

OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 23rd June 1971

The Council met at half past Two o'clock

[MR PRESIDENT in the Chair]

PRESENT

HIS EXCELLENCY THE ACTING GOVERNOR (*PRESIDENT*)
 SIR HUGH SELBY NORMAN-WALKER, KCMG, OBE, JP
 THE HONOURABLE THE COLONIAL SECRETARY (*Acting*)
 MR MICHAEL DENYS ARTHUR CLINTON, CMG, GM, JP
 THE HONOURABLE THE ATTORNEY GENERAL
 MR DENYS TUDOR EMIL ROBERTS, CBE, QC, JP
 THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS
 MR DONALD COLLIN CUMYRN LUDDINGTON, 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 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 LO KWEE-SEONG, OBE, JP

ABSENT

THE HONOURABLE ANN TSE-KAI, OBE, JP

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL
 MR RODERICK JOHN FRAMPTON

Papers

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

	<i>Subject</i>	<i>LN No</i>
Subsidiary Legislation:—		
Public Health and Urban Services Ordinance.		
	Public Conveniences (Charges) (Amendment) Order 1971	67
Post Office (Amendment) Ordinance.		
	Post Office (Amendment) Regulations 1971	68
Telecommunication Ordinance.		
	Telecommunication (Cable and Wireless Limited) (Amendment of Licence) Order 1971	69
Buildings (Amendment) Ordinance.		
	Buildings (Amendment) Ordinance 1971 (Commencement) Notice 1971	70
Merchant Shipping Ordinance.		
	Merchant Shipping (Control of Ports) (Amendment) Regulations 1970 (Commencement) Notice 1971	71
Revised Edition of the Laws Ordinance 1965.		
	Revised Edition of the Laws (Correction of Error) Order 1971	72
Sessional Papers 1970-71:—		
	No 59—Annual Report by the Commissioner for Transport for the years 1968-70 (published on 23.6.71).	
	No 60—Report of the Housing Board for the year 1970 (published on 23.6.71).	

Oral answers to questions

Legislation for no-fault motor insurance

1. MR OSWALD CHEUNG asked:—

When is it anticipated that the Working Party appointed last October under the Chairmanship of the Commissioner for Transport to enquire into the possibility of introducing no-fault insurance law for the compensation of motor-accident victims will make its report? Has the Working

Party in the course of its deliberations consulted representatives from the Accident Insurance Association or the legal profession in Hong Kong?

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAITTE):—Sir, I understand that this Working Party hopes to submit very shortly for the preliminary consideration of Government an interim report containing its basic conclusions and recommendations. Thereafter the Working Party intends to discuss its proposals in detail with the Accident Insurance Association prior to finalizing its report. To this end the Chairman of the Working Party has already been in touch informally with senior officers of the Association.

I have no doubt that the Working Party will also consider in due course the need to consult the legal profession on its proposals, but in this connexion it should be borne in mind that representatives of the Solicitor General and the Registrar General and the Director of Legal Aid are members of the Working Party.

Robberies in multi-storey buildings

2. MR WILFRED WONG asked:—

Will Government state what progress has been made by the Police in reducing robberies in multi-storey buildings?

THE ATTORNEY GENERAL (MR D. T. E. ROBERTS):—Sir, in the first five months of 1971 there were 480 reports to the Police of robberies in multi-storey buildings as compared with 266 during the same period in 1970.

Uniformed Police regularly patrol resettlement blocks and other multi-storey buildings, but the large number of such buildings in the Colony makes it impossible for them all to be effectively patrolled by the Police.

Consequently, it is essential that the occupiers of these buildings should themselves adopt proper security measures and accept some of the responsibility for preventing robberies, including the employment of watchmen to carry out patrols. Furthermore, occupiers should make the fullest use of the 999 system to inform the Police of the presence of suspicious persons.

The Police are naturally most anxious to reduce the number of robberies in multi-storey buildings. If they are to do so, it is essential that they receive the fullest co-operation from the public in general and from the occupiers of these buildings in particular.

Oral Answers**Crimes involving unlawful societies**

3. MR P. C. WOO asked:—

The Crime Report for the fiscal year 1970-71 shows an increase in crimes of 40.1% involving unlawful societies. Will Government inform this Council:

- (a) whether the increase relates to the old triad societies or to other newly established unlawful societies, and
- (b) what steps it has taken to contain the increase of these crimes?

THE ATTORNEY GENERAL (MR ROBERTS):—Sir, statistics are not available to answer the first part of the honourable Member's question.

The strength of the Triad Societies Bureau was doubled in 1969. This has enabled the Police to take more effective action against unlawful societies and against youths involved in quasi-triad gang activity.

The increase in the number of offences connected with unlawful societies during 1970-71 should be regarded rather as an indication of more effective control of unlawful societies by the Police than of any dangerous spread of membership of these societies.

Multi-storey car parks at Rumsey Street and Yau Ma Tei

4. MR SZETO WAI asked:—

What is the present capacity and usage of the Government multi-storey car parks in Rumsey Street and at Yau Ma Tei, and does Government envisage the construction of the second stage for the latter in the near future?

MR J. J. ROBSON:—Sir, the question asked by my honourable Friend falls into three parts. The information he requires with regard to the Rumsey Street car park is as follows:—

- (a) this 12 storey building has capacity for 913 cars on 8 floors; the Urban Services Department pay office and rest room, together with a public lavatory, the HK Electric sub-station and offices occupied by the Commerce & Industry Department are on the ground floor. The mezzanine floor accommodates the Waterfront Police Station. Further Commerce & Industry Department offices are on the 9th and 10th floors with part

of the latter occupied by the Marine Department, which has additional accommodation on the roof. The patronage of the car park has almost doubled since the adjacent open air car parking was closed for road works and now runs at around 22,000 cars per month.

- (b) With regard to the first completed stage of the Yau Ma Tei car park, this is a building of 12 storeys with car parking for 414 cars. On the ground floor there is the Urban Services Department pay office and rest room, together with a public lavatory and part of the Urban Services Department library which also extends over the mezzanine floor. Since its opening in October last year the patronage of the car park has risen to over 17,000 vehicles per month.
- (c) In answer to the last part of my honourable Friend's question, the second stage of the Yau Ma Tei car park has been complicated by the proposal for an elevated road running from Gascoigne Road over Nathan Road to Tong Mei Road. This problem has however been overcome by routing the elevated road through the car park and sketch plans for this have been completed and agreed. The estimate of cost is now in course of preparation and I hope that the project can be submitted for upgrading in the Public Works Programme in 2 or 3 months time. This will allow a piling contract to be let next year and for construction of the actual building to be completed in early 1974.

MR Y. K. KAN:—Sir, I note from my honourable Friend's answer that a number of floors in the Rumsey Street car park are being used for purposes other than the parking of cars. Was the building so designed or was it a case of using these spaces at the expense of car parking and, if so, will consideration be given to moving these offices in order to give more space for car parking?

MR ROBSON:—Sir, actually the car park was designed as a multi-user building. In other words, office accommodation was provided for in the design of the building and so occupied on construction.

Workmen's compensation insurance

5. DR S. Y. CHUNG asked:—

Will Government provide statistics showing the number and percentage of accidents which were reported to the Workmen's Compensation Unit of the Labour Department each year for the last three years and which were not covered

[DR CHUNG] **Oral Answers**

by insurance against liabilities of employers and, in the light of these statistics, will Government consider the need for introducing compulsory insurance in any particular employment?

MR R. M. HETHERINGTON:—Sir, when my honourable Friend asked a related question on 24th February 1971, I replied that I had no statistics readily available to give him a precise answer. A prolonged and detailed investigation in to many thousands of files would have been necessary. I regret that the position is the same with regard to the present question except that some relevant statistics have been compiled for inclusion in the annual departmental report for 1970-71 which is in the course of preparation. Although these statistics, which relate to the calendar year 1970, have been assembled for the first time, I have no reason to suppose that the general pattern was significantly different in 1968 and 1969.

In the calendar year 1970, 24,610 occupational accidents were reported to the Workmen's Compensation Unit of the Labour Department. This total can be broken down in to the following four groups:—

known to be covered by insurance.....	13,898
known to be not covered by insurance	1,116
status not known	8,255
accidents involving employees of Government or the armed services.....	1,341

The fourth group is shown separately because the Hong Kong Government, the biggest employer in Hong Kong, together with the armed services do not normally insure against their liabilities for compensation.

This information is somewhat inconclusive and the reason is as follows. Forms 2 and 2A, which are statutory forms on which an employer is required to report an accident or an occupational disease respectively, did not originally require the employer to state whether or not he was insured. The Workmen's Compensation (Amendment) Regulations 1970, made by me on 30th June 1970, introduced new versions of Forms 2 and 2A. These regulations were laid on the table of this Council on 22nd July 1970 and I made a statement about them at the time. I drew attention to the fact that new Forms 2 and 2A required the employer to furnish the name of the insurance company, if any, involved in a possible claim. I also said that the completion of these new forms would provide the Workmen's Compensation Unit of the Labour Department with additional information which would enable it more effectively to enforce provisions of the Ordinance.

In order to give my honourable Friend an answer to the first part of his question, I would deduce that about 92½% of reported accidents, other than those involving employees of the Hong Kong Government and the armed forces, were probably covered by insurance policies and about 7½% were probably not covered. Precise percentages will be available when statistics for 1971 are compiled on the basis of new Form 2 which will have been in use throughout this year.

Turning to the second part of his question, the desirability of introducing compulsory insurance for particular employments is more likely to arise from the incidence of non-payment of compensation rather than from the distribution of claims paid between insured and non-insured employers. I dealt with this point in my reply to Dr CHUNG's question on 24th February. I said then:—

"... About twelve cases are on record where the employer, usually operating on a small scale, has not insured himself and has resources only sufficient to satisfy the claim against him through payment by instalments. There are also about twelve cases on record where an uninsured employer has absconded or been declared bankrupt or where a workman is unwilling to pursue an outstanding claim in the courts."

The position has not materially changed. It will be kept continuously under review in accordance with the undertaking which I gave in this Council on 22nd October 1969 when I referred to the new part on compulsory insurance, not yet in force, contained in the Workmen's Compensation (Amendment) Ordinance, number 55 of 1969.

Loan scheme for small-scale industries

6. DR CHUNG asked:—

What progress has been made during the past 12 months on the loan scheme for small-scale industries?

MR J. CATER:—Sir, the original report of the Loans for Small Industries Committee of the Trade and Industry Advisory Board was sent to the Colonial Secretariat last year, after endorsement by the Board.

Last November, my honourable Friend, the Financial Secretary, sent me a memorandum giving his views, and elaborating on the difficulties he saw in the scheme proposed by the Committee. The various points raised by the Financial Secretary were referred back to the Loans for Small Industry Committee which, after considering them, formulated new proposals. These were subsequently confirmed by the

[MR CATER] **Oral Answers**

Trade and Industry Advisory Board, and submitted to the Colonial Secretariat. I understand that these new proposals are now being studied in the Secretariat.

DR CHUNG:—Sir, is Government aware of some very successful loan schemes reported in a conference on the financing of small-scale industries recently held in New Delhi, and sponsored by the United Nations Industrial Development Organization?

MR CATER:—Yes, Sir. I have had an opportunity to study a report on the conference and indeed this report has also been seen and discussed by the Trade and Industry Advisory Board.

Asian flu

7. MR WONG asked:—

In view of the prevalence of Asian flu will the Director of Medical and Health Services give some advice to the public on increasing resistance to infection other than the avoidance of crowds?

DR G. H. CHOA:—Sir, I am grateful to my honourable Friend for giving me the opportunity to clarify the situation concerning influenza and influenza-like diseases in Hong Kong, which has been the subject of some editorial comments in the local press recently.

These diseases occur all the year round, with seasonal increases in incidence. During the past few weeks there has been a steady rise in the number of cases occurring. 741 have been reported from certain designated observation clinics so far this month, as compared to the highest monthly total of 938 cases for April 1970, reported from these same clinics. Compared with the epidemic which affected us in 1968 when some 6,214 cases were reported in a month, the present situation presents no cause for alarm.

A local epidemic of influenza is often related to a pandemic of the disease which occurs from time to time and spreads round the world in epidemic waves from country to country. The Hong Kong epidemic of 1968 was associated with such a pandemic but it did not originate from Hong Kong, though the casual viral strain was first isolated and identified in our laboratories here and hence the name Hong Kong A2 Strain.

Regarding the protection of the population by vaccination there are certain technical considerations.

Firstly, a vaccine would have been prepared in advance from a known strain of virus to anticipate an epidemic with this particular strain. In practice, however, this is possible only if there is advanced intelligence of outbreaks in other areas. Once an outbreak of influenza has started in a community it is not possible to identify and vaccinate effectively those members of the public not affected in the earlier stages.

Secondly, vaccination, as sometimes undertaken in other countries, is usually reserved for certain specific groups of people such as the aged and frail in order to protect them as much as possible from the disease and its heart and lung complications. It has also been offered to groups of special workers to combat any possible breakdown of essential work caused by the absence of large numbers on sick leave.

In actual fact a large section of the population normally acquires a natural resistance to influenza and needs no vaccination at all. This immunity applies equally in conditions of epidemic, when there are numbers of other people affected by it. Vaccination serves no useful purpose if given to people who have had the disease. The protection given by the vaccine is in any case not long standing.

Under the present circumstances, therefore, it is not intended to launch a vaccination campaign against influenza in Hong Kong.

The advice to the public to avoid crowds is applicable to all diseases which gain entry through the respiratory tract and is not given for want of anything better or more effective.

MR WONG:—Sir, would the Director of Medical and Health Services agree that a daily intake of 100 milligrammes of Vitamin C would increase a person's resistance against infection?

DR CHAO:—The answer, Sir, is no. It is not a specific measure.

Government business

Motions

PUBLIC TRANSPORT SERVICES (HONG KONG ISLAND) ORDINANCE

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAIT) moved the following motion:—

It is hereby resolved, that no royalty shall be paid by the China Motor Bus Company Limited for the yearly period beginning on the 1st day of July 1970 and ending on the 30th day of June 1971.

Public Transport Services (Hong Kong Island) Ordinance

He said:—Sir, this resolution is moved under subsection (3) of section (8) of the Public Transport Services (Hong Kong Island) Ordinance. Its purpose is to set the rate of royalty payable by the China Motor Bus Company for the company's year ending 30th June 1971, at nil. In the absence of such a resolution the Company would be required to pay royalty at the rate prescribed in subsection (1) of section (8), in other words, that is, 46% of net profits.

Honourable Members will recall that by an amendment to the Ordinance passed by this Council on 16th December last year the rate of royalty payable by the Company in respect of the year ending 30th June 1970 was set at 20% of net profits which gave the company a rate of return on assets employed of around 10%.

In respect of the year 1970-71 the royalty payable by the Kowloon Motor Bus Company has already been reduced to nil (that company's financial year ends in February). In the case of the China Motor Bus Company it is already clear that a reduction to nil for the year 1970-71 will still leave the company with a lower level of profitability than did the reduction to 20% in 1969-70 and this is now proposed in the resolution before honourable Members. This reduction can be effected by resolution only if the resolution is passed before 30th June. Otherwise an amending bill would be required.

MR SZETO:—Sir, when the bill to give effect to adjust CMB's royalty rate yearly was introduced into this Council last December, my honourable Friend had to move the suspension of Standing Order No 40 to permit its presentation without prior publication in the *Gazette*. Although the reduced rate from 46% to 20% was passed at committee stage, the amending bill carried no specific proposal because of the haste in its presentation, and the result was that much public comment and speculation were generated. It appears that my honourable Friend is in a similar haste today to effect a reduction to nil by resolution provided by the amended Ordinance before this month runs out.

Sir, I do not oppose the motion; on the contrary, I support it. My views on the issue were made known last December when I said that the two bus companies should be put on the same footing in respect of royalty and that the existing inequity that bus users on the Island were required to pay an indirect tax in the form of royalty while their counterparts in Kowloon and the Mainland were not, should be removed. Further, bus users do not now enjoy preferential treatment in fuel duties and vehicle fees, this indirect tax is an anomaly. If residual royalty is intended as a regulator against excessive profits, then it is

unrealistic in the face of rapidly rising costs and static fares. Therefore, I fail to understand why the matter was not given consideration earlier; and although the Company's financial year closes on the 30th June, its revenue and expenditure could have been fairly accurately assessed by Government well in advance. This assurance was given by the then Acting Financial Secretary on the same occasion, that is last December, who said:—

"Rather it is our intention, after considering the Company's prospects, to fix the rate of royalty in advance—or as far in advance as possible—in order to give the Company an opportunity to earn a reasonable rate of return, given a certain efficiency in management policies".

In the present case, the Company's prospects of a reasonable return were evident some months ago.

I am concerned, Sir, with what my honourable Friend has just said that even with the complete removal of royalty as is now proposed, CMB's profits for the year 1970-71 will still be below the approximately 10% level of those achieved in the year 1969-70, though we are not informed more specifically what level they are likely to be. There is no reason why a closer assessment could not have been made at this late stage of the Company's financial year, and such information is of importance to the travelling public whose criticism has hitherto, and quite understandably, been directed on the Company's performances. I am sure bus users would not grudge at CMB making a fair and reasonable return on its assets employed provided it gives reasonably satisfactory services. For months now the Company has made known its financial difficulties due to rising costs on one hand and on the other its campaign against the competition from public light buses. However, putting aside the ill manners and bad attitude of the increasing number of public light buses operating on the Island, a competitive spirit seems to have arisen recently and there are signs of improvements in CMB's services which bus users have not failed to acknowledge. But as a labour-intensive public transport undertaking, CMB has to face the problems created by rising wages, and the abolition of royalty (which is never a big sum with CMB) will not counteract the effect of spiralling operating costs. A newly established long term measure has to be devised. Meantime, credits must be given to the Company which now appears to be making some real efforts to improve its services in the face of many difficulties, one of which is road congestion which is increasingly aggravated by the large number of public light buses.

Question put and agreed to.

**HONG KONG AND YAUMATI FERRY COMPANY
(SERVICES) ORDINANCE**

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAITTE) moved the following motion:—

It is hereby resolved, by the Legislative Council with the consent of the Company, that the Schedule to the Ordinance be amended in Appendix II, under the Heading "2. OTHER SERVICES", by inserting in the column headed "De Luxe Class", in the appropriate places opposite—

- (i) "HONG KONG—PENG CHAU ISLAND";
- (ii) "HONG KONG—SILVER MINE BAY (Indirect Service)";
- (iii) "HONG KONG—CHEUNG CHAU ISLAND (Direct Service)";
- (iv) "PENG CHAU—SILVER MINE BAY"; and
- (v) "SILVER MINE BAY—PENG CHAU",

the following—

"\$4.00 (adult)

or

\$2.00 (child under 16)".

He said:—Sir, the Hong Kong and Yaumati Ferry Company Limited already operates a triple-decker deluxe ferry service between Hong Kong and Silver Mine Bay, and has recently launched a second triple-decker passenger ferry. To cater for increasing demand, especially on weekends and public holidays, the company proposes to extend the deluxe service on routes between Hong Kong Island, Peng Chau, Cheung Chau and Silver Mine Bay. The third deck provides luxury travel with air-conditioning, carpets, individual seating and sundeck facilities. The company proposes to charge the same fare as on the existing deluxe services, that is, \$4 for an adult and \$2 for a child under 16 per single journey. The normal first and third class fares will continue to apply to the two lower decks.

Fares and charges levied by the company are set out in Appendix II of the Schedule to the Hong Kong and Yaumati Ferry Company (Services) Ordinance. An amendment to the Appendix II is necessary before the deluxe class fares can be introduced to the above services. This can be done by resolution of this Council, with the consent of the company. The present resolution has the company's consent.

Question put and agreed to.

HONG KONG EXPORT CREDIT INSURANCE CORPORATION ORDINANCE

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAITTE) moved the following motion:—

It is hereby resolved, that the contingent liability of the Hong Kong Export Credit Insurance Corporation under contracts of insurance shall not at any time exceed the sum of one thousand million dollars.

He said:—Sir, section 23 of the Hong Kong Export Credit Insurance Corporation Ordinance provides that the contingent liability of the Corporation under contracts of insurance shall not at any time exceed the sum of \$300 million, or such other sum as may be determined by this Council by resolution. This limit was raised to \$500 million in August 1967, and further to \$750 million in February 1969.

The Corporation's business has since increased to such an extent that its contingent liability has now reached \$710 million. It is expected that this growth in business will continue, not only because of the continued growth of Hong Kong's exports, but also because the recent failures of a number of large companies in Britain and the United States are likely to quicken businessmen's interest in export credit insurance. The present limit of \$750 million is likely to be reached in the very near future and the resolution before Council therefore proposes an increased limit of \$1,000 million.

Lest the very large sum proposed should give rise to concern, I should perhaps explain that the contingent liability is a maximum potential figure never likely to be actually at risk at one time. It is, in fact, the total of the maximum annual amounts which the Corporation agrees to provide cover for on behalf of individual clients, if required, divided by half (because credits usually do not extend beyond six months), plus any specific contracts. At present the actual amount at risk on shipments outstanding is only of the order of \$225 million.

The actual risk is further reduced to the extent that the Corporation has secured partial reinsurance facilities from a leading European company. The Agreement for this, which came into force on 1st April 1970, provides, within certain limits, a 50% reinsurance where claims are paid as a result of the insolvency or protracted default of a buyer after acceptance of the goods. These facilities, however, are not taken into account when calculating contingent liability, as they cover *del credere* risks only and not economic and political risks.

Finally, while the Corporation can expect some fairly substantial claims to arise in the light of the recent trading conditions in the

[THE FINANCIAL SECRETARY] **Hong Kong Export Credit Insurance Corporation Ordinance**

United States and tight domestic credit conditions in Britain and West Germany, there is every reason to believe that the Corporation will continue to be able to cover its outgoings with its income from premiums and recoveries.

Question put and agreed to.

First reading

POST OFFICE (AMENDMENT) BILL 1971

MATRIMONIAL CAUSES (AMENDMENT) BILL 1971

HONG KONG POLYTECHNIC 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

POST OFFICE (AMENDMENT) BILL 1971

THE COLONIAL SECRETARY (ACTING) (MR M. D. A. CLINTON) moved the second reading of:—"A bill to amend the Post Office Ordinance."

He said:—Sir, the 1964 convention of the Universal Postal Union held in Vienna abolished commercial papers as a postal category, while the Tokyo Convention of the Union, held in 1969, merged the postal category known as samples with the small packets category.

Her Majesty's Government in the United Kingdom, after seeking the views of the Hong Kong Government, has acceded to both Conventions on behalf of Hong Kong and it is now necessary to make certain minor amendments to our law to give effect to the provisions of these Conventions.

For this purpose clause 2 of the Post Office (Amendment) Bill removes from section 8 of the Ordinance, which deals with the classification of postal packets, references to commercial papers and samples. Clause 3 of the bill amends section 32 by removing the provision relating to "samples".

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 by removing all references to "commercial papers" and "samples".

The reason for the amendments are that the 1964 Convention of the Universal Postal Union abolished the "commercial paper" post category while the 1969 Convention merged the "sample" post with the "small packet" service.

Her Majesty's Government in the United Kingdom has acceded to the Conventions on behalf of Hong Kong.

MATRIMONIAL CAUSES (AMENDMENT) BILL 1971

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

He said:—Sir, the object of this bill is to confer on the District Court jurisdiction to try undefended matrimonial causes. It follows closely the provisions of the United Kingdom Matrimonial Causes Act 1967, which transferred jurisdiction in these matters from the High Court to the County Court, which may properly be regarded as the equivalent of the District Court in Hong Kong.

The transfer of such matters to the County Court in England is said to have worked very successfully during the 3 years since the 1967 Act came into force, since the average undefended matrimonial suit presents few problems.

If, as sometimes happens, a particularly difficult point of law does arise, then it would be possible to provide, as has been done in the United Kingdom, for the case to be transferred to the Supreme Court for hearing. This would be achieved by rules made by the Chief Justice under the proposed new section 10E.

The main reason for the transfer of this jurisdiction from the Supreme Court to the District Court lies in the very substantial saving of costs which will be effected. It has been calculated that, on the average, an undefended divorce in the District Court will cost the parties rather less than half the amount of similar proceedings in the Supreme Court.

As legal aid is granted in about 60% of the undefended matrimonial causes instituted in Hong Kong, there will be a substantial direct saving of public money. Furthermore, as honourable Members will realize, the expense to the public revenue of a trial in the Supreme Court greatly exceeds that of a similar trial in the District Court.

[THE ATTORNEY GENERAL] **Matrimonial Causes (Amendment) Bill—second reading**

The proposed new section 10A(3), contained in clause 3 of the bill, empowers the Chief Justice to make rules defining what matrimonial causes are to be regarded as undefended. If a cause is so regarded, it will be commenced in the District Court, though rules may be made under section 10D for the transfer to the Supreme Court of any cause which ceases to be undefended. Conversely, a defended matrimonial cause which becomes undefended at any time, may be transferred from the Supreme Court to the District Court for trial.

The District Court is also given jurisdiction in matters of ancillary relief and with regard to the protection of children, if these issues are connected with a matrimonial cause which is pending, or has been tried, in the District Court. Under section 10E, rules will provide for the transfer of these ancillary proceedings to the Supreme Court if the District Court thinks it desirable.

The effect of clause 4 is to empower the Chief Justice to make rules for the enforcement in the Supreme Court of orders made in the District Court in relation to matrimonial causes.

Question proposed.

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

Question put and agreed to.

Explanatory Memorandum

Clause 3 of this Bill gives the District Court jurisdiction to hear and determine undefended matrimonial causes. The Chief Justice is empowered to make rules defining the circumstances in which a matrimonial cause is to be regarded as "undefended" (new section 10A(3)).

2. Clause 3 also confers on the District Court jurisdiction in matters of ancillary relief and the protection of children, in connexion with matrimonial causes which are pending in or have been tried in the District Court (new section 10B(a)). The District Court is also given jurisdiction to make maintenance orders under section 34 of the principal Ordinance and to alter maintenance agreements under section 36 of the Ordinance (new section 10B(b)).

3. Every matrimonial cause is to be commenced in the District Court but rules are to be made providing for the transfer

of defended proceedings to the Supreme Court (new section 10D(1)(a)). Rules may also be made providing for the transfer of undefended proceedings to the Supreme Court (new section 10D(1)(b)), and for the transfer back to the District Court of proceedings which are or again become undefended (new section 10D(2)).

4. Every application for ancillary relief, or concerning the protection of children, in which the District Court has jurisdiction must be commenced in the District Court but rules are to be made providing for the transfer of the proceedings to the Supreme Court if the District Court thinks it is desirable and may provide for such transfer in other cases (new section 10E(1)). This provision will not however affect the right of a person to commence proceedings before a magistrate for the variation of a maintenance agreement under section 36 of the principal Ordinance (new section 10E(2)).

5. Clause 4 enables the Chief Justice to make rules providing for the enforcement in the Supreme Court of orders made in the District Court.

HONG KONG POLYTECHNIC BILL 1971

MR J. CANNING moved the second reading of:—"A bill to provide for the establishment of the Hong Kong Polytechnic and for matters connected therewith."

He said:—Sir, the Hong Kong Polytechnic Bill 1971 arises from the work of the Polytechnic Planning Committee which was appointed by you, Sir, in 1969. I had hoped when the time came for me to speak to this bill that the Chairman of the Polytechnic Planning Committee, the honourable P. Y. TANG, who was the chief architect of the bill, would be present in this chamber and be able to see the bill pass through its various stages. Most unfortunately however that has not proved to be the case. The honourable P. Y. TANG died a few days ago and we all mourn his passing. As you yourself said, Sir, his death was particularly poignant as it came at a time when he was about to see the establishment of the Hong Kong Polytechnic for which he had worked for so hard and so long.

The bill before Members is an enabling bill and it seeks to provide for the establishing of the Hong Kong Polytechnic at a date to be appointed by the Governor. The objects of the Polytechnic shall be to provide for studies, training and research in technology, science, commerce, arts and other subjects of learning.

[MR CANNING] **Hong Kong Polytechnic Bill—second reading**

The bill provides for the establishment of a Board of Governors as a corporate body with the usual powers which are enjoyed by such bodies at law. In particular for the better carrying out of the objects of the Polytechnic, the Board may acquire property, erect buildings, approve expenditure, invest funds, borrow money and apply for any grant in aid for its functions on such conditions as it thinks fit.

Provision is made in clause 7 of the bill for the Governor in Council to give directions to the Board and for the Board to comply with any directions so given.

Clause 10 of the bill sets out the membership of the Board and provides for a possible total of fifteen members. The Director of Education and the Director of the Polytechnic are members of the Board by virtue of the offices they hold; three public officers fall to be appointed by the Governor, eight members other than public officers are to be appointed by the Governor of whom four shall have experience in commerce or industry in Hong Kong; and such other members, not exceeding two, as may be appointed by the Governor.

Subsection (2) of clause 10 makes provision for the appointment by the Governor of one of the members of the Board appointed under paragraph (d) of subsection (1) to be the Chairman of the Board.

The Board will be required to submit an annual report on the activities of the Polytechnic and at the end of the financial year statements of income and expenditure during the previous financial year and of the assets and liabilities of the Polytechnic on the last day thereof. Provision exists for the appointment of auditors by the Board and the auditors shall be entitled at any time to have access to all books of account, vouchers and other financial records of the Polytechnic and to require such information and explanations thereof as they may think fit.

Clause 16 of the bill provides for the laying on the table of this council the annual report of the activities of the Polytechnic and the auditors' report of its accounts for the previous year.

The Governor in Council may make regulations, under clause 17, providing for the better carrying out of the provisions of the bill.

Clause 18 enables the Board to make rules to regulate its proceedings and those of any committees it is empowered to appoint under clause 9 and also make rules to provide for the discipline of employees of the Polytechnic and of its students and the making of academic awards.

Sir, I would like to conclude by saying that this bill providing as it does for the establishment, functions and administration of the Hong Kong Polytechnic is a major step on the way to the bringing into being of the Hong Kong Polytechnic. The Polytechnic Planning Committee under the dynamic leadership of the late P. Y. TANG is to be commended on the work which it has done to make this bill possible. The community owes a great deal to the Committee and its Chairman and I know that it was his personal hope that the quality of education provided in the Hong Kong Polytechnic should be such as to help to give the people of Hong Kong the opportunity to keep ahead in the fiercely competitive world in which we live.

Question proposed.

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

Question put and agreed to.

Explanatory Memorandum

This Bill provides for the establishment, functions and administration of the Hong Kong Polytechnic.

2. Clause 3 establishes the Polytechnic and states its objects. These are to provide for studies, training and research in technology, science, commerce, arts and other subjects of learning.

3. Clause 4 protects the use of the title of the Polytechnic, or any other title which is so similar as to be misleading, by any other organization, institution or body.

4. Clause 5 establishes a Board of Governors and constitutes it a body corporate with the usual powers which are enjoyed by such bodies at law.

5. Under clause 6 the Board is given general powers for the better carrying out of the objects of the Polytechnic.

6. Clause 7 makes it clear that the Governor in Council may give directions to the Board with regard to the performance of its functions and that the Board must comply with any such directions.

7. The Board is obliged to appoint a Director of the Polytechnic, in whom shall be vested the management of the Polytechnic and its students, subject to the overall control of the Board. The Board may also employ such other persons as are necessary for the carrying out of its work (clause 8).

Hong Kong Polytechnic Bill—second reading

[*Explanatory Memorandum*]

8. The Board may appoint committees for any general or special purposes (clause 9).

9. Clause 10 regulates the composition of the Board, the maximum membership of which is fifteen. The Director of Education and the Director of the Polytechnic shall be members. Eleven members, three of whom shall be public officers, are to be appointed by the Governor. The Governor may also appoint two further members, if he so decides. Members who are not public officers (other than the Director of the Polytechnic) will be appointed for three years, or for a lesser period, and will be eligible for reappointment.

10. Clause 11(1) enables the Board to delegate any of its powers and functions to the Director, other than those which are specifically reserved to the Board by clause 11(2).

11. The Board may fix fees for courses of study and other services and may reduce or waive the fees generally or in any particular case (clause 12).

12. Clauses 13 and 14 deal with the estimates of income and expenditure and the statements of the accounts of the Polytechnic, which, under clause 15, are required to be audited annually.

13. The Board is obliged, under clause 16, to submit an annual report on the activities of the Polytechnic and of the auditors' report of its accounts for the previous year. These reports and statements will be laid by the Governor on the table of the Legislative Council.

14. The Governor in Council may make regulations, under clause 17, providing for the better carrying out of the provisions of the Bill.

15. Clause 18 enables the Board to make rules to regulate its proceedings and those of any committees it is empowered to appoint under clause 9. Rules may also provide for the discipline of employees of the Polytechnic and of students thereat; and the making of academic awards.

16. Clause 19 is a saving clause.

**LAW REFORM (MISCELLANEOUS PROVISIONS)
(AMENDMENT) BILL 1971****Resumption of debate on second reading (26th May 1971)**

Question again proposed.

MR CHEUNG:—Sir, Unofficial Members are at one with the Government on its proposals to abolish actions for breach of promise of marriage, and to regulate the position of gifts made in contemplation of marriage. They would advise that wide publicity be given to the new sections 7 and 8 of the Ordinance, and perhaps a pamphlet published explaining in simple language their effect, including the effect of sections 6 and 7 of the Married Persons Status Ordinance which are incorporated by reference. It ought also to be emphasized that the amended Ordinance will supersede Chinese law and custom on these topics; that is to be welcomed, for Chinese law and custom in these respects vary and are at best obscure.

My Unofficial colleagues regret they find themselves unable to agree to the proposal to abolish the right of a husband to claim damages for adultery, nor, for reasons which I will give presently, to the proposals to abolish the actions for enticement, seduction and harbouring of spouse or child.

The theory that a wife was a chattel, injury to which sounded in damages, was advanced by common lawyers to reconcile the demands of justice with the inflexibility of the law which they were bound to observe.

But whatever the historical reasons, the law has long recognized that it was right to give a husband damages for adultery against a co-respondent, and the grounds on which such damages were given and assessed were, first, the actual value of the wife lost and, second, the compensation to the husband for the injury to his feelings, the blow to his honour and the hurt to his family life.

That there is wide support for the retention of this right is manifest from the fact that the members of a Royal Commission on Marriage and Divorce, which sat from 1951-1955 and heard a large body of evidence, unanimously recommended its retention. They said, and I quote from their report, that they considered that circumstances do arise in which it is reasonable that the adulterer should be compelled to make redress, and they said that the compensatory nature of the damages and the fact that the court has a complete discretion in directing the application of the sum awarded shows that a claim by a husband is kept within reasonable bounds.

I know that the Law Commissioners recently in England made a different recommendation, and that Parliament saw fit to amend the law in England.

However it is clear that social conditions in England and traditions are different in many ways from those in Hong Kong. Sir Jocelyn Simon, until recently the President of the Divorce Division

[MR CHEUNG] **Law Reform (Miscellaneous Provisions) (Amendment) Bill —
resumption of debate on second reading (26.5.71)**

of the High Court, said that the rapid and fundamental changes made, and contemplated, in England are likely to have a profound effect on one of the fundamental institutions of English society, and he counselled that such far-reaching changes in so important an institution as marriage are likely to require close and continued scrutiny; indeed, he felt that English society might even wish to retrace some of the steps that have been taken.

Having recently made profound changes ourselves, we think it would not be right to proceed too far too fast. I have been reminded by two or three of my Unofficial colleagues that under old Chinese law and custom the sanctions against an adulterer and an unfaithful wife were much more severe than what is provided under England law.

Both the Royal Commission of 1951 to 1955 and the Law Commissioners recommended that, if the right of a husband to claim damages is retained, a woman should be given a similar right to claim damages from an adultress and that the anomaly which has prevented her from claiming such damages ought to be abolished. That accords entirely with the views of my Unofficial colleagues, and it is proposed therefore, at the committee stage, to offer an amendment to bring about a change, and to give a wife a right similar to that of her husband's.

The action of enticement is rare, and its abolition of itself might not be a matter of great consequence but, were we to take this course, I personally would be left in doubt as to what effect this would have on a husband's claim for damages for adultery; it could be argued with some force that such damages should be reduced as the element of enticement would have to be disregarded, having been legislated away. Having regard to that, in our view, the better course is not for the present to abolish the action for enticement.

I come lastly to the action for seduction. The law on the seduction of a girl displays an unfortunate and vicious historical twist. I have quoted the words used by a distinguished Cambridge jurist who was one of the great authorities on this subject. He has said that the ground on which any remedy of this kind ought to be based is the outrage or injury to the parent as head of the family. The common law of the 17th century, however, was so tied up with the technical forms of action, and not the substance, that when the courts decided it was right to give redress to the parent, it did so apparently on the only grounds that could be conceived of, which would do no violence to the sacrosanct forms of action, which was to deem the parent as having been deprived of the services of the child. It was a fiction

that disguised the real right. We feel that it would not be right to extinguish such rights as a parent now has, particularly in a predominantly Chinese community, though there may be a case for putting the law on a proper footing and to cut away some of its anomalous and unsatisfactory features.

At the committee stage, therefore, I propose to offer further amendment to give effect to my Unofficial colleagues' views.

THE ATTORNEY GENERAL (MR ROBERTS):—Sir, I am glad to note that Unofficial Members feel themselves able to support the abolition of actions for breach of promise and also those other parts of the bill which are related to this.

I note the honourable Member's helpful suggestion about giving publicity to the effect of the proposed new sections 7 and 8 and will ask the Government Information Services to help in the manner proposed.

The Government accepts the view of honourable Members that in the social conditions which apply in Hong Kong the community would not welcome the removal of a husband's right to claim damages for adultery against the co-respondent.

If such a right is to be retained, I agree that it is illogical that it should continue to be limited only to husbands and I would support an appropriate amendment at the committee stage so that in future an aggrieved wife should be able to claim damages against her husband's adulteress.

The proposal to abolish the actions for enticement, seduction and harbouring was based on a belief that they were rarely used and that their loss would not be mourned. However, the Government is ready to defer to the views of honourable Members that the Chinese community would not favour their abolition at present.

Perhaps I might add that I am relieved that there has been no suggestion that there should be a revival of ancient and more robust methods, whereby a woman who misconducted herself was drowned and a man dismembered.

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).

**INLAND REVENUE (VALIDATION OF FORMS)
BILL 1971**

Resumption of debate on second reading (9th June 1971)

Question again proposed.

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.

MARRIED PERSONS STATUS BILL 1971

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

Clauses 1 to 15 and the Schedule were agreed to.

AFFILIATION PROCEEDINGS BILL 1971

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

Clauses 1 to 19 were agreed to.

LEGITIMACY BILL 1971

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

Clauses 1 to 15 and the Schedule were agreed to.

**CRIMINAL LAW (MISCELLANEOUS AMENDMENTS)
BILL 1971**

Clauses 1 to 4 were agreed to.

CORONERS (AMENDMENT) BILL 1971

Clauses 1 to 3 were agreed to.

SUNDAY CARGO WORKING (REPEAL) BILL 1971

Clauses 1 to 2 were agreed to.

MEDICAL REGISTRATION (AMENDMENT) BILL 1971

Clauses 1 to 2 were agreed to.

Council then resumed.

Third reading

THE ATTORNEY GENERAL (MR ROBERTS) reported that the
Married Persons Status Bill 1971
Affiliation Proceedings Bill 1971
Legitimacy Bill 1971
Criminal Law (Miscellaneous Amendments) Bill 1971
Coroners (Amendment) Bill 1971

had passed through Committee without amendment and moved the third reading of each of the bills.

Question put on each bill and agreed to.

Bills read the third time and passed.

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAITTE) reported that the Sunday Cargo Working (Repeal) 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.

DR CHOA reported that the Medical 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.

Adjournment

Motion made and question proposed. That this Council do now adjourn—THE COLONIAL SECRETARY (ACTING) (MR CLINTON).

3.29 p.m.

Sea Pollution

MR SZETO:—Sir, the terms "Ecology", "Nature Conservation" and "Environmental Control" have, in recent years, aroused universal attention particularly in the United States where considerable study and research are being pursued in combating air, water, estuary and sea pollution. We, in Hong Kong, have also been alerted by this world-wide re-awakening and have kept in step, though in some small measure, firstly by the work of the Advisory Committee on Air Pollution and secondly by the formation of two additional advisory committees on nature conservation last year.

Recently, public attention has focused, not without indignation, on the wanton destruction of nature and environment by the trade wastes of the tanneries and other unlicensed manufacturing processes at the Sutlej River in Sheung Shui and other rivers in the New Territories. Kowloon Bay adjoining the Airport is also being polluted by the indiscriminate discharge of untreated wastes from a number of unlicensed dyeing works situated in the Ngau Chi Wan area. During the last two years, we have also had sporadic out-crys against the contamination of our harbours and beaches by oils. The time has therefore come when we must redouble our effort to combat pollution, not only in our air but also on our lands, in our waters and in our seas. In this connexion I would recall, Sir, that when I spoke at the budget debate in 1966 against air pollution, I also touched very briefly on the inadequacy of our existing method of sewage disposal, which, if unchecked, would one day seriously contaminate our harbour and destroy our greatest natural asset. Today, I would sound the warning again.

Hong Kong is blessed with a marine environment and for decades we have taken advantage of it to solve our problems of disposing our wastes. The great economy in marine disposal of a city's domestic and industrial wastes is obvious. It is a satisfactory method without resulting in excessive cost to the public purse or menace to public health, if used with care and prudence. The sea, with its vast area and volume, its turbulent current motions and its opacity, appears to be an ideal reservoir for hiding our industrial civilization's waste products. Historically, marine disposal of urban sewage had been practised in Europe and England as early as in the latter part of the 17th century.

Paris, by a statute in 1894, required sewage to be purified biologically before being discharged into the river below the urban area, and it is interesting to note that an advisory committee headed by Pasteur recommended final disposal into the sea which would have meant transporting the effluent for a distance of over 200 kilometres.

Prior to 1956, our sewers simply emptied their contents into the harbour at several points in the sea walls at low-water level and the action of the sea was completely relied upon to dilute and purify the sewage. This almost primitive method, which is still being practised at some points including the Central and the Western districts, may have proved adequate 30 years ago when Hong Kong was a slow moving entrepot with half a million people, but must certainly be considered sub-standard and even dangerous in our present circumstances—a city of 4,000,000 population actively engaged in industrial pursuits. We may have made wonderful achievements in many fields in our physical development; we have drastically changed our skyline, constructed large and unique water supply schemes, built an airport runway into the sea, *etc.*, and all these have, no doubt, upgraded Hong Kong to the fore-front of the world's big cities. But regrettably in the matter of public sanitation we are well behind modern standards, and in some areas even primitive, notwithstanding the fact that we can now claim burning much of our solid wastes in incinerators. It is inconceivable, Sir, that even today, sewage from our large banking houses, modern tall commercial buildings in Central District, and that from the crowded residential and commercial West District are permitted to continue to discharge into Victoria Harbour at the waterfront without any treatment when elsewhere in the world doubt had been cast by scientists and engineers for over three decades on the adequacy of disposal through submarine outfalls because of the dense built-up of many coastal cities and the increasing popularity of aquatic sports. While the sea has been the depository of wastes for countless ages, scientific investigations of the phenomena associated with massive disposal of sewage effluent through submarine outfalls are now being carried out in advanced coastal cities to determine what adverse changes may occur in their marine environments. Whereas in Hong Kong the first submarine outfall was not built until 1956 at Tai Kok Tsui and a few more were constructed in recent years at Wan Chai, North Point on the Island and at Lai Chi Kok, Shum Shui Po, Tsim Sha Tsui and Kai Tak. While some of these outfalls are equipped with screening plants, most of them do not extend beyond 1,200 feet from shores and with depths of less than 50 feet.

The pollution field created by a submarine outfall and hence its effectiveness depend much on its length from the shore, the depth of its point of discharge as well as the quantity of discharge. I have the misgiving that our outfalls are inadequate in respect of these criteria.

[MR SZETO] **Sea Pollution**

For instance, submarine outfalls off the west coast of the United States of America have considerable lengths and depths and are equipped with elaborate diffusers. The City of Los Angeles has a 5-mile long ocean outfall with a depth of 180 feet. When outfalls are short and do not have adequate diffusers, secondary treatment of the effluent or chlorination may become necessary to maintain bacterial and other standards. Physically, Hong Kong may be likened to San Francisco where sewage is treated at a central treatment plant before being discharged into the deep waters of the bay. A feasibility study was first carried out to predict the effects of the waste discharge upon the bay's assimilative capacity. In this connexion, I understand that consultants were commissioned by Government in 1968 to investigate the effects of sewage discharge on Victoria Harbour and the level of its pollution; the public would be interested to know their findings and recommendations. I am also aware, Sir, that Government has planned to build a sewage treatment pilot plant at Shek Wu Hui, New Territories, to experiment with various methods of purifying our urban and rural sewage and I hope such effort will produce early results because new towns like Sha Tin and Castle Peak should be provided with modern treatment facilities where the shallow and quiet waters must not be contaminated with untreated sewage effluent.

Sir, pollution of our harbours tends to increase with our population growth, urbanization, industrial expansion, greater production and use of power, diversity of manufacturing processes, increased water-borne transportation and aquatic recreation. Another source of pollution of great danger is contamination of our harbours and beaches by oils from tankers, active or disabled, and refuse from the many ships which move in and out of our harbours. All these demand our closest attention and urgent action. Hong Kong has been judged in many respects as a sophisticated city and yet we appear to linger in the twilight Victorian age as far as public sanitation is concerned. The name of "Fragrant Harbour" must be protected with all zeal.

MR G. M. B. SALMON:—Sir, may I add a few words to what my Friend, Mr SZETO Wai, has said on the pollution of the sea.

First of all, oil pollution is not normally, as far as I am aware, a serious problem, though there could be a disaster at any time. The Marine Department now has an Oil Pollution Unit, with such equipment as emulsifiers, oil booms, pumps and so on and it is hoped that this Unit can speedily and effectively deal with oil spillages. It would be useful if they could also make inspection of tankers discharging, and perhaps other vessels taking on fuel, as a preventive measure.

What is a serious problem, however, is the garbage and flotsam in the waters that surround us. A lot of this no doubt emanates from the stationary craft in typhoon shelters and from local junks, sampans and the floating population generally. Although not an expert on tides and currents I imagine a great deal also comes to us from outside harbour waters, having been deposited possibly quite some distance away. Thus it seems likely we are always going to have a problem. May I add here, in passing, that while the Urban Council may do what they can to remove from the gazetted beaches the filth selfishly put there by the public, as well as that coming in with the tide from elsewhere, there is, as far as I know, no provision in funds or manpower to deal with beaches not so gazetted. This is, I suggest, something that should also be tackled and I wonder, if there are no other means available, whether prison labour could be used for this purpose.

Reverting to the harbour itself, and I confess to some surprise that in its present state it is considered sufficiently hygienic to hold a cross-harbour swimming race this year, something must be done to lessen the burden of removing garbage by stopping it being put there. In this connexion, I understand that consideration is now being given to recommendations made by the Port Executive Committee for the Marine Department to operate a ships' refuse collection service, employing two barges full time. In view of the fact that we get some 600 ships a month in the port of Hong Kong, I doubt whether two barges can effectively serve all the ships that may be in port at one time, but at least it would be a start. I do urge that some such scheme be implemented without delay. I also hope that not only in the harbour itself, but outside Lei Yue Mun and in the Lamma Channel and elsewhere, all Government launches will keep a sharp look-out for and report any disposal of garbage from ships and other craft.

It is also possible that the penalties for sea pollution need reviewing, and that some really severe fines on the individuals concerned and the Masters of offending vessels would do a power of good. I am informed that from 1968 to this year to date there have been seven prosecutions for oil spillage, resulting in fines from \$500 down to \$50 costs, and one prosecution only for the disposal of garbage in the harbour resulting in a fine of \$15. Not only do I consider that there should probably have been a lot more prosecutions if the sizeable fleet of Government launches had been more on the look-out, but the penalties quoted are yet another example of the extraordinary leniency that seems to be the rule rather than the exception in the Courts.

Finally Sir, we are to have a "Keep Hong Kong Clean" campaign, and I hope our marine environment and those who live on the sea will get full attention from the organizers. I am also interested to hear that Japan is shortly to have a "Clean Sea Month"; what I suggest we should try for in Hong Kong is an annual "Clean Sea Year".

Sea Pollution

MR ROBSON:—Sir, I doubt if any Member of this Council will disagree with my honourable Friends' views that every care must be taken not to upset the balance of nature, especially that of our marine environment around which so much of the life of the Colony revolves. Mr SZETO Wai has described how, thanks to the efforts of the Advisory Committee on Air Pollution and the new Advisory Committees on Nature Conservation, there is a growing public awareness of the many facets of the problem which in turn will mean growing support for any measures which Government may have to adopt to contain the situation.

The Public Works Department in particular has been conscious of this need for many years and was responsible for initiating a number of measures first to reduce and then to contain the level of pollution in the harbour. This effort has not been without some success. Abandoning the dumping of refuse into the sea on the pretence that it was forming useful land, for instance, led to a significant reduction in pollution levels—especially visible pollution in the form of floating waste.

In the case of the Harbour, \$54 million has been spent over the last 10 years on a programme to construct intercepting sewers which direct sewage to suitable locations where it is screened in specially designed treatment works and then discharged through submarine outfalls with diffusers. These ensure the optimum dilution and dispersion to a location in the tidal stream where the currents are strongest so that the sewage does not return to the shore. We plan to spend a further \$115 million on such works over the next five years but the programme depends upon land being available for the treatment works. Further reclamation is for instance required westwards from the Macau Ferry Berths for a treatment plant to serve the Central Area of Hong Kong.

Mr SZETO Wai has criticized this programme both in principle and in detail but I feel his description of the measures taken in San Francisco and Los Angeles may be misleading if applied to Hong Kong. Solutions to specific problems in one part of the world are not necessarily satisfactory elsewhere—especially where the conditions are entirely different.

He has likened Hong Kong Harbour to San Francisco where the bays are fairly enclosed discharging through a common outlet at the Golden Gate. In this respect San Francisco is rather like Tolo Harbour, Tide Cove and Tolo Channel where an embargo has been placed upon large scale development pending the solution of the sewage disposal problems as there is little flushing action in the land locked bay which makes it ineffective for efficient dilution and dispersion. This is a marked contrast to Hong Kong Harbour which is open at

both the east and the west and which has a good through tidal flow on both the flood and the ebb.

Planning for Hong Kong is however proceeding on the basis of letting the harbour play its full part in the disposal system but at the same time seeing that the good servant we have is not overworked and is protected in her more mature years. This means recognizing the fact that provided the water is aesthetically satisfactory—and here I should like to pay tribute to the excellent work of the Director of Marine's Harbour Cleansing Service—and provided an ecological balance is preserved then the conditions are satisfactory.

While it is impossible to control the floating population, planning has taken into consideration the protection of bathing beaches as far as possible, by arranging that in these areas sewage is suitably treated and outfalls located so that they are well away from the beaches. This policy has been endorsed by the experts in the fields of sewage disposal who have visited Hong Kong over the last 20 years and by the report of the Consulting Engineers appointed in 1968 to look into these problems to which I shall refer later.

In respect of bathing beaches the problems are:—

- (a) visible pollution in the water;
- (b) bacteriological pollution of the water; and
- (c) litter on the beaches.

The last named is a growing problem which falls within the province of my Friend, the Director of Urban Services, and I know that because of shortage of scavenging staff he is hard pressed to keep pace with it. However, given the staff and the co-operation of the public it is a problem which can be controlled.

The principal cause of visible pollution in the water is plastic bags and although this has decreased with the closing of marine refuse dumps they are nevertheless present in sufficient quantities to be a most unpleasant nuisance to swimmers. They are almost indestructible and although booms have been tried out they were not effective and, quite honestly, I know of no solution to this problem except by greater co-operation of the public so that no fresh bags find their way into the sea and by fishing out those floating at the beaches.

On the question of bacteriological pollution, tests show that the level of pollution at the worst affected beaches in Hong Kong is lower than the best of 40 beaches in Britain investigated by the British Medical Research Council Committee on Bathing Beach Contamination. Our bathing beach pollution is not high, and there is no evidence that it is dangerous in any way.

[MR ROBSON] **Sea Pollution**

I have mentioned the appointment of Consulting Engineers in 1968 who were directed to carry out a full marine survey of Victoria Harbour and Tolo Harbour, to assess just what water quality levels would be acceptable from a health, aesthetic and ecological view-point. Their final report will also say what pollution loads these bodies of water can take whilst maintaining the suggested quality levels. It will also recommend the treatment required when projected populations are such that these limits are exceeded. If this report is accepted, therefore, the timing of works will have to be related to the actual population concentration and build-up as projections for these figures must be considered with a certain reserve. I think the latest census has shown that over the last twenty years the population on the north shore of Hong Kong Island has been more or less static and the rapid increase of population in Kowloon and New Kowloon should taper off in the next two or three years. If therefore it is accepted that present conditions in the Harbour are not intolerable, the problem of marine pollution reduces to that of ensuring that the facilities serving the present population are improved and that the increase in population is catered for by more conventional sewage disposal works.

I have described the programme for linking existing sewers to more screening plants and submarine outfalls. This programme has been endorsed in the preliminary report received from the Consulting Engineers. If the Consultants' recommendations are accepted they will require the provision of many valuable acres of land in prime locations in the Urban Areas of Hong Kong, Kowloon and the New Territories. This will be in direct competition with many other demands for land in these areas. I will again highlight the need to control the build up of population in the Urban Areas and to encourage movement to the new towns.

It will also obviously be necessary to consider the extension and strengthening of regulations to ensure control of industrial undertakings and other activities, so that wastes are not simply discharged into the sewers but are given suitable treatment either within the premises or public treatment works with a suitable levy or charge made by Government. This is the method now used in Britain and other parts of the world.

In the next few years therefore we may have no choice but to accept that a pollution free environment will use land, cost money and need staff both to design, construct and build the works and also to run them. In the latter respect we are having great difficulty in recruiting staff.

I hope from what I have said it is clear that Government is already playing its part to contain the problem of pollution, but for this to be

really effective the active support of all sections of the population is required. I should like to see industrialists pay more attention to the treatment and discharge of their trade wastes, the garage and vehicle repair shops stop pouring waste oil down the drains, the floating population stop using the sea as a refuse bin, and the picnickers preserve the countryside. Only by this concerted effort will we preserve our "Fragrant Stream".

Question put and agreed to.

Valedictory to Sir John Cowperthwaite

HIS EXCELLENCY THE PRESIDENT:—Before I formally adjourn the Council, I would like to remind honourable Members that this is Sir John COWPERTHWAITÉ's last attendance at this Council as Financial Secretary. It is I am sure a matter of regret to him, as it is to me, that Sir David TRENCH could not be here today and himself pay tribute to the services which Sir John has rendered to Hong Kong.

Sir David and Sir John have worked side by side for so long in Hong Kong's interests, that it would have been more fitting if Sir David could himself have found the right words to say on this occasion.

I myself said more than a year ago that it would be a sad day for Hong Kong when Sir John's austere wisdom was no longer available to us, and now that day is fast approaching.

Sir John joined the Hong Kong Planning Unit in the Colonial Office in April 1945 and arrived here in November of that year. Since then his paths have lain with this Government and mainly in the financial and economic fields. He became substantive Financial Secretary, and thus an *ex officio* Member of this Council, more than ten years ago. Since then Hong Kong, despite difficulties and setbacks, has enjoyed a period of almost unparalleled economic development. This is very much more than a mere coincidence.

His services were recognized by Her Majesty when he was appointed a Companion of the Order of St Michael and St George in 1964 and again, in 1968, when he was made a Knight Commander of the Order of the British Empire.

It would be a simple but unnecessary exercise to pick out some of his more signal achievements. I would personally prefer that Hong Kong judge Sir John purely on the results of his work, and on the heritage which he leaves to us in general and to his successor in particular. It has been his constant and successful endeavour to create the climate and the framework within which the initiative and ingenuity

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and resilience of the people of Hong Kong can find their fullest expression; and at the same time to ensure that the Government of the Colony has the means at its disposal to satisfy in the public sector the legitimate aspirations of a rapidly developing society. That he has succeeded I am sure that all honourable Members will agree. He will leave behind him a Government without debt, but one with commitments into which, contrary to often expressed opinion, he has willingly entered, and also with reserves which will assist us in meeting at least some part of those commitments.

Perhaps his most striking attribute is his protean grasp of the many problems which this Government has faced, is facing and will continue to face—I have yet to find an aspect of Government's responsibilities on which Sir John's knowledge and advice have not been both penetrating and valuable.

We shall miss him.

I am sure that every honourable Member of this Council will join with me in wishing Sir John and Lady COWPERTHWAITE the best of health, happiness and prosperity in the years to come. Thank you, Sir John.

MR KAN:—Your Excellency, May I on behalf of my Unofficial colleagues and myself add to the tribute which you have just paid to my honourable Friend, Sir John COWPERTHWAITE.

In doing so, I am reminded that he and I first joined this Council in the year 1961—he in his substantive capacity, having served earlier in his acting capacity—and thus I believe we are the longest serving Members on this Council today. It might appear out of place, indeed almost ungracious, for me on this occasion to refer to a "mistake" that my honourable Friend has made during his service as Financial Secretary. It is a mistake, however, which a person none other than his predecessor predicted he would make. Mr CLARKE said 10 years ago: "I expect that my successor will make exactly the same mistake that I have always made. He will underestimate revenue. He will underestimate his revenue because, like me, like so many of us, he will never be able to comprehend how new and successful industries can be created overnight out of nothing, in the face of every possible handicap; how new trade can suddenly start up in some way that has never been thought of before; he, like me, will never be able to comprehend how on earth our enterprising, ingenious, hard-working people can ever manage to accomplish so much with so little".

Sir, while I for one would hesitate to assert that there are aspects of Hong Kong's economic activities which my honourable Friend is not capable of comprehending, the fact remains that the prediction came true and he has continued to make this mistake, although as I have pointed out once before, it is a cause for rejoicing rather than lament.

However, this among other things has subjected him to criticism from time to time. If like Henry V he were to be asked by PISTOL:

"Art thou officer,
Or art thou base, common and popular?"

the answer would undoubtedly be that he was the former and not the latter.

Despite this, perhaps to some extent because of this, we have seen our reserves mount to record heights under his guiding hand. What was a modest \$180 million at the time Sir Geoffrey FOLLOWS relinquished office as Financial Secretary in 1951 had grown to \$550 million by the time my honourable Friend came to the helm in 1961. Today it is \$2,204 million, four times what it was 10 years ago and more than 12 times what it was in 1951.

Sir, in 1961 Mr CLARKE, looking forward to the time when expenditure would exceed \$2,000 million by 1971, said this: "I expect that, when that time comes, my successor will have just the same problem that I have always had—where to turn to find the money." Today, expenditure is already over the \$3,000 million mark and is still rising rapidly; but I do not think that this need prove a source of worry for three good reasons. First, a strong, sound financial structure has been built up by my honourable Friend; the strength of our economy is, I believe, the wonder and envy of the whole world. Second, he leaves behind him an able and, I hope, a faithful disciple to carry on his good work. And lastly, I have firm confidence in Hong Kong and the resourcefulness and industry of its people.

Sir, may I in conclusion offer to my honourable Friend on behalf, not only of my Unofficial colleagues and myself but indeed of the whole community, our sincere thanks for the most valuable and devoted services he has rendered Hong Kong these many years and our best wishes wherever he may go.

THE COLONIAL SECRETARY (ACTING) (MR CLINTON):—Your Excellency, I am sure that all my Official colleagues in this Council would wish to be associated with your tribute to Sir John and with the remarks made by my honourable Friend, Mr Y. K. KAN.

[THE COLONIAL SECRETARY (ACTING)] **Valedictory to Sir John Cowperthwaite**

Perhaps I may be permitted also to pay a very brief personal tribute. I have worked for many years with Sir John and I know only too well how wise he can be. I also know what a kind heart beats under his severe exterior—though he would never admit it. He has often, in my view, been unfairly criticized but, as Financial Secretary, he has done far more for Hong Kong than most people, and much more than most people realize. The measure of his stature, like Lord Keynes, may only be fully appreciated after the years have rolled by.

THE FINANCIAL SECRETARY (SIR JOHN COWPERTHWAIT):—Sir, may I now thank you for your kind words, and I also thank my honourable Official and Unofficial colleagues, to work with whom has always been an honour and a privilege and nearly always a pleasure. (*Laughter*).

Next sitting

HIS EXCELLENCY THE PRESIDENT:—Accordingly I now adjourn the Council until half past two o'clock on Wednesday the 7th July 1971.

Adjourned accordingly at eight minutes past four o'clock.