

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 31st January 1973****The Council met at half past Two o'clock**

[Mr PRESIDENT in the Chair]

PRESENT

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR CRAWFORD MURRAY MACLEHOSE, KCMG, MBE
THE HONOURABLE THE COLONIAL SECRETARY
SIR HUGH SELBY NORMAN-WALKER, KCMG, OBE, JP
THE HONOURABLE THE ATTORNEY GENERAL
MR DENYS TUDOR EMIL ROBERTS, CBE, QC, JP
THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS
MR DONALD COLLIN CUMYNN LUDDINGTON, JP
THE HONOURABLE THE FINANCIAL SECRETARY
MR CHARLES PHILIP HADDON-CAVE, JP
THE HONOURABLE DAVID RICHARD WATSON ALEXANDER, CBE, JP
DIRECTOR OF URBAN SERVICES
THE HONOURABLE JAMES JEAVONS ROBSON, CBE, JP
DIRECTOR OF PUBLIC WORKS
THE HONOURABLE JOHN CANNING, JP
DIRECTOR OF EDUCATION
DR THE HONOURABLE GERALD HUGH CHOA, CBE, JP
DIRECTOR OF MEDICAL AND HEALTH SERVICES
THE HONOURABLE JACK CATER, MBE, JP
SECRETARY FOR INFORMATION
THE HONOURABLE DENIS CAMPBELL BRAY, JP
DISTRICT COMMISSIONER, NEW TERRITORIES
THE HONOURABLE PAUL TSUI KA-CHEUNG, CBE, JP
COMMISSIONER OF LABOUR
THE HONOURABLE IAN MACDONALD LIGHTBODY, JP
SECRETARY FOR HOUSING
THE HONOURABLE LI FOOK-KOW, JP
DIRECTOR OF SOCIAL WELFARE
THE HONOURABLE ERIC PETER HO, JP
DIRECTOR OF COMMERCE AND INDUSTRY
THE HONOURABLE WOO PAK-CHUEN, OBE, JP
THE HONOURABLE SZETO WAI, OBE, JP
THE HONOURABLE WILFRED WONG SIEN-BING, OBE, JP
THE HONOURABLE MRS ELLEN LI SHU-PIU, OBE, JP
THE HONOURABLE WILSON WANG TZE-SAM, OBE, JP
THE HONOURABLE HERBERT JOHN CHARLES BROWNE, OBE, JP
DR THE HONOURABLE CHUNG SZE-YUEN, OBE, JP
THE HONOURABLE LEE QUO-WEI, OBE, JP
THE HONOURABLE OSWALD VICTOR CHEUNG, OBE, QC, JP
THE HONOURABLE ANN TSE-KAI, OBE, JP
THE HONOURABLE ROGERIO HYNDMAN LOBO, OBE, JP
THE HONOURABLE MRS CATHERINE JOYCE SYMONS, OBE, JP
THE HONOURABLE PETER GORDON WILLIAMS, JP
THE HONOURABLE MRS MARY WONG WING-CHEUNG, MBE, JP

ABSENT

THE HONOURABLE JAMES WU MAN-HON, JP

IN ATTENDANCETHE CLERK TO THE LEGISLATIVE COUNCIL
MR RODERICK JOHN FRAMPTON

Affirmation

MR E. P. HO made the Affirmation of Allegiance and assumed his seat as Member of the Council.

HIS EXCELLENCY THE PRESIDENT: —I would like to welcome Mr Ho to this Council.

Papers

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

<i>Subject</i>	<i>LN No</i>
Subsidiary Legislation: —	
Royal Hong Kong Regiment Ordinance.	
Royal Hong Kong Regiment (Reserve of Officers and Members) Regulations 1973	5
Royal Hong Kong Auxiliary Air Force Ordinance.	
Royal Hong Kong Auxiliary Air Force (Reserve of Officers and Members) Regulations 1973	6
Interpretation and General Clauses Ordinance.	
Offences Against the Person Ordinance.	
Delegation of Powers	7
Interpretation and General Clauses Ordinance.	
Specification of Public Offices	8
Legal Practitioners Ordinance.	
Barristers (Qualification) Rules 1973	9
Merchant Shipping (Safety Convention) Act 1949 as Applied to Hong Kong by the Merchant Shipping Safety Convention (Hong Kong) No. 1 Order 1953.	
Off-Shore Supply Vessels Specifically Designed and Constructed for Serving Off-Shore Installations and Registered in Hong Kong.	
Exemption from Certain Life Saving Appliances Requirements	10
Urban Council Ordinance.	
Urban Council Elections (Procedure) (Amendment) Regulations 1973	12
Urban Council Ordinance.	
Notification of Appointment of Authority under section 7(b) of the Urban Council Ordinance	13

<i>Subject</i>	<i>LN No</i>
Hong Kong Airport (Control of Obstructions) Ordinance. Hong Kong Airport (Control of Obstructions) (Amendment) Order 1973	14
University of Hong Kong Ordinance. Statutes of the University of Hong Kong (Amendment) Statutes 1973	15
Sessional Papers 1972-73: —	
No 35—Annual Departmental Report by the Director of Agriculture and Fisheries for the year 1971-72 (published on 31.1.73).	
No 36—Annual Report by the Commissioner of Police for the year 1971-72 (published on 31.1.73).	
No 37—Annual Departmental Report by the Commissioner of Rating and Valuation for the year 1971-72 (published on 31.1.73).	
No 38—Hong Kong Narcotics Progress Report for the year 1971-72 (published on 31.1.73).	

Oral answers to questions

Fires in multi-storey buildings

1. MR LEE asked: —

In view of the difficulty in fighting fires in multi-storey buildings, will Government state what measures are being considered such as external staircases to provide means of escape in the event of a fire?

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER): —Sir, Codes of Practice are drawn up by the Director of Public Works and the Director of Fire Services which lay down in detail the fire standards to which buildings must conform before plans are approved. They prescribe that suitable emergency exits for use in the case of fire must always be provided. In some of such cases external staircases as suggested by the honourable Member are the most suitable means and they are often provided and always encouraged.

But these Codes of Practice are regularly and continuously reviewed in the light of experience. As part of this continuing process, a number of amendments to them are at present being considered with

[THE COLONIAL SECRETARY] **Oral answers**

a view to proposing changes in the law where necessary. Amongst the measures under consideration is a proposal that external staircases be made mandatory in appropriate cases, but not all buildings are appropriately served by this device. There are other measures for the protection of life and property under consideration and will continue under review as technological advance makes them possible.

MR LEE: —Thank you.

Permanent cattle quarantine depot

2. MR WANG asked: —

Will Government state what progress is being made on the provision of cattle lairages at Tsing Yi Island?

MR ROBSON: —Sir, cattle lairages will be provided at Tsing Yi as part of the Cattle Quarantine Station which is to be built there. About 90 per cent of the site has been formed and work started on the construction of a road which will link it to the new Tsing Yi Bridge. It is hoped that the road and the bridge will be completed around the same time.

The sketch plans which have been prepared also allow for marine access by way of a sea wall and a T-shaped jetty. These plans cannot, however, be finalized as there is an, as yet, unresolved question of whether or not Government should provide 135 quarters for the cattle traders staff. This is at present under discussion between the Director of Agriculture and Fisheries and the trade.

Government transport

3. MR SZETO asked: —

Will Government state whether there is under-utilization of departmental transport, and if so what remedies can be effected in the control and deployment of the large Government vehicular fleet?

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER): —Sir, during the current financial year the mileage records of all Government vehicles have been examined. Heads of departments have been requested to examine all cases of low mileage for particular vehicles. As a result of these examinations a number of vehicles have been reallocated.

In the circumstances I am advised that there is no significant under-utilization of departmental transport. But the position will be kept under review.

But it may well be possible to use the transport more efficiently. The number of Government vehicles—in round figures 3,500—and information gained from a recent organization and methods survey of the vehicles in one department indicate that a greater degree of centralized monitoring and control may be productive, provided that it can be achieved without either infringing the prerogatives of heads of departments or absolving them from their responsibilities. We are looking into how this might best be done.

MR SZETO: —Sir, in connection with the mileage recorded, were there any occasions upon which vehicles were used for private purposes, that is, other than on Government business?

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER): —I have no such evidence, Sir.

Noise by cars and motor cycles

4. MR WOO asked: —

Will Government take further steps to enforce the law controlling the use of hooters and warning instruments by car drivers, and noise from the exhaust from sports cars and motor cycles, particularly in residential areas?

THE ATTORNEY GENERAL (MR ROBERTS): —Yes, Sir, so far as this is consistent with the demands of more serious crime on the limited resources of the Police Force.

MR WOO: —Sir, I accept my honourable Friend's answer, but some time ago I suggested the civilianization of the Police, particularly in the Traffic Branch. May I ask—and I hope you will not rule me out of order—whether consideration could be given to utilizing traffic wardens instead of police in regard to traffic offences?

THE ATTORNEY GENERAL (MR ROBERTS): —This is a very different question, which I regret I am not in a position to answer. If the honourable Member would like to put down a separate question for the next sitting, I am sure we will be able to deal with it.

Oral answers**Stone-crushing plant at Sui Man Road, Chai Wan**

5. MR WONG asked: —

In view of the serious dust and noise nuisances caused to nearby residents by the stone-crushing plant at Sui Man Road, Chai Wan, will Government take steps to ensure that watering of the crushing operation is maintained by the contractor at all times; to provide a sound barrier between the plant and the nearby residential multi-storey building; and to provide double screening for the stone-crushers?

MR ROBSON: —Sir, the stone-crushing plant at Sui Man Road, Chai Wan, is operated under the terms of a P.W.D. contract for the construction of the Hing Wah Resettlement Estate. It is about 50 yards from the nearest building. The contractor is required under the contract to conform with conditions, which are to satisfy health and other requirements. To this end he has already arranged for continuous watering by means of a sprinkler system and erected screens. These will be maintained for the duration of crushing operations and I will arrange for my honourable Friend's suggestions for sound barriers to be looked into. The preliminary views are, however, that because of the open nature and topography of the site it may be difficult to achieve any significant improvement. The main complaint seems to be against the noise generated when loads of rock are dumped into the hopper of the crushing plant and, as a first step, the contractor will be directed to consider means of reducing this noise.

Workmen's compensation

6. DR CHUNG asked: —

Will Government consider introducing legislation (a) to raise the maximum compensation payable under the Workmen's Compensation Ordinance from \$45,000 to \$60,000 in fatal cases and from \$60,000 to \$75,000 in cases of permanent total incapacity and (b) to raise the salary disqualification bar for clerical workers from \$1,500 to \$2,000 per month?

MR TSUI: —Yes, Sir, the Workmen's Compensation Ordinance has been and will continue to be under constant review and could be amended if this was found to be necessary. I assure my honourable Friend that the specific points he has raised will be considered in this continuing exercise.

Census surveys

7. MR LOBO asked: —

Will Government include questions on persons who are physically and mentally handicapped in the next census survey, so that the data obtained would be available for use by those who are concerned with forward planning in the welfare, medical and other fields?

THE FINANCIAL SECRETARY (MR HADDON-CAVE): —Sir, an attempt was made during the 1971 Census to obtain information, on a voluntary basis, on the physically and mentally handicapped. This produced information on 14,588 handicapped persons. On the basis of international comparisons, however, it is not believed to have covered more than a proportion of all the handicapped, although the balance between the sexes, between age groups and between types of handicap, was probably about right.

Quite apart from the fact that the next bi-census will not be conducted for another four or five years, it is now generally accepted by most authorities that a population census is not the best means of obtaining a complete enumeration of the handicapped. Instead two other approaches would seem to be preferable. The first, the desirability of which is being considered by the Census and Statistics Department and by the Social Welfare Department, is to draw up a register of the disabled designed to provide full information about each handicapped person. This can be compiled over a period of time and should, in due course, become fairly complete. The second is to undertake a series of sample surveys designed to identify all handicapped persons and to describe their disabilities in adequate statistical detail.

The problem with this latter approach is that very sophisticated sampling techniques are required to identify all handicapped persons and that medically trained enumerators are needed to adequately describe their disabilities. This will require a large and complicated operator which is, in my view and in the view of the Commissioner of Census and Statistics, beyond the present statistical resources. The Commissioner of Census and Statistics is, however, examining, in consultation with the Director of Medical and Health Services, the possibility of conducting a pilot survey along these lines next year.

Water complaints by the public

8. MR WILLIAMS asked: —

Will Government state the number of outstanding water complaints lodged by members of the public and say whether

[MR WILLIAMS] **Oral answers**

this number has decreased or increased over the past year? What urgent measures are being taken to provide additional staff to cope with the outstanding cases?

MR ROBSON: —Sir, there is no clear distinction between the complaints and enquiries received by the Waterworks Office. For example, requests received for the provision of separate meters for trade and domestic purposes, for a copy of an outstanding account, *etc*, are enquiries rather than complaints although many of them have arisen as a result of discontent. Consequently separate records are not kept but, as at 31st December 1972, the number of outstanding letters of complaint or enquiry received from the public was approximately 6,400. This number has increased over the past year. In 1971 approximately 48,000 enquiries or complaints were made either verbally or in writing. The corresponding figure for the twelve months ending 31st December last was approximately 71,000, an increase of 48 per cent over the 1971 total as compared with the increase in the number of water accounts issued over the same period of 43 per cent.

An increase in the number of complaints was forecast and in order to provide better information to the public, and hence reduce the need for enquiries, a Public Relations Officer's post was created and approved by Finance Committee on 19th July last at Senior Information Officer level. Unfortunately the post remains unfilled in spite of the best efforts of the Director of Information Services.

The bulk of enquiries result from consumers' accounts and the volume of work handled by the Waterworks Consumer Accounting Division is expected to increase further in 1973-74. Additional posts for this work were approved by Finance Committee on 3rd January 1973 but, because of recruitment difficulties, it is unlikely that they will be filled for some months. More posts for Consumer Service duties have been requested but, in the meantime, special arrangements to deal with the backlog of enquiries and improve the quality of replies are under discussion with the Colonial Secretariat.

Sir, from what I have said, you will appreciate that the need to improve the Waterworks Consumer Services has been recognized for some time.

But because of recruiting difficulties, my honourable Friend will appreciate that I cannot promise any rapid improvement in the service provided by the Accounts Enquiries and Complaints Division of the Waterworks Office, but I do assure him that improvements will be made as soon as the staff situation improves.

Hong Kong Baptist College

9. MR WONG asked: —

Has Government any plans to help the Hong Kong Baptist College as the only approved private post-secondary institution in fulfilling and strengthening its role in education?

MR CANNING: —Sir, the question of assistance to the Baptist College has been under consideration for some time. The present site of the college was granted free by Government in 1958 and an interest free loan was made available in 1970 to assist the College towards the construction of the assembly hall. Exploratory discussions have also been initiated by the Education Department on the possibility of recurrent financial assistance to the College. However, there are many aspects which need to be examined in more detail before definite proposals can be formulated. These include the need for expansion at the post-secondary level, the extent of Government support warranted having regard to our commitment in other fields of education, and the most appropriate form of financial assistance.

Government business

Motions

GOVERNMENT LOTTERIES ORDINANCE

THE FINANCIAL SECRETARY (MR HADDON-CAVE) moved the following motion: —

It is hereby resolved that approval be given to the appropriation, by way of grant under section 6(4) of the Government Lotteries Ordinance, of the amounts specified in the first column of the Schedule, to the organizations specified opposite thereto in the second column of the Schedule, for the purposes specified opposite thereto in the third column of the Schedule.

SCHEDULE

<i>Amount</i>	<i>Organization</i>	<i>Purpose</i>
1. \$ 163,700	Spastics Association of Hong Kong	Provision of a Neighbourhood Centre for spastic children in Kowloon
2. \$ 95,600	Hong Kong Sports Association for the Physically Handicapped	Provision of regular local games for the physically handicapped

[THE FINANCIAL SECRETARY] **Motions**

<i>Amount</i>	<i>Organization</i>	<i>Purpose</i>
3. \$ 292,500	St. James' Settlement	Establishment of a Sheltered Workshop for the mentally handicapped
4. \$ 15,000	St. James' Settlement	Trial Home Help Service
5. \$ 57,600	Hong Kong Family Welfare Society	Trial Home Help Service Project
6. \$ 399,200	Hong Kong Association for Mentally Handicapped Children and Young Persons	Provision of a Training Centre for mentally retarded children
7. \$ 9,500	Good Shepherd Sisters	Establishment of a Community Home for Girls
8. \$ 240,000	Scout Association	Establishment of a Training Centre at Tung Tsz
9. \$ 41,000	Hong Kong Federation of Youth Groups	Provision of equipment for a new youth centre at Tai Ro
10. \$ 80,000	Hong Kong Society for the Protection of Children	Laundry equipment for nurseries
11. \$ 300,000	Social Welfare Department	Minor capital allocations by Director of Social Welfare
12. \$ 47,000	Hong Kong Federation of Youth Groups	Renovation of centres
13. \$ 150,000	Young Women's Christian Association	Castle Peak Social Centre
14. \$ 404,000	Boys' and Girls' Clubs Association	New clubs and libraries for 1972-73
15. \$2,098,000	Society of Boy's Centres	Second Residential Centre

He said: —Sir, the purpose of this resolution is to seek approval for the allocation of 15 grants from the Lotteries Fund. These grants have been recommended by the Social Welfare Advisory Committee, the total sum or money involved being \$4,393,100. Under section 6 subsection 5 of the Government Lotteries Ordinance, the prior approval by resolution of this Council is required for the allocation of grants from the Lotteries Fund.

As regards the 15 grants specified in the Schedule to the resolution, items 1 to 7 deal with experimental projects which if successful are likely to give rise to recurrent commitments on General Revenue. These commitments were accepted by Finance Committee on 17th January 1973. Items 9, 10 and 13 are for the purchase of equipment;

item 11 is for a further block allocation of \$300,000 to the Director of Social Welfare to enable him to approve minor capital grants not exceeding \$25,000 in any one instance; the remaining items are for capital works. All items come within the scope of section 6 of the Lotteries Ordinance which defines the purposes for which allocations from the Fund may be made; and the Governor has, under section 6 subsection 4 of the Ordinance, approved the social welfare services and projects concerned as being worthy of assistance from the Lotteries Fund.

If this resolution is passed, Sir, the uncommitted balance in the Lotteries Fund will be approximately \$1,670,000 only.

Question put and agreed to.

PUBLIC HEALTH AND URBAN SERVICES ORDINANCE

MR ALEXANDER moved the following motion: —

It is hereby resolved that the Public Convenience (Conduct and Behaviour) (Amendment) By-laws 1973, made by the Urban Council on the 9th January 1973, be approved.

He said: —Sir, the purposes of the very simple Public Convenience (Conduct and Behaviour) (Amendment) By-laws 1973, made by the Urban Council on 9th January, is to eliminate the present cumbersome and unnecessary procedure for empowering the Council to charge a ten cent fee for the use of coin-operated latrines provided and managed by the Council.

Question put and agreed to.

First reading of bills

URBAN COUNCIL BILL 1973

JUVENILE OFFENDERS (AMENDMENT) BILL 1973

ROYAL HONG KONG REGIMENT (AMENDMENT) BILL 1973

**ROYAL HONG KONG AUXILIARY AIR FORCE (AMENDMENT) BILL
1973**

CENSUS (AMENDMENT) BILL 1973

PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT) BILL 1973

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

Second reading of bills

URBAN COUNCIL BILL 1973

THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER) moved the second reading of:—"A bill to provide for the incorporation of the Urban Council, its constitution, functions and matters incidental thereto."

He said:—This is one of the most important measures to come before this Council, and the fact that my speech on the motion for the second reading is short is no measure of the importance of the matter before us, or of the importance to which I personally attach to it. That I can be brief is enabled by the fact that a very full White Paper was laid on the table in this Council, has been very fully debated both here in this Council and in the Urban Council and among the public, and through the publicity media. I earnestly commend to Council the provisions of this bill. Moreover the bill published and circulated is accompanied by an unusually full explanatory memorandum which reflects the proposals made in the White Paper which were debated here almost exactly a year ago. I can therefore confine myself to a few points which call for particular comment.

One of the main recommendations in the White Paper to which the bill gives effect is that the Urban Council should enjoy a substantial degree of financial autonomy. Clause 37 of the bill enables the Urban Council to make its own financial by-laws, which will, amongst other things, specify the degree of financial authority delegated by the Urban Council itself to its committees and to public officers. The Government has agreed to assist the Urban Council in drafting the by-laws and we hope to use as a guide the authority delegated to the Financial Secretary and the Deputy Financial Secretary by this Council.

Under the Rating Bill, the Urban Council will receive a share of the present general rate and the Council will be able to ask the Legislative Council to increase its rate. In addition the Council will receive the income from its rents, fees and charges and will also, of course, be able to make use of the income from any investments which the Council, with the approval of the Financial Secretary, may make.

Under clause 42 of the bill the Council will be empowered to raise loans. The White Paper originally envisaged that this would be the main, if not the sole, source of funds for the Council's programme of capital works but, in view of the possible difficulty of raising the necessary funds in this way, the Urban Council's share of the rate is now being calculated so as to include an additional element for capital expenditure. At the same time, projects in Categories A, D and E of

the Public Works Programme as at 31st March 1973 will be completed at Government expense, as is only fair, Government having already assumed the responsibility for those projects. The Government will, in addition, continue to be responsible for other major community projects such as civic centres, museums and stadia as well as abattoirs, crematoria and other highly technical installations.

Since the Council is to be financially autonomous to the degree that I have indicated, it will not, as originally proposed, be required to seek the approval of this Council for its budget but, instead, under the terms of the bill the Urban Council's budget and building programme will be submitted to honourable Members for their information.

The Urban Council will continue to work through its present executive arm, the Urban Services Department, and the staff of the department will continue to be answerable to the Director of Urban Services. The Director, in turn, will be answerable to the Urban Council for the implementation of its policies by the Department, of which he will continue to be in charge.

Clause 28 of the bill provides that the Governor shall consult the Council before appointing its Secretary. It has also been agreed that the Governor should consult the Urban Council about the appointment of the most senior Directorate staff of the Urban Services Department and this is clearly necessary to ensure a good working relationship between the Council and the Department. We have considered carefully whether the bill should contain a reference to this point but have decided that it would hardly be appropriate. However, you, Sir, have agreed to write to the Chairman of the Urban Council confirming Government's acceptance of the policy as contained in paragraph 20 of the White Paper.

The last point to which I should refer is the requirement in clause 11 of the bill that candidates for election to the Urban Council must be able to speak and to read the English language. This accords with previously announced policy, and is based on the Chinese Language Committee's recommendations. It has been recognized that the requirement must for the time being be retained since the staff is not yet available to provide simultaneous interpretation at meetings of the Urban Council Select Committees, nor do we yet have the translators who would be needed to translate Urban Council papers for the use of members who do not read English. It is my hope that I should be able to introduce an amendment to the law at some time in the not too distant future to provide for members who speak only Chinese. The timing of this will depend on how fast we are able to obtain the necessary interpreters and translators. We have of course accepted, and are giving effect as quickly as possible to, the recommendations in the Second Report of the Chinese Language Committee on these points.

[THE COLONIAL SECRETARY] **Urban Council Bill—second reading**

Motion made. That the debate on the second reading of the bill be adjourned—THE COLONIAL SECRETARY (SIR HUGH NORMAN-WALKER).

Question put on subsidiary motion and agreed to.

Explanatory Memorandum

In October 1971 a White Paper entitled “The Urban Council” was published setting out proposals for the reconstitution of the Urban Council as an incorporated body with expanded functions and substantial financial autonomy. These proposals were subsequently approved in principle by the Governor in Council.

2. The object of this Bill is to provide for the repeal of the present Ordinance and to make provision for the incorporation of the Council as proposed, to define its powers and functions, membership and procedure, its accounting procedures and financial powers.

3. Part II provides for the incorporation and constitution of the Urban Council. The Council will be a body corporate with perpetual succession and have the usual powers of bodies corporate to enter into contracts.

4. Clause 6 provides that the Council shall consist of twelve elected members and twelve members appointed by the Governor. The first members of the Council, as reconstituted without *ex officio* members, will be the elected and appointed members whose terms of office will continue beyond the 1st April 1973 under the present Ordinance and persons elected or appointed to the Council at that date under the present Ordinance as amended but who will not have assumed office on that date.

5. Clause 7 re-enacts the existing provisions with regard to the term of office of elected members. Members elected at ordinary elections will hold office for four years while a member elected at extraordinary election will hold office for the unexpired portion of the term of the member whom he succeeded.

6. Clause 8 provides that the detailed provisions relating to eligibility for registration of electors, registration of electors, the conduct of elections and the procedure for challenging the results of elections by electoral petition (all of which are re-enacted without change) shall be as are provided in the First Schedule.

7. Clause 9 deals with the manner of appointment and term of office of appointed members.

8. Part III of the Bill lays down general rules applicable to both elected and appointed members including disqualification from membership, acceptance of office and resignations. These provisions are re-enacted with only minor changes. Clause 19 provides for the disclosure by members and the Chairman of any financial interest in any contracts which the Council may enter into.

9. Part IV governs the position of the Chairman of the Council. The standing committee of the whole Council may elect as Chairman a person who is not a member of the Council and accordingly it is necessary to make specific provision for the term of office, qualification for serving, disqualification and resignation of the Chairman. Clause 20 provides that there shall be an election for Chairman and Vice-Chairman in every year in which there is an ordinary election of members. The maximum term of office for Chairman, therefore, will be two years but the standing committee may elect a Chairman for a shorter period or re-elect the Chairman for a second or subsequent term of office. At any time when the Chairman is absent or that office is vacant the Vice-Chairman will perform the duties of Chairman.

10. Part V sets out the functions of the Council. Clause 24 details the enactments under which the Council will derive statutory powers or perform statutory duties. Clause 25 lists the range of permissible activities carried on by the Council at present and also sets out additional powers which the Council as a corporation may exercise. The Council is empowered to enact by-laws for the purpose of setting the level of fees and other charges payable to it where it acts as the authority under subsidiary legislation made by the Governor in Council.

11. Clauses 26 and 27 define the relationship between the Council, the Director of Urban Services and the Urban Services Department. The Director of Urban Services will no longer be a member of the reconstituted Council but will become its chief executive officer. He will be responsible to the Council for the execution of its decisions by the Urban Services Department and accordingly will be required to attend the meetings of the standing committee which he will have the right to address. The Director may also attend any meeting of any committee of the Council. The Council will discharge its functions through the Urban Services Department but the Department will remain a department of the Government and be under the control of the Director of Urban Services.

12. Part VI is concerned with the proceedings of the Council and of the standing committee comprising the Chairman and all the members of the Council.

Urban Council Bill—second reading*[Explanatory Memorandum]*

13. Clause 35 empowers the Council to appoint committees to which persons who are not members of the Council may be appointed. The Director of Urban Services and the Assistant Director (Hygiene) in the Urban Services Department may be co-opted to any committee of the Council as may other public officers with the consent of the Director of Urban Services or the Colonial Secretary.

14. Clause 36 provides for the delegation by the Council of its powers and functions except in certain specified cases where delegation would not be appropriate.

15. Part VII deals with the accounting procedures which must be adopted by the Council and with its financial powers.

16. Clause 37 relates to the accounts of the Council. The manner in which the accounts are kept and their form will be as directed by the Accountant General. This will ensure that the accounting for the Council will be in accordance with recognized accounting principles. The Council will be required to make financial by-laws to cover certain matters which are not covered by Government departmental accounting procedures but which are necessary in view of the Council's financial autonomy. The Council may also make by-laws for any other matters relating to its finances as it thinks fit.

17. Clause 38 requires the Council to prepare annual statements of revenue and expenditure and of assets and liabilities.

18. Clause 39 requires the Council to prepare annual estimates of its revenue and expenditure and a list of works the Council proposes to undertake during the next financial year and submit the same to the Governor not later than four months before the end of each financial year. The estimates may provide for expenditure on official ceremonies of the Council and for the payment of allowances to members and to the Chairman to meet expenses incurred in discharging their offices. The list of works is required to show, in respect of each work, the estimated total cost thereof, the estimated date of completion and the amount to be expended thereon in the next financial year. Provision is made for the Council to submit the estimates for its first financial year as soon as is practicable after the 1st April 1973.

19. Clause 40 provides for the statements of revenue and expenditure and of assets and liabilities to be submitted for audit to the Director of Audit not later than four months after the end of each financial year. The Director of Audit is given full

powers of access to all the accounting records of the Council and is required to complete his audit within six months after the end of the financial year to which the statements relate. The periods of time for submitting the statements to the Director of Audit and for his completion of the audit may be extended by the Governor. The Director of Audit will be required to submit a report on his audit to the Council and the Chairman will be required to send copies of the audited statements and of the report of the Director of Audit to the Governor.

20. Clause 41 provides that the Council shall receive all fees and charges payable under any subsidiary legislation where it is constituted the authority for the purposes of such subsidiary legislation.

21. Clause 42 empowers the Council to raise loans against its assets and revenues for the purpose of funding capital expenditures or for re-funding previous loans raised for that purpose. The Council will also be able, with the consent of the Financial Secretary, to borrow temporarily such sums of money as may be necessary to meet any obligations or to fulfil any functions imposed on it by statute.

22. Clause 43 provides for the investment by the Council of any surplus funds in such investments as may be approved by the Financial Secretary.

23. Clause 44 exempts the revenues of the Council from taxation and instruments executed by it from liability for duty under the Stamp Ordinance.

24. Part VIII deals with miscellaneous matters.

25. Clause 45 will enable the Governor, after consultation with the Council, to give general directions as to the discharge of its functions. Clause 45(2) empowers the Governor to give specific directions to the Council to remedy any failure by it to discharge any obligation or fulfil any statutory duty. The Governor may also direct any public officer to remedy any such failure by the Council and direct that any expense occasioned thereby will be payable by the Council.

26. Clause 46 provides that the Governor may vest the management and control of any Crown property in the Council for purposes specified in the vesting order. The clause also provides that such property will revert in the Crown if it ceases to be used for the purpose specified.

27. Clause 47 provides for communications between the Council and the Governor.

Urban Council Bill—second reading*[Explanatory Memorandum]*

28. Clause 48 requires the Chairman to make a report to the Governor on the activities of the Council after the close of each financial year at the time he submits the audited statements of accounts and the report thereon of the Director of Audit.

29. Clause 49 provides that the estimates and list of works, the audited statements of accounts together with the report of the Director of Audit and the Chairman's annual report which are required to be furnished to the Governor will be laid on the table of Legislative Council.

30. Clauses 50 and 51 re-enact, without change, the present provisions relating to the enforcement of the Council's orders and the protection of members from personal liability for acts performed *bona fide* in the discharge of the Council's powers and functions.

31. Clause 52 provides that any disputes which may arise between the Council and public officers may be referred to the Governor in Council for determination.

32. Clause 53 is transitional in effect and is drawn to enable the Council to continue to receive the benefit of and to assume the obligations imposed by contracts entered into before its incorporation and still in force on the 1st April 1973 in respect of matters which after that date will be within its jurisdiction.

33. Clause 54 repeals the Urban Council Ordinance and effects by means of the Fourth Schedule to the Bill a number of amendments to other enactments which arise in consequence of the Council's incorporation or are necessary to extend its powers to give effect to the proposals in the White Paper.

34. The Table of Comparison shows the provisions in the Bill which correspond with those in the present Ordinance and, in respect of certain new provisions, the precedents in other enactments.

JUVENILE OFFENDERS (AMENDMENT) BILL 1973

THE ATTORNEY GENERAL (MR ROBERTS) moved the second reading of: —"A bill to amend the Juvenile Offenders Ordinance and to amend consequentially the Protection of Women and Juveniles Ordinance."

He said: —Sir, the Chief Justice established a Working Party in 1968 to examine the procedure for dealing with juvenile offenders in Hong Kong and to make recommendations for its improvement. This bill gives effect to the main recommendations which were put forward by that Working Party.

Among them were the following proposals. That there should be one or more permanent magistrates appointed to deal exclusively with juvenile cases in Hong Kong. That there should be two juvenile courts, one in Hong Kong and one in Kowloon, and that they should be held in buildings other than the normal magistracy buildings or, if this is not practicable, in different rooms, or at different times, from the ordinary courts. That a juvenile court should be assisted by two lay advisers, selected from a panel of persons, whose duty it would be to assist and advise the magistrate as to the appropriate treatment of young offenders.

These recommendations are given effect to by this bill and the opportunity has been taken to make other amendments to the principal Ordinance; these are designed to improve the procedure of juvenile courts, to expand their powers to deal with young offenders and to afford a greater protection to young offenders themselves.

The new section 3, which is contained in clause 4, raises the minimum age of criminal responsibility from 7 to 10 years, and this means that no child under the age of 10 can in future be found guilty of any criminal offence.

The new sections 3A and 3B provide for the constitution of the juvenile courts on the lines recommended by the Working Party.

The new section 3C is designed to ensure that a charge against a juvenile, by which I mean anyone under the age of 16 years, shall only be tried by a juvenile court, except where the juvenile is jointly charged with an adult. However, the section empowers an ordinary court, if it appears that a person charged before it is under 16, to continue with the proceedings, though (save in limited circumstances) it is obliged to send the juvenile to a juvenile court for sentence, if he is found guilty before an ordinary court.

The new sections 3D and 3E specify the procedure which must be followed in a juvenile court and limit the persons who may be present at its sittings to officers of the court, witnesses, parties, counsel or solicitors concerned with the case, also press reporters and others who are specially authorized to be present by the court.

Clause 6 is intended to give better protection to a juvenile offender, both before and after court proceedings and while in police custody,

[THE ATTORNEY GENERAL] **Juvenile Offenders (Amendment) Bill—second reading**

against association with any adult who is charged with any offence, unless the adult is charged jointly with the juvenile.

Clause 7 requires a juvenile, who is remanded or committed for trial and not released on bail, to be sent to a place of detention or a training centre and not to a prison. This also is intended to protect juveniles from undesirable associations with criminal adults.

Clause 9 obliges the parent or guardian of a juvenile to be present throughout the proceedings against the juvenile, unless the court otherwise orders. The court can enforce the attendance of the parent or guardian. Conversely, the court may order the parent or guardian to withdraw from the court if this appears to be in the interests of the juvenile.

Clause 12 empowers the court, if a juvenile is convicted of an offence which would be punishable by imprisonment in the case of an adult, to order that the juvenile be detained in a place of detention. The period of detention will be determined by the Director of Social Welfare but may not exceed 6 months, or the maximum term of imprisonment to which an adult would be liable if convicted of the same offence, whichever is the shorter of those two periods.

Clause 13 adds to section 15 of the principal Ordinance additional methods by which a juvenile court may deal with a juvenile found guilty of an offence. These are delivering him into the custody of a responsible adult, dealing with him as a child or young person in need of care and protection and authorizing his detention under the Training Centres Ordinance or the Detention Centres Ordinance.

Clause 17 restricts the publication of reports of proceedings in juvenile courts in newspapers or in radio or television broadcasts. Although a report may be published of the proceedings, it may not reveal the name, address or school of the juvenile or contain such particulars as will be likely to lead to his identification. However, the court has power to dispense with these requirements in a proper case and to authorize the press to give full publicity to it.

Motion made. That the debate on the second reading of the bill be adjourned—THE ATTORNEY GENERAL (MR ROBERTS).

Question put on subsidiary motion and agreed to.

Explanatory Memorandum

The main object of this Bill is to establish juvenile courts to be presided over by magistrates appointed by the Chief Justice exclusively for that purpose.

2. Clause 2 amends the long title of the principal Ordinance accordingly.

3. Clause 3 inserts new definitions.

4. Clause 4 repeals and replaces section 3 of the principal Ordinance and inserts six new sections (3A, 3B, 3C, 3D, 3E and 3F).

5. The new section 3 raises the minimum age of criminal responsibility from seven to ten.

6. The new section 3A establishes the juvenile courts.

7. In order to increase the breadth of experience available to a juvenile court, the new section 3B enables it, when determining the method of dealing with an offender, to take the advice of two persons selected by it from a panel appointed by the Chief Justice and known as the Juvenile Courts Advisory Panel. The members of the panel will be appointed because of their knowledge of and experience in dealing with young persons.

8. Under the new section 3C, no charge against a child or young person may be heard by a court of summary jurisdiction, other than a juvenile court, except where a person who has attained sixteen years is jointly charged with a child or young person or is charged at the same time with aiding, abetting, causing or procuring, allowing or permitting an offence. If however during the course of any proceedings before a magistrate's court, other than a juvenile court, it appears that the person to whom the proceedings relate is a child or young person, the court may proceed with and determine the proceedings. This is subject to the new section 3F which provides that where a court, other than a juvenile court, finds a child or young person guilty of an offence other than homicide the court shall remit the case to be dealt with by a juvenile court as though he had been tried and found guilty by that court.

9. To protect young offenders from the atmosphere of courts dealing with adults, it is provided that a juvenile court may not sit in a room in which the sittings of another court have been or will be held within an hour before or after the sitting of a juvenile court. Persons other than officers of the court, parties to the proceedings and their solicitors and counsel, witnesses, *bona fide* representatives of newspapers or news agencies and such persons as the court may specifically authorize, are not permitted to be present at the sitting of a juvenile court. The court is also given power to exclude reporters if it considers that it is in the interests of the child or young person to do so. (New section 3D).

Juvenile Offenders (Amendment) Bill—second reading*[Explanatory Memorandum]*

10. The new section 3E provides that a juvenile court hearing a charge against a person believed to be a child or young person may proceed with the hearing notwithstanding that the person charged is over the age of sixteen. This section further provides that the attainment of the age of sixteen by a person under supervision by virtue of a probation order or in whose case an order for conditional discharge has been made shall not oust the jurisdiction of the juvenile court.

11. Clause 6 provides that a child or young person who is detained in police station, is being conveyed to or from a criminal court or is waiting before or after attendance in any criminal court, shall not be permitted to associate with an adult who is not a relative or is not jointly charged with him. A girl in the same circumstances must be under the care of a female.

12. A child or young person who is remanded or committed for trial and is not released on bail is required to be committed, if a child, to a place of detention or, if he is a young person, to a place of detention or a training centre. (*Clause 7*).

13. Clause 8 provides that where a child or young person admits an offence or the court is satisfied that it is proved or the case has been remitted under the new section 3F the child or young person shall be asked if he desires to say anything in mitigation of the penalty.

14. By clauses 9 and 10, the parent or guardian of a child or young person is required to attend all stages of proceedings, unless the court otherwise orders. The court has power to compel the attendance of a reluctant parent or guardian and to require the parent or guardian to withdraw from the court.

15. Clause 12 provides that where a child or young person is found guilty of an offence which in the case of an adult would be punishable by imprisonment or imprisonment in default of payment of any fine, damages or costs, and the court is of the opinion that there is no other suitable method of dealing with the offender, it may order that he be detained in a place of detention. Where the court makes such an order the child or young person shall be detained for such period not exceeding six months from the date of the order as the Director of Social Welfare may determine. The maximum period of detention however may not exceed the maximum period to which the offender would have been liable, if he were an adult, for the

offence concerned or in default of payment of the fine, charges or costs.

16. Clause 13 includes in section 15 of the principal Ordinance additional methods by which a juvenile court may deal with a child or young person found guilty of an offence. These are by dealing with him under section 96(b) of the Magistrates Ordinance (ordering his delivery into the custody of a responsible adult), under section 34 of the Protection of Women and Juveniles Ordinance (as a child or young person in need of protection), under the Training Centres Ordinance or, if he is a male, under the Detention Centres Ordinance 1972.

17. By clause 14 the Governor is given power to appoint places of detention for the purposes of the Ordinance and to declare that any place of detention shall be used only for such purposes as are specified in the order appointing them.

18. Clause 17 restricts reports of proceedings in juvenile courts, in newspapers or in radio or television broadcasts.

19. Clause 18 amends section 34 of the Protection of Women and Juveniles Ordinance so as to enable a juvenile court to exercise its powers under section 34 on its own motion. Prior to this amendment the court could only exercise such powers on the application of the Director of Social Welfare, a probation officer, a police officer or any person authorized by the Director of Social Welfare in writing on that behalf.

20. Clauses 5, 11, 15 and 16 contain minor additional amendments to the principal Ordinance.

ROYAL HONG KONG REGIMENT (AMENDMENT) BILL 1973

THE ATTORNEY GENERAL (MR ROBERTS) moved the second reading of:—"A bill to amend the Royal Hong Kong Regiment Ordinance."

He said:—Sir, in 1970 the Royal Hong Kong Defence Force Ordinance, with all the subsidiary legislation made under it, was repealed and two separate Ordinances were enacted to replace it, namely, the Royal Hong Kong Regiment Ordinance and the Royal Hong Kong Auxiliary Air Force Ordinance.

New regulations to provide for the payment of pensions and other allowances to officers and members of these two Forces have recently been prepared. During their drafting, it became apparent that an amendment to the two Ordinances was required, because they provide only at present for regulations to be made for the payment of pensions,

[THE ATTORNEY GENERAL] **Royal Hong Kong Regiment (Amendment) Bill—
second reading**

whereas the practice has always been to pay gratuities or other allowances in appropriate cases, where a pension cannot be awarded.

The amendments introduced into the principal Ordinance by clause 3 will enable regulations to be made whereby gratuities and other allowances may be awarded to officers and members of the Force in suitable cases, where a pension is not appropriate.

Motion made. That the debate on the second reading of the bill be adjourned—THE ATTORNEY GENERAL (MR ROBERTS).

Question put on subsidiary motion and agreed to.

Explanatory Memorandum

Clause 2 corrects a clerical error in section 3 of the principal Ordinance.

2. Clause 3 repeals and replaces section 15 of the principal Ordinance. The new section 15 is mainly the same as the present section and provides for the payment of a pension to an officer or member of the Regiment who is disabled while in service, or to the dependants of an officer or member who dies as a result of such disablement. The new provision enables a gratuity, allowance or other payment in lieu of a pension to be awarded where the payment of pension is not appropriate.

3. The amendment in clause 4 is consequential upon the new section 15 in clause 3.

**ROYAL HONG KONG AUXILIARY AIR FORCE
(AMENDMENT) BILL 1973**

THE ATTORNEY GENERAL (MR ROBERTS) moved the second reading of:—"A bill to amend the Royal Hong Kong Auxiliary Air Force Ordinance."

He said:—Sir, the amendments contained in this bill are identical with those in the Royal Hong Kong Regiment (Amendment) Bill which has just been considered by honourable Members. The reasons for this bill are the same as those for the other one.

Motion made. That the debate on the second reading of the bill be adjourned—THE ATTORNEY GENERAL (MR ROBERTS).

Question put on subsidiary motion and agreed to.

Explanatory Memorandum

Clauses 2 and 5 correct clerical errors in the principal Ordinance.

2. Clause 3 repeals and replaces section 15 of the principal Ordinance. The new section 15 is mainly the same as the present section and provides for the payment of a pension to an officer or member of the Force who is disabled while in service, or to the dependants of an officer or member who dies as a result of such disablement. The new provision enables a gratuity, allowance or other payment in lieu of a pension to be awarded where the payment of pension is not appropriate.

3. The amendment in clause 4 is consequential upon the new section 15 in clause 3.

CENSUS (AMENDMENT) BILL 1973

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

He said:—Sir, this bill seeks to make amendments to the Census Ordinance to permit a census of industrial production to be undertaken in 1973.

It is proposed that statistics of industrial production should be collected as the first step in a long term programme designed to provide a basic description of each sector of the economy. This will in turn permit a continuing assessment of the contribution made to the community's earnings by each sector. The manufacturing sector is by far the most important in Hong Kong and it is therefore intended to start with the collection of statistics for this sector in 1973. Similar assessments of other sectors of the economy such as wholesale and retail trade, services and so on, will I hope be undertaken in future years.

The collection of systematic statistics along these lines will be a major step towards providing a description of the workings of the Hong Kong economy. In the first place it will enable an index of industrial production to be constructed which will show what is happening to the output of Hong Kong's manufacturing industries (over time and its changing composition as between industries, sizes of firms and types of product). In addition, more detailed information by industry will also enable individual firms to measure their own performance against the average in their trade. The statistics provided will also permit an analysis to be made of the value added by various

[THE FINANCIAL SECRETARY] **Census (Amendment) Bill—second reading**

Hong Kong industries to imported raw materials and semi-finished products, thus facilitating such exercises as the calculation of gross domestic products.

At present, under section 3(2)(b) of the Census Ordinance, the Governor in Council, when directing that a census be taken, can only order the specific date on which it is to be taken. This is perfectly proper for, for example, a census of population and housing which relates to the position on a particular day. But in the case of a census of industrial production the data to be sought will relate to a flow of production over a period of a year. Clause 2 of this bill therefore amends section 3(2)(b) to enable the Governor in Council to specify a census period in addition to a specific date.

The present section 5 of the Ordinance contains a proviso forbidding the Commissioner for Census and Statistics from taking a census in such a way that any member of the public incurs expense as a result. This again is a perfectly proper requirement for a population census covering the whole community. But an industrial production census is more complicated and it is inevitable that some minor expenditure will be incurred by firms in providing the information required in the printed questionnaires. It is therefore proposed to delete this proviso from section 5.

The bill also makes minor amendments to section 10 of the Ordinance regarding arrangements for the collection of the completed census questionnaires. These may either be returned to the Census and Statistics Department or retained until they are collected by the census supervisors. Thus:

the amendment to section 10(2) makes it clear that the completed forms may be returned to any census officer;

the amendment to section 10(3) clarifies the arrangements for the return of questionnaires which the occupier of the premises is unable to complete;

the amendment to section 10(5) allows the census officers a period of twelve months after the end of the census period for follow-up enquiries; this may be necessary in some instances where the information given is incomplete.

Should honourable Members agree to these proposed amendments, a Census Order will be placed before the Governor in Council in accordance with the amended section 3 of the Ordinance, and this

order will define "industrial establishments" and "industrial production" for the purposes of this census. The order will also specify:

the period in respect of which the census is to be taken;

the purpose of the census, that is the estimation of the value of Hong Kong's industrial production;

the date by which all the completed forms are to be destroyed.

A schedule to the Order will also specify in detail the matters which will be included in the census questionnaire.

Motion made. That the debate on the second reading of the bill be adjourned—THE FINANCIAL SECRETARY (MR HADDON-CAVE).

Question put on subsidiary motion and agreed to.

Explanatory Memorandum

Clause 2 amends section 3(2)(b) to enable the Governor in Council to specify a census period.

Clause 3 removes the proviso to section 5 so that a person is no longer free from the obligation to supply information because he would incur expense in so doing.

Clause 4 amends sections 10(2), 10(3) and 10(5) to facilitate the completion of questionnaire forms and the collection thereof and to enlarge the powers of a census officer to visit premises to complete a census questionnaire form if this is not completed by the occupier or by some other person on his behalf.

PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT)

BILL 1973

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

He said:—Sir, this bill is one of the necessary links in the chain of implementing certain recommendations contained in the White Paper on the Urban Council referred to earlier by the honourable Colonial Secretary. The Explanatory Memorandum at the end of this bill is very full and I commend it to honourable Members, confining my remarks this afternoon to some of the more important provisions of the bill.

[MR ALEXANDER] **Public Health and Urban Services (Amendment)
Bill—second reading**

One of the main features is the consolidation into the principal Ordinance of provisions (now widened) which are at present contained in five separate Ordinances, namely the

Cremation Ordinance,
Library Ordinance,
Museum Ordinance,
Hong Kong Stadium Ordinance, and
the City Hall Ordinance.

On the other hand, it has not been found possible to incorporate in the bill the matters for which the Urban Council will become responsible in connection with liquor licensing and the licensing of places of public entertainment. These changes will be effected by amendments (contained in the Fourth Schedule to the Urban Council Bill 1973) to the Dutiable Commodities (Liquor) Regulations and the Places of Public Entertainment Regulations.

Relating to the financial autonomy of the reconstituted Urban Council, clauses 10 and 13 ensure that debts and fees shall be paid to the Urban Council (instead of General Revenue) where the Urban Council is the authority.

Clause 12 of the bill repeals section 144 of the principal Ordinance which requires all by-laws made by the Council to be subject to the consent of this Council. These will now be tabled. The same clause substitutes a provision empowering the Governor in Council to require the Urban Council to make available to the Government, for ceremonial or other public occasions, premises the management and control of which are vested in the Council by the Ordinance.

Motion made. That the debate on the second reading of the bill be adjourned—MR ALEXANDER.

Question put on subsidiary motion and agreed to.

Explanatory Memorandum

The objects of this Bill are twofold, the first being to implement some of the proposals in the White Paper "The Urban Council" to expand certain powers and functions of the Urban Council, and the second to consolidate into the principal Ordinance and to widen in scope provisions which have been contained in five separate Ordinances.

The White Paper recommended that the Urban Council as reconstituted in accordance with proposals suggested therein should assume its increased powers and functions from the 1st day of April 1973 and this Bill so provides.

As a result of the proposed changes in the Urban Council's constitution it is necessary to clarify its role in relation to public swimming pools, slaughterhouses and markets situated within the urban areas. At present these facilities are defined in the Ordinance as swimming pools, slaughterhouses and markets managed by the Government although the Urban Council is the Authority in the urban areas empowered to make by-laws in relation thereto.

Clause 3 provides for the vesting of the management and control of public swimming pools in the relevant Authority. Clause 4 makes similar provision in respect of public slaughterhouses and this will enable the Urban Council to receive the revenues arising from the services provided by the abattoirs under its management.

Clause 6 makes similar provisions in relation to public markets.

One proposal in the White Paper to increase the scope of the Urban Council's functions was that the Council should assume responsibility, within the urban areas, for licensing certain activities, a function which had been performed by the Commissioner of Police under the Miscellaneous Licences Ordinance (Cap. 114). Clause 7 of the Bill adds a new Part VIIA to the principal Ordinance to achieve this purpose and by clause 14 the Third Schedule is amended so that Urban Council is constituted the relevant Authority for the new sections for the urban areas and at the same time the Director of Urban Services becomes the Authority for the New Territories (excluding New Kowloon).

The first of the five Ordinances to be consolidated into the principal Ordinance is the Hong Kong Stadium Ordinance (Cap. 270). This Ordinance was enacted to provide for the management and control of one sports ground, the Government Stadium at So Kon Po. As re-enacted by Clause 8 of the Bill the new Part IXA of the Ordinance will still embrace the Government Stadium but provision is made to extend the operation of this Part to further stadia as the occasion arises. The Urban Council will continue to be the managing Authority for the Government Stadium and will become the Authority for any other stadia that may be built in the urban areas.

Public Health and Urban Services (Amendment) Bill—second reading

[Explanatory Memorandum]

Clause 8 of the Bill also adds a new Part IXB to the principal Ordinance. The provisions of the Library Ordinance (Cap. 145), the Museums Ordinance (Cap. 230) and the City Hall Ordinance (Cap. 328) are re-enacted in this Part. As was the case with the Hong Kong Stadium Ordinance, the City Hall Ordinance was enacted to provide for the management of a particular amenity, namely the City Hall at Connaught Road Central. Again as re-enacted in the Bill the scope of the provisions relating to the City Hall have been extended to cover any other civic centres which may be built in the future.

The new section 105K brings the procedure for designating libraries into line with that for museums. Section 105K(3) is new and empowers the Authority to establish mobile libraries.

Clause 9 re-enacts the provisions of the Cremation Ordinance (Cap. 133) by adding 8 new sections to Part XI of the principal Ordinance which deals with the disposal of the dead.

Clause 11 of the Bill which adds a new section 137A to the principal Ordinance re-enacts a provision common to the Museums Ordinance, the Hong Kong Stadium Ordinance and the City Hall Ordinance applying the provisions of the Summary Offences Ordinance (Cap. 228) and the Public Order Ordinance (Cap. 245) to public places within these premises.

Under each of the five Ordinances to be repealed by the Bill the Urban Council is the public body responsible for performing certain functions. Various amendments are effected to different Schedules to the principal Ordinance to enable the Urban Council to continue to be the Authority for the purposes of the re-enacted provisions.

A comparative table, showing the source of most of the re-enacted provisions, is annexed.

Clauses 10 and 13 make amendments to give effect to proposals in the White Paper relating to the financial autonomy of the reconstituted Urban Council.

Clause 12 of the Bill repeals section 144 of the principal Ordinance which required all by-laws made by the Urban Council to be subject to the consent of the Legislative Council and substitutes a provision empowering the Governor in Council to require the Urban Council to make available to the Government premises the management and control of which is vested in the Council by the Ordinance for ceremonial or other public occasions.

**ADMINISTRATION OF JUSTICE (MISCELLANEOUS
AMENDMENTS) BILL 1973**

Resumption of debate on second reading (17th January 1973)

Question 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).

EVIDENCE (AMENDMENT) BILL 1973

Resumption of debate on second reading (17th January 1973)

Question 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).

TELEVISION (AMENDMENT) BILL 1973

Resumption of debate on second reading (3rd January 1973)

Question proposed.

MR WOO: —Sir, I should like to take this opportunity to mention that a number of submissions were made on this bill to the Unofficial Members. These representations touched on many of the clauses in the bill, and indeed on some of the sections of the existing Ordinance. They were given very careful consideration by my Unofficial colleagues and myself, and those points which were supported have been included by my honourable Friend the Attorney General in the list of amendments to be moved at the committee stage of the bill.

My Unofficial colleagues and myself are of the opinion that the existing bill, subject to the amendments to be moved by my honourable Friend, will be definitely in the public interest, and furthermore will ensure that the obligations to be borne by those commercial concerns which succeed in obtaining a licence under the Ordinance are both reasonable and equitable.

[MR WOO] **Television (Amendment) Bill—resumption of debate on second reading (3.1.73)**

We are aware that there is some urgency in the matter, and we support the passage of this bill as amended in order that Government may proceed with invitations to tender.

Most of my Unofficial colleagues consider that the use of the word “renewal” is incorrect, and that the word “review” is more appropriate in referring to the period of validity of the licence. We would be grateful if my honourable Friend will consider this, and state in his reply if there are any special grounds why the word “renewal” should be retained, both in the Ordinance and in the bill. It is appreciated that time may not permit any further amendment at this stage, but my unofficial colleagues would like to know whether, if the word “renewal” is retained for the time being, Government will take this point into consideration when the Ordinance is next due for amendment. This could perhaps be done at the same time as the 2 further points which my honourable Friend agreed to re-draft later, during his discussions with us. These two points are, firstly, that adequate notice should be given if the terms of a licence are to be changed under the new section 13 and, secondly, that similar adequate notice should be given under the new section 18 where a licensee is required to change the frequencies on which its programmes are transmitted. With these observations, Sir, my Unofficial colleagues and I support the bill before the Council.

MR WANG: —Sir, of all our modern media of communication, television is fast becoming the most influential—if it may not already be said to be so. Because it is a visual medium, it extends its influence over a wider range of society than the wireless; and because it communicates through pictures, it reaches out to the less intellectually minded in a way that is necessarily denied in some measure to the press. The television not only speaks to everyone: it looks at them and they look at it. A TV set commands such attention that in many instances—particularly within the family circle—it may be said to rule the roost.

This pervading influence of TV can be seen at once to be a two-edged sword. It contains within itself an almost immeasurable capacity for both the good and the evil. Allowed to run riot with a completely free rein, it can be both a public menace and a public nuisance for it can seduce and corrupt, and also bore and interfere. On the other hand, with a proper degree of control and with enlightened handling it can be a cultural asset, virtually second to none.

We must not underrate the potential influence of this powerful modern method of communication. We must keep the welfare of the

public very much in the forefront in our minds as we consider the implications of this amendment to the Television Bill before us. We will be well advised to see that this medium in its extended more pervasive form makes the most of its excellent opportunities to bring to the public the many and varied advantages of education—education in the widest sense, embracing anything that is likely to make for the general enlargement, cultivation and real improvement of the mind, with due regard to the degree of receptiveness, moral awareness and educational background of the viewers.

As I see it, this bill will make possible the introduction and maintenance of an increased number of TV channels on a fair competitive basis so that through healthy competition and co-operation the standard of production and the quality of programmes may be improved.

Its aim is in a sense twofold: for all TV stations to provide a service to the public while at the same time being maintained as viable and attractive commercial enterprises.

It is indeed possible that there may at times arise a conflict of interest between the two, and it is therefore of paramount importance that this bill should provide Government with the power and machinery to impose such controls as may be necessary, and to provide the encouragement needed to stimulate those in positions of influence in the great world of television to produce programmes that will enrich, educate and entertain without undermining the very fabric of the community which they have such a splendid opportunity to serve.

It is with this thought in mind that I have joined my Unofficial colleagues at a number of meetings and discussions at which a close examination has also been made of all presentations made to the UMELCO office. It has just been mentioned by my senior colleague that we have come to the conclusion that, with some minor amendments which will be introduced at the committee stage, we should give this bill our full support.

Sir, with these remarks I support the motion.

THE ATTORNEY GENERAL (MR ROBERTS): —Sir, as honourable Members have so rightly indicated, the prime object of legislation dealing with television should be to ensure that the public interest is best served by a highly influential medium of communication.

At the same time, within the limits necessarily imposed by the public interest, the legislation should, so far as possible, preserve a fair balance between the various licensees operating television services.

[THE ATTORNEY GENERAL] **Television (Amendment) Bill—resumption of debate on second reading (3.1.73)**

These various factors are not always easy to reconcile and the provisions of this bill have been scrutinized with detailed care by Unofficial Members in an effort to ensure that these objectives shall be achieved, so far as this is reasonably practicable.

As a result of consultations with them, I shall be moving at the committee stage a number of amendments designed to clarify the law and to modify some provisions which seem to be impracticable and others which might bear somewhat unfairly on one or other of the licensees.

In addition to these amendments, the detailed reasons for which I will give at the committee stage, the honourable Mr P. C. Woo has very properly referred to other clauses, which it is not at present proposed to alter, but which have given some concern to Unofficial Members. The first of these relates to the word "renewal" which appears in section 9(1)(b) in clause 7 as well as in section 13, in clause 8.

It is not a new word, indeed it has been in the Ordinance since its original enactment, but I agree that there is much to be said for replacing it by the word "review", in the sense that the general intention is that a licence shall normally run for 15 years, subject to reconsideration at intervals, normally of five years, to ensure that the licensee has performed sufficiently well to justify his licence being continued further.

The advantage, as I see it, of retaining the word "renewal" is that it emphasizes the principle that, although the licensee should be able to plan and organize his business on the basis of a 15 year franchise, he must not be allowed to assume that, however unsatisfactory a service he provides, he has an unalienable right to operate for the full period. I believe that the public interest requires that it should be made perfectly clear that at stated intervals each licensee must seek a full-scale renewal of his licence and I suggest that this obligation should help in maintaining high standards among the licensee companies. However, I can assure the honourable Member that the Government will reconsider the use of the word "renewal" when the Ordinance is amended in the future to deal with the other problems to which I will now refer.

The second matter which caused some concern to Unofficial Members is that section 13, which is contained in clause 8 of the bill, enables the Governor in Council, when renewing a licence, to alter the terms under which the licensee is operating. It has been said that the

Ordinance makes no provision for notice to be given to the licensee of proposed changes, and that these might substantially prejudice the operations and interests of the licensee company.

It is suggested that in future the Governor in Council should give a substantial period of notice of proposed changes to the licensee and afford him a reasonable opportunity of making representations with regard to those changes. To insert such a provision now would inevitably throw back the whole programme of television development in Hong Kong for a substantial period and for this reason the Government is not prepared to include such a provision in the Ordinance at this stage. However, the Government is prepared, in due course, to put forward an amending bill, providing for an appropriate period of notice to be given to a licensee when the latter's licence is being considered for renewal under section 13, but these amendments will not apply to the first renewal of TVB's licence, which is expected to take place during the next few months.

Similarly, it has been suggested that adequate notice ought to be given under the new section 18, which is contained in clause 10 if the Telecommunications Authority requires a licensee to change the frequencies on which its programmes have been transmitted. Again, to make such provision at this stage would substantially delay the renewal of the existing licence and the issue of the two additional new ones, since it may well be necessary for the different licensees to be required to make adjustments during the initial period when a number of competing programmes are being broadcast for the first time.

However, in this respect also, the Government is prepared to introduce a suitable amendment, providing for a period of notice to be given to any licensee affected by a change of frequency and enabling him to make representations to the Telecommunications Authority, with a right of appeal against the latter's decision to the Governor in Council. These amendments also will not become effective until after the proposed five channels have been operating for a sufficient period to ensure that major changes are unlikely to be necessary in the future.

The Government is grateful to Unofficial Members for the time which they have given to understanding an intricate technical subject and welcomes the support which they have found themselves able to give to this bill.

Question put and agreed to.

Bill read the second time.

Bill committed to a committee of the whole Council pursuant to Standing Order No 43(1).

MERCHANT SHIPPING (AMENDMENT) BILL 1973**Resumption of debate on second reading (17th January 1973)**

Question 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).

**MERCHANT SHIPPING (RECRUITING OF SEAMEN)
(AMENDMENT) BILL 1973****Resumption of debate on second reading (17th January 1973)**

Question 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).

DANGEROUS DRUGS (AMENDMENT) BILL 1973**Resumption of debate on second reading (17th January 1973)**

Question 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 of bills

Council went into Committee.

COPYRIGHT BILL 1973

Clause 1 was agreed to.

Clause 2.

THE ATTORNEY GENERAL (MR ROBERTS): —Sir, I move that clause 2 be amended by inserting into clause 2(1) a new definition of “plate” in the terms which are set out in the paper which has been circulated to honourable Members. This amendment is intended to meet the anxiety expressed by Dr S. Y. CHUNG that it should be made clear that jigs, fixtures and dies, which are used in the process of producing articles by industrial processes, do fall within this definition.

DR CHUNG: —Sir, I am grateful to my honourable Friend for his assent to my request to make the definition of the word "plate" wider than section 18(3) of the Copyright Act 1956. My honourable Friend is now proposing that the word "plate" be amended to include not only tooling but also any machine, device or equipment. With due respect, this amendment appears too wide and may in my opinion cause some difficulty in actual practice, particularly in relation to clause 5(3)(b) of the bill. Nevertheless I do not wish to prolong the debate and I am glad to support his proposed amendment. If, however, experience shows that such a wide definition of the word "plate" is unworkable, I hope my honourable Friend will consider introducing amending legislation.

THE ATTORNEY GENERAL (MR ROBERTS): —I am trying to be as careful as I can because you could argue about whether a tool is a tool, but perhaps not as to whether it is a piece of equipment. This is why the wider definition has been introduced.

Proposed Amendment

Clause

- 2 That clause 2(1) be amended by substituting a semicolon for the full stop at the end thereof and adding the following—

““plate” has the meaning assigned by the Act and also includes any machine, device or equipment.”.

The amendment was agreed to.

Clause 2, as amended, was agreed to.

Clause 3 was agreed to.

Clause 4.

THE ATTORNEY GENERAL (MR ROBERTS): —Sir, I move that clause 4 be amended as set forth in the paper.

These amendments correct drafting errors which have been discovered since the publication of the bill.

[THE ATTORNEY GENERAL] **Copyright Bill—committee stage***Proposed Amendments**Clause*

4 That clause 4 be amended as follows—

(a) by deleting—

(i) “a sound recording.” from line 7;

(ii) "sound recording," from line 10;

(iii) "the sound recording," from line 12;

(b) by renumbering the clause as clause 4(1); and

(c) by inserting the following after subclause (1) —

"(2) For the purposes of this section, a broadcast shall be taken, in relation to a work or cinematograph film, to be an authorized broadcast if, but only if, it is made by, or with the licence of, the owner of the copyright in the work or film. "

The amendments were agreed to.

Clause 4, as amended, was agreed to.

Clause 5.

THE ATTORNEY GENERAL (MR ROBERTS): —Sir, I move that clause 5 be amended as set out in the paper.

The first amendment will insert after the word “work”, wherever it occurs, the words "or other subject matter". The Copyright Act sometimes uses the phrase "work" to describe an article to which copyright attaches and sometimes uses the phrase "work or other subject matter". This amendment, and the similar ones to clauses 5, 6 and 9, will adopt the wider phrase for the purposes of our Ordinance.

The second amendment, which was proposed by Dr S. Y. CHUNG during the second reading debate, increases the maximum penalty for an offence under clause 5 from six months to twelve months.

*Proposed Amendments**Clause*

5 That clause 5 be amended as follows—

(a) by inserting after the word “work”, in each place it occurs, the following—

"or other subject matter";

- (b) in paragraph (ii) of subclause (1) by deleting "six" and substituting the following—
"twelve".

The amendments were agreed to.

Clause 5, as amended, was agreed to.

Clause 6.

THE ATTORNEY GENERAL (MR ROBERTS): —Sir, I move that clause 6 be amended by inserting after the word "work", wherever it occurs, the words "or other subject matter".

Proposed Amendment

Clause

- 6 That clause 6 be amended by inserting after the word "work", in each place it occurs, the following—
"or other subject matter".

The amendment was agreed to.

Clause 6, as amended, was agreed to.

Clauses 7 and 8 were agreed to.

Clause 9.

THE ATTORNEY GENERAL (MR ROBERTS): —Sir, I move that clause 9 be amended as set forth in the paper.

The first amendment I have already explained. The second corrects an omission and will enable an affidavit under section 9 to be sworn before a notary public in any place outside the Commonwealth.

Proposed Amendments

Clause

- 9 That clause 9 be amended—
- (a) by inserting after the word "work", in each place it occurs, the following—
"or other subject matter"; and
- (b) in subclause (3)(a)(ii), by inserting after the word "Kingdom" the following—
"or a notary public".

[THE ATTORNEY GENERAL] **Copyright Bill—committee stage**

The amendments were agreed to.

Clause 9, as amended, was agreed to.

Clauses 10 to 12 and the Schedule were agreed to.

EVIDENCE (AMENDMENT) BILL 1973

Clauses 1 and 2 were agreed to.

TELEVISION (AMENDMENT) BILL 1973

HIS EXCELLENCY THE PRESIDENT: —We will take the clauses in blocks of not more than five.

Clause 1 was agreed to.

Clause 2.

THE ATTORNEY GENERAL (MR ROBERTS): —Sir, I move that clause 2 be amended as set forth in the paper before honourable Members.

The object of the first amendment to this clause is to make it clear that a person is not disqualified in relation to a particular licensee because he holds office in that licensee company or owns more than 15 per cent of the voting shares in it. The intention is only to exclude a person who holds office or shares in one licensee company from exercising control of another licensee, and the first amendment of clause 2 is intended to put this beyond doubt.

The second amendment alters the definition "ordinarily resident in Hong Kong". Section 10 requires 25 per cent of the voting shares of the licensee to be owned by persons or companies "ordinarily resident in Hong Kong". It is not practicable to determine the place of residence of a company by reference to the place of residence of individual shareholders, particularly since many shares in one company may be held by another company. The second amendment, therefore, provides that a Hong Kong registered company is deemed to be ordinarily resident here if the majority of the directors are British subjects, ordinarily resident here, and the control and management of the company is *bona fide* exercised in Hong Kong.

*Proposed Amendments**Clause*

- 2 (a) That clause 2(a) be amended in the definition of “exercise control of a company” by deleting "company;" and substituting the following—

“company:

Provided that a person shall not be a disqualified person in relation to a company which is a licensee by reason only that he holds office in, or more than 15 *per cent* of the voting shares in, that company;”.

- (b) That clause 2(b) be amended in the definition of "ordinarily resident in Hong Kong" by deleting paragraph (b) and substituting the following—

“(b) in the case of a company, a company—

(i) which is formed and registered in Hong Kong under the Companies Ordinance;

(ii) of which the majority of the directors participating actively in the direction of the company are British subjects ordinarily resident in Hong Kong as defined in paragraph (a); and

(iii) the control and management of which is *bona fide* exercised in Hong Kong;”.

The amendments were agreed to.

Clause 2, as amended, was agreed to.

Clauses 3 to 6 were agreed to.

Clause 7.

THE ATTORNEY GENERAL (MR ROBERTS): —Sir, I move that clause 7 be amended as set out in the paper. The amendment in paragraph (a) corrects a drafting error. Those in paragraphs (b) and (d) provide that a licensee should ensure that its voting shares are officially listed on at least one recognized stock exchange in Hong Kong and at least 25 per cent of its voting shares have been made available to the public. The amendment in paragraph (c) adds a new paragraph 11A(1)(c). This will empower the Governor in Council to give the licensee further time to comply with the obligation to arrange for a public issue for at least 25 per cent of its shares. This amendment might, for example, be used to allow a licensee to await a better

[THE ATTORNEY GENERAL] **Television (Amendment) Bill—committee stage**

time to make such an issue if the stock market was not favourable or if the company required time to strengthen its position before floating its shares.

*Proposed Amendments**Clause*

- 7 (a) That clause 7 be amended in the section 9(1) by deleting "Subject to subsection (3), a" and substituting the following—

“A”.

- (b) That clause 7 be amended in the new section 11(1) by deleting paragraph (b)(ii) and substituting the following—

"(ii) the voting shares of the company are officially listed on at least one recognized stock exchange, as defined by the Companies Ordinance, and that no less than 25 *per cent* thereof are, or have been, made available to the public;".

- (c) That clause 7 be amended in the new section 11A(1) —

(a) by deleting "or" at the end of paragraph (a);

(b) by deleting the full stop at the end of paragraph (b) and substituting the following—

“; or ”;

(c) by adding the following new paragraph after paragraph (b) —

"(c) the postponement of the obligation of the company to comply with section 11(1)(b)(ii) or subsection (4)(a)(ii) of this section until such date as he may specify. "

- (d) That clause 7 be amended in the new section 11A(4) —

(a) by deleting paragraph (a)(ii) and substituting the following—

"(ii) the voting shares of the company are officially listed on at least one recognized stock exchange, as defined by the Companies Ordinance, and that not less than 25 *per cent* thereof are, or have been, made available to the public;"; and

(b) in paragraph (c), by inserting after "except" the following—

"as otherwise provided by this section or".

The amendments were agreed to.

Clause 7, as amended, was agreed to.

Clauses 8 to 12 were agreed to.

Clause 13.

THE ATTORNEY GENERAL (MR ROBERTS): —Sir, I move that clause 13 be amended by adding a new subsection 21(4) in the terms set out in the paper. The new section 21(2)(c), which is contained in clause 13, obliges the directors and officers of a licensee company to answer truthfully questions put to them by the Telecommunication Authority or an authorized person, and the amendment will protect them from proceedings for failing to give answers which might incriminate them or on matters of which they have no knowledge.

Proposed Amendment

Clause

13 That clause 13 be amended by adding the following new subsection at the end of the new section 21—

"(4) Nothing in subsection (2) shall oblige any person to answer any question put to him under that subsection which might incriminate him or which he is unable to answer from his own knowledge or from information reasonably available to him. "

The amendment was agreed to.

Clause 13, as amended, was agreed to.

Clause 14 was agreed to.

Clause 15.

THE ATTORNEY GENERAL (MR ROBERTS): —Sir, I move that clause 15 be amended by inserting a new section 25A(3) as set out in the paper. The new subsection empowers the Television Authority to do his best to ensure that the obligations imposed on him by sections 24, 25 and 25A to show school programmes, news programmes and other Government material are fairly distributed among the licensees. While I am sure that the Television Authority would in any event do this, the licensees may feel happier if a provision of this nature is included in the Ordinance.

Television (Amendment) Bill—committee stage*Proposed Amendment**Clause*

15 That clause 15 be amended by renumbering the new section 25A(3) as section 25A(4) and inserting the following new section 25A(3) after the new section 25A(2) —

"(3) The Television Authority shall, when exercising the powers conferred by sections 24 and 25 and this section, so far as reasonably practicable, ensure that the obligations imposed on licensees by these sections are apportioned equitably between them. "

The amendment was agreed to.

Clause 15, as amended, was agreed to.

Clauses 16 to 23 were agreed to.

INLAND REVENUE (AMENDMENT) BILL 1973

HIS EXCELLENCY THE PRESIDENT: —We will take the clauses in blocks of not more than five.

Clauses 1 to 14 were agreed to.

MERCHANT SHIPPING (AMENDMENT) BILL 1973

Clauses 1 to 6 were agreed to.

**MERCHANT SHIPPING (RECRUITING OF SEAMEN)
(AMENDMENT) BILL 1973**

HIS EXCELLENCY THE PRESIDENT: —We will take the clauses in blocks of not more than ten.

Clauses 1 to 44 were agreed to.

RATING BILL 1973

HIS EXCELLENCY THE PRESIDENT: —We will take the clauses in blocks of not more than ten.

Clauses 1 to 8 were agreed to.

Clause 9.

THE FINANCIAL SECRETARY (MR HADDON-CAVE): —Sir, I move that clause 9 be amended as set forth in the paper before honourable Members.

This is a consequential amendment resulting from a final drafting change in clause 24(a), and does not materially affect the intention or application of these provisions.

Proposed Amendment

Clause

9 That clause 9 be amended in subclause (3) by deleting “an alteration” and substituting the following—

“a structural alteration”.

The amendment was agreed to.

Clause 9, as amended, was agreed to.

Clauses 10 to 13 were agreed to.

Clause 14.

THE FINANCIAL SECRETARY (MR HADDON-CAVE): —I move that clause 14 subclause (1) be amended as set forth in the paper before honourable Members.

This amendment is to ensure that there will be a valid valuation list in force at all times. Under the revised administrative arrangements a new valuation list will come into being as soon as it has been declared by the Commissioner of Rating and Valuation, usually on 9th March. But it will not come into force until the new financial year, that is on 1st April. The amendment makes it clear that any existing valuation list continues in force until the new list actually itself comes into force.

Proposed Amendment

Clause

14 That clause 14 be amended in subclause (1) by deleting “is prepared under section 12” and substituting the following—

“comes into force”.

The amendment was agreed to.

Clause 14, as amended, was agreed to.

Clauses 15 to 30 were agreed to.

Clause 31.

Rating Bill—committee stage

THE FINANCIAL SECRETARY (MR HADDON-CAVE): —Sir, I move that clause 31 be amended as set forth in the paper before honourable Members.

As rates refunded under these clauses are, in essence, rates that never really were payable, it is reasonable that, if a surcharge has been imposed and paid under clauses 22 or 29, the surcharge should, following present practice, also be refunded in full. The amendments proposed are to enable the Accountant General to make such refunds on his own authority, without the matter having to be dealt with by application to the Governor under clause 35.

*Proposed Amendment**Clause*

31 That clause 31 be amended by inserting after "in respect of rates", in the first place where it occurs, the following—

"(including any sum added to rates deemed to be in default under section 22 or 29)".

The amendment was agreed to.

Clause 31, as amended, was agreed to.

Clauses 32 and 33 were agreed to.

Clause 34.

THE FINANCIAL SECRETARY (MR HADDON-CAVE): —Sir, I move that clause 34 be amended as set forth in the paper before honourable Members.

The reason for this amendment is identical with that for the amendment I have just moved to clause 31.

*Proposed Amendment**Clause*

34 That clause 34 be amended by deleting "this Part" and substituting the following—

“section 30”.

The amendment was agreed to.

Clause 34, as amended, was agreed to.

Clauses 35 to 37 were agreed to.

Clause 38.

THE FINANCIAL SECRETARY (MR HADDON-CAVE): —Sir, I move that clause 38 be amended as set forth in the paper before honourable Members.

The amendments proposed here are to allow copies of proposals and notices of appeal, rather than the originals, to be served on interested parties.

Proposed Amendments

Clause

38 That clause 38 be amended—

(a) in subclause (1), by inserting before "proposal", in the third place where it occurs, the following—

"copy of the";

(b) in subclause (2), by inserting before "the proposal", in the second place where it occurs, the following—

“a copy of”.

The amendments were agreed to.

Clause 38, as amended, was agreed to.

Clause 39.

THE FINANCIAL SECRETARY (MR HADDON-CAVE): —Sir, I move that clause 39 be amended as set forth in the paper before honourable Members.

The reason for this amendment is identical with that for the amendment I have just moved to clause 38.

Proposed Amendment

Clause

39 That clause 39 be amended in subclause (2) by inserting before "proposal" the following—

"copies of the".

The amendment was agreed to.

Clause 39, as amended, was agreed to.

Clauses 40 and 41 were agreed to.

Clause 42.

Rating Bill—committee stage

THE FINANCIAL SECRETARY (MR HADDON-CAVE): —Sir, I move that clause 42 be amended as set forth in the paper before honourable Members.

The reason for this amendment is again identical with that for the amendment I have just moved to clause 38.

*Proposed Amendment**Clause*

- 42 That clause 42 be amended in subclause (3)(b) by deleting “notices of appeal” and substituting the following—
“copies of the notice of appeal”.

The amendment was agreed to.

Clause 42, as amended, was agreed to.

Clauses 43 to 56 were agreed to.

ROAD TRAFFIC (AMENDMENT) (NO 2) BILL 1973

Clause 1 was agreed to.

Clause 2.

THE FINANCIAL SECRETARY (MR HADDON-CAVE): —Sir, I move that clause 2 be deleted and that, in its place, there be substituted a new clause 2 as set forth in the paper before honourable Members.

I think this clause, Sir, will give effect to the suggestion made by my honourable Friend Mr Oswald CHEUNG when he spoke on the second reading on 17th January last.

*Proposed Amendment**Clause*

- 2 That clause 2 be deleted and the following substituted—

"Addition of new section 3A. (Cap. 220.)	2. The principal Ordinance is amended by adding, after section 3, the following new section—	3A. (1) Without prejudice to the provisions of section 3, the Governor in Council may make regulations permitting or requiring the use of specified equipment by persons driving, riding
"Regulations governing specified equipment.		

in or on, or using, any class of vehicle and controlling the sale, hire or possession of specified equipment.

(2) In this section, “specified equipment” means such equipment or apparatus as is specified in subsection (3).

(3) The following shall be specified equipment for the purposes of this section—

crash helmets; safety belts.

(4) The Legislative Council may, by resolution, amend subsection (3).”

The amendment was agreed to.

Clause 2, as amended, was agreed to.

Clause 3.

THE FINANCIAL SECRETARY (MR HADDON-CAVE): —Sir, I move that clause 3 be amended as set forth in the paper before honourable Members.

These amendments are necessary to correct last minute drafting and typographical errors in the published bill.

Proposed Amendments

Clause

3 That clause 3 be amended, in the new section 29—

(a) by deleting subsection (1) and substituting the following—

(1) Where the driver of a vehicle is suspected of having committed an offence under this Ordinance, any person (including both the registered owner of the vehicle and the person suspected of being the driver of the vehicle at the time of the alleged offence) shall, on demand made within three months after the date of the alleged offence, give to a police officer in the manner prescribed in this section the name, address and driving licence number of the person driving the vehicle at the time of the alleged offence and his relationship (if any) to the driver.”;

Read Traffic (Amendment) (No 2) Bill—committee stage

(b) in subsection (3) —

(i) in paragraph (a), by deleting "is" and substituting the following—

"was"; and

(ii) in paragraph (b), by deleting "is" and substituting the following—

“was” ; and

(c) in subsection (4), by deleting paragraph (a) and substituting the following—

"(a) to furnish, within twenty-one days after the date of the notice, to a police officer specified therein, a written statement, in such form as may be specified in the notice, giving the name, address and driving licence number of the person driving the vehicle at the time of the alleged offence and his relationship (if any) to the driver; and".

The amendments were agreed to.

Clause 3, as amended, was agreed to.

DANGEROUS DRUGS (AMENDMENT) BILL 1973

Clauses 1 and 2 were agreed to.

Council then resumed.

Third reading of bills

THE ATTORNEY GENERAL (MR ROBERTS) reported that the

Copyright Bill 1973

Television (Amendment) Bill 1973

Rating Bill 1973

Road Traffic (Amendment) (No 2) Bill 1973

had passed through Committee with amendment and that the

Evidence (Amendment) Bill 1973

Inland Revenue (Amendment) Bill 1973

Merchant Shipping (Amendment) Bill 1973

Merchant Shipping (Recruiting of Seamen) (Amendment) Bill 1973

Dangerous Drugs (Amendment) Bill 1973

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.

Adjournment and next sitting

HIS EXCELLENCY THE PRESIDENT: —Honourable Members, this concludes our business in the Year of the Rat. When we meet again it will be in the Year of the Ox, a new year. I wish you all a very prosperous and happy new year.

I now, in accordance with Standing Orders, adjourn this Council until 2.30 p.m. on Wednesday the 14th of February.

Adjourned accordingly at eight minutes to four o'clock.