produce an undesirable element of uncertainty as to the way in which offenders will be dealt with in different courts. If at any time such a disparity becomes too marked, then it would be possible, if honourable Members were in favour of such a course, to introduce legislation empowering the Crown to ask the Supreme Court to review the sentence imposed in any particular case.

Sir, I support the motion.

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER): —Sir, it is the duty of the Member winding up this debate for the Government to glean behind his Colleagues and, to change the metaphor, to field any of the loose balls which have been struck in the direction of no particular one of them. If for that reason what I have to say will appear somewhat disjointed, I crave the indulgence of yourself and honourable Members.

Let us suitably enough first deal with youth.

My honourable Friend Mr FUNG Hon-chu has advocated a Department of Youth*.

I agree that the problem of youth all over the world presents special difficulties, and I am aware too that special problems are posed in Hong Kong by the high proportion of our population which is of tender years. But the same can be said of many other subdivisions of our population and I just do not think that it is possible to provide services on the basis of population groups rather than on a functional basis. Indeed to do so in my opinion would result not in a better service for youth but in hopeless administrative confusion with the efforts of one department cutting across and perhaps often frustrating the planning and execution of another.

The subject of youth was well ventilated in the Budget Session in March 1968 and at that time my predecessor said that Government was examining something less elaborate than a separate department to improve the co-ordination of the various policies which impings upon the lives and development of young people[†].

I agree entirely that the efforts of all departments dealing with youth do require co-ordination, and that has been provided by a re-organization within the Colonial Secretariat and the creation of the Social Services Branch. As the then acting Colonial Secretary said in February that Branch is charged to pay special attention to the problems of youth and to ensure co-ordination between the executive departments principally involved[‡]. It is a little early to say whether the degree of co-ordination thus provided is sufficient, but the indications that are available to me are that it is. There has been an acceleration in the growth of youth activities and I have seen few examples of wire crossing.

The same honourable Member has also inquired*, rhetorically I hope, what is the cause of the increase in violence perpetrated by young people. This is a subject on which volumes have been written, but no consensus of opinion has emerged. It is of course a development

* Page 22.

† 1968 Hansard, page 222.

‡ 1969 Hansard, page 45.

[THE COLONIAL SECRETARY] **Motion**

not confined to Hong Kong and though it has of recent years received world wide attention, neither cause nor prophylactic nor cure of general application have been satisfactorily defined. Of one thing I am certain however—that the policy must be to channel the energy and initiative of youth for which I have unbounded admiration along more rewarding paths. This is course more easily said than done. It is undoubtedly rewarding to attend summer camps, but in another sense you have to admit it is also rewarding to work overtime as a bar boy or to steal old ladies handbags. It is for the Government in close liaison with the voluntary agencies to provide so far as resources permit the opportunities for recreation and the use of leisure; and by educational and economic advance to work towards a position where the temptations to violent attainment of one's ends are lessened. To put it less pompously I would much rather see two boys knocking hell out of each other with boxing gloves in a properly equipped gymnasium than doing the same thing with broken bottles in a back yard.

I cannot accept without many reservations the Honourable Mr TSE's suggestion* that in departments dealing with public utilities, communications and sanitation the Government should rigidly adhere to the age of retirement in order to provide vacancies for young people. In such matters the first consideration must be the interests of the community as a whole. It is at least questionable whether it is better to have unemployed old, who perhaps have only one skill, to unemployed young who have yet time to acquire various skills. In any case in present circumstances there is no reason why anybody should go jobless.

To turn to shipping. My honourable Friend Mr SALMON has proposed† that ships should be cleared at their berths rather than at special anchorages and secondly that there should be a 24 hour service for clearing ships using the western approaches. My honourable Friend is a member of the Port Committee and knows that these are intricate matters and that both suggestions would require considerable re-organization and expenditure in four different departments—Marine, Immigration, Health and Preventive Service. At the moment the position is on the western approaches that in the last six months only 172 ships out of some 3,000 have used this method of access. However in general terms I can give an assurance to the honourable Member that the Government is well aware of impending changes in traffic patterns; that these changes will require modification in the clearing arrangements at present in force; and that when the time

* Page 27.

† Page 58.

comes the Government will move swiftly to ensure that the Port's excellent record for fast efficient handling of ships is maintained.

In the field of higher education my honourable Friend Mrs Li has advocated more opportunities for higher education* through part time degrees and external degrees. There is of course a distinction here. In the case of part time degrees the awarding University provides instruction by way of evening or afternoon classes; for external degrees the awarding University acts as an examining authority only, and the instruction is provided privately or by another institution.

In Hong Kong a number of private candidates already offer themselves each year for the external degrees of the University of London, and facilities for the examinations are already provided locally.

I have I am afraid no evidence that these facilities are insufficient.

I understand that some preliminary thought is being given within the Universities here and by the University Grants Committee to the availability of part time degree courses. Indeed the University of Hong Kong prior to the recent establishment of the Law Department did offer part time courses leading to the London University LLB examinations. However it must be realized that part time courses have to be staffed and facilities such as libraries provided, and this is a matter of University, rather than of Government, policy.

We have heard a good deal about the Immigration Department during this debate. Complaints are received about most departments which directly serve the public, including the Immigration Department, and indeed it is almost an occupational hazard of such departments all over the world. I would here in parenthesis ask the Public that complaints are made in set terms, as soon as possible after the matter complained of has occurred, to the Head of Department or through the services of a City or New Territories District Office.

In its short life the volume of work undertaken by the Immigration Department has increased dramatically. For instance last year, quite apart from the issue of identity certificates, or from dealing with miscellaneous matters such as registration and naturalization, the department handled over four million personal movements. Even if it achieved a record of making a mistake only once in ten thousand times that would still mean more than one justifiable complaint a day. Mistakes do happen and one such mistake was recently made in respect of an honourable Member of this Council for which I express my regret, and will do so in more detail in person.

The very rapid expansion of the department's work has been matched by expansion in the numbers of staff, but it has outstripped

* Page 43.

[THE COLONIAL SECRETARY] **Motion**

the ability of the department to train the new intake as thoroughly as they would wish, and to obtain the requisite standard of candidate. The supervisory part of the department has been hard pressed indeed, and is well aware of problems and difficulties with which they have to deal. The short fact is that in keeping pace with the daily and legitimate demands of the public the staff just have not had time to give that attention to re-organization which they themselves would wish.

I have discussed his difficulties at length with the Director, and we have agreed that an experienced Administrative Officer should be seconded to the department for a period to assist in a re-organization exercise. Unfortunately the right man is not immediately available but as soon as possible he will be in position.

There is one specific immigration matter that I would also like to deal with now, namely the question of the controls imposed upon Commonwealth immigrants returning to Hong Kong after a trip to Macau.

When I spoke in this Council on 30th July 1969*, I said that it was the intention that the position of Commonwealth citizens already in the Colony should be safeguarded and I developed this further when I spoke on the 13th August†. I then said that visas would normally be made available to such persons for as liberal a period as is convenient within the regulations.

In practice the Director of Immigration, for reasons which he has fully explained in the press, imposed upon British and Commonwealth citizens who return from Macau an initial limitation of stay of three months, this being, however, a purely temporary measure pending subsequent clarification of their residential status, which it is not possible to establish satisfactorily in the press of business at the Macau wharf. Of those who have had this endorsement stamped in their passport on returning to the Colony from Macau 140 have since applied to the Immigration Department to regularize their residential status and none has had his application refused. It will be seen, therefore, that in no case has the position of any of these persons in fact been permanently prejudiced by these special arrangements.

Nevertheless the initial stamping of a three months limitation upon the passports has proved to be an irritating restriction and one which, in the light of experience of the workings of the new controls, the Director now considers he could safely dispense with. Accordingly, with effect from this morning, a Commonwealth citizen with residence

* 1969 Hansard, page 446.

† 1969 Hansard, page 497.

prior to the 8th September who returns from a visit to Macau with a passport containing no limitation of stay will not have any such limitation imposed.

I must however warn that if in practice this relaxation leads to abuses, the Director may be forced to re-impose the restriction.

I was most interested to hear what the Honourable Mr Woo and the Honourable Mr Wilfred WONG had to say on the subject of what we have come to describe, wrongly in my view, as an ombudsman*. Apart from the fact that this ugly word can only be transliterated in Cantonese so as to produce a ribald *double entendre*, its use I suggest only tends to confuse a fascinating but difficult issue. There have been so many Ombudsmen of so many different kinds and with so many entirely different functions that the use of the word veils the job in a quite unnecessary mystique. Until someone thinks of something better, and I hope they will, I, and I know you, Sir, prefer to refer to an Administrative Commissioner. As you have said Sir the matter needs a great deal more evaluation before we can make up our minds. I too was disappointed in the report by Justice, and though I think I still have an open mind, I found it difficult after reading the report to escape some feeling that if this were the best case that could be made for an Administrative Commissioner there was not perhaps as much in it as had been the general impression. I would perhaps like to leave a thought with honourable Members on this subject. Might not the existence of such an institution, which would inevitably come to have appellate flavour, serve to create rather than to close a gap between the Government and the governed?

This leads on naturally to what was said by the Honourable Q. W. LEE about the reception which only too often the public complain of in their dealings with Government departments, both physical in the sense of waiting rooms, or inconvenient counter arrangements and so forth, and personal.

SHAKESPEARE put it far better than I can do when he referred to

The oppressor's wrong, the proud man's contumely,

* * * *

The insolence of office, and the spurns

That patient merit of the unworthy takes[†],

Sounds as though he just had his passport chopped. (*Laughter*)

Students of Hamlet will notice that I have omitted a line

The pangs of despised love, the law's delay[‡],

* Pages 28 and 39.

† Hamlet III, i. 71, 73 & 74.

‡ Ibid 72.

[THE COLONIAL SECRETARY] **Motion**

for these are things which do not fall within my sphere, and which incidentally I may remind you an Ombudsman could do nothing about. But the insolence of office is something which where we find it we must do our best to root out. One elaborate exercise has already been carried out this year with the help of University students which has resulted in many improvements and which with the willing co-operation of all departments has been in my opinion very successful. Another such exercise will be mounted soon.

But having said so much, and knowing I can rely on the vast majority of the civil service to see that the needs of the public are dealt with expeditiously, patiently and courteously, I would having seen all departments in action remind the public that they too are sometimes exigent, sometimes impatient and sometimes brusque.

Finally Sir I would thank honourable Unofficial Members for their general support of Government policies, and for their general endorsement that we are on the right lines. I am equally grateful for the criticisms and the constructive suggestions that have been made in the course of this debate. I and my Colleagues have been able to indicate whether suggestions can be adopted, whether they require in our view further looking at, and in one or two cases—very few I am glad to say—why we do not feel that they should be pursued further.

I am also grateful to my Official Colleagues for the concision, brevity and completeness of their speeches, an example which I fear I have not followed myself.

I hope, Sir, that this session of this Council which this debate has inaugurated will see real achievement. I have every confidence that this will be the case.

Sir, I beg to move.

Question put and agreed to.

OFFENCES AGAINST THE PERSON (AMENDMENT) (NO 2) BILL 1969

FIRE SERVICES (AMENDMENT) BILL 1969

SUPPLEMENTARY APPROPRIATION (1968-69) BILL 1969

Bills read the first time and ordered to be set down for second reading pursuant to Standing Order No 41(3).

**OFFENCES AGAINST THE PERSON (AMENDMENT)
(NO 2) BILL 1969**

THE ATTORNEY GENERAL (MR D. T. E. ROBERTS) moved the second reading of: —"A bill to amend the Offences against the Person Ordinance to give effect to the Convention on the Prevention and Punishment of the Crime of Genocide."

He said: —Sir, in 1948, strongly influenced no doubt by the terrible fate of the Jewish people during the Second World War, the United Nations General Assembly adopted a Convention on Genocide, which was later submitted to members of United Nations for ratification.

In 1966 the Secretary of State asked the Hong Kong Government whether it was willing to accept the extension of the Genocide Convention to Hong Kong when it was acceded to by the United Kingdom Government. The Governor, after consulting the Executive Council, informed the Secretary of State that the government had no objection to the Convention being extended to Hong Kong.

The Genocide Bill 1969, which gives effect to this Genocide Convention in the United Kingdom, was passed into law in March of this year, and the Secretary of State has asked that similar steps should be taken to make the crime of genocide an offence in the Colony, before the Convention becomes applicable to Hong Kong early in 1970.

Clause 2 of the bill before honourable Members therefore seeks to insert the Offences against the Person Ordinance a new section making the offence of genocide punishable by life imprisonment if it consists of the killing of a person and by 14 years' imprisonment if committed in any of its other forms.

Clause 3 of the bill adds a new Schedule to the Ordinance containing a definition of genocide and this consists of the doing any of the kinds of act listed in the five paragraphs in the Schedule, if done with intent to destroy, in whole or in part, any national, ethnical or racial group and also in religious group.

The effect of clause 4 of this bill is to make the offence of genocide punishable only in the Supreme Court on indictment.

I am sure that honourable Members will agree that genocide is an appalling crime and that it is appropriate that our law should contain a provision to deal with it. Nevertheless, I hope and believe that we shall never need to use it in Hong Kong.

Sir, I beg to move.

Question put and agreed to.

Bill read the second time.

Offences against the Person (Amendment) (No 2) Bill—second reading

Bill committed to a committee of the whole Council pursuant to Standing Order No 43(1).

Explanatory Memorandum

This Bill gives effect in Hong Kong to the Convention on Genocide which was approved by the General Assembly of the United Nations on 9th December 1948. Since Her Majesty's Government has acceded to this Convention, it is considered that the relevant provisions should be written into the law of Hong Kong. The Bill makes provision for the crime of genocide in substantially the same terms as have recently been enacted in the United Kingdom by the Genocide Act 1969.

2. Clause 2 makes genocide, as defined in Article II of the Convention, an offence against Hong Kong law and provides for its trial and punishment.

3. Clause 3 adds as a Schedule to the Offences against the Person Ordinance the definition of genocide contained in Article II of the Convention.

4. Clause 4 makes a consequential amendment to the Magistrates Ordinance as a result of which only the Supreme Court will have jurisdiction to try any offence of genocide.

FIRE SERVICES (AMENDMENT) BILL 1969

THE ATTORNEY GENERAL (MR ROBERTS) moved the second reading of: —"A bill to amend the Fire Services Ordinance."

He said: —Sir, this bill makes a number of amendments to the principal Ordinance which are designed to enable the Fire Services to deal more efficiently with fire hazards.

Clause 2 of the bill broadens the definition of "fire hazard" in two respects. Firstly, it provides that any fire service installation or equipment which is not in efficient working order shall constitute such a hazard. At present, it is only a hazard to fail to maintain fire installations provided in buildings constructed after the date of the commencement of the Buildings Ordinance, that is to say, the 7th February 1964.

Secondly, by clause 2(b) of the bill, inadequate means of egress from any premises in a building to street level outside the building will constitute a fire hazard. Obviously the escape of persons from

premises in the event of fire is much more difficult if a proper exit from premises is not provided.

The object of clause 3 of the bill is to provide a new machinery for the summary abatement of dangerous fire hazards in certain limited circumstances.

At present section 9 of the principal Ordinance provides that the Director of Fire Services, if he is satisfied of the existence of a fire hazard, may serve on the person responsible a fire hazard abatement notice, requiring him to take such steps as are necessary to abate the risk. If the person served with a notice fails to comply, then the Director may apply to a court for a fire hazard order requiring a person to comply with the fire abatement notice which has earlier been served.

Unfortunately, this procedure can take a considerable time, during which a substantial risk to life and property may continue to exist, on the premises the proposed new subsection (3A), therefore, which is included in clause 3(b) of the bill, proposes to confer power on the Director, where a fire hazard abatement notice is not complied with, to take such steps as are necessary to abate the fire hazard if he is satisfied that it constitutes an immediate and substantial danger of fire or is likely, if fire breaks out, to increase substantially the normal risk to life.

It is intended that this summary procedure should be used only in cases which require immediate action or where the need to serve a very large number of notices on co-owners in a multi-storey building would take so long that it would be dangerous to wait for the normal longer process to be completed.

The purpose of the proposed new subsection (3B) which is on page 2 of the bill is to ensure that summary action to abate a fire hazard under subsection (3A) may be taken only on the personal authority of the Director, the Deputy Director or one of the three Chief Fire Officers.

At present a fire hazard order which consists of a closing order can only be made so as to prohibit the use of premises for human habitation or storage of goods. However, it is considered that other uses of premises may materially increase the risk of fire, and therefore clause 3(c) of the bill seeks to remove the existing limitations on the application of a closing order.

Clause 4 of the bill introduces a new section 9A of the principal Ordinance dealing with the recovery of expenses incurred by the Director in carrying out work undertaken by him under the new subsection (3A) of section 9 to abate a fire hazard. Such expenses will be recoverable as a debt due to the Crown in the District Court, but it is

Fire Services (Amendment) Bill—second reading*[Explanatory Memorandum]*

provided that it shall be a defence for a person against whom an action is brought to show that the fire hazard was not of such a kind that the Director was entitled to act as he did under section 9 or that the hazard was due to the act or omission of some other person. It is also specifically provided in this clause that nothing shall affect the right of any person against whom an action is brought to claim contribution, indemnity or damages from any other person who may be liable.

Sir, I beg to move.

Question proposed.

Motion made (pursuant to Standing Order No 30). That the debate on the second reading of the bill be adjourned—THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER).

Question put and agreed to.

Explanatory Memorandum

The Bill seeks to make several amendments of the Fire Services Ordinance.

2. Clause 2 seeks to broaden the definition of "fire hazard" in section 2 of the principal Ordinance in two aspects. Paragraph (d) of the existing definition relates to the presence in any building of any fire service installation or equipment which is provided in accordance with plans certified by the Director of Fire Services for the purposes of section 16 of the Buildings Ordinance (Chapter 123) and which, from lack of proper maintenance or for any other reason is not in efficient working order. As the amendment of the Buildings Ordinance revising section 16 of that Ordinance came into operation on the 7th February 1964 paragraph (d) has effect only in respect of fire installations provided in buildings constructed after that date. The proposed amendment of paragraph (d) of the definition of "fire hazard" seeks to apply that provision to fire installations provided in any building.

Experience has shown that if there is not provided adequate means of egress from any premises in a building to street level outside the building, escape from such premises in the event of a fire or other calamity is rendered more difficult and becomes a fire hazard. Clause 2(b) of the Bill seeks to broaden further the definition of "fire hazard" to bring such inadequate means of egress within its scope.

3. Clause 3 of the Bill seeks to amend extensively section 9 of the principal Ordinance, which provides for the abatement of fire hazards.

Paragraph (a) of clause 3 seeks to delete the proviso to paragraph (a) of subsection (1) of section 9 of the Ordinance and to insert a further paragraph (paragraph (c)) in that subsection. The purpose of these amendments is to enable the Director to serve by registered post a fire hazard abatement notice upon the person who created, or permitted to continue, the fire hazard to which the notice relates, the servant or agent of such person or the owner or occupier of the premises in which the fire hazard exists.

Paragraph (b) of clause 3 of the Bill seeks to insert in section 9 of the Ordinance, below subsection (3), two new subsections to enable the Director to cause a known fire hazard to be abated summarily if it is essential for him to do so to avoid loss of life in the event of fire breaking out in the premises in which the fire hazard is found to exist.

The proposed subclause (3A) empowers the Director to order that work be carried out to abate the fire hazard if a fire hazard abatement notice in respect of it has not been complied with and he is satisfied that the fire hazard constitutes an immediate and substantial danger of fire or is likely, in the event of fire breaking out in the premises, to increase substantially the normal risk to life which occurs in the event of a fire.

It is intended that this summary procedure for the abatement of a fire hazard should not be used in any case other than one of emergency requiring immediate action without any delay which may be incurred in summoning the person on whom the fire hazard abatement notice was served and obtaining a fire hazard abatement order from a magistrate under subsection (4) of section 9. To ensure this, the only persons who are authorized to order that action be taken under subclause (3A) are the Director of Fire Services, the Deputy Director of Fire Services or a Chief Fire Officer (subclause (3B)).

Under paragraph (c) of subsection (5) of section 9 of the principal Ordinance, a fire hazard abatement order may be a closing order only in respect of the use of the limited types of premises prescribed therein. Paragraph (c) of clause 3 of the Bill seeks to remove such limitations, as experience has shown that many and varied are the types of premises which may be used in such a way as to increase materially the likelihood of fire or other calamity. The effect of the proposed amendment is to broaden the discretion vested in a magistrate in making a fire hazard abatement order under subsection (4) of section 9 of the Ordinance. Paragraph (d) of clause 3 seeks to make an amendment of subsection (8) of

Fire Services (Amendment) Bill—second reading

[Explanatory Memorandum]

section 9 of the principal Ordinance consequential to the proposed amendment of subsection (5).

4. Clause 4 of the Bill seeks to add a section 9A after section 9 of the principal Ordinance. The new section provides for the recovery of expenses incurred by the Director in causing work to be carried out under subsection (3A) of section 9. It provides also for the defences open to any person against whom action is brought in the District Court to recover such expenses.

SUPPLEMENTARY APPROPRIATION (1968-69) BILL 1969

The Governor's recommendation called for, and signified by the Financial Secretary pursuant to Standing Order No 42(1).

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAIT) 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 1969.”

He said: —Sir, this bill seeks to give final legislative authority, so far as that is required, for the supplementary expenditure already authorized by Resolutions of this Council, in respect of the last financial year and is the final stage in disposing of expenditure incurred in that year.

The original estimates were given legislative form in the Appropriation (1968-69) Ordinance 1968, which authorized a specific sum under each Head of Expenditure. It is necessary to legislate further now in respect of those individual Heads of Expenditure where the net effect of supplementary provision, and of under-spending, if any, has resulted in an excess over the original sum authorized against these particular Heads in the Appropriation Ordinance. The total supplementary expenditure requiring this further authority is just over \$27.5 million under twenty-eight Heads. This is more than offset by savings of over \$119.9 million under other Heads.

Sir, I beg to move.

Question proposed.

Motion made (pursuant to Standing Order No 30). That the debate on the second reading of the bill be adjourned—THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER).

Question put and agreed to.

ADJOURNMENT

Council adjourned *pursuant to Standing Order No 8(5)*.

NEXT SITTING

HIS EXCELLENCY THE PRESIDENT: —Council will accordingly adjourn. The next sitting will be held on 22nd October 1969.

Adjourned accordingly at fifteen minutes before Five o'clock.