

OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 18th August 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 (*Acting*)
MR GRAHAM RUPERT SNEATH, QC, JP
THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS (*Acting*)
MR LI FOOK-KOW, JP
THE HONOURABLE THE FINANCIAL SECRETARY
MR CHARLES PHILIP HADDON-CAVE, JP
THE HONOURABLE ROBERT MARSHALL HETHERINGTON, DFC, JP
COMMISSIONER OF LABOUR
THE HONOURABLE JAMES JEAVONS ROBSON, JP
DIRECTOR OF PUBLIC WORKS
THE HONOURABLE JOHN CANNING, JP
DIRECTOR OF EDUCATION
DR THE HONOURABLE GERALD HUGH CHOA, JP
DIRECTOR OF MEDICAL AND HEALTH SERVICES
THE HONOURABLE JACK CATER, MBE, JP
DIRECTOR OF COMMERCE AND INDUSTRY
THE HONOURABLE DENIS CAMPBELL BRAY, JP
DISTRICT COMMISSIONER, NEW TERRITORIES
THE HONOURABLE JOHN CHARLES CREASEY WALDEN, JP
COMMISSIONER FOR RESETTLEMENT (*Acting*)
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
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, OBE, JP
THE HONOURABLE LI FOOK-WO, OBE, JP
THE HONOURABLE JOHN LOUIS MARDEN, JP

ABSENT

THE HONOURABLE ALASTAIR TREVOR CLARK, JP
DIRECTOR OF URBAN SERVICES (*Acting*)
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:—		
	Mining Ordinance.	
	Mining (General) (Amendment) Regulations 1971.....	92

Sessional Papers 1970-71:—

No 64—Annual Report of the Hong Kong Export Credit Insurance Corporation for the year 1970-71 (published on 18.8.71).

No 65—Annual Report of the Police Children's Education Trust and the Police Education and Welfare Trust for the year 1970-71 (published on 18.8.71).

No 66—Report of the Hawker Control Force Welfare Fund for the year ending 31st March 1971 (published on 18.8.71).

Reports:—

Hong Kong Salaries Commission Report 1971 (published on 18.8.71).

First Report of the Companies Law Revision Committee (published on 18.8.71).

Fourth (and Final) Report of the Chinese Language Committee (published on 18.8.71).

Oral answers to questions

Recruitment of doctors for the public service

1. MR P. C. WOO asked:—

Will Government inform this Council as to whether or not the shortage of doctors in Government service has been less acute and whether this problem can be solved in the near future?

DR G. H. CHOA:—Sir, as at August the 1st, the total establishment of doctors in the Medical and Health Department was 704. The actual strength was 665 which leaves 39 vacant posts to be filled.

Over the past three years the establishment of doctors has increased by 100 posts, and the actual strength by 131. The percentage of vacancies has been reduced from 11.5% to 5.5% during the same period. Thus it can be said that, at the present time, the shortage of doctors in the Government service is less acute.

In assessing the future position there are a number of factors which need to be taken into consideration. These include the number of additional posts required, the number of retirements, resignations, *etc.*, and the number of doctors joining the service.

For the next five years it is estimated that the number of additional posts will be in the order of 230. This includes some 70 posts for normal expansion of existing services, and some 160 posts for new institutions, including the New Lai Chi Kok Hospital, scheduled to be completed in 1974. By 1976 the total establishment of doctors in the department may exceed 900.

Regarding the second factor, the number of doctors who have resigned, retired, and left the service for various reasons over the past three years ranged from 95 in 1968 to 63 in 1970 at an average of 82 a year.

As to recruits our main hope lies in the graduates of the Medical Faculty of the University of Hong Kong. The annual intake of students has now been increased to 150. Usually, as many as 80% of the graduates apply for posts in the department every year. If this rate of recruitment is maintained, some 120 doctors are likely to be available every year, with a possible net average increase of some 40 doctors each year; even allowing for an annual average loss of some 80 doctors on account of resignation, retirement, and other reasons. In the absence of any unforeseen circumstances we should be able therefore to meet the departmental requirement of doctors for the next five years.

I have great faith in the local graduates and whatever duration of service they are willing to give to Government after graduation is always welcome.

MR WOO:— Sir, may I ask my honourable Friend whether the establishment of 704 includes leave reserve or not?

DR CHOA:—Yes, Sir.

Oral Answers

Reduction of fire casualties in occupied buildings

2. MR LI FOOK-WO asked:—

Will Government state what steps are being taken by the Building Authority and the Director of Fire Services to prevent the erection of illegal barriers and other obstructive structures in occupied buildings thereby reducing the risk of casualties in case of fire?

MR J. J. ROBSON:—Sir, I think honourable Members will appreciate that in Hong Kong it is difficult to prevent the erection of illegal barriers and other obstructions to exit routes from buildings but the Fire Prevention Bureau of the Fire Services Department investigates many cases where exit routes are blocked. The department then takes appropriate action under the Fire Services Ordinance or refers the matter to the Buildings Ordinance Office when the breach arises as a result of works having been carried out in contravention of the Buildings Ordinance.

These investigations may arise from a report from a member of the public or from other Government departments and may also arise from planned investigations into areas where it is suspected that such obstructions present severe fire hazards. In addition the operational units of the Fire Services Department carry out inspections to determine whether such hazards exist and, if necessary, they report to the Fire Prevention Bureau for further investigation and action.

A procedure is in operation in the Buildings Ordinance Office whereby, in the case of new buildings, a follow-up inspection is carried out after the issue of the Occupation Permit to see whether unauthorized building works have been carried out. Unfortunately in view of the very considerable pressure under which the Buildings Ordinance Office is working, it is not possible for these inspections to be carried out as soon after the issue of the permit as I would like. In the case of existing buildings however, these are only inspected by the Buildings Ordinance Office on receipt of a report of irregularities either from a member of the public or another Government department. If during any of these inspections obstructions to escape routes are discovered, then action is taken for their removal either by the Fire Services Department or the Buildings Ordinance Office depending upon their nature. However due to the ever increasing demands which are being made upon the staff of the Buildings Ordinance Office, I found it necessary some time ago to limit the scope of these inspections to irregularities which constitute a serious fire, structural or health risk.

I would, however, like to emphasize that the primary responsibility for ensuring that exit routes are not blocked must rest with the owners and occupiers themselves, whose lives and property are at stake. It has hitherto often been difficult for owners of individual parts of a building to take effective action, but the multi-storey building management legislation which was enacted last year now provides a means for conscientious owners to deal with these problems.

Ambulance service

3. MR K. S. LO asked:—

How many ambulances are in Commission at any one time in the whole of Hong Kong including the New Territories and how are they distributed? What is the average time taken for an ambulance to get to a spot after a call has been made? Does the Government consider the existing vehicles and manpower adequate to provide a quick and efficient 24-hour service to the public? If not what steps does Government propose to take to strengthen the service?

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER):—Sir, as the honourable Member is aware the ambulance service of the Hong Kong Government is operated by the Fire Services Department. The number of ambulances at present available is 61. At the present moment of time there are 10 on order of which 6 are to bring the fleet up to establishment and 4 as replacements. Between half past eight in the morning and half past six at night there are, ordinarily, 51 ambulances operational. Of this total 19 are stationed on Hong Kong Island, 1 on Lantau, 19 in Kowloon and 12 in the New Territories.

Overnight there are 9 ambulances on duty in Hong Kong, 9 in Kowloon and 7 in the New Territories.

The average time taken by an ambulance to arrive at an address after a call has been received is 14 minutes for the Colony as a whole. The figures for Hong Kong, Kowloon and the New Territories are 13 minutes, 12 minutes and 17 minutes respectively. I would stress that these are average figures. If, for instance, ambulance staff are required to locate a patient on an upper floor of a multi-storey building, their time of arrival at a particular flat or room may well be above the average.

The figures of the time taken to reach the appropriate hospital are also of significance; they are for Hong Kong Island 18 minutes, for Kowloon 14 minutes, and for the New Territories 25 minutes.

[THE COLONIAL SECRETARY] **Oral Answers**

As regards the last part of the question, the Director of Fire Services would like to aim at meeting emergency calls for ambulances on an average of 10 minutes in the built-up areas of Hong Kong and Kowloon. His proposals in this regard will shortly be the subject of a submission to the Finance Committee of this Council.

Allegations of short weights

4. DR S. Y. CHUNG asked:—

Is Government aware of allegations of the existence of weighing machines showing short weights in some retail shops and will Government make a statement on the work of examiners of weights and measures in recent years as specified in section 5 of the Weights and Measures Ordinance 1964?

MR J. CATER:—Sir, although a very occasional complaint has been made in the past, I have not received any complaint recently that some retail shops were now selling short weights through the use of inaccurate weighing machines.

My honourable Friend may know that the administration of the Weights and Measures Ordinance is shared by the Accountant General, the Commissioner of Police, and myself, and that my responsibilities are limited to sections concerned with the examination of weights and measures and the prosecution of those found to be using false or unjust machinery.

Since 1966 you have, Sir, under section 4 of the Ordinance appointed two senior officers of the Preventive Service as examiners of weights and measures. These officers are empowered by section 5 to enter premises and to examine any articles used for weighing and measuring which appear to them to be faulty. It has been Government policy that such examinations should only be made following complaints: these have very rarely been made. There is a record of only two complaints received in the past five years, only one of which, on investigation, was found to have some cause.

There are aspects of this legislation and its enforcement which are not altogether satisfactory but I can assure my honourable Friend that consideration is being given to a possible revision of the law and to improvements in the method of its enforcement.

DR CHUNG:—Sir, will my honourable Friend explain the reason for the existing Government policy of only reacting to complaints and not taking any initiative to conduct regular examination of weighing and measuring equipment in retail shops?

MR CATER:—Sir, the Preventive Service has only marginal responsibilities in the sphere of retail trading, and the regular inspection of all retail premises would clearly represent a heavy additional commitment which the Service could not be expected to accept without a considerable increase in its staff. The number of complaints received does not seem to indicate any need for urgent action; but as I have said already, Sir, the administration of this law and its possible improvement are now the subject of inquiry in the Colonial Secretariat.

DR CHUNG:—Sir, knowing the nature of my countrymen in Hong Kong I don't think we can rely on complaints to justify this existing policy.

HIS EXCELLENCY THE PRESIDENT:—What is your question, Dr CHUNG?

DR CHUNG:—My question, Sir, is to ask whether Government is aware of the nature of the Chinese in Hong Kong.

MR CATER:—If that question has been directed at me, Sir, the answer is yes.

MR OSWALD CHEUNG:—Would my Friend not deem it advantageous to carry out occasional spot checks as a deterrent to dishonest traders?

MR CATER:—This is a possibility—I accept that, Sir—but in view of the very few complaints we've received—only one valid in five years —I would suggest that even these spot checks would perhaps be unnecessary. But we are looking into this whole question of administration of the law and the possibility of changing the law.

Fire hazards in factories in domestic buildings

5. MR T. K. ANN asked:—

Will Government publicize its policy on eliminating fire hazards in factories housed and tolerated in domestic buildings?

Oral Answers

MR R. M. HETHERINGTON:—Sir, there has already been a considerable amount of publicity on the subject raised by this question through statements made by me in this Council in the past two years and through press releases and interviews by the Director of Fire Services and officers of his department in recent months but I welcome this opportunity to supplement it.

The texts of my speeches are recorded in the Hong Kong Hansard and I do not propose to recapitulate all that I have previously said. Briefly, in respect of factories located in premises not designed for industrial use, I issue a certificate of provisional registration. Before doing so, I am required to be satisfied that the factory can be used temporarily for industrial purposes without endangering the safety, health, and welfare of persons employed therein and of other persons. One particular and important aspect of safety which I take in to consideration is the danger from fire.

Regulations 26 to 33 of the Factories and Industrial Undertakings Regulations deal specifically with matters concerned with the prevention of and escape from fire. Some of these impose mandatory requirements. Others allow me to exercise my discretion in requiring special measures to be taken. In practice, fire precautions, appropriate to the design of the building and the particular industry, are imposed. These have been formulated in the light of experience and in consultation with the Fire Services Department. In such matters, I liaise closely with the Director of Fire Services and rely heavily on his advice. Officers of the factory inspectorate enforce the regulations but there is daily communication between them and officers of the Fire Services Department on all aspects of safety against fires in factories.

Independently, the Director of Fire Services is empowered, under the Fire Services Ordinance and the Dangerous Goods Ordinance, to take action to abate fire hazards in respect of any premises and such action can be taken and is taken by him against factories. In the ordinary way, officers of the Labour Department and the Fire Services Department keep each other informed of action taken. That there are two separate enforcing agencies keeping an eye on the constantly changing conditions in factories in domestic and commercial buildings is welcomed by me.

Clearly, co-ordination of the work of the Fire Services Department, which is primarily interested in the over all risks in a particular building, and the work of the Labour Department, which is mainly concerned with the protection from fire hazards of the employees of a factory and, additionally, of other persons who may be affected by

the operations of the factory, is desirable. To ensure even closer co-operation, a procedure was introduced this year whereby an application by the proprietor of a registrable work-place, seeking the initial issue of a certificate of provisional registration, is first considered by the Labour Department as to the suitability of the premises for the industry proposed. If there appear to be no apparent reasons why such a certificate should not be issued, the proprietor is informed that his application will be considered provided that he can produce from the Director of Fire Services a fire services certificate for the premises. This certificate states that the Director of Fire Services is satisfied that the operation of the factory in the premises indicated for the purposes described should not give rise to any undue risk of fire or danger from panic in the event of fire. In some cases, the certificate imposes certain conditions or limitations.

As I have already said, publicity has been given in the press and in radio and television interviews on several occasions this year by the Fire Services Department of its intention to reduce fire risks in factories in domestic buildings. In January, Mr WOOD, Director of Fire Services, gave advance warning of his intended campaign. In March, a further warning was given by the Fire Services Department that, after the end of July, steps would be taken to enforce abatement notices issued against those factories which presented an intolerable fire risk. At present, it is too early to assess the success of the campaign. The factory inspectorate is, needless to say, giving whole-hearted support to these measures in a combined and determined effort by the Fire Services Department and the Labour Department to eliminate fire hazards in factories located in non-industrial premises.

Investigation into quality of concrete used in building construction

6. MR SZETO WAI asked:—

Will Government confirm that a number of buildings newly completed or presently under construction have recently been subjected to investigations by the Building Authority in respect of the quality of the concrete in their construction and, if so, would Government give the total number of buildings involved and the results of the investigations?

MR ROBSON:—Sir, I confirm that a number of private buildings have been subjected to detailed investigations following reports of substandard concrete. So far this year 16 such reports have been received referring to 42 sites where either building work is under construction or has been recently completed.

[MR ROBSON] **Oral Answers**

Following careful inspections 14 sites have been found to be in order and no further action in respect of these sites is anticipated. On 4 sites it has been established that sub-standard concrete exists. More comprehensive investigations are in hand on 7 sites where initial inspection, and the results of preliminary tests, have indicated there may be sub-standard concrete. The remaining 17 sites have been visually inspected but preliminary testing is yet to be carried out.

MR SZETO:—Sir, of the four sites where sub-standard concrete has been found to exist as mentioned by my honourable Friend, the Director, what action does the Director intend to take in regard to these four sites?

MR ROBSON:—It depends entirely, Sir, on the situation. In respect of one site, which has been named in the press and which I will name again now, the Shiu Fai Terrace, the building with the agreement of the architect and the owner is to be torn down. In respect of the other site which has been mentioned in the press, which is the Wah Fu Garage, consideration is being given to what immediate action must be taken. There is an appeal from the contractor to suggest that the building is not as bad as may appear from the tests. In the other two cases, it is too early to say what the action will be taken.

Protection for investors

7. MR WILFRED S. B. WONG asked:—

What measures are being contemplated to protect the public from being taken advantage of by unscrupulous and fraudulent stock-brokers?

THE FINANCIAL SECRETARY (MR C. P. HADDON-CAVE):—Sir, I should like to point out to my honourable Friend that the investing public is not entirely unprotected under existing legislation. Under the Theft Ordinance it is an indictable offence, punishable with a term of imprisonment for up to 10 years, for anyone to obtain property or pecuniary advantage by deception. A good measure of protection, therefore, already exists in relation to straightforward cases of fraud: unscrupulous behaviour is, of course, another matter and my honourable Friend will

recall that, in reply to his question on the 21st of July last, I said that the Companies Law Revision Committee had just submitted a most comprehensive report on the protection of investors and the prevention of fraud in relation to investments. I also said that, as each group of the Committee's recommendations was processed and a view taken, the Law Draftsman would be asked to prepare appropriate draft legislation. We have already decided on our priorities and will endeavour to press on with the task with all possible speed.

Having been laid before this Council today, Sir, the Committee's report is now on sale to the public at a price of \$16 per copy. I hope it will be widely read for, as I said on the 21st of July, it is full of sound advice to investors and investment institutions alike.

Unfortunately, but understandably, the Committee stresses that, whatever new legislation may be introduced, it will not be possible to protect every investor from all the consequences of his own actions in disposing of his own money. This is a point, indeed, which has been emphasized by all the committees in the United Kingdom which have considered this subject. If I may quote, Sir, from the report of one of these committees:

"it is...not easy to suggest alterations in the law to protect persons of whatever class who, in the rash hope of large profits, are prepared...to purchase shares in a company of which they know nothing beyond the flourishing and incomplete statements made by the individuals who offer them."

The reference here is to dealers generally.

As regards transactions on the stock exchanges, in the ultimate analysis the responsibility for disciplining their own members is one which the stock exchanges themselves must bear. And, without intending to anticipate the advice of Executive Council, I feel bound to say that the Committee's recommendations in paragraphs 59-62 of Chapter 6 of the report dealing with compensation funds will be very seriously considered by the Government in connexion with our present system of according recognition to stock exchanges.

MR WONG:—Sir, would Government agree to impose strict conditions under section 2(a) of the Companies Ordinance for recognition of stock exchanges to be established in the future?

THE FINANCIAL SECRETARY (MR HADDON-CAVE):—We shall give consideration to the honourable Member's suggestion, Sir.

Oral Answers**French restrictions on imports from Hong Kong**

8. DR CHUNG asked:—

In view of the discriminatory import restrictions imposed by France on Hong Kong products for so many years, what action has Government taken and is taking to safeguard Hong Kong's interests?

MR CATER:—Sir, before answering my honourable Friend's specific question, perhaps I should first give a little of the background to the restrictions maintained by France against imports from Hong Kong. In the post second world war period, France, like many other European countries, was suffering from balance of payments difficulties and, at the end of 1957, the French Government established global quotas for a range of imports which covered virtually all Hong Kong's exports to that country. In 1959 however, the balance of payments position improved and France liberalized some 90% of her imports from member countries of the Organization for European Economic Co-operation—the OEEC. Hong Kong as a dependent territory of the United Kingdom was, of right, entitled to the same degree of liberalization but this was not in fact extended to Hong Kong and, since that time, discriminatory restrictions have been maintained against our products. It is the opinion of the Hong Kong Government that these restrictions are in conflict with France's obligations to Hong Kong under Articles I, XI and XIII of the General Agreement on Tariffs and Trade. For the past several years the Hong Kong Government with the full support of and assistance from Her Majesty's Government in London has continuously and strenuously objected to these restrictions through the usual diplomatic channels and in the forum of the GATT.

In 1968 these objections, along with those of several other countries against which France maintains import restrictions, were formally registered with the GATT's Committee on Trade in Industrial Products which is charged with examining non-tariff barriers to trade and with proposing methods by which these barriers can be removed; last year a member of my department was sent to Geneva to join the UK Delegation to the GATT Working Group on Residual Restrictions to speak specifically against the French restrictions.

My honourable Friend will, I am sure, Sir, appreciate that matters of this kind often proceed at a slow pace. I cannot say that our efforts to speed things up or to have the restrictions removed have met with a great deal of success but we have by the long and wearying process of reiterating our objections each year at informal talks with the French

Authorities, been able to reduce the number of items subject to these restrictions from the very wide coverage of 1959 to 18 items at present. In addition, only in the case of two items, namely portable electric battery and magneto lamps, and electric batteries, are restrictions now applied to Hong Kong and to no other country. I am hopeful that we shall be able to continue to reduce the coverage of the restrictions and that an additional impetus to our efforts will be given when they again come under international scrutiny in the forum of the GATT Committee on Industrial Products to which I referred earlier.

DR CHUNG:—Sir, has Government considered or will it consider other alternative means of persuading the French Government to remove these discriminatory restrictions against Hong Kong products?

MR CATER:—Sir, the restrictions and our methods of dealing with them are kept under review in my department with the advice of the Trade and Industry Advisory Board. As I have said, Sir, our past efforts have led to a reduction in the number of items caught by these restrictions and I believe that these efforts should be continued especially as the French restrictions will come under increasing international scrutiny in the forum of the GATT Committee on trade and industrial products. If other opportunities arise whereby without conflict with our trade policy and philosophy in general we are able to persuade the French to remove or reduce the present restrictions, I can assure my honourable Friend that we shall take full advantage of them.

Marine craft congestion in Aberdeen harbour

9. MR LO asked:—

Is Government aware of the chaotic traffic condition now existing in Aberdeen harbour? In view of the crowded condition and the very large number of fishing and pleasure craft using the harbour, what steps does Government propose to take to ensure the safety of both passengers and vessels?

THE FINANCIAL SECRETARY (MR HADDON-CAVE):—Sir, I must agree with my honourable Friend that Aberdeen Harbour can at times become quite excessively overcrowded. The fishing fleet based on Aberdeen now comprises some 5,500 craft and is one of the largest in the world. In addition a fleet of some 450 pleasure craft also use the harbour and there are some 800 squatter boats which rest there but never go to sea. All this in a port which occupies an area of no more than 400 acres.

[THE FINANCIAL SECRETARY] **Oral Answers**

Normally there are some two to three thousand vessels in the port at any one time, but during festivals and periods of bad weather when craft are unable to fish in the South China Sea, the whole of the fleet crowds into the harbour adding to the existing congestion. Such congestion is clearly undesirable as it blocks fairways and fire lanes. The fact is that very few marine accidents occur in the port, which is a tribute to the skill of port users in handling and manoeuvring their craft.

But naturally, Sir, considerable thought has been given to means of ameliorating congestion in Aberdeen. To control traffic moving within the harbour and to ensure that operators of small craft comply with safety standards, the Marine Department and the Marine Police maintain launches permanently in the harbour and have done so for many years. Extra patrols are also laid on when the whole fishing fleet, or the greater part of it, returns to harbour. The Director of Marine has recently completed a review of the Small Craft Licensing Section of his Department and has submitted proposals for the reorganization of this section to provide better control over the use of typhoon shelters and anchorages during fair weather and to ensure better utilization of space during storms. Investigations are currently being conducted into the feasibility of establishing a system of mooring and marker dolphins, designed to hold a large number of boats in gale force winds. These markers would at the same time clearly define the limits of fairways and fire lanes and thus facilitate the control of movement.

It must be recognized of course, Sir, that the presence of 800 squatter boats is a factor contributing to this congestion and, in the long term, clearance of these boats must take place if the harbour is to be used to the full for sea-faring craft.

The Director of Marine is also considering proposals to establish a 24-hour patrol in the harbour to ensure better control of traffic and of access to berths and the floating restaurants.

Now as regards pleasure craft, investigations are in hand to look into the practicability of establishing suitably protected boat marinas and the provision of shore facilities to enable pleasure boats to be removed from the water.

I consider, Sir, that these various measures which are in hand, and which have been planned, will go a long way towards ensuring the better use of the limited space in the harbour as well as facilitating movement and improving safety standards.

MR LO:—Sir, I am pleased to be informed by my honourable Friend that the Director of Marine is considering the establishment of a 24-hour patrol in Aberdeen Harbour. As this is the quickest way of bringing order to the existing chaotic situation, may I ask my honourable Friend when this measure will be expected to take effect?

THE FINANCIAL SECRETARY (MR HADDON-CAVE):—I undertake, Sir, to ensure that the patrol is mounted as soon as possible.

Aided places in secondary schools

10. MR WILSON T. S. WANG asked:—

What are the main criteria adopted in the allocation of aided places to successful candidates in secondary school entrance examinations and is it possible that, under the present system, many a candidate with a higher grade than the others may not necessarily have a higher priority to be placed in a school which he has named as his top preference?

MR J. CANNING:—Sir, I think it might help honourable Members in their understanding of the procedures used in this examination if I explain that parents of the pupils concerned are asked to select 20 schools from the list of secondary schools offering five-year courses which receive candidates from this examination for entry to Form I.

The main criteria adopted in the allocation of aided places to successful candidates in the Secondary School Entrance Examination are as follows:—

1. Candidates entitled to a 5-year place are divided into 7 blocks, within each of which the candidates are considered to be of approximately equal ability. The block containing the most able candidates is allocated first, followed by the other blocks in order.
2. Within each block the allocation is primarily based on the parents' 20 choices of schools offering 5-year places. All first choices are given priority allocation, followed by the 2nd-7th choices. If a candidate cannot get one of his first 7 choices, the district in which he lives is also taken into account in considering the parents' choices.

[MR CANNING] **Oral Answers**

3. In lower blocks where there may be no vacancies for some candidates in any of the schools chosen, allocation is based on the type of school preferred and the district in which the candidate lives.
4. 3-year places are awarded on a similar basis once the main allocation is completed.

As far as the second part of the question is concerned, it is possible for a candidate in a relatively low block to gain priority for allocation to the school named as his top preference over candidates in a higher block, provided he attends the primary school which acts as the feeder to the secondary school.

Feeder schools are normally primary sections of aided secondary schools. Because of the close relationship between the primary and secondary sections and the similarity of educational and cultural including religious objectives, it is considered preferable to allocate a student to the secondary section of his own school, provided that it is his first choice and that he has qualified for a five-year secondary school place by passing the examination with marks sufficiently high to be included in blocks 1 to 7. These allocations are therefore made before the main allocations by blocks.

MR WANG:—Sir, does my honourable Friend by his reply imply that he encourages cultural and religious segregation in all schools subsidized by public funds?

MR CANNING:—I don't say, Sir, that I encourage the kind of objectives that have been mentioned. I think the situation in Hong Kong is such that Government has been assisted very considerably in its provision of education service by many private bodies of standing and reliability, and the education service which is offered is, I think, of a very good quality.

Statement

Hong Kong Salaries Commission Report 1971

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER):—Sir, among the papers laid on the table today is the Report of the Salaries Commission which was received by the Government on the 19th July. It contains far reaching recommendations, and suggests substantial modifications in the structure of the Public Service. I am not going to attempt to summarize a very long and very complex document.

Detailed study of the Report and the assessment of the recommendations made is already in hand. It is a matter for regret that it has not yet been possible to complete the translation of the Report into Chinese. When the translation is completed copies will be distributed to departments, staff associations and the press and made available to the public as soon as possible.

Government business

Motion

MEDICAL CLINICS ORDINANCE

DR CHOA moved the following motion:—

It is hereby resolved that the powers conferred on the Registrar of Clinics by section 8 of the Medical Clinics Ordinance shall cease to be exercisable on the 31st December 1974.

He said:—Sir, honourable Members will recall that on the 17th December 1969, pursuant to section 8(9) of the Medical Clinics Ordinance, a resolution was passed to enable the Director of Medical and Health Services as Registrar of Clinics to exempt certain clinics from the requirement to be under the charge of a registered medical practitioner. This power of exemption will lapse on the 31st December 1971 unless further extended.

The position of these clinics has been reviewed and is found not to have changed substantially. There are at present still 351 exempted clinics employing 320 unregistered medical practitioners compared to 354 clinics employing 347 unregistered practitioners in 1969. These clinics are providing a useful service to many at reasonably low cost and their closure will not be in the public interest. It is proposed, therefore, that the power of exemption under section 8 of the Ordinance be extended for a further period of three years from January the 1st 1972.

Question put and agreed to.

First reading

WIDOWS AND ORPHANS PENSION (AMENDMENT) (NO 2) BILL 1971

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

Second reading**WIDOWS AND ORPHANS PENSION (AMENDMENT)
(NO 2) BILL 1971**

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

THE FINANCIAL SECRETARY (MR HADDON-CAVE) moved the second reading of:—"A bill to amend the Widows and Orphans Pension Ordinance."

He said:—Sir, the object of this bill is to repeal and to replace the existing section 22 of the principal Ordinance. This section provides that if the widow of an officer remarries the pension payable to her shall cease from the date of her re-marriage and shall be paid to the pensionable children of the officer. There is no provision for the pension to be reinstated if she is widowed again.

The new section 22 makes it possible for the payment to the widow on second widowhood of the pension to which she was entitled before her re-marriage, either from the day following the death of her second husband or from the date when the last of the children of her first marriage ceases to be pensionable, whichever is the later.

The bill will bring Hong Kong legislation into line with similar legislation in force in the United Kingdom and elsewhere. Its financial effects are not expected to be significant. In the last 10 years fewer than 20 pensionable widows re-married.

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

At present under section 22 of the principal Ordinance, if the widow of an officer remarries the pension payable to her ceases from the date of her remarriage, and there is no provision for the pension to be paid if she is widowed again.

This Bill, which repeals and replaces section 22 of the principal Ordinance, seeks to provide for the payment to her in these circumstances of the pension to which she was entitled before her

remarriage, either from the day following the date of death of her husband or from the date when the last of the children of her marriage to the contributor ceases to be pensionable.

Under the new section 22(4)(b), if she becomes entitled to a further pension by virtue of her remarriage she may be paid that pension until the last of the children of her earlier marriage has ceased to be pensionable, and thereafter the greater of the two pensions. If the pension paid to her under that subsection is the pension which was payable to her before her remarriage and it again ceases either on her remarriage or death, the pensionable children of the second marriage shall be paid the pension to which she would have been entitled by virtue of that marriage.

EDUCATION BILL 1971

Resumption of debate on second reading (21st July 1971)

Question again proposed.

MR WONG:—Sir, I am not sure about the natural laws of social contract concerning compulsory education as distinct from conscription in which it is implicit in the power of a state when the defence of life and property is at stake. Nevertheless, my colleagues and I are unanimously in favour of free primary education for all and compulsory education as the goal of a civilized society.

Under clause 72B(1), the Director of Education is empowered to order the attendance where a parent is withholding the child without reasonable excuse. I think an example of a reasonable excuse would be as follows:—

A fisherman and his wife have a 9-year old daughter, a 3-year old son and a 1-year old daughter. The elder sister acts as baby sitter when her parents are engaged in sailing or fishing. It is prohibitive in cost, nowadays, to hire a baby sitter, and the cost of baby sitting affects not only the fisher folks but also large families in the low income earning group.

In implementing the policy of compulsory education, we should be extremely careful about the sociological aspects of the Chinese family system. It is traditional that Chinese parents would like to send their children to school. On the other hand for economic reasons they may not be able to do so, not because the child is not allowed to go to school but because it is beyond the means of the parents to

[MR WONG] **Education Bill—resumption of debate on second reading (21.7.71)**

employ a baby sitter for their younger children. The implication would be public assistance to the family to enable the baby-sitting child to go to school.

I am relieved that the power of compulsory attendance order will only be exercised by the Director of Education after the Social Welfare Department has made an investigation of the case. Furthermore, it is gratifying to note that a Board of Review is established for the purpose of a review, when necessitated, by a parent who is aggrieved by an attendance order.

Another point I would like to raise in connexion with the Education Bill 1971 is the incongruities involved in the regulations concerning the registration of a school. It is recalled that a certificate from the Director of Fire Services is required certifying that the premises would not expose the persons in the school premises to any undue risk of fire, and the Building Ordinance Office permission is required stating that the Building Authority does not intend to prohibit the use for the purpose of a school of the premises or the part of the premises in which the school is to be operated. Today I will bring out only the problem of the door. The Fire Services Department prefers that the exit door open outwards. The Building Ordinance Office of the Public Works Department stipulates that the door must open inwards. The Education Department prefers spring doors which can open both inwards and outwards. This sort of anomaly should be removed.

When conflicts of interests exist between parties in multi-storey buildings I am gratified to note that in a recent case where a school and a tailor shop co-existed in a multi-storey building, the Fire Services Department was able to work out the conditions under which the school could be registered. In another case both the Fire Services Department and the Building Authority were able to work out conditions where both the restaurant on the ground floor and the school on the first floor could have separate fire exits. However, the restaurant out of spite has refused to move an exit door 6 feet from its existing location causing its exit to be in the same corridor as that of the school, and successfully blocked the application of the school from obtaining a certificate of safety. This situation poses quite a problem to UMELCO whose only power in this case is the power of persuasion.

With these remarks, I support the bill.

MR SZETO:—Sir, the greatest impact of the bill lies in its new Part VIA which provides my honourable Friend, the Director of Education, with the power to order attendance at primary school of

a child withheld from doing so by his or her parent without reasonable ground. It is the complement of the long-awaited free primary education and when it is legislated by this Council and enforced next month education in Hong Kong would have reached a new milestone. Although Chinese parents, deeply rooted in Confucian teachings, as a rule exalt education and usually put their children's education above everything at the expense of great personal sacrifice, multifarious pressures of an economic age are forcing upon them the reluctant abandonment of this traditional respect for learning. Therefore to alleviate any real hardship the enforcement of this new legislation may bring, my honourable Friend will have to recruit the expertise and facilities of the Social Welfare Department to help establish the genuineness of any offence as well as the latter's resources of counselling services or material assistance. As Mr WONG has spoken before me and several more of my colleagues will be speaking on the implication of compulsory education at greater length, I shall turn to another aspect in the bill, the provision of which as it stands appears to be incompatible and inadequate.

One of the requirements to be complied with in effecting registration of a school with regard to school premises is clause 12(1)(a) which requires a certificate from the honourable Director of Public Works, who is the competent authority, in regard to the suitability of the premises in which, or part of which, it is proposed to operate a school, having regard to the loading for which these premises are designed and constructed. But this is counteracted by another clause, clause 12(1)(e) which stipulates that if the competent authority has certified that the premises in question are not suitable for the purpose of a school with regard to the loading for which they are designed and constructed, then all that is required is a certificate from an authorized architect certifying that the premises are in sound structural condition. I am puzzled by this unqualified acceptance of an alternative and wonder how my honourable Friend, the Director of Public Works, would take it as it amounts to a challenge of the competent authority's opinion by a second opinion which at best, I consider, is inconclusive and imprecise. A building may well be in sound structural condition for the purpose it was designed and constructed, yet not suitable for use as school premises. Structurally, as well as statutorily, school buildings are required to be designed and constructed to withstand a live load which is 1/3 higher than that required for a residential building and while appreciating the usual factor of safety allowed in structural design when modern building materials are used, I consider that an authorized architect should be required to go one step further, that is, in addition to certifying that the premises he has inspected are in sound structural condition, he should also be required to give his opinion as to the maximum number of students

[MR SZETO] **Education Bill—resumption of debate on second reading (21.7.71)**

that they can safely accommodate. For after all if the premises are not in sound structural condition, the Director of Public Works would have good reason not to allow them to stand, not to mention any change in their use.

Again, Sir, clause 21(1)(b) concerns change in the use of any part of the premises in which a school is operated, a point my Friend, Mr WONG has just dealt with. That this may lead to serious consequences is obvious in view of the conglomeration of uses in our numerous multi-storey buildings which are in the main designed for residential use. It is now not uncommon to find residences, schools, restaurants, dance halls, places of worship, factories and shops all operating in one huge block with the size of population and diversity of activities of a small town. Furthermore, these huge blocks of human activity are generally designed with the minimum permissible fire service provisions and means of escape, which as soon as the buildings are occupied are neglected and abused. Amidst this unsatisfactory environment, it is quite possible to find that a school, being an early tenant, was permitted to be registered and operated in such a building while subsequent changes to its use, inevitably caused by other tenants who moved in at a later date and were allowed to operate factories or restaurants in other parts of the building, will unduly increase fire risks or render the means of escape for the greatly increased number of persons in the premises inadequate as described in clause 21(1)(b)(ii). In such event the Director of Education will be forced to cancel the registration of the school under clause 22(1)(h) when he is notified by the Director of Fire Services that, in his opinion, no provision can be made by the school to eliminate any undue fire risk or to ensure that, in the event of fire, the means of escape for all persons in the premises (including those in the school premises) will be adequate. When this happens great hardship will fall on the school as well as on its pupils and such events can happen if close co-ordination is not maintained among the several competent authorities concerned in the licensing or registering of such factories, restaurants, dance halls, schools and the like.

MRS ELLEN LI:—Sir, at long last we can now hold up our heads and say that we can now offer our future generation a free primary education. This is the first step towards the fulfilment of a dream all of us in Hong Kong have had for a long, long time.

Arising out of a free education system is the usual anxiety that some irresponsible parents may, for one reason or another, deprive their children of this right and privilege of proper education.

The new Part VIA of the Education Bill 1971 seeks power for the Director of Education to order attendance at primary schools of all children within the school-age limits.

Although it is generally accepted that compulsory education is part and parcel of an education system, certain anxiety is expressed concerning the technicalities of implementation of it, which, if carried out too hastily, too severely and too soon, may result in adding unnecessary anguish to the already too-heavily burdened families.

The Director of Education has already indicated many times in speeches and radio interviews that he will work hand-in-hand with the Director of Social Welfare in the application of the public assistance scheme to cases where children are victimized or deprived because of socio-economic reasons.

I am sure Mr CANNING and his colleagues in the Education Department will also give their serious consideration to families having difficulties other than economic. I have in mind children in several categories which need special attention, as follows:—

1. Over-age children—children who are over-age for a specific class—need special attention in special classes provided for them. What about the children who are only a few months or a year below the upper age limit? Are they going to be given just a few months of education only?
2. In the case where children are being kept at home to look after the younger children while their parents are at work, the need is not so much financial assistance as such but the need for more day nurseries.
3. The children of fishing folks who take the whole family out to sea for weeks or months on end, probably need boarding or hostel facilities on land where their schools are.

These are just some of the problems that would certainly come to light during the course of implementation of the scheme. Most of us realize that Chinese parents usually put the education of their children as the first priority and believe that they would not wilfully deprive their children of an education if they can help it. Nevertheless, ignorance and selfishness may be the cause of some irresponsible parenthood. They need to be educated and persuaded to this new idea of the basic human rights. We therefore need a period of time to launch a campaign through the mass media on responsible parenthood and a child's right to proper education.

Sir, with these remarks I support the bill.

Education Bill—resumption of debate on second reading (21.7.71)

MR WANG:—Sir, in rising to express my support on this bill now before the Council, I must first of all declare my personal interest, although perhaps not so much on the points on which I intend to elaborate today.

Parts III and IV on registration of managers, supervisors, principals and teachers. Clause 25 sub-clauses (d), (e) and (f) seem to suggest that once an applicant has been refused he may be refused for life. Although the word "may" is used, it may still have the effect of discouraging any person to make a second application even though he may be well qualified later. Unless my honourable Friend, the Director of Education, can give a good explanation as to the need to have such a discretionary power, I would suggest to delete part of clause 25 paragraph (f) which says that the Director may refuse to approve an applicant to be a manager if it appears to him that the applicant is a person in respect of whom a permit to teach has previously been refused and also other similar parts in this bill concerning supervisors, principals and teachers.

Part V clause 59 sub-clause (5) states that the appeals board shall not here determine any appeal concerning the cancellation of the registration of the teachers unless two of the members comprising the quorum are registered teachers. I suggest it might be a better safeguard for such a board to have at least a majority of registered teachers.

Clause 70 sub-clause (1) states the Director *shall* on cancelling the registration or provisional registration of a school under sub-clause 6 of clause 69 cancel the registration of *every* registered teacher who is a teacher in the school. The use of the words "shall" and "every" in this context, suggests that he shall do so irrespective of whether any of these registered teachers may or may not be responsible or aware of the reasons for the cancellation of the registration of the school. Although this clause is said to be consequential to the previous clause, one would wish to know why every teacher has to be affected.

I wish now to endorse every word that my honourable Friend, the Director of Education, said in the last meeting in support of the institution of a stage of provisional registration. Such provision recognizes the fact that a new school has to be built up step by step. It will enable the applicant to ascertain the basic requirements first, namely the appointment of a right and proper body of management and the choice of suitable school premises. Without such an alternative, as it has been all these years, application for registration was often kept hanging in the air until a hundred and one requirements had been fully approved. This often ended in a tragedy when an applicant was

notified at a very late stage when he had complied with all requirements but one, *e.g.* the premises which proved to be unsuitable and no remedy proved possible. This means that by that time the school was already heavily committed and when the school had to close all teachers had to be dis-engaged, and pupils had to be disbanded to the inconvenience of many concerned apart from a heavy loss suffered by the school management. In the past, there have not been few who in spite of the warning continued to operate illegally. The institution of a stage of provisional registration, I believe, will eliminate such a tragedy.

I support the establishment of a new category of "recorded schools". I share the Director's hope that the status of recorded school will afford existing illegal unregistered schools an opportunity to bring themselves into conformity with the requirements of the Education Ordinance.

That there are hundreds of illegal schools in existence is certainly no credit to anyone, Government as well as these schools themselves and even the parents of children who attend such schools. But it would be wishful thinking to expect that a good solution can be found merely by condemning them. No one can deny that in many cases their service meets a demand. Who would have wanted to send their children to illegal schools and risk the safety of the children if proper school places are readily available to them?

I would like to add my strong support to the proposed amendment to enable the Director to have the power to compel the parents not to withhold their children from attending primary school without reasonable cause. This is a very timely move, timely because we have now enough free places available to all children of primary school age, and what is even more important is that public assistance is available to parents who would otherwise have to rely on their children to help them to meet their family need.

Our goal is to ensure that *all our children will attend primary schools* but this goal cannot and will not be attained by merely forcing the parents, as indeed the reason for the big majority of the children who are not in school is not that of the irresponsibility or selfishness of their parents but many other compelling circumstances. I figure there will still be as many as 50,000 of these children who will remain to be withheld from schools unless a genuine effort is made to investigate their difficulties and, more important still, to help them encounter these difficulties. No public assistance is more urgently called for than that which will help to release the children from family burden and to enable them to attend school—a privilege which in any standard must be regarded as every child's birth-right.

Education Bill—resumption of debate on second reading (21.7.71)

DR CHUNG:—Your Excellency, like my honourable Unofficial Colleagues who have spoken earlier this afternoon, I applaud the Government for the introduction of free and compulsory primary education for all children between the ages of six and twelve years. I wholeheartedly support the view of my honourable Colleague, Mr Wilfred WONG, that the public assistance scheme must be worked closely in conjunction with the power exercised by the Director of Education in carrying out the policy of compulsory primary education. This bill if properly enforced will represent, as my honourable Colleague Mr SZETO said, an important and significant mile-stone in the history of our social development.

However we must not be complacent with the achievement, as our next target should be free education for all our children up to the employable age of 14 or 15 years. We have no reason to believe that our satisfactory economic progress in the past should not be continued in the future. The challenge, however, as I see it, is on the increasing rate of provision of qualified teachers and school premises.

With regard to the contents of the bill, Sir, I have two comments to make. The first one concerns clause 46 which lists out the grounds on which the Director of Education may refuse to register a teacher. Most of the requirements are reasonable but there are three of them which, in my view (and my view is shared by all my unofficial Colleagues), are rather unfair.

First, a person who has previously been refused approval to be a manager may not be allowed to be a registered teacher. Secondly, a person who has previously been refused registration as a manager may also not be registered as a teacher. The basic qualification of a manager is managerial ability whereas that of a teacher is teaching ability. A good teacher is not necessarily a good manager and vice versa. Therefore, it is difficult to understand why a good teacher, who although is a bad manager, should be deprived from becoming a registered teacher.

The third unfair requirement is that a person in respect of whom a permit to teach has previously been refused may continually be debarred from becoming a registered teacher. Sir, I really don't see the logic of discriminating against an applicant who had failed in his first attempt to become a registered teacher and who has subsequently overcome his shortcomings in his second application. I realize that the words "The Director *may* refuse" and not "The Director *shall* refuse" are used in clause 46, but even then its paragraphs (c), (d) and (e) are rather harsh and discouraging. It is my intention to propose amendments to this clause 46 at the committee stage.

My second comment, Sir, is about the effect of closure of schools on managers and teachers as described in clause 70. My honourable Colleague, Mr Wilson WANG, has already touched upon this point, but in view of some strong public feeling on this particular aspect I beg the indulgence of honourable Members for a few more minutes. When the registration or provisional registration of a school is cancelled, it is understandable that the approval of every registered manager of that school and those registered teachers on the management committee or taking part in the management of that school be withdrawn, but my unofficial Colleagues and I fail to see the need of giving the Director of Education the power to cancel indiscriminately the registration of each and every registered teacher of that particular school. I recognize that the provisions of clause 70 generally follow the existing Ordinance but in a major law revision of this magnitude, such anomalies should be removed.

A commentator called this clause 70 a very queer one and said:

"I can understand the point of de-registering the managers. They would be held responsible for the acts which led to the de-registration of the school. But it is 99 percent likely that the teachers are quite innocent, or at the worst 99 percent unlikely that all of them have been involved in some kind of hanky-panky."

Registered teachers have a professional status as registered engineers or registered accountants have. If the registration of an industrial undertaking or of a commercial company is cancelled, the professional status of those chartered engineers and chartered accountants employed by the firm concerned is not impaired unless they are personally involved in a criminal offence or have contravened the code of professional practice. Even then their cases must be heard and they are given an opportunity to defend themselves before a decision is made on any disciplinary action.

I believe that in our civilized society we cannot condemn a person until his or her guilt is proved. Clause 70, as it now stands, assumes that every registered teacher in a school in respect of which the registration is cancelled is responsible for the causes of de-registration of the school and is guilty to such an extent that his or her registration as a professional teacher should be cancelled. And if he or she does not appeal by way of petition to the Governor in Council within fourteen days, this clause 70 together with clause 46 could deny a professional teacher, whether or not he or she is innocent, the right to become a registered teacher, and hence the right to earn a living, through teaching, for life. My Unofficial Colleagues and I do feel strongly that both clauses 46 and 70 without due amendment are not acceptable.

Education Bill—resumption of debate on second reading (21.7.71)

MR CANNING:—Sir, I am grateful for the support which has been given to this bill by Members. I would like to assure Members that the most careful consideration will be given to the points which have been made, and I hope to be able to deal with them in some detail at the Committee Stage of 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).

Committee stage

Council went into Committee.

FIRE SERVICES (AMENDMENT) BILL 1971

Clauses 1 to 4 were agreed to.

DANGEROUS DRUGS (AMENDMENT) 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 11 were agreed to.

RATING (AMENDMENT) BILL 1971

Clauses 1 to 3 were agreed to.

**WILD BIRDS AND WILD MAMMALS PROTECTION
(AMENDMENT) 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 and 2 were agreed to.

Clause 3.

MR CHEUNG:—Sir, one of the pleasures and privileges of being a Member of this Council is that now and then we go on what is called roster duty in the UMELCO Office, when we make ourselves available to any member of the public who wishes to make any representations on the legislation before the Council. A short time ago I was one of those Members on duty and, at their request, a Member of the Executive Council and I interviewed representatives from the Hong Kong Natural History Society and the Hong Kong Bird Watching Society, who wished to make representations to the effect that if clause 3 of this bill and clause 4 were passed, there would be a risk of the introduction into the Colony of rabies carried by civet cats—a matter to which my honourable Friend, the Financial Secretary, referred earlier when he spoke on the second reading of this bill.

I understood, or I trust I understood, the points that the representatives of those Societies made. They also handed to us evidence of a scientific kind from scientific journals in support of their representations. The UMELCO Office forwarded the points made, and the scientific journals, to the Financial Secretary, the Director of Medical and Health Services and the Director of Agriculture and Fisheries. Since then several Unofficial Members have met the Director of Medical and Health Services and the Deputy Director of Agriculture and Fisheries to discuss the representations and the specific points made; and we have been satisfied that the risk of rabies from civet cats imported from China is negligible.

My honourable Friend, the Financial Secretary, may wish to state, however, for the benefit of the public, the reasons why Government believes such risk to be negligible.

Sir, the representatives of those two Societies also suggested that there might be a greater risk of rabies being introduced by these creatures imported from countries other than China. I would be glad if my Friend could also clarify the position as regards controls upon the entry of such animals into Hong Kong.

THE FINANCIAL SECRETARY (MR HADDON-CAVE):—Sir, Government is grateful to my honourable Friend and his colleagues for the time and trouble they have taken in dealing with the public interest in this bill, and I am happy to be able to reaffirm what I said in my second reading speech that the amendment proposed in clause 3 of this bill will in no way affect the present situation regarding the possible introduction of rabies into Hong Kong. The trade in civet cats from China, under prevailing circumstances, constitutes a minimal risk as reports received from China indicate that the rabies situation there is presently very satisfactory. These reports have been received from a number of sources. Not only have we received these reports, but

[THE FINANCIAL SECRETARY] **Wild Birds and Wild Mammals Protection (Amendment) Bill—committee stage**

also we do know that the animals are raised and fattened in captivity and are kept in close confinement here until they are killed. This allows little outside contact from which a local rabies outbreak could arise. As clause 3 of the bill will legalize possession, the Director of Agriculture and Fisheries will be thus enabled to regularize this long-standing trade and to ensure that normal trade practices are followed. He will do this by the issue of special permits under the Public Health (Animals and Birds) Ordinance. If present circumstances should change in any way, resulting in an increase in our view in the risk of the introduction of rabies, appropriate action will be taken under this Ordinance —that is to say under the Public Health (Animals and Birds) Ordinance —to restrict imports.

The importation of civet cats and like mammals from *other* countries is at present, and will continue to be, strictly controlled under this same Ordinance. Very few animals are, of course, involved.

Clause 3 was agreed to.

Clauses 4 and 5 were agreed to.

Clause 6.

MRS LI:—Sir, UMELCO has received representations from the Hong Kong Gun Club to the effect that the proposal to increase from 100 to 200 yards the prohibition on shooting near houses or motor roads in the New Territories is unnecessary. UMELCO has carefully considered their views in relation to the very large increase in the size of the protected areas where no shooting will be allowed in the future. The Unofficials feel that the existing limitation of 100 yards can continue to be accepted in the future as it has been in the past. Accordingly, Sir, it is the view of the Unofficials that this clause should be deleted from the bill. I therefore move the amendment standing in my name which will have the effect of preserving the existing 100 yards limitation in the New Territories.

THE FINANCIAL SECRETARY (MR HADDON-CAVE):—Sir, my honourable Friend is quite correct that clause 6 was originally proposed so as to increase the safety factor in hunting areas in the New Territories. However, since my Unofficial colleagues are satisfied that the present limitation on shooting within 100 yards of inhabited houses and motor-able roads is adequate, I would advise that there is no objection on the part of Government to leaving this limitation unchanged.

*Proposed Amendment**Clause*

- 6 That clause 6 be deleted and the following substituted—
- "Amend-
ment of
section 12.
- 6.** Section 12 of the principal Ordinance is amended—
- (a) by deleting subsection (1); and
- (b) by renumbering subsection (2) as section 12."

The amendment was agreed to.

Clause 6, as amended, was agreed to.

Clause 7 was agreed to.

Clause 8.

MRS LI:—Sir, this clause read in conjunction with clause 17 and the second schedule have the effect of requiring an applicant for a game licence to take a test in the recognition of all wild birds—surely a near impossibility, even for any experts. I understand that it was in fact never the intention that the test should be so severe. I therefore move the amendment standing in my name.

*Proposed Amendment**Clause*

- 8 That clause 8 be amended by deleting "birds and".

The amendment was agreed to.

Clause 8, as amended, was agreed to.

Clauses 9 to 16 were agreed to.

Clause 17.

MRS LI:—Sir, I rise to move the amendment standing in my name, the purpose of which is the same as in the case of the amendment to clause 8.

Wild Birds and Wild Mammals Protection (Amendment) Bill—committee stage*Proposed Amendment**Clause*

17 That clause 17 be amended by deleting "birds and".

The amendment was agreed to.

Clause 17, as amended, was agreed to.

Clause 18 was agreed to.

Council then resumed.

Third reading

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER) reported that the Fire Services (Amendment) Bill 1971 had passed through Committee without amendment and moved the third reading of the bill.

Question put and agreed to.

Bill read the third time and passed.

THE ATTORNEY GENERAL (ACTING) (MR G. R. SNEATH) reported that the Dangerous Drugs (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.

THE FINANCIAL SECRETARY (MR HADDON-CAVE) reported that the Rating (Amendment) Bill 1971 had passed through Committee without amendment and that the Wild Birds and Wild Mammals Protection (Amendment) Bill 1971 had passed through Committee with certain amendments 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 will adjourn the Council until 2.30 p.m. on Wednesday the 1st of September.

Adjourned accordingly at four o'clock.