

OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 4th November 1970

The Council met at half past Two o'clock

[MR PRESIDENT in the Chair]

PRESENT

HIS EXCELLENCY THE ACTING GOVERNOR (*PRESIDENT*)
SIR HUGH SELBY NORMAN-WALKER, KCMG, OBE, JP

THE HONOURABLE THE COLONIAL SECRETARY (*Acting*)
MR DAVID RONALD HOLMES, CMG, CBE, MC, ED, JP

THE HONOURABLE THE ATTORNEY GENERAL
MR DENYS TUDOR EMIL ROBERTS, CBE, QC, JP

THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS (*Acting*)
MR DENIS CAMPBELL BRAY, JP

THE HONOURABLE THE FINANCIAL SECRETARY
SIR JOHN JAMES COWPERTHWAITTE, KBE, CMG, JP

THE HONOURABLE ROBERT MARSHALL HETHERINGTON, DFC, JP
COMMISSIONER OF LABOUR

THE HONOURABLE DAVID RICHARD WATSON ALEXANDER, MBE, JP
DIRECTOR OF URBAN SERVICES

THE HONOURABLE DONALD COLLIN CUMYNN LUDDINGTON, JP
DISTRICT COMMISSIONER, NEW TERRITORIES

THE HONOURABLE JOHN CANNING, JP
DIRECTOR OF EDUCATION

DR THE HONOURABLE GERALD HUGH CHOA, JP
DIRECTOR OF MEDICAL AND HEALTH SERVICES

THE HONOURABLE PAUL TSUI KA-CHEUNG, OBE, JP
COMMISSIONER FOR RESETTLEMENT

THE HONOURABLE JACK CATER, MBE, JP
DIRECTOR OF COMMERCE AND INDUSTRY

THE HONOURABLE RICHARD CHARLES CLARKE, ISO, JP
DIRECTOR OF PUBLIC WORKS (*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

THE HONOURABLE LEE QUO-WEI, OBE, JP

THE HONOURABLE OSWALD VICTOR CHEUNG, QC, JP

THE HONOURABLE GERALD MORDAUNT BROOME SALMON, JP

THE HONOURABLE ANN TSE-KAI, OBE, JP

THE HONOURABLE LO KWEE-SEONG, JP

ABSENT

DR THE HONOURABLE CHUNG SZE-YUEN, OBE, JP

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL
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:—	
Evidence (Amendment) Ordinance 1969.	
Evidence (Amendment) Ordinance 1969 (Commencement) Notice 1970.....	154
Fugitive Offenders Act 1967.	
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Immigration (Control and Offences) Ordinance.	
Immigration (Control and Offences) (Amendment) (No 2) Regulations 1970.....	157
Revocation of Exemption of M.V. "East Breeze" Formerly Official No 332483 Port of Registry—Hong Kong.	
Fixed Fire Smothering Arrangements in Cargo Spaces.....	158
University of Hong Kong Ordinance.	
Statutes of the University of Hong Kong (Amendment) (No 2) Statutes 1970.....	159
Sessional Papers 1970-71:—	
No 14—Annual Report by the Commissioner for Census and Statistics for the year 1969-70 (published on 4.11.70).	
No 15—Annual Report of the Hong Kong Productivity Council for the year 1969-70 (published on 4.11.70).	
No 16—Annual Report by the Government Printer for the years 1967-68 and 1968-69 (published on 4.11.70).	
No 17—Annual Report by the Government Printer for the year 1969-70 (published on 4.11.70).	
No 18—Annual Report by the Community Relief Trust Fund Trustee for the year ending 31st March 1970 (published on 4.11.70).	

Subject

No 19—Annual Report by the Director of Public Works for the year 1969-70
(published on 4.11.70).

No 20—Annual Report by the Registrar General for the year 1969-70
(published on 4.11.70).

Oral answers to questions**Revenue from private cars (1)**

1. MR OSWALD CHEUNG asked:—

What contributions to revenue, during the last two financial years, have been made by the owners or users of private cars under the following heads:—

- (a) petrol
- (b) Commonwealth Preference Tax
- (c) first registration tax
- (d) annual car licence fees
- (e) driving licence fees

and if exact figures are not available, on a reasonably close estimate?

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAITTE):—Sir, records do not differentiate between owners and users of private cars and other vehicles but the figures requested by my honourable Friend may be roughly estimated (rather than closely, I am afraid) as follows, all in million dollars:—

	<i>1968-69</i>	<i>1969-70</i>
Petrol Tax	38	43
Commonwealth Preference Tax	7	11
First Registration Tax	9	14
Vehicle Licence fees	15	20
Driving Licence fees	$4\frac{1}{2}$	6

MR CHEUNG:—Is the \$38 million paid for petrol tax the figure you roughly assess for the total tax paid on hydrocarbon oils of something like \$131 million?

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAITTE):—Sir, the total amount paid by owners and users of private cars, yes.

Oral Answers**Revenue from private cars (2)**

2. MR CHEUNG asked:—

In the light of revenue actually collected under the heads mentioned in the previous question for the half year ended 30th September 1970, what contribution to these heads of revenue are the owners or users of private cars estimated to make during the current year?

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAITTE):—Sir, rough estimates for 1970-71 are as follows, again in million dollars:—

Petrol Tax	47
Commonwealth Preference Tax	12
First Registration Tax	15
Vehicle Licence fees	21
Driving Licence fees	7 $\frac{1}{2}$

Expenditure on roads

3. MR CHEUNG asked:—

What expenditure has been incurred in the past two financial years in respect of all road works and road maintenance?

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAITTE):—Sir, in 1968-69—roadworks \$41 million and road maintenance \$12 million.

In 1969-70—roadworks \$43 million and road maintenance \$13 million.

These are budgetary figures which do not include on-costs such as the cost of Public Works Department staff.

MR CHEUNG:—Thank you.

Legal protection for investors

4. MR P. C. WOO asked:—

Is Government contemplating introduction of measures in Hong Kong for the protection of the investing public by the adoption of the Prevention of Fraud (Investments) Act 1958 and the Protection of Depositors Act 1963?

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAIT):—Sir, this question is being considered by the Companies Law Revision Committee. Their recommendations on it are expected before the end of this year in advance of their main report.

MR Y. K. KAN:—Sir, how long has the committee been sitting on this particular subject?

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAIT):—On this particular subject....

MR KAN:—I mean companies revision.

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAIT):—I am afraid I do not know the answer to that. I believe that the committee was first constituted some 3 or 4 years ago but it ceased sitting for a substantial period in 1966-67, I think, because of the commitment of the Chairman to other urgent work.

Teaching staff for the Technical College

5. MR WILSON T. S. WANG asked:—

Is Government aware of the complaint made by students of the Hong Kong Technical College about the acute shortage of teachers, and would Government say how serious the shortage is and what action has been taken to relieve it? Could consideration be given to reducing the length of time currently taken in the processing of applications to fill vacancies?

MR J. CANNING:—Sir, the short answers to my honourable Friend's questions are both Yes; I am very conscious of the students' concern over staff shortages, and can give a firm assurance that every possible effort is made by Government to expedite the filling of vacant posts. Indeed, this work absorbs a considerable proportion of the time of the officers concerned; no one would be more delighted than myself if the burdens on both teaching and administrative staff resulting from these shortages could be diminished.

In the Technical College the establishment is 165 and the number of vacancies is 39. Of these 39, 25 posts were created in this financial year. There are good prospects of filling 7 of the vacancies in the very near future and action is continuing on the remaining vacancies. The vacancies which are most difficult to fill are those at the higher

[MR CANNING] **Oral Answers**

levels and at present there are 26 such vacancies. There is, as Members are aware, a world-wide shortage of people of this calibre. The most severe shortage is in the Department of Building Surveying and Structural Engineering, where there are six vacancies among 18 posts, but one cannot expect the College to be exempt from staff shortages afflicting the whole public service and indeed the whole Colony.

I would like very much to reduce the intervals between the approval of a post, its advertisement, the interviewing and other necessary procedures culminating in an offer of appointment. The fact is, however, that all the various steps, involving the College, the Education Department, the Establishment Branch, the Public Services Commission, and other offices, are strictly necessary if Government is to maintain its record and image as a good employer and if the best candidates are to be appointed to the public service.

I regret that I can see no simple short-cut whereby we might escape from all our difficulties but I can assure honourable Members that Government is alert to the need to keep these procedures under review.

I would like at this point to pay tribute to the existing technical teaching staff in the Technical College. In this time of staff shortage many of them are working longer hours in order to help the students as much as they can with their studies. I would also appeal for the continued patience and understanding of the students; I am well aware that they bear a considerable share of the burdens arising from the shortages which we all regret.

Postal deliveries

6. MR WANG asked:—

Would Government give assurance that our postal service will be maintained at a reasonable standard and that the public may expect delivery of local mail within 24 hours?

THE ACTING COLONIAL SECRETARY (MR D. R. HOLMES):—Sir, every effort is made by the Postmaster General and his staff to maintain a high standard and to keep pace with an ever-increasing demand from the public. At present the bulk of fully-paid letter mail that is posted in time to catch the last collection each evening is delivered by either the first or second delivery on the following day. We believe this standard compares favourably with that of postal administrations elsewhere, particularly bearing in mind the traffic congestion and other problems associated with our own rapid urban development.

There will, of course, be delays from time to time in individual cases, particularly at seasonal peak periods, as is the case in most cities. The Post Office is faced with accommodation problems at the present time but it is hoped that the construction of the new General Post Office on Hong Kong Island and the Colony Sorting Centre in Kowloon, which are both included in the Public Works Programme, will help to relieve the pressure and to meet future demand.

MR KAN:—Sir, letters from Government departments sent by post seldom if ever arrive within 24 hours. Could the delay—if it was a delay—be attributed to the postal service or to Government departments?

THE ACTING COLONIAL SECRETARY (MR HOLMES):—I cannot comment, Sir, on the accuracy of the premise stated by Mr KAN. If it is so I would guess that frequently there is a delay between the signing or the dating of the letter and the actual delivery into the machinery of the postal service, but this is purely conjecture.

Sale of stamps

7. MR WANG asked:—

Would Government consider the possibility of permitting more shops and stores to sell stamps both for the convenience of the public and in order to relieve pressure on our Post Offices?

THE ACTING COLONIAL SECRETARY (MR HOLMES):—Sir, there are at present 389 shops and stalls licensed to sell postage stamps and very few applications for licences are refused.

Completion of Cotton Tree Drive

8. MR KAN asked:—

Will the Honourable Director of Public Works inform this Council how long the completion of Cotton Tree Drive has been delayed and when is it likely to be open for traffic?

MR R. C. CLARKE:—Sir, the contract for this portion of Cotton Tree Drive was due for completion in December 1969. Delay has been occasioned by a number of difficulties mainly in connexion with foundations.

[MR CLARKE] **Oral Answers**

Work on the vehicular carriageways is now substantially finished and the new pedestrian ways should be cleared and completed in the next two weeks. It is therefore intended to open the road to traffic on Saturday, November the 21st. This date will be brought forward one week to November 14th if the essential work is completed in time.

The new system will require both motorists and pedestrians to adapt to new routes. Introduction in part before work is fully completed could lead to serious accidents in the initial changeover period. Between now and opening day it is intended to prepare users for the changeover by the issue of maps and by other publicity so that the new arrangements can be brought into effect smoothly and with the least danger of accident.

Botanic Garden

9. MR KAN asked:—

Will the Honourable Director of Public Works give an account of the progress of the work now being carried out in the Botanic Garden and is he aware that many members of the public are being deprived of the use and enjoyment of a substantial part of this Garden while the work is in progress?

MR CLARKE:—Sir, I presume that the work referred to by my honourable Friend is the repair and re-waterproofing of the roof of the Gardens' Service Reservoir and not the road works which are affecting the fringe of the Gardens along Garden and Upper Albert Roads.

This reservoir was built about 40 years ago and occupies an area of some 52,000 *sq. ft.* in the northern part of the Botanic Gardens. Last year it was discovered that the roof of the south-eastern half of the reservoir was leaking and that part of the reinforced concrete roof slab was cracked and required extensive repairs.

Tenders for repair and re-waterproofing were invited in late 1969 and work began in March this year. It is anticipated that all work will be completed on the reservoir roof and the pathways thereon be reinstated by the end of December or shortly thereafter.

The opportunity has been taken, while this work has been proceeding, to let a second contract for reconstruction of the fountain which provides the central public feature of the service reservoir roof. It is anticipated that this work also will be substantially completed by the end of December this year and the whole area handed back to the Urban Services Department shortly thereafter.

Close liaison has been maintained with the Urban Services Department during these works and only the minimum area necessary fenced off from the public use. Since this area is rather less than 35,000 *sq. ft.*—roughly 6% of the 600,000 *sq. ft.* comprising the Gardens as a whole—I cannot agree with my honourable Friend that the public is being deprived of the use of a substantial part of the Botanic Gardens while work is in progress. Nevertheless I am aware that the small area affected is a flat and popular part of the Gardens and I can assure honourable Members that it will be reinstated for public enjoyment with an improved fountain just as soon as the present essential works are completed.

Government business

First reading

URBAN COUNCIL (AMENDMENT) (NO 2) BILL 1970
HAWKER CONTROL FORCE (AMENDMENT) BILL 1970
MEDICAL REGISTRATION (AMENDMENT) BILL 1970
RESETTLEMENT (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

URBAN COUNCIL (AMENDMENT) (NO 2) BILL 1970

THE ATTORNEY GENERAL (MR D. T. E. ROBERTS) moved the second reading of:—"A bill to amend the Urban Council Ordinance."

He said:—Sir, this bill removes from the Urban Council Ordinance various transitional provisions, which related to the increase in unofficial membership in 1965 and also to the preparation of provisional and final registers in 1966 and 1967.

These have had their effect and are repealed by the bill, which is no more than a tidying up measure and makes no change of substance in the law.

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).

Urban Council (Amendment) (No 2) Bill—second reading*Explanatory Memorandum*

Section 3(b) of the Urban Council Ordinance was amended by the Urban Council (Amendment) Ordinance 1965 (No. 6 of 1965) to increase the unofficial membership of the Urban Council. Sections 4(3) and 5(3), which were consequential on this amendment, have no further application, and clauses 3 and 4 of the Bill provide for their repeal.

The principal Ordinance was further amended by the Urban Council (Amendment) Ordinance 1966 (No. 12 of 1966) to make special provisions relating to the 1966 Electoral Registration cycle and the 1967 Urban Council election. These provisions also have had their effect and the remaining clauses of this Bill remove all references to the 1966 Electoral Registration cycle and the 1967 Urban Council election.

HAWKER CONTROL FORCE (AMENDMENT) BILL 1970

MR D. R. W. ALEXANDER moved the second reading of:—"A bill to amend the Hawker Control Force Ordinance."

He said:—Sir, when the Hawker Control Force was established more than 10 years ago, the intention was to give it a role and an image which would emphasize an administrative, rather than a police, approach to hawker control. And although it was established as a disciplined force and drew some of its original members from the Police Force, the disciplinary provisions under the Hawker Control Force Ordinance did not follow closely those applicable to the Police Force, and it was left to the Commandant to deal with minor disciplinary offences. As a result, the more serious offences in the Force have had to be dealt with under Colonial Regulations and the normal rather lengthy disciplinary procedures of Government which are, I am afraid, quite inappropriate to a disciplined force.

Over the years, the inability of the Director of Urban Services to deal promptly with disciplinary offences by members of the Force has greatly impeded efforts to tighten up its discipline and increase its effectiveness. While there is every intention of maintaining an administrative approach to hawker control through persuasion and co-operation rather than force and compulsion (though, of course, the last two are on occasion necessary), it has become evident that the Director of Urban Services must have the means of meting out quick, adequate and salutary punishment to offending members of the Force, if its discipline is to be maintained at a satisfactory level.

Sir, the bill now before honourable Members is designed to introduce disciplinary procedures for the Hawker Control Force to achieve this object. These procedures follow closely those applicable to the Royal Hong Kong Police Force and will enable me to deal much more effectively than up till now with disciplinary offences of Inspectors and Rank and File in the Force, while at the same time safeguarding the rights of the individual officer by means of appeal to the Director and also to His Excellency the Governor, against any risk of a miscarriage of justice.

The main provisions of this bill are as follow:—

Clause 6 provides for a disciplinary tribunal to be appointed by the Director of Urban Services to hear and determine disciplinary offences—while clause 7 makes consequential amendments to section 11.

Clause 7 also amends section 11 to empower the Director of Urban Services to dismiss or order to resign, or have the services terminated of, an N.C.O. or Constable who has been found guilty of a disciplinary offence—it being considered desirable that the Director should have this power to supplement other punishments which may be awarded by a disciplinary tribunal. The additional power is also provided for the Director to review on appeal or on his own motion any punishment so awarded by him.

Clause 8 adds five new sections to the principal Ordinance. The first of these, section 11A, provides for appeals to the Director of Urban Services, replacing the appeal provisions in subsections (2), (3) and (4) of section 11. Section 11B, which includes a right of appeal to the Governor, provides for the discipline of Inspectors found guilty of disciplinary offences. Sections 11C and 11D provide for the dismissal or other punishment of a member of the Force who is convicted of any offence punishable with imprisonment. Section 11E deals with interdiction from duty.

Clause 11 repeals and replaces sections 34 and 35. The new section 34 contains wider regulation-making powers including that of making regulations providing for the practice and procedure to be followed where a member of the Force is alleged to have committed a disciplinary offence.

Now that the Urban Council is entering upon a crucial stage in the implementation of its hawker policy, an efficient, well-disciplined Hawker Control Force is one of the keys to success, and I cannot stress sufficiently the importance of the disciplinary provisions contained in this bill.

Question proposed.

Hawker Control Force (Amendment) Bill—second reading

Motion made (pursuant to Standing Order No 30). That the debate on the second reading of the bill be adjourned—THE ACTING COLONIAL SECRETARY (MR HOLMES).

Question put and agreed to.

Explanatory Memorandum

This Bill makes a number of amendments to the provisions relating to the disciplinary procedure contained in the Hawker Control Force Ordinance, Cap. 325.

Clause 2 amends section 2—

- (a) to provide that "Commandant" includes the Deputy Commandant;
- (b) by amending the definition of "Director" so as to include the Deputy Director of Urban Services in place of any Assistant Director, as he is more appropriate to exercise the wide powers conferred on the Director by the Ordinance;
- (c) to provide a definition of "disciplinary tribunal" which will hear certain disciplinary offences specified in section 11;
- (d) by amending the definitions of "inspector" and "non-commissioned officer" to make it clear that sub-inspectors are included in the former rank;
- (e) by deleting the definition of "Police Force".

Clause 3 and 4 amend sections 6 and 7 respectively so as to confer on the Governor the exclusive power to appoint the Commandant or other senior officers of the Force; at present the Commissioner of Police has concurrent powers to do so.

Clause 6 provides for the appointment of a disciplinary tribunal to hear and determine disciplinary offences; clause 7 makes consequential amendments to section 11.

Clause 7 also amends section 11 so as to empower the Director to dismiss a non-commissioned office or constable who has been found guilty of a disciplinary offence. It is considered desirable that the Director should have this power to supplement the other punishments which may be awarded by a disciplinary tribunal.

Clause 8 adds five new sections to the principal Ordinance. The first of these, section 11A, replaces the appeal provisions

contained in subsections (2), (3) and (4) of section 11. Sections 11B, 11C and 11D are based on sections 32, 33 and 35 of the Police Force Ordinance, Cap. 232. Section 11B provides for the discipline of inspectors found guilty of disciplinary offences. Sections 11C and 11D provide for the dismissal or other punishment of a member of the Force who is convicted of any offence punishable with imprisonment. Section 11E deals with interdiction from duty and is based on section 17 of the Police Force Ordinance.

Clause 10 amends section 19 so as to enable warrants of arrest issued under that section to be withdrawn by a magistrate.

Clause 11 repeals and replaces sections 34 and 35. New section 34 now contains wider regulation-making powers, including the power to make regulations providing for the practice and procedure to be followed where a member of the Force is alleged to have committed a disciplinary offence. Section 35 now provides that the Governor may amend any Schedule.

MEDICAL REGISTRATION (AMENDMENT) BILL 1970

DR G. H. CHOA moved the second reading of:—"A bill to amend the Medical Registration Ordinance."

He said:—Sir, the amendments in this bill are being introduced on the recommendation of the Medical Council after consultation with the Hong Kong (Chinese) Medical Association and the British Medical Association, Hong Kong Branch.

Clause 2 of the bill amends section 3 of the principal Ordinance in two respects: firstly, it clarifies the procedure for nomination to the Medical Council by stipulating that two medical practitioners should be nominated by the Hong Kong Branch of the British Medical Association to serve on the Medical Council and three by the Hong Kong (Chinese) Medical Association. This procedure has in fact been followed in the past, but the present legislation only stipulates that the five members should be nominated by the two associations and the purpose of this amendment is to clarify this point. The second amendment proposed in clause 2, provides that no person against whom the Medical Council has had any time made an order following disciplinary proceedings shall be eligible for appointment to the Council.

Clause 3 gives the Council discretion to hold an inquiry in the case of an application for registration by a person who has been convicted of an offence punishable with imprisonment or who has been guilty of infamous conduct in a professional respect. Clause 4 provides

[DR CHOA] **Medical Registration (Amendment) Bill—second reading**

for the payment of costs to the secretary or any person presenting a disciplinary case to the Medical Council. This is in addition to the existing provision for costs to be awarded to the registrar or any complainant in a disciplinary case. The amendment to clause 5 makes provision for the payment of such costs as the Full Court may consider reasonable after reaching a decision in any appeal made to the Full Court against any order made by the Medical Council.

At present, doctors employed in teaching duties in the Department of Pathology or the Clinical Departments of Medicine, Surgery and Obstetrics and Gynaecology of the Faculty of Medicine are exempted from registration. Since this provision was made, there have been created the new Department of Microbiology and Clinical Departments of Orthopaedic Surgery and Paediatrics in the Faculty of Medicine, and it is the purpose of clause 6 to grant exemption from the requirement to register to doctors employed in full time teaching in these new units, in addition to the exemptions already in force.

The last clause, Sir, makes provision for regulations to be made prohibiting the appointment to the Preliminary Investigation Committee of the Medical Council of any person in respect of whom the Council has at any time made an order under section 21 of the Ordinance.

A detailed explanation of the provisions of the bill is given in the draft "Explanatory Memorandum" appended to the bill.

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 Bill amends the principal Ordinance to accord with current developments in the medical profession in Hong Kong.

2. Clause 2 provides for the nomination (for appointment by the Governor as members of the Medical Council) of two medical practitioners by the Hong Kong Branch of the British Medical Association and three members by the Hong Kong Chinese Medical Association. This is existing practice, although the present section provides for five members to be nominated by the two associations.

3. Clause 2 also amends section 3 by providing that no person against whom the Medical Council has taken disciplinary action shall be eligible for appointment or reappointment to the Council.

4. Clause 3 empowers the Council, if it is satisfied that an applicant for registration has been convicted of any offence punishable with imprisonment or has been guilty of infamous conduct in a professional respect, to order that the applicant be not registered.

5. Clause 4 empowers the Medical Council to make an order for the payment of costs to the Secretary to the Council or to a person presenting the case, if disciplinary action is taken by the Council against a medical practitioner.

6. Clause 5 gives the Full Court power to award costs on an appeal to that Court against an order made by the Council.

7. The effect of clause 6 is to grant exemption from registration to doctors employed in full-time teaching in the Department of Microbiology and in the Clinical Departments of Orthopaedic Surgery and Paediatrics of the Faculty of Medicine in the University of Hong Kong.

8. Clause 7 adds a new paragraph to section 33, which will enable regulations to be made prohibiting the appointment to the Preliminary Investigation Committee of any person against whom an order has been made under section 21 of the Ordinance.

RESETTLEMENT (AMENDMENT) (NO 3) BILL 1970

MR PAUL K. C. TSUI moved the second reading of:—"A bill to amend the Resettlement Ordinance."

He said:—Sir, the main purpose of this bill is to put right an apparent drafting error that came to light in a recent court case when a claim before a District Court of \$300 for the prescribed fee for installing a 10 ampere circuit breaker in a factory unit at Cheung Sha Wan estate failed. The learned judge held that the debt was not enforceable because the circuit breaker was not installed "on or in" premises let to the defendant by factory tenancy card. The circuit breaker was installed in a switch room which serviced all the factory units on the fourth floor of the block and to which the factory tenants had no access.

It may be recalled that the main purpose of the Resettlement (Amendment) Ordinance No 25 of 1966, which added section 35C to the principal Ordinance, was to provide the legal basis for a scheme designed to permit individual tenants of resettlement factory blocks to

[MR TSUI] **Resettlement (Amendment) (No 3) Bill—second reading**

increase the electrical loading of their premises without endangering the electrical supply of the whole block so as to avoid inconvenience and financial loss to all the tenants in the block and serious maintenance problem. The scheme included the provision of additional rising mains and electrical supply to factory blocks which require them, and the installation of circuit breakers designed to cut off the electrical supply automatically when the electrical loading reaches a level chosen in advance by the tenant himself. The prescribed fee of \$30 per ampere was calculated in accordance with the tenant's own estimate of his electrical loading, and designed to cover the cost of the circuit breaker itself, together with a proportion of the cost of the electrical installation of the blocks, including switch-gear, rising mains and other fitments.

Section 35C of the principal Ordinance empowers a competent authority to install circuit breakers "in or on" resettlement factories. The cost of installation is borne by the tenant of the factory in or on which the appliance is installed.

It is frequently desirable to install the circuit breakers in a switch room which is not "in or on" the actual premises. Therefore clause 2 of the bill amends section 35C so as to enable the installation of a circuit breaker controlling the supply of electricity to a resettlement factory to be installed off the factory premises, and to make a tenant in respect of whose factory a circuit breaker is installed liable to pay the appropriate charges.

In most cases, circuit breakers have already been installed in switch rooms. It is considered that provision should be made for the recovery of the cost of such installations by the Government retrospectively. Subsection (3) of section 35C provides accordingly.

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

Section 35C of the principal Ordinance empowers a competent authority to install circuit breakers "in or on" resettlement factories. The cost of installation is borne by the tenant of the factory in or on which the appliance is installed.

It is frequently desirable to install a circuit breaker in a switch room which is not "in or on" the actual factory premises.

Therefore clause 2 of this Bill amends section 35C so as to enable the installation of circuit breakers controlling the supply of electricity to a resettlement factory to be installed off the factory premises and to make a tenant in respect of whose factory a circuit breaker is installed liable to pay the appropriate charges.

In some cases circuit breakers have already been installed in switch rooms. It is considered that provision should be made for the recovery of the cost of such installations by the Government. Subsection (3) of section 35C provides accordingly.

Committee stage

Council went into Committee.

MAGISTRATES (AMENDMENT) (NO 2) BILL 1970

Clauses 1 and 2 were agreed to.

Clause 3.

THE ATTORNEY GENERAL (MR ROBERTS):—Sir, I move that clause 3 be amended by adding after the word "defendant" at the end of paragraph (b) of the proposed new subsection (1A) of section 20 the words "if, in the opinion of the magistrate, it is not practicable for him to visit the defendant."

Honourable Members will recall that the object of clause 3 is to empower a magistrate, if he is satisfied that a person accused of an offence triable summarily is unable by reason of illness or accident to appear personally in court, either to visit the defendant and exercise certain powers there or to exercise these powers in the absence of the defendant. The object of the amendment which I have proposed is to make it clear that the normal course should be for the magistrate to visit the accused person and that he would only exercise his powers in the absence of the defendant if he is satisfied that for some reason it is not practicable for him to make a visit.

Proposed Amendment

Clause

- 3 That the following be added after "defendant" in paragraph (b) of the proposed new subsection (1A) of section 20—
"if, in the opinion of the magistrate, it is not practicable for him to visit the defendant".

Magistrates (Amendment) (No 2) Bill—committee stage

The amendment was agreed to.

Clause 3, as amended, was agreed to.

Clause 4 was agreed to.

Clause 5.

THE ATTORNEY GENERAL (MR ROBERTS):—Sir, I move that clause 5 be amended in the terms of the paper which has been circulated to honourable Members.

The reason for this amendment is exactly the same as that for the amendment to clause 3, the only difference being that clause 5 deals with accused persons who are charged with indictable offences whereas clause 3 dealt with summary offences.

*Proposed Amendment**Clause*

- 5 That the following be added after "accused" in paragraph (b) of the proposed new subsection (2) of section 79—
"if, in the opinion of the magistrate, it is not practicable for him to visit the accused".

The amendment was agreed to.

Clause 5, as amended, was agreed to.

Clause 6 was agreed to.

TELECOMMUNICATION (AMENDMENT) BILL 1970

Clauses 1 and 2 were agreed to.

**BOILERS AND PRESSURE RECEIVERS (AMENDMENT)
BILL 1970**

Clauses 1 to 6 were agreed to.

Council then resumed.

Third reading

THE ATTORNEY GENERAL (MR ROBERTS) reported that the Magistrates (Amendment) (No 2) Bill 1970 had passed through Committee with certain amendments and that the Telecommunication (Amendment) Bill 1970 had passed through Committee without amendment and moved the third reading of each of the bills.

Question put on each bill and agreed to.

Bills read the third time and passed.

MR R. M. HETHERINGTON reported that the Boilers and Pressure Receivers (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 and next sitting

HIS EXCELLENCY THE PRESIDENT:—In accordance with Standing Order No 8 I now adjourn the Council until half past two o'clock on Wednesday the 18th of November.

Adjourned accordingly at two minutes past Three o'clock.