

# OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 10th November 1976

The Council met at half past two o'clock

## PRESENT

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)  
SIR CRAWFORD MURRAY MacLEHOSE, GBE, KCMG, KCVO  
THE HONOURABLE THE CHIEF SECRETARY,  
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  
MR DENIS CAMPBELL BRAY, CVO, JP  
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 McDONALD, JP  
DIRECTOR OF PUBLIC WORKS  
THE HONOURABLE KENNETH WALLIS JOSEPH TOPLEY, CMG, JP  
DIRECTOR OF EDUCATION  
THE HONOURABLE IAN ROBERT PRICE, CBE, TD, JP  
COMMISSIONER FOR LABOUR  
THE HONOURABLE DAVID GREGORY JEAFFRESON, JP  
SECRETARY FOR ECONOMIC SERVICES  
THE HONOURABLE ALAN JAMES SCOTT, JP  
SECRETARY FOR THE CIVIL SERVICE  
THE HONOURABLE GARTH CECIL THORNTON, QC  
SOLICITOR GENERAL  
THE HONOURABLE EDWARD HEWITT NICHOLS, OBE, JP  
DIRECTOR OF AGRICULTURE AND FISHERIES  
THE HONOURABLE THOMAS LEE CHUN-YON, JP  
DIRECTOR OF SOCIAL WELFARE  
THE HONOURABLE DEREK JOHN CLAREMONT JONES, JP  
SECRETARY FOR THE ENVIRONMENT  
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 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, 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  
 THE REV THE HONOURABLE JOYCE MARY BENNETT, JP  
 THE HONOURABLE CHEN SHOU-LUM, JP  
 THE HONOURABLE MISS LYDIA DUNN, JP  
 DR THE HONOURABLE HENRY HU HUNG-LICK, OBE, JP  
 THE HONOURABLE LEUNG TAT-SHING, JP  
 THE REV THE HONOURABLE PATRICK TERENCE McGOVERN, SJ, JP  
 THE HONOURABLE PETER C. WONG, JP  
 THE HONOURABLE WONG LAM, JP

#### IN ATTENDANCE

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

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#### Papers

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

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Report:

The Highway Code published on 10.11.76.

## Government business

### Motion

#### Address of thanks to His Excellency the Governor

#### Resumption of debate on motion (27th/28th October 1976)

MR THOMAS LEE:—Sir, may I first express my appreciation for the encouragement which the staff of my Department and I have received from this Council in bringing about a very rapid development in social welfare services over the last five years. Initiatives in the field of welfare and social security have entailed a six-fold increase in expenditure since 1971, and the ambitious plans envisaged in the Green Paper on Rehabilitation, the proposed extension of Public Assistance, the implementation of the Child Care Centres Ordinance, and further developments in services for youth and the elderly will not only call for even more resources, but will also provide a challenge to my staff and those in the voluntary sector.

Guided by the Social Welfare Five Year Plan of 1973 and its three subsequent annual reviews, we have been able, in spite of the recent recession, to make very significant progress. This year we have spent a great deal of time clarifying the objectives of the various social welfare services. As a result, next year's comprehensive review of the Plan, as mentioned by Your Excellency, will, I hope, result in a more logical and cost effective re-arrangement of priorities.

Sir, I am very pleased to note that the majority of my honourable Friends who have spoken support our Public Assistance scheme and its proposed extension. I agree with my honourable Friend Miss Ko Siu-wah that our social security measures have fully demonstrated their value since their inception and especially during the recent recession. In spite of this, we should, however, look to further improvements and I welcome Your Excellency's proposal to include in the scheme able-bodied people in need between 15 and 55 who, through no fault of their own, are unable to find work. Our experience with the Public Assistance so far shows that there is little evidence of abuse and in extending the scheme to those of working age, we shall certainly build into the scheme all the necessary safeguards to ensure that there will continue to be little scope for abuse. I must also emphasize that the maximum basic public assistance which a single unemployed person could draw would only be \$180 a month and that the addition of an able-bodied member of a family already on public assistance would generally only increase what they are already getting by a little over

\$100 a month. I do not therefore share the fears of those who think that this move will encourage idleness as there is still a significant gap between the level of public assistance and the prevailing wage rates.

My honourable Friend Miss Ko Siu-wah has pleaded for more generous treatment for the chronically sick, the disabled, the widowed and the old as special categories of persons with greater need. I agree with Miss Ko and can assure her that the proposal will receive the most careful study. Regarding Miss Ko's point concerning the minimum age of 75 laid down to qualify for an Infirmity Allowance, I shall certainly look into the prospect of reducing this age limit. But as Miss Ko points out, our scheme is non-contributory and in the circumstances any reduction in the qualifying age may have to depend on the applicants' proving that they need such support. This would, of course, involve a fundamental change to the Disability and Infirmity Allowance Scheme which at present is not means tested. However, both proposals will be given serious consideration in the context of our overall review of the social welfare programmes.

I hope, Sir, within the next year to propose further initiatives in social welfare developments following the production of Programme Plans on Rehabilitation, the Elderly and Services for Youth. Indeed, anticipating a greater effort needed to forestall wayward young people from turning to crime and to apply the lessons learnt in research on crime among young people, I have consulted the Social Welfare Advisory Committee who endorse my plans to step up action on family life education, school social work and in reaching out through youth guidance, play-leadership schemes and detached work to those young people who are unlikely to make use of existing services or to seek out healthy pursuits such as are offered by our community centres and by similar activities of voluntary agencies.

I fully agree with my honourable Friends, Mr CHEONG-LEEN, Miss Ko Siu-wah and the Rev Joyce BENNETT on the importance of school social work and the need for its expansion. I am glad to report that the present pilot service in this field, which was initiated by the Social Welfare and Education Departments two years ago, has been making steady progress. In the last school year the number of participating schools increased from five to ten, with a total enrolment of 12,000 pupils. In the present school year another 17 schools, with a total of 19,000 pupils, were selected to join the service, while last year's schools are encouraged to continue referring cases to the Social Welfare Department which supplies social workers required by deploying its staff part-time.

[MR THOMAS LEE] **Motion**

Since the inception of the pilot service the two departments have been in very close touch. Their representatives meet regularly to review the service and organize seminars attended by school heads, teachers and school social workers so that their respective roles can be more clearly defined. At this point in time plans are being made to strengthen the service for the 1977-78 school year through the employment of additional school social workers in the Social Welfare Department on a full-time basis and hopefully to increase five times the number of schools to be provided with this service from 17 to 85. In the voluntary sector 6 agencies are already providing similar service to a number of other schools. During 1977-78, it is proposed to enable subvented agencies also to expand their social work service to cover more schools.

Meanwhile, in this and the following financial year, the voluntary sector in consultation with the Hong Kong Council of Social Service and my Department, aim to improve the standard of care for the elderly and to provide another 919 places in homes and hostels for the aged to bring the total number of old people being looked after to over 4,000. I agree entirely with my honourable Friend Miss Ko that we must do more for our old people but reserve further comments until our programme plan grows into a Green Paper. In the same two years, further initiative by voluntary agencies will provide another 600 places in training centres, sheltered workshops and other centres for the mentally retarded. In the new towns, 5 community halls to serve the people in the smaller public housing estates have been built and another 5 will soon be under way to provide youth and community work to the residents in these new communities.

Sir, I am glad to inform this Council and my honourable Friend the Rev Joyce BENNETT in particular that a larger and better equipped institution will be ready to replace the Ma Tau Wei Girls' Home during the next financial year. It is perhaps not realized, Sir, that the Girls' Home is in fact a combined institution of different categories of girls on remand, on probation or in need of care and protection whose period of residence varies from one week to several months. Their standard of education also varies widely and it is therefore difficult to have a long-term educational programme which will suit all of them. However, I shall consult again my honourable Colleague, the Director of Education, as to how the present programme of education and hand work training can be improved and on the type of textbooks to be supplied which will be more suitable for these girls many of whom are several years behind in their educational attainment. I can assure my

honourable Friend the Rev Joyce BENNETT that recreational activities are being provided as part of the daily programme and outings are also arranged regularly for selected groups. There is at present a social worker attached to the Home to give personal attention to the girls and their problems. Consideration is being given as to whether an additional social worker can be justified.

Finally, Sir, my honourable Friend Dr Henry Hu drew a distinction between "active" and "passive" social services. I agree with him that we must have a balanced programme of social welfare services in which "active" social services are complementary with cash aid programmes. Indeed, no matter how much we pay out in social security, problems requiring the skill of professional social workers will always arise. In other words, cash is not a complete alternative to personal concern for the poor and the old and the disabled.

With these remarks, Sir, I have much pleasure in supporting the motion.

MR PRICE:—Sir, I shall confine my remarks almost entirely to labour legislation on which much of the effort of the Labour Department will be concentrated in this session. In so doing, I trust I shall not present a lop-sided impression of the Department's continuing efforts to improve labour standards, conditions of employment and industrial training.

I should like to put my remarks into perspective. The honourable Mr James Wu has reminded this Council that the Labour Department has not been idle in the field of labour legislation. During the last session 26 items were passed, bringing the total to 129 since 1967. Some of these were not of great significance, but all were necessary and required time and effort, and some involved a degree of strident argument, rather than a murmur, as mentioned by my honourable Friend.

For some time I have felt the need for more widely based advice. The Labour Advisory Board over the years has given valuable assistance, but it now needs expanding, while retaining its essentially tripartite character. I am glad to report that Your Excellency has approved an increase in the workers' representatives from four to six: and the employers' side will be similarly increased. I am grateful for these changes and look forward to the expanded Board's assistance and counsel from 1st January 1977.

**[MR PRICE] Motion**

During the last two sessions, the emphasis in legislation has been on extending the protective ring of occupational safety regulations. In this, I have been greatly aided by the Labour Adviser (Factories), on secondment from the United Kingdom. He has now gone home, after submitting to me a valuable report, in which he lists the few major items he advises should be added to the 15 safety regulations already made for the protection of workers. I hope to bring before this Council for approval during this session three sets of regulations covering the protection of eyes, the use of cartridge operated fixing tools, and the use of electrical appliances in factories. I am anxious, also, to legislate for the protection of workers' hearing, but noise is, unfortunately, probably the least understood and least researched of the common working hazards: and devising practical methods of protection is complex and difficult, particularly when noise is linked with vibration. It is unlikely that regulations appropriate to Hong Kong can be prepared before the next session.

Much remains to be done to encourage practical safety measures to give full effect to the basic protective regulations, which are a launching-pad for further progress, rather than an end in themselves. For this progress I have many useful guidelines in the Labour Adviser's report which will be implemented during the next two or three years. One of this recommendations is that there should be power to issue codes of safety practice, because in the more technical aspects of industry, simple and specific regulations are not really applicable or are open too much to individual interpretation.

Such additional safety legislation as may be necessary is likely to be confined to the revision of existing regulations, such as the building construction safety regulations which are under review. But it may also be necessary to deal with new hazards arising from the more sophisticated processes which we hope will be developed as a result of the special industries land policy and the forthcoming industrial estates.

However, in the last analysis, safety in the work-place is ultimately a matter of attitude of mind of the employer and of the employee. Much of our energies will therefore be expended in the training and educational aspects of safety; but I must warn that prosecution will be used where necessary.

I am hopeful that funds will be forthcoming for a special safety exhibition and campaign on the guarding of machinery in March next year, before the relevant regulations come into force on 1st April 1977.

Perhaps the most important feature of that part of the programme which deals with conditions of employment, is the conferring on employees by law of a right to seven days consecutive paid leave each year from 1st January 1978, in addition to the individual statutory holidays. This important social evolution will have a significant impact on the life and habits of the population. I welcome the support given by the honourable Mr TIEN, Mr LEUNG and Rev MCGOVERN. To the last two of them, I would explain that the period of seven days consecutive leave and the effective date of 1st January 1978 were determined after careful consideration of a number of factors, including the need to introduce the concept of consecutive leave at a reasonable level. We also had in mind the introduction from 1st January 1977 of 4 additional statutory holidays with pay and the probable addition of four rest days a year. Account was also taken of the need not to overburden the smaller employers and to give all employers adequate notice so that they can plan for their additional financial commitments and, where necessary, make changes in their working patterns of production. Government believes that the social advantages of paid annual leave greatly outweigh the slight risk of creating difficulties for a limited number of smaller employers.

Some critics have asked "but what will the workers do with all this enforced leisure?" I ask them to cast their minds back to 1970, when four rest days a month were introduced and similar doubts were expressed. The resounding answers to these doubts are to be found on any Sunday or public holiday when the beaches, hills, sports fields, trains, ferries, restaurants, and all places of amenity, recreation and entertainment are crowded.,

The present provision of four rest days a month was decided upon in 1970 in the light of the then traditional practices. But I am satisfied that most employers now provide one rest day a week, and that any difficulties can be fairly easily overcome in those undertakings where traditional practices linger. I therefore shall later to-day in this sitting introduce a bill to provide for one rest day in every seven days from 1st January 1977. This will have the effect of increasing the total number of rest days a year from the present 48 to 52.

I shall also propose two important improvements to existing schemes—severance pay and sickness benefits. The scheme of severance pay was tested severely during the recession and was generally successful though some deficiencies have emerged. The main improvements will be a modest increase in the basic rate from one-third of a month's wages to one-half for each year of qualifying service, and an increase

**[MR PRICE] Motion**

in the number of years that may be counted as qualifying service. The latter change is proposed because it has become clear that the current scheme can militate against longer-serving employees who should benefit more, because redundancy tends to have a more disruptive effect on them.

With regard to sickness benefits, I am proposing that the rate of payment for days of sickness be increased from half-pay to two-thirds pay, to bring it into line with the interim payment rate under the Workmen's Compensation Ordinance. I shall also propose to increase from 24 to 36 the number of sickness days that can be accumulated. However I consider that there is a limit beyond which an employer cannot be expected to be responsible for sickness benefits: and this limit will have been reached with these amendments. These proposals, and those for severance pay, have the support of the Labour Advisory Board.

There are two other amendments to the Employment Ordinance—the imposition of a vicarious liability on principal contractors in the building and construction industry to provide for protection of wages for workers of defaulting sub-contractors. I am glad to report that I have now reached a large measure of agreement on this subject with the Building Contractors' Association. A similar principle already exists in the Workmen's Compensation Ordinance.

During this session, it is also proposed to increase the scope of the Employment Ordinance by raising the wage limit of \$2,000 a month which applies to non-manual workers, perhaps to \$5,000 a month, though the actual figure will be determined in the light of future consultations.

I turn now to the Workmen's Compensation Ordinance. I suppose every department has its own administrative minefield. That of the Labour Department is undoubtedly the proposal for a silicosis insurance scheme. Whenever the proposal is nudged one step forward towards fruition, a mine goes off and a retreat and reappraisal take place. The scheme is complex, but because of the special nature of silicosis there are difficulties in the equitable application of any scheme. Further proposals have been drawn up in consultation with the Accident Insurance Association, but if any further mines impede progress, I shall advise that the existing proposals should be abandoned, and that a completely different solution be sought. In any event I am sure that honourable Members will agree that this scheme has already been

delayed too long, and that we owe it to workers to find, in the course of this session, a solution to the problems involved, whether by the method already proposed or by an alternative.

Arising out of the review of the Workmen's Compensation Ordinance I shall be proposing a number of amendments—to reduce delays in payment, to extend the time limit for application for compensation, and to extend the scope of the Ordinance, which at present in the case of non-manual workers is restricted to those earning \$2,000 a month or less. I shall suggest a new limit of \$5,000 a month. These changes have all been agreed by the Labour Advisory Board.

I shall also propose that, under the Workmen's Compensation Ordinance, the cost of renewal of prostheses and surgical appliances for workmen injured at work should become the responsibility of employers, instead of merely initial cost as at present. The need for renewal of such items stems from the original occupational injury, and therefore should not be borne by the victim of such injuries. Further, I feel that any cost to an employee of medical treatment arising from injury at work should be recoverable by him from his employer. I hope that these proposals can be submitted during this session.

The honourable Dr FANG suggests that a workman's percentage loss of earning capacity, as listed in the First Schedule, should be based on functional impairment and the injured workman's occupation, and not just on anatomical loss. This is a fundamental and wide reaching change and raises many issues of considerable difficulty. However, I assure him that his point will be investigated as part of the comprehensive review of the Workmen's Compensation Ordinance.

The Labour Advisory Board has recently advised that amendments should be made to the Trade Unions Ordinance to alter provisions which could be regarded as restricting the development of unions.

Finally, I propose to make, and submit to this Council for approval, regulations designed to abolish overtime for young persons aged 16 and 17 by the beginning of 1980. This will be achieved by a phased programme of reduction of 50 hours of permitted overtime in each successive year until the target has been achieved. This proposal has drawn fire from industrial employers, although our researches show that the effect on production as a whole would be small. Anyway, employers will have ample time over the next three years to plan their production without relying on overtime from this group. I welcome the support expressed by the honourable Mr LEUNG.

[MR PRICE] **Motion**

Sir, this has been a lengthy and detailed expose of proposed labour legislation for this session, but I felt I should summarize the measures which form an important part of the programme outlined by Your Excellency. During the present debate many Members have expressed different and sometimes conflicting views, but generally they have given firm support to this programme of legislation.

The proposed measures will also enable us to accede to further International Labour Conventions. Two more have been applied in the last year, bringing to 33 those applied fully or with modification. This compares well with the 34 conventions ratified by Japan. While it is our objective to apply such conventions, where appropriate, we seek to adapt their principles to suit Hong Kong's circumstances. In comparison with our Asian neighbours, in some matters Hong Kong is more advanced and that in others it lags behind, as you, Sir, have said. The measures which I have described will go far to redress the balance; but I am sure that honourable Members will agree that we should not rest until we are satisfied that Hong Kong is second to no comparable community in Asia in the provision of decent working standards.

With these words, Sir, I support the motion.

MR TOPLEY:—Sir, both my honourable Friends Mr CHEONG-LEEN and Miss BENNETT have asked me to do something to improve the standard of teaching in private independent schools by the provision of Government assistance. This question was fully considered when we were examining how to phase out rapidly the Secondary School Entrance Examination. We concluded that at this time the correct thing to do was to buy places in the private independent schools for as short a time as possible and then by separate building programmes to provide places in subsidized and non-profit-making schools. The reason for this is that it is almost impossible to avoid an element of subsidy to the private independent schools if assistance is given to their teachers. We are firmly set on this policy which I have described in my speech of 7 April this year in the Council and I am sure it is the right one. The Government is committed to the development of education through the public sector and it would be wrong for us to be bogged down by make-shift arrangements within the private independent sector.

My Rev and honourable Friend Miss BENNETT asks that examinations be avoided in primary schools in subjects like social studies,

nature study, hand-work, music and art. I believe that what she has in mind is that teachers' assessments in primary classes 5 and 6 should not include assessments in these subjects. The problem here is that if these subjects are excluded from teachers' assessments then the schools will be tempted to concentrate solely on Chinese, Mathematics and English in primary schools to the exclusion of these other valuable subjects. This is the trouble with the Secondary School Entrance Examination and it is a trouble which we wish to avoid when SSEE is done away with. However, I sympathize with Miss BENNETT's view-point and I am, in fact, investigating the contribution of the more practical subjects to the measure of overall attainment and at the same time considering ways in which some of the subjects mentioned could be assessed without formal examination.

My Rev and honourable Friend Miss BENNETT also chastises me for rebuffing sponsoring bodies who will not be able, within our newest building programmes, to complete their plans for building secondary schools in urban areas. When developing the secondary schools building programme we had to calculate both how many schools to build and where these schools should be placed. Now that the new town programmes are on the move it is essential that new secondary schools should so far as possible be built where people are going to live. Otherwise we would be developing new towns without the appropriate schools for the children to go to. This means that a number of sponsors are being asked to take new sites for schools which they are sponsoring. In general sponsors are proving willing to accept this shift of locale but there are two sponsors, the Holy Trinity Church and the Church of the Good Shepherd, whose plans were to build the schools within their own parish boundaries so that the new sites offered to them outside the established urban area do not fit their intentions at all. Although no final decision has been taken in this matter I do not see my way clear to agreeing to the building of these schools in Kowloon at this time when there is a far greater need for schools elsewhere. The question of Government's moral and legal obligation to these sponsors is a separate one and I am taking advice on this. I do not honestly believe, however, that there is any justification for building schools in what would to-day be the wrong place. This is not to say that I do not feel a good deal of sympathy for these sponsors but I do not think that I should let my sympathy override my judgment in these matters.

Sir, with these remarks, I beg to support the motion.

SECRETARY FOR SOCIAL SERVICES:—Sir, my honourable Friend Mr CHEN welcomed the good progress that has been made in developing

**[SECRETARY FOR SOCIAL SERVICES] Motion**

technical education, by the establishment of new technical institutes and by the expansion of the Polytechnic. Two years ago we had only one technical institute, but two new ones were opened during 1975 and two others will be ready in 1977 and in 1979 respectively. The Polytechnic has grown already to more than double the size of the former Technical College, and by the year 1980-81 it will have about 11,000 full-time and equivalent part-time students providing for, in total, more than 30,000 students, including evening students. The new academic buildings at the Polytechnic which you, Sir, declared open last month, together with the additional accommodation for library and communal facilities that will be ready next year, will end the period of congestion that the staff and students have experienced in recent years.

I agree with my honourable Friends Mr CHEN and Miss DUNN that we should set the growth of these institutions at a pace that will both ensure that the growth of our economy will not be hindered by a shortage of qualified manpower and also that the graduates will have a reasonable prospect of finding suitable employment in the industry for which they have been trained. Honourable Members will know that the Hong Kong Training Council conducts periodic surveys which seek to measure the future manpower demand for technically-trained personnel in the main industries in Hong Kong, and the findings of these surveys influence the Director of Education and the UPGC when planning the development of technical institutes and the Polytechnic. I hope that these surveys will be improved and extended in future years.

Sir, I believe that the growth we have provided for in the technical institutes and in the Polytechnic will produce sufficient number of craftsmen, technicians and technologists, as well as those qualified on business and commercial courses, to overcome any marked deficiency of such qualified manpower. These expanded resources of highly-skilled labour should improve the competitiveness of our industries and should help us in our efforts to attract new industries, particularly those that are technologically-based.

Now that we have increased our facilities sufficiently to make up for past deficiencies, I believe that a period of consolidation is necessary, particularly in respect of the future growth of the Polytechnic. Over the three year period 1978 to 1981, the Polytechnic will expand its student numbers at roughly 5% annually. This expansion represents a considerable measure of growth that will allow it to develop into new activities but it will be less than the rather hectic growth over the last few years. When considering whether to provide for any further expansion

of capacity, we shall take into account the effect of the present expansion programme upon our manpower needs.

Sir, I am grateful to my honourable Friend Mr CHEN for raising the question of the distribution of students between the Polytechnic and the technical institutes, for I am also concerned about the danger of producing more higher technicians and technologists than there would be technicians and craftsmen to support them, bearing in mind the normal distribution of such posts in industry. I believe that we must use as much as possible the capacity of technical institutes for the training of craftsmen. Accordingly, the planning of craft and technician courses in the technical institutes shall be based on a ratio of 80:20. We shall also look to the Polytechnic to take the greater share in meeting our needs for ordinary technicians, as well as for higher technicians and technologists. While the Director of Education and I are keen to increase the number of young people on craft courses in technical institutes, this is likely to depend on the progress we make in increasing the number of designated trades under the Apprenticeship Ordinance and on the willingness of employers to send their young trainees on part-time day release courses in a technical institute.

I agree that we must examine critically both the pace and the direction of developments in technical education at the post-secondary level. Part of the problem may be a need for improved co-ordination, though there is already machinery for liaison between the technical institutes and the Polytechnic in planning course provision. We are, however, keeping in mind the possible need for a Board of Technical Education, together with other alternatives.

Before I resume my seat, Sir, I would like to thank my honourable Friends Dr FANG, Miss KO and Rev Joyce BENNETT for their support for the Green Paper on The Further Development of Rehabilitation Services in Hong Kong. A number of important points have been made on priorities and on how future development should be implemented. I would like to assure my honourable Friends that all the points raised will be taken into account during the preparation of the White Paper early next year. Meanwhile, we shall seek the inclusion of the necessary funds in next year's draft estimates in respect of those projects which are scheduled to start next year. This would then ensure that these projects can commence as soon as the White Paper is approved for implementation.

Sir, I have pleasure in supporting the motion.

## Motion

SECRETARY FOR HOUSING:—Sir, this annual debate provides a welcome opportunity to review major areas of concern in the housing field, and my honourable Unofficial Colleagues have raised a number of interesting points, some on broad issues and some on detail. In this respect my honourable Friend Dr HU has an advantage in himself being a member of the Authority; he will have every opportunity in the Authority's committees to press for the various changes he has recommended here.

One point emerges on which everyone agrees. That is, that our public housing programme has played an important part in the last 20 years in creating a settled and contented community. It has operated as a major agent for social improvement, providing security of tenure for up to two million people at very modest rents. The social service represented by the public housing programme continues to expand, and I am sure that it will continue to be a source of stability and satisfaction for Hong Kong's lower-income groups.

The aim has always been, and still is, to provide modest but decent housing, at rents they can afford, to the many families who cannot afford house-space to a minimum standard in the private sector. I would like to remind honourable Members, Sir, that the Authority provides hundreds of thousands of small flats at rents which are minute by any standards—indeed, it is fair to say that these rents, in the great majority of the older public housing estates, have lost touch with reality by having remained unchanged for many years. To be more specific, 60% of the Authority's domestic units are let at rents below \$50 a month; 75% on rents below \$100, and about 90% on rents below \$150. For the future, I can give a categorical assurance that public housing domestic rents will always remain very low in relation to private rents.

However, it remains true that prices and incomes have risen over the years, and are still rising. The Authority is not insulated from the effects of these changes. It has therefore been obliged to fix at more realistic rent levels in its new estates, while always seeking to keep these rents within the means of the great majority of eligible families, whether they come from development clearances, from the Waiting List (which admits families with household earnings of up to \$2,200 a month), or from other eligible categories. In other words, the upper 75% or so of eligible families, in income terms, should be able to afford the rents in the new Housing Authority estates without having to earmark more than 20% or so of their total household earnings. For the poorest families low-rent accommodation will be recovered in the older estates

for re-allocation to them. Honourable Members will appreciate that it is especially difficult to establish actual household incomes, because a great deal of under-reporting occurs; indeed, there is good reason to believe that household incomes are under-declared by anything up to 46%. It has therefore been necessary for the Authority to move up to its current rent levels in new estates in a pragmatic way, making the best use of the available information on the incomes of eligible families. I can see that increasing attention will have to be given to finding out more about the incomes of tenants-to-be and tenants, to put the Authority's rental decisions on the soundest possible footing.

No matter how flexibly the Authority uses its enormous stock of low-rent housing, there will always be some families which face difficulties in paying rent and meeting its other living expenses. For those qualifying for public assistance, rents are met by a rental allowance paid under that scheme, and so there is no problem in their case. Of more concern are those households which are just above the eligibility limits for public assistance and for whom rent payments, particularly if they can only be allocated a flat in a new estate, can cause real hardship and consume more than 20% of the household income. A Working Party has been set up to study the problems faced by such families and to see what can be done to provide relief for them, within the Public Assistance scheme.

From time to time, Sir, the Housing Authority is urged from various quarters, not least by the Press, to evict those tenants who have prospered since they were first allocated public housing many years ago, and who may now have household incomes in the \$3,000 to \$5,000 range or alternatively, it is urged to let them continue to occupy their flats (so recognizing fung-shui and other unquantifiable factors) at a much higher personal rent. This question certainly produces strong feelings in both directions and I can only say that the Authority does consider it periodically but has not yet felt able to favour simple ejection or personal rents. The logical solution would be to determine what income level is needed to afford a modest private-sector flat, and then consider how best to move out those families on incomes above that level; and on this basis the Authority's present preference is to use the flats-for-sale scheme, or any other scheme for assisting home ownership for selected categories of families, to recover these rented flats. Meantime, I can assure my honourable Friend Mr Lo that the matter is far from forgotten.

Another assurance which I can readily give my honourable Friend is that the Housing Authority does keep a careful watch on the number

**[SECRETARY FOR HOUSING] Motion**

of unoccupied flats; the practice is of course to allocate all flats as soon as possible after completion, but completion dates never tally closely with rehousing requirements, especially where development clearances are involved, and it is regrettably necessary therefore to hold some flats vacant to meet known future commitments which cannot be met in any other way.

You, Sir, have already spoken of our plans to build up to an output of new public housing for over 200,000 persons a year by 1979-80, and of our determination to break the back of the housing problem by 1984. Put another way, building work is currently proceeding on 11 public housing estates to house about 200,000 persons, and contract planning is in hand for another 16 schemes which will all be completed by 1981 at the latest and will house about 380,000. But the architects have to translate these awesome figures into practical flat designs, and this requires the Housing Authority to keep its housing standards under review. It seems to me, Sir, the time has come to abandon the space standard of 35 square feet of net liveable area per head, and to go for the 50 square feet standard which the Authority decided on in late 1973 but which had to be deferred because of the recession and financial uncertainties. At the same time it will be necessary to ensure that the rents for these improved flats will remain within the means of the Authority's tenants.

I am glad to see that, Sir, Your Excellency's references to a Home Ownership scheme have been widely acclaimed and that there seems to be substantial support for the concept of helping the lower-middle income groups to acquire decent housing on appropriate mortgage terms. However, it has been suggested that perhaps we have got our priorities wrong, and that the available funds should continue to be applied to the Authority's rented programme for the lowest-income groups. I would say that this suggestion does less than justice to a hard-working but relatively under-privileged group whose housing needs are often acute and have been neglected for many years. The group I refer to are those who are ineligible for public housing by reason of their income, who cannot afford a flat in the private sector but who could with a modest measure of Government support (and far less than our rented public housing gives to lower-income households), could become home owners in their own right and at a stroke protect themselves from the future vagaries of private-sector rents. I am in no doubt, Sir, that we should help such families to help themselves, and that this is a worthy use of public funds. The funds used in this way will revolve

rapidly and benefit a far greater number of families than any comparable expenditure on rented flats.

My honourable Friend Mr WONG Lam spoke knowledgeably about the role of Mutual Aid Committees, and he suggested firstly that they might be treated as consultative bodies on estate management matters, and secondly that they would be better used as a channel of communication between the Housing Authority and its tenants. Perhaps I could deal with the first suggestion.

Public housing estates differ from private-sector blocks in that full management services are provided on a continuous basis, and hence one of the major justifications for Mutual Aid Committees, that is, to ensure the provision of minimum cleansing and maintenance facilities, and proper supervision of common parts, is absent in these estates. In addition, the estate staff are in regular and increasingly close touch with the Authority's tenants. However, Mutual Aid Committees in estates can and do provide a valuable means of supplementing these contacts, and in particular of securing tenant co-operation on a localized basis to achieve certain ends, such as improving security by organizing tenants' security patrols and mobilizing tenant support for anti-litter and other campaigns.

District Housing Managers do in fact meet Mutual Aid Committee office-bearers on a six-monthly basis, and Estate Managers or their representatives meet them every one or two months, to discuss matters raised by the Committees, or matters raised by the management staff. In some cases, a solution to the problem can be found, but where it cannot the reasons are explained. Typical subjects discussed in this way include security gates and alarm bells in estate blocks, office accommodation for Mutual Aid Committees, estate cleansing, play areas, dog nuisances, open-space lighting and overcrowding. Mutual Aid Committees are free at all times to raise matters for discussion with the estates staff, and I believe that these arrangements are practical and realistic and ensure a regular feedback of tenant views on estate problems.

I have much pleasure, Sir, in supporting the motion.

DR CHOA:—Sir, comments by honourable Members on the medical and health service can be grouped under four headings which I will use in making my reply, namely, regionalization, community nursing service, dental service, and school medical service.

**[DR CHOA] Motion***Regionalization*

The 1974 White Paper on the Further Development of Medical & Health Services in Hong Kong noted that with the increasing concentration of population in the urban areas and the development of new towns in the New Territories, medical and health planning must be organized to ensure that medical services are available within reasonable access of the new centres of population. The paper proposed that a co-ordinated management system for both medical and health services should be developed on a regional level so that planning and the provision of facilities could be better related to the needs of each area and to ensure a fuller use of available hospital beds. This proposal has recently been examined again by the Medical Development Advisory Committee who have advised and the Government has accepted that the reorganization scheme drawn up by the Medical and Health Department should proceed as soon as possible.

The basic proposal is that the medical and health service in Hong Kong should be divided initially into four regions, namely, Hong Kong Island, West Kowloon, West New Territories, and East Kowloon and East New Territories, with a fifth region—East New Territories—to be developed at a later date. Within each region there will be an integrated structure providing medical care at all levels. Each region will have a regional hospital which will be a major acute hospital equipped to treat patients requiring the highest level of specialist care. The regional hospital will be supported by one or more district hospitals which will provide the basic hospital services in the region and will receive patients whose condition is not such as to warrant referral directly to the regional hospital. A district hospital will refer patients to the regional hospital for the more specialized level of treatment and will receive patients back from the regional hospital for the later stages of their treatment. These hospitals in turn will be supported by one or more specialist clinics or polyclinics as well as general clinics.

For the information of the honourable T. S. LEUNG, in the growing area of the West New Territories the regional hospital will be Princess Margaret Hospital, the district hospitals will include the Caritas Medical Centre, Yan Chai Hospital and Pok Oi Hospital, supported by the South Kwai Chung Polyclinic and a number of general out-patient clinics. To keep step with the growth of population in other parts of the New Territories, clinics at Lei Muk Shue and Ha Kwai Chung, a 1,200-bed hospital at Tuen Mun, and a general

clinic, a polyclinic and a 1,300-bed hospital in Sha Tin have all been accepted as part of the development programme.

It will be appreciated that the system will help to relieve over-crowding at the regional hospitals and will increase the utilization of subvented hospitals. The existing occupancy rates at Queen Mary and Queen Elizabeth Hospitals average 93% whereas the occupancy rates of many of the subvented hospitals are considerably lower. With the introduction of regionalization patients who do not require the level of treatment at the overcrowded regional hospitals can be transferred to the district hospital where vacancies exist. Some of the district hospitals can also take on casualty cases direct thereby relieving the pressure on the casualty departments of the regional hospitals. Thus the regional system will make better use of scarce manpower and resources, concentrate expertise and experience in the areas which most need them, and avoid the duplication of services in the same region.

While on the subject of regionalization, I must refer to the discrepancies in the scales of charges adopted by Government and subvented hospitals. The White Paper noted that the daily maintenance charge then being made in the general wards of Government hospitals had been instituted in 1961 and recommended that some increases should be made, from \$2 to \$3 a day and then to \$5 a day at a later stage. The increase to \$3 a day was made in November 1975 and it is appropriate that the further increase to \$5 should be made at this stage when re-organization will improve facilities and standards of medical care. The Government has accordingly agreed that the hospital maintenance charges should be increased from \$3 to \$5 a day with effect from 1st April 1977. At the same time, all charges at the participating hospitals except the Tung Wah Group where free service is provided traditionally will also be levelled at \$5 for general ward patients. Honourable Members will, I am sure, understand that it is only with a uniform scale of charges that this regionalization scheme will become workable.

#### *Community Nursing Service*

The benefits of a community nursing service are well-appreciated though Government will not be able to undertake such a service within the foreseeable future for reasons which I have explained to this Council at this year's Budget Debate. On that occasion I also said that whether these services now provided by the non-Government sector should be subvented would be discussed during the current

**[DR CHOA] Motion**

session of the Medical Development Advisory Committee. The Committee was informed that there were now six organizations in the field employing a total of 27 nurses; and from 1967 to 1972 a total of 1,497 patients were treated and between January 1973 and June 1976 a further 8,512 patients were treated. In order to study the work of these organizations and see how the services they provide compare with the Government definition of the scope and nature of community nursing, and consider what control measures would be necessary in the event of the Services being subvented by Government as a pilot scheme, a Working Party was appointed. I am glad to inform my honourable Friends Miss KO and Miss BENNETT that after studying the Working Party's report the Medical Development Advisory Committee has recommended that Government should in co-operation with these organizations evaluate the services being provided and assess how they can best be organized to complement and supplement other services already being provided under the medical and health programmes. The existing community nursing services will be subvented initially for an evaluation period lasting for 3 years from April 1st 1977. At the end of the period the Medical Development Advisory Committee will be asked to advise whether the service should continue as a subsidized programme and if so what improvements and modifications are desirable. All this may seem unduly cautious, but I hope honourable Members will understand that any duplication of services which has been reported by the Working Party, such as post-natal care at home rather than in maternal and child health clinics, is clearly undesirable. I further ask them to accept that some measure of control by the Medical and Health Department is necessary because, like all other subsidized or subvented services, increase in the rate of development and expansion will need careful scrutiny.

*Dental Service*

The plan for the development of a dental service which has been outlined in the Medical White Paper is now being carried out step by step. On January 24th next year Your Excellency will lay the foundation of the MacLehose Dental Centre, where facilities will include a dental nurses training school and a dental clinic for school-children on the Island. Having established a dental nurses training school, dentists will next be trained locally instead of abroad on Government scholar-ships. Thus I can assure the honourable Miss BENNETT that comprehensive dental care for school-children will be available in future, provided by both dental nurses and dentists. The Dental

Academic Advisory Committee to the Hong Kong University met here in Hong Kong last week and much preparatory work has now been done to set up a dental school. Whether this dental school should or should not form part of the existing Faculty of Medicine of the Hong Kong University will, I am sure, be considered by the University authorities. During a discussion held last week attended by me, it was proposed that the general public should be eligible for admission into the future teaching dental clinic and hospital for treatment. As honourable Members are aware, presently the Government dental service is not open to the general public although emergency treatment can be provided for cases referred by the medical clinics. This proposal will be sympathetically considered by Government, and if accepted, it will mark the first step towards providing a dental service to the general public as called for by Dr the honourable Harry FANG.

### *School Medical Service*

The School Medical Service has now been in existence for 10 years. I share my honourable Friend Mr CHEONG-LEEN's disappointment that the enrolment stands at only 10% of those eligible. Enrolment at March 31st 1976 was 94,377 pupils from 718 schools, compared with 79,191 pupils from 686 schools at March 31st 1975. The total has therefore actually risen during the past year, but all through the years, somehow it has never gone above 10%. Every effort has in fact been made to give the Service wide publicity and facilitate the co-operation between schools and doctors and between doctors and pupils. I am inclined to believe that one of the main reasons for the undeserved unpopularity of the Service is that parents are not aware of the advantages of a medical insurance scheme, thinking that their children can always get medical attention anyway when they are sick. I do not consider the contribution of \$5 a year prohibitive enough to be a deterrent factor, so I am afraid I cannot accept Dr the honourable Harry FANG's plea that the entire sum of \$25 per pupil should be borne by Government and participation made compulsory. Besides, the cost of running the Service has to be found, so \$5 is not exactly hardly worth collecting. In the allocation of pupils to doctors, the reason why some doctors are still without a panel is due to the uneven geographical distribution of the participating schools, as explained in the Annual Report of the Board.

While I am on the School Medical Service, I wish to comment on the remarks made by both the honourable Hilton CHEONG-LEEN and the honourable Miss BENNETT on school-children's eyesight. The research suggested by the honourable Hilton CHEONG-LEEN

**[DR CHOA] Motion**

had been conducted elsewhere among Chinese school-children. After investigating into the reasons for the incidence of poor eye-sight necessitating the wearing of glasses, an expert committee concluded that the main causes of myopia, i.e. short-sightedness, which incidence was the highest, could be divided into two groups: (1) biological factors, and (2) environmental and mechanical factors. The biological factors were much more significant but unfortunately not amenable to prevention, because they were listed as: (1) a strong hereditary tendency and (2) the shape of the eye sockets in the broad face of the Chinese. (*laughter*) The early detection of refractive errors of school-children is obviously possible if they are in the School Medical Service, for they are given a complete physical examination when they first join and at such intervals subsequently as the doctors consider necessary. Furthermore, as soon as legislation for the control of the para-medical professions is enacted, proper dispensing of corrective lenses will be ensured. I had previously so informed this Council in reply to a question in February this year.

Sir, I beg to support the motion.

*Motion made. That the debate on the motion be adjourned*—THE CHIEF SECRETARY.

*Question put and agreed to.*

3.35 p.m.

**First reading of bills****GAMBLING BILL 1976****MEDICAL REGISTRATION (AMENDMENT) BILL 1976****EMPLOYMENT (AMENDMENT) (NO 2) BILL 1976****PUBLIC OMNIBUS SERVICES (AMENDMENT) 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****GAMBLING BILL 1976**

THE ATTORNEY GENERAL moved the second reading of:—"A bill to amend the law relating to gambling."

He said:—There is, Sir, a great deal of gambling in Hong Kong. (*laughter*) The Government's policy is that there should be sufficient controlled opportunities to meet the needs of those who will gamble. These are being provided through the Jockey Club off-course betting centres and the lotteries operated by the Hong Kong Lotteries Board, but I must make it clear that it is not the Government's policy to encourage gambling. (*laughter*) To those who nevertheless say that the Government is thereby encouraging it to the community's detriment, I would say this. People will gamble. If there are no controlled ways in which they can, they will continue to patronise unlawful gambling establishments. Such establishments will always be there to meet a demand. They are profitable. They are also a source of corruption and exploitation by triads and protection rackets. The aim is to eliminate unlawful gambling establishments, but some will exist however efficient law enforcement is—the more so if they are meeting a public demand not met by opportunities which do not involve breaking the law.

There are now then controlled opportunities for gambling. The time has come to strengthen the law against unlawful gambling. The bill will do that. Some of its provisions are stringent. It also proposes substantial maximum penalties for major offences and a substantial increase in the penalty which may be imposed on the punter who gambles unlawfully.

The existing Ordinance is inadequate to control the commercial operation of unlawful gambling in today's circumstances. Many of its basic provisions are directed towards suppressing the use of premises for gambling and are not a direct attack on the unauthorized commercial exploitation of gambling, particularly bookmaking. The bill will make such an attack. In particular, it prohibits bookmaking as such, however or wherever such a business is carried on—unless it is conducted under the authority of the Betting Duty Ordinance. It also prohibits the punter from betting with a bookmaker, including the very common telephone betting where the punter does not go to the bookmakers' premises at all. These provisions will, of course, strike at the irregular bookmaking which now takes place within the Jockey Club premises. Concurrently, the bill imposes on the Jockey Club a duty to prevent unlawful bookmaking on its premises.

Sir, the bill strengthens the law in relation to the operation of unlawful gambling establishments. At present, the prosecution has to prove the habitual or regular use of premises before they may be regarded as a gambling establishment. That requirement is abrogated.

[THE ATTORNEY GENERAL] **Gambling Bill—second reading**

An offence will be committed in future if anyone operates or manages an unlawful gambling establishment in premises on one occasion. Thus, premises may be a gambling establishment though there is no habitual use for gambling.

A new proposal is designed to hamper the use of premises as an unlawful gambling establishment. The courts will be able, if satisfied that premises have been so used, to serve notice of the fact on the owner or a tenant of the premises. If they are again so used within 12 months, the owner or tenant at the time of the further use will commit an offence unless he shows that the neither knew nor had reasonable means of knowing that the premises had been so used another time. There is provision for the termination of a tenancy (including a sub-tenancy) of premises by order of a magistrate on the application of the owner or principal tenant. Thus, tenants or sub-tenants who misuse premises can be evicted.

Two points concerning this new proposal deserve particular mention.

First, unlike the similar provision in the Dangerous Drugs Ordinance, the offence may be committed by an owner or a tenant who was not the owner or a tenant at the time the notice was served. In other words, the court's notice affects purchasers and new tenants of the premises. This is necessary in order to prevent evasion by an artificial change of ownership or tenant after the notice has been served.

Second, the onus is on the defendant to show that he did not know and had no reasonable means of knowing of the further misuse. This new provision is, of course, aimed at owners or tenants who connive at or acquiesce in the misuse. It is not intended to impose on them an obligation to snoop into a tenant's or sub-tenant's activities. A landlord or tenant who genuinely does not know and has no reasonable means of knowing will not be penalized. Nevertheless, the provision will be ineffective if the Crown has to prove as part of its case knowledge of the misuse on the part of the owner or tenant.

Another proposal designed to hamper the use of premises as an unlawful gambling establishment or for unlawful bookmaking is to be found in clause 23. This enables a court, following conviction for spencified offences, to order the Hong Kong Telephone Co. Ltd. to disconnect any telephone service provided to premises used in or in

connexion with the commission of an offence. The court may also order the disconnection of any other telephone service provided to a convicted defendant and prohibit the provision of a further service to him while the order remains in force. Such an order will be effective for 12 months.

Street betting, Sir, will continue to be an offence by virtue of clause 13. The same clause extends the prohibition to the organization of betting in other public places—and we have particularly in mind the common parts of multi-storey buildings.

Clause 21(3) contains an unusual provision for the admissibility of the expert evidence of police officers. It is intended to assist the Crown to establish the gambling fraud known as the "tien sin kuk". It has also been represented to me strongly that such expert evidence will be essential in proving some bookmaking offences because of the devices, including elaborate codes, used by bookmakers to conceal the true nature of their activities. Another new provision concerning evidence is to be found in clause 21(2). A newspaper report of entries in horse or dog races will be prima facie evidence that a horse or dog is or was entered in a particular race.

There is also a much extended provision for forfeiture of property used in or for or in connexion with unlawful gambling. The existing provision is limited to gambling implements, money in actual use for gambling and betting slips. Forfeiture will be mandatory.

Because, Sir, it is a stringent measure, it is essential that the bill should spell out as clearly as possible the forms of gambling which are lawful. These are to be found in clauses 3 and 4. I shall not go into them in detail. Suffice it to say that no one has anything to fear if he continues to indulge in the social gambling, if I may so describe it, to which he has been accustomed, where no profit is involved other than his own personal winnings.

Gambling is a complex subject for legislation. I hope that we have got the bill right, but I know that honourable Members will examine it carefully and if there are shortcomings they will no doubt be quick to tell me.

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

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

*Question put and agreed to.*

**MEDICAL REGISTRATION (AMENDMENT) BILL 1976**

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

He said:— Sir, this bill provides the legislation necessary to implement the recommendations of the Working Party on Unregistrable Doctors. Under the bill people with medical training, but who are not at present eligible to be registered as medical practitioners, will be given the opportunity to take examinations and serve a period of assessment which will lead to the grant of a licence by the Medical Council. Holders of this licence, who will be known as Licentiates of the Medical Council of Hong Kong, will be entitled to be registered and to practise as medical practitioners in Hong Kong with the same rights and responsibilities as are conferred on doctors presently registered here.

Provision is made in the bill to provide the Medical Council with the authority to conduct such examinations and periods of assessment necessary to be satisfied that candidates meet a standard of medical knowledge and professional ability to merit the grant of the licence. The legislation provides criteria for eligibility to sit the examinations as determined by the Council, these are that candidates have completed 5 years full-time medical training and hold a medical qualification, are of good character and are ordinarily resident in Hong Kong. In addition the bill enables the period of assessment which a candidate must complete in a hospital or institution approved by the Council after passing the Council's examinations to be reduced, extended or terminated.

The legislation includes provision for the establishment of a Licentiate Committee and Sub-Committees to be responsible, by powers delegated by the Medical Council, for administering the assessment of candidates, the examinations and periods of assessment or externships leading to the award of the licence. Since the decisions of the Committee or Sub-Committees could affect a person's professional career, provision has also been included for the review of those decisions and for appeals.

This bill provides the Medical Council and its Licentiate Committee with the authority to proceed with the assessment of some 1,690 candidates who have applied to sit the Licentiate Examination, the first part of which is expected to be held early in 1977 and it is hoped that the first externships can begin later that year.

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

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

*Question put and agreed to.*

### **EMPLOYMENT (AMENDMENT) (NO 2) BILL 1976**

MR PRICE moved the second reading of:—"A bill to amend the Employment Ordinance".

He said:—Sir, I move the second reading of the Employment (Amendment) (No 2) Bill 1976 which provides for one rest day in every seven day period.

Under regulation 14 of the Factories and Industrial Undertakings Regulations, no proprietor of an industrial undertaking is allowed to employ women and young persons on more than six days in any week. Apart from these women and young persons, all employees to whom Part IV of the Employment Ordinance applies are at present entitled to not less than four rest days in a month. These employees may, at their own request and if the employer agrees or at the request of their employer, work for their employer on a rest day.

Clause 3 of the bill now before Council proposes the provision from 2nd January 1977 of one rest day in every seven day period, instead of four rest days a month. Thus, if approved, it will increase the number of rest days in a year from 48 to 52. This amendment will enable Hong Kong to improve its position in respect of International Labour Convention No 14, will bring Hong Kong into line with other neighbouring Asian territories and will be giving legislative backing to what is already an existing and widespread practice.

When one of my predecessors introduced a bill in this Council in 1970 to amend the Employment Ordinance to provide for four rest days a month, he explained that many industrial undertakings paid wages either once or twice monthly and that for these concerns, a statutory obligation to provide rest days on a monthly basis would be convenient at that time.

As honourable Members may have observed, the taking of rest days by our hardworking population has now become a regular feature: and because I believed that the situation of 1970 no longer prevailed, officers of the Labour Department have conducted two surveys covering nearly 1,700 various kinds of establishments. These

**[MR PRICE] Employment (Amendment) (No 2) Bill—second reading**

surveys reveal that there should be no problems in adopting the proposal to entitle workers to one rest day in every seven days. The change will have very little effect on production but may increase productivity and reduce absenteeism.

The existing flexible provisions in respect of the appointment and substitution of rest days are retained in section 18 of the Employment Ordinance.

The opportunity has been taken in clause 2 of the bill to clarify the definition of "rest day" and to extend the definition of "statutory holiday" to include the so-called floating holiday, recently introduced under section 39 of the principal ordinance.

The Labour Advisory Board and the four main employees' associations have agreed to this proposal. I believe that the increased number of rest days and the resulting further opportunities for leisure will be welcomed by all.

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

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

*Question put and agreed to.*

**PUBLIC OMNIBUS SERVICES (AMENDMENT) BILL 1976**

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

He said:—Sir, the object of this bill is to replace the existing definition of "tour service" in section 4(3)(a) of the principal ordinance with a new and more precise definition.

Section 4 of the principal ordinance prohibits the operation of a public omnibus service except under a franchise. But certain specified services are excluded from this prohibition, one of which is a "tour service". The present definition of "tour service" has, however, proved to be defective in that, under certain conditions, it can permit what amounts to regular non-franchised bus services to operate. This is mainly because the definition does not provide that all passengers must be carried for the greater part of the tour's route; nor does it prohibit

the carriage of passengers who use the service frequently, or as a matter of routine.

Thus, in 1975 a private bus service was established ostensibly as a tour service to take fare paying passengers from one location on so-called "tours" to other locations and back. But it was in fact mainly carrying commuters, most of whom used it regularly. A prosecution was taken against the operators for running a public omnibus service without a franchise but this was dismissed by the Courts because it was held to fall within the definition in the ordinance of a "tour service". The service in question is now no longer in operation but, in the light of the Court's ruling, it is proposed to replace the definition of "tour service" in the principal ordinance with the new one in clause 2 of the bill before honourable Members. This is a tighter definition which includes the criteria used in the UK road traffic legislation.

Sir, I 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 THE ENVIRONMENT.

*Question put and agreed to.*

### **Unofficial Member's bill**

#### **First reading of bill**

#### **BRITISH RED CROSS SOCIETY (HONG KONG BRANCH) 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 bill**

#### **BRITISH RED CROSS SOCIETY (HONG KONG BRANCH) BILL 1976**

MR LO moved the second reading of:—"A bill to further and protect the activities in Hong Kong of the British Red Cross Society, and to incorporate the Hong Kong Branch".

[MR LO] **British Red Cross Society (Hong Kong Branch) Bill—**  
**second reading**

He said:—The British Red Cross Society was established by Royal Charter in 1908 and its Branch in Hong Kong has carried out its work in Hong Kong for more than two decades. The Branch was granted exemption from registration in 1953 and its trustees were incorporated under the Registered Trustees Incorporated Ordinance in 1967. The fact that the Hong Kong Branch is itself not incorporated had however proved in ways technically inconvenient and disadvantageous. After consultation with my honourable Friend the Chief Secretary, the Hong Kong Branch has decided to seek incorporation by ordinance so as to further and to protect its activities and perform them more effectively. Accordingly, Sir, I move that the debate on this motion be adjourned.

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

*Question put and agreed to.*

**Suspension of sitting**

HIS EXCELLENCY THE PRESIDENT:—In accordance with Standing Orders I now suspend the Council until 2.30 p.m. tomorrow.

*Suspended accordingly at five minutes to four o'clock.*