

# OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 28th 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 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 ANN TSE-KAI, OBE, JP  
THE HONOURABLE LO KWEE-SEONG, JP

## ABSENT

THE HONOURABLE JACK CATER, MBE, JP  
DIRECTOR OF COMMERCE AND INDUSTRY  
THE HONOURABLE GERALD MORDAUNT BROOME SALMON, 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.	
Telecommunication (Amendment) (No 2) Regulations 1971 ...	37
Revised Edition of the Laws Ordinance 1965.	
Annual Revision 1970.....	38
Medical Registration Ordinance.	
Medical Practitioners (Registration and Disciplinary Procedure) (Amendment) Regulations 1971 .....	42
Public Health and Urban Services Ordinance.	
Slaughter-Houses (New Territories) (Amendment) Regulations 1971.....	43
Trade Union Registration Ordinance.	
Trade Union Registration (Amendment) Regulations 1971 .....	44
Interpretation and General Clauses Ordinance and Royal Hong Kong Auxiliary Air Force Regulations 1970. Delegation of Powers.....	45
Interpretation and General Clauses Ordinance and Royal Hong Kong Regiment Regulations 1970. Delegation of Powers .....	46
Revised Edition of the Laws Ordinance 1965.	
Annual Revision 1970.....	47
Sessional Paper 1970-71:—	
No 53 — Annual Report of the Medical Development Plan Standing Committee from 1st April 1969 to 31st March 1970 (published on 28.4.71).	
Report:—	
The Second Report of the Chinese Language Committee (published on 28.4.71).	

## Oral answers to questions

### Drowning accidents

1. MR P. C. WOO asked:—

In reply to my question asked in this Council on the 5th August 1970 the Honourable the Acting Director of Urban Services said that in order to improve life saving facilities and swimming safety campaign "our best hopes lie in the programme for building more swimming pools, not only to attract youngsters away from more dangerous areas, but also so that they can be taught to swim in safety". How many swimming pools have since been planned and/or are being built for the teaching of youngsters to swim in safety?

MR D. R. W. ALEXANDER:—Sir, since the reply made last August (at which time the only public swimming pools were at Victoria Park and Kowloon Tsai), the first of the large new district pool complexes has been opened at Morse Park, in December. Two more of the same type, at Lei Cheng Uk and Kwun Tong, are expected to be opened this summer. These complexes consist of 7 pools each (including 3 teaching pools)—in addition to a children's play area.

In the urban areas, other pools in the Public Works Programme are planned for:—

Kennedy Town, where site formation has just been completed, but where the site is too small to allow for teaching pools.

Morrison Hill, which is being designed as a heated pool by a private architect and where working drawings are almost complete. The complex will consist of one main pool, one children's pool and one paddling pool.

Hung Hom, which is in Category B of the Public Works Programme, which Government is considering the possibility of heating, and which is a standard seven pool complex.

In Chai Wan, which is in Category C and which also will be a standard complex.

In the New Territories, contract documents are in hand for a pool at Tsuen Wan (a standard complex) while a pool at Yuen Long is in Category C of the Public Works Programme. If we can get a big enough site there, this will also have teaching pools. There is also a proposal for a pool at Fanling on which my honourable Friend, Mr P. C. Woo has put down a separate question—with which I shall deal later.

[MR ALEXANDER]      **Oral Answers**

Where teaching pools are not provided, it will still be possible to train swimmers in parts of the main pools which can be roped off for the purpose, just as we have done for a number of years at Victoria Park and Kowloon Tsai.

I should perhaps make it clear that the pools I have just mentioned do not make up the total programme of pools which we think are required—particularly in the urban areas—where the Urban Council will no doubt from time to time be seeking to include new swimming pool projects in the Public Works Programme.

Here, Sir, I should like to pay tribute to the great generosity of the Royal Hong Kong Jockey Club which makes possible the construction of so many swimming pools.

**Swimming pool at Fanling**

2. MR WOO asked:—

When will the swimming pool at Fanling be completed and open for the use of the public?

MR ALEXANDER:—I regret that I am unable, Sir, at present to give a definite answer to this question.

It has been proposed that a swimming pool be constructed in Stage II of the development of Fanling Recreation Ground. Stage I of this development, which consists mainly of facilities for active recreation, is at contract document stage and is expected to be completed in 1972.

Stage II is in Category C of the Public Works Programme. It is hoped that the Royal Hong Kong Jockey Club will be able to see their way to paying for the construction of a swimming pool here also—if its inclusion in Stage II is agreed—just as they have so generously done in respect of swimming pools in the urban area. But just how soon the Jockey Club would be able to help in this connexion, I am unable to say.

MR WOO:—Sir, I would like to know whether, if the Jockey Club is not able to help, Government will consider having the swimming pool at Fanling built with Government funds.

MR ALEXANDER:—I would like to think, Sir, that the Government would consider this in the event that the Royal Hong Kong Jockey Club did not take on this project. As you know, these projects are very popular with the Royal Hong Kong Jockey Club and I think it is always Government's intention to give them first refusal.

### **Swimming pool for Royal Life Saving Society**

3. MR WOO asked:—

Will Government give an early decision to the application of the Royal Life Saving Society for a swimming pool of their own to teach youngsters to swim and to hold their examinations for life saving?

MR ALEXANDER:—Sir, the Royal Life Saving Society has been anxious for some time to obtain a swimming pool where it can undertake the training and testing of persons interested in swimming and life saving activities. Consideration is now being given to the selection of a suitable site or sites which might be offered to the Society. It is hoped that it will be possible to make some progress in connexion with this project within the next few months.

### **Report of Industrial Training Advisory Committee**

4. MR H. J. C. BROWNE asked:—

Has the Industrial Training Advisory Committee submitted its final report yet? If so

(a) when will it be published and

(b) when do Government expect to say what action they propose to take on the various recommendations of the Committee?

MR R. M. HETHERINGTON:—Yes, Sir, the Industrial Training Advisory Committee presented its final report to His Excellency the Governor on 31st March of this year. The proposals in the report are the result of over five years of continuous work by the Industrial Training Advisory Committee and are expected to have far-reaching effects on the future development of industry in Hong Kong. I have been asked by the honourable the Colonial Secretary to take this opportunity of expressing, publicly, Government's appreciation to the members of the Industrial Training Advisory Committee and to the members of the associated functional and industrial committees of their invaluable efforts.

The final report of the Industrial Training Advisory Committee will require careful study by many organizations and Government departments. It will also be of interest to a great many people in the community at large. It has therefore been decided to publish the final report in both Chinese and English as quickly as possible. Arrangements for this are in hand.

[MR HETHERINGTON] **Oral Answers**

Action has already been taken by Government on some of the recommendations made by the Industrial Training Advisory Committee, particularly those contained in interim reports. Many of the courses now being offered at the Technical College and at Morrison Hill Technical Institute have been introduced or expanded in direct response to recommendations from the Industrial Training Advisory Committee. An Apprenticeship Unit has already been set up in the Labour Department and detailed proposals for legislation governing craft and technician apprenticeships have been drawn up. These were approved recently and authority has been given for the preparation of a draft bill on apprenticeship with a view to consultations taking place with the many interested bodies.

The Industrial Training Advisory Committee has recommended that four additional technical institutes should be provided quickly to augment the existing facilities available at Morrison Hill Technical Institute. This recommendation is under examination and I hope that the matter can be referred to the Executive Council in the near future.

**Pedestrian crossing in Wong Tai Sin**

5. DR S. Y. CHUNG asked:—

Is Government aware of the tremendously huge number of pedestrians crossing Choi Hung Road (a main thoroughfare in Wong Tai Sin) at the junction of Sha Tin Pass Road during the rush hours threatening pedestrian safety and causing traffic congestion, and will Government consider the early construction of mechanized overhead or underground pedestrian crossings at this junction?

MR J. J. ROBSON:—Sir, the answer to the first part of my honourable Friend's question is that Government is fully aware of the problems caused by the very high number of pedestrians crossing the roads at the junction of Choi Hung Road with Sha Tin Pass Road.

In respect of the second part of his question the sum of \$400,000 is included in the current estimates under Head 66 Subhead 176 for the construction of a footbridge at this location. The detailed design of this footbridge is well under way and tenders for its construction are expected within four months. It is not, however, intended that it should be mechanized, *i.e.* that it should be provided with escalators. The capital cost for two sets of escalators, one at either end of the footbridge, would be approximately \$800,000 and the annual operating cost approximately \$42,000.

In the light of the large number of locations in the Colony where the pedestrian crossing problems are such as to warrant separation of traffic (there are 20 grade separations approved and 47 under consideration either in the planning or design stage), I think my honourable Friend will agree with me that priority must be given to the construction of as many footbridges or subways as possible within the next few years. This does not mean, however, that the use of escalators has been ruled out for, as my honourable Friend is aware, they will in fact be installed in conjunction with the footbridges to be built as part of the Connaught Road Central widening scheme. However, in view of the high costs, these must be treated as pilot installations and until we have actual experience in the usage, operation and maintenance problems which will arise, it is not possible for me to recommend where their use would be justified.

### **Charges for emergency ambulance calls**

6. MR WILFRED WONG asked:—

Would Government make a statement concerning the charges which are made when citizens dial 999 for an emergency ambulance to be sent to hospital?

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER):—Sir, with one exception no charges are made when members of the public dial 999 for an emergency ambulance to take them to hospital. That one exception is that a charge will be made for the use of the ambulance if a member of the public asks to be taken to a hospital of his own choosing, and not to the nearest hospital or clinic to which the ambulance would normally take him.

All calls for ambulances are classified either "Emergency" or "non-Emergency". "Non-Emergency" calls are those which do not warrant the immediate attendance of an ambulance, for example, the conveyance of patients from one hospital or clinic to another or from a patient's home to a hospital or clinic and back for scheduled or non-urgent treatment. All other calls for an ambulance are classified as "Emergency".

Charges are not necessarily made for "non-Emergency" calls and the Director of Fire Services may at his discretion remit charges for the use of Government ambulances. He normally does so when persons suffering from infectious diseases are conveyed to hospital, where patients are moved by ambulance at the request of a medical officer and also where the payment of a charge would cause hardship to the person concerned.

MR WONG:—Thank you.

## Oral Answers

### Access to Government departments during public holidays

7. MR WONG asked:—

Is Government considering making adequate arrangements for providing continuing service by such departments as the Immigration Department which was closed for 4 days during the Easter Holidays?

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER):—Sir, the problem of the provision of routine services on public holidays is one which the Government keeps constantly under review. There are, of course, many services provided by the Government which are continuously available over holiday periods—for instance the services of the Police, Fire Services, Medical Services, the life saving service, rescue services and the routine services of the Urban Services Department.

There are however what I might call "documentation services" provided by other departments, for which individuals may find an emergency requirement arising. It is, I think, to this class of case that my honourable Friend must be referring.

The honourable Member has referred specifically to the Immigration Department, and I entirely agree that there may be urgent and genuinely unforeseeable requirements for an emergency passport, certificate of identity or visa and so on. This is recognized and the department over public holidays maintains emergency services at Kai Tak and the Macau Ferry Wharf. The telephone directory gives the numbers of these offices, listed as being available outside normal office hours. I will ask the Director to give periodic and increased publicity to the existence of these facilities, but I believe the arrangements themselves are satisfactory. For similar types of services on the parts of other departments I have no evidence of emergency public demand, save in cases where arrangements have already been made to meet the requirement. The Commerce and Industry Department, for instance, now arranges to open for a period over the Easter holidays for the documentation of exports, and I have had no complaints that this does not adequately meet the needs of exporters.

Of course long notice is given of public holidays, which can only be gazetted after a resolution by this Council, and indeed one such resolution is on our agenda for today. Nevertheless, the Government is anxious that the convenience of the public should be served, and if the honourable Member will come and see me and pinpoint particular areas of difficulty which have been drawn to his attention, I will do all that I can to fill the need.

MR Y. K. KAN:—Sir, may I ask a supplementary question? Might not consideration be given to providing services in areas other than Kai Tak or the Macau Ferry Wharf because not all who require these emergency services necessarily have to go either by plane or indeed to go to Macau?

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER):—I think the honourable Member has a good point, Sir, which I shall have examined.

### **Multi-storey car-parks in markets**

8. MR SZETO WAI asked:—

Would Government state whether new urban markets are now being planned to incorporate multi-storey car-parks in them? If so, what progress has been made in the planning, and does the programme include replacements of existing old markets?

MR ALEXANDER:—Sir, the answer to the first part of this question is a qualified "yes". It is firmly accepted, both by the Government planners and the Urban Council, that if full economic use is to be made of any valuable market site, then, *wherever possible*, the market itself must form part of a multi-purpose building incorporating other essential community provision such as multi-storey parking space. The operative words are "wherever possible". As honourable Members are aware, markets are usually sited in the heart of densely populated districts. In the new developing areas, it is possible to earmark more adequate sites for community purposes including markets. But, in the older urban areas, in many instances, the sites for markets are those of the existing inadequate markets—with little or no hope of bigger and better sites becoming available which would make the combination of market and car-park possible.

An investigation carried out by the Public Works Department shows that, provided a market site is of the right size and shape and in an accessible location, it is feasible to build a multi-storey car and/or lorry park on top of the market. Every market project including those for the replacement of old markets in the Public Works Programme has been examined in the light of this finding, and of those where the site dimensions are accurately known, four have been designated as suitable for expansion to include car and/or lorry parking space. These are at Hing Wah Street, Cheung Sha Wan; Chai Wan; Tsuen Wan; and Kwai Chung. As other market projects reach the detailed planning stage in the Public Works Programme, they also will be carefully studied to determine their suitability for the addition of parking facilities.

[MR ALEXANDER] **Oral Answers**

At present, it is Government's policy to provide public multi-storey car parks in commuter areas only, *i.e.* Tsim Sha Tsui and Central. However, this policy is now being reviewed to see whether it should enable sites reserved for public markets to be used also for multi-storey car parks.

MR SZETO:—Thank you.

**Government business**

**Motions**

**HOLIDAYS ORDINANCE**

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER) moved the following motion:—

It is hereby resolved that the 6th day of December 1971 be appointed as a day to be observed as a general holiday, in addition to the general holidays mentioned in section 3 of the Holidays Ordinance.

He said:—Sir, Members will recall that on the occasion of the first Festival of Hong Kong, which was held in 1969, employers were encouraged to give their staff a half-day holiday on the last day of the Festival so that as many people as possible could attend the procession in Kowloon.

As honourable Members are aware, the 1971 Festival will take place between Friday, the 26th November and Monday, the 6th December, and it is intended once again to organize a procession which will take place on the final day of the Festival and which will be the climax of it. On this occasion the Steering Committee feels that an unofficial half-day holiday would not go far enough and recommends that an official full-day holiday should be declared. Several arguments have been put forward in favour of this proposal by the Committee. First it is argued that it is appropriate that Government should give a clear indication of the importance which it attaches to the Festival as a means of developing community feeling amongst local residents; second a full-day holiday will enable residents to take advantage of the programme of local events which the Festival Committee this year proposes to organize during the day; finally a holiday will help to reduce traffic congestion prior to and during the procession.

One might think that in Hong Kong we already have enough public holidays and I seem to recall that a few months ago my

honourable Friends, Dr S. Y. CHUNG and Mr Wilfred WONG, felt that there were too many public holidays in Hong Kong. However, the Festival is not an annual event, at any rate not yet, and we have ascertained that neither the Exchange Banks Association nor the Chinese Manufacturers Association would object to a public holiday being declared. I understand that the Hong Kong General Chamber of Commerce though at first not supporting the proposal does not now oppose it.

I should make it clear that this holiday applies to employees of banks, educational establishments, public offices and Government Departments and will not be a compulsory holiday under the Industrial Employment (Holidays with Pay and Sickness Allowance) Ordinance which specifies six days on which a holiday must be given to industrial workers. Nevertheless, I personally would hope that as their contribution to the Festival, employers will, whenever possible, give their staff time off to enable them to enjoy the procession.

Sir, I beg to move that Monday, the 6th December 1971, be appointed a General Holiday under section 6 of the Holidays Ordinance.

*Question put and agreed to.*

## **FACTORIES AND INDUSTRIAL UNDERTAKINGS ORDINANCE**

MR HETHERINGTON moved the following motion:—

It is hereby resolved that the Factories and Industrial Undertakings (Woodworking Machinery) Regulations 1971, made by the Commissioner of Labour on the 29th day of March 1971, be approved.

He said:—Sir, the purpose of this resolution is to obtain the approval of the Legislative Council for regulations made by me on 29th March 1971 and submitted to the Governor in accordance with section 7(3) of the Factories and Industrial Undertakings Ordinance. These regulations are called the Factories and Industrial Undertakings (Woodworking Machinery) Regulations 1971.

I announced in this Council, some time ago, that I had several legislative items under consideration concerned with safety at work either of a general nature or for selected industries or for certain types of equipment. Since then, legislation has been introduced dealing with first aid facilities in registrable workplaces, safety measures in quarries, safety precautions in processes involving blasting by abrasives, and stricter control over irradiating apparatus. The regulations now before Council introduce safety requirements in industrial

[MR HETHERINGTON] **Factories and Industrial Undertakings Ordinance**

undertakings which operate woodworking machinery. They are based on the Woodworking Machinery Regulations, made under the United Kingdom Factories Act and in force in the United Kingdom since 1922, but they have been modified to suit local conditions.

Part II of the regulations prescribes several statutory duties for proprietors of establishments in which woodworking machinery is used. These include the provision of general safety measures for all types of machines and specific safety measures for particular types of machines, adequate lighting, and sufficient space for safe operation. Standards of good housekeeping are laid down. Cracked saws are prohibited and all tools, blades, and cutting instruments must be properly maintained. Push sticks must be provided for operatives. The Commissioner of Labour is empowered to prohibit the operation of woodworking machinery in unsuitable underground premises. Operatives under training must be instructed in the dangers inherent in machines and the precautions to be observed. No person under the age of sixteen years may be employed on woodworking machinery unless the written permission of the Commissioner of Labour has been obtained.

Part III of the regulations prescribes statutory duties for employees who are generally required, whenever practicable, to use and maintain guards and other safety devices.

Part IV sets out the offences and penalties for which proprietors and employees may be liable.

Clause 3 lists several definitions. Clause 2 applies the regulations to any industrial undertaking in which any woodworking machinery is used.

Clause 1 brings the regulations in to operation on 1st November 1971. Depending, of course, on the consent of this Council, this date was chosen to give at least six months' notice of the introduction of these safety measures. As is customary, guides, in both Chinese and English, to the regulations will be issued and the factory inspectorate will offer advice, free of charge, to any proprietor who needs help. It is considered that this work can be completed within the period of notice given.

A consultative draft of these regulations was sent out by me in July last year and I am grateful for all the support which has been given to the legislation by those consulted. The Labour Advisory Board unanimously approved of the regulations but proposed some

useful minor changes. The Chinese Manufacturers Association of Hong Kong, in particular, also made some helpful suggestions. These were all incorporated in to the final text.

*Question put and agreed to.*

### **Motion (in Committee)**

#### **SUPPLEMENTARY PROVISIONS FOR THE QUARTER ENDED 31ST DECEMBER 1970**

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

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

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAITTE) moved:—

That this Council approves the supplementary provisions for the quarter ended 31st December 1970, at set out in Paper No 3 of 1970/71.

He said:—Sir, the Schedule for the third quarter of the 1970-71 financial year covers supplementary provision totalling \$66.7 million. Of this sum Public Works Non-Recurrent accounts for \$59 million, of which \$31.7 million was required as a result of faster progress on existing projects, \$8 million to meet the cost of new projects and \$5 million for the acquisition of properties for urban renewal.

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

*Question put and agreed to.*

Council then resumed.

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAITTE) reported that the motion had been agreed to in committee without amendment.

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

**First reading**

**PROBATION OF OFFENDERS (AMENDMENT) BILL 1971**  
**ARMY LEGAL SERVICES (AMENDMENT) BILL 1971**  
**MUSEUMS BILL 1971**  
**BUILDINGS (AMENDMENT) BILL 1971**  
**PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT) (NO 2)**  
**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****PROBATION OF OFFENDERS (AMENDMENT) BILL 1971**

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

He said:—Sir, at present a male person under the age of 16 may, on conviction for an offence, be both sentenced to be caned and put on probation. If the offender is aged 16 or more, a probation order cannot be combined with a sentence of caning, or indeed with any other kind of sentence, although there are cases in which it would be appropriate to combine a probation order with some other punishment.

The object of this bill is to enable a court, in appropriate cases, to sentence a person over the age of 16 to be caned as well as put on probation. It is to be noted that power already exists to combine a sentence of caning with one of imprisonment in the case of an offender of 16 or more.

*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 purpose of this Bill is to enable a court to combine a probation order with a sentence of caning.

**ARMY LEGAL SERVICES (AMENDMENT) BILL 1971**

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

He said:—Sir, under section 2 of the Army Legal Services Ordinance the Deputy Assistant Director of the Army Legal Services in Hong Kong is empowered to act as Solicitor for a member of Her Majesty's Forces against whom criminal proceedings are brought.

It is likely that in the future there will usually be other legally qualified officers of the Army Legal Services also stationed in Hong Kong, and it is thought desirable that they should have the same right to act as solicitors as the Deputy Assistant Director as at present and the bill accordingly provides for this.

The Hong Kong Bar Association and the Law Society of Hong Kong have been consulted and they have indicated that they have no objection 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 principal Ordinance enables only the Deputy Assistant Director of the Army Legal Services in Hong Kong to act as solicitor for any member of Her Majesty's forces against whom criminal proceedings are brought.

The purpose of this Bill is to enable any commissioned officer of the Army Legal Services to act as a solicitor for a member of Her Majesty's forces in any criminal proceedings against such member. The proposed new subsection (1) contained in clause 3(a) provides accordingly. The amendments contained in clauses 2 and 3(b) are consequential on the amendment contained in clause 3(a).

### **MUSEUMS BILL 1971**

MR ALEXANDER moved the second reading of:—"A bill to provide for the management and control of museums maintained by the Government."

He said:—Sir, at present, the Museum and Art Gallery at the City Hall are controlled by the City Hall Ordinance, Chapter 328, and by the City Hall Regulations. Experience has, however, shown that these are not sufficient to provide all the rather special rules desirable for the management of a museum, and, in any case, any new museum established outside the defined boundaries of the City Hall

[MR ALEXANDER] **Museums Bill—second reading**

would, *ipso facto*, be outside the scope of the City Hall Ordinance and Regulations. An example of this situation already exists with the Lei Cheng Uk Tomb in Sham Shui Po, which is administered by the Urban Services Department. The bill now before honourable Members will rectify matters and enable the Authority concerned to make, under clause 5, such subsidiary legislation as may be considered necessary for the proper management of museums.

I think there are only four other points in the bill to which I need draw honourable Members' attention. First, as stated in clause 2 of the bill, the term "museum" embraces "art gallery"; second, also under clause 2, the management and control of museums will be vested in the Urban Council in the urban area and in the Director of Urban Services in the New Territories; three, this bill if passed will relate only to museums maintained by Government and specifically designated by Your Excellency as museums, under clause 3, by notification in the *Gazette*; four, the Authority is permitted by clause 6 to fix fees (subject to the approval of the Colonial Secretary) for admission to, and facilities provided in, museums.

I should like to add through its Museum and Art Gallery Select Committee, the Urban Council has contributed substantially to the preparation of this 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*

This Bill seeks to provide for the management and control of public museums which are maintained by the Government.

2. Clause 3 empowers the Governor to designate any building or area as a museum.

3. Clause 4 vests the management and control of museums in the Authority, which will be the Urban Council in the urban areas or the Director of Urban Services in the New Territories.

4. Clause 6 permits the Authority to fix fees for admission to and facilities provided in museums.

5. All moneys received by the Authority under the Bill will go to the revenue of Hong Kong (clause 7). By clause 8 museums

are to be public places for the purposes of the Summary Offences Ordinance. Sums payable under the Bill may be recovered as civil debts (clause 9). Clause 10 authorizes the Authority to prosecute in its own name.

6. Detailed provision for the operation of museums will be contained in the subsidiary legislation, which clause 5 empowers the Authority concerned to make.

### **BUILDINGS (AMENDMENT) BILL 1971**

MR ROBSON moved the second reading of:—"A bill to amend the Buildings Ordinance."

He said:—Sir, regulation 5 of the 1964 Building (Ventilating Systems) Regulations provides that every damper, filter and precipitator in any ventilating system to which the regulations should apply shall be inspected annually by an officer of the Fire Services Department to ensure their efficiency and thus prevent, in the event of a fire, fumes and smoke from being conducted to other parts of the building.

Due to the very large number of installations and the limited staff available the Director of Fire Services has advised that this commitment could be more readily handled if a system was adopted similar to that in use for ensuring the safety of lifts and escalators. Accordingly it is proposed to amend the Buildings Ordinance and the Public Health and Urban Services Ordinance with a view to requiring the owner of a building equipped with a ventilating system, to keep the installation in order and to have the dampers *etc.* inspected annually by a registered ventilation contractor. This inspection will entail the issue of a certificate stating whether or not the dampers, filters and precipitators are in safe and efficient working order, a copy of which must be sent to the Director of Fire Services within fourteen days.

The Buildings (Amendment) Bill 1971 now before Council seeks to so amend the principal Ordinance as to define "registered ventilation contractor" and "ventilating systems" and authorize the Building Authority to keep a register of persons qualified to inspect ventilating systems. In considering an application for registration the Building Authority is to have regard to the applicant's qualifications and experience.

The bill also provides for a disciplinary board to hear appeals from any person whose application for inclusion in the register of ventilation contractors has been refused by the Building Authority and to consider disciplinary proceedings against any registered ventilation contractor whom the Building Authority considers guilty of negligence, misconduct, *etc.*

[MR ROBSON]     **Buildings (Amendment) Bill—second reading**

Clause 6 of the bill will enable regulations to be made providing for the registration and control of registered ventilation contractors but consequential amendments will be required to the Public Health and Urban Services Ordinance to enable these same contractors to carry out annual inspections of ventilating systems in restaurants, dancing establishments and theatres licensed under that Ordinance.

MR KAN:—Your Excellency, at first glance it would seem that the proposed scheme for the inspection of ventilating systems provides no cause for unease, as it is similar to the system now in use for lifts and escalators.

While similar in general outline, however, it will be materially different in one important respect, to which I feel it is my duty to call attention.

Whereas, in the case of lifts and escalators, inspection is carried out by a very small number of well-established and reputable firms (only 13, I am told), in the case of ventilating systems the number of firms on the register as registered ventilation contractors authorized to carry out inspections and issue certificates will almost certainly be much larger.

I am informed that there are now some 20 large and 100 small firms carrying on air-conditioning business. Many of them are of course well-established and highly reputable, from whom we have nothing to fear. However, with a large number of contractors who are likely to be on the register and from whom owners of ventilating systems are obliged to obtain certificates annually which must in turn be accepted by the Fire Services Department, this clearly opens up considerable possibilities of malpractices and corruption.

On the one hand, there may be corruption between Fire Services personnel and contractors; on the other, firms carrying out inspections or members of their staff may wring money out of owners by one means or other. When one considers that the scheme of inspection is to apply to ventilating systems installed in restaurants, dancing establishments, theatres and cinemas the possibilities which I have pointed out can hardly be exaggerated.

It is doubtful that the threat of being struck off the register is an effective deterrent and it is not altogether easy to obtain sufficient evidence to bring offenders to book.

Sir, I am not suggesting that the proposed inspection system is unworkable. I am merely pointing out that the scheme will open up fresh scope for malpractices and corruption and every possible step should be taken to ensure that the system will not be abused.

MR SZETO:—Sir, unlike my honourable Friend, Mr KAN, I feel that in this bill, although it is a step further to ensure safety in respect of the many existing ventilation systems in buildings, the opportunity is not being taken to attack the root of the problems. As explained by my honourable Friend, the Director of Public Works, the bill is merely to provide a register of qualified ventilation contractors whose legal duties will be the carrying out of annual inspections of existing ventilating systems in buildings and the issuing thereafter of certificates as to the working conditions of the systems inspected in order to relieve the increasingly heavy commitment of the Director of Fire Services. The annual inspection of such parts of a ventilating system as the dampers, filters and precipitators is clearly intended to be no more than a check on fire hazards and any system found to be in efficient working order may not necessarily be in compliance with the statutory health requirements, *e.g.*, Building (Planning) Regulation 34(a) which requires that any mechanical ventilating system in a building should be capable of supplying fresh air at a rate of not less than five air changes per hour. It is my view that equal attention should be given to the question of health hazards brought about by inadequate or sub-standard ventilating systems that are prevalent in many existing premises. It is not uncommon that even large commercial buildings are equipped with badly designed and inadequate ventilating systems. Most of these are the result of package deals whereby the ventilation contractor designs and installs the system for a lump sum price and is in no way held statutorily responsible for its adequacy, safety and efficiency thereafter. For extensive systems, this is obviously an undesirable practice since the registered ventilation contractor, whom this bill seeks to create, could upon his annual inspection, find fundamental defects and recommend repairs or improvements of such a nature or extent that would be difficult to implement both for financial and technical reasons.

In view of our tempo of building development and the increasing adoption of mechanical ventilating systems in buildings, a statutory obligation should be imposed on owners of buildings installed with such system to employ registered ventilation contractors to maintain their systems and equipment in safe and efficient working order. For the larger installations, I would even suggest that a registered ventilation contractor be employed to carry out the initial work and be required to have the design of the system approved by the appropriate authority prior to installation and to submit a certificate of satisfactory completion in the same manner as is now required of a registered lift contractor,

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a registered escalator contractor, an authorized fire services contractor or a licensed plumber.

Finally, Sir, when regulations are made to require a registered ventilation contractor to certify, following his inspection of a system, whether or not the dampers, filters and precipitators are in safe and efficient working order to ensure there will be no fire hazards, he should also be required to inspect and certify other mechanical parts of the system in respect of health hazards to ensure the compliance of the provisions of Building (Planning) Regulation 34(a)—a vital health requirement which the Building Authority has to date no effective means of checking.

MR ROBSON:—Sir, I appreciate my honourable Friends' interest in this bill and the points they have made are of course very valid.

Dealing first with the honourable Y. K. KAN's reference to the possibility of corruption, it is appreciated that there is a risk of corrupt practices springing up if responsibility is given to registered ventilation contractors to certify that those parts of a ventilating system which minimize the risk of fire are operating correctly. However, this in itself is not considered to be a sufficient reason for not adopting the system of inspection suggested in the bill as I think it will be accepted that most contractors will do their job properly and hence reduce what is thought to be the more important risk—that of serious fires with loss of life.

I am sure the Director of Fire Services has had experience in combating corrupt practices and the bill before Council does, of course, provide disciplinary measures which can be used should a registered ventilation contractor be considered guilty of negligence or misconduct, *etc.* If, however, the bill is expanded to include maintenance of ventilating systems as suggested by the honourable SZETO Wai, there would be an even greater scope for corruption.

The immediate need is to correct the present position so that dampers, filters and precipitators are inspected at regular intervals and the bill before Council will enable the Director of Fire Services to gain experience in the administration of registered ventilation contractors and to establish a list of such persons who have proved themselves capable and efficient in the installation and maintenance of ventilating systems. When such experience has been gained then the bill could be extended on the lines suggested by my honourable Friend, Mr SZETO Wai, to include provision for the regular maintenance of ventilating systems by the registered contractors if after due enquiry this is shown to be desirable.

With regard to the honourable SZETO Wai's reference to regulation 34(a) of the Building (Planning) Regulations, I must however point out that this regulation only applies to rooms in a building that are used or will be used for office purposes and that the contents of this regulation do not apply to buildings as a whole. In general, all private buildings must comply with the Buildings Ordinance which calls for adequate natural ventilation of all premises other than those parts of a building that are used for industrial or commercial purposes.

Generally speaking, therefore, artificial ventilating systems are not required, except where there is a special use or where natural ventilation is not available. Thus cinemas, theatres, restaurants and dancing establishments are required to be adequately ventilated by mechanical means as prescribed in Part VIII of the Public Health and Urban Services Ordinance.

*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 amends the principal Ordinance so as to provide for the registration and control of ventilation contractors. It is intended that registered ventilation contractors should be responsible for carrying out the annual inspections of ventilating systems required by the Building (Ventilating Systems) Regulations and Public Health and Urban Services Ordinance.

Clause 2 of the Bill amends the interpretation section of the principal Ordinance by defining "registered ventilation contractor" and "ventilating system".

Clause 3 amends section 8 by providing that the Building Authority shall keep a register of persons qualified to inspect ventilating systems. In considering an application to be registered, the Building Authority is to have regard to the applicant's qualifications and experience (clause 3(b)).

Clause 4 provides for a disciplinary board to hear appeals against a refusal to register and proceedings under section 13.

Clause 5 amends section 13, which deals with disciplinary proceedings, so as to include registered ventilation contractors.

Clause 6 enables regulations to be made providing for the registration and control of registered ventilation contractors.

**PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT)  
(NO 2) BILL 1971**

MR ROBSON moved the second reading of:—"A bill to amend the Public Health and Urban Services Ordinance."

He said:—Sir, when introducing the Buildings (Amendment) Bill 1971 I explained the intention to introduce a system of registered ventilation contractors who will become responsible for carrying out annual inspections of ventilating systems and reporting the results of their inspection to the Director of Fire Services.

The intention is for this system to apply to all ventilating systems including those installed in restaurants, dancing establishments, theatres and cinemas licensed under the Public Health and Urban Services Ordinance and the bill before Council sets out to do this.

It amends the principal Ordinance so that the certificates of annual inspection are sent to the Director of Fire Services and not the Urban Council or the Director of Urban Services as at present and, in addition to the consequential changes, provision has been made for the licensing authority to cancel the licence of restaurants, dancing establishments, theatres and cinemas if the Director of Fire Services is of the opinion that the ventilating system in the premises is not safe or not working efficiently or has not been properly inspected.

*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 3 of this Bill amends section 97 of the principal Ordinance by providing that annual inspections of ventilating systems in restaurant, dancing establishments, theatres and cinemas shall be carried out by registered ventilation contractors, who shall send certificates of inspection to the Director of Fire Services and not the Urban Council or the Director of Urban Services.

Clause 4 makes consequential changes and provides that the licensing authority may cancel the licence of any restaurant, dancing establishment, theatre or cinema if the Director of Fire Services is of the opinion that the ventilating system in the premises is not safe or not working efficiently.

**Committee stage**

Council went into Committee.

**LIFE INSURANCE COMPANIES (AMENDMENT) BILL 1971**

Clauses 1 to 3 were agreed to.

**REVISED EDITION OF THE LAWS (AMENDMENT)  
BILL 1971**

Clauses 1 and 2 were agreed to.

**CORPORAL PUNISHMENT (AMENDMENT) BILL 1971**

Clause 1 was agreed to.

Clause 2.

MR OSWALD CHEUNG:—Sir, I beg to move that clause 2 be amended as set forth in the paper before honourable Members.

*Proposed amendment**Clause*

2 That clause 2 be deleted and the following substituted—

"Addition  
of new  
section 8.  
(Cap. 222.)

2. The principal Ordinance is amended by adding after section 7 the following new section—

"Amend-  
ment of  
Schedule. 8. The Legislative Council may, by resolution,  
amend the Schedule."."

The amendment was agreed to.

Clause 2, as amended, was agreed to.

Clause 3 was agreed to.

Council then resumed.

**Third reading**

THE ATTORNEY GENERAL (MR ROBERTS) reported that the  
Life Insurance Companies (Amendment) Bill 1971  
Revised Edition of the Laws (Amendment) Bill 1971

had passed through Committee without amendment and that the Corporal Punishment (Amendment) Bill 1971 had passed through Committee with one 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.

### **Adjournment and next sitting**

HIS EXCELLENCY THE PRESIDENT:—In accordance with Standing Order No 8(5), I now adjourn this Council until 2.30 p.m. on Wednesday the 12th May 1971.

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