

OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 21st July 1976

The Council met at half past two o'clock

PRESENT

HIS EXCELLENCY THE ACTING GOVERNOR (*PRESIDENT*)
SIR DENYS TUDOR EMIL ROBERTS, KBE, QC, JP
THE HONOURABLE THE FINANCIAL SECRETARY
MR CHARLES PHILIP HADDON-CAVE, CMG, JP
THE HONOURABLE THE ATTORNEY GENERAL
MR JOHN WILLIAM DIXON HOBLEY, CMG, QC, JP
THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS (*Acting*)
MR LI FOOK-KOW, CMG, JP
DR THE HONOURABLE GERALD HUGH CHOA, CBE, JP
DIRECTOR OF MEDICAL AND HEALTH 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 IAN ROBERT PRICE, CBE, TD, JP
COMMISSIONER FOR LABOUR
THE HONOURABLE ALAN THOMAS ARMSTRONG-WRIGHT, JP
SECRETARY FOR THE ENVIRONMENT (*Acting*)
THE HONOURABLE MORRIS CYRIL MORGAN, JP
SECRETARY FOR SOCIAL SERVICES (*Acting*)
THE HONOURABLE WILLIAM DORWARD, JP
DIRECTOR OF COMMERCE AND INDUSTRY (*Acting*)
THE HONOURABLE DONALD LIAO POON-HUAI, OBE, JP
SECRETARY FOR HOUSING (*Acting*)
THE HONOURABLE COLVYN HUGH HAYE, JP
DIRECTOR OF EDUCATION (*Acting*)
DR THE HONOURABLE CHUNG SZE-YUEN, CBE, JP
THE HONOURABLE LEE QUO-WEI, OBE, JP
THE HONOURABLE OSWALD VICTOR CHEUNG, CBE, QC, JP
THE HONOURABLE ROGERIO HYNDMAN LOBO, 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 LO TAK-SHING, OBE, JP
THE HONOURABLE FRANCIS YUAN-HAO TIEN, OBE, JP
THE HONOURABLE ALEX WU SHU-CHIH, OBE, JP

ABSENT

THE HONOURABLE MRS CATHERINE JOYCE SYMONS, OBE, JP
 THE HONOURABLE PETER GORDON WILLIAMS, OBE, JP
 THE HONOURABLE MRS KWAN KO SIU-WAH, OBE, JP

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL
 MRS LOLLY TSE CHIU YUEN-CHU

Oath

MR HAYE took the Oath of Allegiance and assumed his seat as a Member of the Council.

HIS EXCELLENCY THE PRESIDENT:—I have much pleasure in welcoming Mr HAYE to this Council.

Papers

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

<i>Subject</i>	<i>LN No</i>
Subsidiary Legislation:—	
Road Traffic Ordinance.	
Road Traffic (Construction and Use) (Amendment) (No 3) Regulations 1976.....	163
Apprenticeship Ordinance 1976.	
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Co-operative Societies (Amendment) Ordinance 1976.	
Co-operative Societies (Amendment) Ordinance 1976 (Commencement) Notice 1976	166

<i>Subject</i>	<i>LN No</i>
Public Health and Urban Services Ordinance. Places of Amusement By-laws 1976	167
Public Health and Urban Services Ordinance. Pleasure Grounds (Amendment) (No 2) By-laws 1976	168
Public Health and Urban Services Ordinance. Hawker (Permitted Area) (Amendment) Declaration 1976	169
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Public Health and Urban Services Ordinance. Hawker (Permitted Place) Declaration 3/1976	171
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 Sessional Papers 1975-76:	
No 46—Hong Kong Tourist Association Annual Report 1975-76 (on 21.7.76).	
No 47—Report of the Hawker Control Force Welfare Fund for the year ended 31st March 1976 (published on 21.7.76).	

Oral answers to questions

1. MR Q. W. LEE asked:—

Sir, will the Government explain why the accounts for 1975-76 show a surplus instead of the deficit budgeted for?

THE FINANCIAL SECRETARY:— Yes, Sir. The Approved Estimates for 1975-76 envisaged revenue collections of \$6,184 million and provided for expenditure of \$6,615 million. Thus I budgeted for a deficit of \$431 million. This deficit was in effect a deficit on capital account—that is to say, it represented the extent I thought capital expenditure of \$1,997 million could not be met by capital revenue and the surplus on recurrent account. Thus, quite legitimately, I proposed to meet this deficit by raising loan finance on the local and offshore capital markets. This we did during the year and on satisfactory terms:

[THE FINANCIAL SECRETARY] **Oral answers**

locally, we raised HK\$250 million at $6\frac{1}{2}\%$ through the issue of 5-year bonds; and we negotiated, but have not yet drawn down, a 5-year loan for US\$60 million on the Euro-currency market at $1\frac{1}{4}\%$ over the London inter-bank rate. We also raised US\$3.2 million to finance the cost of our new coinage from the United Kingdom at $1\frac{1}{4}\%$ over the London inter-bank rate; and as a matter of fact we concluded an agreement with the Asian Development Bank for a 15-year loan of US\$20 million at $9\frac{1}{2}\%$ to finance part of the cost of the Sha Tin Sewage Works.

In my budget speech in February this year I predicted that the accounts for the year 1975-76 would show a deficit of \$50 million only, being the difference between the revised estimate of revenue, as published, of \$6,015 million (down on the original estimate by \$169 million) and my guesstimate of what actual expenditure was likely to be, namely, \$6,065 million (down on the approved estimate by \$550 million).

The expected shortfall in revenue of \$169 million was made up of a number of excesses and shortfalls and generally was explained by the fact that, at the time the revised estimates were being prepared in December, revenue seemed to be coming in more slowly than it should have been if the original estimate was to be achieved.

The expected shortfall of \$550 million in expenditure was also made up of a number of shortfalls and excesses, but the two main areas of underspending were Public Works Non-Recurrent (down by at least \$393 million and, in the event, by \$454 million) and Education Subventions (down by at least \$52 million and, in the event, by \$75 million).

Now, so far as Public Works Non-Recurrent expenditure was concerned, as I said in the budget speech, there were five reasons for underspending and, as well as repeating them today, I shall indicate, very roughly, the relative importance of each:

- | | | |
|-----|--|-----------------------|
| (a) | lower than expected contract prices
(accounting for) | 27% of the shortfall) |
| (b) | delays in clearing sites | 22% |
| (c) | late starts for a variety of reasons
(such as delays over land
clearances) | 19% |

(d)	unusually heavy rains during the summer	9%
(e)	longer delays than usual in delivery of equipment from overseas	5%
(f)	a miscellany of other factors (such as lower than expected resumption payments since more lessees opted for land exchanges rather than cash)	18%

The shortfall in respect of Education Subventions was mainly due to school managements being able to close more surplus primary schools and, as it happens, other managements failed to open as many secondary classes as expected. Another reason was delays in managements submitting bills for capital works.

The final out-turn for 1975-76 as revealed by the accounts was a surplus of \$224 million, revenue being \$6,256 million (up by \$241 million on the revised estimate) and expenditure being \$6,032 million (down by \$33 million on my guesstimate). Thus, to all intents and purposes the guesstimate of expenditure used in the budget speech turned out to be correct. But the revised estimate of revenue was too low by as much as \$241 million. There were five main reasons for this: first, there was a higher than expected yield from earnings and profits taxes, partly as a result of some 50,000 of our 160,000 salaries taxpayers and some profits taxpayers meeting their liabilities in full in January/February 1975-76 rather than taking advantage of the recently introduced instalment system which allows them to defer one quarter of their liabilities to April/May 1976-77, partly because of a reduction in arrears, and partly because of the receipt of a few unexpectedly high returns. This accounted for \$138 million. Secondly, there was a higher yield from stamp duty on contract notes as a result of the revival of activity on the stock exchange continuing to accelerate into March. This accounted for \$32 million. Thirdly, better prices than anticipated were received for the sale of land. Thus revenue benefited unexpectedly to the tune of an extra \$19 million. Fourthly, more new vehicles were registered than expected and this brought in an extra \$13 million. Finally, there was a dramatic increase in the use of the airport and the postal services bringing in an extra \$22 million and other miscellaneous receipts were up by another \$16 million.

So, although an element of the total increase can be attributed to an earlier collection of revenue budgeted for in the Estimates for

[THE FINANCIAL SECRETARY] **Oral answers**

1976-77 and to a once-for-all reduction in arrears, the bulk of the increase (about 2/3rds) was due to my under-estimating the speed with which this economy was moving out of the trough of the recession. The trough was reached in the second quarter of 1975 and we began to move out of it in the third quarter of 1975 and picked up speed as we did so, thanks to the way in which the automatic adjustment mechanism worked (as it has to for, to survive, we have to maintain, at all times, our external competitiveness).

So much, Sir, for the arithmetic of 1975-76 and the sequence of events that led me to budget for a deficit and end up with a surplus, for which outcome I am only slightly apologetic. I say this because this outcome is at least consistent with what we set out to do in 1975-76, namely, so to manage the public finances as not to frustrate the adjustment process. However, Sir, to set my honourable Friend Mr F. W. LI's mind further at rest—in case he has forgotten the reassuring words in paragraph 28 of my speech in reply to the budget debate—there is no lack of anxiety on my part, nor in the Finance Branch, to estimate outturn accurately and, in particular, to take the Approved Estimates of Expenditure anything but seriously and to encourage departments to take them seriously as well. We should seek to spend up to the limit of this Council's various authorities unless we explicitly decide not to do so or there are genuine difficulties in doing so.

I think, Sir, I have now fully answered my honourable Friend's question but, with your permission, I would like to dwell for a moment on the implications, such as they are, for this year's budgetary strategy of this really quite small difference between the outturn for 1975-76 predicted in the budget speech last February and the final outturn as revealed by the accounts.

For 1976-77 I budgeted, in fact, for a deficit of well over \$700 million. Revenue I put at \$6,857 million and estimated expenditure is \$7,572 million, made up of the Approved Estimates of \$7,212 million and the cost of the recent salary revision of \$360 million.

In the budget speech, I said this deficit (and other extra-budgetary commitments) would be covered in three ways: first, by calling on our fiscal reserves. These stood at \$2,810 million at 31st March after taking into account the proceeds of the 6½% Hong Kong dollar bond issue (\$247 million) and, of course, the 1975-76 surplus. Secondly, by drawing down the US\$60 million loan facility (to the extent necessary); and thirdly, but only possibly, by a degree of underspending

on the Approved Estimates not matched by costs exceeding our expectations and by our efforts to incur the expenditure provided for in the Estimates.

I would add today, by way of a postscript, that revenue in 1976-77 will be affected by the decision by many taxpayers not to pay one quarter of their 1975-76 liabilities in the fiscal year 1976-77. But I may have under-estimated the growth rate achieved by the economy in 1976 just as I under-estimated the speed of the recovery movement itself as it developed in late 1975 and the early months of 1976. Expenditure may be higher by the capital works expenditure delayed from 1975-76. But slippage of other projects in the Public Works Programme is always possible and so there may be net under-spending on the 1976-77 Estimates.

DR CHUNG:—Sir, does my honourable Friend agree that, due to the fact that Government accounting is on cash payment basis without accounts payable and accounts receivable, Government can by regulating its cash payments change the surplus and deficit significantly at year end quite easily if Government wishes?

THE FINANCIAL SECRETARY:—No, Sir. (*laughter*).

JP Courts

2. MR LO asked:—

Sir, as over 90% of persons coming before the magistrates plead guilty will Government consider the possibility of reviving the JP courts with or without modifications so that such cases may be dealt with by respected local persons?

THE ATTORNEY GENERAL:—Yes, Sir.

Lotteries Fund application—Kat O ferry

3. MR CHEUNG asked:—

Sir, what is the present position in regard to the application by the villagers of Kat O for a grant from the Lotteries Fund to replace the existing local "Kai-to" ferry to Kat O, which is beyond economical repair?

Oral answers

SECRETARY FOR THE NEW TERRITORIES:—Sir, an application from the Tin Hau Temple Management Board at Kat O for a grant towards the cost of purchasing a new vessel for the privately-run local ferry between Kat O and Sha Tau Kok was considered by the Social Welfare Advisory Committee recently.

The Committee was unable to recommend such a grant since the service does make a considerable profit, which is applied to finance the celebration of religious festivals, and not for social welfare purposes.

I understand however that the Board was able to raise the necessary funds from its own resources, and that the new ferry is now in service.

Ombudsman—Proposal for an

4. MR LO asked:—

Sir, will Government expand the scope of the UMELCO complaints system, or introduce an Ombudsman, so that independent investigation may be made into those complaints of maladministration against persons employed by the Crown and against persons whose salary is indirectly paid out of the public purse which cannot now be dealt with by UMELCO?

SECRETARY FOR HOME AFFAIRS:—The UMELCO system has been highly successful. Therefore the Government sees no need for an Ombudsman.

If Unofficial Members as a body ask for the present system to be reviewed the Government will be pleased to comply.

MR LO:—Sir, is the high success attributed by Government to the present UMELCO complaint system related in any way to the fact that it has at present no jurisdiction to go into the complaints against the staff of over 60 organizations, not counting subsidized schools which together spend over \$1,000 million annually of the public money, not counting MTR budget? (*laughter*)

SECRETARY FOR HOME AFFAIRS:—I believe many of the employees referred to by my honourable Friend are in fact subject to discussion

between the heads of departments concerned and the UMELCO Office, and in accordance with the UMELCO annual reports the whole system has appeared to be satisfactory.

Traffic congestion—Garden Road and Cotton Tree Drive

5. MR F. W. LI asked:—

Sir, pending the construction of the planned flyover at the top of Garden Road, will Government introduce measures to alleviate traffic congestion at peak hours on Cotton Tree Drive and Garden Road?

MR McDONALD:—Sir, measures to alleviate traffic congestion are about to be put in hand. The first of these measures is the provision of additional double-line lane markings on Cotton Tree Drive beyond the Kennedy Road slip-road up through Garden Road to the round-about. This should prevent the irresponsible lane-jumping which often causes accidents, delays and frustration. The success of the recently applied double-line lane marking on Cotton Tree Drive downhill of the slip-road to Kennedy Road justifies extending the markings uphill.

The second measure is an interim widening of Robinson Road from Garden Road to a point about one hundred yards west of Old Peak Road which will provide for two lanes of westbound traffic and will allow vehicles destined for Old Peak Road to slip out from the ongoing traffic flow. This widening will also aid traffic diversions during the construction of the permanent road improvement works along Robinson Road between Old Peak Road and Glenealy.

Chinese education for Hong Kong Chinese in UK

6. MR ALEX WU asked:—

Sir, will Government take a more active part in providing a better system of Chinese education for the children of the expanding Hong Kong Chinese community in UK?

MR HAYE:—Sir, thirteen Chinese classes of varying size are being organized throughout the United Kingdom with assistance from the Hong Kong Government Office in London. In addition there are a number of other classes organized by China-oriented groups. The Hong Kong Government Office has responded to all requests it has

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received for assistance either by donation of text books or by financial grants. The policy has been to develop this service gradually in accordance with particular local needs, bearing in mind the overriding desirability of encouraging the Chinese community to integrate instead of emphasizing its separate identity.

MR CHEONG-LEEN:—With your permission, Sir, could I ask my honourable Friend whether there are plans to assist in the integration as referred to in the last sentence of his reply?

MR HAYE:—Sir, the integration of the children of the Chinese community, the growing Chinese community, in Britain is achieved in a variety of ways, not the least being the encouraging of these children to study in local schools, and they receive a great deal of assistance from my department in the way of guidance and books. Most recently, about 20,000 books have been supplied in this connection, many of these are associated with the teaching of English which we feel is the key to the integration that is so desirable for these children.

Taxi service—Central District

7. MR BREMRIDGE asked:—

Sir, can Government take action to ensure that a supply of taxis actually stop at taxi stands in the Central District at all times of the day, instead of passing by with covered meters or stopping elsewhere to pick up passengers?

SECRETARY FOR THE ENVIRONMENT:—Sir, the law requires the driver of a taxi to return by the shortest practicable route either to a taxi stand or to the taxi's garage at the termination of a hiring. While driving to or from that location, the driver may pick up passengers if he wishes, but is not obliged by law to do so.

Taxi drivers have adopted the practice of covering the meter flag with a towel, to indicate that they are not interested in picking up passengers, while returning to their garages. There is nothing in the law to prevent this practice.

The best way of dealing with a shortage of taxis is to increase their numbers. The Government has therefore decided to introduce

the following measures, with the object of providing a better and more rational passenger car service for the public—

- First: The issue by tender of 100 taxi licences per month for an indefinite period.
- Second: The introduction of contract hire permits. These will be available to any car owner who wishes to hire out his passenger car, provided that he has adequate insurance cover for such use and that the vehicle is mechanically sound. The use of such cars as illegal taxis would be subject to heavy penalties.
- Third: In due course, the abolition of public cars. These closely resemble, and are often operated as, illegal taxis, although in law they should be hired only on a prearranged contract.

The full details of these proposals will be announced very shortly.

MR BREMRIDGE:—Sir, will Government confirm without any doubt that the public may expect a properly controlled and reasonably adequate supply of taxis in the Central of Hong Kong?

SECRETARY FOR THE ENVIRONMENT:—Sir, it is hoped that these arrangements will come into use towards the beginning of next year.

MR BREMRIDGE:—Thank you, Sir. Will Government also agree that in the light of taxi licenses currently changing hands at over \$180,000 each, there is no case for increasing fares.

SECRETARY FOR THE ENVIRONMENT:—If it were decided, Sir, to increase fares then that would be a factor that would have to be taken into account.

DR CHUNG:—Sir, arising from my honourable Friend's reply in which he said and I quote; "taxi drivers have adopted the practice of covering the meter flag with a towel, to indicate that they are not interested in picking up passengers". Does my honourable Friend imply that taxi drivers are permitted to refuse to pick up passengers when they are called in the road?

SECRETARY FOR THE ENVIRONMENT:—They are not required, Sir, to pick up passengers when they are driving along the road. They are not required to.

Oral answers

DR CHUNG:—Sir, does it mean that they can refuse to take passengers then?

SECRETARY FOR THE ENVIRONMENT:—Sir, it does mean that then they can refuse to pick up passengers. They may not refuse to pick up passengers from a proper taxis stand.

MR LO:—Sir, will the detailed proposals my Friend mentioned earlier take account of the fact that, unless carefully worked out, considerable hardship may be suffered by those who depend today on public cars for their livelihood.

SECRETARY FOR THE ENVIRONMENT:—Sir, yes, the arrangements will take that into account.

MR CHEUNG:—Sir, why can't these measures be introduced before the beginning of next year?

SECRETARY FOR THE ENVIRONMENT:—Sir, the reason for this is that the measures involve a heavy programme. The Commissioner for Transport is heavily involved in this and the next item on his programme as far as taxis are concerned, is to introduce the New Territories arrangements which involve inspection of a large number of vehicles. When this is over then we can move on to the next phase.

Water supply to Kat O

8. MR CHEUNG asked:—

Sir, what is being done to improve the pressure, potability and purity of the water supply to Kat O?

SECRETARY FOR THE NEW TERRITORIES:—Sir, the Kat O water supply comes from a dam on the mainland which was built under the supervision of the Public Works Department. The water reaches Kat O by an undersea pipeline and the system is generally maintained by the New Territories Administration. Complaints were received earlier this year from the villagers that the water was discoloured and that the pressure was low.

Tests carried out by the Waterworks Office showed that while there was some rust present, the water was suitable for drinking provided it was boiled.

The low pressure was found to be due to blockage at the intake, silting and incrustation of the pipeline, as well as a large number of leaks. The necessary repairs are being carried out with the assistance of the Waterworks Office, and when these are completed within the next month, both the pressure and the quality of the water at Kat O should be satisfactory.

MR CHEONG-LEEN:—Sir, is the rust eatable? (*laughter*).

SECRETARY FOR THE NEW TERRITORIES:—Sir, the water if boiled is suitable for drinking.

MR CHEONG-LEEN:—Sir, after improvements are made can assurance be given that the water will not have rust?

SECRETARY FOR THE NEW TERRITORIES:—I don't think that assurance can be given for all the time, Sir. The pipes in due course will rust again, I am sure, and will have to be maintained and repaired.

MR CHEONG-LEEN:—Sir, I did ask after repairs have been completed, will there be rust?

SECRETARY FOR THE NEW TERRITORIES:—The water will be drinkable, Sir, for a reasonable period of time. (*laughter*).

Recreational facilities under flyovers

9. MR LOBO asked:—

Sir, will Government consider enclosing certain areas under flyovers, where practical, for recreational activities?

SECRETARY FOR THE ENVIRONMENT:—Sir, usually the areas under flyovers are quite unsuitable for recreational use because of their shape or headroom and lack of safe or easy pedestrian access. Also at heavily trafficked and confined interchanges the traffic fumes and dust provide a poor environment for recreation. However, where reasonably suitable

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areas can be found under flyovers these are fenced off as gardens and amenity areas and are available for informal recreational purposes. For example, the areas under the Wan Chai and Hung Hom flyovers at the Cross-Harbour Tunnel entrances and the area under the Kowloon City Interchange have been treated in this way.

Social Welfare Subvention

10. DR FANG asked:—

Sir, in view of the budget surplus for 1975-76 will Government consider allocating additional funds for the current year to subvented welfare agencies who can amply demonstrate that they are hard put to make ends meet on their present allocations?

SECRETARY FOR SOCIAL SERVICES:—Sir, of the \$52 million provided this year for subventions to social welfare agencies, over \$1 million has been set aside on the advice of the Social Welfare Advisory Committee to meet urgent applications for additional funds and for unforeseen contingencies during the year. It is considered that this reserve will be adequate to cope with any difficulties which agencies may be facing. But if it should prove insufficient, Government is always prepared to consider recommendations from the Social Welfare Advisory Committee.

The Director of Social Welfare has already indicated to voluntary welfare agencies that supplementary subventions will be considered for those agencies which require them to improve the salaries of their staff in line with the recent award to the Civil Service.

KCR—electrification of

11. MR CHEONG-LEEN asked:—

Sir, when is it proposed that electrification of the Kowloon-Canton Railway will take place?

SECRETARY FOR THE ENVIRONMENT:—Sir, no decision has been taken on whether or not the Kowloon-Canton Railway should be electrified; however, subject to the approval of funds by the Finance

Committee of this Council, it is proposed to appoint consultants within the next few months to carry out a detailed study into the development of the railway including the feasibility of electrification.

DR CHUNG:—Sir, may I ask my honourable Friend what kind of development of the railway Government has in mind?

SECRETARY FOR THE ENVIRONMENT:—Sir, the idea of the study is to decide what development should be undertaken, but (*laughter*) the consultants will be asked to consider development of various routes in addition to the existing route.

Loans for Small Industry Scheme

12. MR Q. W. LEE asked:—

Sir, will Government make a statement on the Loans for Small Industry Scheme since its inception?

MR DORWARD:—Sir, the Loans for small Industry Scheme was instituted in 1972 for an initial trial period of three years. Its objective was to assist small industrial enterprises, defined originally as being factories employing not more than 200 workers and having not more than \$600,000 in proprietors' funds, to increase their productivity by the purchase of modern machinery and equipment. In what was effectively a joint venture scheme between Government and the banking system, medium term loans at reasonable interest rates were made through commercial banks. They were underwritten by Government to the extent of 50 per cent, subject to a maximum commitment of \$30 million.

Despite extensive publicity and two major modifications, involving an increase both in the loan ceiling and maximum proprietors' funds, the scheme has been little used. During the original 3 year trial period and a one year extension only 10 loans have been approved, totalling \$1.4 million against the permissible commitment of \$30 million.

From the outset opinion was divided on the need for such a scheme. There were those who maintained that small industrialists were sometimes unable to obtain medium term loans due to lack of collateral security. Banking opinion, on the other hand, was that the existing system provided adequate facilities. Experience indicates that the latter view was probably correct.

[MR DORWARD] **Oral answers**

I have recently consulted both the Loans for Small Industry Committee and the Trade and Industry Advisory Board. Their advice, which I accept, is that the scheme should now be discontinued. I am assured by banking circles that adequate facilities will continue to be available to meet the kind of needs the scheme was originally devised to serve.

Parking facilities in Kwun Tong

13. MR JAMES WU asked:—

Sir, will Government take steps to provide off-street vehicle parking facilities in Kwun Tong to improve traffic flow in this factory area?

SECRETARY FOR THE ENVIRONMENT:—Yes, Sir, steps are being taken in this direction. The Government has called for tenders for the rental of a large open site at Wai Yip Street near the Kwun Tong ferry concourse for use as a parking lot capable of holding approximately 130 vehicles. The offer is for a 3-year term and the facilities should be put into commission before the end of the year.

Several other sites for off-street parking in Kwun Tong are also under consideration.

Youth counselling service

14. MR CHEONG-LEEN asked:—

Sir, will Government establish youth counselling centres on a district basis as part of the overall services for students and other young people?

SECRETARY FOR SOCIAL SERVICES:—Sir, counselling for young people is already available at all thirteen district Family Services Offices and Centres of the Social Welfare Department. In addition, voluntary agencies are operating an experimental youth counselling project to provide in-depth counselling to young people and four pilot youth guidance schemes on a district basis. These schemes aim at seeking out and helping young people between the ages of 11 and 15 years who are school drop-outs or potential drop-outs or who have behavioural problems. The former project is already under review and the latter

schemes will be evaluated at the end of this year. The experience gained should be invaluable in determining in what direction such services should develop.

Counselling is also available to students through school social work service although this service is available on a limited basis at present. It is the intention to expand these services as resources permit.

MR CHEONG-LEEN:—Sir, is such counselling service available for young people up to the age of 21 and perhaps even beyond and up to the age of 23?

SECRETARY FOR SOCIAL SERVICES:—Sir, the district Family Services Offices, which I referred, cater for all ages of persons who require counselling.

MR CHEONG-LEEN:—Sir, is the service well patronized?

SECRETARY FOR SOCIAL SERVICES:—Yes, Sir.

Public light buses—fares

15. MR CHEONG-LEEN asked:—

Sir, what are Government's plans to standardize fares for the various routes of the public light buses so as to reduce the possibility of overcharging?

SECRETARY FOR THE ENVIRONMENT:—Sir, consideration has been given to the standardization of fares for public light buses but this would involve not only the rigid designation of a complex network of routes but also the imposition of controls on a system which generally seems to benefit the public by being flexible in meeting demands. Also it would be extremely difficult to enforce standard fares over such a wide network of routes and upon so many individual operators.

The Transport Advisory Committee has considered a system of zonal fares but concluded that this would not work, also because of the enforcement difficulties.

On the other hand, the "maxicab" system by which a limited number of public light buses operate over special routes and at standard

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fares, has proved to be a success and on the advice of the Transport Advisory Committee and when the Commissioner for Transport has additional control staff, this system will be expanded so that more public light buses will in fact operate on standard fares and routes.

MR CHEONG-LEEN:—Sir, for the purpose of expanding the "maxicab" system, has the Commissioner for Transport already requested for additional staff?

SECRETARY FOR THE ENVIRONMENT:—Sir, I am afraid I am unable to answer that question at this stage, but I will find out and let my honourable Friend know.

Government business

Motions

SCHEDULE OF WRITES-OFF FOR THE FINANCIAL YEAR 1975-76

THE FINANCIAL SECRETARY moved the following motion:—

That the writes-off for the financial year 1975-76, as set out in the Schedule, be approved.

SCHEDULE WRITES-OFF AUTHORIZED BY FINANCE COMMITTEE IN THE FINANCIAL YEAR 1975-76

<i>Amount \$</i>	<i>Date of meeting</i>	<i>Category</i>	<i>Remarks</i>
24,925.00	21.5.75	Loan	Outstanding balance of an irrecoverable loan to the Resettlement Estates Loan Association from the Lotteries Fund.
581,977.92	1.10.75	Cash	Loss of cash in an armed robbery on 31st August 1973.
Unknown	17.12.75	Fees	Under-collection of fees under the Merchant Shipping (Fees) Regulations.

He said:—Sir, the purpose of this motion is to seek the covering approval of this Council to those writes-off approved by the Finance Committee during the financial year 1975-76 and which are listed in the Schedule.

Question put and agreed to.

**HONG KONG AND YAUMATI FERRY COMPANY
(SERVICES) ORDINANCE**

THE SECRETARY FOR THE ENVIRONMENT moved the following motion:—

With the consent of the Company, that the Schedule to the Ordinance be amended in Appendix II under the heading "A. SERVICES OTHER THAN BETWEEN JUBILEE STREET FERRY PIER AND KWUN TONG FERRY PIER" by—

- (a) deleting items (f) to (j) and substituting the following—
- | | | | |
|-----|---|--------|--|
| (f) | Private car, public car or taxi | \$3.00 | (inclusive of passengers) |
| (g) | Motor cycle (with or without side car)..... | \$1.00 | (inclusive of passengers) |
| (h) | Light bus..... | \$6.00 | (inclusive of passengers) |
| (i) | Omnibus | \$6.00 | (inclusive of passengers) |
| (j) | Goods vehicle not exceeding 40 cwt, weight unladen..... | \$6.00 | (inclusive of passengers and freight)."; and |
- (b) adding after item (j) the following—
- | | | | |
|-----|--|---------|---------------------------------------|
| (k) | Goods vehicle exceeding 40 cwt, weight unladen but not exceeding 100 cwt, weight unladen | \$9.00 | (inclusive of passengers and freight) |
| (l) | Goods vehicle exceeding 100 cwt, weight unladen which does not exceed a length of 36 feet (rigid and articulated)..... | \$12.00 | (inclusive of passengers and freight) |
| (m) | Vehicle which exceeds 36 feet in length (rigid and articulated) | \$75.00 | (inclusive of passengers and freight) |

Motions

- (n) Additional charges—
- | | | |
|-------|---|---|
| (i) | overhanging loads | \$10.00 for each 4 feet overhanging |
| (ii) | vehicle towing another vehicle..... | Each vehicle will pay the prescribed fare for its particular category |
| (iii) | vehicle (other than a rigid and articulated vehicle) towing a trailer | The towing vehicle will pay the fare prescribed for its particular category and the trailer will pay \$9.00 |
- (o) Monthly tickets (valid for first and second class fare and for current calendar month only)
- | | | |
|------|----------------------------|----------|
| (i) | Adult | \$12.00 |
| (ii) | Child under 16 years | \$6.00." |

He said:—Sir, I move the first motion standing in my name on the order paper in respect of the Hong Kong and Yaumati Ferry Company (Services) Ordinance.

The motion seeks to amend Appendix II of the Schedule to the principal Ordinance to introduce revised categories of vehicles and charges for the Company's vehicular ferry services.

The existing scale of charges is based on a classification of vehicles which in some cases only vaguely matches vehicles using the service. There is, for example, no mention of light buses and omnibuses; these vehicles are, in fact, charged as for load carrying vehicles not exceeding 40 hundredweight unladen. To remove doubts as to the category of any particular vehicle, it is proposed that the classification should accord with the classification used in road traffic legislation. Also, a distinction is made between goods vehicles under 100 hundredweight and those over 100 hundredweight.

In the revised scale of charges, the existing charges levied on private cars, motor cycles, light buses, omnibuses and ordinary goods vehicles will remain unchanged. However, new charges are proposed for goods vehicles exceeding 100 hundredweight and long vehicles exceeding 36 feet in length. As these vehicles occupy more space than ordinary goods vehicles and require additional staff to control their loading and unloading, it is considered appropriate that they should attract higher charges.

(At this point Mr Alex WU stated that he wished to declare an interest as a Director of the Hong Kong and Yaumati Ferry Company and would therefore abstain from voting on this motion.)

Question put and agreed to.

HONG KONG AND YAUMATI FERRY COMPANY (SERVICES) ORDINANCE

THE SECRETARY FOR THE ENVIRONMENT moved the following motion:—

With the consent of The Hong Kong and Yaumati Ferry Company, Limited, that the Schedule to the Hong Kong and Yaumati Ferry Company (Services) Ordinance be varied by deleting paragraph 8 thereof.

He said:—Sir, I move the second motion standing in my name on the order paper in respect of the Hong Kong and Yaumati Ferry Company (Services) Ordinance.

The motion seeks the exemption of the monthly fee payable by the Company for the North Point/Kwun Tong vehicular service.

The Hong Kong and Yaumati Ferry Company was given permission to operate a new vehicular service between North Point and Kwun Tong in August 1972 when it became apparent that the then existing vehicular service between North Point and Kowloon City would have to be suspended to avoid duplicating the route served by the Cross-Harbour Tunnel. The terms for the new service included the normal royalty of twenty-five per cent of the net profit and a monthly fee of \$100,000 as premium for the privilege of operating the service. This fee was however waived for the first two years in order to give the service time to settle down, and the Company was given, in addition, the right to apply for a termination of the service if it proved to be unprofitable. The North Point/Kwun Tong vehicular service commenced operation on 1st July 1974, and the monthly fee of \$100,000 therefore became payable from 1st July 1976.

In 1975, the North Point/Kwun Tong vehicular ferry service carried little more than a third of the vehicles carried by the former North Point/Kowloon City service and the Company in fact sustained a loss of \$82,500 on this route. Despite this, the Company has indicated to the Government that it would be prepared to continue operating this

[THE SECRETARY FOR THE ENVIRONMENT] **Motions**

service for the time being in the public interest if the Government exempts it from paying the monthly fee of \$100,000 from 1st July 1976.

There is no doubt that, if the monthly fee were to be enforced on this service, the Company would respond by applying for a termination of the service with the result that:—

- (i) most vehicles now using the service would divert to the Cross-Harbour Tunnel and would add to the congestion of the road systems leading to the tunnel on both sides of the harbour;
- (ii) the community would lose a useful adjunct to cross-harbour vehicular facilities; and
- (iii) the prospective fee would be lost to general revenue in any case.

It is therefore proposed that the monthly fee should be waived in order to ensure that this vehicular service is maintained. The Transport Advisory Committee supports the proposed exemption of the monthly fee.

(At this point Mr Alex WU stated that he wished to declare an interest as a Director of the Hong Kong and Yaumati Ferry Company and would therefore abstain from voting on this motion.)

Question put and agreed to.

MASS TRANSIT RAILWAY CORPORATION ORDINANCE

THE FINANCIAL SECRETARY moved the following motion:—

Under section 12(1) of the Mass Transit Railway Corporation Ordinance that the Schedule to the Resolution of the Legislative Council published as Legal Notice No 242 of 1975 in the *Gazette* on the 31st October 1975 as amended from time to time be further amended—

- (a) in item 1 by deleting "80 million" and substituting the following—

"140 million";

- (b) in item 6 by deleting "41.5 million" and substituting the following—

"69.6 million";

(c) in item 10 by deleting "570 million" and substituting the following—

"690 million";

(d) by adding the following new items—

- | | | |
|------|--|--|
| "12. | Hong Kong dollar loan facility arranged by Jardine Fleming & Company Limited to finance local and international contracts. | 72.5 million Hong Kong dollars and such amounts as may become payable in respect of interest. |
| 13. | Hong Kong dollar loan facility arranged by Kyowa Limited to finance contracts placed in Japan. | 15 million Hong Kong dollars and such amounts as may become payable in respect of interest. |
| 14. | United States dollar loan facility arranged by Jardine Fleming & Company Limited to finance local and international contracts. | 55 million United States dollars and such amounts as may become payable in respect of interest. |
| 15. | United States dollar loan facility and Hong Kong dollar loan facility to finance electrical and mechanical contracts placed in the United States and purchases of United States goods and services in respect of such contracts. | 17 million United States dollars or the Hong Kong dollar equivalent thereof and such amounts as may become payable in respect of interest and other charges. |
| 16. | Sterling loan facility to finance electrical and mechanical contracts placed in the United Kingdom. | 8 million pounds sterling and such amounts as may become payable in respect of interest. |

He said:—Sir, the purpose of this motion is further to amend the Schedule to the Council's resolution of 23rd October 1975 dealing with loan arrangements to be guaranteed by the Hong Kong Government on behalf of the Mass Transit Railway Corporation.

The Corporation let eight electrical and mechanical contracts for the Mass Transit Railway in early July. These contracts include purchase of coaches, equipment for the power supply, telecommunications and signalling systems, equipment for the Kowloon Bay depot and other terminal facilities such as escalators and automatic fare collection machines. The total cost comes to about \$700 million. Four of these contracts, including the one for the coaches which accounts for somewhat less than half the total amount, have gone to companies in the United Kingdom. Of the remaining four, two have been awarded

[THE FINANCIAL SECRETARY] Motions

to companies in Hong Kong and one each to companies in Germany and the United States.

With the award of these eight contracts the Corporation has now let all but twelve of the contracts required for the construction and equipment of the Modified Initial System. Eight building and civil engineering contracts have still to be let and four E and M contracts. I am glad to say that the overall estimated cost of the project remains within the original estimate of \$5,800 million, including an allowance for escalation of contract costs as such, and that the few remaining contracts still to be let are not expected to alter this situation.

The motion I am moving today seeks to cover the related borrowings that will be made by the Mass Transit Railway Corporation as a result of the recently let contracts, that is to say, it seeks, first, to increase the maximum guarantees in respect of certain export credits and loans and, secondly, to authorize me to grant additional guarantees in respect of loans of finance local and international contracts which have now been let.

The proposals are—

First to increase the UK export credit guarantee from 80 million pounds sterling to 140 million pounds sterling to cover the electrical and mechanical contracts placed with British firms (Item 1 of the Schedule to the Resolution of 22nd October 1975).

Secondly to increase the German export credit guarantee from 41.5 million Deutsche marks to 69.6 million Deutsche marks to cover the one electrical and mechanical contract awarded to a German firm (Item 6).

Thirdly to increase the guarantee in respect of loans arranged by Wardley Limited from HK\$570 million to HK\$690 million to cover the recently awarded local contracts (Item 10).

Fourthly to guarantee a loan facility of HK\$72.5 million to be arranged by Jardine Fleming Limited to finance local and international contracts (New Item 12 in the Schedule).

Fifthly to guarantee a loan facility of HK\$15 million to be arranged by Kyowa Limited to finance contracts placed in Japan (New Item 13).

Sixthly to guarantee a loan facility of US\$55 million to be arranged by Jardine Fleming Limited to finance local and international contracts (New Item 14).

Seventhly to guarantee a US dollar loan facility and Hong Kong dollar loan facility of up to US\$17 million or its Hong Kong dollar equivalent for contracts placed in the United States (New Item 15).

Finally to guarantee a sterling loan facility of 8 million pounds to finance contracts placed in the United Kingdom (New Item 16).

The bulk of the finance associated with specific contracts has now been arranged and the Corporation is not at present planning further medium term foreign currency loans. However, I expect that, from time to time, the Corporation will arrange longer term finance in both foreign currencies and Hong Kong dollars in substitution for some of its existing shorter term facilities and thus further amendments to the Schedule to the resolution of 23rd October 1975 will be necessary.

Question put and agreed to.

First reading of bill

PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT) (NO 3) BILL 1976

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

Second reading of bills

PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT) (NO 3) BILL 1976

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

He said:—Sir, the object of this bill is to amend the principal ordinance to provide for controls over noise from ventilating systems and to provide for offences relating to the adulteration of meat for human consumption.

Excessive noise from ventilating systems including air-conditioning units has been the subject of many complaints by the public and has

[SECRETARY FOR THE ENVIRONMENT] **Public Health and Urban Services (Amendment)
(No 3) Bill—second reading**

been considered at length by the Advisory Committee on Environmental Pollution (EPCOM).

Existing legislation does not provide a satisfactory means for tackling this type of noise nuisance and the amendment now proposed under clause 2 of the bill would correct this state of affairs and make it easier to respond to complaints in an effective manner.

Measures recently put into operation have made it possible to take legal action against nuisances caused by ventilating systems and air-conditioners emitting blasts of hot air or dripping water. Failure to rectify such nuisances within a required period of time is an offence and abatement can be effected. If the bill now before Council is enacted, similar action will be possible in the case of excessively noisy ventilating systems and air-conditioners.

It is proposed that the new provisions be put into operation early next year so that, on the one hand, ample time is given for excessively noisy ventilating systems and air-conditioners to be put in order, while on the other hand, the benefits of the proposals are reaped during the next humid and hot season when air-conditioning is in full swing.

The injection of water into meat for human consumption is already an offence under by-law 27 of the Food Business By-laws and regulation 26 of the Food Business (New Territories) Regulations. The purpose of these existing provisions is partly to protect customers from being cheated in purchasing meat made heavier through injected water and partly to prevent health risks from dirty injection instruments and contaminated water. Clause 3 of the bill now seeks to put these provisions into the principal ordinance and to provide powers for the seizure of syringes or other instruments designed for the purpose of injecting meat. Additionally, it provides that on any food premises where such instruments are found, the person carrying on the business and the manager of the business shall be guilty of an offence.

The other clauses in the bill are consequential amendments.

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

Question put and agreed to.

SECURITIES (AMENDMENT) BILL 1976**Resumption of debate on second reading (7th July 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).

**MISCELLANEOUS AMENDMENTS (ROAD TRAFFIC)
BILL 1976****Resumption of debate on second reading (7th July 1976)**

Question proposed.

MR JAMES WU:—Sir, when the Fixed Penalty (Criminal Proceedings) Ordinance was passed by this Council on 21st August 1974, it was provided that the provisions of that ordinance shall come into operation on a date to be appointed by the Governor by notice in the *Gazette*. In the schedule to the ordinance was listed 73 offences, all related to traffic contraventions. For 44 of these scheduled offences a fixed penalty of \$50 was payable, and for 28 others there was a fixed penalty of \$100. There was only one scheduled offence which attracted a fixed penalty of \$200.

That particular ordinance was passed to provide for a fixed penalty to be payable for various traffic offences, thus reducing the heavy load borne by the Judiciary and the Police, and the other Government departments concerned. The convenience of motorists was also one of the principal reasons for the passage of that legislation, since for those 73 less important traffic contraventions it would normally be unnecessary for them to appear in court. I would like to add that the ordinance was considerably revised before its passage, following a series of interviews with various bodies which made representations to the Unofficial Members and a number of meetings with Government officials. Members of this Council will recall that, as a result, the proposed demerit system was dropped, and the number of scheduled offences reduced to 73 from the original 99. At the instance of the Unofficial Members,

[MR JAMES WU] **Miscellaneous Amendments (Road Traffic) Bill—second reading**

Government also agreed to reduce the fixed penalties payable to those now contained in the schedule to the ordinance.

It will also be noticed that under the Road Traffic (Amendment) (No 3) Ordinance, section 3(a) created a new offence—that of failing to carry a driving licence when driving—for which a person on summary conviction would be liable to a fine of \$1,000 and to imprisonment for 3 months in the case of a first conviction, and \$2,000 and imprisonment for 6 months in the case of a second or subsequent conviction.

When it was announced that Government would bring into operation these two ordinances, there was considerable public comment. My Unofficial colleagues and I took note of the views expressed, and then approached the Government departments concerned. In the course of our deliberations, we gave due weight to the various submissions made to the Unofficial Members in 1974 and subsequently. The Unofficial Members were of the view that the offence of failing to carry a driving licence when driving should be made a scheduled offence, with a fixed penalty of \$50. In those cases where it is decided to institute court proceedings against the driver by way of summons, about which I shall elaborate further, the Unofficial Members after taking into account all possible factors came to the conclusion that it would be most inappropriate to provide for imprisonment in the penalty which may be imposed by a court, whether for a first or subsequent conviction.

I am glad to say that the Unofficial viewpoint has now been accepted by Government; hence the introduction of the Miscellaneous Amendments (Road Traffic) Bill 1976 into this Council on 7th July, amending existing legislation so that the offence of failing to carry a driving licence when driving is made a scheduled offence with a fixed penalty of \$50, and deleting the reference to imprisonment where that offence is prosecuted in court.

I may add the UMELCO Office has also been advised that a replacement licence will be issued without delay upon receipt of a report of loss or misplacement.

However, the professional drivers, through the representatives of their unions, have recently called on the Unofficial Members to express their concern over the heavy fines which may be imposed upon conviction

of this particular offence. Whilst they appeared somewhat relieved when advised that the imprisonment clause had been deleted, they still felt that the threat of a maximum penalty of \$1,000 or \$2,000 was unduly severe for persons who are earning their living by driving. They pointed out that failure to carry a driving licence should not attract a heavy fine, as this could easily arise through absent-mindedness or oversight, aggravated by the need to change clothing frequently, particularly during the long hot summer, and by the occurrence of a driving licence being misplaced, dropped, or stolen. They stated that, as professional drivers, their income was limited and any heavy fine imposed, not to say the maximum, would be a great burden on the individual and create hardships for his family. They suggested that action should be taken to amend the law.

My Unofficial colleagues are sympathetic to the plea but are aware that the inclusion of this new offence is crucial to the working of the whole scheme of fixed penalties under the Fixed Penalty (Criminal Proceedings) Ordinance. It would appear that the \$50 fixed penalty for this offence is generally acceptable and adequate in deterrent effect. We therefore ask for an assurance from Government that this offence would normally be dealt with under the Fixed Penalty legislation, and that prosecution for such an offence in court would only be instituted under very special circumstances.

We note that court proceedings could be taken in the case of a person committing the offence "without lawful authority or reasonable excuse" and that it is proposed to institute court proceedings only to deter the "persistent" traffic offender. We have been advised by union representatives that there are over 100,000 professional drivers in this community, including Crown servants. Under these circumstances, we feel that Government should consider whether the decision to institute court proceedings for this offence should only be made by a senior member of the Police Force or the Legal Department.

In addition, representatives of the unions and UMELCO Members have also had discussions on the 73 scheduled offences, and Members are now preparing to present some of the points for consideration by the relevant Government departments with a view to avoiding ambiguities and abuse in the implementation of the Fixed Penalty laws. In the end, it must be recognised that in the highly congested conditions of Hong Kong, practical and effective laws are necessary to provide for smooth traffic flow with minimum obstruction, hazards and danger to all road users, and for the benefit of pedestrians, passengers, and

[MR JAMES WU] Miscellaneous Amendments (Road Traffic) Bill—second reading

professional as well as non-professional drivers. Appropriate penalties for offenders imposed in a just and fair manner would ensure satisfactory enforcement of the law, and this deserves the support and co-operation of all concerned.

Sir, subject to the observations mentioned above, I support the bill.

THE ATTORNEY GENERAL:—Sir, I can assure the Council that the offence of failing to carry a driving licence when driving will normally be dealt with by a demand for payment of the fixed penalty and not by prosecution. Prosecutions will be instituted only in the case of drivers who persistently fail to carry their driving licences and then only on the authority of a police officer of the rank of superintendent.

I recognize the concern which has been expressed by drivers about the possibility that heavy fines may be imposed in the event of prosecution. Accordingly I think it appropriate to emphasize, firstly, that the monetary penalties now proposed are maximum penalties and, secondly, that the courts in dealing with individual offenders must take account of their particular circumstances, including their means in deciding the level of fine to be imposed in a particular case.

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).

LEGAL PRACTITIONERS (AMENDMENT) BILL 1976**Resumption of debate on second reading (26th May 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).

ANIMALS AND PLANTS (PROTECTION OF ENDANGERED SPECIES) BILL 1976**Resumption of debate on second reading (23rd June 1976)**

Question proposed.

MR CHEUNG:—Sir, our laws already recognised the essential need to protect a number of endangered species of mammals and birds, especially against their excessive commercial exploitation. This protection is provided by the controls on their importation and possession contained in the Animals and Birds (Restriction of Importation and Possession) Ordinance, which is now to be repealed and replaced by this bill, which however will extend the control to the exportation of the scheduled species. The purpose of this bill is broadly to conform with the provisions of the Washington Convention which provides for international control on trade in the scheduled species.

The Unofficial Members having studied the bill would want to support it subject to the amendments which I will now mention; but in general we consider it timely that a greater measure of protection should be extended to many more species of animals, and to the plants, which are listed in the bill.

A number of corrections need to be made to the Schedules. Secondly, a further amendment should be made to clause 19 to provide that any further changes to the Schedules should be made by the Governor in Council, and not by the Governor alone. Thirdly, clause 10 should be amended to restrict the exercise of the power to require a person to declare a scientific name of an animal or plant to the Director of Agriculture and Fisheries, his Deputy, and the Assistant Directors of that department. No other officer of that department should be able to exercise that power. I would welcome an assurance that amendments will be proposed by my Friend in committee on 4th August.

MR DORWARD:—Sir, I am grateful to my honourable Friend Mr CHEUNG for his helpful comments and I am pleased to confirm that the amendments to which he refers will be moved at the Committee stage.

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.

**MISCELLANEOUS AMENDMENTS (ROAD TRAFFIC)
BILL 1976**

Clauses 1 to 3 were agreed to.

LEGAL PRACTITIONERS (AMENDMENT) BILL 1976

Clauses 1 to 3 were agreed to.

Clause 4

THE ATTORNEY GENERAL:—Sir, I move that clause 4 be amended as set out in the paper before honourable Members.

The amendments have three purposes:

1. To postpone to 1st August the date after which practising certificates issued for the first time will contain the proposed restriction for two years on practice as a solicitor on one's own account or in partnership. The postponement is necessary because of the delay in the passage of the bill through this Council.
2. To provide that the two year period of post-qualifying experience must be since admission as a solicitor in order to qualify for the right to practise without restriction.
3. To limit to experience in Hong Kong or the United Kingdom the substantial experience which will enable the Law Society Committee to declare that the proposed restriction on the right to practise will not apply.

*Proposed amendment**Clause*

- 4 That clause 4 be amended in the proposed new section 6—
 - (a) in subsection (6)—
 - (i) by deleting "1st July" and substituting the following—
"1st August";

- (ii) by inserting after "the Committee that" the following—
"since being admitted as a solicitor";
- (iii) in the proviso by deleting "or elsewhere" and substituting the following—
"or in the United Kingdom"; and
- (b) in subsection (10) by deleting "or elsewhere" and substituting the following—
"or in the United Kingdom".

The amendment was agreed to.

Clause 4, as amended, was agreed to.

Clauses 5 and 6 were agreed to.

Clause 7

THE ATTORNEY GENERAL:—Sir, I move that clause 7 be amended as set out in the paper before honourable Members.

The purpose of the amendment is to provide that a person who has obtained only the Post Graduate Certificate in Laws, and is not a graduate of the University of Hong Kong, will not be eligible for admission as a barrister unless he is either a Chinese resident or a Hong Kong believer.

Proposed amendment

Clause

- 7 That clause 7(a) be amended by deleting sub-paragraph (i) and substituting the following—
 - "(i) by deleting sub-paragraph (iii) of paragraph (a) and substituting the following new sub-paragraphs—
 - "(iii) he is a Bachelor of Laws of the University of Hong Kong and has obtained the Post Graduate Certificate in Laws awarded by that University; or
 - (iv) he has obtained the Post Graduate Certificate in Laws awarded by the University of Hong Kong and he is either a Chinese resident or a Hong Kong believer within the meaning of the Immigration Ordinance;" and".

(Cap.
115.)

Legal Practitioners (Amendment) Bill—committee stage

The amendment was agreed to.

Clause 7, as amended, was agreed to.

Clauses 8 and 9 were agreed to.

Clause 10

THE ATTORNEY GENERAL:—Sir, I move that clause 10 be amended as set out in the paper before honourable Members.

*Proposed amendment**Clause*

10 That clause 10 be amended in proposed new section 31(1)(c) by inserting after "section 27" the following—
" (1) ".

The amendment was agreed to.

Clause 10, as amended, was agreed to.

Clause 11 was agreed to.

Clause 12

THE ATTORNEY GENERAL:—Sir, I move that clause 12 be amended as set out in the paper before honourable Members.

This amendment will enable the Chief Justice to make rules prescribing the qualifying period of active practice which will entitle a barrister to practise as such.

*Proposed amendment**Clause*

12 That clause 12 be amended by deleting paragraph (b) and substituting the following—
" (b) by inserting after paragraph (b) the following new paragraphs—
" (ba) regulating the examinations to be passed by students seeking to become barristers in Hong Kong;

- (bb) prescribing the qualifying period of active practice for the purposes of section 31, which period may include such periods of active practice served before admission as a barrister in Hong Kong or before call to the Bar in England or Northern Ireland or admission as an advocate in Scotland as may be prescribed;".

The amendment was agreed to.

Clause 12, as amended, was agreed to.

Clauses 13 and 14 were agreed to.

Council then resumed.

Third reading of bills

THE ATTORNEY GENERAL reported that the

Miscellaneous Amendments (Road Traffic) Bill 1976

had passed through Committee without amendment and that the

Legal Practitioners (Amendment) Bill 1976

had passed through Committee with 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 4th of August.

Adjourned accordingly at twenty minutes to four o'clock.

Price: \$15.00
Code No.: G411476

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