

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 12 March 1980****The Council met at half past two o'clock****PRESENT**

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR CRAWFORD MURRAY MacLEHOSE, G.B.E., K.C.M.G., K.C.V.O.

THE HONOURABLE THE CHIEF SECRETARY
SIR JACK CATER, K.B.E., J.P.

THE HONOURABLE THE FINANCIAL SECRETARY
SIR CHARLES PHILIP HADDON-CAVE, K.B.E., C.M.G., J.P.

THE HONOURABLE THE ATTORNEY GENERAL
MR. JOHN CALVERT GRIFFITHS, Q.C.

THE HONOURABLE THE SECRETARY FOR HOME AFFAIRS
MR. LI FOOK-KOW, C.M.G., J.P.

THE HONOURABLE DAVID AKERS-JONES, C.M.G., J.P.
SECRETARY FOR THE NEW TERRITORIES

THE HONOURABLE LEWIS MERVYN DAVIES, C.M.G., O.B.E., J.P.
SECRETARY FOR SECURITY

THE HONOURABLE DAVID WYLIE McDONALD, C.M.G., J.P.
DIRECTOR OF PUBLIC WORKS

THE HONOURABLE KENNETH WALLIS JOSEPH TOPLEY, C.M.G., J.P.
DIRECTOR OF EDUCATION

THE HONOURABLE DAVID GREGORY JEAFFRESON, J.P.
SECRETARY FOR ECONOMIC SERVICES

THE HONOURABLE ALAN JAMES SCOTT, J.P.
SECRETARY FOR HOUSING

THE HONOURABLE THOMAS LEE CHUN-YON, C.B.E., J.P.
DIRECTOR OF SOCIAL WELFARE

THE HONOURABLE DEREK JOHN CLAREMONT JONES, C.M.G., J.P.
SECRETARY FOR THE ENVIRONMENT

DR. THE HONOURABLE THONG KAH-LEONG, C.B.E., J.P.
DIRECTOR OF MEDICAL AND HEALTH SERVICES

THE HONOURABLE ERIC PETER HO, J.P.
SECRETARY FOR SOCIAL SERVICES

THE HONOURABLE JOHN CHARLES CREASEY WALDEN, J.P.
DIRECTOR OF HOME AFFAIRS

THE HONOURABLE JOHN MARTIN ROWLANDS, J.P.
SECRETARY FOR THE CIVIL SERVICE

THE HONOURABLE JAMES NEIL HENDERSON, J.P.
COMMISSIONER FOR LABOUR

THE HONOURABLE GERALD PAUL NAZARETH, O.B.E.,
LAW DRAFTSMAN

THE HONOURABLE JOHN MORRISON RIDDELL-SWAN, J.P.
DIRECTOR OF AGRICULTURE AND FISHERIES

THE HONOURABLE DAVID ROBERT FORD, M.V.O., O.B.E., J.P.
SECRETARY FOR INFORMATION

THE HONOURABLE PETER TSAO KWANG-YUNG, C.P.M., J.P.
DIRECTOR OF TRADE, INDUSTRY AND CUSTOMS (*Acting*)

THE HONOURABLE OSWALD VICTOR CHEUNG, C.B.E., Q.C., J.P.

THE HONOURABLE ROGERIO HYNDMAN LOBO, C.B.E., J.P.

THE HONOURABLE LI FOOK-WO, C.B.E., J.P.

THE HONOURABLE JOHN HENRY BREMRIDGE, O.B.E., J.P.

DR. THE HONOURABLE HARRY FANG SIN-YANG, C.B.E., J.P.

THE HONOURABLE LO TAK-SHING, O.B.E., J.P.

THE HONOURABLE FRANCIS YUAN-HAO TIEN, O.B.E., J.P.

THE HONOURABLE ALEX WU SHU-CHIH, O.B.E., J.P.

THE REVD. THE HONOURABLE JOYCE MARY BENNETT, O.B.E., J.P.

THE HONOURABLE LYDIA DUNN, O.B.E., J.P.

DR. THE HONOURABLE HENRY HU HUNG-LICK, O.B.E., J.P.

THE HONOURABLE LEUNG TAT-SHING, O.B.E., J.P.

THE REVD. THE HONOURABLE PATRICK TERENCE MCGOVERN, O.B.E., S.J., J.P.

THE HONOURABLE PETER C. WONG, O.B.E., J.P.

THE HONOURABLE WONG LAM, O.B.E., J.P.
DR. THE HONOURABLE RAYSON LISUNG HUANG, C.B.E., J.P.

THE HONOURABLE CHARLES YEUNG SIU-CHO, J.P.

DR. THE HONOURABLE HO KAM-FAI

THE HONOURABLE ALLEN LEE PENG-FEI

THE HONOURABLE DAVID KENNEDY NEWBIGGING, J.P.

THE HONOURABLE ANDREW SO KWOK-WING

THE HONOURABLE HU FA-KUANG, J.P.

THE HONOURABLE WONG PO-YAN, O.B.E.

ABSENT

THE HONOURABLE CHEN SHOU-LUM, O.B.E., J.P.

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL
MRS. LORNA LEUNG TSUI LAI-MAN

Oaths

HIS EXCELLENCY THE PRESIDENT:—We have some oaths.

Mr. FORD and Mr. TSAO took the Oath of Allegiance and assumed their seats as Member of the Council.

HIS EXCELLENCY THE PRESIDENT:—I should like to welcome Mr. FORD and Mr. TSAO to this Council, I should also like to welcome Mr. RIDDELL-SWAN on appointment as a substantive Member.

Papers

The following papers were laid pursuant to Standing Order No. 14(2):—

<i>Subject</i>	<i>L.N. No.</i>
Subsidiary Legislation:	
Public Health and Urban Services Ordinance. Cremation and Gardens of Remembrance (Amendment) By-laws 1980	38
Public Health and urban Services Ordinance. Exhumation (Fees) By-laws 1980.....	39
Public Health and Urban Services Ordinance. Public Cemeteries (Amendment) By-laws 1980	40
Public Health and Urban Services Ordinance. Public Funeral Hall (Amendment) By-laws 1980.....	41
Public Health and Urban Services Ordinance. Public Swimming Pools (Amendment) By-laws 1980.....	42
Public Revenue Protection Ordinance. Public Revenue Protection (Business Registration Regulations) Order 1980	45

<i>Subject</i>	<i>L.N. No.</i>
Public Revenue Protection Ordinance.	
Public Revenue Protection (Stamp) Order 1980	46
Peak Tramway Ordinance.	
Peak Tramway (Tolls) Order 1980	47
Evidence Ordinance.	
Evidence (Authorized Persons) (No. 3) Order 1980	48
Public Health and Urban Services Ordinance.	
Public Health and Urban Services (Public Markets) (Designation and Amendment of Tenth Schedule) (No. 2) Order 1980.....	49
Public Health and Urban Services Ordinance.	
Public Health and Urban Services (Public Pleasure Grounds) (Amendment of Fourth Schedule) Order 1980	50
Public Health and Urban Services Ordinance.	
Declaration of Market in the New Territories (No. 2)	51
Country Parks Ordinance.	
Pok Fu Lam, Ma On Shan, Chiu Keng Tam and Ng Tung Chai (Special Areas) Order 1980	52
Public Revenue Protection Ordinance.	
Public Revenue Protection (Interest Tax) Order 1980	53
Inland Revenue Ordinance.	
Inland Revenue (Interest Tax) (Exemption) (Amendment) Notice 1980	54
 Sessional Papers 1979-80:	
No. 42—Trustee's Report on the Administration of the Education Scholarship Fund for the year ended 31 August 1979 (published on 12.3.80).	
No. 43—Hong Kong Polytechnic Annual Report with Balance Sheet and Income and Expenditure Account for the year ended 31 July 1979 (published on 12.3.80).	

Oral answers to questions

Security in pedestrian subways

1. DR. HO asked:—*What measures will Government take to improve security in pedestrian subways, especially those in areas more susceptible to crime?*

SECRETARY FOR SECURITY:—Sir, frequent visits by police patrols and adequate lighting help to keep these subways safe for lawful users and these services will be provided.

Separate statistics on the number of crimes committed in pedestrian subways are not kept as a matter of course, but a study of all crimes reported to the Police so far this year has revealed only two that were committed in pedestrian subways: one case of robbery and one of snatching. Police investigations into a third case involving homicide are not yet complete and I do not propose to comment further on that case.

Further police measures include crime prevention publicity aimed at discouraging people from carrying large sums of money on their person and also advising women and young persons not to walk alone at night.

New subways are being lit to improved lighting standards introduced by the Public Works Department since 1979. A survey is about to be undertaken of the older subways, with the assistance of the Police, to establish where improved lighting is needed and the priorities for its introduction.

DR. HO:—*Sir, is it necessary to make further plans to effectively deter loitering in the vicinities of a pedestrian subway, which is a potential threat to the security for the subway user?*

SECRETARY FOR SECURITY:—Sir, there is of course provision enacted last year in respect of loitering, although this is not specifically related to those who may loiter at the entrance to subways. I am told in fact that the thirty subways in existence have been expensive to construct and are therefore only constructed when there is a substantial number of users, the fact that there are a substantial number of users is in itself a deterrent to persons to loiter and to commit crimes in it.

Supply of drugs in Government hospitals

2. MR. WONG LAM asked in Cantonese:—

請問政府採取何種步驟以確保各政府醫院及診所之藥物供應全年無缺？

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

Will Government state what steps are being taken to monitor the supply of drugs in Government hospitals and clinics to ensure there is no shortage at any time of the year?

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, to monitor the supply of drugs, special professional monitoring committees have been set up in the regional hospitals consisting of the Medical Superintendents, the Senior Pharmacists and the heads of the clinical units concerned.

From experience, such committees have generally been quite effective. However, there have been occasions where the supply of drugs in individual clinics have fallen short for limited periods because of local problems of stock-keeping and unexpected demands for special drugs, which are difficult to anticipate.

In view of these, monitoring teams are being set up on similar lines to the committees in the regional hospitals to keep check on the demand and supply of drugs in the district hospitals and clinics.

In addition to this monitoring mechanism in the field, a Central Drugs Committee has also been established in Medical Headquarters to co-ordinate and to review the situation regularly.

Green Paper on Pre-primary and Primary Education

3. REVD. JOYCE M. BENNETT asked:—*Will the Government state why the Green Paper on Pre-primary and Primary Education which was promised for the end of 1979 has still not been published?*

SECRETARY FOR SOCIAL SERVICES:—Sir, I am sorry that the Green Paper could not meet the initial publication date, though a completed draft was ready by the end of 1979. The reason for this delay is that as the Green Paper has to cover a range of issues it involves a number of interlocking considerations, and the drafting and revising processes have taken a little longer than originally anticipated.

I now expect to be able to submit the Green Paper to Your Excellency in Executive Council within the next few weeks for authority to publish.

REVD. JOYCE M. BENNETT:—*Sir, is the Government aware that many operators of kindergartens and child care centres are concerned as to whether or not their staffing and organization this September will be affected?*

SECRETARY FOR SOCIAL SERVICES:—Yes, Sir.

REVD. JOYCE M. BENNETT:—*Sir, what action is being taken this year to combat Primary I entrance examinations which are officially not allowed, but which continue to overshadow kindergarten education?*

SECRETARY FOR SOCIAL SERVICES:—*Sir, I suggest we should await the public response to proposals in the Green Paper before Government should come forward with any specific proposals on the issue.*

Japanese Generalized Scheme of Preferences

4. MR. WONG PO-YAN asked:—*What steps are being taken by Government to persuade the Japanese Government to lift its discrimination against Hong Kong in excluding seven items of Hong Kong merchandise from its Generalized Scheme of Preferences?*

DIRECTOR OF TRADE, INDUSTRY AND CUSTOMS:—*Sir, this matter has been under discussion between the Hong Kong Government and the Japanese Government for some time. The original scheme promulgated by Japan in 1972 excluded Hong Kong in ninety-six items.*

This subject was also raised by the Hong Kong delegation at the joint meeting of the Japan/Hong Kong Business Co-operation Committees held in Tokyo in November 1979. My Department has since made further representations through the Japanese Consul-General in Hong Kong, setting out the grounds for the removal of this discrimination.

On 26 February 1980, the Japanese Consul-General called at the Department to deliver his Government's reply in person. That reply indicated that the existing scheme would terminate at the end of March 1981, and that a major review would be undertaken shortly with a view to formulating a scheme to succeed the current one. The Japanese Government has confirmed that Hong Kong's representations will be taken into account in this review.

Sir, the latest occasion on which the matter was raised with the Japanese Authority was a meeting this morning between Your Excellency and Mr. SONODA, the former Japanese Foreign Minister who is passing through Hong Kong on his way back from a tour of the Middle East as the Japanese Prime Minister's Special Envoy.

MR. TIEN:—*Sir, may I ask my honourable Friend are there any grounds for expecting a favourable outcome?*

DIRECTOR OF TRADE, INDUSTRY AND CUSTOMS:—*Sir, I have no direct evidence on the basis of which an assessment can be made, but when the Japanese Consul-General delivered his latest message he emphasized that he was delivering it in person and I quote him 'to speak positively'.*

Air-conditioning of ambulances

5. MR. PETER C. WONG asked:—*Will Government inform this Council whether the study, which I understand has been going on for almost 2 years, to air-condition and modernize its fleet of ambulances has been completed, and if so the conclusions and decisions reached?*

SECRETARY FOR SOCIAL SERVICES:—Sir, the question of air-conditioning for our ambulances has been looked into very carefully. It is generally agreed that air-conditioning is desirable though, perhaps, not essential in our circumstances of relatively short distances. Furthermore, there could be technical complications over the operation of air-conditioned ambulances, particularly having regard to our hilly terrain. Accordingly, provision is included in the 1980-81 Draft Estimates for two such units for trial purposes.

Meanwhile the replacement and expansion programme is proceeding apace. Of the 135 ambulances at present in service 72 were purchased during the last couple of years. In addition, orders have been placed for 47 new vehicles and provision has been included in the 1980-81 Draft Estimates for a further 51.

MR. PETER C. WONG:—*Sir, does the Secretary agree that this relatively simple exercise has taken far longer than is necessary?*

SECRETARY FOR SOCIAL SERVICES:—Sir, I would not agree (*laughter*).

MR. PETER C. WONG:—*Sir, in the first paragraph the Secretary refers to technical operations in the air-conditioning of ambulances. I find it difficult to understand because we have large tourist buses which are air-conditioned and are going up to the Peak all the time, so perhaps the Secretary would care to enlighten this Council what he had in mind when he said 'technical difficulties'?*

SECRETARY FOR SOCIAL SERVICES:—Sir, the present Government fleet of motor vehicles does not contain any vehicle with an engine-driven air-conditioner of a capacity considered necessary for an ambulance. All comparable units are operated from either mains or auxiliary generator and neither means of power supply would be feasible for our ambulances. If an existing vehicle is modified a certain amount of trial and error is inevitable. Even with a custom built vehicle complications in operation could develop from our hilly terrain resulting in overheating, loss of power etc., and I am sure Mr. WONG would be aware that many rather luxurious vehicles do get stuck in the traffic on account of overheating from air-conditioning units.

MR. PETER C. WONG:—*Sir, may I ask one more question. Since we will be ordering 47 new vehicles now and we will be including in this year's Estimate another 51 vehicles, would it not be sensible to make provision for air-conditioning in our new orders?*

SECRETARY FOR SOCIAL SERVICES:—No, Sir, I do not think we should lightly incur extra public expenditure on air-conditioned vehicles which may not be suitable for operation on our roads here.

Heung Yee Kuk elections

6. MR. YEUNG asked:—*Without any implications as to the conduct of previous elections, what steps will Government take to monitor the forthcoming Heung Yee Kuk elections?*

SECRETARY FOR THE NEW TERRITORIES:—Sir, the forthcoming Heung Yee Kuk elections will be supervised, or monitored, personally and with great care by myself, as Secretary for the New Territories and as Returning Officer. I am assisted in this work by senior staff of the New Territories Administration.

Landlord and Tenant (Consolidation) (Amendment) Ordinance 1980

7. MR. BREMRIDGE asked:—*Sir, in the light of the recent District Court decision concerning certain tenancies entered into before 18 December 1979, what proposals does the Government have if, in the event of an appeal, the Court of Appeal upholds that decision?*

THE ATTORNEY GENERAL:—Sir, I believe the case to which Mr. BREMRIDGE refers was decided by His Honour Judge Bewley last Friday. I have been told by the tenant's lawyers that they have been instructed by their client to appeal. There seems to be a mistaken belief in some quarters that it is the Government that is pursuing that appeal, and that is not so. The Government was not a party to these proceedings which were between the landlord and his tenant, and consequently neither the Attorney General nor anyone else on behalf of Government has the right to appear, save in exceptional circumstances when the Court so invites.

So far as the timing of the appeal is concerned, Sir, the case obviously concerns a matter of public interest and concern, and I understand that for that reason the Court of Appeal is likely to expedite the hearing. And it is hoped that if that is done the matter will proceed and be heard within approximately the next month.

So far as the decision itself is concerned, it would not be right or proper for me to make any comment upon that, or upon the likely or unlikely result of the appeal.

The Judiciary in Hong Kong, as we all know, is independent. It is their job alone to interpret legislation and decide what are the legal rights of citizens under ordinances passed through this Council.

Obviously it goes without saying in this case, as in all others, the appeal will either be won or lost. If it is lost, and that means the learned Judge's decision is upheld, then it would show that in the drafting of this Ordinance I have not correctly carried forward the intention of this Council, which was explained to Council by the Secretary for Housing in his speech on 16 January 1980.

Having said that so that landlords and tenants may clearly know where they stand, may I say I think I ought to make clear that in that event, if that decision is upheld, I will at once introduce amending legislation into this Council for consideration to put the matter beyond argument, and to extend to tenants the protection which was originally intended. In the meantime, may I reiterate the advice that I have given through the mass media to both landlords and tenants, namely, that they would both be prudent to await the decision of the Court of Appeal before taking any action that might affect existing tenancies.

MISS DUNN:—*Sir, although the recent court decision was obviously contrary to this Council's intentions, is it appropriate for the Government to announce its intentions to introduce further amending legislation when the case is subject to appeal?*

THE ATTORNEY GENERAL:—Yes it is, or I would not have done so (*laughter*). The reason that it is appropriate is that in the community there are many people who are no doubt worried and concerned about the possible effects on them in an important area of their life that this decision might have. It is, as I conceive it, the duty of the Government to govern and to put at rest, so far as is possible, the minds of these people so that both landlords and tenants may know where they stand.

MISS DUNN:—*Sir, while I accept everything that the Attorney General has just said, is there not a risk of this procedure damaging the integrity and independence of the Judiciary to which the Attorney General is concerned with?*

THE ATTORNEY GENERAL:—It is for that reason that I went, as honourable Members may feel, at inordinate length in explaining that the Judiciary is independent and remains so. I am absolutely confident that nothing that I have said will in any way influence them in their job of deciding what is the meaning to be given to the legislation. What the Government intends to do in a particular situation ought not to influence them in that task and I hope that no words of mine are taken by anyone as in any way reflecting

upon the Judiciary. And speaking for myself, I have a high regard for the members of the Judiciary in Hong Kong.

Government business

Motions

EXCHANGE FUND ORDINANCE

HIS EXCELLENCY THE GOVERNOR moved the following motion:—Under section 3(5) of the Exchange Fund Ordinance, with the approval of the Secretary of State, that the aggregate amount of borrowings under section 3(3) of the said Ordinance shall not at any one time exceed ten thousand million dollars.

THE FINANCIAL SECRETARY:—Sir, the Government's accumulated fiscal reserves are invested by the General Revenue Account with the Exchange Fund, against the issue by the Fund of interest-bearing debts certificates. Under section 3(4) of the Exchange Fund Ordinance the total borrowings by the Exchange Fund from any source may not exceed HK\$7,000 million; under section 3(5) this limit may be altered by Legislative Council, by resolution proposed by the Governor with the approval of the Secretary of State.

We now need to increase this limit, which has stood unchanged since 1972. The Exchange Fund's borrowings from the General Revenue Account rose sharply through 1979, as the General Revenue Account's existing Hong Kong dollar time deposits matured and the proceeds were invested with the Exchange Fund; the seasonal flush of revenue so far this year has brought the borrowing total to the limit. On 1 January 1979 total borrowings amounted to HK\$4,573 million; on 31 December 1979 they amounted to HK\$5,519 million and on 10 March this year they amounted to HK\$6,993 million.

At the end of this financial year, the Exchange Fund's borrowings from the General Revenue Account are likely to be, on the assumption that the motion before honourable Members today is agreed, around HK\$8,400 million. If my recent forecast of a surplus on General Revenue Account of HK\$2,904 million for the financial year 1980-81 is correct, the Fund's borrowings will be in excess of HK\$10,000 million before the end of the year. This means that we shall need to raise the borrowing limit yet again.

It is important that the Government's fiscal reserves should be held with the Exchange Fund, not only to avoid the necessity of the General Revenue Account having to bear exchange risks, but also, to the extent that they are held in Hong Kong dollars, to enable them to be neutralized as they

normally should be. The mechanism for doing this is provided by section 4A of the Exchange Fund Ordinance (as amended in 1979), that is to say, when the Exchange Fund holds balances with banks in Hong Kong on demand, at call or at short notice those banks have to hold 100% liquid assets against those balances. In this way, increases in those balances do not contribute to the process of credit creation.

Sir, I support the motion.

Question put and agreed to.

VOTE ON ACCOUNT

THE FINANCIAL SECRETARY moved the following motion:—That—

- (a) a sum not exceeding \$9,834,167,000 may be expended in the manner expressed in the Schedule from the general revenue and funds of Hong Kong on account for or towards defraying the service of the financial year commencing on 1 April 1980 and ending on 31 March 1981;
- (b) where on or after 1 April 1980 the Financial Secretary directs that any revenue, whether received by way of fee, penalty or proceeds of sale or by way of an extra or unusual receipt, shall be applied as an appropriation-in-aid of any Head of Expenditure referred to in the Schedule, such revenue shall, without being paid into the general revenue, be applied, audited and dealt with accordingly, and so far as it is not so applied shall be paid into the general revenue.

SCHEDULE

<i>Head of Expenditure</i>	<i>Amount upon which Provision on Account is based</i>	<i>Amount of vote on Account</i>
	\$	\$
21. His Excellency the Governor's Establishment	3,378,000	712,000
22. Agriculture and Fisheries Department	94,005,000	37,349,000
23. Audit Department	11,687,000	2,374,000
24. Census and Statistics Department	28,568,000	7,821,000
25. Civil Aviation Department	77,884,000	38,808,000
26. Defence: Auxiliary Medical Service	4,263,000	929,000
27. Defence: Civil Aid Services	9,853,000	2,513,000
28. Defence: Miscellaneous Measures	866,945,000	514,546,000
29. Defence: Royal Hong Kong Auxiliary Air Force	31,415,000	26,073,000
30. Defence: Royal Hong Kong Regiment (The Volunteers)	10,896,000	4,703,000
31. Education Department	381,214,000	80,638,000

<i>Head of Expenditure</i>	<i>Amount upon which Provision on Account is based</i>	<i>Amount of vote on Account</i>
	\$	\$
32. Education Subventions	1,648,535,000	405,357,000
33. Fire Services Department	212,894,000	65,276,000
34. Government Laboratory.....	11,614,000	4,251,000
35. Government Land Transport Agency.....	8,991,000	4,251,000
36. Government Secretariat	115,207,000	26,033,000
37. Government Secretariat: Recreation and Culture Division	26,741,000	6,307,000
38. Government Supplies Department.....	39,691,000	13,153,000
39. Home Affairs Department	34,147,000	6,938,000
40. Housing Department.....	81,934,000	20,357,000
41. Immigration Department.....	100,783,000	20,930,000
42. Independent Commission Against Corruption	65,855,000	13,951,000
43. Information Services Department.....	21,511,000	4,399,000
44. Inland Revenue Department	93,745,000	19,979,000
45. Judiciary	56,857,000	11,583,000
46. Kowloon-Canton Railway	49,942,000	11,146,000
47. Labour Department.....	95,748,000	52,546,000
48. Legal Department	24,401,000	6,020,000
49. Legal Aid Department	22,614,000	4,664,000
50. London Office	16,760,000	4,215,000
51. Marine Department.....	89,932,000	26,150,000
52. Medical and Health Department	827,751,000	189,421,000
53. Medical Subventions	444,515,000	153,075,000
54. Miscellaneous Services.....	1,316,026,000	644,647,000
55. New Territories Administration.....	99,664,000	26,220,000
56. Office of Unofficial Members of Executive and Legislative Councils.....	4,336,000	891,000
57. Pensions.....	366,590,000	73,318,000
58. Police: Royal Hong Kong Police Force	968,688,000	242,898,000
59. Police: Royal Hong Kong Auxiliary Police Force.....	34,196,000	6,839,000
60. Post Office	246,192,000	66,268,000
61. Printing Department	35,783,000	9,470,000
62. Prisons Department.....	182,225,000	40,167,000
63. Public Debt	340,610,000	310,858,000
64. Public Service Commission.....	771,000	198,000
65. Public Works Department: Headquarters	19,329,000	4,379,000
66. Public Works Department: Building Development.....	263,354,000	53,248,000
67. Public Works Department: Engineering Development.....	584,735,000	130,185,000

<i>Head of Expenditure</i>	<i>Amount upon which Provision on Account is based</i>	<i>Amount of vote on Account</i>
	\$	\$
68. Public Works Department: Lands, Survey and Town Planning.....	88,682,000	25,254,000
69. Public Works Department: New Territories Development.....	22,535,000	4,507,000
70. Public Works Department: Water Supplies	359,496,000	74,739,000
71. Public Works Non-Recurrent: Land Acquisition	441,210,000	441,210,000
72. Public Works Non-Recurrent: Buildings	312,479,000	306,490,000
73. Public Works Non-Recurrent: Engineering	1,287,487,000	1,210,733,000
74. Public Works Non-Recurrent: New Towns and Public Housing (other than Housing Authority)	1,542,167,000	1,476,959,000
75. Public Works Non-Recurrent: Waterworks	216,657,000	214,084,000
76. Radio Television Hong Kong	62,851,000	27,350,000
77. Rating and Valuation Department	28,311,000	5,747,000
78. Registrar General's Department	24,053,000	4,927,000
79. Registry of Trade Unions.....	1,119,000	224,000
80. Royal Observatory.....	19,864,000	8,104,000
81. Social Welfare Department.....	605,544,000	121,750,000
82. Social Welfare Subventions.....	145,000,000	36,250,000
83. Standing Commission on Civil Service Salaries and Conditions of Service	1,487,000	297,000
84. Subventions: Miscellaneous	186,966,000	68,411,000
85. Television and Entertainment Licensing Authority	2,566,000	565,000
86. Trade, Industry and Customs Department	118,320,000	27,238,000
87. Transfers to Funds	1,955,200,000	1,955,200,000
88. Transport Department.....	35,362,000	10,502,000
89. Treasury.....	28,266,000	5,979,000
90. Universities and Polytechnic	746,124,000	379,227,000
91. Urban Services Department.....	137,202,000	32,366,000
	<u>18,441,723,000</u>	<u>9,834,167,000</u>

He said:—Sir, I rise to move the motion standing in my name in the Order Paper.

This year, as has become our normal practice, the debate on the second reading of the Appropriation Bill will be extended into April to give honourable Members time to examine the Draft Estimates for 1980-81. Thus

the enactment of the Appropriation Ordinance will not take place until the end of April. The purpose of this motion is to seek funds on account to enable the Government to carry on existing services between the start of the financial year on 1 April next and the issue of the General Warrant following the enactment of the Appropriation Ordinance. The funds on account sought under each head have been determined in accordance with rules which have been agreed by the Finance Committee of this Council.

Expenditure will be regulated in accordance with the heads and subheads shown in the Draft Estimates for 1980-81. A Vote on Account Warrant will be issued to the Director of Accounting Services authorizing him to make payments up to the amount specified in this motion, and will limit the expenditure in accordance with the agreed rules. The provision under the Vote on Account will be subsumed upon the enactment of the Appropriation Ordinance, and the General Warrant issued after the enactment of the Appropriation Ordinance and the General Warrant will replace the Vote on Account Warrant and be effective from 1 April 1980.

Under the Appropriation-in-Aid system certain receipts, consisting of fees and charges, will be appropriated-in-aid and used to offset expenditure instead of being credited to General Revenue. The motion also seeks the authority of this Council to enable me to direct that such receipts shall be applied in this way during the period covered by the Vote on Account.

Sir, I beg to move.

Question put and agreed to.

‘STAR’ FERRY COMPANY (SERVICES) ORDINANCE

THE SECRETARY FOR THE ENVIRONMENT moved the following motion:—With the consent of the Company, that with effect from 1 April 1980 the Schedule to the Ordinance be amended by deleting Appendix I and substituting the following—

‘APPENDIX I

FARES AND CHARGES

(a) First class passenger:

Adult	<i>Per trip</i> 50 cents
Child under 16 years (other than a child under 3 years accompanied)	30 cents
Child (accompanied) under 3 years	Free

(b) Second class passenger:	<i>Per trip</i>
Adult or child (other than a child under 3 years accompanied)	30 cents
Child (accompanied) under 3 years	Free
(c) Monthly tickets (valid for current calendar month only):	<i>Per ticket</i>
Adult	\$22.50
Child under 16 years	\$11.30'.

He said:—Sir, I rise to move the motion standing in my name on the Order Paper. It provides, under section 5 of the 'Star' Ferry Company (Services) Ordinance (Chapter 274), for increases in passenger fares on the Edinburgh Place to Tsim Sha Tsui service by amending Appendix I of the Schedule to the Ordinance. The changes proposed have the consent of the Company.

The proposed fare increases would, with effect from 1 April 1980, raise first class fares from 30 cents to 50 cents for adults and from 20 cents to 30 cents for children; and second class fares for both adults and children from 20 cents to 30 cents. The charge for monthly tickets would also rise from \$12 to \$22.50 for adults, and from \$6 to \$11.30 for children, again as from 1 April 1980.

The main reason for these proposed increases in fares is to offset a loss of revenue expected because of a reduction in the number of passengers using the ferry now that the cross-harbour section of the Mass Transit Railway is open. Although it is still too soon to predict passenger figures with certainty so soon after the opening of the M.T.R., experience so far would seem to show that the Company's prediction of a 30 per cent loss of passengers is not unreasonable. A drop in passengers of this magnitude would virtually wipe out the profitability of the Company in 1980 and it is clear that an increase in fares is required to offset this. On the predictions made the increase in fares now proposed would generate a profit in 1980 of around \$3 million. This is similar to the profits made by the Company since 1977 annually and is reasonable in all the circumstances.

Before concluding, Sir, I should add that, since the opening of the cross-harbour section of the M.T.R., the waiting time for the 'Star' ferry at peak periods has been reduced from an average of more than twelve minutes to an average around of three minutes. This, in effect, means a better service for those using the ferry and it should go some way to compensate passengers for the increase in fares I am now proposing (*laughter*).

Sir, I beg to move.

(At this point, Mr. Newbigging declared an interest and abstained from voting on this motion).

Question put and agreed to.

Second reading of bills

EMPLOYMENT (AMENDMENT) BILL 1980

Resumption of debate on second reading (13 February 1980)

Question proposed.

MR. PETER C. WONG:—Sir, in moving the second reading of the Employment (Amendment) Bill 1980, the Commissioner for Labour stated that the introduction of this Bill was an exercise in rationalization so that the Employment Ordinance would deal with all measures of a social nature relating to employment leaving the Factories and Industrial Undertakings Ordinance to deal with safety at work.

Most of the amendments, therefore, deal with the transfer of appropriate powers and obligations from the Factories and Industrial Undertakings Ordinance to the Employment Ordinance. These amendments broadly include:

1. Posting of notices.
2. Disclosures of information by public officers and protection for employees who give evidence against their employers.
3. Powers relating to enforcement.

In addition there is one new proposal in respect of employment agencies dealing with domestic servants.

I was asked by the Unofficial Members of this Council to examine the provisions of this Bill, and in the course of doing so, discovered that the powers to be transferred to the Employment Ordinance were much wider than was intended. It should be noted that the Employment Ordinance deals with employment in both the industrial and non-industrial sectors. And the powers of enforcement appropriate to the industrial sector may not necessarily be appropriate to the non-industrial sector. Industrial employment is, by its very nature, complex and involves greater risks. Hence, more extensive powers of enforcement are necessary.

I had a most useful session with the Commissioner for Labour and the Deputy Law Draftsman at UMELCO Office. I am happy, Sir, to say that we were able to reach agreement on the points raised and these will be reflected in the amendments which I will move at the committee stage.

The proposed amendments to this Bill are mainly to confine the application of the wider powers to the industrial sector only. It is also proposed that clause 6(e) and (g) be deleted because the power contained in (e) already exists in the Ordinance while the power contained in (g) is unrealistic. One other proposed amendment relates to disclosure of information by public officers. It was felt that this power was too wide and that the disclosure should only be permitted in the course of official duty.

The new proposal to bring within the ambit of the Employment Ordinance employment agencies dealing with domestic servants is both necessary and desirable for reasons stated by the Commissioner for Labour.

Finally, I would like to express my thanks to the Commissioner for Labour and the Deputy Law Draftsman for their co-operation and assistance.

Sir, with these remarks, I support the motion.

COMMISSIONER FOR LABOUR:—Sir, I should like to thank my friend Mr. Peter WONG both for his vigilance and for his support. With the former he has rightly pointed out that by a general transfer of powers from one ordinance to another, some powers of enforcement would have been wider in application than was either necessary or desirable for the non-industrial sector, and in the case of clause 6(g) a clear anachronism was revealed. I am sure that with regard to disclosure by public officers the intention was always that this should only be during the course of their official duty—but it is as well to put the matter beyond doubt. I am glad for his and Members' support for the general intention of these legislative moves, and specifically for the licensing of domestic employment agencies.

I confirm that the amendments to be proposed at the committee stage all have my agreement.

Question put and agreed to.

Bill read the second time.

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

FACTORIES AND INDUSTRIAL UNDERTAKINGS (AMENDMENT) BILL 1980

Resumption of debate on second reading (13 February 1980)

Question proposed.

MR. PETER C. WONG:—Sir, as stated by the Commissioner for Labour, this Bill contains consequential amendments made necessary as a result of the transfer of certain provisions to the Employment Ordinance.

There is a parallel provision in the principal Ordinance relating to disclosure of information by a public officer. It is proposed to add a new clause 3A to the Bill which will permit disclosure to another public officer only in the course of official duty. This is in line with the amendment to the Employment (Amendment) Bill 1980.

Sir, with these remarks, I support the motion.

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.

EMPLOYMENT (AMENDMENT) BILL 1980

Clauses 1 to 5 were agreed to.

Clause 6

MR. PETER C. WONG:—I move that clause 6 be amended as set out in the paper circulated to Members.

Proposed amendment

Clause 6

That clause 6 be amended—

(a) in subclause (a)(ii)—

(i) in proposed new paragraph (d) by deleting ‘place of employment’ in both places where it occurs and substituting the following—

‘industrial undertaking within the meaning of the Factories and Industrial Undertakings Ordinance’;

(ii) by deleting proposed new paragraph (e);

(iii) by deleting proposed new paragraph (f) and substituting the following—

- ‘(f) require any person who employs or has employed any woman, young person or child in an industrial undertaking within the meaning of the Factories and Industrial Undertakings Ordinance or any agent or servant of any such employer to give to him all information in the possession of such person, agent or servant with reference to such woman, young person or child and to the labour conditions and treatment of every woman, young person or child employed by such employer;’;
- (iv) by deleting proposed new paragraph (g); and
- (b) in subclause (b) in proposed new subsection (3) by inserting after ‘subsection (1)’ the following—
- ‘in relation to any industrial undertaking within the meaning of the Factories and Industrial Undertakings Ordinance’.

The amendment was agreed to.

Clause 6, as amended, was agreed to.

Clause 7

MR. PETER C. WONG:—I move that clause 7 be amended as set out in the paper circulated to Members.

Proposed amendment

Clause 7

That clause 7 be amended in proposed new section 72A(1) by deleting ‘other than another public officer’ and substituting the following—

‘other than another public officer in the course of official duty’.

The amendment was agreed to.

Clause 7, as amended, was agreed to.

Clause 8

MR. PETER C. WONG:—I move that clause 8 be amended as set out in the paper circulated to Members.

Proposed amendment

Clause 8

That clause 8 be amended in proposed new paragraph (ha)—

(a) by deleting ‘any place of employment’ and substituting the following—

‘any industrial undertaking within the meaning of the Factories and Industrial Undertakings Ordinance’; and

Third reading of bills

THE ATTORNEY GENERAL reported that the

EMPLOYMENT (AMENDMENT) BILL and

FACTORIES AND INDUSTRIAL UNDERTAKINGS (AMENDMENT) BILL

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 and next sitting

HIS EXCELLENCY THE PRESIDENT:—In accordance with Standing Orders I now adjourn the Council until 2.30 p.m. on Wednesday, 26 of March.

Adjourned accordingly at five minutes past three o'clock.