

OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 7th April 1971

The Council met at half past Two o'clock

[MR PRESIDENT in the Chair]

PRESENT

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR DAVID CLIVE CROSBIE TRENCH, GCMG, MC
THE HONOURABLE THE COLONIAL SECRETARY
SIR HUGH SELBY NORMAN-WALKER, KCMG, OBE, JP
THE HONOURABLE THE ATTORNEY GENERAL
MR DENYS TUDOR EMIL ROBERTS, CBE, 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
THE HONOURABLE ROBERT MARSHALL HETHERINGTON, DFC, JP
COMMISSIONER OF LABOUR
THE HONOURABLE DAVID RICHARD WATSON ALEXANDER, MBE, JP
DIRECTOR OF URBAN SERVICES
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 PAUL TSUI KA-CHEUNG, OBE, JP
COMMISSIONER FOR RESETTLEMENT
THE HONOURABLE JACK CATER, MBE, JP
DIRECTOR OF COMMERCE AND INDUSTRY
THE HONOURABLE DENIS CAMPBELL BRAY, JP
DISTRICT COMMISSIONER, NEW TERRITORIES
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, OBE, 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 GERALD MORDAUNT BROOME SALMON, JP
THE HONOURABLE ANN TSE-KAI, OBE, JP
THE HONOURABLE LO KWEE-SEONG, 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:—	
Telecommunication Ordinance.	
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Telecommunication Ordinance.	
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Public Health (Animals and Birds) Ordinance.	
Prohibition of Importation of Animals (Cancellation) Order 1971	36

Oral answers to questions

Immigration into the United Kingdom

1. MR Y. K. KAN asked:—

To what extent will the Immigration Bill now being enacted in the United Kingdom change the present position of Hong Kong residents now residing in the United Kingdom on work permits and is the Hong Kong Government in touch with the United Kingdom Government on this matter?

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER):—Yes, Sir, this Government has been in touch with Her Majesty's Government in the United Kingdom on this matter. I am given to understand that the Immigration Bill, currently before Parliament, will not affect the position of former Hong Kong residents now working in the United Kingdom. Her Majesty's Government has emphasized that the provisions of the bill will apply only to those who enter the United Kingdom for employment after the bill is brought into force.

MR KAN:—Sir, my honourable Friend hasn't quite answered the first part of my question and that is to what extent do the provisions affect the Hong Kong residents who are now on work permits?

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER):—I thought I had answered that. If they are already on work permits in the United Kingdom they will not, as the bill stands at present, be affected in any way.

Road speed limits

2. DR S. Y. CHUNG asked:—

Is there not a need for an intermediate speed limit between the two extremes (30 mph and 70 mph), and will Government consider the introduction of a medium speed limit, say 40 mph, for some new motorways in the urban area, such as Princess Margaret Road on Kowloon peninsula and the waterfront road on Hong Kong island?

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER):—My honourable Friend, Sir, has asked whether there is not a need for an intermediate speed limit between 30 and 70 miles and hour. At present

[THE COLONIAL SECRETARY] **Oral Answers**

we have only one limit of 30 miles an hour. That is to say that on any Hong Kong road either there is a limit of 30 miles an hour or there is no limit at all.

This situation no longer seems to meet our needs. As my honourable Friend has suggested, a higher limit perhaps of 40 miles an hour seems more appropriate for Princess Margaret Road and the new waterfront road on Hong Kong Island. However, it is considered that the raising of the limit on these two roads should await, in the case of Princess Margaret Road, the completion of certain minor road improvements near the junction of Wylie Road, including the provision of a pedestrian footbridge, and, in the case of the Waterfront Road, the completion of all ground level roadworks now in progress.

The three Departments concerned—Transport, Public Works and the Police—are now jointly considering what other changes might be appropriate to meet higher speeds than 30 miles an hour on certain roads while maintaining limits that would be consonant with the safety of all types of road user.

DR CHUNG:—Sir, is my honourable Friend aware that in the United Kingdom the new highway code specifies 70 miles per hour on the same sign which we are using in Hong Kong for no speed limit?

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER):—Yes, Sir.

Cotton textile exports to the United Kingdom

3. MR G. M. B. SALMON asked:—

Is the Director of Commerce and Industry aware of the uncertainty in the trade concerning the position of cotton textile imports into Britain arriving after 31st December 1971 and would he make a statement?

MR J. CATER:—Yes, Sir, I am very much aware of the uncertainty in the trade. Since the British Government first announced in 1969 that it proposed to abolish quotas on cotton woven textiles and garments and cotton yarns, and to raise a tariff against Commonwealth imports with effect from 1st January 1972, this matter has been kept constantly under review in my department and by the Textiles Advisory Board. Over this period, the Hong Kong Government has also made

strong representations to Her Majesty's Government on the matter, and this is one of the questions raised when you, Sir, led a team of officials at discussions in Whitehall last November.

The present uncertainty is in respect of two aspects of Britain's proposals: firstly, whether or not a tariff will in fact be raised against cotton imports from Hong Kong after midnight on 31st December this year, and, secondly, if so, whether imports shipped against this year's quotas but arriving in Britain after midnight on 31st December 1971 will nonetheless have to bear the tariff. I can now remove uncertainty with regard to the first question.

The British Government has now informed us officially that it sees no reason to change the policy announced in 1969 and that it will therefore introduce a tariff on all imports of cotton woven textiles and garments and cotton yarns from the Commonwealth from 1st January 1972. At the same time quota arrangements will be abolished.

Accordingly, Hong Kong's exports of cotton yarn and cotton woven textiles and garments will in future have to bear a tariff which will still include a margin for Commonwealth Preference and represent 85% of the most favoured nation rates of duty. Cotton knitwear which is not now subject to quota controls will, of course, retain duty free entry.

As to the second point of uncertainty—that is, whether cotton textiles shipped against quotas this year but arriving in Britain next year will have to bear the tariff—the Hong Kong Government has not yet received any firm decision from Her Majesty's Government which would enable me to say what the answer is likely to be. I can, however, say that Her Majesty's Government has indicated that it understands the problems of the Hong Kong exporter, and is looking into this matter urgently and sympathetically. We have also been promised an early reply.

Road construction on Lamma Island

4. MR OSWALD CHEUNG asked:—

Will Government consider building a road on Lamma Island, adequate for pedestrian and scooter traffic, to link up the villages between Pak Kok on the North-western tip of the Island and Tung O Wan on the South-east coast? Alternatively will Government consider interesting some other authority or agency in such a project and, if so, make a contribution to assist such a project?

MR D. C. BRAY:—Sir, the possibility of improving communications between north and south Lamma has been under consideration for sometime. To-date, however, the need for a road or an improved

[MR BRAY] **Oral Answers**

track has not been clear enough to justify the high cost of construction resulting from the difficult terrain. Further consideration is being given to replacing the existing footpaths with a four-foot concrete track, using local public works resources, in consultation with the Chairmen of the two Rural Committees concerned, but even this will be relatively difficult and expensive work.

MR CHEUNG:—Sir, surely my honourable Friend knows that only a very small part of the terrain is difficult. Most of this path, I suggest, would be over low lying ground.

MR BRAY:—Sir, it is nevertheless a very long path and it will be very expensive, and we are far from sure that the Rural Committees will be able to match the Government contribution for a local public works scheme even on this limited scale.

Water supply for Lamma Island

5. MR CHEUNG asked:—

Can Government state what progress has been made in the study and survey of Lamma Island aimed at providing a reservoir or a much augmented water supply for the inhabitants and the increasing number of persons going to the Island for recreation?

MR J. J. ROBSON:—Sir, the investigations into possible means of supplying the Yung Shue Wan Area of Lamma Island with water have almost been completed. They have taken longer than might have been expected because several alternatives have been considered. A full report will be submitted in due course, but it may be noted at this time that, while the catchment area of Lamma is sufficient to provide runoff for a small reservoir scheme, costs would be very high and the quantity of water not very great.

It is expected that a preliminary report will be submitted to the District Commissioner, New Territories within about a week for his consideration, including consideration of the possible need for future expansion of any scheme which may be implemented.

MR CHEUNG:—May I ask a supplementary, Sir? Has consideration been given to augmenting the supply in the Sok Kwu Wan area also?

MR ROBSON:—Not at this moment in time, Sir. This was why I put at the end of my reply the possible need for future expansion of the scheme implemented because, if you start to expand your scheme, so your costs increase—even more rapidly if your sites for a reservoir are difficult.

Marriages performed in the New Territories

6. MR CHEUNG asked:—

Is Government aware that it has transpired that a number of places of worship in the New Territories, where in recent years a number of marriages have been celebrated, have not been licensed for such purpose? If so, will Government take early steps to introduce a bill into this Council to validate retrospectively all such marriages, in order that couples who *bona fide* entered into such unions may have the status of themselves and their children regularized?

THE ATTORNEY GENERAL (MR D. T. E. ROBERTS):—The answer to the first part of the question is Yes. It has recently come to light that there have been a number of cases in which this requirement, and other provisions, of the Marriage Ordinance have not been complied with.

A full investigation of the matter is being undertaken by the Registrar of Marriages. When this is completed, a decision will be taken as to whether, and to what extent, validating legislation is justified.

MR CHEUNG:—Sir, may I ask how long this investigation is to take because I am aware that at least one couple is anxious to be divorced but can't get a divorce as their marriage has been legally invalid? (*Laughter*).

THE ATTORNEY GENERAL (MR ROBERTS):—I am afraid that how long it will take will depend on how large the problem proves to be as it is investigated. On the other hand I think I should draw the honourable Member's attention to the fact that there is a section in the Ordinance which says that a marriage is void if both parties knowingly and wilfully acquiesce in the celebration of a marriage in an unlicensed place. Therefore it may well be that if they knowingly and wilfully acquiesced they should not have their marriage validated but, on the other hand, if they didn't know about it, it may be that they do not need it to be validated. (*Laughter*).

Statement

Factories and Industrial Undertakings (Amendment) Regulations 1967

MR R. M. HETHERINGTON:—Sir, on 1st December 1970, the fourth phase of a programme for the progressive reduction of hours of work for women and young persons in industrial employment began in accordance with the Factories and Industrial Undertakings (Amendment) Regulations 1967. I undertook to report to this Council on the effects of these regulations and I have previously made annual statements on the three earlier phases. I am now in a position to report on the fourth phase.

The regulations relating to the fourth phase further reduce the standard working hours from 8 hours 40 minutes to 8 hours 20 minutes a day and from 52 hours to 50 hours a week. They also increase the amount of permissible overtime from 240 hours to 270 hours a year.

Based on the practice in earlier years, officers of the Labour Department began to advise managements of the impending fourth phase at the beginning of October 1970. The response to the campaign was very good and 8,992 establishments had, by the 1st December 1970, completed the necessary formalities to comply with the new regulations. By the 6th January 1971, all but one factory out of a total of 10,905 had changed over and the remaining concern did so after the Lunar New Year on expiry of its period of exemption.

Only 175 applications were received to defer the introduction of the new hours. I refused 91 and granted exemptions to 83 until the end of December 1970 and one until 25th January 1971, the eve of the Lunar New Year.

The whole operation went through smoothly and no serious complaints were made. The final phase will come in to effect on the 1st December 1971 when women and young persons in industrial employment will then work a standard eight-hours day and 48-hours week with permissible annual overtime limited to 300 hours and one compulsory rest day in every seven days.

It is not widely appreciated that, in the comparatively short space of four years from 1967 to 1971, the standard working hours for women and young persons in industrial employment will have been reduced from ten hours a day and 60 hours a week to eight hours a day and 48 hours a week. Although permissible overtime will have been increased from 100 hours to 300 hours a year during the same period, the fact is that, in practice, little use has been made of the additional hours. The situation is quite contrary to the forecasts made

by critics of this aspect of the scheme when the regulations were first made. In the twelve months from 1st December 1969 to 30th November 1970, only 145,249 hours of overtime were worked by 1,688 factories. This represents very roughly 5% of the amount of overtime which was legally permissible during a period when industrial activity was probably higher than ever before.

A more detailed report has already been presented to the Labour Advisory Board which has taken note of the developments over the past year and of the present position.

DR CHUNG:—Sir, may I ask for a point of clarification of the statement? Were these reductions in hours of work accomplished without any reduction of take-home pay?

MR HETHERINGTON:—I don't know, Sir.

Government business

First reading

LIFE INSURANCE COMPANIES (AMENDMENT) BILL 1971

REVISED EDITION OF THE LAWS (AMENDMENT) BILL 1971

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

Second reading

LIFE INSURANCE COMPANIES (AMENDMENT) BILL 1971

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

He said:—Sir, as the law now stands, by virtue of the Companies Ordinance and the Life Insurance Companies Ordinance, a life insurance company can be wound up either if the company itself takes the necessary steps to secure the voluntary winding up or if a policyholder or shareholder petitions for the winding up of the company, on the ground that the insurance company is insolvent.

In practice, a company which is in financial difficulties is unlikely to take steps towards its own winding up until it is too late to save very much from the wreckage.

[THE ATTORNEY GENERAL] **Life Insurance Companies (Amendment) Bill**
—second reading

The average shareholder or policy-holder understands little about the financial affairs of the company and if he did would be likely to be deterred from taking any action to wind up the company by the considerable expense involved in the petition and by the difficulty of providing the expert evidence which is required by the Life Insurance Companies Ordinance for such applications.

The purpose of this bill, therefore, is to enable the Registrar of Companies to apply to the court for a life insurance company to be wound up if it appears to him that the company's assets are less than the aggregate amount of its liabilities, plus the amount deposited by the company under section 3 of the Life Insurance Companies Ordinance, which is normally \$200,000.

However, by the proposed new subsection (3), which is contained in clause 2(b) of the bill, the court will not make an order winding up a life insurance company if it is able to satisfy the court that its financial situation has improved, between the date of the application by the Registrar and the date on which the application is in fact heard, and that the company is now solvent.

Our law on the subject of insurance companies is inadequate in many ways and it is hoped to undertake a careful review of the legislation on this subject when the Companies Law Revision Committee has finished its work. In the meantime, however, this amendment will fill a gap in our law and will give the Registrar of Companies a similar power to that which has for a long time been enjoyed by the Board of Trade in the United Kingdom.

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

Clause 2 of the Bill renumbers section 22 of the principal Ordinance as subsection (1) of that section and adds three new subsections after it.

2. The purpose of the new subsections (2) and (4) is to provide that the court, on the application of the Registrar, shall order that a life insurance company be wound up under the Companies Ordinance if the assets of the company, excluding goodwill,

shown in the latest statement of the balance sheet of the company deposited with the Registrar under section 15 of the principal Ordinance are less than the aggregate amount of the liabilities of the company, including its life insurance fund but excluding its share capital, shown in that statement and the amounts deposited with the Registrar under section 3 of the principal Ordinance.

3. The new subsection (3) provides that the court shall not make an order under subsection (2) if the life insurance company satisfies it that, at the date of hearing of the Registrar's application, the assets of the company, excluding goodwill, are, at that date, not less than the aggregate amount of the liabilities of the company, including its life insurance fund but excluding its share capital, and the amounts deposited with the Registrar under section 3 of the principal Ordinance.

4. In construing the Bill it is intended that the definitions set out in the new subsection (4), which relate to the amounts shown in the latest statement of balance sheet deposited with the Registrar under section 15 of the principal Ordinance, shall apply only to subsection (2).

5. Clause 3 of the Bill amends section 23 of the principal Ordinance. This minor amendment is consequential upon the amendment of section 22 referred to above.

6. It is intended that the procedure provided for in the new subsection (2) should be in addition to the existing procedure provided for in section 22 of the Ordinance.

REVISED EDITION OF THE LAWS (AMENDMENT) BILL 1971

THE ATTORNEY GENERAL (MR ROBERTS) moved the second reading of:—"A bill to amend further the Revised Edition of the Laws Ordinance."

He said:—Sir, the object of this bill is to confer upon the Attorney General additional powers, in connexion with the preparation of the annual supplements to the laws of Hong Kong, which experience of the present edition, since it came into force in 1965, has shown to be desirable.

At present the Attorney General can only prepare and have published a new booklet containing an Ordinance if the Ordinance has been amended within the previous calendar year. Otherwise, he cannot republish it even if this is desirable in order, for example, to correct cross-references, or to replace descriptions of public offices which have changed their titles or to modernize phraseology or because an up

[THE ATTORNEY GENERAL] **Revised Edition of the Laws (Amendment) Bill—
second reading**

to date version of the Ordinance, including all past changes, is to be found only in the booklet of minor amendments.

For these reasons, clause 2 of the bill repeals and replaces section 13 of the principal Ordinance so as to empower the Attorney General to prepare a new booklet containing legislation which has not been amended within the previous year and to include in it necessary minor amendments, corrections and cross-references.

The Commissioner who undertook the revision of the laws in 1964 had power to consolidate two or more Ordinance if they dealt with similar subjects, to divide one Ordinance into several Ordinances and to transfer any part of an Ordinance to subsidiary legislation. At present, the Attorney General does not have this power and the proposed new section 13A would confer it upon him. It is to be noted that, by virtue of the new section 13B(1), the Attorney General would be limited, in the exercise of the powers conferred, to making only formal and verbal alterations and would not be authorized to make any amendments of substance to the law.

The conferring of the additional powers contained in this bill will enable the Attorney General to keep the revised edition up to date and should made any complete revision of the laws of Hong Kong in the future unnecessary.

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

This Bill repeals and re-enacts with additional provisions section 13 of the principal Ordinance.

The proposed new section 13 retains the existing requirement that the Attorney General must either prepare a new booklet of any legislation which has been amended during the previous twelve months or include amendments in a booklet of minor amendments.

The new section 13(3) will enable the Attorney General to publish a new booklet in the revised edition of legislation which has not been amended within the previous twelve months, a power which he does not have at present.

The new section 13(4) will permit the inclusion, in the booklet of minor amendments, of corrections to cross references and other minor alterations to maintain uniformity of style and usage throughout the revised edition where the Ordinance affected has not been amended within the previous twelve months and where the preparation of a new revised edition of the Ordinance is not justified.

Section 13A empowers the Attorney General to consolidate two or more Ordinances, which deal with a similar subject matter, into one Ordinance or to divide one Ordinance into several Ordinances. He is also enabled to transfer provisions from an Ordinance into subsidiary legislation. The same powers were granted to the Commissioner to enable him to prepare the revised edition in 1965.

Section 13B re-enacts the provisions contained in the repealed section 13 which confer ancillary powers required for the operation of sections 13 and 13A.

CORPORAL PUNISHMENT (AMENDMENT) BILL 1971

Resumption of debate on second reading (24th March 1971)

Question again proposed.

MR CHEUNG:—Sir, like the rest of my unofficial Colleagues I support this bill. I think it would be an improvement to it if section 2 were to be amended so that if the Schedule were to be changed, it would be changed by resolution of this Council rather than by regulation made by you in the Executive Council. At the committee stage, therefore, Sir, I propose to introduce an amendment to effect such a change.

THE ATTORNEY GENERAL (MR ROBERTS):—Sir, the effect of the amendment proposed by the honourable Member will be to ensure that any future extension to the list of offences for which persons aged 16 or over can be caned, will be the subject of debate in this Council. This procedure should, I suggest, give adequate publicity to any such proposal and afford an opportunity for public debate in which the proposal can be carefully examined. I should perhaps point out that if the bill were left in its present form and the Governor in Council were able to amend the Schedule by order, nevertheless the amending order itself would be subject to debate and annulment in this Council at the next meeting after it was made, at which that order would be laid on the table of this House. However I do see

[THE ATTORNEY GENERAL] **Corporal Punishment (Amendment) Bill—
resumption of debate on second reading (24.3.71)**

force in the argument that the initiative, rather than merely a power of veto, should reside in this Council and the Government would be prepared to support the honourable Member's amendment at the committee stage.

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.

**INTERPRETATION AND GENERAL CLAUSES
(AMENDMENT) BILL 1971**

Clauses 1 to 3 were agreed to.

**TRADE UNION REGISTRATION (AMENDMENT)
BILL 1971**

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

Clauses 1 to 30 were agreed to.

**PUBLIC HEALTH AND URBAN SERVICES
(AMENDMENT) BILL 1971**

Clauses 1 and 2 were agreed to.

Council then resumed.

Third reading

THE ATTORNEY GENERAL (MR ROBERTS) reported that the Interpretation and General Clauses (Amendment) Bill 1971 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.

MR HETHERINGTON reported that the Trade Union Registration (Amendment) Bill 1971 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.

MR D. R. W. ALEXANDER reported that the Public Health and Urban Services (Amendment) Bill 1971 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

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

2.56 p.m.

Topless Exhibition

MR WILFRED S. B. WONG:—Your Excellency, when the topics of topless exhibition and later bottomless exhibition were first mooted some months ago, I had the opportunity of hearing the views of several sections of the community: the feminine society, the educational group, the police authority and the professional group. All except the professional group are against this type of exhibition in public. One of my best friends in the professional group told me: "You are a bit old fashioned. I have seen the show. I like it and I don't think it'll do any harm to anybody." This summarizes the view of the professional group. I, however, sincerely feel that from the viewpoint of society as a whole, there is something much more than just the reaction of one group of professionals on a particular exhibition.

Civilization is, in the last analysis, the result of a pattern of society. The pattern of society changes in accordance with the culture and customs of the people. In a society, where feminine breasts and buttocks are bared in public bars, is civilization progressing to a nudist

[MR WONG] **Topless Exhibition**

state of the 21st century or is it regressing to the days of the Garden of Eden?

Civilization depends on culture; culture is based on morality; morality, in the last analysis, is based on the principle of reciprocity. Any assessment on the value of civilization must therefore be measured against morality, which nowadays is a much misunderstood word. Morality simply means a standard of reciprocity whereby one does not do unto others as you would not have others do unto you. Therefore, the principle of reciprocity means one rule for all—not one rule for other peoples' wives and daughters and another one for ones own.

When society accepts an institution on a reciprocal basis, even polygamy and polyandry is not immoral.

On the baring of breasts men should not condone this practice unless the society of ladies approves. I have yet to hear of one prominent lady who does approve.

Let us not take advantage of the modesty of ladies and take silence as consent. I have heard the opinion of a great number of ladies and I would say this. If there is any one in this Chamber who could name a single lady of standing who approves of the topless exhibition, I would gracefully bow out of this debate.

As we do not wish to have our wives or daughters bare their breasts, we should not condone or allow such practices in the bars of Hong Kong which are public places. The exposure of the feminine breast may be a custom in certain parts of Africa or Bali, but it is not Chinese culture or custom.

Next to the principle of morality which emerged only from the principle of reciprocity, let us examine another aspect of this topless exhibition. This concerns the effect on our youth, and indeed on some of the not so young as well. I have no doubt that this appears to have little effect on certain mature persons who have developed a "defence mechanism". A judge in America made the statement "There is no evidence that exposure to pornography operates as a cause of misconduct in either youth or adults". I think to produce evidence sociologically is difficult but an understanding of psychology, behaviorism, the impact and response of homo sapiens would help in a sounder assessment of conduct in a civilized society. I have it on the authority of none other than the annual departmental reports by the Commissioner of Police that sex crimes turned sharply upwards in 1968 and afterwards and that is coincident with the acceptance of the mini-skirt. These statistics speak for themselves.

STATISTICS

ON THE REPORTED CASES OF
CRIME AGAINST PUBLIC MORALITY

	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970
Rape.....	3	3	4	1	2	1	4	3	2	5	12	13	10	31	28
Indecent assault.....	82	86	136	139	150	206	161	127	161	228	273	241	264	396	350

There are more statistics of arrests in connection with crime against public morality which show the same trend.

The police authorities in New York City have also statistics to show the correlation between the increase in sex crimes and the introduction of the mini-skirt. They started to increase in the year 1964, four years before Hong Kong.

I am aware of the modernist argument that sex is here to stay and we should not do anything but to liberate it. Sex is so natural and so powerful that, on the contrary, I think we should not do anything more to stimulate it. There is a torrent of erotica in literature already, especially for the young. Too soon an obsession will mean a misdirection of their time and energy and otherwise constructive and valuable contributions in the form of scholastic achievement or productive work will be lost to society.

Another argument I have heard from the proponents of topless exhibition is that other places have it. Hong Kong is fortunate in that it is situated in a place where it can benefit from the best of two cultures and need not blindly follow other places. If we are to quote Confucius, who said men and women should not be intimate until they are married, we would be accused of being out of date. Yet virtue is timeless. Confucius was a very wise man who long ago tried to preserve the family system for Chinese civilization. He was also aware of the potential excesses of youth. The rigid code of ethics which he advocated can be understood by those who know that freedom in the last analysis can only arise out of discipline. Believe it or not, the majority of the adult population of Hong Kong are still influenced by Confucian analects.

Had Confucius been heeded, much of the unhappiness of the world would have been avoided. The young people of today are short on patience and many acts they have committed would have been alright if only a year or two later. It would have saved much pathos, heartbreak and disutility. The young are normally impetuous and the present education and family system have not been able to instil in them the value of the forth dimension—time. We certainly cannot condone any behaviour which further accelerates the already overdeveloped impulse of sex.

[MR WONG] **Topless Exhibition**

There are those who even put up the argument that lack of such exhibitions would make Hong Kong a less attractive place as a tourist centre. This shows the extent to which such argument can go. Hong Kong became a tourist centre because of its mixed culture, good facilities, beautiful scenery and quality merchandise at low prices, not because of but in spite of such "attractions".

Another proponent of the topless exhibition asked whether there is an element of art in this exhibition. No one would argue against the beauty of the human body in an art gallery or museum. However, in the flesh art need not be topless nor culture bottomless.

Another proponent of the topless said that if we were to legislate against it, the effect would be to drive it underground. The idea is to prohibit it publicly in order not to make such exhibition easily accessible. But if we are to pursue the argument of total enforceability, then by *reductio ad absurdum* we would legalize prostitution as well because it is now underground. We could also legalize certain other crimes and bring them into the open, but that is hardly the point.

The present legislation (Laws of Hong Kong Vol 7, Cap 150) concerning indecent exhibition reads as follows "No person shall, on payment or gratuitously, expose to public view any written or printed matter, or any picture, film, figure or other thing, or any exhibition, which is of an indecent, obscene, revolting or offensive nature." This ambiguous law puts the onus on the police who shall deem a particular act indecent or otherwise decent. This is an untenable and impracticable law to enforce. It leads too much to imagination. Furthermore, these exhibitions vary a great deal. One eminent person saw an artistic exhibition; another eminent person saw a different act; and another eminent scout was able to see nothing at all because the barmaid was suddenly ill when he arrived. If Government takes no action surely as night follows day there will be topless waitresses.

I would advocate changing the legislation to simply to prohibit exhibition of what is generally recognized as private parts of the human body in public places such as bars, *etc.*

Too many times have legislators sat by watching the pattern of society degenerate on grounds of the infringement on individual liberty. Can we not look back in history and note the fate of Sodom and Gomorrah? The phenomenal rise of sex crimes in recent years has prompted some to call the civilization of the twentieth century "decivilization". We in Hong Kong are in a unique position in not being caught in the web of incongruous liberalism and meaningless permissiveness, which beset the culture of the present day. Finally this matter concerns the fair sex. We should not be dogmatic.

Therefore unless and until feminine society approves of such exhibition, I shall continue to press for legislation to ban topless and bottomless exhibition in the public bars of Hong Kong.

MR P. C. WOO:—Sir, despite my honourable Friend, Mr WONG's philosophical analysis and his fervent plea against topless exhibitions by females in public places, my approach to this matter is somewhat different from his.

Let it not be thought that I condone topless and, for the matter, bottomless exhibitions. I emphatically do not, but I think the time has arrived for the authorities to impede the spread of these exhibitions.

Our law as it stands today has proved inadequate for the Police to take effective action, but as the Police are not the arbiters of public morals, it is for the Courts to say what is obscene, lewd, disgusting, or indecent.

The word "indecent", as I understand it, simply means something that offends the ordinary modesty of the average man. What is an average man? The phrase "average man" may involve some argument in law! The word "obscene" means that which tends to deprave or corrupt.

May I quote the observation of the Canadian Court in a case on the subject matter. The Court opined that, "The test of obscenity involves consideration of the tendency of the matter to corrupt and deprave not persons who are immune to immoral influence nor persons who are already corrupted and depraved but those who are open to immoral influences. The tendency must, of course, be related to the time when the test is applied. The question of obscenity is one of fact".

Therefore a dancing act by a naked female in the eyes of a person in religious orders may well be obscene, but is it obscene in the eyes of a tourist whose country of origin may well permit this sort of exhibition, an act that is so commonplace in his country that it would be boring to him?

We are living in the twentieth century, not in the days of Confucius where touching the hand of a female was considered to be an act of impropriety. Our present age of permissiveness is with us, whether we like it or not. If, however, we find certain aspects of permissiveness which, in our opinion, are beyond the pale of propriety for the Hong Kong population, and our population speaks out against them, then we ought to find ways and means to upkeep our own standard of propriety even though other Western countries may tolerate them.

[MR WOO] **Topless Exhibition**

Is the cure to be found in amending our legislation? Can even the learned and agile mind of my honourable Friend, the Attorney General, draft legislation so perfect that every loophole is covered?

The solution, which I submit, if there should be any solution, is this. Let there be a condition in each licence issued to these establishments whether it be a liquor, theatre, cinema, restaurant, bar or night club licence, that topless or bottomless exhibitions in their premises which are open to the public will be an offence capable of prosecution therefor and which would lead to the cancellation of the licence by appropriate authorities upon conviction by a Court of law.

Sir, I commend my suggestion for the consideration of this Council.

MR SALMON:—Sir, before expressing my views on topless bars, may I remind honourable Members of a speech in this Council last October by the then Acting Secretary for Home Affairs. He said that while it is irresponsible for any legislature to ignore the problems of morality altogether, we here in this Council must confine ourselves to determining which sins must be made criminal offences and which should be left to personal conscience.

As I understand it, my honourable Friends, Mr Wilfred WONG and Mr P. C. WOO, want legislation to prohibit topless young ladies being employed in bars. I would be the first to agree that this type of exhibition is vulgar and I am sorry we have it in Hong Kong. Some of the advertisements of these establishments are in particularly bad taste. However, that we do have them is simply because there is a demand for them. Someone going to a topless bar knows exactly what he is doing, and is choosing to do it, in exactly the same way as someone buying a cinema ticket to see a film with such title as "Dolls of Lust" marked "not suitable for children", or even buying Playboy magazine, is choosing himself to do so and knows what he is doing. Whether a lady uncovered, or mostly uncovered, from the waist up is indecent or obscene, be it in bar, cinema or magazine, is I suggest a matter of personal opinion, or as Mr WOO tells us a matter in the last resort for the courts. I myself doubt very much that a topless bar is going to deprave or corrupt, if this is what obscenity means, any more and possibly less than many other licenced bars of a different sort of which we have an abundance in Hong Kong. In principle, I believe that adult behaviour, insofar that it harms no-one but the individual concerned, should be left to personal conscience, that there should be the minimum of censorship, and that there should be the minimum of Governmental regulation to control what we may or may not do in our personal lives.

As my Friend, Mr WONG, has said, there is the theory that if we legislate against the topless, then these establishments will be driven underground. Once this happens there is perhaps the greater danger of these places being operated by highly undesirable people, as well as the danger of corruption and other evils. Moreover, I imagine the proprietors can quite easily close the bars as such, and reopen as clubs. In London, anyone over 18 can go to a strip tease club, merely becoming a member by paying a few new pence at the front door, and then seeing the show. If our regulations on clubs are similar to those in UK, then we shall have gained little by closing the bars if they reopen as clubs and are still easily accessible.

My Friend, Mr WONG tells us that sex crimes went up when mini-skirts came in. He did not say whether the rot had set in earlier when the bikini arrived on our beaches, nor whether we have further cause for alarm since we got hot-pants. Forgetting about Chinese culture, though I have the greatest respect for it, and forgetting too the cultures of such countries as France, England and Japan, I suggest that in all these changing fashions of dress, and lack of dress, and behaviour, and indeed morality as perhaps we knew it in our own younger days, Hong Kong is merely keeping up with other cities in the major league. In this day and age, this is almost inescapable.

As my Friend, Mr BRAY, said last October, it is impossible to eradicate sin by the enactment of legislation. If it is sinful or immoral to go to a topless bar, so be it and we can decide for ourselves; if it is sinful for the ladies in the bars to expose the greater part of the upper front and/or lower rear of their anatomy, so be it and they can decide for themselves. But I do not believe it is necessary to turn either the customers or the young ladies into criminal offenders, nor enact legislation in this instance to control the moral behaviour of our citizens which, unless it harms others, is their own affair and something for their personal conscience.

3.21 p.m.

THE SECRETARY FOR HOME AFFAIRS (MR D. R. HOLMES):—Sir, I hope the fact that I rise to speak to this motion will not cause anyone to suppose that my department has set itself up as the custodian of public morals. Nor, I hope, will Members expect from me any speculation about what should be the proper relationship between crime and immorality, or about the extent to which the criminal law should concern itself with the enforcement of moral standards or the punishment of sin.

I propose, Sir, simply to convey to Council the opinion which at present prevails in the Police Force, and also to describe the view provisionally reached in the Board of Licensing Justices, who, since the

[THE SECRETARY FOR HOME AFFAIRS] **Topless Exhibition**

phenomenon of topless girls has so far, as it happens, appeared only in licensed premises, is the only official body which, so far as I know, has yet given formal consideration to the matter.

A recent Police assessment gives the following information and opinions. There are at present seven establishments in which waitresses and bar-girls appear in a more or less topless state. Six are in Kowloon and one in Wan Chai. These establishments are well advertised both in the press and at the entrances, and no one is likely to enter them without knowing what to expect. Indeed the advertising material exaggerates the degree of exposure. Prices are high and as a result many of the customers are tourists and relatively few are young people. The demeanour of the girls in these establishments is not reported to be in any way lewd or obscene. Whilst there is no evidence that illegal or undesirable activities have started or increased in or around these establishments, the Police nevertheless consider that the situation must be most carefully watched in view of the possibility that more and more establishments may adopt this gimmick of toplessness, or others like it, or perhaps that the degree of exposure will increase in an effort to gain more business, especially since trade is not too flourishing in some of these bars at the present time. The Police do not advocate any other action at present, although of course should it appear that there are infringements of the existing law, which is not thought to be the case at present, then the matter will as usual be considered on its merits. This applies to newspaper advertisements, as well as to the activities in the bars and clubs themselves, and these aspects too should be carefully watched in the view of the Police.

The Board of Licensing Justices has independently considered these matters at a recent meeting and has reached a similar conclusion. The Board was not discussing the possibility of enacting new legislation as suggested by Mr WONG but was considering the question whether additional licence conditions should be imposed on licensed premises with a view to laying down certain standards of dress for the employees, a possibility envisaged by Mr WOO in his remarks this afternoon. One Member expressed views very similar to those which we have just heard from the honourable Mr Wilfred WONG, but the majority view may be summed up as follows, that the bars which have topless waitresses have a limited mainly male clientele who deliberately visit this type of establishment, and that the establishments seem at present to be relatively harmless. The Board noted that licence conditions about dress would not be easy to formulate and, in this connection, I was not entirely able to follow Mr WOO's contention that whilst to draft legislation on this subject would defy the ingenuity of the Attorney General, the drafting of licence conditions would have presented no such problem. The Board noted also that any restrictive

measures would present the Police Force with very difficult enforcement problems. At the end the Board concluded that no action should be taken for the time being, but all Members were agreed however that the situation should be very carefully watched and I have, as Chairman of the Board, already made arrangements to supply the Board with further up-to-date reports if there should be any material change in the situation. Nothing I have said should be taken to indicate that the Board's attitude towards sexual morality and seemly behaviour falls in any way short of the high standards enunciated by my friend Mr WONG. I know that all members of the Board would agree with everything he said about how people should behave. What they were discussing was the question how far new legal sanctions should be introduced or used for the purpose of trying to enforce standards of dress in premises licensed to sell liquor, and they saw the need to proceed with caution. They were influenced little if at all by present tendencies in other countries or by the economic or business implications for the tourist trade. I intend to send the full record of the Board's deliberations for the information of the honourable unofficial Members who have spoken in this Council today and to any other Member who may be interested. I shall also ensure that my colleagues on the Board of Licensing Justices are supplied with the text of what has been said in this Council today.

The official view, Sir, at present conforms with that independently reached by the Police and the Licensing Justices which I have just described. There is, therefore, no present official intention to introduce legislation on the lines suggested by Mr WONG, or to alter the conditions attached to the licences, but our intention is that the situation should be most carefully watched as has been advised.

I have not dealt, Sir, with Mr WONG's reference to the existence of a correlation between the incidence of certain types of crime and the introduction of the mini-skirt. I do not think he can be suggesting that legislation should be introduced to control the length of women's skirts, but if that is the implication I feel bound to say, Sir, that I could not support such a measure. I do not think it would command any general support.

Question put and agreed to.

Next sitting

HIS EXCELLENCY THE PRESIDENT:—Accordingly I now adjourn the Council until 2.30 p.m. on 28th April 1971.

Adjourned accordingly at twenty-eight minutes past Three o'clock.

Code No.: 0410771

Price: \$6.00

84506—4K—5/71