

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 5 July 1978****The Council met at half past two o'clock****PRESENT**

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

THE HONOURABLE THE CHIEF SECRETARY
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
MR LI FOOK-KOW, CMG, JP

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

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

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

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

THE HONOURABLE DAVID GREGORY JEAFFRESON, JP
SECRETARY FOR ECONOMIC SERVICES

THE HONOURABLE ALAN JAMES SCOTT, JP
SECRETARY FOR HOUSING

THE HONOURABLE GARTH CECIL THORNTON, QC
SOLICITOR GENERAL

THE HONOURABLE EDWARD HEWITT NICHOLS, OBE, JP
DIRECTOR OF AGRICULTURE AND FISHERIES

THE HONOURABLE THOMAS LEE CHUN-YON, CBE, JP
DIRECTOR OF SOCIAL WELFARE

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

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

THE HONOURABLE ERIC PETER HO, JP
SECRETARY FOR SOCIAL SERVICES

THE HONOURABLE JOHN CHARLES CREASEY WALDEN, JP
DIRECTOR OF HOME AFFAIRS

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

THE HONOURABLE JAMES NEIL HENDERSON, JP
COMMISSIONER FOR LABOUR

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

THE HONOURABLE SIR SZE-YUEN CHUNG, CBE, JP

THE HONOURABLE LEE QUO-WEI, CBE, JP

THE HONOURABLE OSWALD VICTOR CHEUNG, CBE, QC, JP

THE HONOURABLE ROGERIO HYNDMAN LOBO, CBE, JP

THE HONOURABLE JAMES WU MAN-HON, OBE, JP

THE HONOURABLE HILTON CHEONG-LEEN, 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 HONOURABLE ALEX WU SHU-CHIH, OBE, JP

THE REV. THE HONOURABLE JOYCE MARY BENNETT, JP

THE HONOURABLE CHEN SHOU-LUM, JP

THE HONOURABLE LYDIA DUNN, OBE, JP

DR THE HONOURABLE HENRY HU HUNG-LICK, OBE, JP

THE HONOURABLE LEUNG TAT-SHING, JP

THE REV. THE HONOURABLE PATRICK TERENCE MCGOVERN, SJ, JP

THE HONOURABLE PETER C. WONG, JP

THE HONOURABLE WONG LAM, OBE, JP

DR THE HONOURABLE RAYSON LISUNG HUANG, CBE, JP

THE HONOURABLE CHARLES YEUNG SIU-CHO, JP

ABSENT

THE HONOURABLE PETER GORDON WILLIAMS, OBE, JP

THE HONOURABLE JOHN HENRY BREMRIDGE, OBE, JP

THE HONOURABLE FRANCIS YUAN-HAO TIEN, OBE, JP

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL MR STEPHEN TAM SHU-PUI

Papers

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

<i>Subject</i>	<i>LN No</i>
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Animals and Plants (Protection of Endangered Species) Ordinance. Animals and Plants (Protection of Endangered Species) (Amendment of Schedules) Order 1978	128
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Sha Tin Jubilee Sports Centre

1 MR CHEONG-LEEN asked:—*Sir, will Government find out from the Jubilee Sports Centre Board the up-to-date position on the building of the Jubilee Sports Centre in Sha Tin, the date when the Centre will be completed and its anticipated opening date?*

THE CHIEF SECRETARY:—Yes, Sir.

MR CHEONG-LEEN:—*Sir, will the Chief Secretary provide the details asked for in this question in writing and will that information be tabled at the next meeting of Council?*

THE CHIEF SECRETARY:—Assuming that an answer is received in time I see no objection to acceding to the Member's request.

MR CHEONG-LEEN:—*And if not available at that meeting could it be provided at the latest at the last meeting of this session?*

THE CHIEF SECRETARY:—Within a reasonable time of it becoming available to me.

MR CHEONG-LEEN:—*Sir, may I assume that my honourable Friend does consider one month a reasonable time?*

THE CHIEF SECRETARY:—That depends entirely on the context. (*laughter*)

MR CHEONG-LEEN:—*Isn't that a simple question, which can be answered in a very reasonably quick manner?*

THE CHIEF SECRETARY:—I find none of the Honourable Members' questions simple (*laughter*).

MR CHEONG-LEEN:—*Sir, I can only rely on the good intentions of my honourable Friend.*

(THE FOLLOWING WRITTEN REPLY WAS PROVIDED SUBSEQUENTLY)

The Chief Executive of the Jubilee Sports Centre has recently returned from Europe, where he visited several sports centres with similar objectives to those of the Jubilee Sports Centre.

He is preparing a master plan and an architect's brief for the consideration of the Board. Only when this has been approved by the Board, and the financial commitment involved accepted by the Government and the Jockey Club will it be possible to give an estimate of how long the development of the Centre will take and when the Centre will be opened.

Traffic accidents at Clear Water Bay Road

2 MR WONG LAM asked in Cantonese dialect:—

在過去十二個月內，在九龍清水灣道德望學校附近的危險彎角發生多少宗交通意外，政府又有何計劃予以改善？

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

How many traffic accidents have occurred in the past 12 months on the dangerous curve in Clear Water Bay Road near the Good Hope Girls' School? What measures are being planned to improve conditions there?

DIRECTOR OF PUBLIC WORKS:—Sir, over the last 12 months 9 traffic accidents were recorded on this section of road.

The existing carriageway layout is a temporary division arrangement to allow for the construction of improvement works to Clear Water Bay Road.

These improvements include the construction of a dual carriageway on a new alignment with much flatter gradients and easier curvature. In addition, the old Clear Water Bay Road is being widened to provide an extra uphill lane. Work on the latter will be finished by October and traffic will then be re-diverted to the old carriageway thus removing the need to negotiate the bend on the temporary diversion. By the middle of next year, work on the new Clear Water Bay Road alignment will be completed and all through traffic will be routed onto this superior and safer facility leaving the old carriageway to provide access to the adjacent housing estate and other properties.

MR WONG LAM asked in Cantonese dialect:—

閣下，政府會否在特別斜坡的道路上和危險彎角之前，設立拱形的路面來減低車速？

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

Sir, will Government in some steep slopes or before sharp bends put up humps to reduce speeds of the cars?

DIRECTOR OF PUBLIC WORKS:—I am sorry, Sir, I didn't quite get the last part of the question. Could I ask Mr WONG to repeat the question?

MR WONG LAM asked in Cantonese dialect:—

我的意思，即是說，政府會不會在於特別斜坡的道路上和危險彎角之前，設立一個拱形的路面來減低行車的速度？

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

What I said was, Sir, will Government consider in very steep hills or before sharp bends put up humps, speed-reducing humps to reduce speeds of the cars?

DIRECTOR OF PUBLIC WORKS:—Sir, these in fact usually cause more accidents. In a location like the Clear Water Bay Road where there is a very steep incline and motorists tend to go rather too fast, the hump would cause accidents rather than save accidents.

MISS DUNN:—*Sir, does the Government conduct a study of the state of the roads where accidents frequently occur as a matter of routine?*

DIRECTOR OF PUBLIC WORKS:—Yes, Sir, and this particular one already has an accident black spot sign erected.

Recreational holiday programme

3 MR JAMES WU asked:—*Will Government provide this Council with more details of the short, inexpensive holidays now being organized by the Education Department's Recreation and Sports Service especially for the working population this summer?*

DIRECTOR OF EDUCATION:—Sir, two types of short, inexpensive holidays for people in employment are being organized this summer.

The first type is a 2-4 day holiday involving camping either at a recreation centre or in other camps in the New Territories or on Lantau. Depending on the venue a wide range of activities is offered including hiking, trekking, canoeing and horse-riding. Some participants in the holidays at the Sai Kung Recreation Centre will be air-lifted in or out by helicopter.

The second type offers one-day holidays or excursions and allows the participants to choose from a wide range of activities and events. This type enables people in employment, if they wish, to make up a 'package' of several days, with something different to do each day.

Both types of holidays are geared mainly for people in the age range 18 to mid-40s. Families can be taken along to some of the camps.

The idea of these holidays developed from the already established and highly successful programme of family camps held during the holiday periods, mainly for students. They are organized by the Recreation and Sports Service to the extent possible with the manpower and financial resources available. About 15,000 people will participate this summer.

MR JAMES WU:—*Sir, what is being done to publicise the availability of such holidays to the working population?*

DIRECTOR OF EDUCATION:—There has been publicity through press, radio and TV, Sir. There are also pamphlets available in various places which give the full details which I won't bore Members with now.

REV. JOYCE M. BENNETT:—*Sir, would it not be more appropriate for these holidays to be provided by the Social Welfare Department and not by using personnel of the Education Department?*

DIRECTOR OF EDUCATION:—It's an interesting observation of Miss BENNETT's. We have a Recreation and Sport Service and I haven't heard any proposal as yet to transfer it to the Social Welfare Department, but my mind is open on all organizational matters of this kind.

Government-built flatted factories

4 MR CHEN asked:—*Will Government state the criteria and priorities governing the allocation of its as yet limited stock of Government-built flatted factory units to:—*

- (a) *squatter factories; and*
- (b) *workshops already in Government estates to be cleared for public development or re-development as the case may be?*

SECRETARY FOR HOUSING:—Sir, the criteria governing the allocation of Housing Authority's flatted factory units to both squatter factories and workshops being rehoused from Government estates are the same. First, the trade to be operated must be a trade permitted by the Housing Authority, and second, the floor loading and the electrical loading must be within the design capacity.

The question of priority in the allocation of factory accommodation between squatter factories and workshops in old public housing estates does not arise, because different programmes of improvement are involved, and different arrangements are made.

Operators of squatter factories are offered either flatted factory units built for the purpose, if they are available, or cash allowances. Workshops affected by the estate redevelopment programme are offered space in the flatted factory at Shek Kip Mei, or cash compensation.

As estate workshop operators are authorized Housing Authority tenants, reprovisioning requirements are known, and the necessary flatted factory space is provided. Surplus units from that programme have been and will be offered to operators of displaced squatter factories.

MR CHEN:—*Will the Secretary for Housing inform this Council as to how many in each category are still awaiting for reprovisioning and what plans does Government have to build more flatted factories for this purpose?*

SECRETARY FOR HOUSING:—Sir, as for the second group in the original question, workshops already in Government estates, there is no waiting list. There are in fact 6½ vacant units in the Shek Kip Mei and Yuen Long flatted factories. As regards the second group, there is no waiting list as such because as development programmes go forward arrangements are made for each group of squatter factories concerned. But I can say that the development programmes for the rest of the year will involve 90 workshops for estate redevelopment and 2,200 squatter factories being cleared. The programme of building factories will produce by the end of 1981, 4,000 units.

MR JAMES WU:—*Have any operators of squatter factories been refused flatted factory units because of shortage, and therefore forced to take cash compensations?*

SECRETARY FOR HOUSING:—I'm sorry, Sir. I can't answer that question precisely but as I have already said in the course of any part of a programme of clearance we make arrangements for offering either flatted factories or compensation. There must have been cases where people would have preferred alternative flatted factory accommodation, but we could not provide it.

MR JAMES WU:—*Sir, my question is that, have any operators been forced to take cash allowances rather than or rather because of the shortage of flatted factories?*

SECRETARY FOR HOUSING:—Sir, the question is to define 'force'. If there is no flatted factory accommodation available, then there is no alternative to accepting the cash compensation offered.

SIR S. Y. CHUNG:—*Sir, in this case the option is therefore left open to Government not to the person or the factory owner concerned.*

SECRETARY FOR HOUSING:—I think that was a statement rather than a question, Sir. But as I said, There is a programme of building flatted factories and it is true that there is a hiatus in that programme, so that during this financial year there will be more difficulty than we will have in future in offering suitable alternative flatted factory accommodation.

SIR S. Y. CHUNG:—*Sir, is it not true that the option is given to the Government and not to the factory owners?*

SECRETARY FOR HOUSING:—As I said in the answer to the original question, Sir, the offer is: flatted factory accommodation, if available. If not available, then there has to be a compensation arrangement.

SIR S. Y. CHUNG:—*In that case, Sir, will my honourable Friend confirm that the option is to the Government not to the factory owners?*

SECRETARY FOR HOUSING:—Government attempts to provide alternative accommodation, Sir, if it can. As I said, the plans up to the end of 1981 will provide a fuller option in the way I think that my honourable Friend would wish, but during the current financial year, Government cannot give the option completely to all people concerned.

SIR S. Y. CHUNG:—Thank you.

Ban on PLBs at housing estates

5 MISS KO asked:—

- (a) *Is Government aware of the inconveniences caused by its policy of prohibiting public light buses from entering public housing estates?*
 (b) *If so, will Government consider relaxing the ban?*

SECRETARY FOR THE ENVIRONMENT:—Sir, the Government does not have a general policy of prohibiting public light buses from entering public housing estates. The present policy is to control the movement of PLBs within estates by confining them to a limited number of pickup points, either in centrally located off-street termini or at kerbside stands or laybys. These controls have been imposed because the previous unrestricted operations of PLBs were causing congestion and frustrating the movement of franchised buses. This, in turn, was discouraging the bus companies from improving their services.

Circumstances vary, of course, from estate to estate and in a very few cases, where there are sufficient buses, PLBs are banned completely from the estate. But, as I have explained, there are facilities for them in the majority of estates. As far as possible, therefore, the policy is to provide a balanced choice of services. But where there is a heavy demand for public transport, and limited road capacity and space for pickup points, more people can be moved by giving preference to the most efficient carriers, that is large buses.

MISS KO:—*Sir, will Government look into the inconvenient transportation situation in Tuen Mun New Town, San Hui, Sun Fat Estate, Tuen Mun Temporary Housing Area and Chai Wan which would cause inconvenience to the people as well as exposing them to crimes, such as robbery?*

SECRETARY FOR THE ENVIRONMENT:—Yes, Sir, the Government will look into the situation.

(The following written reply was provided subsequently)

The result of the investigation is as follows:—

Tuen Mun

At present, Tuen Mun New Town is served by the following bus services:—

(A) *Terminating:*

<i>Route No.</i>		<i>Frequency</i>
52	Tuen Mun—Tsuen Wan Ferry	15 minutes
59	Tai Hing—Pak Kok	12—20 mins.
61	Tai Hing—Yuen Long	12—15 mins.
66	Tai Hing—Lai Chi Kok	15—20 mins.

(B) *Enroute:*

<i>Route No.</i>		<i>Frequency</i>
50	Jordan Road Ferry—Yuen Long (East)	5—10 mins.
51	Tai Kok Tsui Ferry—Yuen Long (West)	12—15 mins.
53	Castle Peak Bay—Yuen Long (East)	12—15 mins.
68	Jordan Road Ferry—Yuen Long (East)	12—15 mins.

All these services, with the exception of Route No. 59, are easily accessible to residents in San Hui, San Fat Estate and the Tuen Mun Temporary Housing Area. As the new town develops, the provision of bus services will be monitored to ensure that it is co-ordinated with the growth in population. In addition, a major transport study to make recommendations on the town's overall needs has just been completed. Its conclusions are now being examined to provide a basis for all future planning.

Public light buses are prohibited from stopping within Tuen Mun New Town except along Castle Peak Road, and from operating along the new Tuen Mun Road. Most of the public light buses at present serving Tuen Mun are through services from urban Kowloon to Yuen Long. A terminus has recently been provided at the cul-de-sac on Castle Peak Road near San Hui to provide a pick-up/set down facility for Tuen Mun public light buses.

Public light buses are banned from the Tuen Mun Road because their method of operation with its frequent halts is not suitable for a modern clearway road. The ban also means that public light buses operate along Castle Peak Road, thus maintaining services to residents there. Public light buses are banned from operating within Tuen Mun because their extravagant use of road space (when compared with large capacity buses) and their bad driving habits make them an undesirable long-term feature of the town's transport system. It is important to establish this from the early days and not let them become entrenched. If it turns out that levels of patronage or the difficulties of topography make operation of a full bus service on certain routes uneconomic or inadvisable, a franchised service of smaller buses (probably of the "maxicab" type) could be operated.

Perhaps the main problem with transport in Tuen Mun at present is the lack of bus services after 11.00 p.m. (although this is not common in the New Territories). People are then dependent on New Territories taxis since public light buses are banned from Tuen Mun. However, Transport Department is monitoring the situation and it is expected that the hours of bus service will gradually be extended.

Chai Wan

On 24 April 1978, public light buses were banned from the section of Chai Wan Road east of Wan Tsui Road. At the same time, however, a public light bus terminus was set up in Cheung Lee Street near the busiest areas with good access to Chai Wan Road. The reason for the ban was that the China Motor Bus Company was able to improve substantially its services to the area and it is part of Government's transport policy to give preference whenever possible to larger capacity carriers in such areas, where there are limitations on road capacity and picking up points.

Immediately before the public light bus ban was introduced, larger capacity buses (123 passengers) were allocated to three of the CMB routes serving Chai Wan and a new route (Number 84 between Chai Wan and Shau Kei Wan) was brought in. After the public light bus ban, the operating hours of Route 82 (Chai Wan to North Point) were extended to provide a 22-hour service from 4.30 a.m. to 2.00 a.m. the next morning. The basic frequency has also been increased from 6 to 5 minutes. By the end of 1980, a new bus terminus will be available off Chai Wan Road and bus routes will then be further re-organised to produce an improved level of service.

The bus services operating in Chai Wan by the end of June 1978 and their frequencies are summarized below:—

<i>Route No.</i>		<i>Frequency</i>
8	Chai Wan (San Ha Street) to Wan Chai Ferry	6—10 mins.
80	Chai Wan (San Ha Street) to Central (Gilman Street)	5—10 mins.
81	Chai Wan (Hing Wah) to Lai Tak Tsuen	10—15 mins.
82	Chai Wan (East) to North Point Ferry	5—15 mins.
83	Chai Wan (San Ha Street) to Sai Wan Ho Ferry	6—10 mins.
84	Chai Wan (East) to Shau Kei Wan	5—10 mins.
85	North Point Ferry to A Kung Ngam	10—15 mins.
88	Chai Wan (San Ha Street) to Cape Collinson (Training Centre)	Saturdays and Sundays only
89	Shau Kei Wan to Chai Wan Cemetery	Ching Ming and Chung Yeung Festivals only
106	Chuk Yuen to Chai Wan (East)	10—15 mins.

In conclusion, I would say that I am satisfied that adequate public transport services are provided to Tuen Mun and Chai Wan and residents are not unduly inconvenienced by the present arrangements.

Floodings at public thoroughfares

6 MR LEUNG asked:—*Sir, will Government step up the clearing of gullies and sandtraps along public thoroughfares so as to ensure that there are no blockages to cause further floodings after torrential rains?*

DIRECTOR OF PUBLIC WORKS:—Sir, immediately prior to the onset of the rainy season each year a thorough inspection of all drainage installations is carried out and this is followed by a stepped-up programme of inspection and clearance activities which is maintained throughout the rainy season to ensure as far as possible that the roadside drainage system functions properly.

Nevertheless, gullies can still be blocked by rubbish deposited in the intervals between clearings and if this coincides with torrential rain, local flooding can occur. However, problem areas are known to the Urban Services Department's cleansing staff and the Highways Office road gangs and by paying special attention to these, the risk of local flooding can be minimised.

In general, therefore, it is felt that the frequency of cleaning and cleansing operations is adequate although the situation could be improved with more co-operation from the public in keeping the roads clear of rubbish.

REV JOYCE M. BENNETT:—*Sir, is it possible for greater attention to be paid to the village of Lei Yue Mun?*

DIRECTOR OF PUBLIC WORKS:—I imagine that Lei Yue Mun as well as every other area gets its adequate provision.

REV. JOYCE M. BENNETT:—*Is it possible then for compensation to be given to people who fall into the drains and break their glasses and have to send clothes to be cleaned?*

DIRECTOR OF PUBLIC WORKS:—We would have to look at each case, Sir, and see whether the compensation was justified.

REV JOYCE M. BENNETT:—Thank you.

MR WONG LAM asked in Cantonese dialect:—

我想問一問，政府會不會設立一個機構，讓市民投訴有關垃圾阻塞溝渠和沙井？

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

I would like to ask a question. Would Government establish an organization to receive complaints on rubbish blocking the gullies and sandtraps?

DIRECTOR OF PUBLIC WORKS:—Yes, Sir, there already is an organization. Both the Urban Services Department and the PWD have the set up where there is a public complaints centre.

MR WONG LAM asked in Cantonese dialect:—

究竟有否設立一個電話，使在投訴時，可撥至工務司署或市政事務署？但到時兩部門會否互相推諉責任，我想清楚此點？

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

To assist the public in complaining, could there be a telephone number that could link to both the USD and the PWD?

DIRECTOR OF PUBLIC WORKS:—Sir, we are having enough trouble with the PWD number at the moment (*laughter*) but I can't say what the Urban Services arrangement is. Certainly—any calls made to the PWD number would be examined and if it was our business we would deal with it and if it was an Urban Services affair, we would pass the information to them.

MR WONG LAM asked in Cantonese dialect:—

政府在雨季來臨之前，會不會作出一個宣傳，用什麼方式使市民大家合作？

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

Before rainy seasons, will Government mount a publicity campaign so that the public will co-operate in this respect?

DIRECTOR OF PUBLIC WORKS:—Yes, this is already largely covered by the Keep Hong Kong Clean Campaign but we could perhaps lay special stress on this before the rainy seasons in future.

Bus services in Tai Po

7 MR F. W. LI asked:—*Sir,*

- (a) *is Government satisfied that the bus services along Ting Kok Road, Tai Po are adequate for the 20,000 odd residents living in the area?*
- (b) *if not, what steps will it take to improve the situation, bearing in mind the further increase in demand that will be generated by the development of the Tai Po Industrial Estate nearby?*

SECRETARY FOR THE ENVIRONMENT:—Sir, the answer to the first part of the question is 'No'. The Government considers that, although bus services along Ting Kok Road are better than they were, they need to be further improved.

To turn to the second part of the question, I should explain that two routes operate along this road, namely No 75 from Tai Po Market to Tai Mei Tuk and No 84 from Tai Po Market to Sam Mun Tsai. Over the past six months considerable improvements have been made to both services, partly to meet

the increased demand following the establishment of a temporary housing area at Yue Kok. On Route 84 all the single deck buses have been replaced by double deckers and Route 75 has been partially converted. Plans are also in hand to double the frequency of Route 84 from one bus every 40 minutes to one every 20 minutes and Route 75 will be fully converted to double deckers as soon as possible. Services are also being provided by PLBs.

Looking further ahead, there are plans for yet more services and new routes will be established specifically to serve the Industrial Estate.

Use of X-rays

8 DR FANG asked:—*Sir, will Government state what protective, precautionary measures are in existence or being devised in the use of x-rays in commercial and industrial undertakings?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—*Sir, irradiating apparatus for the production of x-rays for use in commercial and industrial undertakings are subject to control by inspection and licensing under the Radiation (Control of Irradiating Apparatus) Regulations.*

Every employer is required to maintain a register of persons employed in radiation work so that they are medically examined at regular intervals not exceeding 14 months.

It is also compulsory for persons employed in radiation work to wear monitoring devices which are examined at regular intervals not exceeding 14 days by approved laboratories.

Transport improvement on HK Island

9 SIR S. Y. CHUNG asked:—*Sir, has the Government any plans, both short and long term, to improve the transport situation along the north shore of Hong Kong Island?*

SECRETARY FOR THE ENVIRONMENT:—*Sir, the Government has carried out a study of the transport situation along the Island Corridor and the means of effecting improvements in it, both over the next few years and in the longer term. I have tabled a summary of the findings of the study (see appendix), which have been accepted in principle and will now be the subject of further detailed feasibility studies.*

Very briefly, the core of what is proposed is the development of a mass transit light rail system. This will at first run entirely on the surface, more or less along the alignment of the present tramway and with a largely segregated

right of way. Thereafter, sections of the track will be placed underground with the aim, eventually, of constructing a fully underground mass transit Island Line.

This phased development will ensure significant improvements to the public transport system in the short term, while retaining the option of developing a fully underground MTR Island Line in the longer term. An underground section will be constructed through Central District at an early stage to enable passengers to interchange easily with the Mass Transit Railway at Admiralty and at Chater/Pedder Stations.

The plan also includes the development of improved express bus routes along the new waterfront roads, as they are constructed, as well as through the Aberdeen Tunnel.

The Government has approached the Mass Transit Railway Corporation to assist in the further development of the studies and, if it is later decided to proceed, the Corporation will be invited to develop and operate the system as an extension of the MTR. The Hong Kong Tramways Company has also been formally advised that if, following the detailed implementation studies, it is decided to develop the light rail system, the Government would then exercise its option, under section 30 of the Tramway Ordinance, to purchase the tramway. Discussions have already been started with the Company on a contingency basis on how this might most smoothly be effected, while maintaining an efficient service in the transitional period.

I should add that very careful consideration will be given to the position of the tramways staff and they can be assured they will be well treated. Among other things, if the go-ahead is given, suitable training will be provided to those of them who are chosen to operate the light rail vehicles.

I intend to arrange a briefing for the press within the next few days to provide a more detailed explanation of what is proposed.

SIR S. Y. CHUNG:—*Sir, will the Secretary for the Environment be able to give this Council the order of cost involved at 1978 prices for each of the three phases?*

SECRETARY FOR THE ENVIRONMENT:—*Sir, for the first phase, the rough order of cost is about four hundred million dollars. For the second phase, it could be a further up to one thousand million dollars which will include, of course, the extension into Chai Wan and the construction of the Chai Wan depot. The third phase has not been costed because it is looking too far ahead but the rough cost, I think, of a full MTR Island Line at I am not sure what prices, I think it's probably 1975 prices, is about three thousand five hundred million dollars.*

(APPENDIX)

Proposals to improve the Transport Situation along the North Shore of Hong Kong Island

The 1976 Report on the Comprehensive Transport Study pointed out that the Island Corridor, stretching from Chai Wan in the East to Kennedy Town in the West, represented one of the most complex and difficult transport situations in Hong Kong. The Report went on to say that the mixtures and volumes of traffic moving on this corridor are such as to warrant immediate remedial action. But it added that the corridor also possessed characteristics that were suited to rapid rail mass transit operations and that, in the longer term, every indication pointed to the need for an MTR Island Line if travelling conditions are to approach acceptable standards. The problem which presents itself, however, is that crucial sections of the MTR Island Line could not be built until new waterfront roads are constructed east of Causeway Bay and west of Central. This means that, if it were built from scratch, the Island Line could not start operations before the end of the 1980s, and that there would only be limited possibilities of improvements before then.

Faced with this situation the Government last year commissioned a study on how to obtain earlier improvements in the transport situation along the corridor. This was a joint effort by Government departments and the public transport operators, assisted by a firm of consultants. This study has now been completed and the strategy which it recommends has been accepted in principle by the Government. Detailed feasibility studies on all aspects of its implementation will shortly be started and, if these are successful, the strategy will be carried out.

The core of the strategy involves moving from the existing tramway step by step towards a fully underground Island Line. *The first phase* would involve the purchase of new, modern, single-deck, articulated mass transit light rail vehicles, or LRVs for short. Each LRV is made up of three body sections and its articulated design enables it to bend in the middle to negotiate curves while allowing passengers to pass freely between the sections. The vehicles can be driven from both ends and can operate either as single units or in trains of up to four vehicles. So they have the characteristics both of a tram and of a train. At first, the LRVs would operate on street along a largely segregated track to create a reserved right of way. Their average journey speeds would be some 50 per cent faster than the existing trams and they would be capable of carrying 50% more passengers, or some 11,000 per hour in one direction. If decisions are taken in time this first phase could be in operation in the second half of 1981.

It should be emphasised that the achievement of a segregated right of way is vital if the benefits of the proposed system are to be realised. This aspect will need to be studied in great detail and would include the best means of

getting passengers to the stops by footbridges and subways. Segregation would, of course, result in somewhat less road space being available for other road users because they would no longer be able to drive on the tram tracks. But the study showed that the gains to the passengers using the light rail system would considerably outweigh this and that, overall, the users of the corridor would enjoy a substantial net benefit.

The second phase of the strategy would involve the construction of tunnels through Central District to provide a cross-platform interchange between the light rail system and the MTR at Admiralty Station, and good transfer facilities at Chater/Pedder Stations. This underground section would run from Hennessy Road to Des Voeux Road Central beyond Central Market; and the ramps to the surface would be built in such a way as to permit further sections of the system to be placed underground at a later stage. The connection of the system in this way with the MTR would, in effect, turn it into a pre-metro extension of the Mass Transit system. And, as most of the construction of the stations involved is being carried out now as part of the current MTR works, their completion and early use can only be beneficial. A second short length of tunnel would also be built to provide an extension to Chai Wan where there would be a new depot. Further measures to improve track segregation would also be carried out.

The implementation of this phase would begin at the same time as the first phase, but it would take longer to complete, although it could be ready by late 1982. By then, the light rail system would have a capacity of 20,000 passengers an hour in each direction and journey speeds would be further increased by the use of the underground section through Central and the additional segregation of the track.

The final phase would involve conversion to a totally underground system in one or more stages and would thus produce the Island Line. This would increase the capacity of the LRVs still further to 30,000 passengers per hour in one direction. However, at that stage, which would probably be some time in the 1990s, the original vehicles could be replaced by more conventional underground rail trains able to carry 40,000 passengers an hour in one direction. This compares with an MTR capacity of 60,000 an hour, with larger coaches and larger tunnels.

It would also be possible to keep open the option of building the Island Line to full MTR size by constructing the underground tunnels in Phase 2 to the larger dimension necessary to take the bigger MTR coaches.

The strategy also involves a substantial improvement in bus services, especially after the new waterfront roads are built, with express bus services to Central District along these roads and a fast service to the South of the Island through the Aberdeen Tunnel. In addition, once the light rail system is placed underground through Central, the former track along Queensway and Des Voeux Road Central can be given over to buses, providing a fast priority bus route to a new bus terminal on the present Central Market site.

As has already been indicated, a number of detailed issues need to be satisfactorily resolved before the strategy can be finally approved and carried out. These include details of the segregated right of way for the LRVs and the complementary traffic management measures, the selection of rolling stock, tunnel dimensions and, not least, the financial viability of the system. These and other matters will all be covered in the detailed feasibility and implementation studies, which are expected to take about a year to complete.

The Government believes that the proposals outlined above hold out the possibility of a considerable improvement in public transport along the Island Corridor within a few years, while retaining the longer term possibility of constructing a full underground railway line. The pre-metro approach suggested will permit improvements to be made by stages, with the benefits of each stage becoming available as soon as it is completed. Provided the detailed feasibility studies produce favourable results, therefore, and the proposals are shown to be financially viable, a decision to proceed with developing the strategy will be taken as soon as possible.

Land registration procedures

10 MR PETER C. WONG asked:—*Sir, will Government inform this Council of the present position on the proposed streamlining of land registration procedures in the New Territories Land Offices?*

SECRETARY FOR THE NEW TERRITORIES:—*Sir, a comprehensive survey of land registration procedures in the New Territories District Land Offices has recently been completed by the Government and the Report made following upon that survey is now being studied. Government is aware that there is room for improvement in certain respects, and I hope that specific proposals for improving these procedures can be formulated before the end of this year.*

Traffic accident statistics

11 MR CHEONG-LEEN asked:—*Sir, what are the traffic accident statistics, including the numbers of fatalities and serious injuries, for the first six months of 1977 and 1978?*

SECRETARY FOR THE ENVIRONMENT:—*Sir, there were 6,615 traffic accidents in the first six months of 1977. Of these, 187 involved fatal and 2,576 serious injuries. The provisional figures for the first six months of 1978 are 7,279 accidents, of which 199 involved fatal and 2,741 serious injuries.*

As for the numbers of people involved in these accidents, there was a total of 8,493 in the first six months of 1977, of which 201 were killed and 2,905 serious injured. The corresponding provisional figures for the first six months

of 1978 were 209 fatalities and 3,132 people seriously injured out of a total involved in all accidents of 9,323 people.

MR CHEUNG:—*Sir, are these statistics concerning fatalities and serious injuries published by Government and if so, with what regularity?*

SECRETARY FOR THE ENVIRONMENT:—*Sir, I am not sure. I know I see a police traffic accident report which comes around regularly but I am not sure whether this is published. I will let Mr CHEUNG know.*

(THE FOLLOWING WRITTEN REPLY WAS PROVIDED SUBSEQUENTLY)

The Traffic Headquarters of the Royal Hong Kong Police Force produces a detailed quarterly accident statistics report which is in due course compiled into an annual report (calendar year). These reports are distributed to the relevant Branches and Departments of the Government and in addition, they are sent to the President, Road Safety Association and the President of the Hong Kong Automobile Association, for information. Detailed information and statistics are also made available by the Traffic Headquarters to the media as required.

In addition, the Census and Statistics Department compiles a summary table on Traffic Accidents and Casualties for inclusion in the Hong Kong Monthly Digest of Statistics which is on sale to the public.

MR CHEONG-LEEN:—*Sir, what are the main reasons for this rather worrying increase in the number of traffic accidents this year as compared to last year which is roughly to the order of 10%?*

SECRETARY FOR THE ENVIRONMENT:—*Sir, I think a major question is that there are now more vehicles on the road this year than there were last year. There is also more road works going on. Possibly also people are becoming more careless. The major cause of traffic accidents, as I understand it, is drivers driving too fast for the conditions prevailing. This doesn't necessarily mean speeding in the technical sense but driving too fast for being able to stop quickly enough. And the second major reason is pedestrian carelessness.*

Road Safety Campaign

12 MR CHEONG-LEEN asked:—*Is it Government's intention to mount a major Road Safety Campaign this financial year?*

SECRETARY FOR THE ENVIRONMENT:—*Sir, the Government decided earlier this year not to mount a major road safety campaign in the 1978-79 financial year because there had been a major campaign on this theme during each of the previous four years and it was feared that too much repetition would dull*

the effect. Nevertheless, \$200,000 was allocated for road safety publicity and this was increased last month to \$350,000 in response to concern about the traffic accident figures. Expenditure will be concentrated mainly on television and radio publicity. Careful consideration will be given to mounting a major road safety campaign next year.

MR CHEONG-LEEN:—*Sir, can urgent steps be taken to bring the strength of the Traffic Police up to establishment, which is at present about 35% below establishment strength?*

SECRETARY FOR THE ENVIRONMENT:—Yes, Sir, I understand that the establishment of the Traffic Police at the moment is 1,294 of all ranks and the strength is 849, so there is a gap. I will bring this ... I will see what can be done to persuade the Commissioner of Police to make more effort to increase the strength and get it closer to establishment.

(THE FOLLOWING WRITTEN REPLY WAS PROVIDED SUBSEQUENTLY)

Steps are being taken to achieve this. The Special Police Advisers' Consultative Document on the Police Traffic Branch recommended an increase of 111 officers in the strength of the Traffic Division and the Division is also being expanded to meet additional commitments such as the extension of the Mass Transit Railway to Tsuen Wan. The result of these increases will mean that the total strength of the Traffic Branch will be raised as follows:—

Establishment	:	1,294
Strength at 31.12.77	:	778
Strength expected by the end of 1978	:	980

MR CHEONG-LEEN:—*Sir, could urgent steps also be taken to bring the strength of the number of traffic wardens up to establishment, which is also approximately 33% below establishment?*

SECRETARY FOR THE ENVIRONMENT:—Yes, Sir, I believe the difficulty here is recruiting traffic wardens. There is virtually an open recruitment exercise going on and not enough people are coming forward to take up the offers of post.

MR T. S. LO:—*Sir, has there been a change of internal Government responsibilities so that the Police are now under the control of the Secretary for the Environment?*

SECRETARY FOR THE ENVIRONMENT:—No, Sir, it is merely that the Secretary for the Environment deals with traffic matters, as far as Government policy is concerned.

Road signs at Tuen Mun Road

13 MR JAMES WU asked:—*Will Government comment on public criticism on the alleged inadequacy of road signs and lane arrangements on the new Tuen Mun Road for safe driving?*

DIRECTOR OF PUBLIC WORKS:—Sir, the signs and markings on the new road were carefully considered and adopted by the consulting engineers for the project after consultation with the Public Works Department, the Transport Department and the Royal Hong Kong Police and are not considered to be inadequate.

The accidents which have occurred to date have been due mainly to speeding and illegal overtaking by impatient drivers.

MR JAMES WU:—*Sir, is it true that the road markings are invisible or illegible on a wet day?*

DIRECTOR OF PUBLIC WORKS:—Not as far as I am aware, Sir.

SIR S. Y. CHUNG:—*Sir, with respect to the consulting engineers, is Government aware that on this new Tuen Mun Road when two lanes are merging into one lane, there is not a single road sign erected to indicate to the drivers that they are approaching lane merging, except white lines are marked on the road surface, which are not really visible when raining, especially at night. Under these circumstances, Sir, is it not true to say that road signs are grossly inadequate?*

DIRECTOR OF PUBLIC WORKS:—No, Sir, lane merging signs are normally used where a road narrows, where you are moving from a three-lane to a two-lane system. In the case of the Tuen Mun Road, it is in fact designed as a threelane system, marked two lanes, with a third climbing lane, so there is no great danger in the transference from one to the other.

MR JAMES WU:—*Sir, what is the maximum speed for which this road is designed?*

DIRECTOR OF PUBLIC WORKS:—64 kms or 40 mph.

MR JAMES WU:—*Sir, does my Friend consider that is an adequate speed, for something which is supposed to be an express road?*

DIRECTOR OF PUBLIC WORKS:—Yes, Sir. We have in fact only built half of this highway and under the present conditions 40 mph is a safe speed.

SIR S. Y. CHUNG:—*Sir, is my honourable Friend aware that at least on one lane merging it is occurring at the hump of the road, in other words the drivers cannot see the oncoming traffic?*

DIRECTOR OF PUBLIC WORKS:—Sir, it would normally occur in just such a location where you are coming to the head of a gradient, but both vehicles which are merging are travelling in the same direction. There would be no great problem for traffic coming the other way.

MR JAMES WU:—*Sir, in view of the comments of a seasoned traveller along this road in the person of our senior member, would my Friend undertake to review the situation for public safety?*

DIRECTOR OF PUBLIC WORKS:—Yes, Sir, we can look at it again, but it has been looked at several times already but we will do another review of the signing.

Compensation for Sai Lau Kok owner-occupiers

14 MR YEUNG asked:—*Will Government provide an estimate of the number of persons who will be displaced from Sai Lau Kok in Tsuen Wan as a result of the Mass Transit Railway development, including the number of such persons who are owner-occupiers, (b) what are the basis and amount of compensation and/or other benefits which were or will be offered or made available to such persons?*

SECRETARY FOR THE NEW TERRITORIES:—Sir, there are approximately 3,000 people in Sai Lau Kok who will be displaced by development clearances related to the Mass Transit Railway extension. 231 residential units are the owner-occupied; 11 shops are similarly owner-occupied.

The owners of property in these buildings are entitled to compensation according to an individual assessment of the value of their property. Owner-occupiers and tenants of the residential units are eligible for public housing. They and the operators of commercial units within the blocks are also eligible for *ex-gratia* disturbance allowances. The actual amounts to be offered to the owners are not yet known, owing to their reluctance to allow Government staff access to their units for assessment. The amounts will however be assessed at free market value, and the owners will have the right of appeal to the Lands Tribunal.

Government realizes that the amount of compensation, being based on the value of their existing property, may be insufficient to allow owner-occupiers to purchase alternative accommodation in the private sector in Tsuen Wan and that they may not wish to move to public housing. This problem is being considered and I hope that a solution can be announced before the end of this month.

Hong Kong Tourism

15 MR PETER C. WONG asked:—*Apart from establishing the Hong Kong Tourist Association, what other steps has Government taken to promote tourism in Hong Kong?*

SECRETARY FOR ECONOMIC SERVICES:—None, Sir. The Government sees no need to duplicate the promotional efforts of the Tourist Association.

Ma Tau Wei Girls' Home

16 REV. JOYCE M. BENNETT asked:—*When will the reprovisioned Ma Tau Wei Girls' Home be opened and when was it originally scheduled for completion?*

DIRECTOR OF SOCIAL WELFARE:—Sir, the Home was originally scheduled for completion around March and April 1978. This was extended to June this year and construction work is still going on. According to the latest information, the building will be completed and handed over to the Social Welfare Department before the end of this month. It is expected that the Home will be in operation by the middle of September.

Housing at Ha Kwai Chung

17 MISS KO asked:—*Sir, why has Government constructed a temporary housing area in Ha Kwai Chung, where some residents have to move out after only three months and the rest within two years because the site is required for other purposes?*

SECRETARY FOR HOUSING:—Sir, in July 1977, six months after the Ha Kwai Chung Temporary Housing Area was completed and occupied, the decision was taken by Government to extend the Mass Transit Railway to Tsuen Wan. The Housing Department was then informed that the eastern portion of the Ha Kwai Chung area would have to be cleared in February 1979, to provide space for the Kwai Fong Station and for a works area. A total of 2700 residents will be moved to public housing estates. Of these, only 4 persons (2 families) will, by the time of clearance, have spent less than 11 months in temporary accommodation.

I should point out, Sir, that eleven months, or indeed two years, is below the average period spent in a Temporary Housing Area before allocation to permanent public housing.

MISS KO:—*Sir, would Government ensure that close co-ordination and joint planning among departments are some of the Government's main principles, in order to avoid unnecessary inconvenience, overlapping and expenditure?*

SECRETARY FOR HOUSING:—Yes, I am sure that we do try to do the best we can but I am afraid in this case it was inevitable. I would point out that in this case the people in the temporary housing area are actually getting into permanent public housing sooner than they would otherwise, and my information is that quite a number of them are rather pleased about this.

Additional kindergartens

18 REV. JOYCE M. BENNETT asked:—*What measures has Government taken to provide more kindergartens to meet the educational needs of children displaced by the closure of sub-standard child care centres since the formation of an Inter-departmental Working Group on Kindergartens and Child Care Centres in October 1976?*

SECRETARY FOR SOCIAL SERVICES:—Sir, the main basis for the provision of child care centres is not to meet the educational needs of children: it is for their care and supervision.

Since the more stringent requirements of the Child Care Centre Regulations came into effect on 1 June 1976 there has been a loss of 1493 sub-standard places. During this same period 3266 new places of acceptable standard became available up to 31 March 1978, and a minimum of 1334 additional places are expected to be provided in the current financial year to 31 March 1979.

REV. JOYCE M. BENNETT:—*Sir, what then was the object of the formation of the Inter-Departmental Working Group on Kindergartens and Child Care Centres?*

SECRETARY FOR SOCIAL SERVICES:—Sir, the Inter-Departmental Working Party was set up to examine the existing provisions for registering kindergartens and child care centres and to suggest a unified system to modify or replace existing arrangements.

REV. JOYCE M. BENNETT:—*Sir, has the Working Group made any survey to discover whether parents would like their children aged 5, or indeed 4, to be placed in kindergartens or primary schools?*

SECRETARY FOR SOCIAL SERVICES:—Sir, no such survey has been carried out but over 80% of children in the ages of 4 and 5 are at present in kindergartens.

REV. JOYCE M. BENNETT:—*Sir, is the Secretary for Social Services going to look into the problem of children aged 5 wanting to enter primary school?*

SECRETARY FOR SOCIAL SERVICES:—Sir, this is one of the areas which is being looked at by one of the working parties which was established last autumn to consider the position of pre-primary and primary education.

STATEMENT

New Developments in Legal System

THE ATTORNEY GENERAL:—Sir, a number of developments in the administration of criminal justice have taken place during the past year or are about to be introduced. One such measure, the Magistrates (Amendment) Bill 1978 will be published in the *Gazette* later this week. Other steps have been or will be taken by administrative action not involving legislation. Although no single measure may be of particular note in itself, and some are experimental in both nature and scope, taken together they are of considerable significance and I think it appropriate to bring all these measures together in a statement today, rather than risk overloading the significance of the Magistrates (Amendment) Bill 1978 by attempting to do so when moving its second reading.

Broadly speaking, our legal system works well. Most important of all the Judiciary is both independent and impartial, and commands wide respect. The legal system is not however static. It must develop to meet changing circumstances and changing community views. The measures I have referred to reflect the Government's concern about two main aspects of the administration of criminal justice.

- (a) Firstly, Sir, while the legal system derives mainly from English law and the language of the courts is English, most of those who come before the courts on criminal charges have little understanding of either English law and its procedures or of the English language. The problem is not made easier by the shortage of local legal practitioners which requires most posts in the Judiciary, and in particular in the Magistracies, to be filled by expatriate officers, few of whom understand Cantonese. Undoubtedly all concerned strive to bridge the gap and with the help of court interpreters generally succeed. Nevertheless the existence of a potential communications and understanding gap should be faced.
- (b) Secondly, there are the twin problems here, as elsewhere in the world, of how on the one hand complaints against members of the public service should be handled by a procedure that gives assurance against abuse of power, and on the other how to ensure that a complaints system is not used maliciously by the public or by criminals to undermine an official's ability to do his job.

With regard, Sir, to the ‘communications and understanding gap’, in March last year you appointed a Working Party under my chairmanship to devise a scheme for the provision of free legal assistance for people facing charges for some offences in the Magistrates Courts—and I emphasize the words ‘some offences’ because it could never be intended that free legal assistance should extend to all the many offences dealt with by magistrates, which range from the relatively trivial to the relatively serious. This Working Party recommended the introduction of a duty-lawyer scheme, on the lines of those operated by local Law Societies in England, and I am glad to say that the Finance Committee has approved the necessary funds.

The concept of such a scheme is that there should be available at a Magistracy, each day when the courts are sitting, a lawyer to whom accused people can turn for basic legal advice when they first come to court. The duty-lawyer for the day would appear in court—for example, to seek bail, or to make a plea of mitigation in the case of a defendant who wishes to plead guilty. He could also conduct the defence for a defendant who pleads not guilty. Members, Sir, will see at once that this idea is quite different from the criminal legal aid scheme administered by the Director of Legal Aid. It is the only type of scheme for the provision of legal assistance in Magistrates Courts which is within the financial resources which the Government can reasonably make available for the purpose. I have said before in this Council that there is no prospect of the full legal aid scheme being extended to Magistrates Courts in the foreseeable future.

So much for the concept. The Working Party next considered the offences to which the scheme should apply and concluded that in the initial experimental stage some restriction is necessary on the range of offences to which the scheme might ideally apply, particularly, taking into account the likely available resources of the legal profession. In the light of this, we recommended that initially the offences to which the duty-lawyer scheme should apply should be these:—

- Membership of and professing to be a member of an unlawful society.
- Loitering.
- Loitering with intent.
- Unlawful possession contrary to section 30 of the Summary Offences Ordinance.
- Going equipped for stealing.
- And obstructing a police officer and resisting arrest.

The scheme, Sir, will also extend to simple possession of dangerous drugs.

The Working Party was also of the view that the scheme should not operate at the outset at more than three Magistracies. This is again due partly to the extent of likely available resources, and partly to the experimental nature of the scheme. I am hopeful though that it will be possible to extend the scheme to a greater number of Magistracies as soon as we have experience of its operation.

I should like, Sir, to acknowledge the willingness of the leaders of both the Bar Association and the Law Society, who were members of the Working Party, to give their full support to this innovative scheme. The duty-lawyers will undoubtedly work under considerable pressure: and they will work in a very different way from that to which they are accustomed.

The administration of the scheme will be in the hands of the Law Society, which will work closely with the Bar Association. It will be paid for by the Government.

In addition to this new scheme, new arrangements have been embodied in the Magistrates (Amendment) Bill 1978 to which I have referred. These will enable the Chief Justice to appoint Cantonese-speaking members of the public to sit with magistrates in an advisory capacity. It is hoped that the introduction of this scheme will allay the fear sometimes held by members of the public that their words expressed in Cantonese or other local dialects may not have been properly understood in translation by the magistrates and that it will generally help to bridge a potential communication gap. Furthermore I believe that magistrates would welcome the advice of people who not only understand the language in which accused persons speak, but also have knowledge of local traditions and customs and especially current community views.

This is another experimental scheme, and its administration has yet to be completely worked out. Its scope therefore will initially be limited, and the Chief Justice feels that priority should be given to the courts of magistrates during their first tour of duty.

Sir, one of the fundamental elements which is essential to the effective and fair administration of criminal justice is skill, integrity and energy on the part of the law enforcement agencies. A development during the past year which has been designed to meet this need has been the provision of improved machinery for the investigation of complaints against members of the Police Force, and the Independent Commission Against Corruption. Hong Kong is not without its share of such complaints—indeed, having regard to the intense social environment in which our law enforcement agencies operate, some complaints, both justified and unjustified, are inevitable. Many are not directly related to the administration of criminal justice, which is the subject of my statement today; but some are. They take different forms. A particular allegation which has recently been the subject of comment is the one commonly referred to as a ‘frame-up’, by which is meant a prosecution based on fabricated evidence.

I would make four general observations:

First, the number of allegations of a ‘frame-up’ is very small in relation to the total number of prosecutions each year. And very few of the allegations of a ‘frame-up’ have been substantiated; in other cases

it has not been possible to resolve the allegations satisfactorily; some were clearly not 'frame-ups'.

Second, Sir, an allegation of misconduct of whatever kind is easily made. A guilty man has nothing to lose and the possibility of gain by making it. It is not easy to disprove, and under our legal system the burden of proof on the issue as a whole is on the Crown. In short, an allegation of misconduct can quickly become a stock defence.

Third, an allegation of misconduct made maliciously against an innocent officer must affect his morale and make him hesitant in performing his duty for fear that a complaint will be levelled against him. Obviously, it is very much in his interest, and indeed in the public interest, as a whole, that machinery exists which can establish his innocence as quickly and convincingly as possible.

Fourth, and given that as Attorney General I am responsible for that part of the administration of criminal justice which involves putting forward cases for prosecution, I believe that criminal justice is in general satisfactorily administered by all involved from arrest to the conclusion of a trial, and that the vast majority of convicted persons accept this. I do not say this with any sense of complacency. It is and has been my careful conclusion in the light of the information for the time being available to me.

At the same time there have undoubtedly been a few miscarriages of justice. This must be deeply deplored but at the same time, we must guard against making sweeping judgments arising from the allegations of misconduct which are put forward.

What is important is that there should be adequate machinery for the investigation of complaints of misconduct. This is as much in the interest of individual members of the law enforcement agencies as it is vital to the proper administration of criminal justice.

So, during 1977 the Commissioner of Police, and others of us who were involved, saw a need to strengthen the existing machinery for the investigation of complaints against members of the Police Force, whether directly related to the administration of justice or not. Accordingly, the Complaints Against Police Office was reinforced. That Office now handles all complaints, except those of a trivial nature. It was also decided that an independent monitoring body was necessary. This crucial role has been undertaken by the UMELCO Complaints Against the Police Group, under Sir Sidney Gordon's chairmanship. These arrangements became effective in September 1977. The UMELCO Group is pursuing its role vigorously; it has access to all relevant files, monitors the handling of complaints and conducts regular spot checks. The Complaints Against Police Office, which has been building up its strength steadily, is beginning to make its presence felt and to establish a reputation for thorough and impartial investigation of all complaints, thus affording protection to public and police alike.

These new arrangements were established after much thought, during which the Government committed itself to the principle that the Police Force must be relied on to investigate properly all complaints against its own members—subject only to a powerful monitoring body, the UMELCO Group. A similar principle was adopted in the case of complaints against the Independent Commission Against Corruption which are investigated by its officers and monitored by a special UMELCO Group under the chairmanship of Sir Y. K. KAN. As I have said, the integrity of the law enforcement agencies is fundamental to the fair administration of criminal justice. In the end, this element, and the steps which have been taken in relation to both the Police Force and Independent Commission Against Corruption, perhaps overshadow any other protective mechanism which may be built into the legal system.

Finally, Sir, I would recall that the Working Party to which I have already referred recommended the free legal advice scheme about which I spoke in this Council in November. It, too, will be administered by the Law Society, in conjunction with the Bar Association. Its purpose is to give quick advice in civil matters to people who do not understand what to do when faced with a legal problem. It will operate initially from two City District Offices. It will help those who are either struggling in the ‘communications gap’ or are suffering from a sense of injustice. As I said in November, ‘Rights are without value if they cannot be enforced and hardship can flow from inability to obtain the law’s protection or assistance. To be able to enforce our rights we must first understand what they are in a particular situation. The law is by its nature complex, and generally we are unlikely to be able to take advantage of the help which it affords without at the very least the benefit of basic legal advice from a lawyer’.

Sir, I am sure that Members will welcome all these developments, which I can only describe as showing a legal system striving to meet the needs of the times.

Government Business

First reading of bills

AUDIT (AMENDMENT) BILL 1978

INLAND REVENUE (AMENDMENT) (NO 3) BILL 1978

TRAINING CENTRES (AMENDMENT) BILL 1978

FEDERATION OF HONG KONG INDUSTRIES (AMENDMENT) BILL 1978

MERCHANT SHIPPING (AMENDMENT) (NO 2) BILL 1978

**MASS TRANSIT RAILWAY (LAND RESUMPTION AND RELATED PROVISIONS)
(AMENDMENT) BILL 1978****ROAD TRAFFIC (AMENDMENT) (NO 3) BILL 1978****BOILERS AND PRESSURE RECEIVERS (AMENDMENT) BILL 1978****DUTIABLE COMMODITIES (AMENDMENT) (NO 2) BILL 1978**

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

Second reading of bills**AUDIT (AMENDMENT) BILL 1978**

THE FINANCIAL SECRETARY moved the second reading of;—‘A bill to amend the Audit Ordinance’.

He said:—Sir, on 10 May, Mr HADDON-CAVE, speaking as Acting Chief Secretary, moved the Resolution to establish the Public Accounts Committee. In his speech on that occasion, he mentioned that two measures were required to establish at the Committee. The first of these was the new Standing Order of this Council that was added by the Resolution passed on 10 May. The other is this Bill, which would make amendments to the Audit Ordinance, to reflect the creation and role of the Public Accounts Committee as a standing committee of this Council.

With the establishment of the Public Accounts Committee, it will no longer be appropriate for the audit of the Government’s accounts to be carried out ‘on behalf of the Governor’ as is now provided for under section 8(1) of the principal Ordinance. Clause 2 of the Bill accordingly deletes these words and clauses 3(a), 3(c) and 4(b) make it clear that the Director of Audit will submit his reports to you, Sir, in your capacity as President of this Council.

Clause 3(b) provides that the Government’s annual accounts and the Director of Audit’s reports on them will be laid before this Council together with the report of the Public Accounts Committee.

Section 13 of the principal Ordinance enables the Director of Audit to make reports on serious irregularities outside the context of his annual reports on the Government’s accounts. We have taken the opportunity, under clause 4(c), to require such reports to be laid before this Council in the same way as the Director’s reports on the Government’s annual accounts. Such reports may then be considered by the Public Accounts Committee if the Committee sees fit.

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

Question put and agreed to.

INLAND REVENUE (AMENDMENT) (NO 3) BILL 1978

THE FINANCIAL SECRETARY moved the second reading of:—‘A bill to amend the Inland Revenue Ordinance’.

He said:—Sir, there is provision in section 28 of the Inland Revenue Ordinance for exemption from tax of interest payable by the Government, licensed banks, and certain specified public utilities, provided that the rates of interest do not exceed the percentages specified in the Fourth Schedule to the Ordinance.

As regards interest payable by licensed banks, this percentage rate has for many years been varied to accord with the rate paid by banks on savings accounts. If this interest were not exempted, large numbers of small depositors would become liable to tax, which the banks would be obliged to deduct and account for, and there would subsequently be a large number of claims for refunds under the provisions for personal assessment.

Until 1975 changes in the exemption rate were made by Resolution of this Council. In 1975 the law was amended to give powers to the Governor in Council to alter the exemption rate. This reform avoided some of the timing problems involved in ensuring that the exemption rate remained the same as the savings accounts rate, since the Executive Council meets more frequently than this Council. But even a few days delay, when interest rates are being raised, could create the anomalies that our policy is intended to avoid.

The last change in the exemption rate on April 27, which was incidentally the first upward adjustment since 1975, was brought into effect by a Revenue Protection Order. This was a rather cumbersome procedure, but was the only one available that would enable us to synchronise the timing.

This Bill therefore seeks to amend the Ordinance by empowering the Financial Secretary to specify exemption rates, subject to an upper limit of five per cent per year. This will mean that changes in rates can be made at short notice to coincide precisely with the effective date for a change in the rate payable by banks on savings deposits.

The Bill is designed merely to enable the Financial Secretary to give effect more quickly to established policy. There is no intention to change

the policy nor at present to alter the exemption rate applicable to interest paid by the public utilities listed in the Third Schedule to the Ordinance.

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

Question put and agreed to.

TRAINING CENTRES (AMENDMENT) BILL 1978

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

He said:—With your agreement in this, Sir, this will be a technical amendment. Section 5A(a) of the Ordinance provides that a sentence of detention in a training centre, or a supervision notice, or a recall order in force against an offender is suspended, if the offender is subsequently sentenced to a term of imprisonment of 2 years or less, until the expiration of that term of imprisonment. However, a sentence of imprisonment of 2 years or less is sometimes suspended by the Courts (i.e. the sentence does not take effect and the person sentenced is not detained in prison to serve the sentence). In such circumstances it is clearly undesirable that the earlier sentence of detention or supervision notice or recall order should be held in abeyance by reason of the suspended sentence of imprisonment. Clause 3 of the Bill makes the necessary amendment.

A small amendment is also proposed to section 3 for the reasons set out in the explanatory memorandum.

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

Question put and agreed to.

FEDERATION OF HONG KONG INDUSTRIES (AMENDMENT) BILL 1978

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

He said:—Sir, the Federation offers standards and quality testing services for products made in Hong Kong. It now wishes to complement these services by offering certification and marking in respect of quality and accuracy. The Federation proposes to offer these services for a wide variety

of products manufactured in Hong Kong. Clause 2 of the Bill empowers the Federation to operate certification and marking schemes and to apply for certification trade marks under the Trade Marks Ordinance.

The members of the General Committee of the Federation represent a wide cross section of industry in Hong Kong. But the Federation considers that the expansion and diversification of industry in Hong Kong may mean that some sectors will not be appropriately represented. So clause 3 of the Bill increases the number of persons who may be co-opted to serve on the General Committee from 3 to 5.

*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) (NO 2) BILL 1978

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

He said:—Sir, with the increasing marine traffic in the waters of Hong Kong, the number of accidents involving mechanized local craft has grown by more than 50% from 1972 to 1977. The number of deaths and injuries resulting from these accidents (5 deaths and 6 injuries in 1977 for example) is likely to increase as the number of accidents increases. In the circumstances the Government has concluded that in principle all local craft should be covered by third party insurance.

It would be impracticable to impose this requirement in respect of all the roughly 20,000 local craft at once. But there is one group, pleasure vessels, that the Director of Marine’s statistics show to be more likely to get involved in accidents than vessels in other groups. So as a first step, we propose to concentrate our attention on pleasure vessels and the Merchant Shipping (Amendment) (No 2) Bill 1978 requires all owners of such vessels to be insured against liability for death and personal injury to third parties arising out of the use of these craft. The Government will consider further the possibility of extending the requirement to other classes of local craft in the light of its experience with pleasure vessels.

The Bill requires owners of pleasure vessels to take out third party insurance covering liability up to \$600,000. As is the case with third party motor insurance, we would have liked there to be no limit on the liability to be insured. But apparently there would be a number of practical difficulties in imposing such a requirement. For although third party insurance for pleasure vessels is compulsory in a number of countries, we are not aware

of any administration that has legislated for unlimited liability. The insurance industry in Hong Kong made it clear that it could not offer unlimited cover itself, but would have to make special arrangements which would be extremely expensive. In the absence of any indication that cover of \$600,000 would be inadequate, and since \$600,000 is the maximum cover which local marine insurers can offer, this amount has been included in the Bill. But we shall be keeping the situation under review and if \$600,000 proves to be inadequate, we shall put forward to this Council proposals for increasing the sum to be insured.

The premium payable will vary according to such factors as the type and condition of the vessel, its maximum speed and the claims record of the owner. But I understand that the premium for third party cover of \$600,000 is unlikely to exceed \$500 a year at the present prices.

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

Question put and agreed to.

MASS TRANSIT RAILWAY (LAND RESUMPTION AND RELATED PROVISIONS) (AMENDMENT) BILL 1978

THE SECRETARY FOR THE ENVIRONMENT moved the second reading of:—‘A bill to amend the Mass Transit Railway (Land Resumption and Related Provisions) Ordinance’.

He said:—Sir, the first purpose of the present Bill is to enable the scope of the principal Ordinance to be enlarged to encompass the extension of the MTR to Tsuen Wan. The section not yet covered is Stage 6 of the railway from Lai Chi Kok Bay to Tsuen Wan/Central and its inclusion will permit the owners of property affected by the whole of the Tsuen Wan extension to seek appropriate compensation under the provisions of the principal Ordinance. This is provided for in clauses 2, 3 and 7 of the Bill.

The second amendment deals with claims submitted in respect of structural damage. Under section 21(5) of the principal Ordinance, the Director of Public Works is required to admit or reject a claim within three months of its receipt. Structural damage claims can be very complicated and, because of their complexity, they can involve the retention of consultants by all the parties concerned. Claims of this type may thus require more than three months to assess but, if this turns out to be the case, the Director of Public Works has no option but to reject the claims involved. This, in turn, can operate to the detriment of claimants who may be actively engaged in the process of establishing their claims and, in their own interests, may not wish this process to be prematurely terminated.

The solution, therefore, is to provide that section 21(5) shall not apply to claims for structural damage but, at the same time, fully to preserve the existing safeguard afforded to claimants under section 21(7). This permits claimants to institute proceedings in the Lands Tribunal if they are not satisfied with the settlement or progress of the claims after four months of their receipt by the Director. Clauses 4 and 5 of the Bill accordingly provide for the termination of the application of section 21(5) to claims for structural damage and for other amendments that are wholly consequential to this.

The final amendment is contained in clause 6 of the Bill. This seeks to amend section 29 of the principal Ordinance by authorizing the Director of Public Works to appoint experts, not readily available in the public service, to assist him in the assessment of claims. For example, the adoption of this clause would permit the employment of qualified accountants to assess claims for business losses, or building surveyors to assess loss in respect of structural damage and the assistance thus afforded should help to ensure that claims are processed as speedily as possible. In such cases, recommendations only would be made to the Director of Public Works and the authority to settle the claim would remain with him.

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

Question put and agreed to.

ROAD TRAFFIC (AMENDMENT) (NO 3) BILL 1978

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

He said:—Sir, the major provisions of this Bill are contained in clause 4, which introduces two new parts into the principal Ordinance. Part 1A, new sections 7D to 7L, deals with the registration and licensing of motor vehicles, while Part 1B, new sections 7M to 7X, covers the examination or testing of motor vehicles.

At present, the basic provisions relating to the registration and licensing of motor vehicles are found in regulations 3, 6(1), 19(1) and (4) of the Road Traffic (Registration and Licensing of Vehicles) Regulations. It is felt that it would be more appropriate to have these important provisions included in the principal Ordinance rather than in regulations and the new section 7D seeks to do this. The new section 7E(1) provides that the Governor in Council may regulate the number of registered vehicles, either in toto or by class, description, age or origin. This represents an extension of the powers in regulation 18B(1) of the principal regulations, which currently provide that the Commissioner for Transport may limit the

number of motor vehicles which may be registered as public service vehicles. However, the proposed power remains permissive.

As the basic provisions regarding the registration and licensing of motor vehicles are being transferred to the principal Ordinance, it is consequently necessary to transfer from the regulations to the principal Ordinance the basic provisions relating to the Commissioner for Transport's powers to refuse to register or to license, or to cancel the licence of, a motor vehicle. Furthermore, the existing provisions give the Commissioner considerable discretionary power in a delicate area and it is felt that this should be corrected by defining more carefully the circumstances in which he can act. The new sections 7F and 7G(1) accordingly make the circumstances in which a vehicle's registration or licence may be cancelled or revoked totally dependent on stated and specific objective criteria. Most of these criteria can be found in the principal regulations. But two new criteria are introduced, namely failure to have valid insurance in respect of third party risks and failure to comply with the new requirements for vehicle examinations.

The new subsections 7G(2) to (5) lay down the conditions which the Commissioner may stipulate before issuing a licence for an omnibus, a public light bus or a taxi. This represents an improvement on regulation 27(2)(b) of the principal regulations, which provides only that the Commissioner may lay down conditions without specifying what these conditions should be.

In the new sections 7I to 7K we come to one of the major features of Part 1A, namely the hearing of appeals by a Transport Tribunal against a decision by the Commissioner for Transport to refuse to register or license a motor vehicle. Under section 7I of the Bill, if the Commissioner refuses to register or to license a vehicle, an applicant may, within 21 days of being notified of the decision by the Commissioner, apply in writing for a review of his decision by a Transport Tribunal. Section 7J authorizes the Chief Secretary to appoint tribunals to arbitrate in disputes arising from action taken regarding the registration and licensing of vehicles. On receiving an application under section 7I the Commissioner will convene the Tribunal and give 14 days notice to the applicant. The Tribunal will consider any evidence given in person, on behalf of, or in writing by, the applicant and, as a result of its review, may confirm or reverse a previous decision made by the Commissioner. The decision of the Tribunal will be final.

I now turn to Part 1B of the Bill. This strengthens and streamlines the existing legislative provisions regarding vehicle examinations by, inter alia, transferring them from the regulations to the principal Ordinance, by expanding their content and by providing for the suspension of the licences of un-roadworthy vehicles.

The proposed sections 7M and 7N basically repeat regulations 18A(1) and (2) of the principal regulations. Under section 7M the Commissioner for

Transport may, before dealing with an application for the registration or licensing of a vehicle or a notice for transfer of ownership, or a notice of alterations to the vehicle, require its examination in order to establish, inter alia, whether it is roadworthy and complies with the principal Ordinance and regulations. Similarly, section 7N permits a police officer of any rank to require the examination of any motor vehicle to ascertain whether it complies with these conditions.

Section 70 again basically repeats the relevant principal regulations, namely regulations 18A(5) and (6). This provides for the on-road examination of motor vehicles by police officers of any rank, or by motor vehicle examiners from the Transport Department, to ascertain whether the vehicle complies with all the relevant conditions. If, as the result of this preliminary examination, there is reason to believe that the vehicle has been involved in an accident or does not comply with the relevant conditions, a police officer may direct the vehicle to be taken either to a vehicle examination centre or to a police station for a thorough examination by a motor vehicle examiner. It cannot, however, be detained there for longer than 72 hours. Any person failing to comply with the directions of a police officer given under this section commits an offence and will be liable, on conviction, to a fine of \$1,000 and imprisonment for six months.

The remaining sections of Part 1B introduce new provisions into the principal Ordinance regarding the detailed procedure for the examination of motor vehicles. In carrying out an examination of a motor vehicle a motor vehicle examiner will, under section 7P, be given discretion in deciding which parts of the vehicle are to be examined and the manner of examination. If he finds that all is not in order, then a notice will be served on the registered owner under section 7Q informing him of this fact. If the examination reveals that the vehicle is unroadworthy, or that it does not comply with the principal Ordinance or with the licensing conditions, the motor vehicle examiner will make out either a suspension of vehicle licence order, if he considers the vehicle to be unroadworthy and a potential hazard to other road users, or, in all other cases, a vehicle repair order.

Suspension of vehicle licence orders, issued under section 7S, will, inter alia, require the registered owner of a vehicle to carry out the relevant repairs and stipulate the conditions on which the vehicle may be taken on the road, in particular, to and from the vehicle examination centre for a further examination. The suspension order will remain in force until the necessary repairs have been carried out to the satisfaction of the Commissioner for Transport. Any person who drives a vehicle in respect of which a suspension order is in force, except in accordance with the order, commits an offence and will be liable, on conviction, to a fine of \$1,000 and imprisonment for six months.

Vehicle Repair Orders issued under section 7T will, inter alia, require the registered owner of the vehicle to carry out the relevant repairs and submit

the vehicle for a further examination at a specified time. If, on reinspection, the motor vehicle examiner is not satisfied that the necessary repairs have been carried out, a further order may be served. Any person who fails to obey the instructions contained in a Vehicle Repair Order commits an offence and will be liable, on conviction, to a fine of \$1,000 and imprisonment for six months.

It is considered desirable to introduce a charge for motor vehicle examinations and the new section 7U consequently introduces a new third schedule to the principal Ordinance which outlines the fees payable for a motor vehicle examination. These have been calculated on a sliding scale, depending on the size of vehicle, and range from \$25 to \$110.

Finally, Sir, clause 5 of the Bill introduces a new section 33A into the principal Ordinance to enable previous traffic convictions to be proved in court proceedings by certificates which are signed by, or on behalf of, the Commissioner of Police. This will save time and police manpower in court proceedings involving traffic offences as it will dispense with the need for a police officer to give testimony in court regarding previous traffic convictions.

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

Question put and agreed to.

BOILERS AND PRESSURE RECEIVERS (AMENDMENT) BILL 1978

THE COMMISSIONER FOR LABOUR moved the second reading of:—‘A bill to amend the Boilers and Pressure Receivers Ordinance’.

He said:—Sir, the existing Boilers and Pressure Receivers Ordinance came into force on 1 March 1963. Since then several minor amendments have been made to the Ordinance. In the light of experience gained in the administration and enforcement by both the Labour Department and the Appointed Examiners of the Ordinance, certain further amendments are now considered necessary. Some of these amendments were also recommended by the Labour Adviser on industrial safety.

The Bill is therefore the result of a review of the Ordinance and is an exercise in updating the law in this field in the light of practical working experience. The reasons for particular amendments are given in the explanatory memorandum annexed to the Bill. Briefly, it extends the application of the Ordinance to vessels containing compressed inert gases which is connected to an air or gas compressing plant, because of their special potential for destruction; it clarifies the powers of Inspectors (Land Boilers)

—these inspectors are not qualified as Appointed Examiners but they only undertake limited duties as directed by the Principal Surveyor (who is the statutory authority)—they need protection for the duties that they do undertake; it stipulates that the Ordinance applies to boilers and pressure receivers which have been previously exempt where ownership changes away from the Crown; it seeks to clarify the scope of exemption accorded to any pressure equipment fixed on a floating craft or intended for supplying locomotive power to a vehicle, these are covered by other legislation, and it finally broadens the power to hold inquiries into all accidents in or to boilers and pressure receivers.

The Bill further requires that technical documents submitted to the Registrar of Boilers and Pressure Receivers, if written in a language other than English or Chinese, should be accompanied by an English translation and that all applications for registration of equipment must be made at least 30 days before the equipment is put into use.

The Bill also makes pressure accumulation tests obligatory in the case of examination of new equipment; specifies the procedure for carrying out pressure accumulation tests on boilers and more realistic test pressures for hydraulic tests of equipment; and makes it clear that a portable gas generator may require examination before permission is given for it to be used.

Finally, the Bill removes spent provisions which dealt with the application of the Ordinance to pressure equipment already in use at the commencement of the Ordinance in March 1963.

After considering this Bill, the Executive Council advised and you, Sir, ordered that the Bill should be introduced into this Council subject to all measurements therein being stated in System International as well as Imperial units. There would be difficulty in going fully metric in this field as yet since most of the boilers and pressure vessels have been imported most often with specifications and instrumentations in Imperial units. It is also particularly important in safety legislation that the measurements which are used are those most widely understood. The Bill has been amended accordingly to allow for both systems of measurement.

During the Executive Council discussion of this Bill concern was expressed that the Ordinance appeared to leave unregulated those containers which held non-inert (that is inflammable) gases under pressure. At present some control of such containers is provided under the Dangerous Goods Ordinance which is administered by the Director of Fire Services. These controls are in respect of the manufacture, storage and transport of compressed gases. However it is not clear whether these controls are adequate or appropriate where the danger arises from the compression of flammable gases rather than from the flammable nature of the gas itself. A report will be compiled by my department on this problem in the next few months after consultation with the Director of Fire Services and others. Recommendations can then

be made as to whether further amendments are needed or not in respect of this Ordinance or other legislation.

The proposed amendments involve no additional financial or staffing commitments. The Bill seeks to bring the Ordinance up-to-date and has the effect of further safeguarding industrial and public safety in the use of pressure equipment.

In the United Kingdom consideration is at present being given to the possible introduction of a new framework of legislation to cover complete pressure systems in industry rather than restricting it to defined items of pressure equipment. The Health and Safety Commission are seeking the views of all those concerned with these matters before draft regulations are prepared. Developments in this area are being watched with interest and, if necessary, I shall make further proposals in due course.

SIR S. Y. CHUNG:—Your Excellency, as I shall be away from Hong Kong during the next sitting of this Council I would like, with your permission, Sir, to take this opportunity to say a few words on this Bill before the debate on it is adjourned.

Compressed gases, whether inert or non-inert, are classified as dangerous goods and their manufacture, storage and transportation are controlled by the Dangerous Goods Ordinance and Dangerous Goods (General) Regulations. Compressed gases can be in permanent gas form or in liquefied gas form and both are dangerous even if the gases are inert because any fracture of the containers will cause an explosion and could inflict serious damage to life and property.

In the case of steam which has a high temperature and air which supports combustion, there are additional controls such as those mentioned below imposed by the Boilers and Pressure Receivers Ordinance. First, steam and compressed air containers and vessels require registration with the Registrar of Boilers and Pressure Receivers. Any application for registration must be accompanied by the maker's certificate and a certificate of fitness. This requirement of registration is not necessary for containers of other compressed gases.

Secondly, whereas containers for other compressed gases require examination and testing by approved persons at intervals not exceeding five years, it is necessary to test and examine steam and compressed air receivers much more frequently, that is, once in every 14 to 26 months. Thirdly, whilst cylinders containing other compressed gases, though inflammable, corrosive and chemically-active, can be transported and moved around freely, any steam and compressed air cylinder generally requires further examination and testing by an approved person after relocation before it is again put into use.

Sir, one of the main objectives of the present Bill is to extend the application of these additional controls to containers and vessels holding compressed inert gases. An inert gas is a gas, as defined by the Bill, which under normal conditions is chemically inactive and does not burn nor support combustion. Examples of inert gases are argon, helium and nitrogen. On the other hand, a non-inert gas is a gas which under atmospheric conditions is chemically active and/or inflammable. Examples of non-inert gases are chlorine, fluorine, hydrogen and methane.

In consequence, accidents to and fractures of pressure receivers containing non-inert gases will cause much more serious damage to life and property than those containing inert gases. It is therefore common sense that, if any additional control is contemplated, it should apply first to non-inert gases rather than to inert gases as proposed in this Bill.

It is recognized from the speech of the Commissioner for Labour that a report would be compiled by his Department in consultation with the Director of Fire Services with regard to the adequacy of the control of compressed non-inert gases. With respect to my honourable Friend, the Commissioner for Labour, I wish to say that if the present control on compressed non-inert gases is found to be adequate, the same control for compressed inert gases must be adequate and there is no need to introduce further controls as proposed in this Bill. On the other hand, if the present control on compressed non-inert gases is found to be inadequate and additional control is necessary, then the priority of imposing such additional control should without doubt be given to compressed non-inert gases and not to compressed inert gases as stipulated in the present Bill.

Sir, as the Commissioner for Labour has mentioned earlier, the British Government is presently considering the possibility of introducing a new framework of legislation to cover complete pressure systems in industry. At the same time, there is no evidence in Hong Kong that there is an urgent need for tighter control of compressed inert gases. Accordingly, it seems more logical that this particular section of the amending Bill be deferred until the situation in the United Kingdom is clarified.

Motion made. That the debate on the second reading of the Bill be adjourned—SIR SZE-YUEN CHUNG.

Question put and agreed to.

DUTIABLE COMMODITIES (AMENDMENT) (NO 2) BILL 1978

THE DIRECTOR OF TRADE, INDUSTRY AND CUSTOMS moved the second reading of:—‘A bill to amend the Dutiable Commodities Ordinance’.

He said:—Sir, the purpose of the Bill is to exempt from duty pharmaceutical products containing alcohol.

As the law now stands, duty is not normally charged on mixtures containing alcohol which the Government Chemist certifies cannot be converted into intoxicating liquor. An exception to this, however, is where the liquor is contained in a toilet preparation, in which case duty is levied at the rate of \$9.90 per gallon on the total volume of the product.

Whilst this is a reasonable levy on such goods as perfumes, shaving lotions, hair sprays and the like, it is considered inappropriate that it applies to cough syrups, eye lotions and other substances—even, believe it or not, babies' gripe water—which are for medicinal purposes. But because of the present definition of toilet preparations, which is a leftover from the days when proprietary medicines were dutiable commodities in their own right and not merely if they contained alcohol, they are so liable.

The proposed amendment will exempt from duty those substances which are intended for use in medicine, veterinary medicine and chiropody. The consequent reduction in annual revenue is estimated at roughly \$600,000. The revenue collected on perfumery products and cosmetics—which amounts to some \$4.5 million annually—will be unaffected.

Motion made. That the debate on the second reading of the Bill be adjourned—THE DIRECTOR OF TRADE, INDUSTRY AND CUSTOMS.

Question put and agreed to.

FIRE SERVICES (AMENDMENT) BILL 1978

Resumption of debate on second reading (21 June 1978)

Question proposed.

Question put and agreed to.

Bill read the second time.

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

COMPANIES (AMENDMENT) BILL 1978

Resumption of debate on second reading (21 June 1978)

Question proposed.

Question put and agreed to.

Bill read the second time.

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

HONG KONG TRADE DEVELOPMENT COUNCIL (AMENDMENT) BILL 1978

Resumption of debate on second reading (21 June 1978)

Question proposed.

Question put and agreed to.

Bill read the second time.

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

MERCHANT SHIPPING (AMENDMENT) BILL 1978

Resumption of debate on second reading (21 June 1978)

Question proposed.

Question put and agreed to.

Bill read the second time.

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

MISCELLANEOUS LICENCES (AMENDMENT) BILL 1978

Resumption of debate on second reading (21 June 1978)

Question proposed.

Question put and agreed to.

Bill read the second time.

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

JURY (AMENDMENT) BILL 1978

Resumption of debate on second reading (21 June 1978)

Question proposed.

Question put and agreed to.

Bill read the second time.

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

CROWN LEASES (AMENDMENT) BILL 1978

Resumption of debate on second reading (26 April 1978)

Question proposed.

MR PETER C. WONG:—Sir, the Unofficial Members of this Council appointed Mr Charles YEUNG and myself to study the provisions of the Crown Leases (Amendment) Bill 1978.

The ad hoc group held three lengthy but useful meetings with Government officials comprising the Law Draftsman and senior representatives from the Environment Branch of the Secretariat, the Crown Lands Office and the Rating and Valuation Department.

One general problem and four specific points were discussed. The general problem is that the Bill, because of the complicated concepts involved, is difficult to understand. The four specific points are set out in the Schedule. (see appendix).

The first three specific points were resolved when the following solution was agreed upon:—

- (a) interim valuations referred to in clause 2(3) of the Bill shall be made in respect of new or redeveloped buildings only; and
- (b) where a building straddles two or more lots, a tenement in that building shall be deemed to straddle the lots and its rateable value shall be calculated on the proportion that the lot bears to the area of all the lots on which the building stands.

This solution has to a large extent simplified the complicated concepts involved and hence the drafting. The general problem is thus resolved.

The fourth specific point is accepted by Government and the words 'or other interest' will be deleted from the Bill.

Finally, I wish to express our appreciation of the co-operation and assistance given to the ad hoc group by the Government representatives, particularly the Law Draftsman for drafting the amendments which I shall move at the Committee Stage.

Sir, with these observations, I support the motion.

APPENDIX

SCHEDULE

The four specific points referred to in the speech:—

- (a) if the Bill as drafted were enacted the administration would have to satisfy itself that each and every tenement was or was not on one lot. This would in fact be an impossible task;
- (b) in the present Bill where a tenement straddles two or more lots, it is the relative proportions of the lots and not of the tenement itself which are to be used to determine the rateable value and hence the Crown rent. This appears to be inequitable; if it is not practical to determine and use the actual proportions of a tenement in different lots, then it would be less inequitable to use the proportions of the whole building. If this were done it would to a large extent remove the first problem mentioned at (a);
- (c) clause 2(3)(c) would be more readily understood if it were split into two separate sub-clauses dealing with tenements and former tenements;
- (d) the inclusion of the words 'or other interest' in clause 3(b)(4) even though it is in the present Ordinance could in certain circumstances lead to injustice.

SECRETARY FOR THE ENVIRONMENT:—Sir, I am most grateful to Mr Peter C. WONG and to Mr Charles YEUNG for the very considerable efforts they have made in seeking to improve and clarify this complex piece of legislation. The Bill, as it will be amended, will be much better than the original and this demonstrates the value of this Council as a legislative body. I will have much pleasure in supporting the amendments when they are moved in Committee.

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).

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

Resumption of debate on second reading (21 June 1978)

Question proposed.

Question put and agreed to.

Bill read the second time.

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

WIDOWS' AND CHILDREN'S PENSIONS (AMENDMENT) BILL 1978

Resumption of debate on second reading (21 June 1978)

Question proposed.

Question put and agreed to.

Bill read the second time.

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

WIDOWS AND ORPHANS PENSION (AMENDMENT) BILL 1978

Resumption of debate on second reading (21 June 1978)

Question proposed.

Question put and agreed to.

Bill read the second time.

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

Committee stage of bills

Council went into Committee.

DETENTION CENTRES (AMENDMENT) BILL 1978

Clauses 1 and 2 were agreed to.

FIRE SERVICES (AMENDMENT) BILL 1978

Clauses 1 to 5 were agreed to.

COMPANIES (AMENDMENT) BILL 1978

Clauses 1 to 9 were agreed to.

HONG KONG TRADE DEVELOPMENT COUNCIL (AMENDMENT) BILL 1978

Clauses 1 and 2 were agreed to.

MERCHANT SHIPPING (AMENDMENT) BILL 1978

Clauses 1 to 3 were agreed to.

MISCELLANEOUS LICENCES (AMENDMENT) BILL 1978

Clauses 1 to 3 were agreed to.

Schedule was agreed to.

JURY (AMENDMENT) BILL 1978

Clauses 1 to 4 were agreed to.

CROWN LEASES (AMENDMENT) BILL 1978

Clauses 1 was agreed to.

Clause 2

MR PETER C. WONG:—I move that clause 2 be amended as set out in the paper circulated to Honourable Members.

*Proposed amendment***Clause 2**

That clause 2 be amended by deleting paragraph (b) and substituting the following—

‘(b) by deleting subsections (2) and (3) and substituting the following—

“(2) Subject to the provisions of this section, the rateable value for the purposes of this section of a lot or section held under a new Crown lease is the rateable value or interim valuation as set out on the relevant day in the list declared under section 13 of the Rating Ordinance, of the tenement, or, if there is more than one tenement, the aggregate of the rateable values and interim valuations as so set out of all the tenements comprised wholly or partly in the lot or section held under the new Crown lease.

(3) (a) Where after the commencement of the Crown Leases (Amendment) Ordinance 1978 or the relevant day, whichever is the later, an interim valuation is made by the Commissioner under the Rating Ordinance of any tenement comprised wholly or partly in a lot or section held under a new Crown lease consequent upon the redevelopment of the lot or section, then with effect from the first day of the month following that in which the interim valuation becomes effective under the Rating Ordinance or the relevant day, whichever is the later, and notwithstanding subsection (2), the rateable value of the lot or section for the purposes of this section is the aggregate of—

(i) the rateable value of the lot or section as last ascertained under this section; and

(ii) the interim valuation, less that portion, if any, of the rateable value under sub-paragraph (i) attributable to a tenement or part of a tenement included in or replaced by the tenement to which the interim valuation relates:

Provided that this subsection shall not apply to any lot or section if its effect would be to reduce the rateable value of that lot or section to less than it would have been had the interim valuation not been made.

- (b) For the purposes of paragraph (a) “redevelopment” in relation to a lot or section means the construction wholly or partly on the lot or section of a new building.

(3A) For the purposes of subsections (2) and (3), a tenement shall be deemed to be comprised partly in a lot or section if the building in which it is contained stands partly on the lot or section; and where a tenement is so deemed to be comprised partly in a lot or section, there shall be included for the purpose of determining the rateable value of the lot or section only that proportion of the rateable value in the list declared under section 13 of the Rating Ordinance or the interim valuation of the tenement as the area of the lot or section bears to the area of all the lots or sections on which the building stands.”.’.

The amendment was agreed to.

Clause 2, as amended, was agreed to.

Clause 3

MR PETER C. WONG:—I move that clause 3 be amended as set out in the paper circulated to Honourable Members.

Proposed amendment

Clause 3

That clause 3(b) be amended in the proposed new subsection (4) by deleting ‘or other interest’.

The amendment was agreed to.

Clause 3, as amended, was agreed to.

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

Clauses 1 to 7 were agreed to.

WIDOWS’ AND CHILDREN’S PENSIONS (AMENDMENT) BILL 1978

Clauses 1 and 2 were agreed to.

WIDOWS AND ORPHANS PENSION (AMENDMENT) BILL 1978

Clauses 1 and 2 were agreed to.

Council then resumed.

Third Reading of Bills

THE ATTORNEY GENERAL reported that the

DETENTION CENTRES (AMENDMENT) BILL**FIRE SERVICES (AMENDMENT) BILL****COMPANIES (AMENDMENT) BILL****HONG KONG TRADE DEVELOPMENT COUNCIL (AMENDMENT) BILL****MERCHANT SHIPPING (AMENDMENT) BILL****MISCELLANEOUS LICENCES (AMENDMENT) BILL****JURY (AMENDMENT) BILL****PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT) (NO 2) BILL**

WIDOWS' AND CHILDREN'S PENSIONS (AMENDMENT) BILL and the

WIDOWS AND ORPHANS PENSION (AMENDMENT) BILL

had passed through Committee without amendment and that the

CROWN LEASES (AMENDMENT) BILL

had passed through Committee with amendments and moved the third reading of each of the Bills.

Question put on each Bill and agreed to.

Bills read the third time and passed.

4.20pm

HIS EXCELLENCY THE PRESIDENT:—I think at this point Honourable Members might like a short break. Council will resume in fifteen minutes.

4.40pm

HIS EXCELLENCY THE PRESIDENT:—Council will resume.

UNOFFICIAL MEMBER'S MOTION

GREEN PAPER—SENIOR SECONDARY AND TERTIARY EDUCATION

MR Q. W. LEE:—Sir, I rise to move the motion standing in my name on the Order Paper.

When the publication of the Green Paper on Senior Secondary and Tertiary Education is regarded in conjunction with the announcement of free and compulsory junior secondary education it is evident that Government is forthcoming in the provision of education at all levels. The intention is welcomed, although the responsibilities being undertaken need careful examination since they are important and formidable.

Judging by the intensity of public interest and controversy which this Green Paper has aroused, there is no doubt that education is something on which the views of the public are most readily forthcoming. The aims, purposes and priorities in education are points on which everyone seems to have more definite ideas than on other social matters. For myself, I would like first of all to address this Council on these points in general as well as in the particular context of Hong Kong and then on the consensus of the UMELCO Ad Hoc Group on certain specific proposals in the Green Paper.

Education in general

What are the aims of education? This is a question which has exercised and fascinated great minds in both East and West throughout the centuries. Although times and social conditions have changed, what both ancient Chinese and Greek philosophers said about education is still essentially valid today, i.e. education should be the process of bringing about the harmonious development of man's moral, intellectual, physical and social endowments and preparing him to work for the common good of the community to which he belongs. But what always remains at issue is the way in which these aims should be achieved. This is all the more so when education has now become the responsibility of governments and is financed from public funds.

Education in the context of Hong Kong

In Hong Kong, our prime asset is its population. We have no natural resources, not even space. An important duty of the Government therefore is to cultivate this asset to the best advantage of the community in the light of the direction of our development and growth which is so clearly dependent on industry and trade. It follows therefore the education of young generation should be planned to meet the needs of such development. This means that we have to put greater weight to manpower training for which I think we should not be apologetic so long as by doing so we do not neglect the moral and intellectual goals of education.

Up until the mid-seventies Hong Kong's main thrust of expansion of education was directed at the primary sector and the next decade will witness significant growth at and above the secondary level. Here we must ask ourselves one question, i.e. are we in a position to be able to forecast our manpower needs with such accuracy that we can say that we need so many people to be educated in such a way and to such a level in ten years' time?

Once schools are built and teachers have been trained, the future of our children who enter these schools is predicted for longer than a ten-year span. The experience of other countries is not particularly encouraging in so far as they have made education subservient to the fulfilment of projected manpower needs. Labour shortages in prosperity, redundancies in recession have contributed to disillusionment with both education and manpower forecasts and to social and economic discontent.

But, on the other hand, even supposing for the moment that manpower forecasts in Hong Kong are more accurate than in other countries, we might then ask how effective Government would be in encouraging the selective acquisition of knowledge and skills in one area rather than another by limiting the provision of and, therefore, restricting access to places. Once again the results elsewhere have not been encouraging. The public is responsive to the material benefits which arise from the attainment of educational qualifications. So long as educational qualifications lead to better jobs and higher wages, the energies of parents and their children will be directed towards obtaining the relevant certificate, diploma or degree. Schools cannot remain unresponsive to the aspirations of their pupils and therefore inevitably become examination and qualification oriented. For this reason it seems that public pressure to increase the places in Forms IV and V will continue unless the benefits of a certificate of education linked to one's earning power are altered. The same is true of A-level, Polytechnic and University education. Restriction of publicly financed places does not halt the growth in the number of those who seek to qualify in those academic fields to which access is deliberately restricted, but merely forces them into private educational institutions. The Ad Hoc Group has considered and examined this as well as many other important areas in detail.

Consensus of the UMELCO Ad Hoc Group

In surveying the present state of Senior Secondary and Tertiary Education, the Group has considered the full range of improvements proposed. While differences remain amongst us, we have been able to arrive at a consensus on a number of major points which it is my privilege to present. Other Members speaking after me will either supplement the points I am going to make or express their individual views. I am sure the Government will take our diverse views into consideration in preparing the White Paper.

Allocation and Provision of Senior Secondary Places

The Group was divided on the original suggestion that there should be a public examination for Form III leavers proceeding to Form IV. Those who were strongly against it felt that it would be unfortunate to introduce a new examination so soon after the Secondary School Entrance Examination had been abolished. Government's subsequent decision last May not to introduce a full-scale public examination at the end of Form IV but to institute a system of selection and allocation based mainly on internal assessments scaled by a monitoring test covering three basic subjects is welcomed as a more acceptable alternative. But as the main purpose of the monitoring test is to scale the assessments of the schools, one or two Members expressed concern that the decision to restrict the test to the three basic subjects of Chinese, English and Mathematics would lead to the schools putting emphasis on these subjects at the expense of others, thereby defeating the purpose of a more generalized education required in the Junior Secondary sector. The Group also felt that universal provision for sufficient subsidized senior secondary places should be the long-term goal although it was accepted that it would not be able to do so at present.

Forms IV & V Curriculum

For those who do go on to Form IV we have given attention to the proposal that greater emphasis be placed on applied studies. Once again the Group concurred with the Green Paper proposal to broaden the curriculum to include more practical and technical subjects and, to this end, we advocate that central workshops should be set up to provide the resources and facilities for those schools that do not have them.

Provision of subsidized Form IV and Form V places

Given Government's target to provide subsidized places in Form IV for 50% of the 15-year-old age group by September 1981 increasing to 63% by 1986 and recognizing that there will not be sufficient places in Government and aided schools, the Group supported these targets provided that places which are bought to meet these targets should be in schools of acceptable standards and generally non-profit making.

The Group further recognized that the time has come for those private schools which do not meet acceptable standards to be replaced by properly

built and staffed Government and aided schools. In doing so, however, Government should ensure that the quality of education offered in the new public sector schools remains attractive to prospective students, so that under utilization of places does not occur. This may mean that Caput schools should be brought onto full aid, under the Code of Aid for Secondary Schools, if the principle of educational parity for all free-place holders is to be attained.

Provision of Form VI places

In considering the overall quota of Form VI places, the Group agreed that to fix this quota at one third of the number of Form IV places was generally acceptable. However, we felt that there should also be an integrated one-year curriculum so that those who do not intend to proceed beyond lower six would be able to receive one complete course. As statistics in the past two years showed, only one-third of the lower six students continued into upper six.

Colleges of Education

Since schools can only be as good as the teachers who work in them, the Group also examined the proposals regarding the training and re-training of teachers. To begin with we felt that the minimum entry requirement for the Colleges of Education should be raised to Upper Form VI. Doubts were expressed that, since the standard of entrants to the Colleges of Education had declined particularly in English, the Colleges might not be able to provide teachers of the right calibre required for the expansion and broadening of the curriculum of secondary education. Likewise, we were concerned at the high turnover of lecturing staff in the Colleges and recommend that those who have attended overseas training courses should be posted to them on a more permanent basis in order that maximum benefit would be obtained from their experience. The curriculum of in-service courses should include training in the administration of schools for which many teachers are otherwise unprepared. Although the Green Paper made reference to the increased number of places in the Schools of Education of the two Universities, Members of the Group believed that, despite the increase, the rate of supply of professionally qualified graduate teachers would not be adequate to meet the proposed expansion of senior secondary education at the time needed.

Technical Education

In general, it is within the field of technical education that the Ad Hoc Group believes that some additional attention is needed. The Group believed that the present level of training in the technical institutes was too low and that the teaching staff were less qualified than they should be. Better training and refresher courses should be organized at regular intervals to help them to keep up to date with and to learn the latest developments in the relevant fields. Centralized training workshops with up-to-date equipment and facilities should be set up by Government for use by both teachers and students. The Group further believed that the day-release courses had not proved viable

and that Government should place more emphasis on expanding full-time and part-time evening courses.

Post-secondary Colleges

The Group took note of the past and present contribution of the post-secondary colleges to education in Hong Kong and suggested that an attempt be made to provide them with some form of financial assistance to these colleges, insofar as they would be prepared to accept financial, qualitative and quantitative control by Government both in regard to the content of their courses and the numbers of students. Members of the Group favoured the idea of the post-secondary colleges preparing students for degrees that would be granted by an independent, degree-conferring body along the same lines as the Council for National Academic Awards in the United Kingdom. The Group believed that, since the idea was mooted a few years back and had been under discussion since then, the time had now come for more positive action to be taken. It was felt that this was the proper way in which degree-bearing courses might be conducted by the Colleges and so financed, since it would involve a thorough investigation of their teaching facilities, staff capabilities and standards of courses.

The Length of CU Undergraduate Courses

I now come to the controversial issue of the length of the Chinese University courses and declare my interest in that University. Much time was devoted by the Group to considering this issue. Its conclusion was that it was untimely to require the Chinese University to cut back its four-year degree course to three years so soon after its recent reorganization, and that the matter should be reviewed again in a few years time.

Apart from the above, the Group agreed that Adult Education has an important part to play in the overall education system in Hong Kong and that Government should place great emphasis on its development. The Group also reached conclusions on other aspects of the Green Paper such as the need to strengthen vocational guidance services for students, the need for Government to assist physically handicapped students to develop fully their potential and the need to bring music into the curriculum as a general cultural subject and as an optional examination subject. I shall leave those Members having a specific interest in these as well as other aspects of this vitally important Green Paper to speak on them in greater detail. As Convener of the Ad Hoc Group, I wish to put on record my appreciation of the hard work of the Members of the Group and the UMELCO Secretariat which produced no less than 16 very thoroughly researched papers for our study.

Sir, I beg to move.

DR HUANG:—Sir, my honourable Colleague, Mr Q. W. LEE, has offered you the comments of the ad hoc group of Unofficial Members on the Green Paper,

which have my general support. I would wish on my part to add a few observations on certain aspects of that Paper.

Over the past decade Government has rightly placed a high priority on Education in Hong Kong. There has been a sustained effort to improve conditions for our young people and to reach out into the hitherto neglected areas such as the provision for handicapped children. In the tertiary sector the most significant step taken has been the establishment of the Polytechnic whose very successful development has resulted in greatly increased and diversified opportunities in this sector.

This unprecedented growth has encouraged much discussion about the purpose of education in our society and the fundamental issues involved. Among these issues the requirements of a bi-lingual education is one, the broadening of the school curriculum is another, and the place of examinations in the school system still another.

It is appropriate that the Green Paper now before us should be discussed in the light of our general educational intentions. When the Paper was tabled last November the Director of Education recognized the natural desire of the public for an adequate number of places of good quality at all levels of education, a fundamental objective of any society the achievement of which is essential for a healthy and contented community. The Green Paper proposals move in this direction by seeking to provide over the next decade expanded opportunities for education on a subsidized basis in the senior secondary sector, a very necessary step now that education is to be compulsory and free up to Form III.

It is envisaged that there will be changes in the type of education to be provided, involving a rethinking of the curriculum throughout the secondary sector. A different concept of the educational experience is to be explored, and differing goals are to be defined for the individual child. The curriculum is to be broadened to encourage substantial numbers to seek training in craft and technical institutes. Assisted by student counsellors in sufficient numbers, our teachers are to help their pupils identify their individual aptitudes and recognize the direction and range of their potential, so that they do not all push blindly, as they now tend to do, for the often unattainable goal of tertiary education.

At the apex of the secondary sector the provision of Form VI places is to be greatly increased, and it is intended that the syllabus for this two-year integrated course is to be broadened. The opportunity for the 17-year olds to take this course will increase from about 8% of the age group in 1981 to nearly 20% in 1986, a four-fold increase over the present opportunities. A much larger percentage of our younger generation will therefore be benefiting from one further stage of schooling beyond Form V, receiving in all 7 years of secondary education.

Thus, while on the one hand the Green Paper is a practical programme to improve opportunities for education in the public sector it is, on the other, an attempt at educational planning, and this distinguishes it from its predecessors, the White Papers of 1965 and 1974. When we look back on these earlier papers we realize the extent to which our social situation and the sheer pressure of numbers led us to settle for ways to provide school places and to accept a workable system utilizing any and all resources as long as provision could be made in one form or another.

In one swift move, swift that is in the world of educational planning, many undesirable features that have hitherto existed are to be done away with. Yet, removal of perceived weakness is not in itself a basis for setting educational goals. It may be that we will need to reconsider our basic direction over an even longer period than ten years. Of the present system everyone is aware of its weaknesses and of the numerous criticisms levelled against it. Having grown piecemeal in the three decades since the war, it has been generally regarded as offering real opportunity to only one type of students, with syllabuses too academically oriented and geared solely to the passing of examinations, designed for the very few able to proceed to the University and not for the large majority who do not attain this goal. In structure and curriculum, and in the language of instruction, it has been a conglomeration of local and imported patterns, broadly divisible into two main streams, referred to as the Anglo-Chinese schools and the Chinese schools. At one time these streams were of comparable sizes in student population, and how each of them has served the community of Hong Kong and enjoyed its confidence is public knowledge and need not be elaborated here.

A development which has taken place through the decades, however, has been a growing parental preference for the Anglo-Chinese stream, especially during the last decade or so when Hong Kong has increasingly come to assume an identity of its own. Today this stream accounts for no less than 84% of the secondary school population. The authors of the Green Paper clearly have this very much in mind, and are conscious of the fact that we are now in a fortunate position of being able to plan for one single, unified national scheme of secondary education and for completely new curricula designed to suit Hong Kong's needs.

The following stages are envisaged:

- (1) a three-year course leading to a Junior Certificate of Education (Form I—III); followed by
- (2) a two-year course (Forms IV and V) leading to the Certificate of Education; and
- (3) another two-year course (Form VI) leading to A-Level.

The core of the system is to be the 'grammar' or academic component leading up to university entrance level, but great care is to be taken to ensure that the curriculum is not geared to this goal only. The curricula are to be designed to give a general education and thus bring out the natural aptitudes

of the pupils and help them find their directions in life. It is all important in Hong Kong that this general or 'liberal' education—which must include cultural orientation and the acquisition of language skills—be given our young people at the secondary level because so few of them, less than 3% in fact, will ultimately be accorded the privilege of a university education.

The authors of the Green Paper have begun to define the shape of this educational structure, and because of an anticipated decline in the number of teenagers needing education in the 1980's (based on an assessment of the birth-rate patterns in the 1976 By-Census), they are able to address themselves simultaneously to the twin problems of numbers and quality.

Needless to say, I wholeheartedly support these intentions: my concern is to ensure that they are properly realized.

My first point is that the targets we set ourselves must be achieved. At the moment we have managed to meet only 17% out of the 40% target of Form IV places indicated in the 1974 White Paper, and everyone knows the effect this has had on the educational situation. Implicit in the present proposals is assumption by Government of a much larger part of the responsibility for education. There could be a damaging effect on the *morale* of pupils and parents alike if the number of places in the public sector falls short of the anticipated figure.

Care is needed in interpreting the statistical projections of the By-Census. We are planning to provide a set number of places to meet an estimated percentage of need; and one thing which we should not overlook is the difference which could exist between the percentage given and the actual numbers involved.

The most recent projections from the Census and Statistics Department do in fact show an eventual up-swing of the percentage of the population under fifteen years of age during the 1980's reaching roughly the same *percentage* in 1991 as in 1976, and therefore *numerically* larger by 1991. The anticipated decline to 1981 is, of course, due to falling birth *rates* but such declining rates do not necessarily produce a uniformly declining pattern in the numbers born. At the moment in 1978 there is a considerable bulge in the numbers of 10-20 years olds. These in a few years' time will be the main source of births in the population so that despite further reduction in the crude birth rate there may emerge another, though lesser, bulge. At the various stages of the educational system there may actually be larger numbers around than projected. Moreover, the decline in overall numbers up to the mid-1980's may be short-lived and likely to be followed by a bulge in the following years, a fact recognized by the analysts.

It should also be noted that our present control over numbers is based on the assumption that some 50% of our pupils will be content to fit into alternative educational patterns after Form III, in craft and technical activities or in part-time study, or that the community will be able to offer them

attractive enough employment to induce them to start an early career. I suspect, however, that the pressure for continuation after Form III and after Form V will persist. The Green Paper does not appear to take sufficient account of the natural aspirations of many young people to continue their education, and I am inclined to the view that the educational system we adopt must have the capability to absorb at the various stages rather larger numbers than statistically projected. We must also be prepared for a still larger influx when the birth-rate pattern picks up again.

An easy answer is, of course, to rely upon bought places in the private sector, in a strictly controlled and therefore financially acceptable pattern of rolling provision according to demand. This is apparently how we are to meet the extensive demands of compulsory education up to Form III, with more than 50% of the children receiving their education in asymmetrical schools in that sector. I recognize the immediate need for this but it leaves me uneasy as to the long-term consequences. Although it is intended to reduce the asymmetrical nature of some of these schools to bring them more into line with those in the Government and aided sector, the real situation, in terms of individual opportunity, remains unsatisfactory. With only a 50% target proceeding to Form IV, the child who starts off in the wrong school is virtually stamped as a predetermined drop-out.

This becomes even more likely when we turn to the type of education to be offered. If it is intended that large numbers of young people should be steered after Form III into technical vocations or into the craft schools it is essential that they should be introduced to these activities while they are still at the junior secondary level. This will not happen if the schools supplying the bought places do not have the resources to provide this type of modified teaching. It is a bad practice to buy only a part of a school curriculum: it is worse if this part does not meet the needs of the community's larger educational intentions.

Adequate resources and guidance need to be provided at the junior secondary level if our proposals for the senior secondary sector are to be workable. Furthermore, if we believe in equal opportunity for the individual, a clear route must be defined for products of the caput schools to continue in the main stream at Form IV.

It is my feeling that we shall continue to rely heavily on the private sector, even before the bulge anticipated in the late 1980's. Unless we are prepared to contemplate a massive expansion in the public sector we must look into the position of the private non-profit-making schools, both to ensure the value of their contribution immediate and long-term, and to prevent them from withering away. Accordingly, I would call for the immediate establishment of an expert and broadly based working party to assess the role and needs of these schools. This to my mind should form the point of departure for our *next* Green Paper on education.

Given our situation, I feel strongly that we should continue to make use of all the resources of our community to the full, and that we should encourage, not discourage, people who are prepared to participate in the task of educating our young. This applies not only to the junior secondary sector but at each stage thereafter, including the post-secondary stage.

I am particularly concerned over the position in the later stages of the education system, from Form V onwards, when it is assumed that a much smaller percentage will want to continue their schooling. This may not prove to be the case. It is in this area, the point of the notorious 'bottleneck', that some additional, flexible, provision has to be made.

This is the area where children from the private sector, placed there by mischance or choice, have a need to find their re-entry to the main educational stream. This is also the area where Government's direct responsibility diminishes as individual expectations rise, and it is particularly important not to give our young people a feeling of being cast-outs, or victims of a relentless education system, but to provide them with a chance to continue their studies if they are capable of benefiting from further studies. It is in this area as well that the position of the Chinese schools and the need to provide their pupils with adequate sixth form places (both lower and upper) sixth forms will have to be taken into account. The provision of universal lower secondary education, and near-universal education at Form V level naturally shifts the controversial area higher to the post-Form V level. This is an area where our educational planners appear to be on their most vulnerable ground. For this reason, I would like to draw attention to the post-secondary colleges and to the particular role they could fill in helping us achieve our educational objectives.

The post-Form V area is a distinct area where the post-secondary colleges have made a significant contribution in the past and where they can continue to contribute in the future, and it behoves us to see that we do not, at this crucial juncture, miss a good opportunity to bring these institutions, which represent available resources and expertise of some magnitude, into the educational system in order that they can contribute effectively to the common effort. The authors of the Green Paper, however, appear content to let these Colleges stay out of the main stream as they have been, and fend for themselves as best they can. This seems to me to be a rather negative approach and should be re-considered, and I was glad, Sir, to learn recently that reconsideration was in fact being given to this part of the Paper. It is time to assess the capabilities of the Colleges and delineate for them a role in the educational framework we are now planning for Hong Kong.

As they are at present the Colleges can best contribute in the post-Form V, sub-degree area, and I would suggest that they broaden their educational base by offering courses at Form VI level, leading to A-level or a College qualification after two years' study, and that these courses be followed by

higher courses, also of two years' duration, leading to another College qualification. In this way they would provide valuable service in reinforcing the main educational system at its most vulnerable area, in an area which stands in the greatest need of additional provision in the decade ahead.

It would be necessary for the Colleges to gear their entry point to the Certificate of Education level if the Green Paper is to be properly implemented. Courses would be mainly in the liberal arts and science and in commercial subjects, but there could with advantage be diversification into technical and vocational fields.

It would be important that their qualifications are correlated with comparable stages of study leading into and merging with the tertiary area in the main educational system, as this would bring about mobility among the various institutions of tertiary education. Students with A-level qualifications would thus be able to gain direct entry into the senior courses in the Colleges, while some of their graduates might find their way to the universities, which I hope would keep avenues open for their admission at appropriate levels.

It can be accepted that the post-secondary colleges may wish to work towards degree courses in a limited number of disciplines, especially those not being provided for by the two universities. To ensure adequate safeguards and comparability of standards some public system of validation of such courses would have to be established. But their principal role would rightly be what the term 'post-secondary colleges' implies, that is, institutions offering programmes of studies from post-Form V level to a level short of degree courses, and for this role public financing would seem appropriate.

A notable area where the Green Paper is reticent is that of the supply of teachers who will surely be required in large numbers if the educational intentions are to be achieved. We have a proposal for expanding secondary education, specific in numbers of pupils and schools, but there is no reference to the numbers of teachers or where they are to come from. We need a projection of the number and kinds of teachers required and a policy of teacher-training linked with a policy for teacher supply, which would take into account the kind, quality, and quantity of education to be provided. These I confidently hope will be formulated once the intentions of the Green Paper have been confirmed. Other questions which come to mind relate to the competence of teachers in the language in which they are expected to teach, the ratios of pupils to teachers, the policies towards permitted teachers, and towards non-graduate/graduate teacher complements in secondary schools.

As to the last point just raised, concerning non-graduate/graduate teachers, I will elaborate a little further. The impression one gets from the Green Paper is that non-graduates will largely be concerned with Forms I

to III, while the graduates are to be predominantly concerned with Forms IV and above. These are submit is a dangerous position to accept since the organization of syllabuses for a subject throughout a secondary school inevitably falls upon the graduate-teachers who have the responsibility for articulating lower secondary with upper secondary studies. Any proposal to dilute the graduate teaching force in secondary schools beyond the present situation should be resisted, since the consequence would be a drop in the quality of teaching. Non-graduates have a necessary and useful part to play in secondary school teaching, just as graduates have in primary schools. But there comes a point at which the level of a non-graduate teacher's own knowledge of a subject is so little beyond the level at which he is required to teach that he cannot teach effectively or confidently. The knowledge of a subject that a teacher possesses must be substantially above that of his most advanced pupils, otherwise there is insufficient scope for anticipating ideas that will be met later.

I support the proposal to upgrade the level of education of non-graduate teachers by raising the entry requirements or increasing the length of the courses at the Colleges of Education, and suggest that their curricula should be co-ordinated with those of the Universities so that the level of competence in the subjects to be taught can be articulated with that of graduate teachers. However, this is not to say that I would encourage the drift towards more non-graduates teaching in the upper-secondary sector.

I would welcome a clear statement of the policy of teacher supply across the whole educational spectrum. Further to that, I would welcome open discussion on policies of teacher training, graduate and non-graduate, and the correlation of their contributions, at the junior and senior levels, in the public and private sectors.

Whilst supporting the proposals before us therefore, I do not as yet feel certain as to how they will work out in practice. But we must ensure that they are properly implemented. Our aim is to be able to hold up with pride, not merely a White Paper on Senior Secondary and Tertiary Education, but the products to emerge through its implementation. We must achieve the targets set, and even exceed them. We must provide the resources, human as well as material, necessary to carry the intentions of the White Paper effectively into the classroom. Although our attention at present is on senior secondary education in the public sector we must recognize the correlation which must be achieved with the junior secondary sector, in teaching as well as in numbers, in the private as well as the public sectors. To the extent that educational provision is going to be brought increasingly under the control of Government, so must every stage of the development be closely monitored to ensure full confidence on the part of the community.

With these comments, Sir, I support the motion.

REV. JOYCE M. BENNETT:—Your Excellency, during this session we have been considering four Green Papers, today the one on Senior Secondary and Tertiary Education. The Unofficials have spent many hours discussing it and more of us are speaking than on the other Green Papers. Undoubtedly the White Paper to be based on the outcome of this Green Paper will affect the development of the educational system in Hong Kong over the next decade. Education is a subject on which many people have ideas and during the last weeks they have expressed themselves at meetings and through the media. The question can be put simply in this way, how are we to provide more schooling for more children at a cost we can afford and how to provide a meaningful education to all? Of course we could make wonderful suggestions for improving the educational system, but without the necessary funds those suggestions would be cheating the public.

I wish therefore to speak first on the proposals relating to Forms IV and V. There has been a great outcry at the limitation of Form IV places in the public sector to 50%. Personally I accept this figure as reasonable in view of the places in Technical Institutes and the numbers who currently are working at the age of 15+. We must be realistic and accept the fact that some boys and girls prefer to leave school at Form III rather than to continue in academic studies. To enter Form IV means that the student is committed to a two-year course leading to the Hong Kong Certificate of Education Examination. I am concerned for those students who do not achieve success in this examination at the present: in the last few years the numbers gaining Grade E and above in five subjects or more has decreased from 52.27% in 1974 to 49.62% in 1977. The number who failed to gain this basic minimum last year was 30,125. The more who take this examination the more students do not achieve satisfactorily. As an educationalist I can assure you the reason for this is not that the examination has become more difficult, but that the overall standard of the students is not so high, consult any of those who have examined the basic subjects of English, Chinese and Mathematics over a long period of years for the details of this. I believe to encourage all our student population to study in an *academic* system for Forms IV and V is to harm their future potential.

Even without planning for all the 15 year olds to enter Form IV, I think we should broaden the curriculum to include at least one practical-based subject for each student in his Certificate Examination. I whole-heartedly support paragraph 6.2 of the Green Paper where this is mooted. St. Catharine's School for Girls, Kwun Tong, with which I have been connected since its foundation in 1968 has attempted to provide a technical bias to the curriculum and clearly the girls have benefitted from this. There are certain subjects that do not require expensive and large-scale equipment, so that even the oldest of the Grammar Schools could with some readjustments teach at this senior level one or more of the following subjects: Art, Dressmaking, Technical Drawing, and Principles of Accounts. Clearly other practical subjects do require specially large and well-equipped rooms, but

with the suggestion of central workshops, it should be possible to provide for these subjects as well in the older schools. With some imagination on the part of the Education Department, it should be possible for these central workshops to be run by the Department's own staff. In this way an added incentive would be given to the schools who choose to patronize this scheme, as their own staff would then be relieved of certain students and classes for some periods each week.

The serious study of music for Examination purposes is another subject for which centres are desperately needed for the teaching of students desirous of taking Music as an examination subject. This will involve far fewer students, but when we neglect this musical talent we deprive them and our local culture. Why should the development of musical skill be the privilege of the wealthy only? The Music Administrator's Office must plan for these centres as soon as possible, so that the regular teachers of music in our schools can give general courses in singing and musical appreciation to every student.

It is good to note that the Hong Kong University recognizes credits in all these practical subjects (except typewriting) as equivalent to 'O' Level. No school need plead that to teach these subjects will penalize students desirous of following an academic career. Indeed it is good also to note that Matriculation courses have long been offered by the Chinese University for students who have studied Fine Art and Music, while the Hong Kong University has for many years offered Principles of Accounts for Advanced Level.

Comments on the Forms IV and V curriculum have brought us naturally to a consideration of the Sixth Form course. Paragraph 6.6 demands a raising of the standard of entry into the Sixth Form. I do not agree with this. The Government policy has previously been that Sixth Form education should lead to some form of tertiary education. I am delighted to see that a more realistic approach is to be followed in future. Paragraph 6.7 states that Sixth Forms should serve the needs 'both of those students for whom the sixth form represents the concluding stage of their formal education, to be followed by entry to employment, and those for whom it is preparatory to a course of tertiary education'. The examination results in both the two-year and the one-year course have shown that many students are already taking these examinations without any possibility of entering either of the Universities. In 1977 only 15% and 11% of those who took the examinations were able to enter the Hong Kong University and the Chinese University respectively. Entry to both Universities' Matriculation Certificates should be the same, on the lines of that required by the Hong Kong University at the moment.

Clearly schools have in fact been preparing their Sixth Form students for many careers in addition to preparing them for further study. It is good to know that there has been one *informal* working committee on

Sixth Form education. But, Sir, I submit that that is not good enough. This White Paper will hopefully be issued within the next twelve months, the Education Department cannot just rely on an *informal* committee to formulate policy that will affect the lives of thousands of students. There has been a state of inaction regarding Sixth Form education for far too long. And the present Green Paper has not even tackled the problem adequately—the heading of its Chapter 5 *Opportunities for sixth form and tertiary education* is an indication of this. Paragraph 5.1 tells us that ‘students may proceed either directly upon completing Form V or after a sixth form course to the following forms of tertiary education’. What a misleading statement to confuse those completing Form V with those who have finished a Form VI course! I hope that the authors of the forthcoming White Paper will bring order out of this confusion and have a whole chapter devoted to the ethos of Sixth Form education.

Those students privileged to enter Form VI need much help in adjusting to their studies and they need to have a clear picture of what Sixth Form education is about. Too many see it as an opportunity to fill in a few months before getting a job or deciding which field of further study to pursue. We need to help them to understand that Sixth Form work is more specialized than the study in Forms IV and V; that it requires an interest in reading and an ability to use the Chinese and English languages. Certainly let us have a policy for admissions to Form VI. But let us be clear there must be the same basic policy for all schools, whatever the medium of instruction and whichever university the student is preparing to enter. We must ensure that our best students gain entrance to our Universities. It will be a continuing disgrace if we neglect to give the best students the opportunity for tertiary education. We must move as fast as possible towards a uniform curriculum and examination for university entrance. The new Examination Authority has the opportunity to ensure this and it must be given clear instructions to do this as soon as possible. Earlier I mentioned Fine Arts and Music that can be examined in the new Higher Level Examination, they must be introduced into the HKU Matriculation Examination. Similarly the new Higher Level Examination must provide Principles of Accounts, which has been a respectable academic subject at Advanced Level for many years. The Education Department has already achieved a complete co-ordination of the curriculum up to Form V level. It must not lose its nerve regarding Sixth Form education, especially now that the Government has recognized the need to increase Sixth Form places in proportion to meet the increased numbers of Form V graduates.

Basically the question of whether to have a one-year or a two-year Sixth Form course must be tackled. My concern for the Sixth Form is that it should be a worthwhile two-year course combining specialized with liberal studies, together with courses in both the Chinese and English languages. Personally I think this question should not be confused with the length of the university course. We need to recognize that a one-year course (with

the examination in April) is in fact a seven months' course from September to March. This is insufficient time to allow students to mature in their approach to the complexities of life and the problems of Hong Kong. Many careers demand as minimum qualification the passing of two 'Advanced Level' subjects. I note that the qualifications demanded for entry into the new para-medical courses at the Polytechnic are passes at Advanced Level. This is reasonable if we wish those trained to be competent in their specialized fields. It is also an indication of the growing demand for students to complete a two-year Sixth Form course before entering employment or higher studies. There will be plenty of Upper Sixth Form graduates to fill the two Universities, the Colleges of Education, the Schools of Nursing and the more sophisticated Polytechnic courses. Those entering some of the Polytechnic courses from the Upper Sixth alongside Form V entrants should receive credit for their 'A' Level passes as has already been introduced under the credit system.

The Green Paper has one chapter, nine, devoted to the Colleges of Education. It is useful at this point to stress the need for entry to the Colleges of Education to be raised. While I was preparing this speech, I received the Government notice inviting applications for this year's entrants to the Colleges of Education. The present minimum requirement is six subjects at Grade E and above in the Hong Kong Certificate of Education Examination; while remarking that the majority of applicants will need credits at Grade C and above in three subjects to gain admission, remember it is still possible to be admitted with none of these higher grades. This is a disgrace if we sincerely desire to upgrade the quality of our schools and to improve the teaching profession which is essential for the carrying out of the educational proposals planned in this Green Paper. Graduates of our Colleges of Education are the teachers in our primary and junior secondary schools. Many of them are themselves inadequately educated, so are unable to experiment and improve on teaching methods. Teachers of Form IV have a hard job when the students have not received a sound grounding in the lower forms. I believe that if we insisted that all the entrants to the Colleges of Education had studied a two-year Sixth Form course, they would have received already the basic content of what they planned to teach. The Colleges could then concentrate on how to teach and would not need to be extended, at tremendous expense, to a third year for all. I do however value the proposed refresher training for serving teachers. After they have taught for a few years, all teachers benefit from returning to the classroom themselves.

On studying this Chapter 9 on the Colleges of Education, I was disappointed to find no plan to improve their staffing. I understand the three older Colleges of Education (Northcote, Grantham and Sir Robert Black) have a total of 177 lecturers on the staff. It is incredible to discover that 90 of these (just over 50%) are non-graduates. Clearly this is acceptable in some subjects where Hong Kong cannot provide degree courses in Craft,

Woodwork, PE and Home Economics. However some lecturers in these subjects should have been sent overseas for degree courses. It is indefensible to have so many non-graduates lecturing our future teachers in such subjects as Education, English, Mathematices and Science, Chinese, the Social Subjects of History, Geography and EPA, Art and Music. I understand 27 of these staff are only Certificated Masters or Mistresses, the first grade for a teacher on leaving a College of Education. If financial restraint is the reason for this, I wish to record that such economy is reducing the quality of our education. I should add here that I am not thereby attacking any particular lecturer among non-graduate staff. Under the circumstances, they are tackling their tasks conscientiously. But what extra can a non-graduate member of the staff provide to those teachers who return to study third-year courses when the staff member himself has only a year or two before completed the same course? 'Where there is no vision, the people perish'. I suggest that the staffing of those Colleges of Education needs to be drastically upgraded. In addition, we must allow the Principals of the Colleges to retain the staff who have gained higher qualification overseas for longer years of service. A study of the length of time the staff have served also alarms me— $\frac{3}{4}$ of the staff have taught there for nine years or less and 84 of the 177 have taught there for five years or less. I believe we can upgrade our Colleges of Education in a year or two if we are willing to listen to the pleadings of our educationalists in this regard.

Other forms of post Form V education are considered in the Green Paper. Those wishing to gain further qualifications may opt to go to the Technical Institutes (for their post Form V Certificate courses), the Polytechnic (for their diploma or higher diploma courses) or to the Post-Secondary Colleges (Baptist and Shue Yan Colleges are at present registered under the Post-Secondary Colleges Ordinance). There has been a great deal of talk about these Post-Secondary Colleges. Clearly they are making a valuable contribution to our educational system. We need them and must ensure that they have a proper status. My suggestion is that their four-year diploma courses be brought more fully into the subsidized public system and that they should be allowed to provide a further privately-run fifth year for those desiring a degree.

Hong Kong needs to establish in its own right an organization comparable to the British CNAAC (The Council for National Academic Awards in Britain) for the awarding of degrees to students from institutions outside the two Universities. The Polytechnic as well as the Post-Secondary Colleges would benefit from this. Graduates of the two-year Sixth Form course should be able to enter the Post-Secondary Colleges at the third year with credit for their examination successes, similarly to those entering the Polytechnic from the Upper Sixth. Provision could also be made to permit entry to the Colleges of Education by students who have completed year two at the Post-Secondary Colleges and to the Technical Teachers' College of students who have completed two years at the Technical Institutes or Polytechnic.

We need to ensure in the next decade as much flexibility as possible and we also need to ensure that our limited economic resources are used as profitably as possible. It is economically indefensible that we permit at the moment so many places in the Upper Sixth to be left unfilled. There appears to be about 50% wastage or more in many schools between the Lower and Upper Sixth Classes. With the limited finance available for education, we must insist that students do not waste Upper Sixth places by leaving half way through the course. At the moment able students are being deprived of Sixth Form education by students taking a place in Lower Sixth and dropping out. After all we only plan for 1/3 of those who complete Form V to proceed to Form VI.

I have deliberately omitted reference to the length of the course at the Chinese University, as I know what a sensitive issue that has become since the reorganization of the Chinese University about a year ago. I suggest therefore that its course be left as four years for the time being, so that students can choose whether to go for a three year or a four year university course. In England students can opt for the four-year Keele University or one of the Scottish Universities after completing their 'A' Levels. Hong Kong could have a similar flexibility. We also need here in Hong Kong to rationalize our applications at the end of the Sixth Form by a system found helpful in the United Kingdom by which students apply to a central organization, known as the University Central Council on Admission. Paragraph 5.6 in the Green Paper remarks that the demand for places in tertiary education is difficult to assess. It would not be difficult to establish a system like the University Central Council on Admission—perhaps it could have connections with the Examination Authority. A centralized system of applications for tertiary education would ensure a fairer distribution of our university places to those most suitable. It would also mean an end to the wasteful practice (as at present) of students accepting a place at the Chinese University but leaving that seat of higher learning for the other older one in mid-September, thus depriving another student of a university place.

Your Excellency, this Green Paper is one of the most exciting laid before us this session. I urge the Education Department to incorporate these proposed additions and changes into the White Paper which will guide our educational policy for the next ten years.

With these remarks, I support the motion.

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

Suspended accordingly at five minutes to six o'clock.