

**OFFICIAL REPORT OF PROCEEDINGS****Wednesday, 5th June 1974****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  
MR DENYS TUDOR EMIL ROBERTS, CBE, QC, JP  
THE HONOURABLE THE FINANCIAL SECRETARY (*Acting*)  
MR DAVID HAROLD JORDAN, MBE, JP  
THE HONOURABLE THE ATTORNEY GENERAL  
MR JOHN WILLIAM DIXON HOBLEY, QC, JP  
THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS  
MR DENIS CAMPBELL BRAY, JP  
THE HONOURABLE DAVID RICHARD WATSON ALEXANDER, CBE,  
DIRECTOR OF URBAN SERVICES  
THE HONOURABLE JAMES JEAVONS ROBSON, CBE, JP  
SECRETARY FOR THE ENVIRONMENT  
THE HONOURABLE JOHN CANNING, JP  
DIRECTOR OF EDUCATION  
DR THE HONOURABLE GERALD HUGH CHOA, CBE, JP  
DIRECTOR OF MEDICAL AND HEALTH SERVICES  
THE HONOURABLE IAN MACDONALD LIGHTBODY, CMG, JP  
SECRETARY FOR HOUSING  
THE HONOURABLE DAVID WYLIE MCDONALD, JP  
DIRECTOR OF PUBLIC WORKS  
THE HONOURABLE LEWIS MERVYN DAVIES, CMG, OBE  
SECRETARY FOR SECURITY  
THE HONOURABLE JAMES DAVID MCGREGOR, ISO, JP  
DIRECTOR OF COMMERCE AND INDUSTRY (*Acting*)  
THE HONOURABLE PETER BARRY WILLIAMS, JP  
SECRETARY FOR SOCIAL SERVICES (*Acting*)  
THE HONOURABLE IAN FRANCIS CLUNY MACPHERSON  
SECRETARY FOR THE NEW TERRITORIES (*Acting*)  
THE HONOURABLE WOO PAK-CHUEN, CBE, JP  
THE HONOURABLE SZETO WAL CBE, JP  
THE HONOURABLE WILFRED WONG SIEN-BING, OBE, JP  
THE HONOURABLE WILSON WANG TZE-SAM, OBE, JP  
DR THE HONOURABLE CHUNG SZE-YUEN, OBE, JP  
THE HONOURABLE LEE QUO-WEI, OBE, JP  
THE HONOURABLE OSWALD VICTOR CHEUNG, OBE, QC, JP  
THE HONOURABLE ANN TSE-KA1, 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 JAMES WU MAN-HON, JP

THE HONOURABLE HILTON CHEONG-LEEN, OBE, JP  
 THE HONOURABLE LI FOOK-WO, OBE, JP  
 THE HONOURABLE HUGH MOSS GERALD FORSGATE, OBE, JP

### IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL  
 MR KENNETH HARRY WHEELER

### Papers

The following papers were laid pursuant to Standing Order 14(2): —

<i>Subject</i>	<i>LN No</i>
Subsidiary Legislation:	
Immigration Ordinance.	
Immigration (Amendment) (No 2) Regulations 1974 .....	110
Magistrates Ordinance.	
Magistrates Ordinance (Amendment of Fourth Schedule) Order 1974 .....	111
Societies Ordinance.	
Societies Ordinance (Amendment of Schedule) Order 1974 .....	112
Crown Land Ordinance.	
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Public Health and Urban Services Ordinance.	
Cremation and Gardens of Remembrance By-laws 1974 .....	114
Emergency (Control of Oil) Regulations 1973.	
Emergency (Advertising, Display and Floodlighting) (Restriction) (Cancellation) Order 1974 .....	115
Essential Services Corps Ordinance.	
Essential Services Corps (General) (Amendment) Regulations 1974 .....	116

<i>Subject</i>	<i>LN No</i>
Merchant Shipping (Safety Convention) Act 1949. Exemption from Merchant Shipping (Life-Saving Appliances) Rules 1965 .....	117

### Oral answers to questions

#### Occupation of leased accommodation

1. MR F. W. LI asked: —

- (a) Will Government say whether the new measures which were introduced in September 1973 to ensure the earliest possible occupation of office accommodation newly leased for Government departments have been effective?
- (b) What is the average time lapse now between the leasing date and the occupation date?

THE COLONIAL SECRETARY: —Sir, it is not yet possible to assess accurately how effective the new procedures for fitting out leased office accommodation, which were introduced at the end of September 1973, have proved to be. This is because only a few leases have been entered into since September 1973, and because the financial situation has necessitated a general re-examination of leasing proposals, and this has caused delays.

Generally, however, it appears that fitting out projects which were approved before September 1973 have been accelerated and some have been completed within the approved period under the new procedure, which is about 22 weeks for larger premises.

An average of the time between leasing dates and occupation dates would be misleading, because the period ranges from a minimum of a few weeks to a maximum of several months, depending on the area and type of space to be fitted out.

I would like to assure the honourable Member that the Government is fully aware of the need to reduce the period between leasing and occupation to the minimum.

MR LI: —Sir, may I ask my honourable Friend the Colonial Secretary whether there are any premises which were leased before September 1973 and which are still not occupied?

### Oral answers

THE COLONIAL SECRETARY: —I am afraid I cannot answer that question, but I will make the necessary inquiries and send a written reply to the honourable Member.

*(The following written reply was provided subsequently).*

*The answer is that we have occupied all those premises which we had agreed to lease before September 1973.*

### Telephone Advisory Committee Report

2. MR WANG asked: —

What steps will Government take to implement the recommendations in the 16th Report of the Telephone Advisory Committee?

THE FINANCIAL SECRETARY (ACTING): —Sir, the main recommendation of the latest report of the Advisory Committee on Telephone Services is that the Telephone Company should review its policy of providing telephone services to an area only after sufficient demand has arisen. The committee regards this policy, which continues to be reflected in the company's expansion programme, as unduly conservative.

The Post Office, together with the Economic Services Branch of the Colonial Secretariat, is following up the committee's recommendations by undertaking a study of the company's forecast of the demand for telephone services and its capital investment and expansion programmes. From this study, which will be examined by the Advisory Committee, specific recommendations on improving the services of the Telephone Company can be formulated. The Government will then be in a position to discuss with the company the implementation of any specific proposals.

The study will also enable the Government to pursue with the Telephone Company another recommendation from the committee that revenue from profitable areas should subsidize the development and provision of services to unprofitable areas.

DR CHUNG: —Sir, will my honourable Friend inform this Council what steps Government is taking to implement another recommendation of the Advisory Committee on Telephone Services regarding the splitting of telephone directories by alphabet in the English version

and by the number of strokes in the Chinese version instead of by geographical areas?

THE FINANCIAL SECRETARY (ACTING): —The short answer at the moment, Sir, is none. The report does indeed mention the committee's preference for splitting the directory in this way. The change was resisted by the Telephone Company. The present legislation does not give us power to direct the company as to the form of the directories, but revision of the existing ordinance is now being considered by the Advisory Committee and this particular aspect will be reconsidered first in that forum.

MR CHEONG-LEEN: —How long is it estimated that this study will take? Will it be completed before the end of the year?

THE FINANCIAL SECRETARY (ACTING): —I presume, Sir, that my honourable Friend is referring to the study that I mentioned was being undertaken by the Economic Services Branch and the Post Office of the committee's recommendations in general. I can't make any precise estimate of how long it will take, but I should have thought that it would be unduly pessimistic to assume that it won't be ready before the end of the year.

### **Swimming pools for New Territories**

3. MR WOO asked: —

What plans are being made to provide swimming pools for the residents of the New Territories?

MR ALEXANDER: —Sir, basic planning for swimming pools envisages one such project per 250,000 people.

At present, for the New Territories there are six swimming pool projects in the Public Works Programme. One (in Category A) is being built at Tsuen Wan and is expected to be completed by the end of the year. Four are in Category B—covering Yuen Long, Kwai Chung, Sha Tin and Tuen Mun—and the remaining one (in Category C) is for Fanling.

Sites for four more pool projects have been earmarked at Sha Tin, Tsing Yi, Tuen Mun and Tai Po, but no items have been included so far in the Public Works Programme to cover these projects.

MR WOO: —Sir, I am most concerned about the Fanling project which is in Category C. This has been in the Public Works Programme for 15 years and I would like Government to see that the project be promoted as soon as possible to Category A.

### Oral answers

HIS EXCELLENCY THE PRESIDENT: —Is this a question? (*Laughter*)

MR WOO: —I am asking Government to see that the project be upgraded to Category A at least for the time being.

MR ALEXANDER: —I shall certainly do so, Sir.

MR CHEUNG: —Sir, in order to save money—which is ever, I assure my honourable Friend the Financial Secretary, my concern—and thus to bring about the earlier completion of swimming pools, would Government investigate the feasibility and cost of constructing swimming pools 4 feet deep only, which is now the accepted standard depth for pools used for the teaching of swimming, and for the enjoyment of swimming as such, but where diving is prohibited?

MR ALEXANDER: —Sir, we have a number of training pools in these large complexes and their depths run from 2 feet 3 inches to about 3 feet 6 inches but I'll be happy to look into this problem also.

### Unroadworthy vehicles

4. MR SZETO asked: —

When will legislation be enacted to prevent unroadworthy vehicles from being on the roads?

SECRETARY FOR THE ENVIRONMENT: —Sir, in fact, regulation 18A of the Road Traffic (Registration and Licensing of Vehicles) Regulations already provides for the annual inspection of a vehicle by the Transport Department. Inspections are intended to ensure a vehicle's road worthiness and its compliance with statutory technical requirements.

It is hoped that it may be possible eventually to inspect all vehicles above a certain age at regular periods—possibly as often as once a year—but it will be some time before sufficient inspection areas, manned by qualified staff, are available for this. At present, due to the limited resources available, regular inspections are limited to public vehicles.

MR SZETO: —Sir, is my honourable Friend aware that a very serious accident occurred last month in the Cross Harbour Tunnel and the vehicle involved completely disintegrated; and it was later described

that it was virtually held together by its own paint? Now does my honourable Friend know how old that vehicle was?

SECRETARY FOR THE ENVIRONMENT: —No, Sir.

### **Stamp duty on share transfer transactions**

5. MR CHEONG-LEEN asked: —

Will Government consider reducing the stamp duty on share transfer transactions on the four local stock exchanges?

THE FINANCIAL SECRETARY (ACTING): —Sir, members of the four recognized stock exchanges and others have recently submitted a petition requesting Your Excellency to review the rate of stamp duty on contract notes in respect of share transactions and to restore it to its former level of \$2 per thousand.

Consequently, I do not think it would be appropriate for me to make any comment on this issue this afternoon.

### **Displaying bus route numbers**

6. MRS SYMONS asked: —

Will Government ask the bus companies to display the number of the route on the back as well as the front of buses?

SECRETARY FOR THE ENVIRONMENT: —Sir, I am informed that, on some buses, the display panel at the back is blocked off but, in fact, regulation 20 of the Road Traffic (Public Omnibus, Public Light Bus and Public Car) Regulations requires the driver and conductor of a bus to display the route number both at the front and at the back.

I will therefore arrange for the Commissioner for Transport to take up the matter with the two bus companies and at the same time re-examine the need for this legal requirement, bearing in mind the widespread introduction of one-man operated buses and the possibility that route numbers displayed on the near side of buses may be more useful for passengers queuing on a pavement than route numbers at the back of the vehicle. By the same token, Sir, I do realize that the route number on the back is helpful for people who've missed the bus. *(laughter)*.

**Oral answers****Tax refunds**

7. MR WONG asked: —

How long does it take on average for the Inland Revenue Department to process a claim for refund of salaries or profits tax?

THE FINANCIAL SECRETARY (ACTING): —Sir, the Commissioner of Inland Revenue informs me that he has never attempted to strike an average for the time it takes to process claims for refund of salaries or profits tax. The amount of investigation required—and the time taken to do it—can, as my honourable Friend will recognize, vary enormously. The Commissioner tells me, however, that the minimum time for the more straightforward cases is normally between a month and six weeks.

MR WONG: —Sir, in view of the fact that under our system of taxation profit is sometimes estimated or assumed, will Government see to it that the time for refund is kept to the minimum?

THE FINANCIAL SECRETARY (ACTING): —The minimum practicable, with the staff available—yes, Sir.

**Rehousing of Aldrich Bay squatters**

8. MR CHEONG-LEEN asked: —

When will the squatters now living in squalid conditions in Aldrich Bay be rehoused as a result of clearance for reclamation works?

SECRETARY FOR HOUSING: —Sir, I hope that it will be possible to make a start on the long-awaited clearance of this particularly unpleasant squatter area in mid-1976, when new estate accommodation in the Chai Wan area should become available for allocation.

MR CHEONG-LEEN: —Sir, these people have been waiting for rehousing for a very long time. Is there any way that the process of clearance and rehousing can be accelerated?

SECRETARY FOR HOUSING: —Their long wait, Sir, is due principally to their own wish to be rehoused in the Chai Wan area and there will be no new accommodation available in that area before mid-1976.



**Noise pollution—(1)**

9. MR FORSGATE asked: —

Will Government consider implementing the recommendations of the Environmental Pollution Committee to restrict the use of noisy contractor's equipment such as air compressors, pneumatic drills, concrete vibrators *etc.* between 8 *p.m.* and 6 *a.m.* daily and on public holidays, except for authorized emergency work?

SECRETARY FOR THE ENVIRONMENT: —Sir, the recommendation to restrict the use of noisy contractors' equipment between 8 *p.m.* and 6 *a.m.* daily and on public holidays, except for authorized emergency work, was received from the Advisory Committee on Environmental Pollution, or EPCOM as it is usually known, on 24th May this year. It is a practical suggestion which I personally favour very much and I hope it can be implemented at an early date.

However, the implications of the necessary amending legislation will have to be carefully looked into. I would hope that in the way that contractors have been able to re-organize their work schedules to absorb the effects of the ban on pile driving, they should be able to accept an 8 *p.m.* to 6 *a.m.* ban on the use of compressors, drills, concrete vibrators and mechanical hammers. It may, however, be necessary to give due notice of the introduction of such legislation in order that contractors can prepare and price their tenders accordingly.

**Noise pollution—(2)**

10. MR FORSGATE asked: —

Can Government take steps to encourage the use of noise suppression devices on contractors' equipment by stipulating or enforcing noise limits on Government contracts?

SECRETARY FOR THE ENVIRONMENT: —Sir, in fact the Government has already included a standard clause in almost all civil engineering contracts to the effect that all plant and equipment supplied by contractors for use on the works shall be effectively sound reduced by means of silencers, mufflers and accoustic linings *etc.* to a level of 75 decibels (dBA) measured outside the nearest occupied property. A good deal of co-operation has been received from the contractors in trying to satisfy this clause but the noise level of 75 dBA has proved

[SECRETARY FOR THE ENVIRONMENT] **Oral answers**

impractical as the ambient noise level in Hong Kong is often in excess of this.

EPCOM is therefore considering what the appropriate noise level should be and has sought information from other countries as to how they are tackling the problem. The results so far indicate that while there is often legislation on the statute book the enforcement of it presents difficulties. For this reason, as a first step, EPCOM has recommended the 8 *p.m.* to 6 *a.m.* ban on the operation of noisy construction plant explained in answer to the last question. If accepted this should prove of considerable benefit to the community at large.

**Noise pollution—(3)**

11. MR LOBO asked: —

What steps will Government take to reduce noise nuisance caused by motor vehicles, in particular motor cycles?

SECRETARY FOR THE ENVIRONMENT: —Sir, the question of more effective powers to control vehicle noise is being considered by EPCOM, that is the Advisory Committee on Environmental Pollution. All motor vehicles are already required by law to have proper silencers, but the law relating to excessive noise by vehicles is unsatisfactory, in that there is no definition of what constitutes excessive noise. It is, therefore, difficult to produce convincing evidence in court to substantiate a charge that excessive noise was being made by a particular vehicle at a particular time and an overhaul of the legislation is required before police activity on vehicle noise control can be really effective.

EPCOM is considering the possibility of legislation which would follow the pattern of a directive issued by the European Economic Community laying down the noise limits in decibels for various classes of vehicle and the methods of measuring those limits. Unfortunately, the directive is apparently in the process of revision and it may be the end of the year before the new limits are available.

As an immediate practical measure, however, the Commissioner for Transport will intensify the inspection of new models of motor cycles prior to licensing and warn importers that they can expect difficulties if they import models with poor sound reducing qualities.

MR LOBO: —May I ask my honourable Friend if sympathetic consideration could be given to vehicles already in the streets because patients in hospitals have been complaining that they have not been able to sleep at night because of the excessive noise caused by motor-cycles?

SECRETARY FOR THE ENVIRONMENT: —Sir, I sympathize with this because it agrees with my view about motor-cycles generally. Quite often I think the young enthusiast takes out the baffles of his exhaust. But as I have explained it is very difficult for the police sometimes to take proper action. First they have got to catch the man, then they have to inspect his bike and then of course convince the magistrate that the motor-cycle was making excessive noise. I have myself personally taken up this matter with the traffic department of the police. I will do so again.

### **Lion Rock Aerial Ropeway**

12. DR CHUNG asked: —

Will Government inform this Council what progress has been made so far on the proposed Lion Rock Ropeway?

SECRETARY FOR THE ENVIRONMENT: —Sir, none of the three tenders which were received last year for a franchise to construct the cable car to Lion Rock were acceptable because they did not comply with the tender conditions. Two, however, merited further consideration and a comparative evaluation of these two schemes and an assessment of their environmental implications is in hand by the Public Works Department.

It is expected that this will be completed by the end of this month and that a recommendation for the grant of the franchise will be ready for submission to the Governor in Council shortly thereafter.

### **Public Order (Amendment) (No 2) Bill 1972**

13. MR ANN asked: —

Will Government state how many arrests and convictions have taken place since the enactment of the Public Order (Amendment) (No 2) Bill 1972?

SECRETARY FOR SECURITY: —Sir, in the period from 16th December 1972 to 30th April 1974, 876 arrests were made in connection with the offence of possession of offensive weapons in a public place, and of those, 767 persons were convicted.

**Government business****First reading of bills****BUSINESS REGISTRATION (AMENDMENT) BILL 1974****MOTOR VEHICLES (FIRST REGISTRATION TAX) (AMENDMENT)  
BILL 1974****ROAD TRAFFIC (REGISTRATION AND LICENSING OF VEHICLES)  
REGULATIONS (AMENDMENT) BILL 1974**

*Bills read the first time and ordered to be set down for second reading pursuant to Standing Order 41(3).*

**Second reading of bills****BUSINESS REGISTRATION (AMENDMENT) BILL 1974**

THE FINANCIAL SECRETARY (ACTING) moved the second reading of:—"A bill to amend the Business Registration Ordinance and the Business Registration Regulations."

He said:—Sir, this bill implements the proposal the Financial Secretary made, when moving the second reading of the Appropriation Bill last February, to increase fees payable under the Business Registration Ordinance and Regulations. The main changes are to raise from \$25 to \$50 the fee payable on first registration of a business and on the issue of annual business registration certificates and to raise from \$1,000 to \$1,500 per month the average total sales below which a business is exempt from paying the annual fees. At the same time the average total receipts below which a business that sells services is exempt would be raised from \$300 to \$450. The bill would also increase other minor fees under the ordinance. The details of the revised fees are in clauses 4 and 5 of the bill.

The present fees under this ordinance were introduced in 1959. The object in increasing them is to meet the increased cost of administering the ordinance. This increase is expected to yield about \$5 million in revenue in 1974-75.

The changes now proposed have been operative since 1st April this year under an Order made by Your Excellency under the Public Revenue Protection Ordinance.

*Motion made. That the debate on the second reading of the bill be adjourned*—THE FINANCIAL SECRETARY (ACTING).

*Question put and agreed to.*

**MOTOR VEHICLES (FIRST REGISTRATION TAX)  
(AMENDMENT) BILL 1974**

SECRETARY FOR THE ENVIRONMENT moved the second reading of: —"A bill to amend the Motor Vehicles (First Registration Tax) Ordinance."

He said: —Sir, the purpose of this bill is to implement a revenue proposal made by the Financial Secretary in the budget debate. It seeks to raise the rate of the first registration tax introduced in 1961 and levied on private cars, motor cycles and motor tricycles from 10% to 15 % of the value of the vehicle. The scope of the tax is to remain unchanged.

An order has been made by His Excellency the Governor, under section 2 of the Public Revenue Protection Ordinance (Chapter 120), giving full force and effect of law to the provisions of this bill so long as the order remains in force.

*Motion made. That the debate on the second reading of the bill be adjourned*—SECRETARY FOR THE ENVIRONMENT.

*Question put and agreed to.*

**ROAD TRAFFIC (REGISTRATION AND LICENSING OF  
VEHICLES) REGULATIONS (AMENDMENT) BILL 1974**

SECRETARY FOR THE ENVIRONMENT moved the second reading of: —"A bill to amend the Road Traffic (Registration and Licensing of Vehicles) Regulations."

He said: —Sir, as in the case of the last bill, the purpose of this bill is also to implement a revenue proposal made by the Financial Secretary in the budget debate. It proposes the following increases in annual vehicle licence fees which were last adjusted to any major extent in 1966:

[SECRETARY FOR THE ENVIRONMENT]      **Road Traffic (Registration and  
Licensing of Vehicles)  
Regulations (Amendment) Bill—  
second reading**

(a) *Private cars:*

1,000 cc and under	an increase from \$125 to \$350
over 1,000 cc and up to 1,500 cc	an increase from \$200 to \$500
over 1,500 cc and up to 2,500 cc	an increase from \$280 to \$750
over 2,500 cc and up to 3,500 cc	an increase from \$365 to \$1,000
over 3,500 cc and up to 4,500 cc	an increase from \$455 to \$1,250
and over 4,500 cc	an increase from \$550 to \$1,500

(b) *Public cars:*

The same, as I explained for private cars but with the additional fee, as at present, of \$30 for each passenger seat.

(c) *Taxis:*

An increase from \$10 to \$20 for the drivers' seat and from \$30 to \$60 for each passenger seat.

(d) *Motor cycles:*

An increase from \$70 for a solo motor cycle and from \$90 for a motor cycle with a sidecar to \$175 in both cases.

(e) *Public light buses:*

An increase from \$3,000 to \$5,000.

(f) *Goods vehicles:*

The previous fee was \$240 for goods vehicles not exceeding 20 cwt and \$50 for each further 5 cwt up to a maximum of \$2,500. This meant that there were 47 different platforms. It is desirable to simplify this system as well as to produce additional revenue and so four platforms are proposed:

20 cwt and under	\$300
over 20 cwt and up to 45 cwt	\$600
Over 45 cwt and up to 75 cwt	\$900
and over 75 cwt	\$1,200

Once again an order has been made by His Excellency the Governor, under section 2 of the Public Revenue Protection Ordinance (Chapter 120), giving full force and effect of law to the provisions of this bill so long as the order remains in force.

*Motion made.* That the debate on the second reading of the bill be adjourned—SECRETARY FOR THE ENVIRONMENT.

*Question put and agreed to.*

## **LABOUR TRIBUNAL (AMENDMENT) BILL 1974**

### **Resumption of debate on second reading (22nd May 1974)**

*Question proposed.*

DR CHUNG: —Your Excellency, two weeks ago a group of Unofficial Members of this Council paid a visit to the Labour Tribunal at Permanent Comfort Building to see the tribunal at work. We were very much impressed by the informal, efficient and effective manner in which the tribunal proceedings were conducted.

During a discussion with the two presiding officers, we were also very much impressed by the considerable success achieved by the tribunal since its inception in March 1973. The tribunal has been able on an average to deal with four to five cases per working day and the average waiting time for a case to be heard was about three weeks which was well within the limit of 30 days as stipulated in section 13 of the principal ordinance. We were glad though somewhat surprised to hear that approximately half of the cases brought to the tribunal were settled by mutual agreement without the necessity of imposing a ruling by the presiding officer. These statistics are a record of success and I agree with my honourable Friend, the Attorney General, that the Labour Tribunal has established itself and should be made a permanent part of the Judiciary.

Sir, taking this opportunity I would like to comment on three points relating to the Labour Tribunal. First, the nature of claims dealt by the tribunal. As expected, about half of the cases brought to the tribunal during the past 15 months were disputes concerning payment on redundancy. It is therefore hoped that the Government will make every effort to have the legislation on severance pay due to redundancy enacted before the end of the current session as assured by

[DR CHUNG] **Labour Tribunal (Amendment) Bill—resumption of debate on second reading (22.5.74)**

my absent honourable Friend, the Secretary for Social Services, a month ago in this Council.

My second point, Sir, concerns the limitation imposed on the jurisdiction of the Labour Tribunal. During our visit, one of the cases dealt with by the tribunal was the claim by a watchman against his employer for back-pay on overtime and rest days since March 1973. According to section 9 of the principal ordinance the tribunal has no jurisdiction to inquire into or determine a claim or part of a claim if the cause of action had arisen more than six months before the date on which the claim is filed, unless the parties to the claim have agreed that the tribunal shall have jurisdiction. Even when the cause of action in a claim arose partly before and partly after the six-month period of limitation, the tribunal can not sever that part of the claim over which it has no jurisdiction and hear and determine the part over which it has jurisdiction, unless and until both parties concerned are agreed. This situation, in my view, is not satisfactory, particularly when about half of the cases dealt with by the tribunal are related to redundancy payments which without much exception would date back for more than six months. I therefore urge the Government to reconsider section 9 of the principal ordinance with a view to either removing or at least extending the six-month time limitation imposed on the jurisdiction of the Labour Tribunal.

My final point is about the location of the tribunal. We were informed by the presiding officers that approximately 55 *per cent* of the cases heard were from Kowloon, 20 *per cent* from the New Territories and only 25 *per cent* from Hong Kong Island. At present, both tribunals are located in Victoria City. It is recognized that, according to section 17 of the principal ordinance, a presiding officer could sit for the disposal of the business of the tribunal at such places outside the tribunal premises. However, this will be very time consuming as far as the presiding officer is concerned and is not really practical in present day circumstances. Knowing what my honourable Friend, Mr T. K. ANN, is going to say on this amending bill, I support his proposal that when a third tribunal is considered, it should and would be sited on the Kowloon peninsula.

With these remarks, Sir, I have pleasure in supporting the bill before Council.



MR ANN: —Sir, I support the Labour Tribunal (Amendment) Bill 1974.

The Labour Tribunal Ordinance was a success after an experimental period of fourteen months. I was a member of the UMELCO group visiting the Labour Tribunal in proceedings before the present bill was to be considered. We were extremely pleased that the experiment was such a success.

We understand from the presiding officer and the newly appointed second presiding officer that up to now a total number of 1,479 cases have been handled by the tribunal. Almost 95 *per cent* of the cases were initiated by the conciliation services of the Labour Department after attempts at conciliation between employers and employees failed. The biggest case involved 169 people and only 30 cases resulted in appeals.

Judging from the facial expressions of the workers in the waiting room when we visited the Labour Tribunal, who were either smiling or obviously cherishing an earnest hope of ultimate satisfaction, I am sure the tribunal must have earned the confidence of the workers. Availability of this mechanism to settle differences between employers and employees on money matters has certainly contributed to the obtaining of a serene atmosphere in the industrial scene.

It is said that most of the cases refer to lay-off or redundancy allowances. We have reason to believe that legislation in these respects may yet be inadequate.

It is gratifying to note that employees of commercial firms including restaurants are also widely using this public service, conducted in Cantonese and in such an informal, dignified and effective manner, incurring no expenditure on either side. It is a right conclusion that the Labour Tribunal should be put on a permanent basis in the Judiciary.

At the moment, both courts are sited on Hong Kong Island, whereas most of our factories are on the peninsula. It is hoped that if and when a third court is considered, it will be sited on Kowloon side.

Sir, with these comments, I support the bill before Council.

MR CHEONG-LEEN: —Sir, the performance of the Labour Tribunal has been a success because the procedure is both informal and simple.

[MR CHEONG-LEEN]      **Labour Tribunal (Amendment) Bill—resumption  
of debate on second reading (22.5.74)**

Furthermore, the language used is generally Cantonese, which makes for better understanding and a climate of confidence in arriving at fair solutions to cases coming before the tribunal.

What is also commendable is the speed with which decisions are arrived at, which is between two to three weeks after a case is taken up. Perhaps even this period can be shortened in time to come.

I do agree with my two colleagues who have already spoken that there should be tribunals on Hong Kong Island and in Kowloon. However as 75 per cent of the cases emanate from Kowloon and the New Territories, it would seem desirable that, instead of having two tribunals on Hong Kong Island, one on the Island would be sufficient, with another one or even two tribunals in Kowloon, depending upon the demand.

It is interesting to note the co-operation between the Labour Department's Labour Relations Service and the labour tribunal system. Many of the cases seem to be referred by the Labour Relations Service to the tribunal.

This co-operation is definitely for the benefit of industrial and commercial workers, as workers are in practice given preliminary advice through the Labour Relations Service on the lodging of their claims.

It may be pointed out that the Labour Tribunal is not only for the benefit of workers. Employers who feel they have a reasonable case against an employee can always apply to the Labour Tribunal.

May I suggest that Government give the widest possible publicity on the scope of the Labour Tribunal and how it can assist employees as well as employers?

So far, Hong Kong has been reasonably successful in keeping industrial disputes, strikes, *etc.* within an acceptable level. This is most necessary if Hong Kong is to maintain healthy industrial relations and a stable economy.

Now that we are to have a permanent labour tribunal system, we should proceed as quickly as possible to introduce a Labour Relations Bill in order to strengthen the work of the Labour Relations

Service, and to provide for arbitration under certain conditions or in regard to certain key areas of employment such as the public utilities, which have a vital bearing on the well-being of our Hong Kong community.

Sir, I am happy to support the bill.

THE ATTORNEY GENERAL: —Sir, it is gratifying to hear from my honourable Friends their views as to the success of the Labour Tribunal. The points which they have made will, of course, be carefully examined.

My honourable Friend Dr CHUNG also referred to legislation on severance payments. I am glad to be able to say that the Government intends to introduce legislation dealing with this matter during this session of the Council.

*Question put and agreed to.*

Bill read the second time.

*Bill committed to a committee of the whole Council pursuant to Standing Order 43(1).*

### **Committee stage of bill**

Council went into Committee.

### **LABOUR TRIBUNAL (AMENDMENT) BILL 1974**

Clauses 1 to 11 were agreed to.

Council then resumed.

### **Third reading of bill**

THE ATTORNEY GENERAL reported that the Labour Tribunal (Amendment) Bill 1974 had passed through Committee without amendment and moved the third reading of the bill.

*Question put and agreed to.*

Bill read the third time and passed.

**Unofficial Member's motion****ROAD TRAFFIC (CONSTRUCTION AND USE) (AMENDMENT)  
REGULATIONS 1974**

MR CHEUNG moved the following motion: —

That the Road Traffic (Construction and Use) (Amendment) Regulations 1974, published in the *Gazette* as LN 97 of 1974 and laid on the Table of this Council on 22nd May 1974 be amended as follows—

- (i) in the fourth line of paragraph (1) of the new regulation 161A introduced by regulation 8, by deleting the words "as to appear to him" and inserting in lieu the words "that he has reasonable cause to believe the vehicle";
- (ii) in paragraph (2)(a) of the new regulation 161A introduced by regulation 8, by deleting the word "or" and inserting in lieu the word "and";
- (iii) in paragraph (3)(b)(ii) of the new regulation 161A introduced by regulation 8, by deleting the figures and word "21 days" and inserting in lieu the words "one month".

He said: —Sir, it is right that public road space should not serve as a junkyard for abandoned vehicles, and on this basis, my Unofficial colleagues agree to the amending regulations made by Your Excellency in Council, but we deem it right that adequate safeguards should be introduced so that an owner who has not abandoned his vehicle should not find it confiscated to the Crown.

There must be indications of the abandonment of the vehicle other than the bare fact that it has been lying about in the street, covered with dust, for a period of time. For example, a vehicle may have been stolen, its licence plates changed, and then the vehicle abandoned, so that the report of the theft of the vehicle would not necessarily lead the police to its identification. The police ought if they think the vehicle is abandoned or has been abandoned to have in their possession evidence which gave them reasonable cause to come to that conclusion and if called upon to do so, they should be able to justify how they came to that belief. My colleagues and I, therefore, believe that the first of the amendments in the Order Paper would achieve that purpose.

The second amendment, Sir, introduces another safeguard; as originally enacted, a notice fixed to the car would have been sufficient notice to the owner, but as we all know notices fixed on to a car have a good prospect of not coming to the notice of the owner because it can be blown away or it can be removed by urchins. We think it reasonable, therefore, that the police should notify the owner both by fixing a notice to the vehicle and by sending it to him by registered post.

Lastly, while storage of abandoned vehicles may take up Crown land, we do not think that the owner's rights should be cut off without a reasonable period in which he could make a claim upon the vehicle. It is commonplace for 4 or even 7 days to elapse between the date which appears on the letter emanating from a Government office and its receipt by the addressee.

Accordingly, we think it right to extend the period of 21 days originally proposed to one month.

Sir, I beg to move.

THE ATTORNEY GENERAL: —Sir, I have discussed my honourable Friend's proposed amendments with my honourable Friend, the Secretary for the Environment. They have our support.

It is, I think, appropriate for me, Sir, to refer to one other matter, though it does not arise directly out of my honourable Friend's motion as it now stands. My honourable Friend's concern as to the effect of another provision of these amending regulations, which deals with glass which might obscure the view of the interior of a vehicle, was such as to lead him to think that another amendment to the regulations was necessary. I am happy to say that I have been able to agree with him that an amendment is not necessary, and my honourable Friend has not therefore pursued the matter. He did, however, invite me to say publicly, as I gladly do, that nothing in that provision was intended to or does affect tinted glass as fitted to cars by their manufacturers. This neither obstructs the view of the interior of the car nor does it give rise to potentially dangerous reflections. I did not ask my honourable Friend whether his own car is fitted with such glass.

MR CHEUNG: —Sir, the glass of my car is merely dimmed. (*laughter*).

*Question put and agreed to.*

**Adjournment and next sitting**

HIS EXCELLENCY THE PRESIDENT: —In accordance with Standing Orders I now adjourn the Council until 2.30 p.m. on Wednesday the 19th of June.

*Adjourned accordingly at a quarter past three o'clock.*