

**OFFICIAL REPORT OF PROCEEDINGS****Wednesday, 20 December 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  
MR JACK CATER, CBE, JP

THE HONOURABLE THE FINANCIAL SECRETARY  
MR CHARLES PHILIP HADDON-CAVE, CMG, JP

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

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

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

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

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

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

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

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

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

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

THE HONOURABLE ERIC PETER HO, JP  
SECRETARY FOR SOCIAL SERVICES

THE HONOURABLE JOHN 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 DAVID RAYMOND BOY, JP  
SOLICITOR GENERAL (*Acting*)

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

THE HONOURABLE JOHN HENRY BREMRIDGE, OBE, JP

DR THE HONOURABLE HARRY FANG SIN-YANG, OBE, JP

THE HONOURABLE LO TAK-SHING, OBE, JP

THE HONOURABLE FRANCIS YUAN-HAO TIEN, OBE, JP

THE HONOURABLE ALEX WU SHU-CHIH, OBE, JP

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, OBE, 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

DR THE HONOURABLE HO KAM-FAI

THE HONOURABLE ALLEN LEE PENG-FEI

THE HONOURABLE DAVID KENNEDY NEWBIGGING, JP

THE HONOURABLE ANDREW SO KWOK-WING

**IN ATTENDANCE**

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

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**Papers**

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

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 Sessional Papers 1978-79:	
No 25—Annual Report of the Jubilee Sports Centre, Hong Kong 1977-78 (published on 20.12.78).	
No 26 — Annual Report of the Hong Kong Export Credit Insurance Corporation 1977-78 (published on 20.12.78).	
No 27—Accounts of the Lotteries Fund 1977-78 (published on 20.12.78).	

### **Oral answers to questions**

#### **Third Inland Revenue Ordinance Review Committee Recommendations**

1 MR WONG LAM asked in Cantonese dialect:—

有關第三屆稅務條例檢討委員會報告書之建議，政府經已設立工作小組研究，請問該小組之研究結果將於何時公佈週知？

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

*When will the findings of the Government Working Party formed to examine the recommendations in the Report of the Third Inland Revenue Ordinance Review Committee be published for the information of the public?*

THE FINANCIAL SECRETARY:—Sir, the findings of the Government Working Party formed to examine the recommendations in the Report of the Third Inland Revenue Ordinance Review Committee were contained in this year's budget speech. I would refer Mr WONG Lam to paragraphs 165 to 179 of that speech and for more specific details to Annexes (15) and (16) to the printed version of the speech. He will there find details of those recommendations of the Review Committee which the Government has accepted, those recommendations which the Government has not accepted and the reasons for their non-acceptance, and those recommendations still under consideration by the Working Party.

The Working Party has virtually completed its consideration of these out-standing recommendations, and I shall be reporting to this Council in my next budget speech (at length) in 70 days time. (*laughter*)

### **Effects of Police Interpreters' industrial action**

2 MR CHEONG-LEEN asked:—*To what extent has recent industrial action by Police interpreters caused delay in court proceedings and what measures has Government taken to rectify the situation?*

THE ATTORNEY GENERAL:—Sir, the conduct of the police interpreters has caused and is causing delay in relation to some criminal cases—those to be transferred to the District Court or committed for trial to the Supreme Court. I am not able to give figures as to the precise extent of the delay actually caused by the interpreters' conduct. However, the effect of their conduct on the administration of criminal justice, though naturally worrying, is not alarming. As an example, the delays have been mitigated to some extent because my officers have dealt with some cases on files which are less than satisfactory because of the absence of translations of statements and other documents. I cannot, Sir, allow this to go on.

There are no significant delays in cases being tried by magistrates. This is because the demand for translations, which represents about half of the interpreters' work on average, is much less. Translations are not prepared where there is a plea of guilty, and they are not always necessary if there is a trial. Both the lay prosecutors and police prosecuting officers who read Chinese are working from papers written in Chinese, without translations.

Two measures have been taken to help minimize delays. First, the services of the Chinese Language Officers on the Police Force establishment are being concentrated on the translation of statements and other documents required for District Court and Supreme Court cases. Secondly, the Police Force is using the services for this work of retired interpreters, who are of course being remunerated.

So far as interpretation is concerned, bilingual Chinese police officers are helping out. In short, others are contributing in one way or another to keeping things moving as near to normal as possible. And of course the interpreters themselves have continued to perform much of their usual work, and not all of them are actively participating in the refusal to perform work.

MR CHEONG-LEEN:—*Sir, how often does the danger of a miscarriage of justice arise as a result of this industrial action?*

THE ATTORNEY GENERAL:—I do not think there has been any occasion where there has been a risk of a miscarriage of justice.

MR CHEONG-LEEN:—*Sir, can any further measures be taken in the short-term to improve the existing situation?*

THE ATTORNEY GENERAL:—I believe the only measure that is in contemplation at the moment is a hopeful increase in the number of Chinese Language Officers who could be made available to the Police Force. However, that matter is at this stage only under consideration.

### **Recreational Boating**

3 MR YEUNG asked:—*Will Government make Plover Cove, High Island and other suitable reservoirs available for recreational boating?*

SECRETARY FOR HOME AFFAIRS:—Sir, in August this year, I appointed an inter-departmental Working Group to look into the use of reservoirs for water sports. This Group has identified the Plover Cove Reservoir, the High Island Reservoir and the Jubilee Reservoir as suitable for sailing, canoeing and rowing if these recreational activities are properly controlled to safeguard the health of the general public, the safety of users and the security of waterworks installations. Having consulted the national sports associations concerned, the Group's conclusion is that one of these reservoirs should be developed for boating on a trial basis.

When I receive the Working Group's report, which is likely to be within the next couple of weeks, I shall seek advice from the Council for Recreation and Sport. If the recommendations are endorsed by that Council, we shall submit an appropriate item for inclusion in the Public Works Programme.

Mr YEUNG would have gathered, from what I have said, that there are at least a couple more hurdles to jump before I can give a positive answer to this question.

### **Speed limit within HK harbour**

4 MR LEUNG asked:—*Will Government consider relaxing the speed limit imposed within harbour limits, so that more speedy cross-harbour ferry services can be provided?*

SECRETARY FOR ECONOMIC SERVICES:—Sir, the Director of Marine already exempts ferries from the speed limits when he considers it safe to do so.

### **Obstructions to fire appliances and ambulances**

5 MR TIEN asked:—*Is Government aware of the initial difficulties being experienced by the Fire Services Department in trying to reach premises to*

*deal effectively with fire or other calamity, and if so, will Government state what action is being taken to ensure that fire appliances and ambulances are not impeded by traffic congestion caused by on-street parking and other obstructions?*

SECRETARY FOR SECURITY:—Yes, Sir, this is indeed a problem in this very crowded territory. It is being tackled comprehensively.

In the short-term, and on the streets—a computerized traffic control system is in operation in West Kowloon to give the Duty Officer in the Fire Services control over traffic lights to help speed up the attendance time of appliances.

The Director of Public Works keeps the Fire Services Department informed of road works which may affect access to buildings, or cause traffic congestion. As a result advance plans are made for emergency vehicles to use alternative routes;

Where emergency vehicles are delayed as a result of illegal parking or other obstructions, the Fire Services commander on the way to, or at an incident seeks urgent Police assistance by radio to clear the route and vehicles on it;

It would also be of immense assistance if drivers would respond quickly to sirens and lights of emergency vehicles and give way to them;

Despite on-street parking, appliances manage to get sufficiently close to incidents to deploy effectively.

In the medium term plans for new buildings are examined by the Fire Services Department to ensure that adequate access will be available for emergency vehicles; and a new improved command and control telecommunications system will be introduced in August 1979 to provide more effective operational control of appliances and to speed up their call-out.

Finally there is an extensive building programme under way, especially in the urban area and areas of high risk to ensure that new stations are provided to achieve the internationally recognized time of 6 minutes from the alarm being raised.

MR TIEN:—*Has any fire or other calamity been affected by on-street parking restricting attendance or operation of units of the Fire Services Department?*

SECRETARY FOR SECURITY:—Yes, Sir, obviously if there are vehicles on a road, emergency vehicles will proceed more slowly than if there are none. On the other hand, the Director of Fire Services does not think that, as a result, there have been more casualties or more damage in any particular occurrence. There was one recent occurrence in which fire appliances had difficulty in reaching a particular incident. There were no casualties arising from that fire, but one floor of an industrial building was damaged. On that



occasion police assistance of the type to which I referred was called upon, and although the fire appliances had to drive on the right-hand side of the road, which was obviously undesirable, they were able to reach the incident.

### **Safety rules for canoeing**

6 DR HO asked:—*In view of the increasing number of instances where the Marine Police has to be called to the rescue of stranded canoeists, will Government, in consultation with the Hong Kong Canoe Union and other organizations concerned, conduct a publicity campaign to educate canoeists in the need for mastering the basic skills of canoeing before venturing out to the sea and the need for complying strictly with the safety rules?*

SECRETARY FOR HOME AFFAIRS:—Sir, the Council for Recreation and Sport launched a general campaign on safety in outdoor pursuits earlier this year, with particular emphasis on water sports during the summer months. The campaign consists of short television inserts and posters emphasizing the motto ‘Play Safe’. A pamphlet entitled ‘Stepping out: A Guide to Outdoor Recreation in Hong Kong’ containing safety hints and advice on most popular outdoor activities including canoeing has also been published and issued through schools. It can be obtained also free of charge from CDO counters, RSS offices and Government publication centres.

DR HO:—*Sir, will it help to reduce the number of accidents if Government designates certain parts of the coastal waters or beaches for canoeing?*

SECRETARY FOR HOME AFFAIRS:—It would certainly help, Sir, and there are in fact places in which canoeing can be done without great danger and the question of marking out certain areas of water, I think, might be difficult to do particularly when you also have some canoeists or other boat users who are experienced and can command the sea under any conditions.

MR BREMRIDGE:—Sir, perhaps these areas might successfully be marked out by the boundaries of reservoirs. *(laughter)*

SECRETARY FOR HOME AFFAIRS:—Yes, Sir.

### **Bus services for Wah Fu Estate**

7 MR CHEONG-LEEN asked:—*Is Government satisfied that adequate bus services are provided for Wah Fu Estate and, if not, what measures will Government take to improve the situation?*

SECRETARY FOR THE ENVIRONMENT:—Sir, the Government is not satisfied with the adequacy of bus services provided for Wah Fu Estate. The Transport

Department has been consulting with the China Motor Bus Company for some time now about the provision of new and improved services to the Estate in order to cope with the build up of population. Some improvements have already been introduced, such as the extension of routes 40, 48, 73 and 74 to the new bus terminus in the Estate. New Territories cross-harbour route No 170 has also recently been extended to serve the Estate.

Nevertheless, even with these measures, the level of services is not sufficient and the Transport Department is considering further plans to provide three new services and to improve frequencies on existing routes.

I should add, Sir, that the Company has outstanding orders for 127 new buses, most of them large capacity double-deckers and that they have recently decided to place orders for a further 140. When these buses are delivered there should be a considerable improvement in services overall, including services to Wah Fu.

MR CHEONG-LEEN:—*When will the additional buses be available so that improvements will be noticeable?*

SECRETARY FOR THE ENVIRONMENT:—To a certain extent this depends on the suppliers in the UK, but I can say that the 140 buses which have now been ordered are for delivery in 1980 and the 127 should arrive in the course of next year, 1979, or perhaps early in 1980.

MR. CHEONG-LEEN:—*Is it very likely then, Sir, that an improvement will be noticeable despite the fact that the population in Wah Fu Estate has been increasing rapidly; for example, between September 1976, and September of this year, the population has increased more than 11%?*

SECRETARY FOR THE ENVIRONMENT:—Yes, Sir, I am aware of that and the plans which I did mention of the Transport Department, which they will be discussing with the Company over the next few weeks, will take this into account.

### **Decompression facilities**

8 MR ALEX WU asked:—*In view of the increasing popularity of under water diving activities, will Government state whether it has any plans to provide decompression facilities for divers in distress?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, at present arrangements exist between the Royal Navy and the Government whereby cases of decompression sickness due to diving are treated at HMS *Tamar* and afterwards returned to Government hospitals for subsequent management.

Throughout this year and to date there were only 9 such cases. Under the present circumstances, the need for decompression facilities is limited and the above arrangements are considered adequate and satisfactory. The situation is being watched closely and kept under constant review.

MR ALEX WU:—*Sir, would my honourable Friend inform this Council how many cases of decompression sickness involve sportsmen and how many cases involve fishermen?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—According to my information, the nine cases so far have involved only fishermen.

MR ALEX WU:—*Would Government consider giving fishermen safety education in respect of deep sea diving?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Yes, Sir, I shall consult my other colleagues in the Government for such.

### **Bus services in Central**

9 MR PETER C. WONG asked:—*Is Government satisfied that adequate bus services are being provided for commuters in Central and, if not, what steps are being taken to improve the situation?*

SECRETARY FOR THE ENVIRONMENT:—Sir, the Government is not satisfied with the adequacy of bus services being provided to commuters in Central. The problem is mainly due to the lack of suitable terminal and kerbside stopping facilities. At present, 17 bus routes are operated from the Central Bus Station. These provide about 120 departures carrying a total of about 13,500 passengers in a peak hour. In addition, nine services terminate on-street in the Central District providing about 80 departures and carrying about 8,500 passengers in a peak hour. The on-street termination of these latter services can cause considerable congestion in the roads affected.

To better meet existing needs and to cater for future demands, two new bus termini are being built in the MTR Admiralty Station. Plans are also in hand to extend the Central Bus Station eastward to provide additional departure platforms and, in the longer term, consideration is being given to providing a new terminus on the site of the present Central Market. Once these facilities are provided it will be possible considerably to improve bus services in Central and, in the meantime, additional routes are being introduced wherever possible.

The opening of the cross-harbour section of the Mass Transit Railway in March 1980 will reduce some of the pressure on bus services in this area and the interchange facilities at Admiralty Station will also bring a considerable improvement.

MR. PETER C. WONG:—*The Secretary for the Environment answered a similar question in this Council relating to bus services in Central on 2 August 1978. Can the Secretary inform this Council whether the position now is just as bad or worse than the position prevailing in August?*

SECRETARY FOR THE ENVIRONMENT:—I would say it's just as bad, but I have tried to explain that improvements take some time to bring about when they involve fixed facilities such as termini and stopping places and I explained that measures are in hand which will bring about a considerable improvement in the near future.

MR PETER C. WONG:—*Is the Secretary for the Environment prepared to hazard a guess when bus services in Central will be adequate?*

SECRETARY FOR THE ENVIRONMENT:—Yes, Sir, I would say after the opening of the Mass Transit Railway in the spring of 1980.

### **Medical facilities for Sha Tin**

10 MR YEUNG asked:—*Before the opening of the Sha Tin Hospital, which is due for completion in September 1982, what interim measures is Government taking to meet the growing demand for medical facilities arising from the rapid increase in the population of Sha Tin?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, the need in the Sha Tin area at present is for more facilities at the existing Sha Tin Clinic as well as more general clinic services in this area to cope with the increasing population in the next four years up to 1982.

Thus, steps have already been taken to increase the number of consultation sessions in the existing Sha Tin Clinic and extending the hours of operation up to midnight daily for emergency cases.

In regard to the provision of more general clinic services, a second large general clinic will be build at the Sha Tin Town Centre and this has already been included in Category A of the Public Works Programme. The project should be completed by early 1980.

MR YEUNG:—*Is the Director satisfied that such interim measures are enough to meet the needs of the District?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Yes, Sir, up to 1982.

**Queen Mary Hospital—dual control system**

11 MR BREMRIDGE asked:—*Is Government satisfied with the present interface at Queen Mary Hospital between Hong Kong University doctors and Government doctors, and the various responsibilities thus involved? If not what are their proposals for the future?*

SECRETARY FOR SOCIAL SERVICES:—Sir, the Medical and Health Department and the University of Hong Kong have historically run the Queen Mary Hospital on a dual control system in order to meet the service and teaching roles of the Hospital. By and large these arrangements have worked over the years, partly because the University clinicians and the Government doctors have both grown up with the system, and partly because all concerned are determined to make it work even at some inconvenience to themselves.

In the context of the future clinical manning of the new teaching hospital now being built at Sha Tin for the Second Medical School, it became clear that the Queen Mary arrangements cannot be repeated and, following consideration of the matter by an expert sub-committee, the University and Polytechnic Grants Committee has advised that an integrated system should be adopted instead. This means that the clinical staff of the Sha Tin Hospital, comprising partly University and partly Government personnel, should all share service and teaching responsibilities but with a lesser service load for the University staff and a smaller teaching role for the Government staff.

In the light of these proposals and other changing circumstances like the pattern of admissions, I have decided to set up a Working Party to review the management, organization and staffing requirements of the Queen Mary Hospital bearing in mind its role as a teaching as well as service institution. I have proposed that this Working Party should be under the Chairmanship of the Deputy Secretary for Social Services and comprise representatives of the University of Hong Kong, the Medical and Health Department and the Secretariat Branches concerned, as well as the Secretary to the UPGC. I hope that this Working Party will be able to commence its deliberations early in January with a view to the submission of specific proposals as soon as possible thereafter.

Sir, the UPGC has also observed that the service load on the University doctors at Queen Mary Hospital has increased excessively to the detriment of their teaching responsibilities, and have recommended that an additional 24 clinicians should be recruited as soon as possible. The financial implications of this proposal are now being examined and in the light of the conclusion reached, the Government will be prepared to approach the Finance Committee of this Council with a view to the voting of an additional grant for the University of Hong Kong reserved solely for the development of staff at its Medical School, without awaiting the report of the Working Party.

DR HUANG:—*In view of the fact that my honourable Friend in his reply has made reference only to the service and teaching roles, may I be assured that the necessity to do research, on the part of doctors undertaking university teaching, will be borne in mind?*

SECRETARY FOR SOCIAL SERVICES:—Yes, Sir, within the limits which normally obtain under the University Grants Rules.

### **Planning criteria for NT community facilities**

12 MR YEUNG asked:—*Will Government establish new planning criteria for the provision of community facilities in the rural areas of the New Territories, rather than using those which have been adopted for urban areas?*

SECRETARY FOR THE NEW TERRITORIES:—Sir, Government is looking now at the planning standards for several of the most important sorts of community facilities—cultural centres, community centres and indoor games facilities.

We are moving to change our previous equations of size of population to standard of provision, to take into account the needs and aspirations of individual areas. We are also trying to show more imagination in the use of Government sites in the new development areas, combining for example libraries, squash courts and perhaps indoor games areas within market buildings in Tai Po and Yuen Long. As for cultural facilities we have to recognize that these will be prime objects of interest and ambition to the New Territories District Advisory Boards, as Sai Kung has already shown, and these will call for a high degree of individual attention. Greater flexibility is the order of the day.

MR YEUNG:—*Would my honourable Friend agree that if the criteria are being set earlier, the better it would be for the planning?*

SECRETARY FOR THE NEW TERRITORIES:—We are in time to catch the bus, Sir.

MR YEUNG:—*May I know the time, Sir?*

SECRETARY FOR THE NEW TERRITORIES:—In time, Sir.

REV. JOYCE M. BENNETT:—*Sir, it seems strange to me. Can I please ask whether markets and libraries will mix very well?*

SECRETARY FOR THE NEW TERRITORIES:—Yes, Sir, it is perfectly possible to build a multi-storey building which can incorporate a market on the ground floor and in the upper floors, other facilities, including libraries.

**Police action on street obstructions**

13 REV. JOYCE M. BENNETT asked:—*Will Government make a statement on the action being taken by the Police to effect the removal of broken down and abandoned vehicles and other obstructions, which impede pedestrian and vehicular traffic on many pavements and roads?*

SECRETARY FOR SECURITY:—Sir, in exercising its statutory responsibility for controlling traffic upon public thoroughfares and removing obstructions therefrom the Police removed 1,324 abandoned vehicles from the roads in 1977 and so far this year 1,231 up to 1 October. In discharging this responsibility the Commissioner of Police decides on the operational priorities to be accorded to it, and his officers consider the circumstances of each particular obstruction.

Under the Road Traffic Regulations if a vehicle is left on any road for a period exceeding 72 hours, and it appears to have been abandoned, the Police write to the registered owner asking him to remove it. If the owner does not comply with this instruction within 7 days, the vehicle is towed away to the vehicle pound. In addition, any parked or broken down vehicle which is likely to obstruct the traffic flow or endanger people using the road, may be towed away without prior notice.

In the case of other obstructions to pavements and roads, patrolling Police officers may order their removal. If owners fail to comply then they are liable to prosecution. This year, up to 1 December, there have been 46,163 prosecutions for this offence. If the owner of goods or materials causing the obstruction cannot be identified, the Police arrange with Urban Services Department and other departments to effect removal.

REV. JOYCE M. BENNETT:—*Sir, is this work hindered at all by lack of police vehicles in certain districts?*

SECRETARY FOR SECURITY:—Sir, there are a total of 13 vehicles employed on these towing exercises, 6 in Kowloon, 3 in the New Territories, and 4 on Hong Kong Island. This is the number which has been in use for some time and I have no grounds to believe that it is inadequate.

REV. JOYCE M. BENNETT:—*May I ask, Sir, on what grounds would the number be considered inadequate?*

SECRETARY FOR SECURITY:—If additional vehicles were required to remove vehicles which are regarded as abandoned, then obviously they would have to be found, but, under the present priorities allocated to this work, it is considered that the number of towing vehicles is not a restriction on the removal of abandoned vehicles.

REV. JOYCE M. BENNETT:—*Is one of the problems then that we do not have enough lorries to remove the vehicles which have no wheels and other wooden structures that are taking up parking spaces?*

SECRETARY FOR SECURITY:—The vehicles which are available are for only medium lorries and the heavier vehicles are removed by a Government contractor. I have not heard that the inadequacy of the vehicle capacity is a problem in this field.

REV. JOYCE M. BENNETT:—*After a complaint has been made from a citizen of abandoned vehicles which cause obstruction which prevent the road being cleansed for long periods, how long can we expect it to take for action?*

SECRETARY FOR SECURITY:—I should need notice of that question, Sir.

REV. JOYCE M. BENNETT:—*Sir, is this work hindered at all by lack of liaison between the Police and the Urban Services Department?*

SECRETARY FOR SECURITY:—I am not aware that that is the case.

REV. JOYCE M. BENNETT:—*Sir, I would like to know, can I have an explanation of why it takes 18 months to get some vehicles removed?*

SECRETARY FOR SECURITY:—Sir, if the Honourable Member would give me the details of the particular cases, I will have them examined.

### **Artificial beach and swimming lagoon**

14 MR CHEONG-LEEN asked:—*When and where will the first artificial beach and swimming lagoon be completed and opened for the use of the public?*

SECRETARY FOR THE NEW TERRITORIES:—Sir, there are no plans in terms of the Public Works Programme or any other programme so far as I know, to construct swimming lagoons and artificial beaches.

MR CHEONG-LEEN:—*Sir, while there are no plans in the Public Works Programme, is the provision of such kind of facilities being actively considered for the New Territories?*

SECRETARY FOR THE NEW TERRITORIES:—Sir, the possibility of creating artificial beaches and swimming lagoons has come up several times recently, notably in the two new towns of Sha Tin and Tuen Mun, as part of the proposals in the landscape studies. These ideas have not gone further than the preliminary planning stage. They are dependent on other local planning considerations and technical assessments and hydrological considerations.



The idea has also been mooted in the context of the country park in Sai Kung where many of the beaches are as dangerous as they are beautiful. There might be a case there for surviving swimming lagoons but there is no specific proposal at present.

MR LO:—*Will Government consider an amendment of the Foreshores and Seabed Ordinance to allow private development of foreshores to create swimming lagoons or artificial beaches?*

SECRETARY FOR THE NEW TERRITORIES:—If we had the proposal put to us on those lines, certainly we would consider it.

### **School laboratories**

15 REV. JOYCE M. BENNETT asked:—*Is the Government satisfied that laboratory facilities and standards of safety in laboratories in Government and Aided Schools are adequate, especially in those schools where the new curriculum development syllabuses for Integrated Science are being implemented?*

DIRECTOR OF EDUCATION:—Sir, the Government is satisfied that standards of safety in laboratories in Government and Aided schools are adequate. The required safety equipment is provided, the teaching staff are fully qualified, all schools are issued with a booklet on safety in the laboratory and instructional material on safety is made available for pupils. Science inspectors also check on safety measures during their visits to laboratories.

It is true that the new syllabuses call for more emphasis on practical experimentation. In standard plan schools the provision of laboratories is considered sufficient to cope with the demands of the new syllabuses. In older or non-standard school buildings some conversion of accommodation to give extra laboratory facilities is often required. These conversions are being carried out as quickly as is practicable. In those schools where conversion is still to be done care is taken to limit any practical work done in ordinary classrooms to that which does not have potential hazards.

REV. JOYCE M. BENNETT:—*Sir, will the Government provide 100% aid to those aided schools converting accommodation to give extra laboratory facilities in these schools which have agreed to implement Government's policy of having more practical work for students?*

DIRECTOR OF EDUCATION:—I shall have to consider that question, Sir.

REV. JOYCE M. BENNETT:—*May I have an answer in writing?*

DIRECTOR OF EDUCATION:—Yes, certainly.

(THE FOLLOWING WRITTEN REPLY WAS PROVIDED SUBSEQUENTLY)

The present situation, as laid down in the Code of Aid for Secondary Schools, is that the Government pays 80% of the cost of approved conversions. This applies to the provision of both additional science laboratory and practical/technical subjects accommodation.

As you (Rev. Joyce M. BENNETT) are aware, I believe, the whole question of assistance with major repairs and improvements is currently being reviewed in the context of the 'tong fai' issue, and this could lead to a change in present arrangements.

DR HUANG:—*In view of the new school curriculum being introduced, would the Director consider it necessary to mount refresher courses for teachers, to help reduce the number of our budding Nobel Prize winners in chemistry blowing themselves up?*

DIRECTOR OF EDUCATION:—Sir, I will consider this, but, in fact, a great deal of attention is given to safety and the number of accidents in schools is, in fact, very small.

(THE FOLLOWING WRITTEN REPLY WAS PROVIDED SUBSEQUENTLY)

I have checked further with my science inspectors and confirmed that it is the normal practice for any curricular revision to be accompanied by inservice courses for teachers and laboratory technicians. The purpose of these courses is to acquaint them with the new methods and approaches and, as required, to 'top up' their knowledge. Any safety aspects involved will be included. These courses are run by the Science Section of the Advisory Inspectorate both on their own and jointly with the extra-mural departments of the universities. It is intended to run more courses in the future on practical chemistry lessons for teachers in private schools.

### **School laboratory technicians**

16 REV. JOYCE M. BENNETT asked:—*Will the Government increase the number of laboratory technicians on the staff establishment of schools where the new curriculum development syllabuses for Intergated Science are being implemented?*

DIRECTOR OF EDUCATION:—Sir, a working group in the Education Department is already looking into this question.

REV. JOYCE M. BENNETT:—*Sir, how long has this working party been considering the question and when will it make its report?*

DIRECTOR OF EDUCATION:—Well, the report should be ready, I hope, by this Spring.

REV. JOYCE M. BENNETT:—*Sir, will it be possible then to act on the working party's recommendations if they asked for more laboratory assistants by September?*

DIRECTOR OF EDUCATION:—I hope so, but, of course, I have to seek finance for this.

## Statements

### **Census and Statistics (Survey of Imports and Exports of Services for 1978) Order 1978**

### **Census and Statistics (Survey of Industrial Production for 1978) Order 1978**

SECRETARY FOR ECONOMIC SERVICES:—Sir, when I moved the second reading of the Census and Statistics Bill earlier this year, I said that, while the power to order a statistical survey would continue to lie with the Governor in Council, the Secretary for Economic Services would make a statement on the surveys when the Order for them were laid on the table in this Council.

The two Orders now before Honourable Members authorize a survey of imports and exports of services and a survey of industrial production, both in respect of the year 1978. They are the only two Orders the Commissioner for Census and Statistics is likely to need for his work during 1979.

#### *Survey of imports and exports of services for 1978*

The survey of imports and exports of services will cover industries providing services in the following areas: sea transportation; air transportation; insurance; cinema and television film production and distribution; and hotel management.

This is a new survey. Its purpose is to get data for determining the value of imports and exports of services in respect of these particular industries. Other industries engaged in the import and export of services will not be included in the present survey because the information required can be got through other channels. For example, statistics in aggregate form on the financial sector will become available from the Commissioner of Banking.

The survey can be seen in the context of the existing programme of economic services as in interim measure to obtain useful information on special aspects of selected service industries, pending the launching of a full benchmark survey now scheduled to take place in 1981. The data collected

will help us to improve our estimates of the Gross Domestic Product. It will result in a better understanding of the structure of the service industries and their contribution to the current account flows in the Balance of Payments.

The survey will be carried out in 1979 in respect of data relating to 1978. It will cover a sample of some 2,000 establishments. Completed questionnaires will be required to be returned to the Census and Statistics Department by 30 June 1979.

*Survey of industrial production for 1978*

The survey of industrial production will continue the collection of information from industries engaged in manufacturing, mining, quarrying and the supply of electricity, gas and water. The first comprehensive survey of these industries was in 1974 based on information relating to 1973. It was a benchmark survey designed to collect information particularly on those characteristics of the industries that are unlikely to change significantly in the short term. Each year thereafter, the Commissioner for Census and Statistics has conducted annual but less comprehensive surveys seeking information on the elements that do change quickly so as to provide an assessment of the current state of the industries.

But every 5 years he must bring the benchmark information up-to-date. So the Order now before Honourable Members is for another benchmark survey of industrial production.

It aims at obtaining data for:

- (a) assessing structural changes in the industries concerned;
- (b) compiling such indicators as an index of industrial production;
- (c) providing a continuous assessment of the contribution made to the community's earnings by these industries;
- (d) assessing secular changes in them and using the results towards determining changes in the economy as a whole;
- (e) developing public policy towards the industries as necessary.

The proposed survey will be carried out in 1979 in respect of data relating to 1978. It will cover a sample of some 15,000 establishments out of a total of about 42,000. Completed questionnaires will be required to be returned to the Census and Statistics Department by 30 June 1979.

*Advice*

The Statistics Advisory Board has advised on and endorsed the overall plans for both surveys.

**Annual Report of the Jubilee Sports Centre Hong Kong 1977-78**

MR F. W. LI:—Sir, the 1st Annual Report of the Jubilee Sports Centre Board, laid on the table of this Council today, describes very briefly its

activities over the period of nine months from July 1977 to March 1978. During that period the Honourable Sir Albert RODRIGUES was appointed by Your Excellency as the first Chairman of the Board, which in September last year officially replaced the Provisional Board established four months earlier. Shortly thereafter, Mr D. M. W. GRIFFITHS was selected from amongst a large number of candidates from both Hong Kong and overseas to be the Chief Executive of the Jubilee Sports Centre.

Honourable Members may wish to know something of the more recent developments. In July of this year, Mr GRIFFITHS paid a visit to some of the major sports centres in Europe. On his return he drew up preliminary proposals for the design of the Centre, taking into consideration the ten sports initially chosen and for which facilities are to be provided in the Centre. These are Track and Field, Swimming, Tennis, Squash, Fencing, Gymnastics, Badminton, Table Tennis, Volleyball and Basketball. Although they will be given first priority, provisions will also be made for various other sports, including the popular game of Association Football.

As for the future plans of the Centre, training and coaching in the above sports will commence as soon as the newly-appointed Chief Coach joins the Centre in January next year. With the many offers of assistance already received from all sectors of the local sports community I am confident that a programme of training will soon be underway in temporary venues.

In association with the Hong Kong Institute of Architects, an architectural competition for the design of the Centre is being held. We hope the response will be overwhelming, and that the competition will attract the best local talent in Hong Kong. The Centre itself is, of course, scheduled to be completed by May, 1982. When fully operational, this enormous sports complex in Sha Tin will be a valuable asset for local athletes and sportsmen, in the pursuit of excellence. Its facilities will probably be as modern and sophisticated as the most advanced sports centres in other parts of the world and will include among others, a large multi-purpose sports hall, a residential accommodation block, a squash complex, and a specialist weight and strength training hall.

Sir, in September this year you appointed under section 12 of the Ordinance four additional members to the Board, increasing its membership to the full strength of nine. I am sure I am voicing the sentiments of my colleagues on the Board when I say we have many challenging tasks ahead of us. It will be our aim to raise the standard of the performance in sports in Hong Kong, thereby stimulating increased participation in sports and recreation generally. There is much more to be done before the Centre is translated from plan to reality.

Finally, Sir, I should like to publicly express our gratitude for the donation of over \$12.5 million from the Queen's Silver Jubilee Appeal Committee under the able chairmanship of Mr Q. W. LEE. As this donation was transferred

to the Board after 31 of March 1978, it has not been reflected in the accounts annexed to the Annual Report. Honourable Members may also wish to note that this amount will be matched by the Royal Hong Kong Jockey Club on a dollar-to-dollar basis, making the total fund in excess of \$25 million.

## **Government Business**

### **Motion**

#### **HOUSING ORDINANCE**

THE SECRETARY FOR HOUSING moved the following motion:—That the Housing (Traffic) By-laws 1978, made by the Housing Authority on the 23 November 1978, be approved.

He said:—Sir, the by-laws tabled today, which were made by the Housing Authority on the 23 November 1978, under section 30 of the Housing Ordinance, set out arrangements for controlling entry and parking, charging parking fees, and removing and detaining vehicles found illegally parked.

The Authority's powers extend *only* to controlling access to and parking on roads designated as restricted. Otherwise, the Road Traffic Ordinance and its subsidiary legislation continue to apply. The responsibility for dealing with traffic accidents and other traffic offences remains with the Commissioner of Police.

Sir, I move that the Housing (Traffic) By-laws, 1978, as tabled, be approved.

*Question put and agreed to.*

### **First reading of bills**

#### **CRIMINAL PROCEDURE (AMENDMENT) (NO 4) BILL 1978**

#### **DUTIABLE COMMODITIES (AMENDMENT) BILL 1979**

#### **ROAD TRAFFIC (AMENDMENT) (NO 4) 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

### CRIMINAL PROCEDURE (AMENDMENT) (NO 4) BILL 1978

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

He said:—Sir, it is plainly right, and has long been the law, that an accused person should not be kept in custody pending his trial except for good reason. The argument as to the extent of the right which a man should have to his liberty pending trial is one aspect of that struggle in a free society on the one hand to uphold the personal freedom which we value so highly and on the other to ensure that the law is administered and enforced effectively so that society is adequately protected from criminals. In relation to bail as in relation to other matters affecting the administration of criminal justice, the pendulum of public opinion swings from time to time in one direction or the other.

The swing of opinion in Hong Kong at the present time in relation to the question of bail is clear. The community finds our system of criminal justice defective if its administration results in persons accused of serious crimes avoiding trial by absconding. This does not involve any pre-judgment of guilt. What the community sees is arduous and costly work on the part of law enforcement agencies frustrated before it is put to the test. When this happens it is rightly a matter of public concern.

It is true, Sir, that the escape of defendants in a particular recent case impelled me to put forward the proposals which this Council is being asked to consider but there is more to the matter than that. Despite the fact that in recent years we have seen defendants in a number of serious cases abscond, I have hitherto been reluctant to move for change in the law in an area so affecting personal freedom. However, the fact is that the level of recent public concern calls for positive action.

Before I turn to the proposals for change, it is however very necessary for me to emphasise, as I have done before outside this Council, how difficult decisions about bail can be—given the starting point that accused persons should be at liberty pending trial unless there are good reasons to the contrary. They are not only difficult for the judges and magistrates who have to decide the matter but also for law enforcement officers and others who have to decide what attitude they should take to the question of bail in particular cases. Bail is not lightly to be opposed and certainly cannot be opposed unless there is adequate supporting material. More doubts, for example, about whether a man will turn up for his trial are not enough. Suspicion that he may try to interfere with witnesses is not enough. Bail is a matter which has to be decided judicially. And there is even ancient authority for the proposition that refusal or delay by a judge or magistrate to bail a person

who is entitled to it is an offence against the liberty of the subject. That is a clear indication of the stand which the law has long taken with respect to the grant of pre-trial bail.

So, Sir, although the Government fully recognizes the community's dissatisfaction, I am bound to warn, given the difficult nature of the decisions in some cases, against the belief that there is an acceptable solution which will guarantee no repetition of recent escapes.

Sir, the proposed law does not impose any restraint on the discretion which magistrates and judges have with respect to the grant of bail. What it will do is to give the Crown a right to have decisions of magistrates and district judges granting bail reviewed in the High Court at the instance of the Attorney General. In one sense, it can be said that the Bill will put the prosecution in the same position where bail is granted as a defendant has always been where bail is refused. A defendant who is refused bail has always been able to apply to the High Court for a review and is able to apply to one judge after another if he is unsuccessful.

The decision of the High Court judge on a review under the proposed law will be final. There will be no appeal by either party. Nor, of course will the Attorney General, if unsuccessful, be able to apply to another judge. The proposed finality of the decision on a review has led me to propose also that a defendant's right at large to go from judge to judge should now be abrogated. The new section 12B will provide accordingly, whilst allowing a defendant to apply again to any High Court judge if there is a material change in circumstances or to the trial judge once his trial has commenced.

I considered carefully whether on a review the Attorney General should be limited to the material and arguments put before the magistrate or district judge. This is effectively the position on a review of sentence at the instance of the Attorney General. I consider that such a limitation would not be sensible and the Bill provides for the admission of any relevant material or argument which effectively means that the review by a High Court judge will be a re-hearing of the bail issue.

I believe that the proposal giving the Attorney General a right to seek a review of a decision to grant bail will be welcome. A more controversial proposal is that contained in the proposed section 13 which will allow the Attorney General, where a magistrate or district judge has granted bail, to intervene forthwith and require the Court to order the defendant's detention in custody pending the making of an application to review. I justify this proposal on the very simple ground that without it the new arrangements may be frustrated from the outset because the defendant absconds before the Attorney General can act. The new section 13 requires that a defendant who is so kept in custody must be brought before a High Court judge within 48 hours, and this seems to me a reasonable safeguard. Members should, however, know that the Chief Justice is strongly opposed to this proposal.



Sir, I do not expect a flood of applications by the Attorney General for review of bail decisions, and Members can be sure that the Attorney General's power to require a man to be detained pending a review will be exercised with great care. Nevertheless, I think that these proposals will effect a useful improvement in relation to the administration of justice and will enable a fresh mind to be brought to bear in a difficult case.

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

*Question put and agreed to.*

### **DUTIABLE COMMODITIES (AMENDMENT) BILL 1979**

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

He said:—Sir, the purpose of this Bill is to clarify the power in the Dutiable Commodities Ordinance to make regulations for the suspension and revocation of liquor licences.

Subsection 6(1)(n) of the principal Ordinance provides that the Governor in Council may by regulation prescribe or provide for the issue of liquor licences and the establishment, functions and procedures of boards appointed for the purpose.

Regulation 23(1) of the Dutiable Commodities (Liquor) Regulations empowers the Liquor Licensing Board to *revoke* or *suspend* any liquor licence on proof to its satisfaction that an offence has been committed against the Ordinance.

It has recently been suggested that this regulation may be *ultra vires* the principal Ordinance, and the Attorney General has advised that it would be prudent to put the question beyond doubt by incorporating express enabling power in the Ordinance and thereafter re-enacting regulation 23(1) of the Dutiable Commodities (Liquor) Regulations.

Clause 2(a) of the Bill therefore amends subsection 6(1)(n) of the principal Ordinance to empower the Governor in Council to make regulations providing for the issue *and* the suspension and revocation of liquor licences by a board appointed for the purpose.

Clause 2(a) of the Bill amends subsection 6(2) of the principal Ordinance by expressly providing that any regulations made under section 6 may also provide that a contravention of any regulation shall be an offence and to prescribe penalties for such offences.

*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 4) BILL 1978**

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

He said:—Sir, the purpose of this Bill is to provide for stiffer sanctions against taxi drivers who engage in malpractices. It is, however, part of a wider package of measures designed:

*First*, as I have said, to provide for more severe and certain punishment for those drivers who continue to indulge in malpractices.

*Secondly*, to improve the state of the taxi trade by raising the legal scale of fares. This will not only help to make taxis more readily available to those wishing to hire them but will also enable taxi operators and drivers to earn a reasonable living without indulging in malpractices.

*Thirdly*, to continue to issue more taxi licences and to reduce, as far as possible, the element of speculation in tendering for such licences.

I will take each of the elements in this package in order, starting with this Bill.

#### *Sanctions against malpractices*

At present, the penalties for such offences by taxi drivers as tampering with the meter, not driving to the destination required, not driving by the most direct route, or refusal of a hire, incur a *maximum* penalty of a \$500 fine and three months imprisonment for a first offence and a fine of \$1,000 and imprisonment for six months for subsequent offences. These penalties have proved not to be severe enough to provide effective sanctions against malpractices. So it is now proposed, in clauses 2 and 3 of this Bill, to remove the distinction between first and subsequent offences and to set the *maximum* penalty at a fine of \$3,000 and six months imprisonment for offences against regulations made under the Road Traffic Ordinance.

A further penalty, provided for in clause 4, is to extend the circumstances, in section 23(1) of the principal Ordinance, under which a court or magistrate can suspend a driver's driving licence to include the more serious taxi malpractices. These are, basically, refusal to accept a hire, or to drive the taxi to the place indicated by the hirer, and overcharging.

It is also proposed to change the appropriate regulations to the Road Traffic Ordinance to clarify the offence of refusing a hire. At present, a taxi

is considered to be plying for hire only if it is at its garage, a taxi stand or returning to a taxi stand. The intention now will be to alter the regulations to reflect the actual situation in which taxis are hailed on the streets and to define a hirer in such a way as to include a person seeking a hire.

This means, for instance, that, if a taxi driver responds to a hail from an intending hirer and then refuses to accept the hire, he will be committing an offence. Actions such as displaying an out of service sign or locking the door from the inside will not be mitigating circumstances because, by the very act of responding to the hail, the taxi driver will be considered to have accepted the hire and will be required by law to take the hirer to the destination named. Failure to do so could lay the taxi driver open, not only to the increased fines I have indicated, but also to the possibility of having his driving licence suspended. So not only will the penalties for malpractices be made more severe, but the malpractices themselves will be more clearly and effectively defined in the law.

Of course, the effectiveness of these new sanctions and penalties will depend heavily on those members of the public who are affected being willing to make complaints and then to go through the necessary procedures to follow them up. It is hoped that they will be persuaded to do so by these new provisions which should make conviction more certain. For their part, the police will continue with the strenuous efforts they have recently been making to combat malpractices by taxi drivers and they will be ready to assist the public in any way possible to press their complaints.

### *Higher Fares*

I turn now to the second part of the package, namely the action intended to improve the state of the taxi trade. Here we face a situation in which, over many years, taxi fares have risen by far less than the general level of prices for commodities and services and by even less in comparison with wages, salaries and other incomes. They have certainly increased much less than have other transport charges for buses, trams, ferries and so on. The one and only fare increase for taxis since the war was in 1974 and, since then, there has been a substantial increase in other prices and incomes, including other transport charges. As a result of this, the demand for the services of taxis at the fares ruling has been increasing very rapidly, particularly over the last 18 months, and, despite a significant increase in the numbers of taxis licensed, this has created an apparent shortage. A consequence of this is that the temptation to taxi drivers to pick and choose their destinations, or to bargain and haggle for fares, has become much greater and more of them have succumbed to this temptation. Moreover, many members of the public are now openly offering to pay more than the metered fare in an attempt to obtain taxis.

It has therefore been decided, as part of the package, to increase urban taxi fares to \$2.50 for the first mile and 50 cents for each subsequent  $\frac{1}{4}$  mile;

with waiting time charged at 50 cents for every 2½ minutes. New Territories taxi fares will be increased to \$1.50 for the first mile and 30 cents for every subsequent  $\frac{1}{5}$  mile; with waiting time charged at 30 cents for every 2½ minutes. A minor adjustment will also be made so that every journey involving a tunnel toll or vehicular ferry trip will incur a surcharge of twice the toll or ferry fee; this will replace the present system of specified charges for the Cross-Harbour Tunnel and vehicular ferries.

These fare increases are not only designed to have some dampening effect on the burgeoning demand for taxis. They also recognize the increase in the costs of operating a taxi that have been taking place over the past few years. Furthermore, by equalising charges for the first and subsequent miles, they are intended to deter taxi drivers from congregating in congested Central areas hoping for a short trip. The increases also aim to end the present anomalous situation whereby, because a shared taxi is almost as cheap as taking a bus or tram and cheaper in many cases than a minibus, the demand for this form of transport is kept artificially high, often at the expense of those who wish to use taxis in a more normal way. As I have indicated, the higher fares should also, by giving drivers more legitimate income, reduce the incentive to resort to negotiating fares or refusing an unattractive hire.

It is the Government's intention that these two elements in the package, that is to say the higher fares and the stiffer penalties for malpractices, should be introduced simultaneously and as soon as possible after this Bill has passed into law.

#### *The Issuing of Taxi Licences*

Sir, the third leg of the tripod concerns the issuing of taxi licences and the method of their issue. Over the past 2¼ years, that is 27 months, the Transport Department has processed almost 3,000 new taxi licences, including the issue of 738 New Territories licences and the conversion of over 1,300 public cars to taxis. 900 additional urban taxi licences have also been issued by tender and a further tender for 300 licences is currently being conducted. All this has involved a great deal of work for the staff of the Transport Department and is a commendable effort on their part.

The Government intends to continue to call tenders for 300 new urban taxi licences per quarter.

An examination has also been made of the current system of tendering for licences with a view to seeing whether improvements could be introduced. Although, however, this system does have its shortcomings, it was concluded that any feasible alternative would probably have even greater drawbacks. It was therefore decided that, at least for the time being, the system should be retained basically in its present form. The only change decided on has been to increase the deposit required with each tender from \$2,500 to \$25,000. This deposit is, of course, refundable to unsuccessful tenderers and for successful

tenderers it is offset against the price bid. The higher deposit will, it is hoped, deter frivolous bids. And it will also act as a deterrence to those who are induced to gamble with a small sum in the hope of obtaining a licence and reselling it for a higher price.

There is one other point I would wish to make here and that concerns the annual licence fee for urban taxis. At present this is fixed at \$320, which is less than half the average licence fee paid by a private car. Seeing that, in terms of mileage travelled, the average taxi is equivalent to about 15 private cars this charge seems to be very low and it may well, in due course, need to be reconsidered.

### *Conclusion*

Sir, in conclusion the package I have described this afternoon, in which this Bill plays a key part, will not be palatable to every one. The taxi using public will not, on balance, welcome higher fares. And not all taxi drivers and operators will be sanguine about the increased penalties against malpractices and the tighter enforcement of the law. I submit, however, that measures along these lines have been proved by events to be abundantly necessary and, indeed, to be overdue. The chaotic way in which taxis are now operating—and I do not think I am exaggerating when I use the word ‘chaotic’—must now be apparent to all. To allow the situation to continue unabated in all its inefficiency can only tarnish the good name of Hong Kong as an orderly, progressive and modern city. It is time for order to be restored.

Here I will be frank. I do not promise that, as a result of the steps I have outlined, all the problems of the taxi trade will automatically be solved. But I do believe that we will be moving in the right direction. What I can promise is that the situation will be closely monitored after the changes are introduced and that a further review will take place next year. One aspect to be borne in mind is that we now stand close to the threshold of massive improvements in the public transport system in Hong Kong and these will, in their turn, assist in restoring a balance between the supply of, and the demand for, taxis.

*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**

### **Resumption of debate on second reading (5 July 1978)**

*Question proposed.*

MR CHEN:—Sir, I rise to speak in my capacity as the Convenor of the *Ad Hoc* Group set up by my Unofficial Colleagues to study the Bill

after its introduction in July this year. We have had several meetings with representatives of the Secretary for the Environment, the Attorney General, the Commissioner for Transport and the Commissioner of Police. I am happy to say that after many hours of deliberation we have now reached agreement with the Administration on a number of amendments which will shortly be introduced by my Friend the Secretary for the Environment.

In recommending the various amendments to the Bill, the *Ad Hoc* Group consistently took the view that whilst there is a need to confer upon the law enforcement authorities power to ensure that motor vehicles are properly maintained and safely used on the road, there must be also adequate safeguards in the law to ensure this power cannot be abused. For example, clause 7'O' confers upon a police officer the power to examine a motor vehicle on the road and to order its detention at a vehicle examination centre or police station for vehicle examination, while clause 7'R' empowers a specially authorized motor vehicle examiner to suspend the vehicle's licence, if upon examination of the vehicle he finds it to be unroadworthy and a potential danger to other road users. These are significant powers which, if abused, could cause considerable inconvenience or even hardship to the vehicle owners. Adequate safeguards against such abuse have been incorporated in the various amendments proposed.

My Unofficial Colleagues were very unhappy about the 72-hour maximum period of detention for a motor vehicle in clause 7'O'. We were advised that such a time limit was necessary in the light of the Transport Department's current shortage of motor vehicle examiners to deal with an exceedingly heavy workload of vehicle examinations. After lengthy deliberation, the *Ad Hoc* Group, having regard to this severe manpower shortage, agreed to support the 72-hour detention period for motor vehicles in clause 7'O', on condition that the Government urgently re-examine the establishment, conditions of service and recruitment of motor vehicle examiners, with a view to introducing a 24-hour maximum period of detention as soon as possible. It was further agreed that this situation should be reviewed in six months' time.

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

MR CHEONG-LEEN:—Sir, there is one aspect of this Amendment Bill about which I am still concerned.

In the proposed section 7(O) of clause 4 of the Bill, a vehicle may be detained for a period not exceeding 72-hours. I can accept this section provided it is strictly adhered to, and the detaining of a vehicle does not exceed 72-hours.

I fear this section could be enforced more in the breach, and that vehicles will often be detained longer than 72-hours. The reason is basic; there is a critical shortage of motor vehicle examiners at the vehicle examination centres. This shortage has been almost endemic since two or three years ago.

I would ask the administration to monitor this aspect of the Bill over the next 6 months, to check how many vehicles are impounded beyond the 72-hour limit set under this particular section.

In my personal view Government should also consider whether there is a justifiable case to compensate vehicle owners for each day that the vehicle is impounded beyond the 72-hour limit. The livelihood of some of these vehicle owners is at stake and Government should not create hardship simply because it cannot adhere to the law.

With these remarks, Sir, I support the motion before Council.

SECRETARY FOR THE ENVIRONMENT:—Sir, Mr S. L. CHEN has indicated that I will be moving a series of amendments to this Bill at the Committee Stage. At this stage I would like to congratulate him and the other Members of the *Ad Hoc* Group for the very considerable effort they put into their consideration of this Bill. A number of meetings were held with concerned Government officials at which all the provisions of the Bill were examined in depth. This has produced significant improvements and is another example of the diligence with which our Unofficial Colleagues scrutinize legislation coming before this Council.

I have noted what has been said by both Mr CHEN and by Mr CHEONG-LEEN about the 72-hour detention period in the proposed section 7(O) in clause 4 of the Bill. They can be assured that the Transport Department will keep a record of performance in this matter and that the Government will re-examine the establishment, conditions of service and recruitment of motor vehicle examiners with a view to shortening the period of detention.

*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).*

## **TRAFFIC ACCIDENTS VICTIMS (ASSISTANCE FUND) BILL 1978**

### **Resumption of debate on second reading (29 November 1978)**

*Question proposed.*

MR CHEUNG:—Sir, in August last year, I pleaded in this Council for drastic reform of the law relating to the rights of third parties against insurers of motor vehicles. I also said in passing that if it were thought desirable that third parties injured wholly through their own fault and through no fault of the driver should be compensated, that would be a social welfare

measure, and one which I would support, if like other social welfare measures it were funded from general revenue.

Since then officials have forcefully represented to me that, although the general revenue should bear part of the burden, the larger part of it should be borne by owners and drivers of vehicles. I have in the end reluctantly accepted this view, because, in practice, a person not seriously injured, but through the fault of the driver, would make a claim, simply because he will not have to go to court, nor wait very long for his money.

I would have wished that a simpler and fairer way of raising the funds could have been devised. After all, the more the vehicle is on the road, the more likely it is to be involved in an accident causing personal injury, and I should have thought the most equitable, time and manpower saving method would be to add something to the cost of automotive fuel. The more a vehicle is used, the more it pays, and twenty cents a gallon would have been enough for the scheme. I commend that to Government, should experience show that the proposed method of levying the money proves cumbersome, expensive and time consuming, and thought generally to be unfair.

I also pleaded in August last year as an alternative to the reform of the third party laws that as an alternative it might be right to introduce a Motor Insurance Bureau in Hong Kong. Government has preferred that route, and I await with interest formal proposals in that regard, and I welcome the reports which have recently appeared in the newspapers that discussions between Government and insurers appeared to be reaching a conclusion.

With these remarks, I support the motion.

MR PETER C. WONG:—Sir, the Senior Unofficial Member has spoken eloquently on the substance of the Bill now before Council. My task is to comment briefly on an apparently technical matter but one which relates to terminology central to the workings of the proposed Scheme.

The primary object of the Bill is to offer financial aid to victims of traffic accidents. Clause 2 defines a traffic accident as ‘an accident which causes the death of or injury to any person as the direct result of the *use* of a vehicle on a road’. This definition is important in that it determines whether a claim may be entertained under the Scheme.

In its ordinary meaning, the word ‘use’ when applied to a vehicle, imports some positive, active element and does not normally cover a stationary or unattended vehicle. Nor would it cover an unattended vehicle careering down a slope. Accidents occurring under such circumstances will be outside the ambit of this Bill.

It is true that in certain judicial decisions, the word ‘use’ has been given a liberal construction, which may conceivably cover such instances. This, however, does not necessarily guarantee that judges will invariably construe the



word in the same sense in every case. In any event, it is unsatisfactory to leave our written law vague and imprecise and cast the responsibility on the Courts by, perhaps, relying on some strained interpretation to advance the intent and policy of the legislation. And since this Bill seeks to help the ordinary man and woman, the case for making the law as plain as possible is further strengthened.

I am pleased that Government has accepted my suggestion to clarify the definition by adding the words 'or presence' after the word 'use'. This addition will obviate any possible ambiguity and make the definition clear and certain. The Secretary for the Environment will move the necessary amendment at the committee stage.

Sir, I support the motion.

MR WONG LAM delivered his speech in Cantonese:—

督憲閣下，有關交通意外傷亡者援助計劃，本人絕對支持。過往很多例子，顯示出受害者在追討及等待賠償方面，往往需要很長的時間；更甚的是在某些情況下，受害者或其家屬根本不知道肇事者為何人，或即使知道而因為種種特殊原因，無從追討賠償，所以政府此項新計劃，對市民而言，實在是多了一項良好的保障。

至於計劃的細節方面，本人認為有兩點值得提出討論。

首先是受害者必須最少失去七天的收入或七天的工作能力才有資格申請援助。此點對部份積蓄微薄人士而言，所提供的幫助便大打折扣，特別在受害者為家庭收入主要成員的情況下，則影響更大，所以政府有考慮取消或縮短這七天的條件之必要。

其次是由申請到援助所須的時間，因為這計劃的主要目的之一是使交通意外受害者或其家屬能夠早日獲得援助，所以付款方面，必須快捷。本人認為政府應該指定，任何合條件之申請，必須於最短時間內作出援助，但無論如何，不應超過一星期，這樣才能夠與計劃的原意相符合。

本人認為政府更應廣泛宣傳，這項良好計劃對市民所提供的保障，使市民對此項計劃有所認識。

督憲閣下，本人支持此項動議。

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

Your Excellency, I fully support the Traffic Accident Victims Assistance Scheme. In the past, there have been numerous cases in which traffic accident victims had to wait for a long time before receiving any compensation. It was even worse in some cases where victims or their family members did not know who was responsible for the accident, or even if they knew, they might for some reasons still fail to pursue their claims for compensation. This Scheme will therefore provide an additional form of relief for the protection of the public.

With regard to the details of the Scheme, I think there are two points worthy of consideration.

Firstly, the requirement that a victim has to suffer a loss of at least seven days' income or earning capacity before he is eligible for claiming assistance: this greatly reduces the extent of the assistance to be given to

those who have little savings, particularly if the victim is the breadwinner. It is thus necessary for Government to consider waiving the 7 days requirement, or having the period shortened.

Secondly, on the question of the waiting period for actual payments, as one of the main objects of the Scheme is to enable a victim or his family to receive early relief, Government should ensure that payment is made promptly. In my opinion, as long as claims for assistance meet the specified requirements, payment should be made within the shortest possible time and in no case should it exceed one week. It is only in this way that we can achieve the objective of the Scheme.

Finally, I think it is necessary for Government to give wider publicity to this commendable Scheme and the relief it provides so as to enable the public to be more aware of it.

Sir, I support the motions.

SECRETARY FOR THE ENVIRONMENT:—Sir, I am grateful to Mr Oswald CHEUNG, Mr Peter C. WONG and Mr WONG Lam for the interest they have shown in this Bill.

Mr CHEUNG mentions the possibility of a Motor Insurers Bureau being established. The Government supports this and we see an MIB and this Scheme as essentially complementary to each other.

As regards Mr WONG Lam's suggestion that the seven days loss of earnings requirement should be waived, I would point out that the Scheme is designed to provide immediate relief to victims of traffic accidents without proof of fault and some provision clearly has to be made to prevent frivolous claims. The condition of a minimum of seven days loss of earnings was one such provision and I would prefer to see how it works in practice before considering further changes.

I can, however, promise Mr WONG Lam that the Government accepts that payments under the Scheme should be made as promptly as possible and I am sure that the Director of Social Welfare will do his best to see that this is the case. I can also confirm that the Scheme will be given full publicity in the media and that explanatory pamphlets and other material are being prepared to help inform the public of its provisions.

I confirm that the Government has accepted Mr Peter WONG's suggestion on the word 'use' when applied to a vehicle and I will be moving the appropriate amendment at the Committee Stage.

Before closing my remarks, Sir, I should point out that I will also be moving further amendments at the Committee Stage designed essentially to protect the revenue. The problem arises from the fact that both vehicle and driving licences can be renewed up to four months before they expire. There would thus be a strong incentive for those whose licences expire in

the initial period after the commencement of the Scheme to get them renewed at an earlier date in order to escape payment of the levy. If this were to happen it would result in very considerable additional sums having to be made available for general revenue in the first year of the Scheme, and also in the levies on all vehicle and driving licences having to be raised significantly in the second year. The amendments I will be proposing will therefore be designed to prevent this potential loss in revenue.

*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).*

### **JUDICIAL PROCEEDINGS (ADJOURNMENT DURING GALE WARNINGS) (AMENDMENT) BILL 1978**

#### **Resumption of debate on second reading (29 November 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.

### **ROAD TRAFFIC (AMENDMENT) (NO 3) BILL 1978**

Clauses 1 to 3 were agreed to.

Clause 4

SECRETARY FOR THE ENVIRONMENT:—Sir, I move that clause 4 be amended as set out in the paper circulated to Honourable Members. This clause is very much the meat of the Bill and it exceeds to a two whole new parts, Part 1A and Part 1B to the principal Ordinance. As I have said in reply to the debate on the Second Reading, the proposed amendments have all

been agreed to by the *ad hoc* group of the Unofficial Members. Briefly, the amendments are as follows:

A new sub-section 7M(2) will ensure that any motor vehicle produced for examination, at the vehicle examination centre under sub-section 7M(1) can only be detained for a period not exceeding 24 hours.

A further new sub-section 7O(2A) will ensure that police officer directing a driver to take a motor vehicle for an examination after a preliminary on-road inspection must serve on the driver, a notice specifying his belief that the vehicle has either been involved in an accident, is unroadworthy or does not comply with the necessary need in licensing requirements.

Both these new sub-sections will protect the owner from unnecessary inconvenience by having his vehicle detained for too long a period. The penalty of imprisonment for six months has been deleted from sub-section 7O(3) in connection with failing to obey the orders of a police officer under subsection 7O(2) and from sub-section 7T(3) in connection with failure to follow the instruction of the vehicle repair order.

A new sub-section 7T(4) has also been inserted. This provides that in any proceeding for an offence under sub-section 7T(3), it shall be a good defence for the registered owner to prove that at the date specified in the vehicle repair order the vehicle had been either permanently disposed of or its registration book had been surrendered to the Commissioner for Transport for cancellation.

Sub-section 7S(1)(b) and 7T(1)(b)(i) had been amended to make clear that the owner of a vehicle on which either a suspension of vehicle licence or vehicle repair order has been served cannot be expected to carry out the necessary repair by himself.

The final amendment is in sub-section 7W(1). This provides, *inter alia*, for the appointment of motor vehicle examiners and as amended, it distinguishes between vehicle examiners on the one hand and specially authorized vehicle examiners on the other. Section 7X defines specially authorized vehicle examiners as examiners who are authorized in writing by the Commissioner for Transport to issue suspension of vehicle licence orders. This is to ensure that only vehicle examiners of appropriate rank may issue suspension of vehicle licence orders in order to prevent possible abuse. The necessary consequential amendments have been made to section 7R and sub-section 7S(3).

#### *Proposed amendment*

#### **Clause 4**

That clause 4 be amended—

- (a) by inserting after subsection (1) of the proposed section 7E the following new subsections—

‘(1A) Subject to subsection (1B), any limit notified under subsection (1) shall remain in force for such period not exceeding 6 months as shall be specified in the notice.

(1B) The Legislative Council may by resolution extend the period for which a limit remains in force under subsection (1A)’;

(b) in the proposed section 7M by inserting at the end thereof the following new subsection—

‘(2) A vehicle produced at a vehicle examination centre pursuant to subsection (1) may be detained for a period not exceeding 24 hours.’;

(c) in the proposed section 7O—

(i) by inserting after subsection (2) the following new subsection—

‘(2A) A police officer who—

(a) directs a driver to drive a motor vehicle; or

(b) drives, removes or causes a motor vehicle to be driven or removed, to a vehicle examination centre or police station under subsection (2) shall serve on the driver of the motor vehicle a notice specifying—

(i) his belief that the vehicle has been involved in an accident;

(ii) the respect in which he believes the vehicle is unroadworthy; or

(iii) the respect in which he believes the vehicle does not comply with this Ordinance or any condition subject to which the vehicle licence in respect of the vehicle was issued.’; and

(ii) in subsection (3) by deleting ‘and to imprisonment for 6 months’;

(d) in paragraph (i) of the proposed section 7R by inserting after ‘users’ the following—

‘refer the motor vehicle to a specially authorized vehicle examiner who shall’;

(e) in the proposed section 7S—

(i) in subsection (1)(b) by deleting ‘carry out the repairs’ and substituting the following—

‘cause to be carried out the repairs’; and

(ii) in subsection (3) by deleting ‘the vehicle examiner’ and substituting the following—

‘a special authorized vehicle examiner’;

(f) in the proposed section 7T—

(i) in subsection (1)(b)(i) by deleting ‘carry out the repairs’ and substituting the following—

‘cause to be carried out the repairs’;

(ii) in subsection (3) by deleting ‘and to imprisonment for 6 months’; and

(iii) by inserting after subsection (3) the following new subsection—

‘(4) In any proceedings for an offence under subsection (3) it shall be a good defence for the registered owner to prove that

at the date specified in the vehicle repair order for production of the motor vehicle for examination—

- (a) the vehicle had been broken up, destroyed or sent permanently out of Hong Kong; or
  - (b) the registration book relating to the motor vehicle had been submitted to the Commissioner for cancellation of the registration.’;
- (g) by deleting subsection (1) of the proposed section 7W and substituting the following—
- “7W. (1) The Commissioner shall appoint persons to be—
- (a) vehicle examiners;
  - (b) specially authorized vehicle examiners,
- for the purposes of this Part.’;
- (h) in the proposed section 7X—
- (i) by inserting after the definition of ‘roadworthy’, the following new definition—
    - ‘ “specially authorized vehicle examiner” means a person appointed as a specially authorized vehicle examiner under section 7W(1)(b) and authorized in writing by the Commissioner to issue suspension of vehicle licence orders;’; and
  - (ii) in the definition of ‘vehicle examiner’ by inserting after ‘a vehicle examiner’ the following—
    - ‘and a specially authorized vehicle examiner’.

The amendment was agreed to.

Clause 4, as amended, was agreed to.

Clauses 5 and 6 were agreed to.

## **TRAFFIC ACCIDENT VICTIMS (ASSISTANCE FUND) BILL 1978**

### Clause 1

SECRETARY FOR THE ENVIRONMENT:—Sir, I move that clause 1 be amended as set out in the paper circulated to Honourable Members. It provides a firm date of commencement for the Bill at the 1 of January 1979. This will empower the Commissioner for Transport to begin collecting levies from that date on licences due to expire on or after 1 of May 1979, the date of commencement of the Scheme.

*Proposed amendment***Clause 1**

That clause 1 be amended by deleting ‘a day to be appointed by the Governor by notice in the *Gazette*’ and substituting the following—  
‘the 1 January 1979’.

The amendment was agreed to.

Clause 1, as amended, was agreed to.

**Clause 2**

SECRETARY FOR THE ENVIRONMENT:—Sir, I move that clause 2 be amended as set out in the paper circulated to Honourable Members. The words ‘or present of’ in the amended definition of ‘traffic accident’ will ensure that those injured in collision with parked or unattended vehicles can benefit from the scheme. The insertion of the 1 of May 1979 also establishes a definite starting date for the scheme.

*Proposed amendment***Clause 2**

That clause 2 be amended by deleting the definition of ‘traffic accident’ and substituting the following—

‘“traffic accident” means an accident occurring on or after the 1 May 1979 which causes the death of or injury to any person as the direct result of the use or presence of a vehicle on a road;’.

The amendment was agreed to.

Clause 2, as amended, was agreed to.

Clauses 3 and 4 were agreed to.

**Clause 5**

SECRETARY FOR THE ENVIRONMENT:—Sir, I move that clause 5 be amended as set forth in the paper circulated to Honourable Members. The amendment provides the owners whose vehicle licences expire on or after the 1 of May 1979 and who renew them before that date, will still be liable to pay the levy. The amendment also provides that the levy shall be paid on all Crown vehicles and tram cars on the 1 of June 1979.

*Proposed amendment***Clause 5**

That clause 5 be amended—

(a) by inserting after subclause (5) the following—

‘(5A) In the case of a motor vehicle to which subsection (1)(a) applies or in the case of a trade licence, the levy shall be payable where the vehicle licence or trade licence is issued on or after the 1 May 1979; but where a vehicle licence is due to expire on or after that date and, at any time during the period of 4 months immediately preceding the date of expiry of the licence, the registered owner of the motor vehicle to which the vehicle licence relates obtains a new vehicle licence in accordance with regulation 19(7) of the Road Traffic (Registration and Licensing of Vehicles) Regulations, the registered owner shall pay the levy that would have been payable had he applied for the new vehicle licence on or after the 1 May 1979.’;

(b) in subclause (6) by deleting ‘1 month after the commencement of this Ordinance’ and substituting the following—

‘the 1 June 1979’; and

(c) in subclause (7) by deleting ‘1 month after the commencement of this Ordinance’ and substituting the following—

‘the 1 June 1979’.

The amendment was agreed to.

Clause 5, as amended, was agreed to.

**Clause 6**

SECRETARY FOR THE ENVIRONMENT:—Sir, I move that clause 6 be amended as set out in the paper circulated to Honourable Members. This provides the similar amendments as I have moved for clause 5 in respect of driving licences and Crown driving permits.

*Proposed amendment***Clause 6**

That clause 6 be amended—

(a) by inserting after subclause (3) the following—

‘(3A) A levy under subsection (1)(a) shall be payable where the licence is granted on or after the 1st May 1979, but where a driving licence is due to expire on or after that date and, at any time during the 4 months immediately preceding the date of expiry



of the licence, the holder renews that licence in accordance with regulation 6(1A)(a) of the Road Traffic (During Licences) Regulations, the holder shall pay the levy that would have been payable had he renewed the licence on or after the 1st May 1979.’; and

- (b) in subclause (4) by deleting ‘1 month after the commencement of this Ordinance’ and substituting the following—  
‘1st June 1979’

The amendment was agreed to.

Clause 6, as amended, was agreed to.

Clauses 7 to 14 were agreed to.

Schedule was agreed to.

### **JUDICIAL PROCEEDINGS (ADJOURNMENT DURING GALE WARNINGS) (AMENDMENT) BILL 1978**

Clauses 1 to 3 were agreed to.

Council then resumed.

#### **Third reading of bills**

THE ATTORNEY GENERAL reported that the

### **JUDICIAL PROCEEDINGS (ADJOURNMENT DURING GALE WARNINGS) (AMENDMENT) BILL 1978**

had passed through Committee without amendment and that the

### **ROAD TRAFFIC (AMENDMENT) (NO 3) BILL 1978**

### **TRAFFIC ACCIDENT VICTIMS (ASSISTANCE FUND) BILL 1978**

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

*Question put on each Bill and agreed to.*

Bills read the third time and passed.

## Adjournment

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

(4.07pm)

## Weights and Measures Ordinance in Relation to Consumer Protection

MR ALEX WU:—Sir, the subject of Weights and Measures legislation has sometimes been treated rather lightly in this Council, although it is really a serious matter for most people.

There certainly are elements of farce in a situation where a law has been enacted for more than ninety-three years, amended ten times this century, but not enforced within living memory.

It is not as if it were a tremendously complicated law. It is short; less than four pages. It has only eleven sections, and one schedule. It has a very simple purpose, adequately expressed in its three main sections. They provide for standards of weights and measures to be made available to the public. They also provided for examiners of weights and measures to be appointed who can enter business premises where goods are sold by weight or measure to examine scales and balances.

The story is that this simple, sensible legislation was allowed to fall into disuse probably because food prices were so low that people didn't much mind being given short weight—or not enough to complain about anyway. I suppose that's possible, but it is a poor reflection on all of us: administrators, legislators, traders and consumers.

What would the rest of the world think of a major trading community which exercises absolutely no control over its own weights and measures? It is hardly the basis for a good reputation.

On the other hand, it is probably a good thing that no-one has tried to enforce the law recently. There might have been an embarrassing search for the standard weights and measures. The Ordinance requires that these should be kept in the Treasury, and that copies should be kept by the Commissioner of Police. The standard weights and measures deposited in the Treasury are something of a mystery, and it would be interesting to know exactly where they are, and what condition they are in.

However, the questions are largely academic, since those standard weights and measures are not available to the public in any case.

The public have theoretical access to a set of copies. The Ordinance requires that these copies shall be verified by the Accountant General, and

stamped by him to show that they are accurate. They are then deposited with the Commissioner of Police so that anyone who wants to check a measure or a weight with the standard can do so by comparing it with the Commissioner of Police's copy.

All that is in theory. In fact, the Commissioner of Police does not have the copies he is supposed to have. 'For administrative convenience' they have been handed over instead to the Commissioner of the Customs Service.

Just what the 'administrative convenience' amounts to is not clear. Not the public's convenience anyway. A member of the public who asked to check his 'ching' (秤) against the Commissioner's standard weights would receive a firm refusal.

Eighteen months ago, Sir S. Y. CHUNG was informed in a written letter, that members of the public could not send their measuring instruments to the Commissioner for verification and certification.

The Secretary for Economic Services was entirely frank about the reason. 'The weights and measures at present with the Commissioner are in a generally poor condition. Certainly it is not possible to guarantee that any of them are of the standard of accuracy required of secondary standards'.

It is irresistible to wonder how they got into this poor condition. Have they rusted? Is the standard yard bent?

I must not be unkind to my honourable Friend, the Secretary for Economic Services. He told Sir S. Y.: 'We intend that this unsatisfactory state of affairs should be rectified as soon as possible ...'

But, like weights and measures—everything is relative. How long is a yard ... how heavy is a catty...and how soon is soon? (*laughter*)

In April 1977, the Government said that the Weights and Measures Ordinance was 'presently being revised'.

That was no rash, hasty promise.

In 1974, three years earlier, the Government had assured the Consumer Council that 'very preliminary discussions have led us to believe that a new Weights and Measures Ordinance should be enacted to repeal and replace the existing Ordinance of 1885'.

In December 1975, another year later, the Financial Secretary told Mr T. S. LO—'new legislation on weights and measures has been under consideration for some time'. That, surely, is an unchallengeable statement of the obvious ...

But there is always a saving clause. In this case it was the need to bring the legislation up to date, and to provide for adequate enforcement.

And so we have come to the end of 1978, and how much further forward are we?

Hardly a standard inch—if anyone knows what that is.

We have had an expert report, but somehow the whole thing has got tied up with the change-over to metric units.

Three years ago, the Government thought that revision of the weights and measures legislation was 'eminently desirable' and should be introduced 'at an early date'. Subsequently, and without any further public statement, the same legislation was given low priority.

Is all this really necessary?

Some time soon, and the sooner the better, our weights and measures must be brought up to date, and that must include proper consideration of the metric system and other aspects involving standards. We should take advantage of the latest experience in other countries.

But is all that a good enough excuse for going on year after year, allowing existing simple legislation to fall into decay and to contempt?

Why are we making such heavy weather over the enforcement of a piece of fundamental consumer protection legislation which is as valid today as it was in 1885?

Our predecessors had it right. A yard is a yard, and an inch is an inch: a pound is a pound and a catty is a catty. There ought to be some way right now for the ordinary member of the public, and the honest trader to verify his measurements.

That was what the Ordinance of 1885 provided, and I, for one, cannot see why it has been allowed to fall into disuse. All these arguments about metrication and armies of inspectors are at best, excuses for taking time to produce new legislation. In no way do they justify the neglect of the existing law. While we await new legislation, why do we not take administrative action to enforce the existing law?

To say that we need an army of inspectors to enforce weights and measures legislations is no more impressive than saying that we need a large number of traffic wardens to enforce parking laws or health inspectors to ensure food safety.

The Government argument seems to be based on the assumption that every trader is a villain and will have to be watched and checked daily. That, of course, cannot be true. Access to the existing law is a fundamental right of the consumer. It is not some new-fangled 1970's consumerism. It is old fashioned 1880's common sense. It should never have been neglected. This legislation is equally important to the vast majority of traders who are honest and fair, and who would welcome the change to operate with verified, certified measures.

Of course, we must have a reasonable-sized force of properly trained weights and measures inspectors when the new law is enacted, and even

before. And I understand that the expert report indicates that there is no great problem in training them here in Hong Kong. But a great deal of the work can be done without further delay by self-discipline, backed by some forceful public information and co-ordination from the Consumer Council. When it was suggested in this Chamber that the Consumer Council might have a part to play, the suggestion was dismissed in a rather high-handed fashion. I accept that it would be difficult to give the Consumer Council executive powers, and it may not be desirable or useful to do so. But there is ample proof that the Council has a powerful, persuasive and educational reputation already.

If the Government were only prepared to make its existing legislation work for the time being, I believe we could revive a simple and much needed form of consumer protection. If, better still, we had not one copy of the standard weights and measures, but several—say one in each City and New Territories District Office—then I believe we would be honouring our existing obligations and meeting the rightful expectations of consumers and traders alike.

MR CHEN:—Sir, having just heard what has been said by my Friend Mr Alex WU, I hasten to add that if we are at all serious about the matter of weights and measures, some very bold decisions will have to be taken to get things really moving ahead.

Undoubtedly, there is an urgent need for revising the existing but rather antiquated Weights and Measures Ordinance, at least to bring it in line with metrication. But, to revise the Ordinance without a positive implementation and enforcement programme to back it up would merely be an exercise on ‘paper talk’. To be really serious about it, we must set ourselves a target programme to abolish the ‘catty’ and the ‘tael’, the ‘foot’ and the ‘inch’, *etc, etc*, and to replace them with corresponding metric units.

In February 1977, I suggested, by way of a question in this Council, the establishment of a Standards Bureau so that the accuracy of measuring instruments can be verified and certified. I hope that as a result of our present discussion, Government will give this idea some further thought. As we are now talking earnestly about preparing ourselves to venture into the high technology area, it is a little incomprehensible that we are not even able to do something positive to resolve such an elementary problem as weights and measures. Sir, I believe we have all the wisdom in resolving a problem like this, but what we sadly lack is determination.

REV. MCGOVERN:—Sir, in supporting the ideas of Mr Alex WU, I intend to try to be brief—brief that is by relative standards. What I have to say has already been colourfully expressed by Miss DOOLITTLE of ‘My Fair Lady’ fame. Without giving a direct quotation, the words I refer to were spoken on the occasion of a solemn race meeting when, in the excitement of the chase, she lapsed from her newly acquired ‘proper’ English into her

native dialect and exhorted a certain horse to, shall we say, move more rapidly. (*laughter*)

But in the context of this law I think it more proper for me to use my own more measured terminology. My complaint is that on the whole subject of yards and metres, pounds and kilos, litres and fluid ounces, chings and spring scales—not excluding Spring Sales with their discount percentages marked off previously marked-up prices (*laughter*)—in all this and more, my complaint is that Government is unnecessarily dragging its feet. In fact I would go so far as to say that it has not got a leg, or a rod pole or perch, to stand on.

In spite of this handicap the steps to be taken seem to me obvious. I would not waste much time in unbending old yardsticks or other out of date secondary standards. I would suggest following already agreed policy and, as already suggested by Mr CHEN, going straight into the metric system as a primary objective. Let the Metrication Unit and the Metrication Committee get on with their jobs. In doing so they can, without employing overpaid consultants, use the experience of those countries which have already made the change. They can borrow, free of charge, the educational material and conversion tables widely circulated in those countries. They should use the experience and good name of our Consumer Council and give that excellent body all the support and power it needs to do the public education side of the work. In this way Government will get some 2 million weight-conscious adults to enforce the law free of charge for their own good.

In all this change-over I foresee one small obstacle and have one mild regret. In spite of its having changed from furlongs to metres, the obstacle I foresee is the Jockey Club. In spite of their highly sophisticated electronic systems which can instantly adjust the odds to ensure that the punter never gets an even break, (*laughter*) I foresee that it will be hard to get them to fully join the new system. While the rest of us are changing our thinking to metres from feet, I suspect they will continue to measure the height of their horses in, of all things, hands. (*laughter*) This is a double anachronism seeing that they are dealing with four-footed animals. (*laughter*)

My mild regret is that there may be a certain loss to the cheaper wit of the English Language. For example, no longer will a hen-pecked husband or male chauvinist pig be able to console himself with remarks like 'give a woman an inch and she thinks she's a ruler'. (*laughter*) In spite of the decimal it would be quite pointless to say 'she thinks she is 0.3048 of a metre'. (*laughter*) But language is a living thing and always growing. Perhaps new phrases will be coined by sharper wits than mine. Perhaps something along the lines of 'give a woman a centimetre and she thinks she's a millipede' (*laughter*)—but that perhaps might be too venomous a remark to use against the weaker sex.

But lest, in supporting him, I offend my good Friend Mr Alex WU by appearing to treat this weighty matter too lightly, let me end on a more practical note. Much has already been done. The private sector is already exporting large quantities of goods in metric measurements. The Public Works Department has broken its chains and now measures in metres. Land sales are also done in the bigger measurement of square metres, perhaps to reflect the bigger inflationary prices for which land is being sold. We also have our notes and coins—though the latter are reputedly still short, and we have long since become accustomed to our centigrade measurement of temperature. So the remaining obstacles in the path of a new or amended Weights and Measures Ordinance are not so great that Government should be unduly weighed down by them. It should be able to get on with whatever measures remain to be taken. I exhort them to do so, not in Government Standard Time, but rapidly, (*laughter*) as rapidly as it would issue a Bill for Payment as distinct from a Bill for Legislation. (*laughter*)

HIS EXCELLENCY THE PRESIDENT:—I use my discretion under Standing Order 9(7) to call on Mr Allen LEE.

MR ALLEN LEE:—Sir, I agree with my honourable Friend Mr Alex WU that the subject of Weights and Measures legislation is a matter of concern to the whole community since it affects very much the daily life of every member of the public. It has been accepted in many countries that strict controls on weights and measures provide fundamental consumer protection, and therefore in these countries legislation requiring such controls is considered essential. Without such legislation, there is no hope of achieving even basic consumer protection.

It is very obvious that the existing Weights and Measures Ordinance, even if enforced diligently, is far from adequate in protecting the consumer. As a result, the consumer in Hong Kong has great difficulty in seeking redress when he has been given short weight or short measure. Realizing this, the Consumer Council urged the Government as early as in June 1974 to repeal and replace the existing Ordinance as soon as possible. At the same time, detailed recommendations were made regarding the new legislation, including the one that accurate weighing scales should be made available in all New Territories and City District Offices and Urban Council markets so that consumers can have somewhere readily accessible to them where they can check the weight of any commodity they have purchased.

The Government indicated almost immediately its recognition of the desirability of introducing a new Weights and Measures Ordinance. Yet it has only given the revision of the law a very low priority, almost no progress has been made, even though four-and-a-half years have elapsed since the Consumer Council's first request.

The situation has now become urgent. Considerable increases in the retail prices of foodstuffs and many other commodities in recent years has made the consumer very much aware of the possibilities of profiteering by retailers who give short weights and measures. Quite a number of complaints made to the Consumer Council in the past four years were of this nature. I am sure that as a result of the ever-increasing inflation rate, such complaints will increase correspondingly in the years to come. I wish therefore to submit to you, Sir, that it is in the interest of the public to have the new Weights and Measures legislation introduced as soon as possible.

The Government is also of the opinion that it can see no advantage in introducing a new Weights and Measures Ordinance before it is in a position to enforce the law. I entirely agree that the new law must be enforced effectively, or else it will become just as useless as the existing Weights and Measures Ordinance. However, in 1974, when the Consumer Council urged the Government to replace the existing legislation, it also urged the Government to take *immediate* steps to recruit and train officers in the enforcement of its provisions and advised the Government that the lack of properly trained staff could only lead to prolonged delays in the strict control of weights and measures.

In any case, the lack of properly trained staff should not delay the enactment of the new Weights and Measures Ordinance, as the date of enforcement can be left until such a time when there are sufficient trained personnel to enforce it. The advantage in so doing will be that, during the interim period the public can have ample time to be educated for the changeover to the new legislation. I am sure that the Consumer Council, which is the consumer education authority in Hong Kong, will be willing to carry out a campaign to educate both the consumer and the trader in this respect.

I also believe that, apart from effective enforcement, the success of the new legislation also depends a great deal on consumer awareness. If the public is aware of their rights under the new law, they would become a very large team of 'inspectors' themselves and keep a check on those traders who give short weights and short measures.

Lastly, I am confident that when the law is enforced, the Consumer Council will also be very willing to assisting the law enforcement authority in every way possible, including enlisting the co-operation of consumers to ensure that breaches of the new provisions will be brought to light and reported to the appropriate authority.

(4.38pm)

SECRETARY FOR ECONOMIC SERVICES:—Sir, my honourable Friends Mr WU and Mr LEE criticize the Government's record on the enforcement of the Weights and Measures Ordinance. I don't think my honourable Friend's criticism is *altogether* justified, as I shall explain shortly.



I read through the speech of my honourable Friend Father MCGOVERN for the first time late last night, very much in Jeaffreson standard time. Indeed I am hoping in consequence to persuade my honourable Friend the Attorney General to introduce a new Bill to be entitled the Submission of Legislative Council Speeches Timing Standards Bill into this Council in the current session. My first reaction was that he had pinched all the jokes I had intended to use myself. But I was amused by his reference to the Jockey Club. I was reminded that long long ago an Honourable Member of this Council went to the races in Sha Tin. Having lost nearly all the money he had with him on the horses, he decided to have one last desperate gamble. He put his few remaining dollars on 6 catties of papaya. On his return home he decided to put his gamble to the test. Alas his luck continued absent. His home scales registered his purchase at 3½ catties. From such beginnings, I believe, are adjournment debates borne. (*laughter*)

#### *Consumer Protection*

The Government's overall policy on consumer protection is that the Government should intervene to protect people only when they are unable to protect themselves. To this end, the Government is at an advanced stage in considering two separate, but complementary, pieces of legislation.

#### *Trade Description Bill*

The first, which we hope to introduce into this Council before the end of the current session, is a Trade Descriptions Bill. It will replace the Merchandise Marks Ordinance. It will seek to widen the scope of control over fraudulent and misleading descriptions of goods offered for sale.

#### *Weights and Measures*

The second, and the one with which Members are particularly concerned this afternoon, is a Bill to replace the Weights and Measures Ordinance.

When I answered a question from Miss KO in this Council in February 1977, I said that the Government was seeking the services of someone who had experience with weights and measures legislation and with setting up an enforcement agency to back it. We eventually obtained the help of a Chief Trading Standards Officer from Britain. With one main exception, his report is very helpful. My hope is now that we shall be able to put the new Bill to this Council next year. Meanwhile, we shall be working towards the appointment of our own Chief Trading Standards Officer whose initial duties will be to finalize the draft Bill and to begin the work of building up a body of staff to enforce it. This brings me to our main objection to the report. The author indeed recommends what my honourable Friend Mr Alex WU describes as an 'army of inspectors'. We just don't think this is necessary.

#### *Enforcement of the Weights and Measures Ordinance*

My honourable Friends Mr WU and Mr LEE urge the Government to resume enforcement of the present Weights and Measures Ordinance, and

ask about the fate of the standard weights and measures prescribed under it. As part of his study, our adviser inspected these standards, which are in the custody of the Director of Accounting Services, and reported that although the conditions in which they were stored fell below those nowadays considered necessary, they were capable of being renovated for use as reference standards. The copies, in the custody of the Commissioner of Customs and Excise, *are* in use by officers of the Customs and Excise Service in response to complaints of short measures from the public, will my honourable Friend Mr Alex WU please note. But I accept we shall not be properly effective until we have the new Ordinance, the Chief Trading Standards Officer and standards appropriate to the verifying of the more sensitive instruments.

As soon as we get our new Chief Trading Standards Officer and the necessary posts, he can start training new staff. If his inspectors are ready before we can get the new Bill through this Council, they can be used to enforce more positively the present Ordinance however unsatisfactory it may be.

#### *The Use of the Metric System*

In answer to my honourable Friend Mr CHEN's point about the use of the metric system, the Government's policy has been that it will adopt the International System of Units for its own use, and in legislation wherever this is appropriate. But it will not normally prohibit the use of Chinese units of measurement or of the Imperial system. So while all new consumer protection legislation will use the metric system, and non-metric units will be defined by reference to metric units, and while the Government will encourage people to use the metric system, under the present policy it will not set a target to abolish the catty, the tael, the foot or the inch. But the Metrication Committee may eventually suggest that we should go further than this.

Mention of the Metrication Committee leads me to assure my honourable Friend Father MCGOVERN that the Metrication Unit and the Metrication Committee *are* getting on with their jobs—and I would like to pay particular tribute to the Chairman and Members of the Committee for the determination with which they are tackling the difficult problems involved. I am also pleased to be able to assure my honourable Friend that they *are* 'drawing on the experience of those countries which have already made the change'—in fact one of our Senior Metrication Officers is at the present moment in Singapore for this very purpose. I can even give him a third assurance to the effect that the Metrication Unit have obtained, free of charge, copies of the educational material and conversion aids these countries used.

#### *Standards Bureau*

As for the reference of my honourable Friend Mr CHEN to a Standards Bureau, we are considering the adviser's recommendations on the establishment of a standards and calibration centre which will be, among other

things, for the safe custody of the reference standards. Whether or not it is eventually called a Standards Bureau, I can assure my honourable Friends that there will be a place where the public can take their weighing and measuring equipment for verification.

But when we have our new Ordinance, our Standards Centre and when even my honourable Friend the Financial Secretary is quoting his distances in metres, will all then be that much better? I wonder. I am reminded of what a friend of mine told me a year or so ago. A seller of fresh vegetables used to come to my friend's flat daily, and my friend's wife bought from him. After a while she became suspicious that the vegetable hawker was cheating her on weight. So one day, she weighed her purchases on her own kitchen scales. She was right—and she would catch him out. So, next day, she put a table behind her front door. On the table she placed her scales. The vegetable seller arrived. She ordered in a firm voice a catty of vegetables. '\$1' was, as usual, the reply from the hawker as he passed her the vegetables. She placed them quickly on the hidden scales. Triumphantly she turned on him '2/3rds of a catty'. '\$1.50' replied the hawker. (*laughter*)

Sir, to sum up, we may, in the view of my honourable Friend Mr Alex WU, be only 25.4 millimetering ourselves forward. But forward it is. I agree I can't hold out much cheer for the coming Christmas. But my hopes are that for the Christmas thereafter, my honourable Friend Mr Alex WU will sit contented with new and available standards, my honourable Friend Mr Allen LEE with a new Ordinance, my honourable Friend Mr CHEN with a standards centre and my honourable Friend Father MCGOVERN well and truly metered. (*laughter*)

Sir, I support the motion.

*Question put and agreed to.*

### **Adjournment and next sitting**

HIS EXCELLENCY THE PRESIDENT:—Before I adjourn the Council may I extend to all Members my very best wishes for happy Christmas and successful New Year. I now adjourn the Council until 2.30pm on Wednesday, the 10 of January.

*Adjourned accordingly at seventeen minutes to five o'clock.*