

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 12th May 1976****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 DEREK JOHN CLAREMONT JONES, JP
THE HONOURABLE THE ATTORNEY GENERAL (*Acting*)
MR GARTH CECIL THORNTON, QC
THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS
MR DENIS CAMPBELL BRAY, CVO, JP
THE HONOURABLE JAMES JEAVONS 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 DAVID HAROLD JORDAN, CMG, MBE, JP
DIRECTOR OF COMMERCE AND INDUSTRY
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 MacDONALD, JP
DIRECTOR OF PUBLIC WORKS
THE HONOURABLE KENNETH WALLIS JOSEPH TOPLEY, CMG, JP
DIRECTOR OF EDUCATION
THE HONOURABLE IAN ROBERT PRICE, TD, JP
COMMISSIONER FOR LABOUR
DR THE HONOURABLE CHUNG SZE-YUEN, CBE, JP
THE HONOURABLE LEE QUO-WEI, OBE, JP
THE HONOURABLE ROGERIO HYNDMAN LOBO, OBE, JP
THE HONOURABLE PETER GORDON WILLIAMS, OBE, JP
THE HONOURABLE JAMES WU MAN-HON, OBE, JP
THE HONOURABLE HILTON CHEONG-LEEN, OBE, JP
THE HONOURABLE LI FOOK-WO, OBE, JP
THE HONOURABLE JOHN HENRY BREMRIDGE, OBE, JP
DR THE HONOURABLE HARRY FANG SIN-YANG, OBE, JP
THE HONOURABLE MRS KWAN KO SIU-WAH, MBE, JP
THE HONOURABLE LO TAK-SHING, OBE, JP
THE HONOURABLE FRANCIS YUAN-HAO TIEN, OBE, JP
THE HONOURABLE ALEX WU SHU-CHIH, OBE, JP

ABSENT

THE HONOURABLE OSWALD VICTOR CHEUNG, OBE, QC, JP
 THE HONOURABLE MRS CATHERINE JOYCE SYMONS, 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:	
Midwives Registration Ordinance. Midwives (Registration and Disciplinary Procedure) (Amendment) Regulations 1976	106
Road Traffic Ordinance. Road Traffic (Construction and Use) (Amendment) (No 2) Regulations 1976	107
Merchant Shipping (Oil Pollution) Act 1971 as Extended to Hong Kong by the Merchant Shipping (Oil Pollution) (Hong Kong) Order 1975. Authorization by the Governor	109
Road Traffic Ordinance. Road Traffic (Public Omnibus, Public Light Bus and Public Car) (Amendment) Regulations 1976	110
Census Ordinance. Census Order 1976	111
Census Ordinance. Census (No 2) Order 1976.....	112
Corrupt and Illegal Practices Ordinance. Corrupt and Illegal Practices (Heung Yee Kuk Election Expenses) Order 1976.....	113

Sessional Papers 1975-76:

No 39—Mass Transit Railway Provisional Authority—Audited Accounts for the periods 15th March 1974 to 31st March 1975 and 1st April 1975 to 25th September 1975, with Explanatory Statement (published on 12.5.76).

No 41—Supplementary Provisions approved by the Urban Council during the fourth quarter of 1975-76 (published on 12.5.76).

No 42—Supplementary Provisions for the quarter ended 31st December 1975 (published on 12.5.76).

Oral answers to questions**Revenue and Expenditure final accounts—1975-76**

1. DR CHUNG asked:—

Sir, is Government now in a position to give a more accurate assessment of the final accounts of revenue and expenditure for the financial year ended 31st March 1976?

THE FINANCIAL SECRETARY:—Sir, I am afraid that this is not yet possible. The accounts for the full financial year 1975-76 will not be ready until June, at the earliest.

My honourable Friend will, of course, be aware that the out-turn up to the end of February showed a surplus of \$407 million. Present indications are, however, that, following the normal seasonal pattern, the accounts for March will show a substantial deficit.

Road Traffic Ordinance

2. MR CHEONG-LEEN:—

(Asked in the Cantonese dialect. The following is the interpretation of what Mr CHEONG-LEEN asked)

Sir, will section 22 of the Road Traffic Ordinance be amended to follow the UK procedure, introduced on 1st January 1975, of dispensing with the mandatory issue of notices of intended prosecution after a road accident?

Oral answers

THE ATTORNEY GENERAL:—Sir, Yes. Legislation amending section 22 of the Road Traffic Ordinance to accord with the position in the United Kingdom is in draft and is expected to be submitted to Your Excellency in Council within a few weeks. If the proposed amendment is approved, it is hoped that the bill will be introduced this session.

Hong Kong Telephone Company—Commission of Inquiry

3. MR CHEONG-LEEN:—

(Asked in the Cantonese dialect. The following is the interpretation of what Mr CHEONG-LEEN asked)

Sir, will Government table a written statement, say in one month's time, showing the progress of implementation of the recommendations of the Commission of Inquiry into the Hong Kong Telephone Company?

THE FINANCIAL SECRETARY:—Sir, the short answer is, yes. Good progress has been made in the implementation of the Commission's recommendations. In particular, a profit control scheme has now been agreed with the Telephone Company and a report will shortly be made to the Governor in Council. I can promise my honourable Friend that a full statement on the position will be made to this Council within one month.

Legal aid—means tests

4. MISS KO asked:—

Sir, will Government raise substantially the maximum limits of disposable income and disposable capital which are used in the means test for applications for legal aid?

THE ATTORNEY GENERAL:—Sir, different limits are set for criminal cases and civil cases.

For criminal cases and appeals, the limit of monthly disposable income is \$1,500 and the limit of disposable capital is \$10,000. It is not proposed at the present time to alter these limits.

For civil cases, the limits were increased in 1972 but are considerably lower—\$700 per month disposable income and \$4,000 disposable capital.

The Government agrees that these limits in civil cases ought to be raised, both to keep pace with a general increase in the level of wages and also to make more people eligible for assistance.

However, this desirable objective has to be considered against conflicting claims on the resources of the Government.

Cyclists—licensing and control of

5. MR LOBO asked:—

Sir, does Government consider it necessary to register or license cyclists, or to introduce other controls to prevent an increase in the number of accidents involving bicycles?

SECRETARY FOR THE ENVIRONMENT:—No, Sir. Whilst the Government is concerned about the increasing number of cyclists involved in traffic accidents and whilst it is true that a licensing system would assist in the identification of offending cyclists, accidents involving cyclists seem to be caused mainly by the latter's inexperience rather than by their disregard for the law.

Sir, I see the answer to the problem as lying in the Police, with the assistance of the Road Safety Association, increasing the education and instruction given to cyclists. However, cycle accidents will be closely monitored over the months ahead and further consideration will then be given to the usefulness of setting up a licensing system for either cyclists or bicycles or both.

MR LO:—Sir, I wonder whether the Government could satisfy my curiosity as to how is it possible to discover that the cyclists involved in accidents are inexperienced in view of the fact that no statistics are registered of their experience.

SECRETARY FOR THE ENVIRONMENT:—Sir, simply, I suppose, by analysing the accidents involving cyclists.

Oral answers

MR LO:—And no doubt the honourable Member realizes that his answer gets us no further whatsoever.

SECRETARY FOR THE ENVIRONMENT:—No, Sir.

Food poisoning in canteens

6. DR FANG asked:—

Sir, what action does Government intend to take to guard against food poisoning in factory and school canteens?

SECRETARY FOR SOCIAL SERVICES:—Sir, canteens in schools and workplaces are not subject to licensing under the Food Business Bylaws of the Public Health and Urban Services Ordinance. However, canteens in schools are inspected regularly by School Health Inspectors appointed under section 79(c) of the Education Ordinance. The staff of the Urban Services Department also offers advice on health matters, on request, to operators of canteens in workplaces.

The Urban Council has recently decided that a Code of Practice on hygienic food handling should be issued to operators of these canteens. The Council has also decided to re-examine the case for amending the law so as to require canteens to be licensed as food businesses and thus be subject to compliance with all health requirements stipulated under the Food Business By-laws. Meanwhile, the inspection and advisory services will continue.

Agricultural plots—cultivation of

7. MR BREMRIDGE asked:—

Sir, what plans has Government to encourage the cultivation of agricultural plots which are lying fallow, and the more intensive cultivation of agricultural plots which are at present under-utilized?

THE FINANCIAL SECRETARY:—Sir, there are just over 30,000 acres of agricultural land in Hong Kong, of which about 30%, or a little more than 9,000 acres, is lying fallow. A further 12%, or about 3,600 acres, is under-utilized, that is it is growing paddy or field crops

instead of vegetables and other market garden crops. I say this because the average gross return per acre from vegetables is now almost eleven times that from rice growing and, indeed, rice and other field crops are now totally uneconomic to grow in Hong Kong at present costs of production in relation to the cost of imports.

Most of the fallow land was previously used for growing rice. Some of it is on the edges of towns and townships and is now largely in speculative hands with a view to sale at enhanced values to meet urban development. In other words, this land is now largely semi-urban in character and can hardly any longer be considered, *de facto*, as agricultural land.

Other areas of fallow land are found close to land already devoted to market gardening and within, say, a mile of roads accessible to vehicles. Much of this land is perfectly suitable for growing vegetables or fruit, but the villagers who own it are often reluctant to switch to the more technically demanding market garden crops. They are also usually not willing to lease the land to immigrant farmers who are now the main vegetable growers and who would, in many cases, be very ready to cultivate more of this land.

These are certainly the most promising areas to bring back into cultivation and the Agriculture and Fisheries Department is making every effort to persuade the owners to do so. First, through its extension work, it is seeking to persuade the villagers to take on vegetable cultivation. Already over 12,000 acres, or more than 40% of all agricultural land, both utilized and unutilized, in Hong Kong, is under vegetables and this is expected to grow to at least 16,500 acres, or 55% of the total, by the mid-80s. Secondly, the department is encouraging the development of mixed orchards of short-term, medium-term and long-term fruit trees. This sort of development could have a good future in Hong Kong conditions and the department is now running a number of demonstration orchards and is producing plants for sale. Thirdly, the department, in consultation with the New Territories Administration, is examining ways of overcoming the reluctance of owners of land to lease to tenants trained in market gardening. One possibility being examined is for the Government to rent fallow land from the owners and to on-lease it to tenants in such a way that the interests of both owners and tenants can be properly met. Fourthly, the intensity of cultivation required in growing vegetables can lead to a shortage of labour. To help to overcome this, the Agriculture and Fisheries Department is demonstrating and popularizing the use of small mechanical cultivators. There are now getting on for 2,000 of these machines in use and many have been

[THE FINANCIAL SECRETARY] Oral answers

financed by loan funds administered by the department. Fifthly, the department is encouraging the use of more up to date system of irrigation and the use of herbicides to replace hand-weeding of crops, both of which can also save considerable labour and increase productivity.

I should add that a further development which the department is encouraging on suitable land is the establishment of fish ponds. There are now over 3,500 acres under fish ponds compared with less than 500 acres in 1956 and the trend is continuing.

The last type of fallow land to which I shall refer, and some of the most extensive, is that in relatively remote areas not served by motorized roads. This type of land cannot be used for market garden crops because of the difficulty of transport to markets. In the old days most of this land was also used for rice growing, but the greater part of it has now been abandoned and the more able-bodied have moved away from their villages to seek other employment. The previous inaccessibility of these areas is, however, being reduced as the Government develops new access roads, mostly in association with water developments. The High Island Water Scheme, in particular, could in due course open up considerable areas to motorized traffic. As this happens, it could well be that much hitherto fallow land will be opened up to the production of marketable crops, although the alternative possibility of the use of considerable parts for properly managed recreational purposes will also need to be catered for.

I hope, Sir, that this gives some indication that the Government is taking positive steps to bring more agricultural land into cultivation and to help farmers to increase their productivity in terms of marketable crops. The aim of the Government's agricultural policy, as with its industrial policy, is not to provide protection or subsidies to cushion the forces of the market. It is rather to encourage producers to maximize production of those crops which can be sold on a competitive basis with imports and which can thus be of advantage, not only to themselves, but to the community as a whole.

Ambulance service

8. DR FANG asked:—

Sir, will Government state whether there are available an adequate number of ambulances and crews to man them?

SECRETARY FOR SOCIAL SERVICES:— Sir, the number of ambulances in the Ambulances Division of the Fire Services Department is sufficient to meet existing demand. At the end of 1975, there were 91 ambulances, of which 74 were operational and 17 were for reserve and training purposes. Eight new ambulances have just been delivered and two of these are reserve vehicles.

The approved establishment for the 74 ambulances is 488 and there are 19 vacancies. In addition, 37 additional posts are being sought for the newly arrived six operational vehicles. Action is now in hand to recruit additional staff to fill the existing 19 vacancies and for the anticipated 37 new posts.

MR LO:—How many of these ambulances, Sir, are allocated for use in the New Territories?

SECRETARY FOR SOCIAL SERVICES:—I am afraid that I do not know the answer, Sir, but I will be pleased to supply it to my honourable Friend.

MR LO:—I asked this question, Sir, because I think it is within the terms of the original question. The word adequacy applies not only to the urban areas but also to the New Territories.

SECRETARY FOR SOCIAL SERVICES:—I think it is adequate in both cases but I will send the statistics to my honourable Friend.

Blind people—training and employment of

9. MR CHEONG-LEEN:—

(Asked in the Cantonese dialect. The following is the interpretation of what Mr CHEONG-LEEN asked)

Sir, what steps are being taken:

- (a) to train more blind people to be qualified masseurs/masseuses and
- (b) to find suitable jobs for them?

SECRETARY FOR SOCIAL SERVICES:— Sir, just under ten years ago the Royal Commonwealth Society for the Blind seconded an officer to

[SECRETARY FOR SOCIAL SERVICES] **Oral answers**

the Hong Kong Society for the Blind as an experiment to train blind people in this occupation. The results however have not proved successful, because of the seven blind people trained under that scheme only one is currently known to be engaged full-time as a masseur. The others who have been trained prefer not to work in licensed massage establishments and so the task of placing them in such employment has been wholly unfruitful.

The Director of Social Welfare has advised me that based on contacts known to both his department and to those voluntary agencies involved in providing training services for the blind this situation has not changed. Consequently no steps are currently being taken to train blind people to work in massage establishments.

MR CHEONG-LEEN:—Sir, have any steps been taken to investigate the possibility of placing trained masseurs or masseuses in hotels catering for the large number of tourists who visit Hong Kong?

SECRETARY FOR SOCIAL SERVICES:—Sir, no investigation has been made but as I said this kind of work does not now seem to be very popular with blind people.

Swimming pools in the New Territories

10. MR LEE asked:—

Sir, what are Government's plans to provide for swimming pools in the more densely populated towns in the New Territories?

SECRETARY FOR THE NEW TERRITORIES:—Sir, the fundamental aim of each new town development programme is to provide a balance of housing and community facilities. Swimming pools are one of the amenity items included within each programme, to be provided in step with the growth of population. Planning standards provide for one full swimming pool complex for 500,000 people, and allowance has been made on that scale in our town plans. However it may be more practical to stage the construction of these groups of pools to keep pace with the growth of population; although clearly the availability of funds and competing priorities will determine when building of any swimming pool will begin.

There is already a swimming pool complex with a total of seven pools in Tsuen Wan, built with funds provided by the Royal Hong Kong Jockey Club, and the development provides for other pools else-where in the town as the population rises to 850,000.

Similar provision is made within the other two new towns programmes which provide for the first to be built in Sha Tin by 1980, and that in Tuen Mun, by 1982.

In the older towns, there are at present items for swimming pools included within the Works Programme at Fanling, Yuen Long, and Tai Po. I personally should like to see priority being given to Fanling, and the Council for Recreation and Sport supports this view. I have accordingly recently suggested that the item in the Public Works Programme for the Fanling pool be upgraded to enable detailed planning to start.

Vehicles—detention of for inspection

11. MR BREMRIDGE asked:—

Sir, is Government aware that, on 5th May, 51 vehicles were being detained for inspection at the vehicle pound and that they had been there for periods of up to 16 days awaiting their turn? And secondly, in cases where the vehicle is detained for inspection under regulation 164 of the Road Traffic (Construction and Use) Regulations, will Government take steps to reduce the maximum permitted period of detention, if possible to the same period of 18 hours as laid down in regulation 18A(6) of the Road Traffic (Registration and Licensing of Vehicles) Regulations?

SECRETARY FOR THE ENVIRONMENT:—Yes, Sir, the Government is aware that there is a delay in inspecting vehicles detained under regulation 164 of the Road Traffic (Construction and Use) Regulations. Many of the 51 vehicles awaiting inspection on the 5th May had been involved in fatal or serious injury accidents or were suspected of being defective and were detained for examination by a Motor Vehicle Inspector. The three Motor Vehicle Inspectors, at present seconded for duty with the Police Force are insufficient in number to deal with the increasing volume of vehicle inspections required. Three additional Motor Vehicle Inspector posts were approved in December 1973 but these have yet to be filled. There is also a limitation on the number of vehicles which can be inspected at existing facilities in police pounds.

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

As regards the second half of my honourable Friend's question, I am afraid that, until the Police Force has its full complement of Motor Vehicle Inspectors and has improved vehicle inspection facilities, I can hold out no promise of making the period of detention for vehicles detained under regulation 164 of the Road Traffic (Construction and Use) Regulations a maximum of 18 hours.

MR BREMRIDGE:—Sir, if the three additional motor vehicle inspector posts were approved in December 1973 why have they not been filled by now?

SECRETARY FOR THE ENVIRONMENT:—Sir, recruitment of staff especially of this character is a lengthy process in itself. But in this particular case, of course, we had a freeze of staff last year and this I am afraid is one of the posts that was held up.

MR BREMRIDGE:—But will Government then accept the unfairness of setting regulations which cannot reasonably be enforced?

SECRETARY FOR THE ENVIRONMENT:—No, Sir. The regulations are being enforced. Under the regulation quoted by my honourable Friend there is no time limit.

MR BREMRIDGE:—But, Sir, the point is the vehicles are now being detained which was not the idea of the regulation at all.

SECRETARY FOR THE ENVIRONMENT:—Sir, the vehicles are awaiting inspection. They are being dealt with as quickly as possible.

MR LO:—Sir, do the motor vehicle inspectors posts contain the condition requiring in these inspectors to be fluent in both English and Chinese which condition no doubt causes difficulties of recruitment referred to earlier.

SECRETARY FOR THE ENVIRONMENT:—Sir, I could not answer my honourable Friend's question, but I will certainly take steps to advise him. I know, in fact, that we could not recruit this staff locally and we are having to go for overseas recruitment.

Aircraft noise—effect on schools

12. MR WILLIAMS asked:—

Sir, how many Government and subvented schools are there in the flight path over Kowloon City; and secondly is Government satisfied that the resultant noise does not seriously interfere with tuition?

MR TOPLEY:—There are, Sir, 57 Government and subvented schools in the flight path over Kowloon City.

Government is aware that aircraft noise does disturb tuition but it is satisfied that it does not seriously interfere with tuition. The Advisory Committee on Environmental Pollution examined this matter last year and established that the duration of disturbance from flight-path noise was about 18 minutes a day, most of this in the afternoon.

MR WILLIAMS:—Sir, may I ask my honourable Friend whether consideration has been given to minimizing the effect of this noise by such measures as double glazing or air conditioning bearing in mind that the duration of the disturbance to concentration of teachers and pupils probably extend beyond the duration of the direct noise.

MR TOPLEY:—Yes, Sir, the Advisory Committee on Environmental Pollution did examine the question of double glazing but it has to be realized that double glazing also implies air conditioning in summer and ventilation during the winter. It was estimated that for the fifty-seven schools to which I have referred the capital cost of doing this would be of the order of \$3 million and the recurrent cost would be something over a million dollars. But that is not the end of the story because double glazing in its normal form will only eliminate traffic noise and does not eliminate aircraft noise. In order to eliminate aircraft noise what you have to do is to interpose a plump air cushion extending to about twenty inches or thereabout between the two panes of glass and this is clearly out of the question in the cases of Government and subvented schools. It is of course possible for schools to consider varying their hours of study during the day. This could help, Sir.

MR ALEX WU:—Sir, would my honourable Friend state with what equipment is the time and degree of disturbance to tuition measured and does Government have such equipment?

Oral answers

MR TOPLEY:—I am unable to answer that question at the present, Sir, I can only say that the Advisory Committee on Environmental Pollution was a properly set up committee and there is no doubt in my mind that it did its job in an effective way. But I will obtain further details.

DR CHUNG:—Sir, is my honourable Friend aware that bearing in mind the duration of each disturbance is only about ten to twenty seconds, a total duration of eighteen minutes per day could mean fifty odd or even seventy-five disturbances per day?

MR TOPLEY:—I have discussed this matter of disturbance with teachers who have experience of teaching in the flight path, Sir, and they reported that it is exceedingly inconvenient when it happens. You have to stop teaching for the noise when it is happening but when the noise disappears then you start again. There is no evidence that the pupils who are in schools which are in the flight path suffer in their total education, that is to say, by using an objective measure like examination results, there is no sign that they do any worse than anyone else. No one is saying that this is a perfect situation but it is, I think, out of the question now to shift all the schools out of the flight path to another location.

Noise from pile drivers

13. MR LI asked:—

Sir, in order to further reduce noise pollution, will Government consider the early introduction of legislation so as to:—

- (a) make it mandatory to use "silent type" pile-drivers; and
- (b) extend the restrictions on the operation of pile-drivers to other items of noisy construction equipment?

MR McDONALD:—Sir, the problem of noise created by piling operations has been the subject of discussion in various branches and departments of Government and in the Noise Pollution Sub-Committee of EPCOM for some time but there is no quick and easy solution to the problem.

Bored piling, which is considerably less noisy than percussion piling, is already widely used in foundation works in Hong Kong, but the system is not suitable for every type of project.

There are, of course, other types of piling equipment which are quieter in operation than normal percussion systems, but no such equipment has been tested in Hong Kong conditions and they are not available here.

There are some fifteen piling firms in Hong Kong of which twelve are equipped only for percussive piling operations. The few firms which have pile-boring equipment do not possess a sufficient number of rigs to carry out all the piling required by my Architectural Office, to say nothing of the requirements of the other offices of PWD or of the private sector. It is therefore considered that the introduction of legislation to make the use of quieter piling equipment mandatory is not practicable at this time.

In answer to the second part of the question I can give a more encouraging reply. The Legal Department is now drafting amendments to the Summary Offences Ordinance which will not only prolong by two hours the current prohibition on piling at night, but will also extend this prohibition to the operation of other noisy construction equipment so that all such operations will be banned between 7 p.m. and 7 a.m., with a total ban on Sundays and Public Holidays. It is hoped that an amending bill will be submitted to this Council before the end of the year.

New Territories new towns

14. MR ALEX WU asked:—

Sir, with reference to the development programmes for the New Territories new towns:—

- (a) what plans are there for the sites reserved for town centres in the three NT new towns;
- (b) what facilities will be provided in these centres; and
- (c) when is construction likely to begin?

SECRETARY FOR THE NEW TERRITORIES:—Sir, each new town has a planned town centre. These plans incorporate such features as separation of vehicles and pedestrians, shops, office accommodation and the normal things you would expect to find in the centre of a town.

[SECRETARY FOR THE NEW TERRITORIES] **Oral answers**

Space will of course be set aside for cultural and civic buildings. In 1973 the Public Works Sub-Committee of this Council at its Fourth Review of the Public Works Programme was informed that no buildings in this range would be put forward, in the absence of approved policy. A memorandum is therefore in process of preparation for the consideration of the Executive Council on general policy recommendations with regard to the provision of cultural facilities in the New Territories generally, with particular emphasis on the new towns.

It will be against this overall policy endorsement that individual buildings will enter the Public Works Programme, but construction of individual buildings will obviously have to follow an approved policy and keep in step with the needs of each town community insofar as our financial resources will permit.

Water supplies to villages

15. MR LEE:—

Sir, with reference to the extension of mains water supplies to villages in the Sha Tin, Tai Po, Tuen Mun and Yuen Long districts, an item in the public works programme approved by Finance Committee on 7th January 1976 and for which \$1,157,000 have been provided in the budget for this year, has work commenced on this project?

MR McDONALD:—Sir, the extension of mains water supplies to additional villages in the areas mentioned is programmed for implementation over the next two years in accordance with priorities set by the New Territories Administration.

The works, which began in mid-April, will provide public standpipe supplies and will make allowance for individually metered house connections for each village included in the scheme.

Consideration is now being given to a further extension of the scheme to provide supplies to other smaller villages not at present covered by the programme item.

Government business**Motions****RATING ORDINANCE**

THE FINANCIAL SECRETARY moved the following motion:—

- (1) the resolution made and passed by the Legislative Council on the 22nd January 1975 and published in the *Gazette* of 24th January 1975 as Legal Notice No 28 of 1975, which determined the percentages of the rateable values of tenements for the purpose of computing general rates and Urban Council rates, as amended by the resolution made and passed by the Legislative Council on the 21st May, 1975 and published in the *Gazette* of 23rd May, 1975 as Legal Notice No 133 of 1975 be revoked;
- (2) for every tenement in a specified area set out in the first column of the Schedule, the general and Urban Council rates shall be computed on the basis of the percentage of the rateable value of such tenement set out opposite such area in the second and third columns of the Schedule.

SCHEDULE

<i>Specified Area</i>	<i>General Rates</i>	<i>Urban Council Rates</i>
A	12%	6%
B	12%	6%
C	12%	6%
D	18%	Nil
E (until 31st March 1978)	11%	Nil
F1	9%	Nil
G1, G2, G3 and G4	9%	Nil
H1 and H2	9%	Nil
J1	9%	Nil
K1	9%	Nil
L1, L2 and L3	9%	Nil
M1, M2 and M3	9%	Nil

He said:—Sir, in paragraphs 183 to 187 of the budget speech*, the Financial Secretary said that the increase in the General Rate by two percentage points with effect from 1st April 1975 had been a

* see page 556-7.

[THE FINANCIAL SECRETARY] Motions

partial step towards restoring the revenue to its expected level had the next revaluation of tenements not been postponed from the financial year 1975-76 to the year 1976-77. He went on to say that fully to restore the benefit to the revenue had a revaluation been carried out in 1975-76, would have required a further increase in the general rate of $4\frac{1}{2}$ percentage points this year. He proposed, however, that the increase in 1976-77 should be only one percentage point, which was expected to yield an additional \$48 million over the year.

In the same section of the budget speech the Financial Secretary also made certain proposals on the application of rates to seven new rating areas in the New Territories. He said that, instead of applying an initial rate of 11% in these cases for four years, as was done with Tsing Yi, he would propose to phase in the General Rate on a more gradual basis. In the first year 50% of the General Rate, or 9%, would be applied. In the second year it would be 60% of whatever the General Rate might be, in the third year 70% and so on up to 100% in the sixth year. This approach is expected to raise only \$11 million in the first year, or \$2 million less than by applying the Tsing Yi formula, but very nearly the same sum over the whole period of five years.

As a result of an Order made by Your Excellency under the Public Revenue Protection Ordinance, these proposals came into effect on 1st April 1976. This motion is designed to give legislative effect to that Order in the manner provided for under section 18 of the Rating Ordinance.

Sir, I beg to move.

Motion (in Committee)**Supplementary provisions for the quarter ended
31st December 1975**

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

THE FINANCIAL SECRETARY moved the following motion:—

That this Council approves the proposals set out in Paper No 42.

He said:—Sir, the schedule of supplementary provision for the third quarter of the financial year 1975-76, that is for the period 1st

October to 31st December 1975, covers a total of \$60.2 million. Of this sum, Public Works Non-Recurrent accounts for \$39.5 million, or almost two thirds of the total. This was required as a result of more rapid progress on a number of existing projects and projects recently upgraded to, or included for the first time in, Category A of the Public Works Programme.

Other supplementary provision which deserves mention includes \$5.2 million for additional works done to quarters purchased by the Government, \$4.4 million for additional expenditure arising from urgent works to remedy rainstorm damage, and \$2.2 million for payment of *ex-gratia* compensation to shops and factories involved in clearances.

The supplementary provision covered by this schedule will not result in a net increase of expenditure for the financial year as a whole, as offsetting savings have been found under other subheads of expenditure, or by freezing funds under Head 52 Miscellaneous Services Subhead 100, Additional commitments.

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.

Question put and agreed to.

Council then resumed.

THE FINANCIAL SECRETARY 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

BUSINESS REGISTRATION (AMENDMENT) BILL 1976

MIDWIVES REGISTRATION (AMENDMENT) BILL 1976

PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT) (NO 2) BILL 1976

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 1976**

THE FINANCIAL SECRETARY moved the second reading of:—"A bill to amend the Business Registration Ordinance."

He said:—Sir, this bill has been drafted to implement the proposal in paragraph 190 of the budget speech* requiring all companies in-corporated or registered under the Companies Ordinance to also register under the Business Registration Ordinance and pay the annual fee of \$150. The object is to bring within the ambit of the principal ordinance, first, "shelf" companies, incorporated for the most part by solicitors or accountants to be used or sold as the need arises and, secondly, those companies which, although incorporated in Hong Kong, carry on their business outside Hong Kong. The increased revenue will be at least \$1 million in the financial year 1976-77.

As a result of an Order made by you, Sir, under the Public Revenue Protection Ordinance, these proposals came into effect on 1st April 1976. The purpose of the bill now before Council is to give legislative effect to that Order.

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

Question put and agreed to.

MIDWIVES REGISTRATION (AMENDMENT) BILL 1976

DR CHOA moved the second reading of:—"A bill to amend the Midwives Registration Ordinance."

He said:—Sir, this bill is a comparatively simple one and a very short one. It provides for the replacement of the old title of "Principal Matron" by "Principal Nursing Officer" in the composition of the Board as the title of the post has been changed.

The bill further provides for the extension of the membership of the board to include one registered midwife nominated by each hospital or group of hospitals (other than Hong Kong Government hospitals) which has an approved training school for midwives. At present provision is made for registered midwives to be nominated as representatives of all the training schools except the Caritas Medical Centre which was

* see page 558.

approved as a midwifery training school in October 1969 and it is considered equitable that this centre should also be represented. However, it is not anticipated that this amendment will swell the membership of the board to any considerable extent as the establishment of new midwives schools is not a frequent event.

The third and final amendment which is being made is to provide for the Midwives Board to require applicants for registration to undergo further training if the board considers this to be necessary; this will then bring midwives into line with nurses and I can only assume that this provision has previously been overlooked as far as midwives are concerned. Certainly, I would submit that such a provision is only prudent.

Motion made. That the debate on the second reading of the bill be adjourned—DR CHOA.

Question put and agreed to.

PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT) (NO 2) BILL 1976

SECRETARY FOR SOCIAL SERVICES moved the second reading of:— "A bill to amend the Public Health and Urban Services Ordinance."

He said:—Sir, this bill seeks to improve the control over food and drink on grounds of public hygiene by introducing three changes to the principal ordinance.

Firstly, the present definition of "drink" does not include water. (*laughter*) This has prevented officers of the Urban Services Department from taking legal action against a person who manufactures or sells bottled distilled or natural spring water which is unsuitable for drinking purposes. The proposed amendment to the definitions covers this loophole. (*laughter*)

Secondly, the bill empowers a public officer duly authorized in writing to require an importer of food or drug to provide all the facilities which may be required for the examination of these items. The existing facilities provided on a voluntary basis are often found to be inadequate for the detailed examination required for certain consignments, especially where food from a new supply is being assessed. Failure to provide these facilities will be an offence under a new subsection 59(1A).

[SECRETARY FOR SOCIAL SERVICES] **Public Health and Urban Services
(Amendment) (No 2) Bill—second reading**

Finally, the bill seeks to extend the period during which the movement of imported food and drugs may be restricted from two days to six days. This is due to the fact that, in practice, the present two-day limit has been found to be insufficient for the detailed examination of the larger consignments of food and drugs now being imported.

The Urban Council has been consulted and is in agreement with the proposals and I believe that the proposed legislation will be welcomed by the public as a further measure to protect consumers from inferior food, drug and drink.

Sir, I now move that the debate on this motion be adjourned.

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

Question put and agreed to.

CO-OPERATIVE SOCIETIES (AMENDMENT) BILL 1976

Resumption of debate on second reading (28th April 1976)

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).

**MOTOR VEHICLES INSURANCE (THIRD PARTY RISKS)
(AMENDMENT) BILL 1976**

Resumption of debate on second reading (28th April 1976)

Question proposed.

DR CHUNG:—Your Excellency, in recent years the number of fatal casualties in traffic accidents ranged from 350 to 500 per year. Although I don't know exactly how many of these deaths were passengers,

I believe the proportion is quite high. On last Saturday alone, 8th May, there were seven traffic accidents resulting in three deaths and 24 injuries. Among these 27 casualties, only one injury was a non-passenger. I therefore welcome the introduction of this amending bill which, among other things, is to provide compulsory third party insurance for passengers in motor vehicles.

However, I was rather surprised and disappointed to hear from my honourable Friend, the Secretary for the Environment, that the Accident Insurance Association would need a minimum period of as long as one year after the passing of legislation before compulsory insurance for passengers could become effective. Will Government ask the Association to explain why it is necessary to take so long to implement this compulsory passenger insurance? After all, rates and endorsement for passenger insurance are at present already available. Secondly, I also wish to seek clarification from the Secretary for the Environment whether passengers in "pak-pais", although illegal, are covered by this amending bill.

Sir, in order to avoid oversight by owners of motor vehicles in taking out the Third Party Insurance, provisions are made in the principal regulations requiring owners of motor vehicles to produce to the licensing authority for inspection certificates of insurance against third party risks both on initial licensing and subsequently on annual renewal. This amending bill also seeks to include this requirement for sighting third party insurance certificates on transfer of motor vehicle ownership. I support this requirement because it further helps avoid oversight by owners.

Whilst we are trying to ensure that no motor vehicle will be licensed without a valid third party insurance, I would like to take this opportunity to point out that there could still be some motor vehicles running on the roads without effective third party insurance. This is possible because at the time of initial licensing or subsequent renewal or transfer, the requirement is for the owner to produce an insurance certificate valid at that time. There is no requirement for the validity period of the insurance policy to run in parallel with that of the vehicle licence.

Sir, allow me to cite an example to illustrate this point. A particular motor vehicle licence expires say on 31st March whereas its third party insurance policy could expire on 31st December. If the owner overlooks to renew his insurance policy on or before 31st December, both the third party and the owner are at risk. For, if his driver, during the period of oversight, knocks down a pedestrian or

[DR CHUNG] **Motor Vehicles Insurance (Third Party Risks) (Amendment) Bill—
resumption of debate on second reading (28.4.76)**

incurs an accident in which passengers in his car or in another car sustain injury, the injured or fatal third party has no recourse if, unfortunately, the owner cannot afford to pay compensation. We could of course fine or even jail the owner but what good is that to the casualties and their families.

Sir, I therefore feel that consideration should be given to further improving the protection offered to the third party by imposing the requirement that the period of validity for both third party insurance and vehicle licence should coincide with each other. I know someone may argue that this requirement is unnecessary because there is lack of statistical justification. Others may feel that the Accident Insurance Association would find it difficult to issue insurance policies to meet this particular requirement. I must say so that these reasons are neither relevant nor insurmountable.

SECRETARY FOR THE ENVIRONMENT:—Sir, I am grateful to my honourable Friend for his support of the bill. He has raised three matters. First, he wishes to know why the Accident Insurance Association needs a minimum of a year between the enactment of the legislation and the effective date of introducing compulsory third party insurance for passengers in motor vehicles. The Association, earlier on, indicated that it would require a minimum of twelve months' notice in order to adjust premium ratings, wording of policies and the like. But the other and more important point is that from the date of enactment of the new legislation a steady stream of third party insurance renewal notices will be issued reflecting the new legal requirement for passenger insurance, and it is only when the additional premia are paid that the additional insurance will be effective. Thus, for practical reasons, a year's delay in bringing the new legislation into force is needed.

It would, of course, be possible for the insurance companies to issue endorsements immediately after enactment to all policy-holders in one fell swoop. However, the Association, on the strength of past experience in these matters, has warned that, whilst many policy-holders would pay for the new endorsement, many would not and these would not be protecting their passengers in accordance with the law.

Secondly, my honourable Friend seeks clarification as to whether passengers in pak pai's would be covered by the amending bill. The

answer, Sir, is "no". Since passenger cover would not have been arranged under a commercial vehicle policy, undeclared use of a private car for carriage of passengers for hire or reward would contravene the "use" clause of the insurance policy; and contravention of this clause would invalidate the policy.

Finally, Sir, my honourable Friend asks whether consideration may be given to requiring the period of the validity of the third party insurance policy and the vehicle licence to coincide with each other. This has already been discussed with the Accident Insurance Association and there are some difficulties. But the Commissioner for Transport is re-opening discussions with the Association to discuss whether these can be overcome.

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).

STAMP (AMENDMENT) BILL 1976

Resumption of debate on second reading (28th April 1976)

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).

CORRUPT AND ILLEGAL PRACTICES (AMENDMENT) BILL 1976

Resumption of debate on second reading (28th April 1976)

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).

CRIMINAL PROCEDURE (AMENDMENT) BILL 1976**Resumption of debate on second reading (10th March 1976)**

Question proposed.

MR BREMRIDGE:—Sir, the power to arrest and detain a witness, as distinct from an accused person, can be a serious infringement of the liberty of the subject, and is hardly calculated to encourage persons, who may have material evidence to give to volunteer to make statements to the police, or to be a witness. It may indeed be counter-productive, and brace an existing and strong natural preference not to get involved with the law.

In view of these considerations Government may wish to reflect whether they wish to pursue this matter. No case for its necessity has indeed been made out.

If this power of arrest of witnesses is nevertheless to be made part of our law, we must ensure that it is only to be used in the clearest cases, where there is the plainest evidence that a potential witness is likely to abscond; that bail be freely available in reasonable sums, either in cash or by bond, and on reasonable conditions as to freedom to travel; and the circumstances in which a witness can be detained should be meticulously defined. There must be rigorous safeguards against its misuse, and severe penalties provided in case of abuse. One bad case of improper, unlawful, or malicious use of such powers, or indeed threat of its use, will put at peril our policy of encouraging the ordinary citizen to come forward to give evidence and to co-operate with law enforcement agencies, and may bring the administration of justice into disrepute.

Further, Unofficial Members ask that, to mark the seriousness of the process, the power to issue the warrant be given only to the High Court and on the application of the Attorney General, and that the procedure for obtaining the warrant should follow that which is stipulated in England.

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

Question put and agreed to.

MAGISTRATES (AMENDMENT) BILL 1976**Resumption of debate on second reading (10th March 1976)**

Question proposed.

MR LOBO:—Sir, the purpose of the legislation which enables a defendant to plead guilty by letter to minor offences is twofold: first, to reduce the congestion of cases in the magistrates' court; second, to do away with the considerable inconvenience to which a defendant is put in having to attend a magistrate's court, when the only question is the fine which is to be imposed.

The proposal is to give the Crown the right to prevent a defendant from pleading guilty by letter. The Unofficial Members believe that would be a retrograde step, and with respect to my honourable Friend the Attorney General, they do not find convincing the reasons which he advanced for introducing this proposal when moving the second reading of this bill.

It may be right that a court should not proceed to disqualify a defendant from driving on conviction for a third offence without giving him an opportunity to be heard. An appropriate clause can be drafted for such purpose, though preferably the defendant should be warned that the Court may proceed to disqualify him in his absence if he does not appear, without making it obligatory for him to attend. To be given an opportunity to be heard is a far cry from compulsory attendance.

We consider the general provisions of the section 18E(3) totally inappropriate to meet such a case. The honourable Attorney General did not say what other practical reasons there may be why a defendant should be in Court, for a minor offence, and we regret that we find ourselves unable to support it. But we will be prepared to consider an amendment, of narrow scope, to deal appropriately with the problem of disqualification on a third conviction of a traffic infringement.

Turning to clause 6, it would be acceptable to Unofficials if a maximum amount of costs which may be awarded against the complainant is set at a much higher figure, say \$5,000. A limit of \$500 as proposed is scarcely an inducement to the complainant to be ready to proceed, as he should be, and only a much higher figure is likely to act as a deterrent to let things slide, or is likely to compensate a defendant in a reasonable manner, in some circumstances, for costs thrown away. The actual amount to be awarded, up to such a limit, should be left for the magistrate to determine, in accordance with well known principles.

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

Question put and agreed to.

POLICE FORCE (AMENDMENT) BILL 1976**Resumption of debate on second reading (10th March 1976)**

Question proposed.

MISS KO:—Sir, it is accepted that police practice over many years has been to accept cash bail in lieu of a bond.

But the governing provision of section 52 of the principal ordinance is that where the crime is not a serious one an arrested person might obtain release on providing a bond, in a reasonable amount, from himself or a credit-worthy surety.

Unofficial Members understand that the purpose of clause 2 is to give effect to a course of long standing followed in police stations, and would accept it, provided it is made clear, by amendments, that it is to be without prejudice to the operation of subsection (1) of section 52, so that it should be at the option of the person arrested whether he puts up cash or a bond, and that the amount of cash bail required must be reasonable in all the circumstances, having regard to the day of the week, the time of day and the means of the person arrested.

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

Question put and agreed to.

PROBATION OF OFFENDERS (AMENDMENT) BILL 1976**Resumption of debate on second reading (28th April 1976)**

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.

CO-OPERATIVE SOCIETIES (AMENDMENT) BILL 1976

Clauses 1 to 6 were agreed to.

**MOTOR VEHICLES INSURANCE (THIRD PARTY RISKS)
(AMENDMENT) BILL 1976**

Clauses 1 to 5 were agreed to.

STAMP (AMENDMENT) BILL 1976

Clauses 1 to 3 were agreed to.

DISTRICT COURT (AMENDMENT) BILL 1976

Clauses 1 to 3 were agreed to.

LABOUR TRIBUNAL (AMENDMENT) BILL 1976

Clauses 1 to 7 were agreed to.

PROBATION OF OFFENDERS (AMENDMENT) BILL 1976

Clauses 1 to 4 were agreed to.

Council then resumed.

Third reading of bills

THE ATTORNEY GENERAL reported that the
Co-operative Societies (Amendment) Bill 1976
Motor Vehicles Insurance (Third Party Risks) (Amendment) Bill 1976
Stamp (Amendment) Bill 1976
District Court (Amendment) Bill 1976
Labour Tribunal (Amendment) Bill 1976
Probation of Offenders (Amendment) Bill 1976

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.

Valedictory to Mr Wheeler

DR CHUNG:—Your Excellency, before you adjourn the sitting this afternoon I should like to take this opportunity to express the appreciation of my Unofficial colleagues and myself for the helpfulness and courtesy of Mr Kenneth H. WHEELER, who has been Clerk to the Legislative Council for the past three years. I understand that Mr WHEELER will shortly be proceeding on overseas leave and that he will not return to this post. I hope that it will be possible for him to relax and return to Hong Kong refreshed, to assume his new appointment.

May I also take this opportunity, Sir, to welcome Mrs Lolly TSE, who is also present in this Council now. She has the distinction of becoming the first Lady Clerk of the Legislative Council. I am sure she will be able to demonstrate the equality of the sexes, at least in her performance of the duties of that office. Thank you, Sir.

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 26th of May.

Adjourned accordingly at twenty-five minutes to four o'clock.

Price: \$14.00
Code No.: G410976

60838—5K—7/76