

**OFFICIAL REPORT OF PROCEEDINGS****Wednesday, 22nd July 1970****The Council met at half past Two o'clock**

[Mr PRESIDENT in the Chair]

**PRESENT**

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)  
SIR DAVID CLIVE CROSBIE TRENCH, GCMG, MC  
THE HONOURABLE THE COLONIAL SECRETARY (*Acting*)  
MR DAVID RONALD HOLMES, CMG, CBE, MC, ED, JP  
THE HONOURABLE THE ATTORNEY GENERAL (*Acting*)  
MR GRAHAM RUPERT SNEATH, QC, JP  
THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS (*Acting*)  
MR DENIS CAMPBELL BRAY, JP  
THE HONOURABLE THE FINANCIAL SECRETARY  
SIR JOHN JAMES COWPERTHWAIT, KBE, CMG, JP  
THE HONOURABLE ROBERT MARSHALL HETHERINGTON, DFC, JP  
COMMISSIONER OF LABOUR  
THE HONOURABLE JAMES JEAVONS ROBSON, JP  
DIRECTOR OF PUBLIC WORKS  
THE HONOURABLE JOHN CANNING, JP  
DIRECTOR OF EDUCATION  
DR THE HONOURABLE GERALD HUGH CHOA, JP  
DIRECTOR OF MEDICAL AND HEALTH SERVICES  
THE HONOURABLE ALASTAIR TREVOR CLARK, JP  
DIRECTOR OF URBAN SERVICES (*Acting*)  
THE HONOURABLE LAWRENCE EDWIN ARTHUR HOLT-KENTWELL, MBE, JP  
DIRECTOR OF SOCIAL WELFARE (*Acting*)  
THE HONOURABLE DAVID HAROLD JORDAN, MBE, JP  
DIRECTOR OF COMMERCE AND INDUSTRY (*Acting*)  
THE HONOURABLE KAN YUET-KEUNG, CBE, JP  
THE HONOURABLE WOO PAK-CHUEN, OBE, JP  
THE HONOURABLE SZETO WAI, OBE, JP  
THE HONOURABLE WILFRED WONG SIEN-BING, OBE, JP  
THE HONOURABLE ELLEN LI SHU-PUI, OBE, JP  
THE HONOURABLE WILSON WANG TZE-SAM, JP  
THE HONOURABLE HERBERT JOHN CHARLES BROWNE, JP  
DR THE HONOURABLE CHUNG SZE-YUEN, OBE, JP  
THE HONOURABLE LEE QUO-WEI, OBE, JP  
THE HONOURABLE OSWALD VICTOR CHEUNG, QC, JP  
THE HONOURABLE LO KWEE-SEONG, JP

**ABSENT**

THE HONOURABLE DONALD COLLIN CUMYN LUDDINGTON, JP  
DISTRICT COMMISSIONER, NEW TERRITORIES  
THE HONOURABLE GERALD MORDAUNT BROOME SALMON, JP  
THE HONOURABLE ANN TSE-KAI, OBE, JP

**IN ATTENDANCE**

THE DEPUTY CLERK OF COUNCILS  
MR RODERICK JOHN FRAMPTON

### Papers

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

<i>Subject</i>	<i>LN No</i>
Subsidiary Legislation: —	
Fixed Penalty (Traffic Contraventions) Ordinance 1970.	
Fixed Penalty (Traffic Contraventions) Regulations 1970 .....	93
Exemption of M.V. “WC. Van Horne” Official No 332503 Port of Registry—Hong Kong.	
Fixed Fire Smothering Arrangements in Cargo Spaces	99
Interpretation and General Clauses Ordinance.	
Specification of Public Office .....	100
District Court (Civil Jurisdiction and Procedure) Ordinance.	
District Court Civil Procedure (Forms) (Amendment) Rules 1970 .....	101
Church of England Trust Ordinance.	
Church of England Trust (Church Councils) (Amendment) Regulations 1970 .....	102
Marriage Reform Ordinance 1970.	
Marriage Reform (Fees) Regulations 1970 .....	103
Marriage Reform Ordinance 1970.	
Marriage Reform (Forms) Regulations 1970 .....	104
Multi-storey Buildings (Owners Incorporation) Ordinance 1970.	
Multi-storey Buildings (Owners Incorporation) (Forms) Regulations 1970 .....	105
Multi-storey Buildings (Owners Incorporation) Ordinance 1970.	
Multi-storey Buildings (Owners Incorporation) (Fees) Regulations 1970 .....	106
Census Ordinance.	
Census (No 3) Order 1970 .....	107
Estate Duty Ordinance.	
Estate Duty (Forms) Notice 1970 .....	108

<i>Subject</i>	<i>LN No</i>
Interpretation and General Clauses Ordinance.	
Specification of Public Offices .....	109-110
Workmen's Compensation Ordinance.	
Workmen's Compensation (Amendment) Regulations 1970 .....	111
Sessional Paper 1969-70: —	
No 58—Annual Report by the Commissioner of Labour for the year 1968- 69 (published on 22.7.70).	

### Oral answers to questions

#### City Hall for Kowloon

1. MR H. J. C. BROWNE asked: —

As the City Hall is so popular and so booked up, do Government have any plans for constructing similar facilities in Kowloon?

MR A. T. CLARK: —Sir, in August last year the Urban Council proposed the building of a civic centre, with facilities similar to the City Hall, but on a larger scale and with an eye to conventions. However, in the absence of a policy decision based on a full study of all the implications of this proposal, particularly as regards capital and recurrent costs, revenue, usage and siting, Government did not feel able at this stage to propose the inclusion of this scheme in the Public Works Programme.

As Members are aware, there is an item in Category B of the Public Works Programme for an indoor stadium. The Finance Committee of this Council will shortly be invited to agree that this indoor stadium should be included in the new Railway Terminal development at Hung Hom. The stadium will have a capacity of 15,000 persons, is likely to be air-conditioned and will provide a very large-scale venue for a variety of public events, including competitive sports and theatrical performances. This scheme should go a long way towards meeting the demand for such facilities in Kowloon.

MR Y. K. KAN: —If I am not mistaken, Sir, there is considerable difference between a civic centre and an indoor stadium in the case of the facilities to be provided. Has any thought been given, apart from the indoor stadium, to the construction of a City Hall—setting up of a City Hall—in the not too distant future?

### Oral Answers

MR CLARK: —Sir, as I have said, a policy decision on a full scale civic centre has not yet been taken, but an examination of all the implications is in the process of being made. Obviously, it cannot be finally decided until the implications of the indoor stadium, which will itself have certain facilities, have been fully studied.

MR KAN: —Sir, do I understand that the scheme of a stadium is to be a substitution for a City Hall or are the two things to be considered quite separately?

MR CLARK: —The two things are separate, Sir.

MR KAN: —Sir, is there any site in mind as regards the City Hall?

MR CLARK: —The question of siting of a civic centre has not been settled, Sir.

MR KAN: —Thank you, Sir.

### European Common Market

2. MR BROWNE: —

Now that the UK has re-opened negotiations to join the European Common Market, will Government confirm that they have received assurances from HM Government that they will make every effort to protect Hong Kong's position?

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAIT): —Sir, Her Majesty's Government has given public assurances that they intend to do all they can to protect Commonwealth interests. My honourable Friend may also like to know that Her Majesty's Government has made arrangements to keep us closely informed of the course of negotiations.

### Advertisement Signs

3. MR WILFRED S. B. WONG asked: —

In view of possible damages arising out of typhoons is Government drafting the legislation on Advertisement By-laws concerning street signs?

MR CLARK: —Yes, Sir. If I may refresh the Council's memory, on the 4th December 1968, in reply to a question by my honourable

Friend, Mr SZETO, Mr ALEXANDER said that an *ad hoc* sub-committee of the Recreation and Amenities Select Committee of the Urban Council, which had been set up to produce drafting instructions for a revised set of Advertisement By-laws, had placed its recommendations before its main Committee; that the Select Committee had asked that interested Government departments be consulted on the recommendations; and that the necessary papers had been sent to those departments a week before.

A great deal has been done since then. The other interested departments have commented in detail. Their suggestions have been considered (and in many cases adopted) by the Select Committee. The advertising agencies have been consulted. The drafting instructions have been approved by the Select Committee and an appropriate scale of fees for licences to erect signs is now being worked out.

The instructions as they stand at present include a provision that any permission given by the Urban Council for the erection of a sign shall not absolve the applicant from responsibility for seeking the Building Authority's approval under the Buildings Ordinance. They also provide that no advertising sign may be erected or maintained which in the opinion of the Building Authority obstructs or endangers users of any adjacent footpath or street or is dangerous. The draftsman has advised that if the By-laws are made as at present proposed, applicants will be effectively prevented from erecting or maintaining signs attached to buildings if they are not approved by the Building Authority.

MR WONG: —Sir, may I ask whether the drafting of this legislation is now completed and whether the Director of Urban Services will soon be introducing this legislation concerning street signs in this Council, or is it the intention of the Director of Urban Services to leave matters as they are in the hands of the Urban Council?

MR CLARK: —I don't quite take the second point of Mr WONG's supplementary, Sir. The drafting instructions to which I referred are almost complete and, when they have been settled, the actual formal drafting by the Legal Draftsman may go forward. But this is a matter which is in the purview of the Urban Council, and the By-laws will be made by the Urban Council.

MR KAN: —Sir, in the deliberations on the revision of the By-laws, was consideration given to the charging of signs, Sir, which, technically speaking, are encroaching on Crown land—a proposition which I have, I think, previously expressed in this Council or perhaps in the Finance Committee?

### Oral Answers

MR CLARK: —If by “charging” Mr. KAN means the question of fees, the scale of fees is at present being worked out and so a form of rent, as it were, is being considered for such advertisements, as may be approved under the By-laws, which may be set up on Crown land.

MR KAN: —Were these fees based on the dimensions of the signs or on the amount of space of encroachment on Crown land?

MR CLARK: —As I have said, the scale has not yet been agreed, Sir, but the dimension of the advertisement is a basic factor in calculation.

MR KAN: —Thank you, Sir.

### Courses for RICS examinations

4. DR S. Y. CHUNG asked: —

Is it true that the Hong Kong Technical College due to staff vacancies will not offer in the coming academic year part-time day-release courses for a number of the examinations of the Royal Institution of Chartered Surveyors, and if so, is Government aware of the possible grave consequences affecting the RICS's recognition of and exemption from certain categories of its examinations? What steps is Government taking or contemplating to take to remedy the unsatisfactory situation?

MR J. CANNING: —Sir, the Technical College part-time day-release courses leading to the Intermediate and Final Examinations of the Royal Institution of Chartered Surveyors have, in previous years, been held mainly as a form of continuation course for graduates of the College's three-year full-time Higher Diploma Course in Surveying which has exemption from the initial examination of various sections of the RICS examinations. Other students who have successfully completed the initial examinations are also eligible for these courses. The courses normally commenced in June each year and continued, with the normal summer recess, until the RICS examinations in the following March or April.

This year, however, the Department of Building, Surveying and Structural Engineering suffered from two resignations on the part of surveying lecturers, one without notice, early this year. A further complication is that the new syllabus for the RICS examination, introduced this year, has necessitated more streaming in the full-day course

with a consequent higher utilization of the remaining teaching staff. For these reasons it has been found necessary to delay the commencement of the part-time day-release courses until these staffing deficiencies can be made up.

Every effort has been made, and is continuing in the recruitment of two lecturers to replace those who resigned, and also to fill two additional surveying lecturer posts which were approved in the 1970-71 estimates. The first of the vacancies arising from these resignations was advertised locally in January this year without success. It was re-advertised on 13th and 14th of March, again with no qualified candidates presenting themselves. At the same time, the vacancy was referred to the Ministry of Overseas Development for recruitment in Britain, so far without success.

The second vacancy caused by resignation and the two posts approved for 1970-71 were advertised simultaneously in the local press on 22nd and 23rd May 1970. No applications were received. At the same time, these vacancies were referred to Britain for recruitment and two candidates are under consideration. However, it is doubtful if either of these two candidates can be recruited in time to have any effect on the commencement of the part-time day-release courses this year.

In the meantime, however, the candidates concerned have all been invited to enrol in evening courses which have already started and which are designed to cover, as far as possible, the same ground.

It should be noted that the only courses granted exemption by the RICS are the full-day courses which are not at present affected by the staffing situation.

DR CHUNG: —Sir, I was disturbed to learn of the repeated failures in the recruitment for filling the two vacancies. In the first one there were no qualified candidates at all and, in view of this difficulty, can my honourable Friend give us the reasons for the repeated failures in the recruitment for filling these vacancies?

MR CANNING: —All I can say, Sir, is that we can advertise vacancies and we hope people apply. If people do not apply and there are no applications, there can be a variety of factors which affect the situation. I am sorry I cannot be any more helpful than that.

DR CHUNG: —Sir, would this mean that the terms and conditions of service are not attractive enough?

### Oral Answers

MR CANNING: —It could be, Sir, that the terms and conditions of service are not thought to be attractive enough but there could be many other reasons why we do not have any applicants. I wouldn't like it to be thought that the reason we have no applicants is that the salary is not high enough. There might be other reasons.

MR KAN: —Sir, had the advertising been done overseas as well as locally?

MR CANNING: —In accordance with the usual policy we advertised locally first. If there are no applicants locally, then we advertise overseas.

DR CHUNG: —Sir, does my honourable Friend think we ought to go in a bit more deeply to find out the reasons why we cannot recruit?

MR CANNING: —I am prepared to try and find out what reasons there are and, if I can find anything of real substance, I will certainly make a statement in this Council.

MR KAN: —May I pursue my other supplementary question, Sir? Where exactly was this advertising done overseas, apart from Hong Kong?

MR CANNING: —In this particular instance, the advertisements were placed first with the Overseas Development Ministry in Britain.

MR KAN: —Sir, perhaps my Friend did not quite appreciate my question. What I wanted to know, quite plainly, was did we advertise overseas in such places as Canada, Australia, certain parts of the Commonwealth or indeed even outside the Commonwealth and, if not, why was it not done?

MR CANNING: —Sir, we did not in fact advertise anywhere but in Britain, but certainly we must consider advertising in other parts of the Commonwealth.

### Statement

#### WORKMEN'S COMPENSATION (AMENDMENT) REGULATIONS 1970

MR R. M. HETHERINGTON: —Sir, among the papers laid on the table this afternoon are the Workmen's Compensation (Amendment) Regulations 1970. These regulations were made by me on 30th June



1970 in exercise of the powers conferred on the Commissioner of Labour by section 51 of the Workmen's Compensation Ordinance to prescribe forms for the purposes of the ordinance.

The amending regulations prescribe two new forms, forms 2 and 2A, to replace forms previously in use for reporting accidents or occupational diseases which may give rise to claims for workmen's compensation.

When a workman is involved in an accident which results in immediate or subsequent death or in incapacity, the employer is required to complete form 2 and, in normal circumstances, to send it to the Labour Department within seven days of the accident. The old form 2 was prescribed in 1953 and no longer provides sufficient information for use within the Labour Department. The new form 2 requires the employer to furnish details of the sex and age of the worker, occupation, time of injury, details of the accident, earnings and other benefits enjoyed by the worker, and the name of the insurance company, if any, involved in a possible claim.

The old form 2A was prescribed in 1965 when the Workmen's Compensation Ordinance was extended to cover occupational diseases. This form must be completed by an employer and sent to the Labour Department when a workman dies or becomes incapacitated by an occupational disease. The old form also no longer provides sufficient information for use within the Labour Department and the new form requires the employer to provide additional details similar to those included in new form 2.

Completion of these new forms will involve the employer in a little extra clerical work but the information provided will assist the Workmen's Compensation Unit of the Labour Department in enforcing more effectively the provisions of the ordinance and in analysing the incidence, the causes, and the circumstances of accidents so that measures may be taken to reduce them.

Copies of the new forms are available, free of charge, on application to the offices of Workmen's Compensation Unit of the Labour Department.

### **Government business**

#### **First reading**

#### **RESETTLEMENT (AMENDMENT) (NO 2) BILL 1970**

#### **PENSIONS (AMENDMENT) (NO 3) BILL 1970**

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

## Second reading

### RESETTLEMENT (AMENDMENT) (NO 2) BILL 1970

THE ACTING ATTORNEY GENERAL (MR G. R. SNEATH) moved the second reading of: —"A bill to amend the Resettlement Ordinance."

He said: —The main purpose, Sir, of this bill is to change the procedure for creating statutory tenancies in resettlement premises. Under the existing system two things are required to happen before such a tenancy comes into being: first, the issue of the tenancy card in which is set out the conditions applicable to that tenancy; and then, second, the actual occupation of the premises and it is this latter event which fixes the moment at which the tenancy begins.

It is the first of these requirements that has been causing difficulty, Sir, and this has resulted in cases of persons occupying resettlement premises without any statutory tenancy having commenced. It is proposed, therefore, that this statutory tenancy shall come into existence on the date to be specified in a new document, which is to be called the Commencement of Tenancy Notice. This will be issued, Sir, to persons seeking resettlement once their applications have been approved and once it is known on what date they can take up residence. Thus the tenancy card itself will cease to have any particular relevance to the creation of the tenancy; but it will remain vital for the purpose of establishing those conditions to which the tenancy is subject.

Turning, Sir, to another proposed change, this is concerned with the indemnity provided by this legislation for persons exercising powers under it. At present the scope of this indemnity is limited to powers exercised in the eviction of squatters and trespassers and the removal of their structures and their property. It is now intended to extend this power to cover the powers exercised in respect of persons who were in lawful occupation but who may—for example—have simply moved away and left behind them their property, property which of course has to be removed in the exercise of powers conferred by the Ordinance.

Finally, Sir, you will have seen that the Explanatory Memorandum refers to an amendment of the definition of "competent authority". This, Sir, is a piece of lawyers' business which makes a change without any significant result. Each competent authority has powers and duties under each Part of the Ordinance in respect of the matters dealt with in that Part, for example, resettlement estates and factory areas in Part IV and Cottage Resettlement Areas in Part V. The present definition speaks of persons appointed for the purpose of each Part. However, Sir, Part VI of the Ordinance is a miscellaneous portmanteau into which has been packed a number of provisions including various

powers to be exercised by a competent authority. Looking at these powers, it is clear really that the intention was they should be exercised by the relevant competent authority in his own field. Since the various competent authorities were not appointed specifically with reference to Part VI it could be argued that none of them have the powers therein conferred. The proposed new definition refers simply to persons appointed by the Governor under this Ordinance and makes it clear that so far as this Part VI is concerned, the powers are exercisable by any person appointed as a competent authority under the Ordinance. The way in which the powers are conferred under Part VI in turn makes it clear that they are exercisable only by the person who has been appointed the competent authority for the particular area in which the powers are to be exercised.

*Question put and agreed to.*

Bill read the second time.

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

#### *Explanatory Memorandum*

The main purpose of this Bill is to revise the procedure for granting tenancies in resettlement areas. At present a tenancy begins when the tenant is given a tenancy card and enters into occupation. This arrangement is unsatisfactory, as it is sometimes impossible for the tenancy card to be issued before entry into occupation.

2. The Bill introduces a new system under which a prospective tenant is given a commencement of tenancy notice, which informs him of the day on which his tenancy is to begin. As soon as practicable after the commencement of the tenancy, the tenant will be given a tenancy card, which will set out the conditions to which the tenancy is subject (clauses 5 and 8).

3. As a consequence of these changes, amendments are made to sections 2, 27, 41, 43, 45, 49 and 52B (clauses 2, 4, 6, 7, 9, 10 and 11).

4. The Bill also amends the definition of "competent authority" so as to make it clear that the "competent authority" referred to in Part VI of the Ordinance means any person appointed as a competent authority under the Ordinance.

5. Section 16, which confers an indemnity on public officers acting in the course of their duties, is repealed by clause 3 and replaced in clause 12 by a section applying a similar protection but with a wider application.

**PENSIONS (AMENDMENT) (NO 3) BILL 1970**

THE ACTING ATTORNEY GENERAL (MR SNEATH) moved the second reading of: —"A bill to amend further the Pensions Ordinance."

He said: —Sir, section 8 of the Pensions Ordinance provides for the early retirement of pensionable Government servants any time after reaching the age of 45, if the Governor in Council so requires. As the Public Services Commission is increasingly to be used to advise on all disciplinary matters, it is considered appropriate that it should also advise on this question of early retirement. Accordingly, clause 4 seeks to amend this section by providing that in future the decision, whether a person is to retire, will be taken by the Governor after considering the advice of the Public Services Commission.

I would add here, Sir, that this change is not to take place immediately, and therefore clause 1 provides that this clause 4 shall come into operation on a day to be appointed by the Governor.

The other change, Sir, proposed in this bill is by way of clarification of the position with regard to the eligibility for pension of an officer required to retire under section 8, that is an officer over the age of 45. Section 6 which lists the grounds on which an officer may be granted a pension is to be amended by introducing a specific reference to retirement under section 8. At present section 6—in paragraph (f)—refers in general terms to termination of employment in the public interest and then refers one on to section 7. That section already expressly empowers the Governor to grant a pension or gratuity where an officer's service is terminated in the public interest. The effect of the change now proposed is to make it clear that an officer required to retire under section 8 is as much eligible for a pension as if he had been retired on medical grounds or on abolition of office, which are two of the other grounds listed in section 6.

*Question put and agreed to.*

Bill read the second time.

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

*Explanatory Memorandum*

The principal object of this Bill is to amend section 8(2) of the principal Ordinance by conferring on the Governor, after considering the advice of the Public Services Commission, power to retire a public officer compulsorily in the public interest (a power which at present is conferred upon the Governor in

Council). Clause 4 provides accordingly. The operation of the clause is suspended by subclause (2) of clause 1 until the Governor appoints a day for its coming into operation by notice in the *Gazette*.

2. Clause 2 contains a new definition of "Public Services Commission", which is necessary because of the reference to that body in clause 4.

3. The purpose of clause 3 is to remove a doubt as to whether an officer who is compulsorily retired under section 8(2)(a) of the principal Ordinance may be granted a pension.

### **ROAD TRAFFIC (AMENDMENT) (NO 3) BILL 1970**

#### **Resumption of debate on second reading (8th July 1970)**

*Question again proposed.*

MR SZETO WAI: —Sir, this bill, apart from its swift succession to the amending Ordinance No 2 which this Council approved last month, has indeed some elements of surprise.

By enacting the detention provisions as part of the principal Ordinance rather than by way of subsidiary legislation, thus overcoming the objection of *ultra vires* held by the Full Court, it has much to be commended.

The proposed inclusion of the offence under section 29 to those existing which lead to the detention of a public light bus must be an unpleasant surprise to the owners of these buses because the loophole in the existing legislation will be effectively plugged. The failure to provide the necessary information that would lead to the conviction of a driver who has committed an offence has been a popular weapon of some owners. Experience has shown that an owner would resort to this tactic and wilfully ignore the Police requirement to furnish the necessary information thereby avoiding the risk of having his vehicle impounded, only at a negligible fine for an offence, if convicted, under section 29 of the Ordinance. Over 40% of these Police requirements have been wilfully ignored and the trend is on the increase. No less than 3,000 such cases have been prosecuted since the legalization of the public light buses, which reduced the number of detention orders actually made by the courts to almost half of what it should have been. This amendment will reiterate the legislature's intentions to maintain traffic law and order in our streets and to spell out with no uncertainty the owner's responsibility for the driver's action and discipline. It is to be realized, Sir, that these owners have been accorded the privilege of operating a component of our public transport system of unscheduled services at unscheduled fares, and therefore must in return observe the traffic law intended for these buses. However, I

[MR SZETO] **Road Traffic (Amendment) (No 3) Bill—resumption of debate on second reading (8.7.70)**

share the same hope as my honourable Friend, the Acting Attorney General that the impounding law will be lifted once the situation no longer justifies it.

It is on the other hand, a welcome surprise to see the provision in the bill which will enable Government to appoint authorized officers to control and regulate the operation of public light buses at various points and at their official termini. Although my honourable Friend has emphasized that this provision is only an enabling one and no immediate action is contemplated, recent events have, however, pointed to the desirability of an early introduction of such measures at the stands and termini in order to combat the racketeerism which has been alleged to exist. It is my knowledge, Sir, that many of the operators themselves would like to see Government control over these stands and termini. The time has perhaps also come for the transport authority to exercise some control over the routes of operation of these buses to prevent uneven distribution of services and over congestion of our busy streets. As a result of the introduction of the flat-rate bus fares in Kowloon, it is known that quite a number of public light buses, which used to run between urban Kowloon and Tsuen Wan, have switched over to operate on the more profitable routes in Kowloon urban areas or on the Island.

The amendment to section 3(1)(k) to enable the removal of vehicles illegally parked on roads without giving prior notice to the owners is timely not only for the reason of the principle of natural justice in respect of a man's property, but also because of the general misapprehension of the motoring public of the existing provision of the traffic law which has given rise to many complaints recently. The average motorist assumes that parking is permissible in streets where no signs to the contrary are displayed, whereas the law provides that it is an offence to park in roads which are not designated for parking or in which no parking signs are erected. Although it could be argued that all motorists should be familiar with traffic regulations when they are issued with driving licences, it is good public relations to bring home to them the true provision of the law. This may be achieved by a publicity campaign to be undertaken jointly by the Police and the Government Information Services who will make known to the public from time to time those streets in which, for the maintenance of traffic flow, parking will be strictly prohibited and vehicles parked therein will be liable to be towed away without prior notice. The public should also be warned that towing away may still be liable to happen on other roads where parked vehicles impede traffic flow, notwithstanding the fact that no warning signs are installed.

Sir, I support the motion.

THE ACTING ATTORNEY GENERAL (MR SNEATH): —Sir, I welcome the support for the bill from my honourable Friend, Mr SZETO, particularly as he is well known for his experience and knowledge of public transport matters and I welcome particularly his endorsement of what I tried to say about this legislature's intention which he has phrased, Sir, by saying that it is to spell out with no uncertainty the owner's responsibility for the driver's action and discipline.

I should perhaps, Sir, comment on one aspect touched on by my learned Friend's remarks today; this was the amendment to section 3(1)(k) dealing with the towing away of vehicles illegally parked on streets. My honourable Friend commented that this was timely for reason of the principles of natural justice in respect of a man's property. Sir, I would not wish there to be any misunderstanding about this because clearly I think it is appreciated that it would be quite impracticable if these towing away provisions had to be subject to the giving of notice to an owner before they were carried out. Therefore, Sir, the amendment as I said last time does empower the regulations to be made in their present form, namely without the requirement of giving notice to the owners.

Finally, Sir, may I say that I think my honourable Friend has done a service to the motoring public in reminding them about the law as to parking and, as I think he would agree, one can only really park with impunity on the streets if one does it virtually underneath a sign saying "you may". (*Laughter*).

*Question put and agreed to.*

Bill read the second time.

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

#### **Committee stage**

Council went into Committee.

#### **ROAD TRAFFIC (AMENDMENT) (NO 3) BILL 1970**

Clauses 1 to 7 were agreed to.

#### **DRUG ADDICTS TREATMENT AND REHABILITATION (AMENDMENT) BILL 1970**

Clauses 1 to 4 were agreed to.

Council then resumed.

**Third reading**

THE ACTING ATTORNEY GENERAL (MR SNEATH) reported that the Road Traffic (Amendment) (No 3) Bill 1970 had passed through Committee without amendment and moved the third reading of the bill.

*Question put and agreed to.*

Bill read the third time and passed.

DR G. H. CHOA reported that the Drug Addicts Treatment and Rehabilitation (Amendment) Bill 1970 had passed through Committee without amendment and moved the third reading of the bill.

*Question put and agreed to.*

Bill read the third time and passed.

**ADJOURNMENT**

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

3.05 p.m.

**NEXT SITTING**

HIS EXCELLENCY THE PRESIDENT: —Council will accordingly adjourn. The next sitting will be held on 5th August 1970.

*Adjourned accordingly at five minutes past Three o'clock.*