

**OFFICIAL REPORT OF PROCEEDINGS****Wednesday, 2nd July 1975****The Council met at half past two o'clock****PRESENT**

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)  
SIR CRAWFORD MURRAY MACLEHOSE, KCMG, KCVO, MBE  
THE HONOURABLE THE COLONIAL SECRETARY  
SIR DENYS TUDOR EMIL ROBERTS, KBE, QC, JP  
THE HONOURABLE THE FINANCIAL SECRETARY (*Acting*)  
MR DAVID GREGORY JEAFFRESON, JP  
THE HONOURABLE THE ATTORNEY GENERAL  
MR JOHN WILLIAM DIXON HOBLEY, QC, JP  
THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS  
MR DENIS CAMPBELL BRAY, CVO, JP  
THE HONOURABLE JAMES JEAUVONS ROBSON, CBE, JP  
SECRETARY FOR THE ENVIRONMENT  
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 LI FOOK-KOW, CMG, JP  
SECRETARY FOR SOCIAL SERVICES  
THE HONOURABLE DAVID AKERS-JONES, JP  
SECRETARY FOR THE NEW TERRITORIES  
THE HONOURABLE LEWIS MERVYN DAVIES, CMG, OBE, JP  
SECRETARY FOR SECURITY  
THE HONOURABLE DAVID WYLIE MCDONALD, JP  
DIRECTOR OF PUBLIC WORKS  
THE HONOURABLE KENNETH WALLIS JOSEPH TOPLEY, JP  
DIRECTOR OF EDUCATION  
THE HONOURABLE JAMES DAVID MCGREGOR, ISO, JP  
DIRECTOR OF COMMERCE AND INDUSTRY (*Acting*)  
THE HONOURABLE JAMES NEIL HENDERSON, JP  
COMMISSIONER FOR LABOUR (*Acting*)  
DR THE HONOURABLE CHUNG SZE-YUEN, CBE, JP  
THE HONOURABLE LEE QUO-WEI, ORE, JP  
THE HONOURABLE OSWALD VICTOR CHEUNG, OBE, QC, JP  
THE HONOURABLE ROGERIO HYNDMAN LOBO, ORE, JP  
THE HONOURABLE MRS CATHERINE JOYCE SYMONS, OBE, JP  
THE HONOURABLE JAMES WU MAN-HON, OBE, JP  
THE HONOURABLE HILTON CHEONG-LEEN, ORE, JP  
THE HONOURABLE LI FOOK-WO, ORE, JP  
THE HONOURABLE JOHN HENRY BREMRIDGE, JP  
THE HONOURABLE MRS KWAN KO SIU-WAH, MBE, JP  
THE HONOURABLE LO TAK-SHING, JP  
THE HONOURABLE FRANCIS YUAN-HAO TIEN, OBE, JP  
THE HONOURABLE ALEX WU SHU-CHIH, OBE, JP

**ABSENT**

THE HONOURABLE PETER GORDON WILLIAMS, OBE, JP  
DR THE HONOURABLE HARRY FANG SIN-YANG, OBE, JP

**IN ATTENDANCE**

THE CLERK TO THE LEGISLATIVE COUNCIL  
MR KENNETH HARRY WHEELER

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**Welcoming of new Member and valedictory**

HIS EXCELLENCY THE PRESIDENT: —I should first of all like to welcome Mr Alex WU to the Council. Before proceeding to the business on the order paper, I should like to pay tribute to Mr Wilson WANG who, after seven years in this Council, has earned a very well deserved retirement. Mr WANG has a very long record of distinguished public service including vice-chairmanship of the School Medical Service Board, membership of other bodies including the Po Leung Kuk Permanent Board of Direction and the Advisory Board and Medical Committee of the Tung Wah Group of Hospitals. Of course he is particularly well known for his work in furthering the Duke of Edinburgh's Award scheme and indeed many schemes for recreation for youth. As regards his work on this Council, I think he will be particularly remembered for the independence and individuality of his contributions, and also I might say for his determined preference for short sleeves no matter how cold the air-conditioning (*laughter*).

I am sure all Members will join me in expressing gratitude to Mr WANG for his contribution to the work of this Council and in wishing him success and happiness in the future.

DR CHUNG: —Your Excellency, in rising to support what you said about Mr WANG, I would like to say a few words.

I have probably known Mr WANG longer than most of us here. I was one of his classmates at the Hong Kong University—actually we were in the same class taking the engineering course. In the last few years, I have worked very closely with him in the Legislative Council and I endorse every word that you have said, Sir, about his courage, hard work and community mindedness, and I would like to associate myself with the remarks you, Sir, have made about him. We wish him every success in the future.

## Papers

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

<i>Subject</i>	<i>LN No</i>
<b>Subsidiary Legislation:</b>	
Dutiable Commodities Ordinance.	
Dutiable Commodities (Liquor) (Amendment)	
Regulations 1975 .....	149
Rating Ordinance.	
Rating (Areas of Hong Kong) (Amendment) Order	
1975 .....	150
Auxiliary Forces Pay and Allowances Ordinance.	
Auxiliary Forces Pay and Allowances Ordinance	
(Amendment of Schedule) Notice 1975 .....	152
Auxiliary Forces Pay and Allowances Ordinance.	
Pay Classification (Auxiliary Medical Services Unit)	
Assignment Notice 1975 .....	153
Auxiliary Forces Pay and Allowances Ordinance.	
Pay Classification (Civil Aid Services Unit)	
Assignment (Amendment) Notice 1975 .....	154
Auxiliary Forces Pay and Allowances Ordinance.	
Pay Classification (Royal Hong Kong Auxiliary Police	
Force) Assignment (Amendment) Notice 1975 ...	155
Revised Edition of the Laws Ordinance 1965.	
Annual Revision 1974 .....	156
Summary Offences Ordinance.	
Summary Offences Ordinance (Exemption from	
Section 13) (No 5) Order 1975 .....	157
Public Health and Urban Services Ordinance.	
Pleasure Grounds (Amendment) By-laws 1975 .....	158
<b>Sessional Paper 1974-75:</b>	
No 44—Supplementary provisions for the quarter ended 31st March 1975	
(published on 2.7.75).	

**Oral answers to questions****Inland Revenue Department—information supplied to**

1. MR F. W. LI asked: —

Sir, will Government confirm that there will be no breach of secrecy in regard to information in the hands of the Inland Revenue Department when any of this information is fed into the central Government computer?

THE FINANCIAL SECRETARY (ACTING): —Yes, Sir, I can so confirm. All the staff involved will be covered by the official secrecy provisions in section 4 of the Inland Revenue Ordinance.

MR F. W. LI: —Sir, has any case of alleged breach of secrecy been brought to the notice of the Commissioner of Inland Revenue or to the Secretariat?

THE FINANCIAL SECRETARY (ACTING): —None, Sir, not as far as using electronic data processing is concerned.

**Industrial accidents**

2. MR CHEONG-LEEN asked: —

Sir, (a) how many deaths and serious injuries have occurred from industrial accidents between 1st January 1975 and 31st May 1975 as compared to the same period last year, and

(b) will there be stepped-up measures to reduce the level of such accidents?

MR HENDERSON: —Sir, in the period 1st January 1974 to 31st May 1974, there were 99 fatal accidents and 11,717 non-fatal accidents reported. In the corresponding period in 1975 there were 82 fatal accidents and 11,619 non-fatal accidents reported. These figures relate to all occupational accidents, not simply to industrial accidents. However, by far the majority of such accidents were in the latter category. Separate figures for serious injuries are not available as the department

does not normally categories injuries in such a way for statistical purposes.

With regard to the second part of the question, a reduction in occupational accident rates can only be the result of a multi-pronged attack. I would hope further progress will be made on a number of fronts over the next year or so. Honourable Members will be well aware of the legislative steps that have been taken by way of safety regulations in recent years, and there are other such regulations at various stages of consideration. Of particular importance will be the Guarding of Machinery Regulations which I expect to bring before this Council for approval during the next session.

But legislative steps must be backed up by an active inspectorate with a pragmatic and helpful approach capable of giving constructive advice, using prosecution only where co-operation cannot be obtained or demonstrable negligence has occurred. We have therefore to ensure that the most effective use is made of the limited resources of the Factory Inspectorate. I commissioned an Organization and Methods survey on the work of the Inspectorate last year. Their report has now been received. The bulk of the recommendations will be implemented during the coming months. The most significant improvement to be obtained will be to increase substantially field inspection time as against time spent in routine office procedures. This will greatly increase the coverage and effectiveness of the Inspectorate.

I have been fortunate in having the services of a member of the United Kingdom Factory Inspectorate as a Labour Adviser. He is producing a number of reports on various aspects of industrial safety and the development and training of the Factory Inspectorate. As resources can be allocated or re-allocated to implement his recommendations, I am sure that a more sustained and well-directed offensive to reduce accidents will be developed.

Finally, our first tentative steps in the vital education in this field by way of exhibitions, publicity, courses at the Industrial Safety Training Centre, and so on, are beginning to bear fruit. There is a welcome response from employers as shown by the appointment of safety officers or committees by employers' organizations, and a most valuable liaison has been built up with the Building Contractors' Association and the Society of Builders as a result of the introduction of the Construction Sites (Safety) Regulations.

[MR HENDERSON] **Oral answers**

I would see all these developments as constituting stepped-up measures to reduce the level of industrial accidents, but in the last analysis it is an unending process which ultimately depends on the safety consciousness of individuals, from board chairmen to workers.

### **Compensation for industrial accidents**

3. MR CHEONG-LEEN asked: —

Sir, (a) how long does it take on the average for the families of victims of industrial accidents to receive compensation, and

(b) is anything being done to reduce unwarranted delays in the payment of such compensation?

MR HENDERSON: —Sir, it is not possible to give any very meaningful average of the time taken for the families of victims of fatal industrial accidents to receive compensation. However an analysis of the cases reported to the Workmen's Compensation Unit during the calendar year 1974 can be broken down as follows. There was a total of 234 cases reported. Of these 164 have been referred by the Unit to either the District Court or to the Legal Aid Department; in addition 54 cases have been closed for various reasons, but mainly because the death was subsequently accepted to have been by natural causes or in some other way the ordinance was not applicable, and 16 remain current mainly due to lack of supporting documentation.

Out of the 164 cases referred to the courts or Legal Aid Department, 92 have been completed and awards made by the court. Of these 92, the time for settlement from report to the Labour Department to receipt of payment was: 6 within 3 months, 34 within 6 months, 23 within 9 months, 22 within 12 months, and 7 more than a year.

The problem in these cases is *not* one of trying to settle the quantum of the compensation with the employer or the insurance companies—this is normally clear. The long time taken in such cases is because of the need to document the death, to identify the dependants, ascertain the degree of the dependence, and the apportionment between the dependants. No action can be initiated until a death certificate is obtained, this is usually within a week to 10 days but can be much longer if an inquest is held. Thereafter all the remaining steps normally

involve the courts. For the cases referred to the courts, and in many cases also to legal aid, progress then depends on legal procedures and crowded court diaries, and are outside the control of the department. There is however one special factor in many of these cases which accounts for the apparent long delay in such cases. This is where the dependants reside in China or there are eligible dependants both there and in Hong Kong. In such cases certificates of relationship, exit permits and powers of attorney have to be obtained from China, and the courts here normally will only accept such documents when they have been authenticated by Embassy officials in Peking.

With regard to the second part of the question, I would not, generally speaking, accept that in this type of case that there is much avoidable delay either by employers, insurance companies, or the department. Time-consuming legal processes must be gone through to establish the legitimacy of dependants' claims and often such cases are complex, and as I have indicated, the necessary documentation, if it were to exist at all, is sometimes not readily obtainable. The department is however engaged on drafting instructions for a general revision of the Workmen's Compensation Ordinance, and the opportunity will be taken to reduce the areas of delay insofar as this is legally feasible.

MR CHEONG-LEEN: —Sir, to my honourable Friend's recollection, has the department during the last year received many complaints of long delays pending payment of compensation?

MR HENDERSON: —If my honourable Friend is referring to the fatal cases, not very many; but the applicants themselves are often aware of the difficulties of obtaining documents from wherever they may be and, in some cases, I should say there is indeed difficulty in finding who the dependants are.

## **Government business**

### **Motion**

#### **BANK NOTES ISSUE ORDINANCE**

THE FINANCIAL SECRETARY (ACTING) moved the following motion: —

That the powers of all the note-issuing banks to make, issue or re-issue and circulate notes are extended until and including the 12th July 1976.

[THE FINANCIAL SECRETARY (ACTING)] **Motion**

He said: —Sir, the Bank Notes Issue Ordinance lays down that the powers of the note-issuing banks lapse automatically unless renewed by this Council from time to time. The present powers of these banks expire on 12th July 1975. It is proposed in this motion that these powers should be renewed for the maximum permissible period of twelve months. It does not in any way alter them.

*Question put and agreed to.*

**TEMPORARY RESTRICTION OF BUILDING  
DEVELOPMENT (MID-LEVELS)  
ORDINANCE**

MR McDONALD moved the following motion: —

Pursuant to section 5 of the Temporary Restriction of Building Development (Mid-levels) Ordinance, that the said ordinance shall expire on the 31st July 1977.

He said: —Sir, I rise to move the resolution standing in my name on the Order Paper which has the effect of extending the restriction on building development in the Mid-levels area to the 31st July 1977.

When all the building projects currently under construction and approved in this area have been completed the number of flats will have increased to 11,000 and the population to 44,000. I must stress that this represents an increase in the population of the area of more than 50% since the ordinance was brought into force in 1973 and the impact of this large increase has yet to be felt.

The lifting of the present statutory restriction on development would mean that a further 2,800 flats could be built under existing lease conditions and planning controls, and the population would rise to about 55,000 or nearly double the 1973 figure.

The recent lifting of restrictions in the Pok Fu Lam area means that about 1,000 more flats will be built there, and considered together with planned public housing will bring the Pok Fu Lam population from about 59,000 to around 75,000.

These figures show that the completion of residential accommodation already under construction, approved or possible will generate peak hour traffic far in excess of the capacity of the Mid-levels traffic



corridor. Any additional development permitted would make the situation much worse.

Despite the success of the traffic management scheme introduced in the Mid-levels area, which has resulted in a 30% increase in bus usage, there has been no marked reduction in car use in this area. Further management measures have been investigated, but those which are practicable will only produce a small improvement in traffic conditions.

It can therefore be seen that existing transport and highways systems serving Mid-levels and Pok Fu Lam are unlikely to be improved sufficiently to allow the lifting of the building restrictions in the Mid-levels area or the modification of lease conditions and easing of planning controls in Pok Fu Lam.

At this point, Sir, I would like to express thanks to my honourable Friend Mr James Wu for his suggested alternatives to the Water Street flyover scheme. Although his proposals cannot be adopted for practical reasons, investigations into them threw up a further and similar possibility which is now under study and which might show considerable savings both in cost and construction time.

Honourable Members will be aware that a very large number of public works projects have had to be postponed in the light of the budgetary situation. However, planning for the items required to alleviate the traffic problem in these areas, which will involve expending over \$400 million, has now reached the stage where, provided that the revenue position for the next financial year is as forecast by the Financial Secretary in his budget speech, the programme of works will be started next year.

*Motion made. That the debate on this motion be adjourned*—MR McDONALD.

*Question put and agreed to.*

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

#### **Supplementary provisions for the quarter ended 31st March 1975**

Council went into Committee, pursuant to Standing Order 58(2), to consider the motion standing in the name of the FINANCIAL SECRETARY (ACTING).

## Motions

THE FINANCIAL SECRETARY (ACTING) moved the following motion: —

That this Council approves the proposals set out in Paper No 44.

He said: —Sir, the schedule of supplementary provision for the fourth quarter of the financial year 1974-75 (that is from 1st January to 31st March 1975) totals \$586.5 million. This is an increase compared with \$216.9 million for the previous quarter and a reduction compared with \$609.6 million for the corresponding period in 1973-74.

The Finance Committee has approved all the items in the schedule and the purpose of this motion is to seek the covering authority of this Council.

In tabling the schedule of supplementary provision for the third quarter of the financial year 1974-75, the Financial Secretary referred to his last budget speech in which he predicted a deficit of \$410 million. In the event, the actual cumulative deficit at the end of March 1975 was nearly \$380 million.

*Question put and agreed to.*

Council then resumed.

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

*Question agreed by the whole Council pursuant to Standing Order 58(4).*

## First reading of bills

**OBJECTIONABLE PUBLICATIONS BILL 1975**

**SUMMARY OFFENCES (AMENDMENT) (NO 3) BILL 1975**

**MASS TRANSIT RAILWAY (LAND RESUMPTION AND RELATED PROVISIONS) (AMENDMENT) BILL 1975**

**LANDLORD AND TENANT (CONSOLIDATION) (AMENDMENT) (NO 3) BILL 1975**

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

## Second reading of bills

### OBJECTIONABLE PUBLICATIONS BILL 1975

THE ATTORNEY GENERAL moved the second reading of:—"A bill to prohibit publications of an indecent, obscene, revolting or offensive nature or which are harmful to juveniles."

He said:—Sir, it is a response to mounting public concern about the increasing amount of objectionable publications, whether pornographic or otherwise objectionable, which are available here. That concern, Sir, was eloquently voiced by the honourable Miss Ko at the beginning of this session. She has lost no opportunity since then to remind Officials of the need for swift action to halt a deteriorating situation. I hope, Sir, that this bill makes it quite clear that the Government shares the general concern.

Public opinion, Sir, has been expressed most vociferously in recent months in relation to publications aimed at juveniles, but that must not be allowed to obscure the deep concern which is also felt about pornographic matter generally. There is no doubt that by and large our community makes no concessions to the liberal attitudes which have prevailed elsewhere. The bill does not change the test by which publications in general are to be judged. The question will continue to be whether they are of an "indecent, obscene, revolting or offensive" nature. It has been suggested that those words should be defined. I do not think that is necessary. Their ordinary meaning is clear enough, and taken together they are wide enough to ensure that effect can be given to the community conscience which the law seeks to reflect. And we should perhaps remind ourselves that the test embraces material which is objectionable otherwise than because it is pornographic.

The bill will alter the law as it affects objectionable publications aimed at younger members of the community. The new provision applies to publications consisting of or containing stories told in pictures, whether or not there is also written matter. That, Sir, is the legal draftsman's parlance for a strip cartoon, but it extends to other publications consisting of pictorially presented stories. Why is this change proposed? Because stories presented in this way are readily absorbed. So much for the application of the new provision. What is its effects? It is a declaration by this Council that pictorially presented stories of specified kinds are to be treated as objectionable, notwithstanding that they may not be otherwise objectionable under the bill. I shall not list all the types of stories which are to be declared objectionable. They are set out in clause 3(3) of the bill. Suffice it to say that

[THE ATTORNEY GENERAL] **Objectionable Publications Bill—second reading**

the list extends much beyond pornographic matter and includes portrayals of crime in undesirable ways, portrayals of excessive violence or cruelty and portrayals of seduction, rape or sexual perversion.

This important change concerns the principles underlying the law. The remaining changes are concerned with its enforcement.

Firstly, the bill introduces three offences. They relate to "objectionable articles", and it is important in considering their scope to remember that the word "article" extends beyond publications to novelties which are designed to be looked at, to film, to sound recordings and to things intended for use in the reproduction or manufacture of objectionable publications, film or recordings. Two of the offences are new. One will prohibit the possession of objectionable articles, as so defined, either with a view to publication for gain or with a view to the reproduction or manufacture of objectionable articles to be published for gain. The other, Sir, bans the import of objectionable articles which are to be published for gain.

Secondly, the bill proposes much increased maximum penalties for all three offences. There is no doubt that the trade at which the bill is aimed is a lucrative one. Some of those involved in it are also involved in other forms of vice.

Thirdly, the bill makes provision for the mandatory forfeiture of objectionable articles in respect of which offences have been committed. It also empowers the courts to order the forfeiture of film projectors, of machinery (including printing presses), plates and other material used for printing copies of objectionable publications and of other equipment used to manufacture or reproduce objectionable articles. The present law permits the forfeiture only of objectionable publications and film projectors. There is detailed provision in clause 9 of the bill with respect to the procedure to be followed before forfeiture is ordered, which will ensure that owners and others have a full opportunity to be heard.

I believe, Sir, that this bill will provide the framework within which effective action can be taken to curb the flood of objectionable material which assails us. I also hope that its severity, for it is indeed quite severe, will of itself deter some. But we must not think that its enforcement is a simple matter. As I remarked when I spoke on this subject during the debate at the beginning of this session, enforcement of the law relating to objectionable matter must be undertaken by

experienced police officers. The Government intends to seize the opportunity which this bill presents for action against such matter, but the fact remains that the resources which the Commissioner of Police can devote to this field are limited.

Miss Ko: —

*(Address delivered in the Cantonese dialect. The following is the interpretation of what Miss KO said).*

Sir, the presentation of the Objectionable Publications Bill 1975 within this session is a commendable accomplishment. This important bill seeks to repeal and replace the inadequate Indecent Exhibitions Ordinance with more positive and stringent provisions for dealing with pornographic and other offensive publications in Hong Kong. One of its particular aims is to discourage the portrayal of violence and sex in publications intended for children and young people.

The Objectionable Publications Bill 1975 is more comprehensive than the Indecent Exhibitions Ordinance and should prove a valuable weapon in the fight against pornography. It includes some new areas which are absent in the Indecent Exhibitions Ordinance and strengthens some of the original provisions of that ordinance. In the bill an objectionable article is more clearly defined, particularly an objectionable article intended for, or likely to be read by, juveniles. These more clearly defined criteria will help identify objectionable literature now on the open market and should make the task of prosecution less difficult.

The bill is also designed to prohibit the importation of objectionable articles, films and plates prepared for reproducing articles as well as the possession of them.

As provided for in clause 4 the penalty for offences committed under the bill has been increased from a fine of \$5,000 and 6 months' imprisonment to a fine of \$100,000 and 3 years' imprisonment. This increased penalty should go a long way to deterring the would-be offender.

The provisions relating to search, seizure and forfeiture have also been strengthened in the bill.

In order to make the implementation of the bill more effective, more and regular investigation and prosecution by the Police Force and the other departments concerned are necessary. I feel sure one of

[Miss Ko]     **Objectionable Publications Bill—second reading**

the problems will be the strengthening of the relevant sections or units of the departments concerned. For example, the Newspapers and Publications Registration Unit of the Home Affairs Department, which is responsible for the registration of newspapers and publications and the examination of any publication considered obscene, should be strengthened. Likewise, the Police Force and the Prosecution Section of the Legal Department also should be strengthened. The public at large must also play its part by co-operating and, wherever possible, assisting these departments in their work.

In combating social ills legislation serves only as a deterrent. Positive measures are equally important. I am sure that no one would disagree that more libraries, especially children's libraries, are needed if good reading material is to be easily accessible to children. I hope, therefore, that the Urban Council and the voluntary organizations concerned will take all possible steps to ensure that this very important requirement is not overlooked. I have been informed that many primary schools do not have libraries or reading rooms and I would urge my honourable Friend, the Director of Education, and school authorities to look into this matter to see what can be done to rectify the deficiency not only in the long term but also in the short term by way of providing reading space or rotating displays of reading material in classrooms. It would also be a great help if parents, teachers and social welfare workers who work with children and youth would pay more attention to what publications the children are being exposed to and give them some guidance. In addition, ways should be explored to encourage those in the literary field to produce more attractive, healthy and inexpensive publications especially those aimed at children. I earnestly hope that the Home Affairs Department, working closely with publishers and other organizations, will take the initiative to encourage the production of wholesome reading material in Hong Kong.

I am very happy to see that the community has been concerned about and has been working along these lines against this social evil. Recently some organizations have proposed that the Urban Council set up a large-scale book display to promote healthy reading material for youngsters. In addition, some creative writing contests for youth which emphasize high ideals and life principles are on the way. These are only some examples. All these should be encouraged and supported.

The introduction of the bill makes it clear that the Government is determined to stamp out pornography in Hong Kong and I hope that there will be no delay in implementing the provisions of the bill once it becomes law.

Sir, I support the motion.

*Motion made. That the debate on the second reading of the bill be adjourned*—THE ATTORNEY GENERAL.

*Question put and agreed to.*

### **SUMMARY OFFENCES (AMENDMENT) (NO 3) BILL 1975**

THE ATTORNEY GENERAL moved the second reading of: —"A bill to amend the Summary Offences Ordinance."

He said: —Sir, the Indecent Exhibitions Ordinance, which will be repealed if the Objectionable Publications Bill is enacted, deals with both objectionable exhibitions and objectionable publications. It is considered preferable now to separate the two subjects. Accordingly, the bill which I have just moved confines itself to publications, films, records and related matters. This bill will add to the Summary Offences Ordinance a section prohibiting live performances of an indecent, obscene, revolting or offensive nature. The substance of the law, Sir, will not be changed.

*Motion made. That the debate on the second reading of the bill be adjourned*—THE ATTORNEY GENERAL.

*Question put and agreed to.*

### **MASS TRANSIT RAILWAY (LAND RESUMPTION AND RELATED PROVISIONS) (AMENDMENT) BILL 1975**

SECRETARY FOR THE ENVIRONMENT moved the second reading of: —"A bill to amend the Mass Transit Railway (Land Resumption and Related Provisions) Ordinance."

He said: —Sir, section 12 of the principal ordinance enables the Director of Public Works, or anyone he authorizes, to enter those buildings within the railway area and to a limit of 30 metres outside the railway area in order to carry out surveys for preventive or remedial

[SECRETARY FOR THE ENVIRONMENT]      **Mass Transit Railway (Land Resumption  
and Related Provisions) (Amendment)  
Bill—second reading**

work in those buildings and in order to carry out any work of that nature which is required.

The amending bill proposes to increase the outer limit from 30 metres to 70 metres in order to provide protection against possible effects of railway construction over a wider area. Experience outside Hong Kong shows that underground construction may affect property beyond the 30-metre limit. Whether properties will actually be affected however depends primarily on four conditions:

- the form and construction of buildings;
- the nature of the sub-strata;
- the type of railway structure; and
- the method of railway construction adopted.

The bill also clarifies the phraseology of section 12 to ensure that entry into buildings within the 70-metre limit may be gained whenever reasonably necessary for the purposes of the railway: not only in connection with the carrying out of work of a preventive or remedial nature but also in order that the condition of buildings can be surveyed and recorded. By surveying the condition of buildings before construction of the adjacent length of railway begins, it should be possible to decide which buildings are likely to be affected and then keep these under close observation so that, at the first sign of any effect, remedial work is undertaken without delay.

Pre-construction surveys will also reduce the chance of existing defects in buildings being attributed to railway construction and, at the same time, make it possible for the condition of buildings to be taken into account in the detailed design and construction stages when any special precautions necessary can be taken.

The aim of the bill is, therefore, to provide greater protection for buildings liable to be affected by railway works, and hence greater protection for their owners and occupiers, while at the same time protecting the Mass Transit Railway Corporation from unjustified claims for compensation. It should not be necessary to enter all the properties within the 70-metre limit as much of the recording will be done by photographing the exterior of the buildings. The Director of Public Works has assured me that normally advance notice will be given where entry into



a building is necessary and as little disturbance as possible will be caused to the occupants.

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

*Question put and agreed to.*

**LANDLORD AND TENANT (CONSOLIDATION)  
(AMENDMENT) (NO 3) BILL 1975**

SECRETARY FOR HOUSING moved the second reading of:—"A bill to amend the Landlord and Tenant (Consolidation) Ordinance."

He said:—Sir, this, bill will reinforce a scheme operated by the Land Officer for the last 14 years to protect the purchasers of flats in new developments. Under this scheme no forward sale of flats built in accordance with an exclusion order under section 4 or 5 of the ordinance is allowed, unless the Land Officer is reasonably satisfied that the development can be completed. A prohibition of such forward sales without the consent of the Land Officer is written into the exclusion order, but several developers have recently entered into agreements for sale, or sales, before the granting of the order, so side-stepping this scheme for protecting flat-buyers.

In future, an exclusion order will not be granted unless the applicant satisfies the tenancy tribunal that there have been no previous transactions for sale of flats. But this in itself is not enough; there must be an effective sanction against attempts to mis-inform the tribunal, and the bill will provide this sanction by giving the Crown an additional right of re-entry in such event.

The bill also provides that where the Crown re-enters in such a situation, any purchaser will be entitled to recover his payments in full from the developer.

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

*Question put and agreed to.*

**ACETYLATED SUBSTANCES (CONTROL)  
(AMENDMENT) BILL 1975**

**Resumption of debate on second reading (18th June 1975)**

*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 43(1).*

## **PHARMACY AND POISONS (AMENDMENT) BILL 1975**

### **Resumption of debate on second reading (18th June 1975)**

*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 43(1).*

### **Committee stage of bills**

Council went into Committee.

## **INLAND REVENUE (AMENDMENT) (NO 2) BILL 1975**

Clause 1

THE FINANCIAL SECRETARY (ACTING): —Sir, I move that clause 1 be amended as set out in the paper before honourable Members.

*Proposed amendment*

*Clause*

1 That clause 1 be amended by deleting "(No 2)" and substituting the following—

"(No 4)"

The amendment was agreed to.

Clause 1, as amended, was agreed to.

Clause 2 was agreed to.

Clause 3

THE FINANCIAL SECRETARY (ACTING): —Sir, I move that clause 3 be amended as set out in the paper before honourable Members.

*Proposed amendments*

*Clause*

3 That clause 3 be deleted and there be substituted the following—

"Amend-  
ment of  
section  
51A.

3. Section 51A of the principal ordinance is amended—

(a) in subsection (1)—

(i) by inserting, after "the Commissioner" in the first place where it occurs, the following—

"or the deputy commissioner";

(ii) by inserting, after "the Commissioner may", the following—

“,with the consent of the Board of Review,”;  
and

(b) by deleting subsections (3), (4), (5), (6) and (7) and substituting the following—

"(3) An application for the consent of the Board of Review shall be made in writing by the Commissioner to the clerk of the Board and shall be accompanied by a statement of the material on the basis of which it is proposed to exercise the powers of the Commissioner or deputy commissioner under subsection (1).

(4) Upon receipt of an application under subsection (3), the Chairman of the Board of Review shall appoint three members from the panel of the Board of Review, one

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*Clause*

*Amendment Proposed*

of whom shall be the Chairman or a deputy chairman, to consider the application.

(5) When the Board is considering in application, the Commissioner or his authorized representative may attend, but the person in respect of whom the application is made may not attend.

(6) Subject to subsection (7), neither in the application nor on the consideration thereof shall the identity of the person in respect of whom the application is made be revealed to the Board of Review.

(7) If the person on whom a notice under subsection (1) has been given so requests, the Commissioner shall furnish him with a certificate from the Chairman or deputy chairman of the Board of Review certifying that the Board's consent to the issue of the notice was given, and for the purpose of obtaining such a certificate the Commissioner shall reveal to the Chairman or deputy chairman the identity of that person,

(8) The decision of the Board of Review to grant or refuse consent shall be final."

The amendments were agreed to.

Clause 3, as amended, was agreed to.

Clause 4.

THE FINANCIAL SECRETARY (ACTING): —Sir, I move that clause 4 be amended as set out in the paper before honourable Members.

*Proposed amendment**Clause*

- 4 That clause 4 be amended by deleting paragraph (b) and substituting the following—

"(b) by deleting paragraph (iii) and substituting the following—

"(iii) to take possession of any books, records, accounts or documents of that person, and to make copies of such parts of any books, records, accounts or documents of any other person, as may afford evidence material in assessing the liability of the first-mentioned person for tax;".

The amendment was agreed to.

Clause 4, as amended, was agreed to.

Clauses 5 to 8 were agreed to.

New clause 6A "Amendment of section 81."

*Clause read the first time and ordered to be set down for second reading pursuant to Standing Order 46(6).*

MR CHEUNG: —Sir, in accordance with Standing Order 46(6), I move that the new clause 6A as set out in the paper before honourable Members be read the second time.

*Question put and agreed to.*

Clause read the second time.

MR CHEUNG: —Sir, I move that new clause 6A be added to the bill.

*Proposed addition**Clause*

New That there be added after clause 6 the following new clause—

"Amend- **6A.** Section 81 of the principal ordinance is amended  
ment of by deleting "one thousand dollars" and substituting the  
section 81. following—

"fifty thousand dollars".

The addition of the new clause was agreed to.

**ACETYLATED SUBSTANCES (CONTROL)  
(AMENDMENT) BILL 1975**

Clauses 1 and 2 were agreed to,

**PHARMACY AND POISONS (AMENDMENT) BILL 1975**

Clauses 1 to 3 were agreed to.

Council then resumed.

**Third reading of bills**

THE ATTORNEY GENERAL reported that the

Inland Revenue (Amendment) (No 4) Bill

had passed through Committee with amendment and, that the

Acetylating Substances (Control) (Amendment) Bill and the

Pharmacy and Poisons (Amendment) Bill

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: —In accordance with Standing Orders I now adjourn the Council until 2.30 p.m. on Wednesday the 16th of July.

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