

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 21 June 1978****The Council met at half past two o'clock****PRESENT**

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR MURRAY MACLEHOSE, GBE, KCMG, KCVO

THE HONOURABLE THE CHIEF SECRETARY
SIR DENYS TUDOR EMIL ROBERTS, KBE, QC, JP

THE HONOURABLE THE FINANCIAL SECRETARY (*Acting*)
MR DAVID HAROLD JORDAN, CMG, MBE, JP

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

THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS (*Acting*)
MR JOHN CHARLES CREASEY WALDEN, JP

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

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

THE HONOURABLE KENNETH WALLIS JOSEPH TOPLEY, CMG, JP
DIRECTOR OF EDUCATION

THE HONOURABLE DAVID GREGORY JEAFFRESON, JP
SECRETARY FOR ECONOMIC SERVICES

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

THE HONOURABLE DONALD POON-HUAI LIAO, OBE, JP
SECRETARY FOR HOUSING (*Acting*)

THE HONOURABLE JOHN RAWLING TODD, CVO, JP
SECRETARY FOR THE NEW TERRITORIES (*Acting*)

THE HONOURABLE WILLIAM DORWARD, OBE, JP
DIRECTOR OF TRADE, INDUSTRY AND CUSTOM (*Acting*)

THE HONOURABLE SIR SZE-YUEN CHUNG, CBE, JP

THE HONOURABLE ROGERIO HYNDMAN LOBO, CBE, JP

THE HONOURABLE JAMES WU MAN-HON, OBE, JP

THE HONOURABLE LI FOOK-WO, 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 REV. THE HONOURABLE JOYCE MARY BENNETT, JP

THE HONOURABLE CHEN SHOU-LUM, 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

THE HONOURABLE CHARLES YEUNG SIU-CHO, JP

ABSENT

THE HONOURABLE JAMES NEIL HENDERSON, JP
COMMISSIONER FOR LABOUR

THE HONOURABLE LEE QUO-WEI, CBE, JP

THE HONOURABLE OSWALD VICTOR CHEUNG, CBE, QC, JP

THE HONOURABLE PETER GORDON WILLIAMS, OBE, JP

THE HONOURABLE HILTON CHEONG-LEEN, OBE, JP

THE HONOURABLE JOHN HENRY BREMRIDGE, OBE, JP

THE HONOURABLE FRANCIS YUAN-HAO TIEN, OBE, JP

THE HONOURABLE ALEX WU SHU-CHIH, OBE, JP

THE HONOURABLE LYDIA DUNN, OBE, JP

DR THE HONOURABLE RAYSON LISUNG HUANG, CBE, 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:—	
Kowloon-Canton Railway Ordinance.	
Kowloon-Canton Railway (Amendment) Regulations 1978	114
Customs and Excise Service Ordinance.	
Customs and Excise Service (Welfare Fund) (Amendment) Regulations 1978.....	115
Fire Services Ordinance.	
Fire Services Department (Welfare Fund) (Amendment) Regulations 1978	116
Hawker Control Force Ordinance.	
Hawker Control Force (Welfare Fund) (Amendment) Regulations 1978....	117
Immigration Service Ordinance.	
Immigration Service (Welfare Fund) (Amendment) Regulations 1978.....	118
Police Force Ordinance.	
Police (Welfare Fund) (Amendment) Regulations 1978	119
Foreign Judgments (Reciprocal Enforcement) Ordinance.	
Foreign Judgments (Reciprocal Enforcement) (Amendment) Order 1978 ..	120
Summary Offences Ordinances.	
Summary Offences Ordinances (Exemption from Section 13) Order 1978.	121

<i>Subject</i>	<i>LN No</i>
Prisons Ordinance. Prison (Amendment) Rules 1978.....	122
Boilers and Pressure Receivers Ordinance. Boilers and Pressure Receivers (Exemption) (Consolidation) (Amendment) Order 1978	123
Public Order Ordinance. Military Installations Closed Areas (Amendment) Order 1978	124
Protected Places (Safety) Ordinance. Protected Places Declaration (Amendment) Order 1978	125
Widows' and Children's Pensions Ordinance 1977. Widows' and Children's Pensions (Extension of Election Period) Order 1978.....	126

Oral answers to questions

Assault on females

1 DR FANG asked:—*Sir,*

- (a) *is Government aware of the concern amongst the female population about deliberate elbowing and pinching of their persons in public places and transport; and*
 (b) *what action will it take to reduce this undesirable habit?*

SECRETARY FOR SECURITY:—

- (a) Yes, Sir. Concern has been expressed about this anti-social conduct through the news media.
 (b) Police officers, including plain clothes patrols on public transport, respond immediately to complaints of this type of assault and will arrest persons seen committing this offence or make follow up enquiries.

Inevitably, the effectiveness of such action depends on the willingness of the victim to complain, but modesty and an understandable reluctance of victims to draw attention to such incidents hampers counter action.

Publicity will continue to be given to the necessity to report crime. In addition if women who are assaulted in this way could bring themselves to raise a hue and cry to enlist the help of passersby or other travellers to detain the culprit this would be a useful deterrent and counter action.

Floodings in NT

2 MR PETER C. WONG asked:—*Sir, will Government state the causes of the recent serious floodings in Tai Po, Sha Tin and Tuen Mun and what effective measures are contemplated to prevent future further recurrences?*

DIRECTOR OF PUBLIC WORKS:—*Sir, flooding occurred in Tai Po in low-lying areas near Tai Hang Village on the night of 6/7 June when rainfall in excess of 160 mm was recorded. The principal reason for the flooding was the partial blockage of culverts in the area by domestic refuse which reduced the carrying capacity of the stream courses.*

Two low-lying area sections of the old Tai Po Road through Sha Tin were also flooded in early June. Here the cause was the restriction to stormwater flow created by the higher ground level of adjacent new development and the inadequate drainage provisions in these sections of the old road. The situation will be rectified when all sections of the new road are opened to traffic and the old road filled over. The final section of the new road works will be completed by mid-July and in the interim temporary diversion arrangements along the new road will be brought into effect if further heavy rainstorms occur.

The flooding of the old Castle Peak Road in Tuen Mun was caused by the blockage of cross-road drainage by debris carried down the stream courses after heavy rain. The flooding abated when the intakes were cleared. With the opening of the new Tuen Mun Road traffic flow on the old road has greatly reduced and drainage improvement works are being carried out.

In the San Hui area of Tuen Mun some flooding was caused by a contractor's temporary works in the main river channel. These temporary works were removed.

Tong Fai in subsidised secondary schools

3 REV. JOYCE M. BENNETT asked:—*When will the question of Tong Fai in Forms I-III in subsidised secondary schools be resolved?*

DIRECTOR OF EDUCATION:—*Sir, the Government has now finalised its proposals for tong fai in Forms I-III in aided schools. It is intended to put these proposals to the Finance Committee very shortly. If the Finance Committee agrees, this will enable an announcement to be made in early July, probably the 6 or the 7.*

REV. JOYCE M. BENNETT:—*Is the Director of Education aware that he promised a decision in this matter at the latest by mid-May and possibly during April?*

DIRECTOR OF EDUCATION:—Sir, the Director of Education is now studying his previous answers to the questions to see whether he actually promised this. I think if the Director was as cautious as he usually is he didn't actually make a promise. I think I have said on a previous occasion that this subject has turned out to be complicated and I am sorry it just has taken rather longer but I believe that we are now at an end.

REV. JOYCE M. BENNETT:—*Sir, since the decision will not now be made until some schools have closed for the summer holidays, what provision is the Department making to help schools and others concerned to meet possible problems that may arise?*

DIRECTOR OF EDUCATION:—Any schools that are in difficulty with this matter, Sir, should apply to the Department by telephone to let us know their difficulty.

Stray dogs and cats

4 MR LEUNG asked:—*Sir, does Government consider that the problem of stray dogs and cats is under control, particularly in the New Territories and some of the major outlying islands; and if not, will it consider stepping up control of the problem either through the Agriculture and Fisheries Department or with the assistance of the RSPCA or both?*

DIRECTOR OF AGRICULTURE AND FISHERIES:—Sir, the short answer is that Government considers the overall stray dog problem to be under control.

Over the past four years an average of almost 9,000 stray dogs have been destroyed per year. In the past twelve months some 5,000 stray dogs have been eliminated from the urban areas, and more than 2,500 from the New Territories and Islands.

In addition over the past twelve months a further 9,000 unwanted dogs have been disposed of through the RSPCA; and some 1,700 unwanted dogs have been surrendered to the Department of Agriculture and Fisheries for disposal. Thus some 11,000 potential stray dogs have also been eliminated.

This average annual figure of some 18,000 to 12,000 animals eliminated should be seen in the perspective of a known licenced dog population amounting to some 50,000 animals; this is the figure of animals inoculated over the past three years, which is the period of validity for each rabies inoculation.

Due to their way of life cats do not appear to present the same social nuisance as do stray dogs. Adequate facilities are available, however, for the disposal of unwanted cats; and over the past twelve months some 20,000 such animals have been dealt with by the RSPCA.

With regard to the second part of the question, Sir, whilst Government has no immediate proposals to seek an increase in resources to control stray dogs, the matter remains under ongoing review. It is recognised that with the development of new towns and centres of population there will be need for re-deployment of current resources and a possible need for a future increase in those resources.

Mentally retarded children

5 REV. JOYCE M. BENNETT asked:—*Sir, what plans has Government drawn up since a Magistrate pointed out that there was a serious lack of institutional places for mentally retarded children, with special reference to those who are a threat to other people?*

DIRECTOR OF SOCIAL WELFARE:—*Sir, there is no provision under the Rehabilitation Programme Plan or the Rehabilitation White Paper for an institution to be set up specifically for mentally retarded persons who are a threat to others. In the first place, there are rather few cases like this to justify a separate facility and there are various options available for dealing with them. If the person's violent or disorderly behaviour is due to some mental illness, he can be detained and treated in a mental hospital. If it is mainly a behavioural problem, then the case can be dealt with in a correctional home by making special arrangement for individual supervision. If, on the other hand, what the person requires is training in discipline and self-care, then a centre for the mentally retarded could provide the services, needed, depending on the degree of retardation.*

Government is aware that there is still a shortage of institutional places for the mentally retarded. Present provision includes 440 places for the severe grade and 630 places for the moderately retarded. Every effort is being made both within the Government and in the voluntary sector to push ahead with plans to expand the service. Next year, there will be 270 additional places and by 1984 residential care for the mentally retarded will be more than double the present level, and 3,380 persons will be catered for.

Plans to expand and improve multi-disciplinary care will help to meet the complex problems of some of the more difficult cases. Consideration is being given to the provision of a wider range of specialist services both within the institutions and in other supporting facilities so that clients with special or multiple problems or clients with more than one disability can be more suitably looked after in future.

REV. JOYCE M. BENNETT:—*Sir, is it true that there are 1,504 such children on the waiting list at the Government departments?*

DIRECTOR OF SOCIAL WELFARE:—Sir, there is a waiting list of people wanting to get into residential care but I haven't got the figures here to show that the figure quoted is correct. There are different grades of retardation; for example, there are those who are educationally sub-normal and there are those who are moderately retarded who can be trained and there are those who are severely retarded who require residential care. As I said, there is a shortage of provision generally for the mentally retarded and the Rehabilitation Development Co-ordinating Committee is aware of this and we are all working very hard to expand the services.

REV. JOYCE M. BENNETT:—Sir, what help is being given now by the Social Welfare Department to the families with such children who are on the waiting list of these institutions and whose children have to remain at home in the meantime?

DIRECTOR OF SOCIAL WELFARE:—Efforts are being made, Sir, to assist the families. There are various options available. First of all, there are the day training centres which can take in some such children, if these children could be taken to attend the day care centres, but it is true that, for the severely retarded persons, there is still a problem with the families and efforts are being made by social workers either through arranging home help service with voluntary agencies or by providing extra cash help to see that the family can make arrangements to look after the child at home.

MR T. S. LO:—*Sir, What is the shortage we are planning for 1984?*

DIRECTOR OF SOCIAL WELFARE:—Sir, the total demand as estimated in the programme plan by 1984 for residential care for both the severe and the moderate grades is 4,000 and we are planning right now for 3,380, so the shortfall will be a rather small one and it will depend on how quickly we can implement the projects.

Overcharged fares in PLB

6 MR CHEN asked:—*In view of Government's announcement that the law requiring the display on public light buses of destinations and fares is to be enforced w.e.f. 1 August 1978, what action will be taken against the owners of such vehicles who charge more than the fare indicated or who increase fares for particular journeys on certain days simply by changing their fare indicators?*

SECRETARY FOR THE ENVIRONMENT:—Sir, the legislation to which Mr CHEN refers forbids a public light bus driver to change his destination indicator during a journey with the intention of making passengers pay a fare higher than that shown on the farecard. A driver who contravenes this regulation

is liable to a fine of five hundred dollars. A driver can, however, change his fare indicator before the start of any journey as long as he clearly shows a stated destination and a fare.

I should add that the regulations came into effect on the 1 August 1977, not 1978. No public light bus has been permitted to renew its licence since that date unless it has been provided with a proper destination indicator. This means that, by the 1 August 1978, every PLB will be fitted with a destination indicator.

MR CHEN:—*Sir, in view of the fact that a driver can change his fares at will as long as he changes before the start of any journey and as long as he clearly shows it on the fare indicator, is this meant to say that Government is at present not in a position to protect the public from being exploited by some of the greedier PLB operators?*

SECRETARY FOR THE ENVIRONMENT:—*Sir, it is not the Government's intention, at least not at the present time, to control PLB fares. This is partly because it would be very difficult to work out a scheme for controlling them because they change their routes according to demand and it would also make their operations less flexible. The fact is that, where there is a very high demand for PLB's, say from the beaches on a Sunday, there is a temptation for the drivers to raise their fares and quite rightly because they are selling their services in the best market and, otherwise, there would be a queue of people who were prepared to pay, but who would be forced to wait.*

Medical facilities for Lamma Island

7 DR FANG asked:—*Sir, with the population on Lamma Island having increased from 2,416 in 1976 to over 5,000 today, what plans has Government in hand to improve the medical services and facilities for the residents on that island?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—*Sir, in answering my honourable Friend's question, it would be best for me to inform this Council of the existing medical facilities on Lamma Island. These consist of outpatient services and maternal and child health services which are provided on a sessional basis. Thus, 23 clinic sessions are provided in a month for the residents. There are also emergency arrangements for acute cases which are transported either by helicopters or police launches from the Island to major regional hospitals, usually the Queen Mary and Queen Elizabeth Hospitals. These services are available on a 24-hour basis.*

In the assessment of the needs for medical facilities in the case of Lamma Island, it is more useful to examine the actual clinic attendances in recent

years rather than to rely on an estimation of the population per se. According to records in my Department the average clinic attendance per month for the last two years or so are as follows:—

1976—an average of 839 cases per month were seen at 23 clinic sessions

1977—an average of 820 cases per month

1978 (first four months)—an average of 880 cases per month were seen at 23 clinic sessions

i.e., an average increase of only about 2 cases per clinic session per month since 1976.

From the above, it would appear that the increase in demand for clinic facilities recently is not significant. The medical facilities in the circumstances are considered adequate for the present. However, I should like to assure Dr FANG that the situation is being watched carefully. There are in fact plans in hand to further improve the present services by extending and re-arranging clinic sessions for the residents on this Island.

Direction signs for hikers

8 MR PETER C. WONG asked:—*Sir, will Government consider putting up direction signs in areas, particularly in the New Territories, where hikers are known often to lose their way?*

DIRECTOR OF AGRICULTURE AND FISHERIES:—Yes, Sir. The Agriculture and Fisheries Department, as the Country Parks Authority, has already erected direction signs in the Sai Kung peninsula. Direction signs within other country parks, such as Shing Mun, Kam Shan and Tai Po Kau, take the form of coloured walks marked on posts in the ground. They are further explained in the relevant country parks pamphlets.

Further direction signs will be provided as Country Park plans are progressively implemented. In the immediate future Lantau and the Patsin range will be given first priority and signs should be erected this year.

MR PETER C. WONG:—*Will direction signs be also erected in popular hiking area outside the country parks?*

DIRECTOR OF AGRICULTURE AND FISHERIES:—Sir, although this falls slightly outside my normal purview, with the indulgence of the SNT I will reply in the affirmative and say that already access paths to villages throughout the New Territories which are popular walks are clearly sign-posted at all junctions with major and minor roads and the NTA have an ongoing programme to expand such signposting arrangements as circumstances indicate.

Chinese as official language

9 MR WONG LAM asked in Cantonese dialect:—

政府可否說明自從中文成為法定語文以來，政府在內部行政上及對公眾人士方面使用中文的進展如何？

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

Will Government state what progress has been made in the use of Chinese in communications with members of the public and within the civil service since Chinese was made an official language?

DIRECTOR OF HOME AFFAIRS:—Sir, the progress made can be summarized as follows:

Simultaneous interpretation services have been provided at the open meetings of the Legislative Council and the Urban Council, as well as a number of major advisory boards and committees to which non-English speaking members have been appointed. Interpretation services will continue to expand to meet the increasing needs arising from the Government's policy of extending public consultation at all levels.

Translation services have been expanded and improved. To-date, the Chinese Language Authority has a total establishment of 228 Chinese Language Officers, an increase of over 44% in 4 years, serving in 31 Government departments. The quality and academic standards of the recruits have improved significantly with the offer of better conditions of service and career prospects. Over the past few years, over 80% of the intake were university graduates. Intensive in-service training courses are arranged annually. As a result, there has been a steady improvement in the standards and the efficiency of the Government's translation services.

All important public documents of community-wide interest are now published in both English and Chinese. This includes public speeches at Legislative Council and the Urban Council, reports of commissions of enquiry and publicity material issued by the Government Information Services.

The use of Chinese in Government communications with the public has been widely extended. Correspondence in Chinese has greatly increased in volume as a result of the Government's implementing the policy of giving all letters written in Chinese a reply in Chinese, which has in itself encouraged more non-English speaking members of the public to correspond in Chinese with Government departments.

A continuous and regular review is being carried out on forms and notices used in Government business with a view to providing a Chinese translation so that applications can be made in Chinese. Senior Chinese Language Officers

pay visits to Government departments to advise on problems encountered in extending the wider use of Chinese in official business.

As regards the use of Chinese within the Civil Service, all communications with officers whose pre-requisite for appointment does not include a working knowledge of the English language are translated into Chinese.

All the above service programmes are kept under review so that improvements can continue to be effected to meet the increasing demands for such services.

REV. JOYCE M. BENNETT:—*Sir, when possible, could answers to questions put in this Council in Chinese be given in Chinese?*

DIRECTOR OF HOME AFFAIRS:—*Sir, there is in fact a Chinese translation of the answer given to this question.*

Evening office hours in housing estates

10 MISS KO asked:—*Will Government take steps to ensure that all estate offices are manned after office hours until 9 or 10pm for hawker control purposes and to deal with enquiries from tenants as most of them are away at work during the day?*

SECRETARY FOR HOUSING:—*Sir, there are altogether 88 estate offices in Housing Authority estates. Normal office hours are from 9.00am to 5.30pm on weekdays and 9.00am to 1.00pm on Saturday mornings but caretakers, of whom there is normally one to each block, are organized in shifts to ensure a 24-hour service to all tenants. This service is particularly important so that emergency repairs to lifts and other equipment can be arranged through the maintenance network.*

Fortunately, it is only in a small number of estates that there is a special problem of hawker control in the evenings. Where it is feasible, action has been taken in these estates by the Housing Department in co-operation with other departments, in particular the Police Force, to control or clear hawkers. The complexities of hawker operations are such that an extension of office hours by estates staff without other resources would not be of much avail.

As regards enquiries, there has been no indication from public housing tenants on the need to extend office hours in the evenings in all estate offices. At present, most tenants seem able to make arrangements to call at estate offices where necessary either in person or by telephone, by correspondence, through caretakers or when staff call on them during each month for the collection of rent and other purposes.

Because of the general shortage of trained housing management staff to cope with the rapidly expanding public housing programme, it is not possible

at this stage to extend office hours until 9.00 or 10.00pm for all estate offices. Where there is a particular need, for instance, in estates affected by redevelopment, new intakes or external transfers, arrangements are made for offices to be kept open even over the weekends. As regards other estates, arrangements are under consideration for a few selected estates in various districts to have their office hours extended until 7.30pm in the near future. Further adjustments will be made in the light of the experience.

MISS KO:—*Sir, is Government satisfied about the hawking situation in the public housing estates in Kwai Chung after 5.30pm? If not, will Government make special arrangements in the near future?*

SECRETARY FOR HOUSING:—As I have said, there is a small number of estates in which the hawking problem exists in the evening and action has already been taken to cope with these matters, but it is not something we can deal with within a short period.

MISS KO:—*Sir, would Government state until when special arrangements can be made to ease the situation, such as Kwai Chung?*

SECRETARY FOR HOUSING:—Sir, as I said the whole problem of control is a complex problem. In some cases, short of complete re-development or reprovision of marketing facilities, it will take a long, long period before we can completely wipe out the hawker problem in housing estates.

Transportation of food in NT

11 REV. JOYCE M. BENNETT asked:—*Will the Government take immediate steps to enforce Regulation 12 of the Food Business (New Territories) Regulations concerning the transportation of cooked and uncooked food, and state how many prosecutions for offences under this regulation have been taken in the last 12 months?*

SECRETARY FOR THE ENVIRONMENT:—Sir, regulation 12 of the Food Business (New Territories) Regulations provides, in effect, that cooked food, bakery products and meat, whether fresh, frozen or roasted, should not be transported in the open air without adequate protection.

The observance of this regulation is closely monitored through the day to day work of the Urban Services Department; and Health Inspectors provide advice to operators of food factories and restaurants and to meat merchants on the importance of observing proper health measures to guard against the possible contamination of food transported in the open air. In general, the situation in the New Territories in this regard has been satisfactory and no prosecutions under this regulation have been taken out in the last 12 months.

If, however, MISS BENNETT has evidence to suggest that the regulation is not being enforced at certain places and times I will certainly look into the matter if she can let me have details.

REV. JOYCE M. BENNETT:—*Thank you. Sir, what extra inspections are made at times of festivals in such places as Cheung Chau and other rural towns and villages?*

SECRETARY FOR THE ENVIRONMENT:—Sir, I am afraid that is a question of which I would require notice. I will look into it and I will send Miss BENNETT a written reply.

(THE FOLLOWING REPLY WAS PROVIDED SUBSEQUENTLY)

As regards my honourable Friend's specific reference to Cheung Chau Island and festivals, there are two Health Inspectors on the Island, both of whom are qualified food inspectors. They are required to inspect the meat in the market each morning and to pay particular attention to the mode of transport of such meat so as to ensure that it is adequately protected against contamination. During major festivals these inspections are stepped up.

The procedure followed in other rural areas in the New Territories is very similar, including the inspection of means of transport. As well as their regular inspections, Health Inspectors also visit any matshed structures erected for use during a festival, and inspect any food and meat sold there.

REV. JOYCE M. BENNETT:—*Thank you. Sir, how many health inspectors are providing the monitoring of these regulations?*

SECRETARY FOR THE ENVIRONMENT:—Sir, I will add that to my reply when I write to Miss BENNETT. *(laughter)*

(THE FOLLOWING REPLY WAS PROVIDED SUBSEQUENTLY)

There are at present twenty-six district hygiene inspectors and four qualified food inspectors in the New Territories charged with the responsibility for monitoring the observance of the Food Business Regulations.

REV. JOYCE M. BENNETT:—*Sir, does the Urban Services Department control any of the vehicles transporting carcasses of meat from the abattoirs of the NT into areas under the control of the Urban Council?*

SECRETARY FOR THE ENVIRONMENT:—Sir, I am not quite sure what Miss BENNETT means by the word 'control'.

REV. JOYCE M. BENNETT:—'Monitoring' is the word you used.

SECRETARY FOR THE ENVIRONMENT:—Inspection? I would say that they would inspect them. Yes.

REV. JOYCE M. BENNETT:—*Is the Secretary for the Environment aware that visitors from the United Kingdom are very distressed to find that this regulation is not being enforced, in fact they were not aware there was such a regulation?*

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

Expenditure of Housing Authority

12 DR HU asked:—*Will Government provide a percentage breakdown of the expenditure of the Housing Authority on public housing projects and estate management for the last 3 years and a forecast of the same for the next 3 years?*

SECRETARY FOR HOUSING:—Sir, the Housing Authority spent 54%, 43% and 55% of its total expenditure (capital and recurrent) on the construction of public housing projects including projects under the Public Works Programme in the last three financial years. As regards the next 3 years the percentage is expected to go up to 62% in 1978-79, 70% in 1979-80 and 69% in 1980-81.

The corresponding percentage figures for expenditure on estate management are 46%, 57%, 45% for the last 3 years and 38%, 30%, 31% for the next 3 years.

DR HU:—*Sir, may I ask a supplementary? Does the Secretary for Housing agree with me that the Housing Authority has spent too much money on the estate management at the least for the figures of percentage breakdown for the last three years?*

SECRETARY FOR HOUSING:—Sir, unfortunately I do not agree with Dr HU, that we have spent too much on estate management. The reason why the percentage for the estate managements were higher was because we spent less for construction, as can be seen from the figures in the next 3 years when we are increasing the rate of development, the percentage decreases.

DR HU:—*Sir, is it correct that in the year 1976-77 the money spent on the capital and the recurrent expenditure of construction of public housing projects was only 43% and the figure spent on the estate management was 57%? Could the Secretary for Housing give us a reason why there is so big a percentage of money spent on management?*

SECRETARY FOR HOUSING:—Sir, this was merely the percentage of the actual total expenditure, both capital and recurrent 43% and 57%, add up to 100%.

DR HU:—*Why? Why is there more percentage of money spent on estate management than for the construction of public housing projects, including capital and recurrent expenses?*

SECRETARY FOR HOUSING:—Sir, because there were less projects being undertaken during the period and, as the figures indicate, as we increase the rate of development, the percentage on development side will increase.

DR HU:—*Sir, why in that year there were less projects to be constructed?*

SECRETARY FOR HOUSING:—Sir, this was a carry over of the building programme which we prepared in the year 1972-73. This was the effect of the constraint which took place in the years 1975 and therefore we were not in a position to spend more, as much as we expected, in the year 1977-78.

DR HU:—*Sir, could the Secretary for Housing provide this Council with the actual figures of the expenditure for the last 3 years, i.e. in terms of dollars and cents for the building contracts?*

SECRETARY FOR HOUSING:—Sir, I should be pleased to do so in writing.

(THE FOLLOWING WRITTEN REPLY WAS PROVIDED SUBSEQUENTLY)

A detailed breakdown of the expenditure of the Housing Authority from 1975-76 to 1980-81 is as follows:—

	1975-76	1976-77	1977-78	1978-79	1979-80	1980-81
	HK(\$)	HK(\$)	HK(\$)	HK(\$)	HK(\$)	HK(\$)
Capital Expenditure*	334.5m	235.7m	458.4m	782.0m	1447.0m	1608.0m
%	54%	43%	55%	62%	70%	69%
Recurrent Expenditure on	284.5m	311m	380.3m	470m	615m	728m
Estate Management						
%	46%	57%	45%	38%	30%	31%
Total	619m	546.7m	838.7m	1252.0m	2062.0m	2336.0m
%	100%	100%	100%	100%	100%	100%

* *excluding* land premia for Housing Authority rented housing projects and Home Ownership Projects, but *including* Public Works Projects.

* *excluding* notional finance charges.

DR HU:—*Sir, in the next 3 years the figures will be reduced to about one third of the total expenditure for the estate management. Is that correct?*

SECRETARY FOR HOUSING:—Sir, that is in relation to the total and increasing expenditure. The percentage in this case does not indicate the actual expenditure.

DR HU:—*Sir, why is there this reduction in the next 3 years?*

SECRETARY FOR HOUSING:—*Sir, for the third time, this is because of the increase in the rate of production. We will be spending more money on the building of estates as against expenditure on recurrent, expenditure on estate management.*

DR HU:—*Sir, is there any reasonable figures with regard to percentage breakdown of expenditure of the housing management to the total expenditure? One third, or one quarter or half?*

SECRETARY FOR HOUSING:—*The original question was the breakdown of percentage between the public housing projects and estate management. I understand it to be the division between capital and recurrent expenditure. There is no pattern of percentage which applies to capital expenditure. When we are in a growing situation, obviously the capital expenditure will increase. When we stop building, the recurrent expenditure will take up most of the expenditure.*

DR HU:—*Sir, is that the reason that housing is now lagging behind because of too much expenditure on management instead of building housing projects?*

SECRETARY FOR HOUSING:—*Far from it.*

DR HU:—*Thank you.*

Written answer to question

Government compensation

13 MR YEUNG asked:—*What compensation and/or other benefits will be offered or made available by Government to persons affected by:*

- (a) the Mass Transit Railway development in urban areas;*
- (b) the Urban Renewal District and the Urban Renewal Pilot Scheme;*
- (c) the other Urban Improvement Districts;*
- (d) the New Towns development in the NT;*
- (e) the Market Towns development in the NT;*
- (f) village clearance in the NT;*
- (g) an undertaking or temporary works under the Streets (Alteration) Ordinance;*
- (h) the minor layouts in the NT; and*
- (i) the special acquisition areas in the NT?*

SECRETARY FOR THE ENVIRONMENT:—*A comprehensive list of the forms of standard ex-gratia relief offered to persons affected by Government clearances*

is shown at the appendix. It should be noted that all statutory payments have been excluded from this schedule as they are adequately described in the three main Ordinances concerned, namely the Crown Lands Resumption Ordinance, the Streets (Alteration) Ordinance and the Mass Transit Railway (Land Resumption and Related Provisions) Ordinance.

Payments made in relation to the categories referred to in the question are listed below. As most of the forms of *ex-gratia* compensation and relief shown in the appendix are common to all Government clearances, they have not been listed separately under each heading. Instead, references under the individual headings have been restricted to those measures which are peculiar to the type of clearance or operation named.

(1) *Mass Transit Railway development*

- (a) Statutory compensation in accordance with the Mass Transit Railway (Land Resumption and Related Provisions) Ordinance.
- (b) Relevant *ex gratia* relief as per appendix.
- (c) Monthly advances of up to 7.5% of the rateable value of the premises and not exceeding \$7,500 may be made to businesses in premises, the rateable value of which does not exceed \$25,000 in respect of periods when the premises are seriously affected by the Mass Transit Railway works.

(2) *Urban Renewal District and the Urban Renewal Pilot Scheme*

The Urban Renewal District and Urban Renewal Pilot Scheme both involve the acquisition and clearance of pre-war and post-war property. Acquisition is by negotiation or, failing that, under the Crown Lands Resumption Ordinance. Tenants are entitled to compensation as indicated in the Enclosure and to public housing.

(3) *Urban Improvement Districts*

In the Urban Improvement Districts, no overall approval has been given to acquire affected properties by resumption. Thus all acquisitions are by negotiation, except where the early implementation of a project requires that a resumption should be justified separately. *Ex-gratia* relief is in accordance with the relevant headings in the appendix.

(4) *The New Towns development in the New Territories; The Market Towns of the New Territories*

Private land required for public projects in the New Territories New Towns and Market Towns is acquired by a combination of the statutory procedure prescribed in the Crown Lands Resumption Ordinance and an *ex-gratia* exchange system. The present exchange system provides for an offer to be made to the owner of leased land of a choice between a cash payment comprehending both statutory and *ex-gratia* compensation totalling \$17 per square foot and the right to an exchange in a

development area on specified terms. *Ex-gratia* payments are made in accordance with the appendix.

(5) *Clearances of villages*

Village clearances are normally carried out by negotiation rather than resumption. The principle is that the indigenous villagers in a village existing pre-1898 should receive houses built by the Government in exchange for their building land and cash compensation or an exchange entitlement for their agricultural land. Special decoration allowances and, where necessary, rental allowances to cover any period between removal and the availability of new houses are also paid. Tenants and owners may also receive an appropriate *ex-gratia* compensation in accordance with the appendix.

(6) *Undertakings or temporary works under the Streets (Alteration) Ordinance*

Where acquisition of property is involved in a streets alteration undertaking, it is normally resumed under the Crown Lands Resumption Ordinance and *ex-gratia* relief is also made available under the appropriate headings of the appendix. Streets alteration claims for pecuniary loss and damage to property may be made under section 4(2) and 11 of the Streets (Alteration) Ordinance. It has not been found necessary to institute an advances scheme for businesses affected by streets alteration undertakings.

(7) *Minor layouts in the New Territories*

It is not the Government's normal practice to resume or clear land in minor layouts in the New Territories. Owners of land in such layouts must normally make their own arrangements for clearance of their land on purchasing the necessary title.

(8) *Special acquisition areas*

The special acquisition area policy enables land-owners to surrender their title in specific areas which will in the future be required for development in exchange for development land outside of urban layouts. The land must be surrendered to the Government with vacant possession and the Government is not itself involved in clearance or the granting of relief.

APPENDIX

I. ASSISTANCE UPON CLEARANCE—DOMESTIC OCCUPIERS

No.	Situation Dealt With	Type of Assistance
1	1.1 Domestic occupants being cleared from condemned tenements, tenements destroyed by fire and tenements involved in development for a public purpose, 1.2. Other structures previously built legally on land held under lease or licence, and, 1.3. Squatter structures included in the 1964 Squatter Control Survey or the relevant district surveys in N.T. equating to the 1964 Survey.	Rehousing.
2	Domestic occupants being cleared from untolerated squatter structures and those first recorded in the 1976 Squatter Control Survey or the relevant N.T. district surveys equating to the 1976 Survey.	Temporary housing area accommodation.
3	Needy families in the compulsory rehousing categories including, subject to income limits, persons in temporary housing and compassionate cases. Families who qualify because no local public housing is available and who accept temporary housing in lieu are not subject to income limits.	<i>Ex-gratia</i> domestic removal allowance at the following rates: 1-2 persons : \$ 600 3-5 persons : \$ 800 6 persons and above : \$1,000
4	Occupants of cleared domestic structures in the New Territories who are eligible for public housing but where neither public housing nor temporary housing area space is available in the district; and genuine cultivators within/without approved layouts.	<i>Ex-gratia</i> rehabilitation allowance of \$5,000 per family.
5	Occupants of domestic structures cleared from temporary housing areas.	(i) Licensees: Rehousing. (ii) Occupants who are non-licensees: Temporary housing area accommodation.
6	Occupants of domestic structures and operators of shops cleared from Cottage Areas and the operators of commercial undertakings, as listed below, cleared from structures previously covered by Crown Land Licence/Modification of Tenancy or squatter structures covered by the 1976 Squatter Control Survey or relevant district surveys in the New Territories; or in Class III Licensed Areas.	(i) Authorised Persons: Rehousing. (ii) Unauthorised Persons: Temporary housing area accommodation.

<i>No. Situation Dealt With</i>	<i>Type of Assistance</i>
7 Domestic occupiers (both tenants and owner occupiers) being cleared under the Crown Lands Ordinance from buildings resumed, surrendered or otherwise acquired, which had previously been subject to Part 1 of the Landlord and Tenant (Consolidation) Ordinance, i.e. pre-war private buildings.	(i) Rehousing. (ii) Compensation calculated at rates applied by the Tenancy Tribunal to properties excluded from application of the Ordinance viz: between \$17 and \$22 per sq. ft. being representative of rates awarded by Tenancy Tribunal under the Ordinance. Amount to be deducted from owner's compensation. Tenants: rent-free accommodation between resumption and clearance.
8 Domestic occupiers (tenants and owner occupiers) being cleared under the Crown Lands Ordinance from post-war buildings lease expired, resumed, surrendered or otherwise acquired, which may be subject to Part II of the Landlord and Tenant (Consolidation) Ordinance.	(i) Rehousing. (ii) <i>Ex-gratia</i> cash allowance calculated at similar rates to 7. Rent-free accommodation for tenants between resumption and clearance.

II. ASSISTANCE UPON CLEARANCE—COMMERCIAL AND INDUSTRIAL OCCUPIERS

<i>No. Situation Dealt With</i>	<i>Type of Assistance</i>
1 Shops and the following miscellaneous undertakings:—book-lending, distribution centre fortune-telling wholesaling bicycle-hiring herbalist medical clinic furniture hiring decorating temples operated by individuals	(i) \$120 per sq. ft. for the initial 50 sq. ft. (ii) \$120 per sq. ft. from 50 sq. ft. to 75 sq. ft. in an ascending graduated increase formula. (iii) \$30 per sq. ft. for the next 425 sq. ft. while a rate of \$20 per sq. ft. applies thereafter. (iv) a maximum limit of \$50,000. (v) the allowance to include open-side canopies and storage space in either semi-detached or detached enclosures. (vi) an allowance of \$7 per sq. ft. for open working areas subject to a maximum limit of \$25,000 and a minimum qualifying area of 100 sq. ft. subject to an overall maximum of \$50,000.
2 Operators of workshops cleared from Cottage Areas, operators of industrial undertakings operated under the cover of structures previously covered by Crown Land Licence/Modification of Tenancy and structures included in the 1976 Squatter Control Survey or relevant district surveys in the New Territories. Includes industrial operators cleared from Class III Licensed Areas.	(i) minimum allowance of \$7,000 payable on working areas between 50 to 200 sq. ft. (ii) one bed space for watchman and stairways, passages and office space within the structure attracts allowance. (iii) \$20 per sq. ft. thereafter. (iv) maximum limit of \$100,000.

No. <i>Situation Dealt With</i>	<i>Type of Assistance</i>
3 Industrial undertaking including boatyards operated partially or wholly in the open on land covered by Crown Land Licence or on Crown land containing a structure covered by the 1976 Squatter Control Survey or relevant district surveys in the New Territories equating to the 1976 Survey or undertakings covered by the pre 1976 Short Term Tenancy. Includes industrial operators cleared from Class III Licensed Areas.	(i) Same as for (2). (ii) \$7 per sq. ft. for open working areas.
4 Schools and kindergartens of a commercial nature cleared from structures covered by Crown Land Licence or by the 1976 Squatter Control Survey or the relevant district surveys in the New Territories.	A maximum limit of \$50,000 at \$30 per sq. ft.
5 Commercial and industrial occupiers being cleared from buildings resumed, surrendered or otherwise acquired which were previously subject to Part I of the Landlord and Tenant (Consolidation) Ordinance, i.e. pre-war buildings.	Compensation calculated at rates applied by the Tenancy Tribunal to properties excluded from application of the Ordinance, viz: between \$34 and \$44 per square foot, being representative rates awarded by Tenancy Tribunal. Amount to be deducted from owners' compensation. Tenants: rent-free accommodation between resumption and clearance.
6 Commercial and industrial occupiers being cleared from post-war buildings on land held under lease, already expired or otherwise acquired by Government or subject to resumption.	(i) <i>Ex-gratia</i> allowance calculated at similar rates to 5 set-off from any Lands Tribunal award, if such award is greater than the <i>ex-gratia</i> allowance. (ii) Rent-free accommodation for tenants between resumption and clearance.

III. ASSISTANCE ON CLEARANCE—AGRICULTURAL ACTIVITIES

No. <i>Situation Dealt With</i>	<i>Type of Assistance</i>
1 Owner or tenant cultivators being cleared from cultivated land.	All cultivators whether owners, tenants or squatters receive an <i>ex-gratia</i> disturbance allowance of \$1 per sq. ft. where the land has been in continuous cultivation for 1 year or more.
2 Operators of pigsties being cleared from leased agricultural land; or land covered by Crown Land Licence; or structures covered by the 1976 Squatter Control Survey or the relevant district surveys in the New Territories.	<i>Ex-gratia</i> disturbance allowance of \$11.5 per sq. ft. of pigsty.

No.	<i>Situation Dealt With</i>	<i>Type of Assistance</i>
3	Poultry breeders operating in structures being cleared from leased agricultural land and land covered by Crown Land Licence or in structures covered by the 1976 Squatter Control Survey or the relevant district surveys in N.T. equating to the 1976 Survey.	\$1 per quail \$4 per duck \$4.50 per chicken \$5 per goose \$8 per pigeon subject to there being not less than 30 birds of the above species (mixed or otherwise) in the undertaking and a maximum of \$10,000 per family. No financial maximum is imposed on undertakings on leased agricultural land or land covered by Crown Land Licence.
4	Owners of private land to be resumed outside approved layouts.	Assessment of compensation based on agricultural value of the land plus an <i>ex-gratia</i> element where appropriate to take account of special factors such as location etc.
5	Owners of private land to be resumed within administratively approved layouts (where normally Letter B is issued).	An addition to statutory compensation whereby total payment is made at \$10 per sq. ft. for agricultural land or \$17 per sq. ft. if application for cash in lieu of exchange is made within 3 months of the surrender of the land, being an approximate market valuation based on sellers price for new Letters 'B'. This addition may either be taken in cash or as a deduction from premium on Letter 'B' exchanges.
6	Owners of land to be resumed within the rural areas of New Kowloon and Hong Kong Island.	An addition to statutory compensation whereby total payment is made at \$15 per sq. ft. for agricultural lots and \$300 per sq. ft. for building lots.
7	Watering ponds	Assessment of compensation based on current replacement rate less an allowance for the depreciation of the improvement.
8	Fish ponds	Assessment of compensation by D.A.F. based on itemised costs.
9	Wells	Same as for 8.
10	Fences	Same as for 8.
11	Irrigation ditches	Same as for 8.
12	Boundary walls	Same as for 8.
13	Gates	Same as for 8.
14	Bunds	Same as for 8.
15	Farm buildings	Same as for 8.

IV. ASSISTANCE ON CLEARANCE—MISCELLANEOUS

<i>No. Situation Dealt With</i>	<i>Type of Assistance</i>
1 Tun Fu ceremonies.	Assessment of compensation based on itemised costs.
2 Clearance of tolerated graves and Kam Taps in the New Territories.	<ul style="list-style-type: none"> (i) Huet Chong: flat rate of \$2,500 per grave. (ii) Yee Kun Chung and formal graves: compensation based on cost of reconstructing them to the same dimensions and in the same materials elsewhere paid in accordance with rates approved by Finance Committee. (iii) An additional amount of \$2,000 is payable to each additional branch of the clan on removal of clan graves. (iv) Standard rate for ceremonial costs and geomancer's fees payable at \$2,000 for each grave with 'fung shui' attributes. (v) Standard additional payment rate for pre 1898 graves of \$3,000 each. (vi) Kam taps without shelters \$200 each. An additional \$200 for each additional Kam Tap in the same grave. (vii) Kam Tap Shelters: \$400 for the first shelter and first Kam Tap; \$200 for each additional Kam Tap.

Government business**Motions****TELEPHONE ORDINANCE**

THE SECRETARY FOR ECONOMIC SERVICES moved the following motion:— That the Telephone Ordinance be amended with effect from the 1 July 1978 by deleting the Schedule and substituting the following—

SCHEDULE

[s. 26.]

PART I

EXCHANGE LINE CHARGES

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>
1.	For an exchange line used for business purposes—	
	(a) exclusive service	\$576 per annum.
	(b) two party service.	\$432 per annum.

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>
2.	For an exchange line in a <i>bona fide</i> place of residence—	
	(a) exclusive service	\$384 per annum.
	(b) two party service.	\$288 per annum.
3.	Associated charges for items 1 and 2—	
	(a) installation	\$300.
	(b) removal within the same building	\$110.
	(c) removal to a different building.	\$300.
4.	For an exchange line by radiotelephone service to a fixed location—	
	(a) rental	\$5,520 per annum.
	(b) installation and removal.	A charge calculated in accordance with a costing formula agreed from time to time by the Postmaster General.
5.	For a temporary exchange line to a ship—	
	(1) by landline	
	(a) installation	\$110.
	(b) rental for the period between installation and recovery.	\$55 per day but not exceeding \$550 per month.
	(2) by harbourphone radio service	
	(a) each visit to a vessel or a mooring buoy	\$40.
	(b) installation	\$50.
	(c) rental for the period between installation and recovery.	\$110 per day but not exceeding \$1,100 per month.

Note: An exchange line is a direct line from a subscriber to one of the Company's exchanges.

PART II

EXTENSION, LEASED CIRCUIT AND SUBSIDIARY APPARATUS CHARGES

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>
1.	For an internal extension or leased circuit within the same curtilage as the main installation—	
	(a) rental	\$120 per annum.
	(b) installation or removal.	\$110.

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>
2.	For an external extension or leased circuit routed between a building and a telephone exchange—	
	(a) rental, per 2 wire circuit presentation	\$444 per annum.
	(b) installation or removal to a different building	\$135.
	(c) removal within the same building.	\$110.
3.	For an external extension or leased circuit between route-end exchanges, per 2 wire circuit presentation—	
	(a) not exceeding a radial distance of 1.6 kilometers	\$444 per annum.
	(b) for each additional 200 radial metres or part thereof.	\$48 per annum.
4.	For an external extension or leased circuit by radio link, per 2 wire circuit presentation (subject to prior agreement with the Company).	\$1,104 per annum.
5.	For an external extension or leased circuit automatic relay set in an exchange—	
	(a) rental	\$120 per annum.
	(b) installation.	\$55.
6.	For a switching instrument (all colours)—	
	(a) with battery eliminator	\$72 per annum.
	(b) with battery.	\$144 per annum.
7.	For an extension bell—	
	(a) small size	\$48 per annum.
	(b) large size	\$60 per annum.
	(c) installation or removal.	\$110.
8.	For a non-standard instrument—	
	(a) coloured	\$24 per annum.
	(b) push button	\$144 per annum.
	(c) weatherproof	\$120 per annum.
	(d) coin box payphone	\$444 per annum.
	(e) Contempra (all colours).	\$60 per annum.
9.	For miscellaneous apparatus—	
	(a) bell cut-off switch	\$12 per annum.
	(b) plug and socket	\$12 per annum.
	(c) watch receiver	\$24 per annum.
	(d) lamp signalling handset	\$36 per annum.
	(e) amplifying handset	\$36 per annum.
	(f) long connecting cord.	\$6 per metre.

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>
10.	For a telephone pole, when provided for services other than a permanent exchange line service.	\$275 per pole.

Note: In items 6, 8 and 9 an installation fee of \$55 will be charged if no other installation fee is charged for associated work carried out at the same time.

PART III

EXCHANGE CONNECTED INTERCOMMUNICATION SYSTEM (E.C.I.S.) CHARGES

<i>Item</i>	<i>Particulars of Charge</i>	<i>Annual rent</i>	<i>Installation or Removal</i>
1.	For 2 + 5 Keymaster System—		
	(a) Relay set	\$192.	\$110.
	(b) Telephone instrument	\$132.	\$120.
	(c) Long connecting cord.	Nil.	\$33 for 2 metres plus \$6 per extra metre. (See <i>Note</i> .)
2.	For 4 + 10 OKI System—		
	(a) Relay set	\$852.	\$220.
	(b) Telephone instrument	\$156.	\$130.
	(c) Long connecting cord.	Nil.	\$33 for 2 metres plus \$6 per extra metre. (See <i>Note</i> .)
3.	For 4 + 10 NTK System—		
	(a) Relay set	\$660.	\$220.
	(b) Telephone instrument	\$156.	\$130.
	(c) Long connecting cord	Nil.	\$33 for 2 metres plus \$6 per extra metre. (See <i>Note</i> .)
	(d) Exchange line module	\$60.	Nil.
	(e) Public address module	\$60.	Nil. (See <i>Note</i> .)
	(f) Public address loudspeaker.	\$36.	\$55.
4.	For 10 + 30 NTK System—		
	(a) Relay set	\$1,320.	\$275.
	(b) Telephone instrument	\$192.	\$145.
	(c) Long connecting cord	Nil.	\$55 for 2 metres plus \$18 per extra metre. (See <i>Note</i> .)
	(d) Exchange line module	\$60.	Nil.

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>	
		<i>Annual rent</i>	<i>Installation or Removal</i>
(e)	Public address module	\$120.	Nil. (See Note.)
(f)	Public address loudspeaker	\$36.	\$55.
(g)	Conference module.	\$36.	Nil. (See Note.)

Note: For items 1(c), 2(c), 3(c) and (e) and 4(c), (e) and (g) an installation fee of \$55 will be charged if no other installation fee is charged for associated work carried out at the same time.

PART IV

PRIVATE BRANCH EXCHANGE AND ASSOCIATED EQUIPMENT CHARGES

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>	
1.	For a Private Manual Branch Exchange (5+20) Switchboard—		
	(a) rental		\$1,320 per annum.
	(b) installation or removal to a different building		\$825.
	(c) removal within the same building of switchboard only		\$275.
	(d) removal within the same building of associated apparatus.		\$330.
2.	For a Private Manual Branch Exchange (10+30) Switchboard—		
	(a) rental		\$2,112 per annum.
	(b) installation or removal to a different building		\$1,100.
	(c) removal within the same building of switchboard only		\$330.
	(d) removal within the same building of associated apparatus.		\$440.
3.	For a Private Manual Branch Exchange (10+50) Switchboard—		
	(a) rental		\$3,168 per annum.
	(b) installation or removal to a different building		\$1,320.
	(c) removal within the same building of switchboard only		\$385.
	(d) removal within the same building of associated apparatus.		\$495.
4.	For a Private Manual Branch Exchange (any other capacity) Switchboard—		
	(a) rental for capacity of 12 indicators or less		\$660 per annum.

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>
	(b) rental for each additional indicator	\$48 per annum.
	(c) installation or removal to a different building	(See <i>Note</i> .)
	(d) removal within the same building.	(See <i>Note</i> .)
5.	For a Power Supply circuit—	
	(a) using eliminator	\$72 per annum.
	(b) from public exchange (subject to prior agreement with the Company)	\$552 per annum.
	(c) standby equipment.	A charge calculated in accordance with a costing formula agreed from time to time by the Postmaster General.
6.	For a Ringing Supply circuit—	
	(a) using eliminator	\$72 per annum.
	(b) from public exchange (subject to prior agreement with the Company).	\$552 per annum.
7.	For each additional operator's handset or headset.	\$36 per annum.
8.	For a Private Automatic Branch Exchange owned by a subscriber—	
	(a) installation and removals	A charge calculated in accordance with a costing formula agreed from time to time by the Postmaster General.
	(b) maintenance per installed internal extension	\$72 per annum.
	(c) maintenance per installed external extension.	\$96 per annum.
<i>Note:</i>	In item 4(c) and (d), a charge will be calculated in accordance with a costing formula agreed from time to time by the Postmaster General and shall not be less than \$550 in respect of item 4(c) and \$220 in respect of item 4(d).	

PART V

MISCELLANEOUS CHARGES

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>
1.	For changing a telephone instrument at request of subscriber.	\$55.
2.	For changing a telephone number at request of subscriber.	\$165.

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>
3.	For changed number interception service (first month free of charge), subject to prior agreement with the Company.	\$110 per month.
4.	For registration of change of name for an existing subscriber or user.	\$66 per line.
5.	For registration of a different subscriber for an existing installation.	\$100 per line.
6.	For reconnecting a service disconnected for non-payment of charges.	\$66 per line.
7.	Administration charge for work undertaken but subsequently cancelled at request of subscriber.	\$50 per request.
8.	For a tropical cyclone warning service (minimum period 12 months)—	
	(a) registration	\$30.
	(b) service.	\$132 per annum.
9.	For a thunderstorm and heavy rain warning service (minimum period 12 months)—	
	(a) registration	\$30.
	(b) service.	\$132 per annum.
10.	For an ex-directory unlisted telephone number where there is no additional telephone number listed in the same name at the same address (minimum period 12 months)—	
	(a) registration	\$30.
	(b) service.	\$60 per annum.
11.	For each additional entry in small type in either the English or Chinese section of the Telephone Directory (minimum period 12 months)—	
	(a) registration	\$30.
	(b) service.	\$72 per annum.
12.	For each additional copy of the Telephone Directory in excess of free allowance.	\$15 per volume.
13.	For connexion or disconnexion of privately owned apparatus.	\$30 per item.
14.	For connexion device for privately owned apparatus.	\$12 per annum.
15.	For maintenance of a concentrator manufactured by the Company, per circuit indicator.	\$12 per annum.

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>
16.	For a service at a subscriber's request which is not otherwise provided for in this Schedule.	A charge calculated in accordance with a costing formula agreed from time to time by the Postmaster General.
17.	Advice of duration of an outgoing international telephone call.	\$1 per call.

PART VI

TELEPHONE CALL CHARGES

<i>Item</i>	<i>Particulars of Charge</i>	<i>Amount of Charge</i>
1.	Local call from a public Pay Station.	50 cents.
2.	International telephone call.	Such charges as are contained in the terms referred to in section 25 of the Ordinance.

He said:—Sir, section 26(2) of the Telephone Ordinance empowers this Council to amend by resolution the Schedule of the Company's charges to subscribers. The motion standing in my name on the Order Paper proposes amendments to the present Schedule.

Background

Sir, the last time that telephone tariffs were revised was in March 1975. An interim package of increases was approved pending the outcome of the Report of the Commission of Inquiry into the affairs of the Telephone Company. This package was subsequently confirmed in November 1975, when the Report of the Commission of Inquiry was tabled in this Council, with the exception of the increased installation and external removal charges which were reduced from \$400 and \$350 respectively, to \$250.

At the same time, the Financial Secretary announced the Government's decision on two recommendations of the Commission which are relevant to the resolution before Council today. The *first* of these recommendations was that the Company should operate under a profit control scheme which allowed for a permitted return of 16% on shareholders' funds; and that the rate of return should be reviewed by the Government every 2 years. The *second* recommendation was that a further increase of 15% in basic rental charges should be introduced with effect from 1 January 1977.

The Government accepted the *first* recommendation. As regards the *second*, it was considered that it was too early to decide whether such an increase

would be required and, if so, when Honourable Members were informed that the Government's strengthened financial monitoring machinery would keep the position under regular review.

Present situation

Sir, by virtue of an annual growth of approximately 9% in both 1976 and 1977 in the number of exchange lines connected, the Company has reduced considerably the spare capacity that had accumulated during the recession. In addition, the Company has improved productivity per employee. These developments have so far rendered it unnecessary to implement the tariff increase recommended by the Commission in 1975, in spite of the Company's expenditure on improving the quality of its service and on expanding it into rural areas.

But, rising costs mean that an adjustment in tariffs is now necessary. The Company calculated that an increase of at least 10% with effect from 1 July 1978 would be required, and accordingly submitted an application to the Government.

The Telephone Company's financial position

In the process of examining this application, the Government accepted the Company's forecast of an annual increase at about 7 to 8% in the number of exchange lines, up to and including 1981. Using this forecast as a basis for a projection of the Company's finances up to and including 1981 showed clearly that the Company would be unable to achieve in 1978 and thereafter the return permitted under the profit control scheme.

Sir, there seem to be no valid grounds at the present time for not allowing the Telephone Company to maintain the level of return the Commission of Inquiry recommended and the Government subsequently accepted. In the first place the economic situation is not such that a small increase in telephone charges would be damaging. And secondly the Company has gone to considerable lengths to improve the extent and the quality of its service. And in this context, I would like to mention our appreciation of the work of the Advisory Committee on Telephone Services, whose latest report Honourable Members have already seen.

Another point is that small increases as required are to be preferred to the larger increases that must be the result of delaying the inevitable. This is clearly implied in the report of the Commission of Inquiry; and I believe, from the record of the debate in 1975 on a motion similar to this one, is the view of Honourable Members of this Council.

Revised charges

Having regard to the growth in the number of lines, to which I have already referred, our conclusion was that, to achieve a return approaching the one allowed under the profit control scheme, an overall increase of about 7% in July of this year would be adequate.

In determining how the increase should be applied to the 100-odd charges that make up the Schedule, we had as much regard as is possible to the costs related to each item. In consequence, some charges will be increased more than others, and some will be decreased, if Honourable Members support this motion.

The changes of particular interest to the public are the rentals for residential lines and for business lines, and the installation fee.

The resolution changes the annual rental for *residential lines*, which account for 77% of the telephone network, from \$360 to \$384, an increase of 6.7%.

In the case of *business lines*, we have had particular regard to the fact that these lines are much more heavily used than are residential lines. The Company estimates that heavier use of business lines makes the overall cost associated with each line roughly 50% higher than that associated with a residential line. In the absence of a 'message rate' (that is, a charge for each call), this fact needs to be reflected in the rental charges. So the annual rental for business lines will be raised from \$528 to \$576, an increase of 9.1%.

Increasing costs require that the installation fee be increased by 20% from \$250 to \$300. This is still appreciably lower than the fee of \$400 approved in early 1975 as part of the interim package to which I referred earlier.

To conclude, I would like to make four points. *First:* the overall increase of about 7% now proposed is less than half the increase the Commission thought would have been necessary 18 months ago. *Second:* the last increase was almost 3½ years ago. *Third:* the increases are modest in dollar terms. The majority of subscribers, those renting residential lines, will pay \$2 a month more in rental charges. Those renting business lines will pay \$4 a month more. And *fourth:* if Honourable Members support this motion, no further increases are expected before 1981.

Sir, I beg to move.

SIR S. Y. CHUNG:—Your Excellency, we all remember the huge increase of charges proposed by the Telephone Company and the wide-spread objections to them voiced by the general public in early 1975. At that time the Company was facing insolvency and in need of large amounts of cash to repay high-interest loans. This time the company anticipates that it would not be able to make the fully guaranteed profit of 16% on shareholders funds as permitted by the Government.

There are, of course, two ways of increasing profit margins. One is to increase revenue as proposed and the other is to reduce costs. In a monopoly enterprise such as the Telephone Company, the easier way to increase profits is naturally by raising charges. It is therefore imperative that the Government should satisfy itself that the Company is managed

efficiently and economically and that salaries, wages and fringe benefits of its employees are comparable with and not better than other non-monopoly industries. I say this because, in non-monopoly industries such as export-oriented manufacturing industries, the levels of salaries, wages and fringe benefits of employees are governed by world-wide competition and are therefore a reflection of the degree of effectiveness, efficiency and productivity of Hong Kong's industries. This is not so in a monopoly public utility whose ineffectiveness, inefficiency and even mistakes will eventually be paid not necessarily by its shareholders, nor by its management but by its consumers.

It is for this reason that many people in Hong Kong, like myself, feel that a scheme to control merely the maximum and guaranteed profit is not adequate and that the Government should also be able to control the level of salaries, wages and fringe benefits of employees of the Company.

Another deficiency in the present scheme of profit control which uses shareholders funds as the basis for the permitted return, is the lack of an incentive for the Company to make use of loans for financing expansion. This certainly has the effect of higher charges which is detrimental to the interests of telephone subscribers. For every dollar invested by the shareholders telephone subscribers have to pay them 16 cents or 16 percent every year whereas, in respect of loan financing, telephone subscribers only have to pay about 6% at present, or normally a range of 5 to 9 percent, or at worst, as in the year 1974, 12%. It is therefore desirable in the interests of consumers to maintain a proper balance between financing from shareholders funds and loan financing.

It is understood that the planned ratio of loans to shareholders funds for the next three years, that is 1979 to 1981, is not much different from the present level which is low by general commercial standards, especially when interest rates are comparatively low. Without having a full knowledge of the financing plans of the Company, I can only say that it is likely that by making greater use of loan financing, the present increase in tariffs could have been deferred somewhat and the next anticipated increase postponed even beyond 1981.

Having said all this, Sir, it is recognized that the Company has during the past few years much improved the quality of its telephone services and that since its last increase in tariffs in January 1975, the various consumer price indices have risen by about 14%. It is further recognized that the Company's original submission was for an average increase in tariffs of 10% from 1 July 1978 and that a further increase of a similar magnitude was estimated to be necessary by July 1980. I therefore believe that the majority of telephone subscribers and the general public will appreciate the Government's efforts in reducing the current increase to 7% on average and in postponing the next increase to a date beyond 1980.

Sir, with these observations, I support the motion before Council.

SECRETARY FOR ECONOMIC SERVICES:—Sir, I would like, if I may, to comment briefly on my honourable Friend's two points. With regard to his first point, I confirm that as a part of the monitoring process, the Government does have regard to levels of salaries, fringe benefits of the staff of the various utilities and does look for increases in productivity. As regards my honourable Friend's second point, it is true that, under the present profit control scheme, there is no incentive for the company to borrow to finance its capital expansion. We recognize this as one of the weaknesses of the present scheme and as a general drawback of a scheme based on shareholders' funds. Our intention is to look at this particular weakness with the company when we review the scheme of control with them later this year.

Question put and agreed to.

PHARMACY AND POISONS ORDINANCE

THE DIRECTOR OF MEDICAL AND HEALTH SERVICES moved the following motion:—
That the following regulations, made by the Pharmacy and Poisons Board on the 13 June 1978, be approved—

- (a) the Pharmacy and Poisons (Amendment) Regulations 1978; and
- (b) the Poisons List (Amendment) Regulations 1978.

He said:—Sir, I move the resolution standing in my name on the Order Paper in respect of the Pharmacy and Poisons (Amendment) Regulations 1978 and the Poisons List (Amendment) Regulations 1978.

Honourable Members will recall that the Pharmacy and Poisons Regulations 1975 and the Poisons List Regulations 1975 were approved by this Council on 16 July 1975.

Subsequent to that date the Pharmacy and Poisons Board received representations from interested parties concerning certain provisions appearing in the Regulations. These representations have been carefully considered in detail by special committees set up by the Board and their recommendations have also been deliberated upon by the Board itself during the course of meetings held especially for the purpose.

At this point, I must make special mention of the very effective and useful role played by the *ad hoc group* of the Unofficial Members of the Legislative Council under the capable chairmanship of my honourable Friend, Dr Harry FANG in this matter.

The *ad hoc group* expended considerable time and energy in dealing most meticulously with the considerable number of representations and involved itself at various stages in extensive consultations with the trade, professions and other interested parties including my staff and I.

Today, we are in the happy position of having reached consensus and I should like now to place on record my deep appreciation for the sterling efforts of Dr FANG and his *ad hoc group* in so ably assisting in resolving this matter.

In the course of consultations an important matter arose which requires further action. I refer to the apparent need for an Appeals Committee to deal with any representations that may arise from the implementation of the Regulations in the future. I shall in consultation with the Pharmacy and Poisons Board be looking further into the details of this matter and seek amendments to the Principal Ordinance in accordance with usual procedures with a view to providing for the setting up of such a Committee.

The main purpose of these amendments is to clarify and strengthen the Principal Regulations and in certain cases to ease some of the more stringent provisions.

I shall not take up Honourable Members' time unnecessarily in going into great detail of all the amendments but should like to mention the more important areas such as:—

- (1) an amendment to increase the validity of a registration certificate of a product or substance from 12 months to 5 years;
- (2) to make provision for a provisional registration certificate valid for 5 years for a product marketed in Hong Kong before the commencement of the Regulations;
- (3) introducing a sliding scale of penalties in place of the existing penalty provisions in regulation 40 of the Principal Regulations;
- (4) amendments to the Schedules to the Principal Regulations for:
 - (a) introducing certain new substances to be controlled under the new regulations including rodenticides;
 - (b) to make minor amendments to the prescribed forms, add new forms for the provisional registration of drugs or products and clinical trials and medicinal tests; and
 - (c) prescribe fees for provisional registration, application for clinical trials or medicinal tests and certificate for such trials or tests.

Sir, I beg to move.

DR FANG:—Sir, the fact that it has taken nearly three years for the amendments to the Pharmacy and Poisons Regulations 1975 and the Poisons List Regulations 1975 to reach the table of this Council is evidence itself of the complexity of the issues involved.

In acknowledging the tribute paid by my honourable Friend, the Director of Medical and Health Services, to the part played by the *ad hoc group* of Unofficial Members of this Council in resolving this long outstanding matter, I would like in turn, as Convener of the group, to express my appreciation on behalf of its Members for the invaluable assistance given them throughout

their deliberations by both the pharmaceutical industry itself and representatives of the Social Services Branch and the Medical and Health Department, including the Director himself.

I welcome my honourable Friend's statement concerning the establishment of an Appeals Committee to deal with any representations that may arise once the regulations have been implemented. As I understand that the regulations are to be brought into force shortly, I would urge that this matter be dealt with as expeditiously as possible so as to remove the present requirement whereby any person aggrieved by a decision of the Pharmacy and Poisons Board is required to appeal against such decision direct to the Supreme Court.

Finally, Sir, I hope that common sense will prevail in the application of regulation 36 and that a reasonable period of time will be given to the trade to complete all the formalities of registration before any action is taken against defaulters.

Sir, with these remarks, I support the motion.

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, I should like to thank my honourable Friend for his general support of the motion. I am sure Dr FANG will agree that generally there is no dearth of common sense within my Department and I should like to assure him that adequate doses of this will be dispensed in the implementation of the regulations consistent with the public interest.

Question put and agreed to.

First reading of bills

FIRE SERVICES (AMENDMENT) BILL 1978

COMPANIES (AMENDMENT) BILL 1978

HONG KONG TRADE DEVELOPMENT COUNCIL (AMENDMENT) BILL 1978

MERCHANT SHIPPING (AMENDMENT) BILL 1978

MISCELLANEOUS LICENCES (AMENDMENT) BILL 1978

JURY (AMENDMENT) BILL 1978

PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT) (NO 2) BILL 1978

WIDOWS' AND CHILDREN'S PENSIONS (AMENDMENT) BILL 1978**WIDOWS AND ORPHANS PENSION (AMENDMENT) 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**FIRE SERVICES (AMENDMENT) BILL 1978**

THE SECRETARY FOR SECURITY moved the second reading of:—‘A bill to amend the Fire Services Ordinance.’

He said:—Sir, the purpose of this Bill is to amend, in the light of experience the Fire Services disciplinary provisions which were introduced in 1975 and also to bring them into line with those which apply to the other disciplined services which were amended last year.

To be more specific, clauses 2 and 3 provide that a member of the Fire Services may be interdicted, on full pay, if an investigation is being undertaken into conduct which may amount to the commission of a disciplinary offence. In the cases of subordinate officers and members of other ranks who are interdicted on less than full pay, if punishment less than dismissal is imposed, then the whole or part of any remuneration withheld shall be paid. If no punishment is awarded, then remuneration withheld must be paid in full. Provision is also included under which an interdicted officer may not leave Hong Kong without the permission of the Director.

Clause 4 provides for interdiction of subordinate officers and members of other ranks on full pay in cases where an investigation is being undertaken into conduct which may amount to the commission of a criminal offence. Provision is also made for the immediate cessation of pay of an officer who is guilty of a criminal offence which, in the opinion of the Director of Fire Services, is serious enough to warrant dismissal.

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

Question put and agreed to.

COMPANIES (AMENDMENT) BILL 1978

THE SECRETARY FOR ECONOMIC SERVICES moved the second reading of:—‘A bill to amend the Companies Ordinance and to make consequential amendments to the Inland Revenue Ordinance.’

He said:—Sir, the Bill seeks to implement four of the recommendations in the second report of the Companies Law Revision Committee. They can conveniently be dealt with ahead of the comprehensive Bill which the Government intends to introduce during the next session and for one reason or another should be brought into law without too much delay.

First, the Bill allows existing companies formed for charitable purposes to dispense with the word ‘Limited’ in their titles. Secondly, it provides improved protection for minority shareholders. Thirdly, it removes the limit on numbers in certain types of partnerships.

At present charitable companies, as defined in clause 2 of the Bill, may be permitted to dispense with the word ‘Limited’ in their titles, provided they apply when they are being formed. In practice the proviso has prevented companies already using the word ‘Limited’ subsequently to dispense with it. So the Bill provides that such dispensation can also be given when companies have already been formed.

As far as protecting minority shareholders is concerned, at present, if minority shareholders feel that their interests are being prejudiced by a company, their only statutory redress is to petition the court for the company to be wound-up. This is often too drastic a remedy, so clauses 6 and 7 of the Bill provide a new, alternative remedy whereby the court may make either orders of restraint in respect of isolated acts of a company or orders regulating the general conduct of a company. The Bill also empowers the Financial Secretary to petition the court for such orders, if the report of an inspector appointed by him reveals that the business of a company is being conducted in a manner unfairly prejudicial to any of its members.

Finally the Bill removes the limit of 20 persons on partnerships of solicitors, professional accountants, stock exchange members and any other partnership specified by regulations. The limit was imposed many years ago and no longer serves any useful purpose.

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

Question put and agreed to.

HONG KONG TRADE DEVELOPMENT COUNCIL (AMENDMENT) BILL 1978

THE SECRETARY FOR ECONOMIC SERVICES moved the second reading of:—‘A bill to amend the Hong Kong Trade Development Council Ordinance.’

He said:—Sir, the size of the Trade Development Council has remained unchanged since it was established in 1966. Since then, the value of Hong

Kong's exports and the Council's budget and range of activities have all vastly increased.

In the circumstances, it is considered appropriate to increase the Council's membership. The present Council comprises the Chairman, who is appointed by the Governor, seven *ex officio* members, three members nominated by commercial and industrial organizations and four members appointed by the Governor. The Bill provides for the number of members appointed by the Governor to be increased to six, thus increasing the size of the Council to 17. This will be large, but not so large as to detract from efficiency. And we must not overlook that other commitments often cause members of the Council to be absent from Hong Kong.

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

Question put and agreed to.

MERCHANT SHIPPING (AMENDMENT) BILL 1978

THE SECRETARY FOR ECONOMIC SERVICES moved the second reading of:—‘A bill to amend the Merchant Shipping Ordinance.’

He said:—Sir, although men engaged for service as officers on board ships registered in Hong Kong must hold appropriate qualifications, there are no comparable requirements in respect of men engaged for service as able bodied seamen.

The International Transport Works' Federation is increasingly organizing industrial action, mainly in the ports of Western Europe, against ships which it considers are not adequately manned with qualified and experienced seamen. This action generally takes the form of the suspension of all port services to ships, and can result in their being held up for as long as the action lasts. Shipowners are aware of the risks, and take steps to ensure that their manning scales are likely to be acceptable to the Federation.

So that owners and masters of ships registered in Hong Kong will be able to show that their crews are adequately qualified, the Merchant Shipping (Amendment) Bill 1978 provides that ratings engaged for service as able bodied seamen on such ships must hold certificates of competency. The Bill does *not* provide that ratings must be engaged as able bodied seamen, but only that if they are, they must hold the certificates.

So that fully experienced seamen are not in consequence put out of work for the lack of a certificate, the Bill empowers the Director to make rules providing for the granting of certificates of competency without examination to seamen who have already been serving in effect as able bodied seamen.

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

Question put and agreed to.

MISCELLANEOUS LICENCES (AMENDMENT) BILL 1978

THE SECRETARY FOR ECONOMIC SERVICES moved the second reading of:—‘A bill to amend the Miscellaneous Licences Ordinance and to make consequential amendments to regulations made thereunder.’

He said:—Sir, this Bill seeks to abolish the licensing of money changers. It is not now clear why it was ever felt to be in the public interest that money changers should be licensed. But it may have been that the Commissioner of Police, who is the licensing authority, needed to know, for security reasons, where their premises were located. The Ordinance does not in fact define what a money changer is. As a result, the activities licensed have changed substantially. In the early days money changers were largely concerned with the exchange of silver coins and bullion for notes. Today their activities consist of changing various types of foreign currency either into Hong Kong dollars or into other foreign currencies. The security of premises aspect is now no more significant than for many other retail businesses.

A wide range of activities for which the Commissioner of Police was the licensing authority and which were far from the proper ambit of a modern police force, were reviewed in the early 1970s. As a result some were abandoned and others transferred to a more appropriate authority. The licensing of money changers was considered and would probably have been abandoned at that stage were it not for the fact that it provided the means for ensuring the collection of stamp duty on foreign exchange transactions. The duties concerned have now been abolished by the Stamp (Amendment) (No 3) Ordinance 1978.

As a result of this change in the Stamp Ordinance, as the Financial Secretary foreshadowed in his 1978 Budget Speech it is now possible to abolish the licensing of money changers altogether. Section 2 of the Bill accordingly deletes ‘money changer’ from the Schedule to the Ordinance and section 3 revokes those regulations dealing solely with money changers the Governor in Council has made under the principal Ordinance.

The amendment proposed would result in a small loss of about \$230,000 a year in the revenue.

Sir, I beg to move.

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

Question put and agreed to.

JURY (AMENDMENT) BILL 1978

THE SOLICITOR GENERAL moved the second reading of:—‘A bill to amend the Jury Ordinance.’

He said:—Sir, section 25 of the Jury Ordinance specifies the circumstances in which a court may order a trial to continue in the event of the death, illness, default of attendance or discharge by the court of any one or two jurors. The section therefore by inference gives the court power to discharge a juror. The Chief Justice considers, in the light of a decision of the Court of Appeal in England, that it would be preferable for the High Court to have express power to discharge a juror and also that the circumstances when such a power may be exercised should be specified. He has also suggested that the existing requirement for a formal order to be made enabling the trial to proceed in the case of the death or discharge of a juror is unnecessary. Clause 2 of the Bill repeals and replaces section 25 so as to give effect to these suggestions.

Clauses 3 and 4 of the Bill would increase the maximum penalties for two offences. Section 32 makes it an offence if a juror without reasonable excuse fails to attend or withdraws without the consent of the judge and clause 3 increases the present fine from \$500 to \$3,000. Section 33 at present provides a penalty of \$3,000 for employers who discriminate against employees called to serve as jurors; this figure would be increased by clause 4 to \$5,000 which is consistent with the general level of fines provided by the Employment Ordinance against employers who fail in their statutory duties towards their employees.

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

Question put and agreed to.

PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT) (NO 2) BILL 1978

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

He said:—Sir, this Bill seeks four changes which have the support of the Urban Council. Firstly, it aims to bring within food factory licensing requirements those factories which prepare various waters for sale for human consumption. However to give the trade adequate time, this requirement would not become effective until 1st December 1978.

Secondly, Clause 3 enables regulations to be made which grant exemptions from licensing and other restrictive provisions relating to food. This will facilitate the streamlining of procedures as far as practicable.

Thirdly, the Bill seeks to empower the licensing authority to cancel any registration, licence or permit which is not being made use of. However, it is intended that this power would only be invoked if the licensee fails to respond to warnings. Furthermore, a person aggrieved by a decision to cancel his licence or permit could still petition the Governor in Council in accordance with section 125(10) of the principal Ordinance.

Finally, the Bill seeks to provide for higher limits of fines which may be prescribed in subsidiary legislation, and to raise the maximum penalties for certain specific offences. These higher limits are considered necessary to give the courts extra leverage in two classes of cases where staff resources put into inspection and prosecution work have not achieved the desired results. They involve:

- (a) persons who allow mosquitoes to breed on construction sites; and
- (b) operators of unlicensed food businesses.

As regards mosquito breeding offences, statistics show that 78% of the convictions in the urban area relate to building sites and that fines imposed are less than \$500 in 57% of those cases. It is hoped that a five-fold increase in maximum fine to \$5,000 and the daily penalty for a continuing offence to \$100 will have a greater deterrent effect on building contractors.

Honourable Members will recall the publicity given some time ago to the cases of unlicensed food businesses continuing in operation notwithstanding repeated prosecutions, and new restaurants opening before obtaining the necessary licences. Although prison terms have been imposed by the Courts in 26 cases in the year to 30 September 1977, the old practices do not appear to have ceased. This is a matter for concern and it is now proposed to increase five-fold the maximum fine permitted under subsidiary legislation to \$10,000 and the daily penalty to \$250 for a continuous offence, while for breaches of court orders the present fine of \$5,000 and 3 months imprisonment plus a daily penalty of \$100 for a continuous offence is being increased to \$25,000, 12 months and \$500 respectively.

Sir, to those who may feel that these measures will cause great hardship to some people who operate unlicensed food businesses, I would point out that their remedy is to get their businesses licensed. Those in unlicensable premises would already have the reasons explained to them and they should move to suitable premises. I fear we cannot afford to relax our guard in the preservation of public health in this crowded city.

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

Question put and agreed to.

WIDOWS' AND CHILDREN'S PENSIONS (AMENDMENT) BILL

THE SECRETARY FOR THE CIVIL SERVICE moved the second reading of:—‘A bill to amend the Widows’ and Children’s Pensions Ordinance 1977.’

He said:—The new Widows’ and Children’s Pensions Scheme, which was introduced on 1 January 1978, is progressing satisfactorily. However, experience thus far in implementing the scheme has shown the need for a minor amendment to the legislation.

The present Bill amends section 28 of the principal Ordinance so as to provide that officers who leave the Service during the election period shall have the same length of time as serving officers in which to decide whether or not to join the new scheme.

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

Question put and agreed to.

WIDOWS AND ORPHANS PENSION (AMENDMENT) BILL 1978

THE SECRETARY FOR THE CIVIL SERVICE moved the second reading of:—‘A bill to amend the Widows and Orphans Pension Ordinance.’

He said:—Sir, when the new Widows’ and Children’s Pensions Ordinance was enacted last year, it included provisions designed to safeguard the interests of officers who have been contributors to the old Widows’ and Orphans’ Pension Scheme.

These provisions did not however adequately cover the position of a small number of unmarried officers, or widowers without pensionable children, who have been serving on non-pensionable terms and contributing to the old Widows and Orphans Pension Scheme. Should they be appointed to the permanent and pensionable establishment, such officers would be obliged to join the new Widows’ and Children’s Pensions Scheme. However, because of their marital status, they would not be eligible for benefits under the old Widows and Orphans Pension Scheme. In this event it is considered appropriate to refund the contributions made by the officer under the old

scheme. This Bill seeks to achieve this by an amendment to section 35 of the principal Ordinance.

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

Question put and agreed to.

DANGEROUS DRUG (AMENDMENT) BILL 1978

Resumption of debate on second reading (7.6.78)

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).

DETENTION CENTRES (AMENDMENT) BILL 1978

Resumption of debate on second reading (7.6.78)

MR PETER C. WONG:—Sir, in rising to support the Detention Centres (Amendment) Bill 1978, I wish to express my uneasiness over the requirement or absence of requirement regarding the determination of an offender's age in the Detention Centres Ordinance and indeed in several other ordinances dealing with juvenile delinquents.

Section 4(1A) of the Detention Centres Ordinance reads as follows:—‘In making a detention order against a person the court shall state in such order whether such person is apparently under 21 years of age or apparently of or over 21 years of age.’

There are two basic objections to this section. First, the word ‘apparently’, which also now appears in the amending Bill, is loose and imprecise in the context in which it is used. This word is invoked probably because of difficulties often encountered in proving the age of a defendant. On that score, it may be tolerated under the broad principle of expediency. Be that as it may, a judicious and precise choice of words in ordinances should be encouraged to guide the court. The second objection is that no guidelines are laid down to assist the court in reaching a decision as to an offender's age.

May I draw Members' attention to section 80(3) of the Criminal Justice Act 1948. The text of this section is as follows:—

'Where the age of any person at any time is material for the purposes of any provision of this Act, or of any Order in Council made thereunder, regulating the powers of the court, his age at the material time shall be deemed to be or to have been that which appears to the court after considering any available evidence to be or to have been his age at that time.'

Members will note that in the English Act, the court is required to consider any available evidence relating to a defendant's age. This in my view is an essential safeguard.

Our ordinance, however, does not contain a similar provision. As the law now stands, the court is theoretically entitled to form a judicial opinion without the need to consider any available evidence.

I am not suggesting for a moment that this is what the court usually does. It is only reasonable to assume that the court would consider all available evidence before determining the age of an offender. If this is the case, would it not be desirable even for the sake of clarity to follow the English Act and make suitable amendments to our ordinance.

Other ordinances suffering similar deficiencies include the Corporal Punishment Ordinance, the Juvenile Offenders Ordinance, the Training Centres Ordinance and the Reformatory Schools Ordinance. The list is by no means exhaustive but it does serve to show that there is a case for a careful study of the problem.

One simple and painless way to achieve the desired result is to include a definition of the word 'age' in the Interpretation and General Clauses Ordinance.

The need to determine a person's age carefully cannot be over-emphasized. Its consequences may be grave and ramifications many. Section 37 of the Reformatory Schools Ordinance, to quote an example, provides that an order of the court made under that Ordinance shall not be invalidated by any subsequent proof that the age of that person has not been correctly determined by the court.

I am happy to say, Sir, that my Unofficial Colleagues Miss Ko Siu-wah, Dr Henry HU and Mr Charles YEUNG with whom I have had the opportunity of discussing this problem, have indicated that they are in general agreement with the matter which I have just raised.

Sir, with these observations, I support the motion.

SECRETARY FOR SECURITY:—Sir, I am grateful to Mr WONG and the Members with whom he spoke in supporting this Bill. I would like to consider the points, which he has made, with the Attorney General in the context of

legislation generally. As Mr WONG has hinted, if following an examination of these points, any change in legislations generally appears necessary, I think it possible that it may take the form of amendments to some other ordinance rather than to this Bill.

Bill read the second time.

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

ROAD TRAFFIC (AMENDMENT) (NO 2) BILL 1978

Resumption of debate on second reading (7.6.78)

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.

DANGEROUS DRUGS (AMENDMENT) BILL 1978

Clauses 1 to 6 were agreed to.

ROAD TRAFFIC (AMENDMENT) (NO 2) BILL 1978

Clauses 1 and 2 were agreed to.

Council then resumed.

Third reading of bills

THE ATTORNEY GENERAL reported that the

Dangerous Drugs (Amendment) Bill 1978

Road Traffic (Amendment) (No 2) Bill 1978

had passed through Committee without amendment and moved the third reading of each of the bills.

Question put on each bill and agreed to.

Bills read the third time and passed.

Unofficial Member's bill**Second reading of bill****MASONIC BENEVOLENCE FUND INCORPORATION (AMENDMENT) BILL 1978****Resumption of debate on second reading (7.6.78)**

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 bill

Council went into Committee.

MASONIC BENEVOLENCE FUND INCORPORATION (AMENDMENT) BILL 1978

Clauses 1 to 4 were agreed to.

Third reading of bill

MR LOBO reported that the

Masonic Benevolence Fund Incorporation (Amendment) Bill 1978

had passed through Committee without amendment and moved the third reading of the bill

Question put on the bill and agreed to.

Bill read the third time and passed.

Adjournment

*Motion made, and question proposed. That this Council do now adjourn—*THE CHIEF SECRETARY.

4.00pm.

CONTAINER OPERATIONS

SIR S. Y. CHUNG:—In rising to support the motion for adjournment I wish to raise a matter of public interest. It is about container operations. Sir, we all know that one of Hong Kong's greatest strengths in the world of industry, trade and finance is its ability to adapt to changing circumstances. Less than ten years ago, practically all imported and exported general goods were handled in the harbour by lighters and junks which were quite a sight to tourists. Today, one only occasionally sees such lighter traffic in Victoria Harbour. This is, of course, the outcome of containerization in ocean transport. Last year, almost 60% of the general cargo imported into and exported from Hong Kong was containerized and the percentage is still rising.

The Kwai Chung Container Terminal which was completed in 1976 ranks second in Asia only after Kobe and among the top four in the world following New York and Rotterdam. This is no mean achievement for a small territory like Hong Kong with a population of less than 5 million people. This is particularly so because unlike terminals in other countries, the Hong Kong Container Terminal is financed and operated independently by three separate private companies without any financial subsidy from Government. In 1977 the Terminal handled the equivalent of 1.2 million such containers amounting to 80 percent of total capacity.

Despite the success in our conversion to containerization, there are however some problems which my Unofficial Colleagues and I would like to draw to the attention of Government with a view to it conducting a critical examination of container operations in Hong Kong.

The first problem is the stuffing and destuffing of containers on public roads. Until a few years ago, there was no requirement for factory owners

and operators to provide within their factory premises space for parking containers and for the loading and unloading of goods into and from containers. As a result, the stuffing and destuffing of many containers have to be carried out either at the container terminal or on public roads near the factory premises.

It is understood that, although the terminal operators are not responsible for stuffing and destuffing the containers, they have to provide, and do provide, cargo working areas for both in-bound and out-bound cargo at a charge. These facilities, because of the charges levied, are unfortunately very much under-utilized by haulage operators who prefer to use public roads for which of course there is no charge. In consequence, there is extreme road congestion within such industrial areas as Kwun Tong, San Po Kong, Kwai Chung, Tsuen Wan and Aberdeen.

The second problem is the extreme traffic congestion in the container port area itself and particularly along the 14-metre wide four-lane (two lanes in each direction) carriageway off Kwai Chung Road which is the only road access to the Container Port. There are, in general, three major causes of this congestion. The first is the long queue of vehicles along this approach road within the Port area waiting for their turn to enter the individual container terminals. At times, the queue is as long as 300 metres. Secondly, some smart but selfish haulage operators arrange for a partially filled container to occupy a place in the queue and continue to load it as it slowly moves towards the container terminal. This practice of stuffing the container whilst in these queues further aggravates the congestion. Thirdly, many haulage operators avoid the use of the expensive, proper terminal facilities to work their cargo and instead make use of the public roads near the terminal for stuffing and destuffing containers.

The third problem is the lack of parking facilities for container tractors (prime movers) and container trailers (mobile chassis). As far as I can gather, at least one of the three terminal operators does not provide a trucking service and this has led to the proliferation of small haulage operators. Most, if not all, of these small operators do not have proper facilities for parking their tractors and trailers and they are therefore usually left on public roads and pavements. We have been informed that the traffic police have no suitable towing vehicles to deal with this type of obstruction and that because trailers have no proper registration numbers of their own the traffic police are unable to issue parking tickets when they are detached from the tractors and parked in breach of the law.

Sir, the volume of containerization of ocean cargo will no doubt continue to increase and with the comparatively narrow roads in Hong Kong, the problems which I have already mentioned can only become worse unless a solution to them is devised quickly. It is therefore imperative that the Government should examine critically the problems and introduce measures to eradicate them without delay. Furthermore it is absolutely essential that

immediate steps are taken, if they have not already been taken, to ensure that the situation I have described is not allowed to develop in Tuen Mun, Tsing Yi, Sha Tin and the other new townships in the New Territories.

MR WONG LAM delivered the speech in Cantonese dialect:—

督憲閣下：剛才鍾士元爵士提及貨櫃運輸所引起的各項問題，本人因為任職觀塘工業區，所以對鍾爵士所提的各點，有親身的體驗，尤其是貨櫃車所引起的交通擠塞方面，本人想以觀塘工業區為例，略作補充。

觀塘工業區的道路不少，但主要以偉業街為幹綫。為使各進出工業區的車輛不致受阻，政府劃定時間，在特定時間內，所有車輛不准停泊或上落貨；這種做法使所有運輸車輛都要走到其他街道上上落貨。在貨櫃車還未有現在普遍的時候，情形雖然不好，但因為普通貨車，體積較小，其他車輛在通過這些橫街窄巷時，仍勉強可以；但隨着貨櫃車輛的日漸增加，這些橫街窄巷，只要停着一部這樣的龐然巨物，其他車輛便休得通過，因此而引致其他車輛大排長龍，引起連鎖反應，每每令整個工業區也全盤受阻塞；同時也因此而引致大量的喇叭嘈音、廢氣等問題。很多在觀塘工業區的朋友，更指出這種現象對廠家有間接的打擊，因為很多時他們要帶客人到廠參觀，但卻遇到這種情形而影響有關的安排。對於一個以工業為命脈的地方如香港而言，此點實在是很不利的因素。但最令人感到擔憂的卻是道路阻塞在走火及救火方面所產生的危險，一旦發生火警，消防車輛很難在短時間內到達火警現場，因此而引致很多不必要的損失。

這種現象，驟眼看來，好像是因為偉業街這條主要幹綫不准停車上落貨而引起，但實際上，即使偉業街可以停車，以目前貨櫃等運輸車輛之多而言，也是無補於事，而且更因此而引致車輛進出工業區也有困難，絕對是得不償失的。

雖然，有部份廠家能夠利用工廠的後巷來供貨櫃車上落貨之用，但數目實在太少，而且這些後巷每每為一些小販或飯檔茶水檔所霸佔，使有意利用後巷的貨櫃車輛，寸步難行。

隨着工業的發展，及貨櫃運輸的日益普遍，上述的各項問題自然更日趨嚴重，所以本人極同意鍾爵士的呼籲，希望政府對貨櫃運輸及其所引起的各項問題，早日作出良好的安排。

(The following is the interpretation of what Mr Wong Lam said)

Sir, Sir Sze-yuen CHUNG has just referred to various problems arising from containerization and, as I work in the Kwun Tong industrial area, I personally have experienced many of the problems he has mentioned, especially the traffic congestion caused by container trucks. I would therefore like to use Kwun Tong as an example to supplement what Sir Sze-yuen has said.

There are many roads and streets in Kwun Tong, but the main one is Wai Yip Street, and in order to prevent obstruction to traffic going in and out of the area, all vehicles are prohibited from parking or loading and unloading in this street during a certain period fixed by Government. As a result, all goods vehicles have to go to other streets for loading and unloading. In the days when container trucks were not common, traffic conditions, though not entirely satisfactory, were tolerable, since ordinary lorries, which are smaller, could still just allow other vehicles to pass through these narrow streets. However, with the daily increase in the number of container trucks, other vehicles can now hardly pass at all and have to wait in long queues once such a monster container truck is parked there. The chain reaction that results often leads to total congestion in the whole area. At the same time, it also gives rise to a lot of blowing of horns, exhaust fumes and other problems. Many people in Kwun Tong have pointed out that these conditions

have indirectly affected manufacturers adversely, as they have to take buyers to visit their factories very often, but the arrangements are hampered as a result. In a place like Hong Kong which depends on industry for survival, this is certainly a great disadvantage. What is more worrying is the danger in case of fire when the roads are blocked and therefore inaccessible to fire-engines. When a fire does break out, it will be very difficult for fire-engines to get to the scene within a short time, thus resulting in a great deal of unnecessary losses.

On the face of it, all these problems seem to be caused by the prohibition of loading and unloading in Wai Yip Street, but in reality, with so many container trucks in the area, even if parking were permitted in Wai Yip Street, it would not help, but would make traffic congestion in the area even worse than it is now.

Although some factories are able to make use of the lanes between the factories for the loading and unloading of containers, there are not many of these lanes and most of them are frequently occupied by hawkers or food stalls, and it is therefore difficult for container trucks to use them at all.

With the development of industry and the increasing popularity of containerization, the problems are naturally becoming more and more serious everyday. I fully endorse Sir Sze-yuen's appeal and hope that Government will work out at an early date satisfactory arrangements to solve the various problems arising from containerization.

MR JAMES WU:—Sir, I listen with interest to the speeches of Sir Sze Yuen and Mr WONG Lam. I can speak from experience that the problems and difficulties mentioned by my two Colleagues are real and are becoming increasingly serious. It is true that the container system is a development of recent years and that in the original planning of our older industrial towns in Kwun Tong, Kwun Chung, etc., no provision had been made for the loading and unloading of containers in the streets or inside a factory building. In fact, the majority of factory buildings in this area have not even parking and loading spaces for ordinary trucks, lorries or cars. The deficiency of this lack of provision began to show as soon as the towns reached a degree of development and the situation has worsened in the last few years.

The problems, as I see it, is that as there is no control for parking or loading, private cars and lorries park on both sides of the road, so that when a lorry comes in to load and unload in most of the factory buildings without car parks or loading bays, it has to do so by double-parking. This unsatisfactory situation can be easily visualised. To the extent that little can be done to improve the physical layout of these developed areas, I believe the provision of car parks and proper traffic management can do much to improve the situation. I have in the past asked question in this Council about the provision of Government or public car parks in these areas, but not enough has been done in this direction since.

In order to discourage parking of cars and lorries for unnecessarily long periods, I suggest that parking meters should be installed in these areas for half an hour or 1 hour periods at punitive rates of, say, \$2 for half an hour for cars and \$4 for lorries, during the hours of say, 7am to 7pm I also feel that in the meantime, more police action should be taken to help traffic flow and for hawker control.

Sir, the cost to industry and the public in general as a result of this traffic congestion and blockage must be enormous and deserves our immediate attention. I feel that joint meetings between industrialists, the police and the Government departments concerned at the district level should be called to examine the situation and to recommend solutions for this problem.

I also agree with Sir Sze Yuen that Government should consider taking action so as to help improve on the better utilization of the container handling facilities which unfortunately appear to have been operated by semi-mono-polistic concerns.

SECRETARY FOR THE ENVIRONMENT:—Sir, I am grateful to Sir S. Y. CHUNG for raising this issue this afternoon and also to Mr WONG Lam for his cogent intervention. I only knew this afternoon that Mr James WU was also intervening. Sir, if I don't say anything very much about what he said, he can be assured that it will be taken fully into account and will be examined inside the Government.

It is vital, Sir, for the success of Hong Kong's trade and for the health of our economy generally that goods can move from the factories to the port and vice versa without difficulty. Certainly, in this respect containerization has already considerably increased the capacity of our limited road system to shift more goods by increasing the amount carried per vehicle. Indeed, if we had to revert to the old system again, the congestion in and around the cargo working areas would by now be intolerable.

In general, therefore, the rapid growth of containerization in recent years has tended to relieve congestion on our road system as a whole compared with what it would otherwise have been. But I do, nevertheless, agree that container operations do pose problems at certain times and places, particularly in the immediate vicinity of the container port at Kwai Chung, as well as in the older industrial areas such as Kwun Tong, as Mr WONG Lam has pointed out.

I will take Sir S. Y.'s three points in order and try to give at least a preliminary Government view on each one. The first is the stuffing and destuffing of container on public roads, particularly in some of the older industrial areas. This is, I am afraid, a fact of life and it amounts to a special case of goods vehicles loading and unloading in general. Even if containers were forcibly prevented from loading in these areas then other goods vehicles would be loading in their place and they also would be creating congestion.

Such activities cannot be banned or severely restricted in the industrial areas without producing serious economic effects. However, all new factory buildings are now required to provide facilities within their lots for loading and unloading, so this problem should not be nearly as severe in Sha Tin, Tuen Mun and the other new townships in the New Territories. There is also the possibility of limiting the hours in which loading and unloading can take place so as to avoid peak traffic periods and I will be looking into this.

Mr WONG Lam can also be assured that I will have the problems around Wai Yip Street carefully examined, but I cannot really hold out much hope of sweeping improvements in this very difficult area.

I turn now to the second problem, namely the traffic congestion in the container port area itself. Sir S. Y. CHUNG refers, in particular, to the long queue of vehicles along the approach road. This, however, appears to be largely a peak hour phenomenon which happens about three times a week in the late afternoon and is due to too many haulage operators getting to the port at the last minute. What is now being done is to post traffic police to control the queue and keep it from stretching back to obstruct the Kwai Chung Road.

Sir S. Y. also mentioned two other causes of congestion in this area, namely the stuffing of containers while they are waiting in the queue to get into the terminal, and the use of public roads nearby for the working of cargo. Here I have asked the relevant departments to consider the feasibility of declaring this approach road and the immediately surrounding roads a 'no loading, no unloading, no parking' area, thus facilitating its use for through traffic. If this could be done it might also encourage better use to be made of the cargo working areas inside the terminal.

Sir S. Y.'s third problem was the reluctance of owners of container vehicles and trailers to provide parking facilities away from public roads and pavements. Here consideration is being given to the acquisition of at least one towing tractor to tow away to vehicle pounds parked trailers which are causing an obstruction. The owners will have to pay a hefty fee for the service and this will help to finance the cost. I have also asked departments to consider changes in the law so that the Fixed Penalty (Traffic Contraventions) Ordinance can be made to apply to trailers, as it undoubtedly should do.

Finally, Sir, I propose to re-activate the Container Terminal Facilities Committee, which is the formal point of contact between the container operators and the relevant departments of the Government. Among other things, the scope of the Committee's work will be expanded to enable it to oversee the action being taken to deal with all the matters which have been raised this afternoon. Although I certainly cannot promise that all the problems will be solved and all difficulties overcome, I am confident that

significant progress can and will be made in those areas which are susceptible to improvement.

Question put and agreed to.

Adjournment and next sitting

HIS EXCELLENCY THE PRESIDENT:—In accordance with Standing Orders I now adjourn the Council until 2.30pm on Wednesday, the 5 July.

Adjourned accordingly at twenty minutes past four o'clock.