

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 10 May 1978****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 (*Acting*)
MR CHARLES PHILIP HADDON-CAVE, CMG, JP

THE HONOURABLE THE FINANCIAL SECRETARY (*Acting*)
MR DAVID GREGORY JEAFFRESON, JP

THE HONOURABLE THE ATTORNEY GENERAL
MR JOHN WILLIAM DIXON HOBLEY, CMG, QC, JP

THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS
MR LI FOOK-KOW, CMG, JP

THE HONOURABLE DAVID HAROLD JORDAN, CMG, MBE, JP
DIRECTOR OF TRADE, INDUSTRY AND CUSTOMS

THE HONOURABLE DAVID AKERS-JONES, CMG, JP
SECRETARY FOR THE NEW TERRITORIES

THE HONOURABLE LEWIS MERVYN DAVIES, CMG, OBE, JP
SECRETARY FOR SECURITY

THE HONOURABLE DAVID WYLIE McDONALD, CMG, JP
DIRECTOR OF PUBLIC WORKS

THE HONOURABLE ALAN JAMES SCOTT, JP
SECRETARY FOR HOUSING

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, CBE, JP
DIRECTOR OF SOCIAL WELFARE

THE HONOURABLE DEREK JOHN CLAREMONT JONES, JP
SECRETARY FOR THE ENVIRONMENT

DR THE HONOURABLE THONG KAH-LEONG, JP
DIRECTOR OF MEDICAL AND HEALTH SERVICES

THE HONOURABLE ERIC PETER HO, JP
SECRETARY FOR SOCIAL SERVICES

THE HONOURABLE JOHN MARTIN ROWLANDS, JP
SECRETARY FOR THE CIVIL SERVICE

THE HONOURABLE JAMES NEIL HENDERSON, JP
COMMISSIONER FOR LABOUR

THE HONOURABLE AUGUSTINE CHUI KAM, JP
DIRECTOR OF HOME AFFAIRS (*Acting*)

THE HONOURABLE COLVYN HUGH HAYE, JP
DIRECTOR OF EDUCATION (*Acting*)

THE HONOURABLE DAVID TZI-KI WONG, JP
SECRETARY FOR ECONOMIC SERVICES (*Acting*)

THE HONOURABLE SIR SZE-YUEN CHUNG, CBE, JP

THE HONOURABLE LEE QUO-WEI, CBE, 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 ALEX WU SHU-CHIH, OBE, JP

THE REV. THE HONOURABLE JOYCE MARY BENNETT, JP

THE HONOURABLE CHEN SHOU-LUM, JP

THE HONOURABLE LYDIA DUNN, OBE, 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, OBE, JP

DR THE HONOURABLE RAYSON LISUNG HUANG, CBE, JP

THE HONOURABLE CHARLES YEUNG SIU-CHO, JP

ABSENT

THE HONOURABLE FRANCIS YUAN-HAO TIEN, OBE, JP

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL

MR STEPHEN TAM SHU-PUI

Papers

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

<i>Subject</i>	<i>LN No</i>
Subsidiary Legislation:	
Country Parks Ordinance. Lantau South Country Park (Designation) Order 1978.....	90
Public Revenue Protection Ordinance. Public Revenue Protection (Interest Tax) Order 1978	91
Merchant Shipping Ordinance. Merchant Shipping (Masters and Mates Certificates of Competency Examinations) Rules 1978	92
Pensions Ordinance. Pensionable Offices (Amendment) Order 1978	93
Interpretation and General Clauses Ordinance. Specification of Public Office.....	94

Sessional Paper 1977-78:

No 46—Supplementary Provisions approved by the Urban Council during the
Fourth Quarter of the Fiscal Year 1977-78 (published on 10.5.78)

Oral answers to questions**Call-girl racket—review of sentences**

1 MISS KO asked:—*Sir, will the Attorney General consider applying to the Court of Appeal for a review of the sentences recently imposed by a District Court judge on the couple who operated a call-girl racket?*

THE ATTORNEY GENERAL:—I am considering the matter, Sir.

MISS KO:—*Sir, does it mean that Government agree that the sentences are too low?*

THE ATTORNEY GENERAL:—I have no comment, Sir.

SIR S. Y. CHUNG:—*Sir, is there a time limit for submission?*

THE ATTORNEY GENERAL:—Yes, Sir.

Use of tear gas during clearance operation

2 MR PETER C. WONG asked:—*Sir, will Government make a statement on the use of tear gas by the police to evict residents during a clearance operation at Choi Yuen Tsuen, Sheung Shui, on 25.4.78?*

SECRETARY FOR SECURITY:—Sir, at 0930 on the day in question the Housing Department commenced a clearance operation of Crown Land in Choi Yuen Tsuen, Sheung Shui, to make way for public housing. The operation of which advance publicity and notice was given involved the removal of 215 structures originally occupied by 578 people.

It was assessed that the operation might not be an easy one. It was preceded by a planning meeting between the Housing Department, District Office representatives and the Police. Representatives from these Departments attended a final briefing, on site, the day before the operation.

Because some opposition was expected, a Police contingent was requested to stand by. It was under the command of a Senior Superintendent of Police and comprised one company of the Police Tactical Unit and two sections of Women Police. The Police role in such operations is to accompany the clearance staff and prevent any breach of the peace.

This difficult operation went well, but at 11.45 a.m. clearance staff were confronted by four men and one woman who had barricaded themselves within a domestic/workshop structure and who refused to leave the premises. One man was seen to be armed with a cleaver and another with a wooden club. After repeated requests to them to vacate the building, the Housing Department supervisor in charge of the clearance work concluded that any move to oust the occupants would result in violence. He therefore requested the Police, who were in attendance at the scene, to remove these persons.

The Police made further appeals to the occupants to vacate the premises, but to no avail. The Officer in charge of the Police contingent therefore decided that the use of tear-smoke was the minimum force likely to be effective in clearing the premises without risk of serious injury. In order to

provide the required concentration of tear-smoke, two tear-smoke grenades were lobbed into the barricaded section of the building. The Police then forced entry to the premises and removed the occupants who consisted of the former tenant, his wife, two nephews, and a fifth person.

The occupants were immediately taken to the Jockey Club Clinic at Sheung Shui for treatment for the effects of tear-smoke. No one was detained nor suffered any physical injury. One man, the fifth person in the building, was subsequently charged with Obstructing a Public Officer under the Crown Lands Ordinance. He has been placed on remand pending a report on his mental health.

Following this incident the clearance operation proceeded smoothly until about 1430 hours when heavy rain forced the postponement of the operation. About 20 structures remained to be cleared at that time.

In accordance with the standard procedures in such cases the Police officer in charge submitted a report on the incident to the District Police Commander, New Territories who concluded that the use of tear-smoke was justified.

The operation resumed one week later, on the 2 May, and was completed without further incident.

MR PETER C. WONG:—*Sir, is this the first time that tear gas was used in connection with clearance operation of a similar nature?*

SECRETARY FOR SECURITY:—No, Sir. There was one previous occasion in 1975 when one shell was used in respect of an operation at Koo Tong in the New Territories.

MR PETER C. WONG:—*Would Government consider other means of dealing with similar situations in the future other than the use of tear gas?*

SECRETARY FOR SECURITY:—Sir, the decision as to what action should be taken does of course, in the ultimate, depend upon the judgment of the officer on the spot. In this case, he was a Senior Superintendent. 14 minutes elapsed between the time that his assistance was required and the decision to use tear gas was taken. We will certainly ensure that superior police officers in charge of units on these occasions do take into account every possible means of removing people in these circumstances with the minimum of injury.

MR YEUNG:—*Sir, were those people trespassers or tenants or permittees?*

SECRETARY FOR SECURITY:—So far as I know, Sir, they were trespassers, but as one of the persons there is the subject of a case which is before the courts, I would not like to go further than this.

MR YEUNG:—*Sir, was there any compensation or money offered to those people?*

SECRETARY FOR SECURITY:—*Sir, I cannot answer that question. The arrangements for the clearance were under the Housing Department's direction and I will ask the Secretary for Housing to provide the Honourable Member with an answer.*

MR PETER C. WONG:—*Sir, the Secretary for Security said there was no physical injury. Is he aware whether there was anyone that was mentally injured?*

SECRETARY FOR SECURITY:—*I understand that one of the persons there is now under examination in respect of a mental condition, but I have no reason to believe that this resulted from the action which was taken.*

Individual metered water supply

3 MR WONG LAM asked in the Cantonese dialect:—

為改善木屋區居民之衛生環境起見，政府會否考慮供應入屋食水與木屋區居民？

(The following is the interpretation of what Mr WONG Lam asked:)

Will Government consider providing individual metered water supply to squatter households so as to improve their sanitary conditions?

DIRECTOR OF PUBLIC WORKS:—*Sir, individual metering has already been installed at Ma Hang Village and is presently being installed at Diamond Hill Village. The Water Supplies Department in conjunction with the Home Affairs Department and the New Territories Administration is now considering the feasibility of providing metered supplies to squatter areas on a wider basis.*

The adequacy of district supply systems and the practicability of extending them in the congested and haphazard conditions which exist in squatter areas is being assessed.

A preliminary survey has indicated that the installation of about 40,000 meters could be required which approximates to the total annual meter installation programme. It will therefore be necessary to establish a programme of implementation with an order of priority and to engage the services of outside plumbing agencies to supplement the resources of the Water Supplies Department so that a scheme may be introduced within a reasonable period of time.

MR WONG LAM asked in the Cantonese dialect:—

閣下，本人有一補充問題。請問用什麼方式來衡量擠逼的情況？

(The following is the interpretation of what Mr WONG Lam asked:)

Sir, I have a supplementary question to ask. Can my honourable Friend tell me how does he gauge congestion?

DIRECTOR OF PUBLIC WORKS:—Sir, generally speaking, the buildings within these squatter areas have been put up in an unplanned system, so that there is no proper layout. They are unreticulated and scattered over fairly rough terrain. Therefore, you have congestion.

MR WONG LAM asked in the Cantonese dialect:—

本人再請問大坑東之蕉園村有三千個住戶，那裡可否列為擠逼之區域呢？

(The following is the interpretation of what Mr WONG Lam asked:)

I would ask further, in Chiu Yuen Village, in Tai Hang Tung, which has more than 3,000 residents, would my honourable Friend consider it as congestion there?

DIRECTOR OF PUBLIC WORKS:—I am not sure of the details of this particular village, but the majority of these villages are congested.

MR WONG LAM asked in the Cantonese dialect:—

請問剛才工務司說有四萬個水錶，本人想知道這項計劃約在何時可完成？

(The following is the interpretation of what Mr WONG Lam asked:)

From the answer of my honourable Friend that it would need installation of about 40,000 meters, can he tell us when will the installations be completed?

DIRECTOR OF PUBLIC WORKS:—Sir, when the investigation into the conditions is done and where there are no particular complications, installation could take place fairly soon. On the other hand, where an enlargement or extension of water supply systems is required, it would mean that we would require about another three months to let contracts and the whole period of contract works and meter installations would take about 18 months.

No fault motor insurance scheme

4 MR CHEONG-LEEN asked:—*Sir, in view of public concern over the present situation where victims of traffic accidents, through no fault of their own, may*

not receive any compensation awarded them by a court of law, or where compensation takes a long time to be awarded, is Government still proceeding with plans to introduce a no fault motor insurance scheme?

SECRETARY FOR THE ENVIRONMENT:—Sir, the present position is that the Government is giving further consideration to both a no-fault traffic accident victims assistance scheme and to a Motor Insurers Bureau Scheme. The intention is to introduce one or the other, or both, of these schemes as soon as practicable.

A traffic accident victims assistance scheme would provide a limited degree of assistance, without proof of negligence and without resort to court proceedings, to those suffering personal injuries as a result of traffic accidents. Payments would be made from a Government controlled fund financed in part from general revenue and in part from charges on vehicle owners and drivers.

A Motor Insurers Bureau, on the other hand, would be operated by the Accident Insurance Association and would be financed by a surcharge on motorists' insurance policies. It would, like its United Kingdom counterpart, pay compensation awarded by the courts in cases where compensation would not now be payable due to defects in the insurance.

I would stress that, while the former scheme would provide minimum assistance without proof of negligence, the latter would provide for the payment of full damages, as awarded by a court, which could, of course, be much higher.

MR CHEONG-LEEN:—*Sir, would my honourable Friend be able to give an indication as to whether the surcharge would be bearable or minimal or whether it could be somewhat sizeable?*

SECRETARY FOR THE ENVIRONMENT:—Sir, I think if my honourable Friend is talking about surcharges on insurance that would be a matter for the accident insurance association to work out. As regards the payment for a Government run victims assistance scheme, we hope to approach your Excellency in Council with another proposal within a matter of a few weeks now.

MR CHEONG-LEEN:—*Now, Sir, is my honourable Friend able to elaborate just a little further on what is meant by that well used and often convenient term, 'as soon as practicable'?*

SECRETARY FOR THE ENVIRONMENT:—Sir, as I said, in a matter of a few weeks, we hope to put a proposal to Your Excellency in Council for consideration.

Police beat radio scheme

5 MISS KO asked:—*Sir, will Government inform this Council of the effectiveness of the Police beat radio scheme so far and whether it has any plans to expand the scheme?*

SECRETARY FOR SECURITY:—The Police beat radio scheme has been introduced progressively over the last 17 months since it became operational on Hong Kong Island in December 1976. It was extended to Kwai Chung and Tsuen Wan in the New Territories in March 1977 and to Kowloon in June.

The scheme has already greatly improved the ability of the Force to respond quickly and effectively to reports of crime, or any other incident warranting police attention, in areas covered by beat patrols. In Kowloon, Kwai Chung and Tsuen Wan the time lapse between an emergency call being received and police appearing on the scene has reduced on an average from 6 minutes to 4 minutes, while on Hong Kong Island the response time has improved from 5 minutes to 3 minutes.

The radio scheme is used extensively in support of the 999 system in which calls answered by police in vehicles has fallen from 50% to 37% since the introduction of the radio scheme.

About 700 patrolling police officers with radio sets are at any one time able to communicate directly with their District Control and with any other officer in their District, and to be contacted themselves whilst on patrol by direct radio link.

In addition the radios are also available for divisional and district CID officers and for special purposes by other units.

The introduction of the system has led to a number of arrests where criminals have been intercepted at the scene of the crime. Beat radios are also used to provide guidance to patrolling officers and to reinforce them with other officers in emergency.

The full potential of the system will be developed as experience is gained in its operation and as the information system which was partially introduced on 1 February 1978 is developed.

In the current financial year \$10.3 million has been provided to extend the scheme to Sha Tin, the Mass Transit Railway and the Airport.

Consideration is also being given to extending the beat radio coverage to other new towns and later to the whole of the territory, including the Marine District. The capital cost of the full development of this very significant and valuable improvement in Police capability is estimated at an additional \$84 million.

Dual carriageway in Yuen Long/Fanling

6 MR YEUNG asked:—*Sir, will Government state what progress has been made on the construction of the dual carriageway which is to link Yuen Long with Fanling via Au Tau and San Tin?*

DIRECTOR OF PUBLIC WORKS:—*Sir, an item for the construction of a dual two-lane carriageway from Yuen Long to Au Tau was included in Category A of the Public Works Programme at the 1st Review of 1977. Progress on this item was delayed by an objection raised to the alignment of the roadway. The road layout was modified and the objection resolved and it is expected that work will start early next year and will be completed towards the end of 1980.*

The road network from Au Tau to Fanling via Mai Po and San Tin is currently under detailed planning. Taking into consideration project priorities and the need to avoid undue disruption to traffic during construction the works will be carried out in stages.

The section between Au Tau and Mai Po is presently scheduled for completion in early 1982 but this will be subject to the traffic build-up developing as presently forecast.

Traffic congestion between Yuen Long and Au Tau

7 MR YEUNG asked:—*What measures have been taken by Government to ease the traffic congestion caused by the laying of water mains in the highway between Yuen Long and Au Tau?*

SECRETARY FOR THE ENVIRONMENT:—*Sir, since 1 May it has been possible to re-introduce a two-way traffic flow along this stretch of road by temporarily incorporating into the road a section of the bordering footpath. Pedestrians are still able to use the footpath on the opposite side of the road. It is anticipated that work on the water mains should be completed and the road put back to normal by the beginning of June.*

Public bathroom and toilet facility in housing estates

8 MR LEUNG asked:—*Will Government take effective steps to improve public bathroom and toilet facilities and their layout in the older housing estates?*

SECRETARY FOR HOUSING:—*Sir, the Housing Authority is well aware that communal bathroom and toilet facilities in the Mark I and Mark II estates which were built 24 years ago, are not up to the standards at present of*

later estates. Because of the way in which these blocks were designed and constructed, there is little the Authority can do to improve existing facilities further. A major programme to improve doors and security arrangements in these communal areas at a cost of \$3.7 million was completed in 1974. Cleansing contractors are employed to wash the areas daily. Since 1973, there has been a continuing programme to reduce overcrowding in these estates, and one effect of this programme is to reduce the pressure on communal facilities.

The fact is, Sir, that modern facilities can be provided only by conversion or by redevelopment. Of the 240 blocks in Mark I/II estates, 21 have so far been either converted or redeveloped. It is planned to rebuild 27 more blocks during the next 2 years, and 73 blocks during the next 5 years.

MR LEUNG:—*Sir, will Government also take steps to improve artificial lighting in these facilities, especially at night?*

SECRETARY FOR HOUSING:—Steps have been taken to do this, Sir, and I think I dealt with the question 2 or 3 sittings ago on corridors. I would like to reply in writing in detail on what exactly has been done in the communal bathroom areas to Mr LEUNG.

MR CHEONG-LEEN:—*If 73 blocks will be re-developed over the next 5 years, will it be correct to assume that the rest of the 240 blocks would be redeveloped by the end of the century?*

SECRETARY FOR HOUSING:—Sir, I think my honourable Friend's arithmetic is slightly weak; that would actually mean about 15 years which is not quite the end of the century.

MR CHEONG-LEEN:—*But it will be close to the end of the century, am I correct in that? I didn't quite hear him correctly.*

SECRETARY FOR HOUSING:—I would hesitate to predict what will be the case at the end of the century, but the Housing Authority does plan to redevelop or convert all these estates on present rates of progress. It will be about 15 years.

Workers' meals in industrial areas

9 MR ALEX WU asked:—*What steps have been taken by Government to implement its plan to facilitate the provision of proper meals to workers in the new industrial estates and will it consider providing the same facilities in existing industrial areas?*

SECRETARY FOR THE ENVIRONMENT:—Sir, the Hong Kong Industrial Estates Corporation, which is the body responsible for the construction and administration of industrial estates, plans to provide amenity areas in the estates to include places where workers will be able to buy cheap hot meals. Land is also being specifically allocated in other new industrial areas for cooked food stalls to provide for the needs of workers.

As regards the older industrial areas there is, unfortunately, not enough land available to provide cooked food stalls on the same scale as in the new areas. Some factories do provide canteens on their premises but many workers have to rely on catering facilities in nearby commercial areas.

MR ALEX WU:—*Sir, would my honourable Friend provide more detailed information regarding the ratio of land provided for food stalls to land for industrial undertakings and when will the construction of cooked food stalls commence in the new industrial areas?*

SECRETARY FOR THE ENVIRONMENT:—Sir, the standard provision for cooked food stalls in industrial areas is point six of a hectare for every 100,000 workers. This works out at about one cooked food stall for every 100 workers. As I understand it, these stalls are being provided as the new industrial areas are developed. The Government provides the paving, that's the floor of the areas, the roofing, lighting, electricity and water supply, but the stalls are actually built by the operators in conformity to a standard design which is provided to them by the Government.

MR ALEX WU:—*Sir, would Government look into the possibility of using round-abouts in older industrial areas to construct cooked food stalls?*

SECRETARY FOR THE ENVIRONMENT:—Yes, Sir, the Government will provide areas, as I said, as far as is practicable, within these older industrial areas. There is really very little space left, as I said. Some factories do provide canteens but in other places workers have to travel to areas where there are restaurants or cooked food stalls, which are normally in nearby commercial areas.

MR ALEX WU:—*Sir, my question was whether Government would consider constructing cooked food stalls on round-abouts?*

SECRETARY FOR THE ENVIRONMENT:—Sir, I'll need notice of that question, I'll reply to Mr Wu when I have considered it.

(THE FOLLOWING WRITTEN REPLY WAS PROVIDED SUBSEQUENTLY)

The broad conclusion reached by the concerned departments is that it would not *normally* be possible to construct cooked food stalls on or under roundabouts, or indeed under or on amenity plots and other pieces of land sterilised by road works, for the following reasons:

- (a) the use of these areas for cooked food stalls would inevitably generate a lot of pedestrian movement across main traffic routes at grade; while the construction of subways or bridges might help to solve this problem, most of the locations concerned have not been designed with this in mind;
- (b) there are, in fact, very few of these structures and facilities in the older industrial areas where the problem of workers' meal is most acute; and
- (c) underground cooked food bazaars would provide considerable problems of ventilation and perhaps fire hazard as well.

There seems to be very little chance, therefore, that facilities of this sort could offer a fruitful source of land for cooked food stalls. I agree, however, that we should always be on the watch for unconventional solutions and it may be that in the future what my honourable Friend suggests could be adopted in a suitable area.

MR JAMES WU:—*Sir, since empty stomachs make the most noise, would my Friend look into providing something in the older industrial areas to provide for more cooked food stalls by utilizing public space or areas above such space as bus termini and places like that?*

SECRETARY FOR THE ENVIRONMENT:—*Sir, I promise to look into the matter. Usually in bus termini I find they tend to be occupied by buses. (laughter)*

MR JAMES WU:—*Sir, I am talking about building above the bus termini.*

REV. P. T. MCGOVERN:—*Sir, would Government consider as a solution to this lunch-hour problem legislation to make, say, a compulsory one-hour lunch period so that the spread can be over a wider time and people can use the cooked food stalls more conveniently?*

SECRETARY FOR THE ENVIRONMENT:—*Sir, I think that's rather beyond the scope of this.*

Slope stabilization

10 MR CHEN asked:—*With the approach of the rainy season, will Government make a statement on the progress to date of its slope stabilization programme?*

DIRECTOR OF PUBLIC WORKS:—*Sir, preventive works have been completed or are in hand on some eighty major fill slopes. Minor works have also been carried out on numerous other slopes and retaining walls. Priority has been given to works on slopes affecting housing, hospitals and schools.*

It seems probable that further works will be necessary following the comprehensive geotechnical surveys now being undertaken, but it is too early to say exactly what these will involve.

MR CHEN:—*Sir, how long will it take to complete these comprehensive geotechnical studies?*

DIRECTOR OF PUBLIC WORKS:—About a year, Sir.

Dust pollution in Tuen Mun

11 MISS KO asked:—*What measures can Government take to reduce rapidly the dust pollution and consequential environmental hazard caused by public works projects to the residents of Tuen Mun, especially those living in the temporary housing area who are currently the main sufferers?*

SECRETARY FOR THE ENVIRONMENT:—Sir, the steps being taken to alleviate this nuisance include:

First, the removal of the soil stockpile near the temporary housing area. Any further stockpiling will be away from this area.

Secondly, contractors are being required to station labourers at the haul route entrance to remove soil and other material dropped on the road by their lorries and to spray the road with water. The USD is also providing a street washing vehicle on Pui To Road on fine days.

Thirdly, lorry drivers found depositing earth on public roads are being prosecuted and a total of 25 such summonses were issued during the first three months of this year.

Fourthly, a section of the haul route near Pui To Road has been paved with bitumen to keep down mud and dust.

In addition, the Tuen Mun New Town Management Committee is keeping a close watch on this problem and they are making every effort to cut down the nuisance. But, as I pointed out when answering a similar question from Mr WONG Lam in December last, the problem of dust associated with massive civil engineering development is an endemic one and it is impossible to eliminate it completely.

MISS KO:—*Would Government take temporary measures to quickly ease the dust pollution situation as soon as possible, say in a few weeks' time?*

SECRETARY FOR THE ENVIRONMENT:—These measures are being taken. They can only be pursued with more vigour. I will ask the Project Manager in the new town to see if more can be done. I promise that. But these measures and the one or two others I mentioned last December are being pursued and it is a question of pushing them further, I think.

Speculative property dealings

12 MR CHEN asked:—*Will Government consider introducing some measure of control over speculative activities in property dealings in order to protect genuine investors and home buyers?*

FINANCIAL SECRETARY:—Sir, my honourable Friend's question is one we have been considering now for some time.

But we have found more questions than answers. What are 'speculative activities in property dealings'? How are the mischief makers (as I suspect my honourable Friend would describe those participating in such activities) to be distinguished from 'genuine investors' and 'home buyers'? And if we could isolate them, can we be sure their activities are against the public interest? And if we could be so sure, how could we deal with them without also harming the interests of genuine investors and home buyers?

In considering how to answer these questions, we must keep our long-term goal clearly in mind. At the end of the day what we want is enough accommodation, commercial, industrial and residential, to serve the needs of the community. Take residential accommodation as an example. The objective must be a supply sufficient for each family to own or to rent accommodation appropriate to its needs at a price commensurate with its income. With our increasing wealth, the desire of families to live in suitable independent accommodation which preferably they own themselves has inevitably grown substantially. To meet both this growing aspiration and to eliminate the historical shortage of residential accommodation, it is vital that the supply of accommodation should continue to increase at a fast rate. Yet the acute shortage of suitable land in Hong Kong means that this legitimate objective can be met to a large extent, only by property developers being stimulated to develop more intensively the land they already possess.

Now 'speculation', though it *can* be a destabilising factor, could be helping this process. By adding to demand, speculation further stimulates supply. Although the inevitable temporary penalty is that it raises prices more quickly than would otherwise be the case, we must not forget that ultimately prices are determined by the level of demand from those seeking better homes in which to live and the cost of providing such homes.

Now, I can't say to what extent speculators are stimulating supply. But I can say that the supply prospects are good: the Commissioner of Rating and Valuation predicts that around 30,000 new private residential units will be completed in 1978, followed by a similar amount in 1979. This compares with an annual average of 19,000 over the last five years. The number of new residential building projects given consent to commence work by the Buildings Ordinance Office in the first quarter of this year suggests that the prospects beyond 1979 are equally as encouraging.

Against this background, the direct answer to my honourable Friend's question is that the Government is monitoring the property market. If, to paraphrase what the Financial Secretary said in concluding the debate on the second reading of the Appropriation Bill, this year speculation in property can be established as being damaging to the economy or to the supply of residential and other accommodation and that such speculation is, likely to continue, then the Government will consider measures of control. But to find

effective and acceptable measures would not be easy. For example, they must not, as I am sure Honourable Members will agree, inhibit the supply of property coming on to the market.

Building restrictions in Mid-Levels area

13 MR LOBO asked:—*With the lifting of building restrictions in the Mid-Levels area, how many applications for development are now in hand?*

DIRECTOR OF PUBLIC WORKS:—Sir, up to 9 a.m. yesterday 7 applications for new buildings had been received by the Buildings Ordinance Office.

Car parking facilities in Mid-Levels area

14 MR LOBO asked:—*Are provisions for parking facilities within new residential developments in the Mid-Levels area made compulsory and if so what is the parking space ratio per household?*

DIRECTOR OF PUBLIC WORKS:—Sir, the provision of car parking is only compulsory where there are specific requirements in lease conditions.

The ratio of car parking space to accommodation for Density Zone 2, in which the majority of the Mid-Levels lies, has varied over the years.

In 1965 when density zoning was introduced the ratio was 1 car parking space per flat. This was increased to 1¼ spaces per flat in 1971 and to 1½ spaces per flat in 1972. In 1975 the ratio was amended to 1 to 1½ spaces per flat or per 1,200 square feet of gross floor area whichever provides the lesser ratio.

The parking requirement therefore depends on the date of the lease. However, where the requirement is in excess of the current ratio a modification could be permitted for reduction to that ratio.

MR LOBO:—*Sir, I have noted from my honourable Friend's reply that the tendency is to reduce the ratio. May I know if that is the Government's view?*

DIRECTOR OF PUBLIC WORKS:—That is certainly the current arrangement although I would point out that a White Paper on Transport policy which will embrace car parking policy will be published later this year and I think it would therefore be inopportune for me to comment further on the matter.

EEC/HK textiles agreement—House of Commons debate

15 MISS DUNN asked:—*Sir, is the Government aware of the admission, not denied by a British Government Minister, made in the House of Commons*

debate on EEC textile policy on 11 April that it was 'right and advantageous' for the HK/EEC Agreement to be negotiated in such a way as 'effectively to squeeze' the share of the market available to Hong Kong in favour of other suppliers?

DIRECTOR OF TRADE, INDUSTRY AND CUSTOMS:—Yes, Sir. The Government is aware that a Member of Parliament made such remarks. According to the Official Report, his actual words were 'I believe that one of the things that was right and was advantageous in the new Multi-Fibre Arrangement was the way in which the three biggest suppliers—Hong Kong, Taiwan and South Korea—were effectively squeezed in order to provide a larger share for the supplies in poorer Third World countries.'

Unfortunately, I cannot quote from the speech of the Minister who concluded the debate because the printing of the Official Report of the latter part of the debate has been delayed by what is nowadays euphemistically known as industrial action, that is to say inaction. *(laughter)*

However, I understand from our London Office that Miss DUNN is correct: the Minister concerned did not indeed make any specific reference to the remark that Miss DUNN has quoted.

MISS DUNN:—*Sir, how does the Government reconcile the Financial Secretary's assurance given in this Council on 25 January last that the British Government's concern for the welfare of the people of Hong Kong remains as strong as ever, with the failure of the Minister to deny these remarks?*

THE CHIEF SECRETARY:—I am afraid that it frequently happens that Ministers do not always reply to all points made by M.P.'s in a long debate in the House of Commons.

MISS DUNN:—*Sir, while I accept that British Ministers cannot possibly answer every minute point that is made in Parliament, would the Government agree that in this instance a Minister should have disputed these statements given the British Government's special constitutional responsibility for Hong Kong as a dependent territory which the British Government does not have in respect of India and other Third World suppliers?*

THE CHIEF SECRETARY:—Sir, I concede to Miss DUNN that the assurance I was authorised to give to the Council on the 25 January and the remarks made by this individual M.P. cannot be reconciled. All I can do is to reiterate that, contrary perhaps to the practice in this Legislature where Officials are not allowed not to reply to all points made by Unofficials the practice in the House of Commons is that Ministers do not always reply to all points made by Members of Parliament in a wide ranging debate.

Government business

Motion

AMENDMENT TO STANDING ORDERS

THE CHIEF SECRETARY moved the following motion:—That the Standing Orders of the Legislative Council of Hong Kong, made by the said Council on 9 October 1968, be amended by inserting after Standing Order No 60 the following new Standing Order—

‘Public Accounts Committee. **60A** (1) There shall be a standing committee, to be called the Public Accounts Committee, to consider reports of the Director of Audit—

- (a) on the accounts of the Government;
 - (b) on such other accounts required to be laid before the Legislative Council as the Committee may think fit; and
 - (c) on any matter incidental to the performance of his duties or the exercise of his powers as the Committee may think fit.
- (2) The Committee shall consist of a chairman and six members to be nominated by the President, all of whom shall be Unofficial Members. The chairman and two other members shall constitute a quorum.
- (3) Upon its receipt by the President, a report mentioned in paragraph (1) shall be deemed to have been referred by the Council to the Committee for consideration.
- (4) The Committee may call any public officer, or, in the case of a report on the accounts of or relating to a non-Government body or organization, any member or servant of that body or organization, to give information or any explanation or to produce any records or documents which the Committee may require in the performance of their duties.
- (5) The Committee shall make their report upon the report of the Director of Audit on the accounts of Government before the Director’s report is laid on the table of the Council and both the Committee’s report and the Director’s report shall be so laid at the same time.
- (6) Subject to these Standing Orders, the practice and procedure of the Committee shall be determined by the Committee.’

He said:—Sir, I move the motion standing in my name in the Order Paper. This motion seeks to amend Standing Orders to provide for the establishment of a Public Accounts Committee as a standing committee of this Council. The Committee would consist of a chairman and six members, all Unofficial Members of this Council, to be nominated by Your Excellency as President of this Council.

The Committee's principal *task* would be to consider the reports of the Director of Audit on the Government's annual accounts which, of course, cover disbursements made through subvented organizations and I would envisage that the Committee would function broadly as follows. As soon as the Government's annual accounts and the Director of Audit's report on them are made available to the Committee, the Chairman would consult with the Director of Audit, in order to select the particular findings recorded in the report which merit the Committee's examination. To enable the Committee to transact its business as methodically and expeditiously as possible, a programme would then be drawn up, and the Heads of Departments concerned and other persons to be called upon to give evidence in respect of the Director of Audit's findings would be notified when they should attend. As each Head of Department is personally responsible for the financial transactions of his department, he would be required to attend before the Committee in person; he could be accompanied of course by members of his staff if he so wished, but he would be solely responsible for the evidence given to the Committee. The Director of Audit, the Deputy Financial Secretary and the Director of Accounting Services would be in attendance to assist the Committee, which would be serviced by a Deputy Clerk of Councils.

The Committee's main *aim* would be to establish the circumstances surrounding the matters reported on by the Director of Audit and to consider what remedial action has been or should be taken; and the Committee would be concerned primarily with principles and systems, not with details or personalities. To give the Committee a suitable degree of flexibility in the conduct of its business, the proposed Standing Order would enable the Committee to regulate its own proceedings. I envisage that these would be reasonably informal. In other words, the Committee would not take the form of a commission of enquiry to judge or discipline individual officers of the public service who were at fault, although it might wish to know what action including disciplinary measures, had been taken to prevent a repetition of the faults involved.

On the completion of its examination of the Director of Audit's report and of the evidence given by Heads of Departments and representatives of non-Government organizations, the Committee would present its report to Your Excellency as President of this Council, and that report would be laid on the table of this Council at the same time as the report of the Director of Audit.

While the Committee would report to the Legislative Council, it would look to the Finance Branch, as the Branch of the Government Secretariat responsible for the control and management of public funds, to consider its comments and recommendations. Although the Committee would have no power to order any particular action to be taken, the Finance Branch would naturally attach great weight to the Committee's opinion. The comments and decisions of the Finance Branch dealing with the points raised and stating what action it proposed to take on the Committee's recommendations, or

why it proposed to take no action, would be laid before subsequent sessions of the Committee, so the Committee would be made aware of the measures taken in response to their recommendations, or the reasons why its recommendations had not been accepted.

As regards timing, the Director of Audit's report on the Government's accounts is usually submitted in the October following the close of the financial year to which it relates. Assuming that the Committee finished its examination of the report and finalises its own report within three months, I anticipate that both reports would be ready for submission to this Council in the following January.

So much for the proposed Committee's principal task. In addition to considering the Director of Audit's reports on the Government's annual accounts, it is proposed that the Committee may, at its discretion, examine two other types of reports of the Director of Audit. The *first* are those on accounts of statutory and other organizations which are required to be laid before this Council, such as reports on the accounts of the Urban Council, the Trade Development Council, the Independent Commission Against Corruption and so on and so forth and a variety of provident funds, charitable trusts, and welfare and scholarship funds. The *second* are those which the Director of Audit may make, in exceptional circumstances, under sections 12 and 13 of the Audit Ordinance. These reports relate to any serious irregularities which may come to the notice of the Director, which he may wish to deal with outside the context of his report on the Government's annual accounts. Reports of this type are very rare indeed.

The proposed Standing Order, Sir, is one of two measures required to establish the Public Accounts Committee, the other being minor consequential amendments to the Audit Ordinance. The necessary Bill giving effect to these amendments will be introduced into this Council in due course.

Question put and agreed to.

First reading of bills

AUXILIARY FORCES PAY AND ALLOWANCES (AMENDMENT) BILL 1978

CRIMINAL PROCEDURE (AMENDMENT) (NO 3) BILL 1978

RAILWAYS (AMENDMENT) BILL 1978

WORKMEN'S COMPENSATION (AMENDMENT) (NO 2) BILL 1978

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

Second reading of bills**AUXILIARY FORCES PAY AND ALLOWANCES (AMENDMENT) BILL 1978**

THE SECRETARY FOR SECURITY moved the second reading of:—‘A bill to amend the Auxiliary Forces Pay and Allowances Ordinance.’

He said:—Sir, the necessity for this short and simple Bill arises from the recent pay award to the Auxiliary Police, one element of which was that Members should no longer be eligible to receive ration allowance.

Motion made. That the debate on the second reading of the Bill be adjourned —THE SECRETARY FOR SECURITY.

Question put and agreed to.

CRIMINAL PROCEDURE (AMENDMENT) (NO 3) BILL 1978

THE SOLICITOR GENERAL moved the seconding reading of:—‘A bill to amend the Criminal Procedure Ordinance.’

He said:—Sir, in 1972 the Criminal Procedure Ordinance was amended so as to empower the Attorney General to seek a review of the sentence imposed by a court on a convicted person. Such an application may be made to the Court of Appeal on the grounds that the sentence is not authorized by law, is wrong in principle or is manifestly excessive or inadequate.

When the Bill introducing the provisions in question was before this Council, the view was taken that the legislation should be enacted on a temporary basis so that in due time it could be reviewed. Six years have now passed and the Government is convinced that the usefulness of these provisions has been established. The Chief Justice also agrees that sections 81A, 81B and 81C should be made permanent.

Perhaps more important than the actual remedying of a comparatively small number of sentences is the opportunity which the operation of these sections provides for the Court of Appeal to give useful guidance to the courts on the kind and length of sentences which should be imposed for certain offences. This guidance assists in the difficult task faced by the courts in maintaining uniformity in sentencing practice.

Motion made. That the debate on the second reading of the Bill be adjourned—THE SOLICITOR GENERAL.

Question put and agreed to.

RAILWAYS (AMENDMENT) BILL 1978

THE SECRETARY FOR THE ENVIRONMENT moved the second reading of:—‘A bill to amend the Railways Ordinance.’

He said:—Sir, the Railways Ordinance was enacted as long ago as 1909 and has been amended some twenty times in the intervening seventy years or so, the last amendment being in 1973. The Ordinance now has again become out of date in certain respects and needs further amendment.

The main change which this Bill seeks to bring into force is to amend the title of the Ordinance. As it stands at present it can theoretically cover the construction and operation of any railway in Hong Kong, although in practice it governs only the British Section of the Kowloon-Canton Railway. The Mass Transit Railway is governed by its own separate Ordinance. To avoid any confusion, therefore, it is proposed to change the title of the Railways Ordinance to the Kowloon-Canton Railway Ordinance.

The opportunity has also been taken to bring certain other provisions of the Ordinance up to date. First, all references to Administrator or Chief Resident Engineer, which are defunct posts, are to be replaced by General Manager. Secondly, the Bill seeks to provide in clause 3(a) for a Deputy General Manager in case such a post is created. Thirdly, clause 9(a) seeks to enable the General Manager to make railway rules in place of standing orders and, subject to the approval of the Governor, to provide in the rules for disciplinary measures for railway employees. Senior ranks will still be subject to Civil Service Regulations.

A number of other minor amendments are proposed and detailed in the Explanatory Memorandum; and some consequential verbal amendments are included in the Schedule.

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

Question put and agreed to.

WORKMEN'S COMPENSATION (AMENDMENT) (NO 2) BILL 1978

THE COMMISSIONER FOR LABOUR moved the second reading of:—‘A bill to amend the Workmen's Compensation Ordinance.’

He said:—Sir, in Your Excellency's address at the opening session of this Council on 5 October 1977, you said that you expected a Bill to be introduced shortly to provide compensation for workers suffering from silicosis and asbestosis. The Bill now before Council embodies the proposed scheme.

In the simplest terms all the Bill sets out to do as proposed in clause 14 is to add pneumoconiosis to the schedule of occupational diseases under the Workmen's Compensation Ordinance. Members may wonder why it is going

to take thirteen other clauses and ultimately two further sets of regulations to achieve what might normally be expected to take a one-line Council resolution to amend a schedule. This complexity arises firstly from the nature of the disease itself, secondly from the diagnostic difficulties involved, and thirdly resulting from these—the impossibility of identifying individually the employers on whom the normal workmen's compensation liability should fall.

First the disease—pneumoconiosis is a comprehensive term covering a group of dust diseases of the lungs; it is defined in the present Bill to include only silicosis and asbestosis as these are the only two of known industrial concern here. The disease is caused by the inhalation of a variety of industrial dusts (e.g. free silica and asbestos dusts). The disease may not be apparent until there is an irreversible pathological change in the lung tissue known as fibrosis, that is, the laying down of fibrous tissue in the lungs caused by dust. Once present, the condition is irreversible and removal from exposure may only slow down progression of the disease in some cases.

Secondly the diagnostic problem—pneumoconiosis has a long latent development period and is difficult to diagnose, especially in the early stages. Therefore to keep a check on workers and to diagnose the disease at the earliest opportunity requires special measures such as obligatory X-ray procedures. Silicotic patients are prone to pulmonary tuberculosis and those with asbestosis have an increased liability to lung cancer. While silicosis is mainly found in workers in quarries, mining, tunnelling, construction and masonry work, asbestosis is normally found in workers in an industry or process in which asbestos is widely used for insulation purposes and fireproofing, e.g. shipbuilding and shipbreaking, lagging and delagging, and safe manufacturing.

Thirdly therefore we have the combination of a long gestation period and variable timing of discovery of the disease resulting in the position that workers may have changed jobs, and even industries, many times before diagnosis of the condition. Many years later—who is to say under which employer and in which industry the worker contracted the disease? If the worker's current employer at the time of discovery is to be made liable—apart from the obvious inequity of this—indeed this employer may not even be in a dusty trade—it could lead to a long series of civil actions between the current employer and all the various previous employers of the worker trying to establish original liability with likely inconclusive results because of the nature of the disease. Individual employer responsibility is in most cases not possible to ascertain and a great field of uncertainty would be created.

This situation has led to the acceptance by Government and the insurance industry of three basic premises in which a scheme could be built:

- (i) that there was a need to clear off the back-log of existing already diagnosed silicotic cases. It has been agreed that Government would take over responsibility for meeting compensation for these cases. I am most grateful to the Finance Committee of this council for their approval of

- this commitment which could amount to some \$25 million in payment in respect of some seven hundred odd cases;
- (ii) that a pooled insurance scheme should be set up to cover this special risk for existing cases not yet discovered and for future cases, and the Government should initially accept responsibility on behalf of employers collectively for cases discovered at the inauguration of the scheme during the initial X-ray period, provided that the Government will recover the compensation plus interest through the pool by a levy on the employers in the affected dusty trades;
 - (iii) that insurance in this field would have to be compulsory for all employers with employees working in the relevant trades.

Proposals in the Bill include the payment of compensation to workmen or their dependants for permanent total or partial incapacity or death resulting from pneumoconiosis in any specified trade, industry or process, the establishment of a Pneumoconiosis Compensation Fund, and the requirement for compulsory insurance in respect of such employment. The proposed amendments, when enacted, will also enable Hong Kong to comply fully with International Labour Convention concerning Workmen's Compensation for Occupational Diseases.

The scheme now proposed is the result of extensive discussions between Government and the Accident Insurance Association and thorough deliberations by the steering group set up to sort out the financial implications, finalise the administrative arrangements necessary to establish the scheme, and to hold further negotiations with the Association and draft the necessary legislation to implement the scheme.

In what follows I propose to use the terms Stages I, II and III for the development of the Scheme, and it may help to use the analogy of a football match before kick off—to focus on the difference between these stages. Stage I is pre-match day, the unfitness of some players is already known and they are already side-lined. Stage II is the fitness test on the match morning where the doubtful cases are checked and latent injuries discovered, further players may be side-lined. Stage III is after kick-off and in the future—the injuries to come are unknown and some may develop ultimately from undiscovered pre-match weaknesses.

The scheme involves the establishment of an insurance pool financed by premia from employers in specified industries to meet compensation claims and is to be implemented in three stages. Stage I covers those workers who are already known to have contracted pneumoconiosis and who may or may not still be employed in specified industries. It will also cover those workers who have left the industry before pneumoconiosis is included as an occupational disease and who are diagnosed within a period of ten years from this date. All these workers will be compensated on an ex-gratia non-statutory basis by Government on the basis of an up-dated assessment of the disability sustained. No legislation is required to implement this stage in itself. Stage II

however, will be implemented concurrently with Stage I and will cover workers who are employed in specified industries on the date appointed for the coming into force of this Bill and who are diagnosed as suffering from pneumoconiosis in the initial X-ray examination which all workers will be required to undergo. These workers will be paid compensation by Government initially, such payments together with interest to be recovered subsequently through a levy to be imposed on employers in specified industries. The initial X-ray examination is expected to take at least eight months to complete. A set of regulations is being drafted to provide in greater detail for the initial X-ray and subsequent medical examinations. Stage III will come into effect on completion of Stage II and will cover all workers who are given a clean bill of health at the initial X-ray examination and who are employed in specified industries on or after the appointed date or who subsequently leave the industry and are diagnosed as pneumoconiotic within a period of ten years. Any compensation due in respect of such workers will be paid from the statutory compensation fund. Another set of regulations will be drafted at a later date to provide for the administration of the fund by a Board and to prescribe the powers and functions of this Board. With effect from the date appointed for the coming into force of these regulations, it will be compulsory for all employers in the specified industries to carry pneumoconiosis insurance for their workers.

The Bill before Council, Sir, gives effect to Stages II and III. It provides for the compulsory initial and periodical medical examinations, at the cost of employers, of all workmen employed in specified trades, industries or processes, the appointment of an Occupational Diseases Medical Board to determine and assess the permanent incapacity resulting from pneumoconiosis, the payment of compensation for the permanent incapacity thus assessed, the payment of compensation or damages by Government to workmen who are employed in any specified trade on the date the Bill comes into operation and whose incapacity is discovered during the initial medical examination, and the recovery of such payments by Government in the form of a levy imposed on employers engaged in specified trades on the date on which it becomes payable.

Workmen who have been found to have pneumoconiosis will not be prohibited under the Bill from continuing employment in specified trades, industries or processes but will do so at their own risk and will not be compensated further. They will however be advised by the Occupational Diseases Medical Board of the likely effects of continuing to work in such trades. This is in line with the current legislation and practice in the United Kingdom. Compensation will be a 'once and for all' payment in line with other compensation payable under the principal Ordinance for permanent incapacity. Once such compensation has been paid the workman or his dependants will not be entitled to compensation for further permanent incapacity or the death of the workman resulting from pneumoconiosis. Pneumoconiosis is an industrial disease in which the patient's condition may

deteriorate progressively despite removal from the dusty environment; it would be inequitable not to take this into account when assessing the degree of disability. Therefore, the Bill also gives power to the Occupational Diseases Medical Board to determine and assess the greater degree of permanent incapacity up to an additional 50% of the assessed disability resulting from pneumoconiosis which the workmen may suffer in future.

The Bill amends and brings into operation Part IV of the Ordinance to require compulsory insurance for the full amount of the liability of employers for compensation under the Ordinance or damages independently of the Ordinance, for permanent incapacity or death of workmen resulting from pneumoconiosis arising out of and in the course of employment in any specified trade, industry or process. Government will participate in the statutory compensation scheme as an employer. This is a departure from normal practice but is considered to be desirable in view of the long latent period of this occupational disease and to avoid possible inequities arising from labour mobility between Government and the private sector.

I should try at this point, since the insurance is to be compulsory, to give some estimate of the likely cost to the employer. There are a particularly large number of imponderables in this sphere, but a very rough order of cost of the levy X-ray examination and premium together is of the order of \$140 per capita per annum in the first year based on an estimate of 30,000 workers needing insurance coverage. Since the levy will cease when Government ex-penditure under Stage II has been recovered, what will initially be about a 1% addition to the labour cost will tend to decline relatively in time assuming that there is no marked contraction in present activity.

The Bill also provides that, where compensation or damages become payable by insured employers to the workmen, the payment is to be made from the Pneumoconiosis Compensation Fund administered by a Pneumoconiosis Compensation Fund Board. Under this Bill, insurance companies will provide the necessary insurance coverage with their liabilities indemnified by the Pneumoconiosis Compensation Fund Board. All premia collected by insurance companies will be paid into the compensation fund, but the insurance companies will be entitled to a fee to cover administration expenses. The Board can, if it so wishes, be a party to any proceedings regarding compensation, thereby protecting the interests of the Fund and of Government in view of the latter's commitment to make good any shortfall in pool funds through the standby loan facility. This will enable the Board to develop expertise in handling pneumoconiosis claims whilst the individual insurance companies will be protected from incurring additional liabilities.

Sir, in line with the proposal to implement the scheme by stages, various provisions of the Bill will be brought into operation on different dates by virtue of clause 1, and section 49 of the principal Ordinance is amended by clause 13 to extend the regulation-making powers to give effect to the provisions in this Bill and scheme.

The Labour Advisory Board has been kept informed of Government's intention to legislate for workmen's compensation for pneumoconiosis. Close consultation has been carried out with the Accident Insurance Association during the drafting of the proposal and the Association has indicated that it is in agreement with the scheme as embodied in the Bill. Approval of the financial implications of implementing the scheme has also been given by the Finance Committee of this Council on 26 April 1978.

Motion made. That the debate on the second reading of the Bill be adjourned—THE COMMISSIONER FOR LABOUR.

Question put and agreed to.

URBAN COUNCIL (AMENDMENT) BILL 1978

Resumption of debate on second reading (12 April 1978)

Question proposed.

REV. JOYCE M. BENNETT:—Your Excellency, when I received my copy of this Urban Council (Amendment) Bill 1978, I immediately took out the reply by the Chief Secretary to a question on the Urban Council on 15 March 1978. You will recall he said: 'The Government has no plans to enlarge either the franchise of the Urban Council or the number of elected members on the Council.' It is clear that this bill is no extension of the franchise, it is a tidying-up bill, an updating of the list of qualifications for voters so as to include once more the kind of person thought suitable to vote in the mid-sixties when the franchise was last reviewed.

The publication of this Bill was therefore an opportunity to examine critically the list of those who are eligible to vote for the Urban Council's elected members. I was surprised to discover that only those citizens with certain grades in their Hong Kong Certificate of Education were included in paragraph 2(w)(v); basically they have to have five subjects at Grade E. However the Director of Education has clearly stated in this Chamber and elsewhere that the present Hong Kong Certificate of Education (unlike the old Certificate) has no passing grades; the Certificate is of a general nature to show that the holder has achieved a general standard of education. Unofficial Members of this Council decided therefore to form an Ad Hoc Group and I was asked to be convener of it.

Historically, according to the 1965 Working Party, this educational qualification for voters was to provide one category of voters to be those with a 'good general education'. Clearly that phrase could involve us in a lengthy debate as to whether or not all holders of the present Hong Kong Certificate of Education have had a 'good general education'. It seems wise not to enter

into this lengthy debate before the passing of this Bill as we do not want to disfranchise those with the five subjects qualification for the forthcoming Urban Council election. With that in mind the Unofficials have agreed to support this Bill.

However, I think it is good to draw the attention of this Council to the need to study further this clause of the Urban Council Ordinance. So much improvement has been and is being made in our secondary school educational system that the wording of clause 2(w)(v) certainly seems out-of-date. How can we honestly say that any of those holding the Hong Kong Certificate of Education have not had a 'good general education'? We look around at our secondary school students here in the Chamber this afternoon. How can we pick out a hard-working student who achieves five subjects at Grade E in Art, Typewriting, Dressmaking, Pottery, and Chinese History as competent to vote while the one with Grade A or B in Chinese and Chinese Literature and Grade F in three other subjects is not worthy? Both students have had five years of secondary education, 'a good general education'.

Your Excellency, I submit that it would be wise for us to consider at a deeper level the principles behind our present franchise system for the Urban Council election. We have moved fast and far from my first days in Hong Kong nearly thirty years ago, when I discovered that women teachers, exempt from jury service, were ineligible to vote. (*laughter*) My very first letter to the press was concerned with that issue. The Government responded to that letter, I am glad to say, and gave all women teachers the vote. If now we were to extend the franchise to include all holders of the Hong Kong Certificate of Education, the franchise will not basically be altered. We shall be honouring those in the Education Department who are endeavouring to provide a more flexible educational system, less bound to a system of marks and grades. We shall be ensuring that those with a 'good general education' have the vote.

Before I end this speech, I wish to point out that I think we shall be advised in the near future also to examine the whole structure of the Urban Council to which some members of our community can vote for twelve elected members out of a total of 24 members. The Urban Council's responsibilities concern closely many aspects of the citizen's daily life such as public sanitation and markets, hawkers and places of public recreation and leisure. These are matters which closely affect the daily lives of the people of Hong Kong and Kowloon. People at the grassroots level of our community are showing a growing concern for the problems they face. We would do well to consider how they can most effectively express that concern for others through the Urban Council. By their so doing the community of Hong Kong will be strengthened.

With these remarks, I support the present motion.

Question put and agreed to.

Bill read the second time.

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

CENSUS AND STATISTICS BILL 1978

Resumption of debate on second reading (26 April 1978)

Question proposed.

MR PETER C. WONG:—Sir, I am concerned about the wide powers given to a census officer under clauses 13(5) and 15 of the Census and Statistics Bill 1978. They impose a statutory duty on an occupier to grant a census officer access to his premises whether or not the occupier has duly completed and returned the schedule delivered to him under the Bill.

As far as I am aware, there is no parallel provision in either the English Census Act 1920 or the Census Regulations 1970.

I therefore propose that Government introduce appropriate amendments to clause 13(5) at the Committee Stage to ensure that a census officer may seek such access only when the occupier has failed to complete and return the schedule in the manner and within the time therein specified.

Such amendments, while protecting the privacy of an individual, would not hinder the Commissioner in carrying out his statutory functions.

Sir, subject to the above amendments, I support the motion.

THE FINANCIAL SECRETARY:—Sir, I would like to make two comments on what my honourable Friend has just said. The first is that I have discussed his proposal with the Commissioner for Census and Statistics and it is absolutely acceptable in principle. Subject to any difficulties we may encounter in the drafting process, I propose to move an appropriate amendment at the Committee Stage. The second point is that this power of entry is quoted in section 13 as being, 'if so required by the Commissioner'. Now the Commissioner will be exercising his power personally and he will use it, I do assure Honourable Members, only in extreme circumstances. In other words, he will use his power with the greatest discretion.

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).

PROTECTION OF WOMEN AND JUVENILES (AMENDMENT) BILL 1978**Resumption of debate on second reading (15 February 1978)**

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).

HOUSING (AMENDMENT) (NO 2) BILL 1978**Resumption of debate on second reading (26 April 1978)**

Question proposed.

MR CHEONG-LEEN:—Since the flats which are to be sold under the Home Ownership Scheme will be sold at 20% or more below market level prices, I would again urge Government to raise the restriction period on resale from 5 years to 7 years as soon as it is practicable to do so. This is a very desirable restriction in order to discourage speculation on the part of the purchaser.

It is all the more desirable from the public point of view if it is borne in mind that the repayment term is over a maximum period of 15 years, partially guaranteed by Government at an attractive interest rate of between 7½%-9%, with an initial down payment of only 10%.

Furthermore, the management standards will be high compared to what is available generally in the private sector. Residents can be assured too of a well-balanced range of community facilities, and shops and car parking spaces at reasonable commercial rates.

Finally, it is to be hoped that every effort will be made by the Housing Authority to maintain management costs at an economical monthly rate, in keeping with the income levels of residents participating in the Home Ownership Scheme.

Sir, I support the motion.

SECRETARY FOR HOUSING:—Sir, may I thank Mr CHEONG-LEEN for his eloquent support. His suggestion about the resale restriction period will be kept in mind.

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).

LAND REGISTRATION (AMENDMENT) BILL 1978

Resumption of debate on second reading (26 April 1978)

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).

SUMMARY OFFENCES (AMENDMENT) (NO 2) BILL 1977

Resumption of debate on second reading (15 June 1977)

Question proposed.

MR T. S. LO:—Sir, after this Bill was introduced into this Council, my Unofficial Colleagues set up an ad hoc group to study it, of which I have been the convener. Since then we have had several meetings with the Secretary for the Environment and his staff and we also had one meeting with representatives of EPCOM.

The Bill is concerned with two types of noise nuisance. The first is that created by proprietors of record shops and hawkers, who play records and tape cassettes at an unreasonably high volume for the purpose of attracting customers. Whilst the desirability of controlling this type of noise pollution is not in dispute, my Unofficial Colleagues and I have not been able to satisfy ourselves that there is not already the necessary law to achieve this nor that the clause as drafted would be the most appropriate approach, *if* additional legislation were required. For these reasons we have not felt able to support the enactment of clause 2 of the Bill and I shall therefore at the Committee Stage be moving an amendment to the Bill to delete this clause from it.

The second part of the Bill deals with construction noise. Here, as indeed with all forms of noise pollution, we would have preferred to have seen

specific levels of noise rather than specific noise producers banned at specific times. However, since we have been assured that the expertise for enforcing law based on decibel counts is not yet available in Hong Kong, we have agreed that this part of the Bill should proceed. This is, however, on the understanding we have been given that this is only an interim holding measure until the Government produces comprehensive noise legislation based on more scientific and uniform approach.

We were also concerned that the powers the Director of Public Works has to grant exemptions from the restrictions on construction noise should only be exercised in cases of real necessity. We have been informed that such exemptions will only be granted for emergency work, where it is in the public interest to ensure early completion and where, for technical reasons, continual or night operation is unavoidable.

I should also point out that the Mass Transit Railway Corporation is exempted from this aspect of the Summary Offences Ordinance. A combination of the din produced by the Mass Transit Railway Corporation and that permitted by the Director of Public Works has given rise to the charge that the Government has become a self-appointed operator of the noise pollution monopoly. The Chinese have a saying: '只許州官放火，不准百姓點燈' which obviously described the sentiments of our people. In the circumstances, I must ask the Director of Public Works and through him, the Chairman of the Mass Transit Railway Corporation to weigh carefully the comparative merits of the public interest that requires a project to be completed early and that which requires that a man and his family have a good night's rest.

With these remarks, Sir, I support the motion.

SECRETARY FOR THE ENVIRONMENT:—Sir, I accept the amendment proposed by Mr LO and I note that he will be introducing it in the Committee Stage. I can also confirm that a comprehensive Noise Pollution Bill will be prepared and will be presented to this Council, hopefully in its next session.

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).

DISCIPLINED SERVICES (WELFARE FUNDS) BILL 1978

Resumption of debate on second reading (26 April 1978)

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).

FACTORIES AND INDUSTRIAL UNDERTAKINGS (AMENDMENT) BILL 1978

Resumption of debate on second reading (26 April 1978)

Question proposed.

Question put and agreed to.

Bill read the second time.

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

Committee stage of bills

Council went into Committee.

URBAN COUNCIL (AMENDMENT) BILL 1978

Clauses 1 and 2 were agreed to.

PROTECTION OF WOMEN AND JUVENILES (AMENDMENT) BILL 1978

Clause 1 was agreed to.

Clause 2

MISS KO:—Sir, both Miss BENNETT and I have been very much concerned about strengthening the protection of girls of the ages between 16 to 21. At the second reading of this bill on 15.3.78 I have suggested that the proposed section 34(E) should be widened so that the Police is empowered to

take young girls up to the age of 18 instead of up to the age of 16 at present provided who are in need of care and protection to a place of refuge. I have also suggested that section 35 of the principal Ordinance should likewise be widened so as to empower the authority to deal with young girls up to the age of 18 who are likely to be exposed to any moral or physical danger. I am glad to see that Government has accepted these suggestions. It is also appropriate that the age range in the case of boys be extended in the same manner for their better care and protection.

These suggestions would make the following possible:

- (1) A court order and a supervision order could be made under section 34(1) placing a child or juvenile (a new definition which means a boy or a girl from 14 to 18 years of age) who are in need of care and protection, under supervision.
- (2) An order could be made under section 35(1) relating to the control and custody of a child or juvenile (from 14 to 18 years of age) who is likely to be exposed to any moral or physical danger. An order could also be made under section 35(5) to afford temporary protection to a child or juvenile (from 14 to 18) who is in need of care and protection.
- (3) Any child or juvenile (from 14 to 18) who is in need of a refuge or care and protection could be taken to a place of refuge under the new section 34(E).

I am glad to move the appropriate amendments to give effect to these suggestions and to make the necessary consequential amendments to the other provisions in the bill and in the principal Ordinance to replace references to a young person by references to a juvenile.

I move that clause 2 be amended as set out in the paper circulated to Honourable Members.

Proposed amendment

Clause 2

That clause 2 be deleted and substituted by the following—

- 'Amend
-ment of
section
2 (Cap.
213.)*
- 2** Section 2 of the principal Ordinance is amended by—
- (a) inserting after the definition of “infant” the following definition—

““juvenile” means a person who is, in the opinion of a court or a person exercising any power under this Ordinance, 14 years of age or upwards and under the age of 18 years;”;
 - (b) deleting the full stop at the end and substituting a semicolon; and

- (c) inserting after the definition of “probation officer” the following definition—

““supervision order” means an order made under section 34(1)(d) placing a child or juvenile under supervision, and “supervised person” and “supervisor”, in relation to a supervision order, mean respectively the child or juvenile placed or to be placed under supervision by the order and the person under whose supervision he is placed or to be placed under the order.”’.

The amendment was agreed to.

Clause 2, as amended, was agreed to.

Clauses 3 and 4 were agreed to.

Clause 5

MISS KO:—I move that clause 5 be amended as set out in the paper circulated to Honourable Members.

Proposed amendment

Clause 5

That clause 5 be amended—

- (a) by deleting paragraph (a) and substituting the following—

‘(a) in subsection (1)—

(i) by deleting “young person” in the first and second places where it occurs and substituting in each case the following—

“juvenile”; and

(ii) in paragraph (d), by deleting “and may from time to time upon its own motion or upon similar application or upon application of a parent or guardian or of any person or institution to whose care such child or young person has been committed, amend any order so made”;

- (b) in paragraph (b)—

(i) in the proposed new subsections (1A) and (1B), by deleting “young person” wherever it occurs and substituting in each case the following—

“juvenile”; and

(ii) by deleting “and” at the end of the paragraph;

(c) by inserting after paragraph (b) the following new paragraphs—

(ba) in subsections (2), (3), (5) and (7), by deleting “young person” wherever it occurs and substituting in each case the following—

“juvenile”

(bb) in subsection (4)—

(i) by deleting “young person” wherever it occurs and substituting in each case the following—

“juvenile”; and

(ii) in paragraph (c), by inserting after “whose care the child” the following

—
“or juvenile”; and

(d) in paragraph (c), in the proposed new subsections (6), (6A), (6B) and (6C), by deleting “young person” wherever it occurs, and substituting in each case the following—

“juvenile”.

The amendment was agreed to.

Clause 5, as amended, was agreed to.

Clause 6

MISS KO:—I move that clause 6 be amended as set out in the paper circulated to Honourable Members.

Proposed amendment

Clause 6

That clause 6 be amended in the proposed new sections 34C and 34E by deleting “young person” wherever it occurs and substituting in each case the following

“juvenile”.

The amendment was agreed to.

Clause 6, as amended, was agreed to.

Clause 7

MISS KO:—I move that clause 7 be amended as set out in the paper circulated to Honourable Members.

Clause 7

That clause 7 be deleted and substituted by the following—

'Amendment of section 35 **7** Section 35 of the principal Ordinance is amended by—

(a) deleting “young person” wherever it occurs and substituting in each case the following—

“juvenile”; and

(b) inserting after subsection (6) the following subsection—

“(7) Where a person endangered is detained in a place of refuge in pursuance of this section, the person in charge of the place of refuge shall have the like control over that person as the parent and shall be responsible for his maintenance, and that person shall continue in the care of the person in charge of the place of refuge, notwithstanding that he is claimed by his parent or any other person.”.

The amendment was agreed to.

Clause 7, as amended, was agreed to.

Clause 8

MISS KO:—I move that clause 8 be amended as set out in the paper circulated to Honourable Members.

Proposed amendment

Clause 8

'Amendment of section 41 **8** Section 41 of the principal Ordinance is amended by—

(a) deleting “young person” wherever it occurs and substituting in each case the following—

“juvenile”; and

(b) deleting “or by any district watchman or by any person specially or generally authorized in that behalf by the Director of Social Welfare”.

The amendment was agreed to.

Clause 8, as amended, was agreed to.

New clause 2A ‘Amendment of section 27’.

Clause read the first time and ordered to be set down for second reading pursuant to Standing Order No 46(6).

MISS KO:—In accordance with Standing Order 46(6) I move that new clause 2A as set out in the paper circulated to Honourable Members be read a second time.

Question put and agreed to.

Clause read the second time.

MISS KO:—I move that new clause 2A be added to the Bill.

Proposed Addition

New Clause 2A

That there be added after clause 2 the following new clause—

*‘Amend- 2A Section 27 of the principal Ordinance is amended by inserting after
ment of “girl,” in each case where it occurs the following—
section*
27

The addition of the new clause was agreed to.

New clause 7A ‘Amendment of section 39’.

Clause read the first time and ordered to be set down for second reading pursuant to Standing Order No 46(6).

MISS KO:—In accordance with Standing Order 46(6) I move that new Clause 7A as set out in the paper circulated to Honourable Members be read a second time.

Question put and agreed to.

Clause read the second time.

MISS KO:—I move that new Clause 7A be added to the Bill.

Proposed Addition

New Clause 7A

That there be added after clause 7 the following new clause—

*'Amend-
ment of
section
39*

7A Section 39(1) of the principal Ordinance is amended—

(a) in paragraph (e)—

(i) by deleting “young persons” and substituting the following—
“Juveniles”; and

(ii) by inserting after “such children” the following—
“or juveniles”; and

(b) in paragraph (f), by deleting “young persons” and substituting the following—

“juveniles”.

The addition of the new clause was agreed to.

New clause 8A, ‘Amendment of section 42’

New clause 8B, ‘Amendment of section 43’

New clause 8C, ‘Amendment of section 44’

New clause 8D, ‘Amendment of section 45’

New clause 8E, ‘Amendment of Schedule’.

Clauses read the first time and ordered to be set down for second reading pursuant to Standing Order No 46(6).

MISS KO:—In accordance with Standing Order 46(6) I move that new Clauses 8A, 8B, 8C, 8D and 8E as set out in the paper circulated to Honourable Members be read a second time.

Question put and agreed to.

Clauses read the second time.

MISS KO:—I move that new Clauses 8A, 8B, 8C, 8D and 8E be added to the bill.

Proposed Addition

New Clauses 8A, 8B, 8C, 8D and 8E

That there be added after clause 8 the following new clauses—

- Amendment of section 42* **8A** Section 42 of the principal Ordinance is amended by deleting “young person” wherever it occurs and substituting in each case the following—
“juvenile”.
- Amendment of section 43* **8B** Section 43 of the principal Ordinance is amended by deleting “young person” and substituting the following—
“juvenile”.
- Amendment of section 44* **8C** Section 44 of the principal Ordinance is amended by deleting “young person” wherever it occurs and substituting in each case the following—
“juvenile”.
- Amendment of section 45* **8D** Section 45(2) of the principal Ordinance is amended in paragraph (c) by deleting “young person” and substituting the following—
“juvenile”.
- Amendment of Schedule* **8E** The Schedule to the principal Ordinance is amended in items 1 and 5 by deleting “young person” and substituting in each case the following—
“juvenile”.

The addition of the new clauses was agreed to.

HOUSING (AMENDMENT) (NO 2) BILL 1978

Clauses 1 to 13 were agreed to.

LAND REGISTRATION (AMENDMENT) BILL 1978

Clauses 1 to 5 were agreed to.

SUMMARY OFFENCES (AMENDMENT) (NO 2) BILL 1977

Clause 1

MR T. S. LO:—Sir, I move that clause 1 be amended as set out in the paper circulated to Honourable Members and for the reasons mentioned in my second reading speech which I did not put the matter in as comprehensive a manner as did the Government on the Pneumoconiosis Compensation Scheme.

*Proposed amendment***Clause 1**

That clause 1 be deleted and the following clause substituted—

'Short title and commencement **1** This Ordinance may be cited as the Summary Offences (Amendment) Ordinance 1978 and shall come into operation on the 1 July 1979.'

The amendment was agreed to.

Clause 1, as amended, was agreed to.

Clause 2

MR T. S. LO:—I move that clause 2 be deleted as in the paper circulated to Honourable Members.

*Proposed amendment***Clause 2**

That clause 2 be deleted.

The amendment was agreed to.

Clause 2, as amended, was agreed to.

Clauses 3 and 4 were agreed to.

DISCIPLINED SERVICES (WELFARE FUNDS) BILL 1978

Clauses 1 and 2 were agreed to.

Schedule was agreed to.

FACTORIES AND INDUSTRIAL UNDERTAKINGS (AMENDMENT) BILL 1978

Clauses 1 and 2 were agreed to.

Council then resumed.

Third reading of bills

THE ATTORNEY GENERAL reported that the

URBAN COUNCIL (AMENDMENT) BILL

HOUSING (AMENDMENT) (NO 2) BILL

LAND REGISTRATION (AMENDMENT) BILL

DISCIPLINED SERVICES (WELFARE FUNDS) BILL and

FACTORIES AND INDUSTRIAL UNDERTAKINGS (AMENDMENT) BILL

had passed through Committee without amendment and that the

PROTECTION OF WOMEN AND JUVENILES (AMENDMENT) BILL and

SUMMARY OFFENCES (AMENDMENT) (NO 2) BILL 1977

had passed through Committee with amendments 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 24 of May.

Adjourned accordingly at seven minutes past four o'clock.