

OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 13th October 1976

The Council met at half past two o'clock

PRESENT

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR CRAWFORD MURRAY MacLEHOSE, GBE, KCMG, KCVO
THE HONOURABLE THE CHIEF SECRETARY
SIR DENYS TUDOR EMIL ROBERTS, KBE, QC, JP
THE HONOURABLE THE FINANCIAL SECRETARY
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 DENIS CAMPBELL BRAY, CVO, JP
DR THE HONOURABLE GERALD HUGH CHOA, CBE, JP
DIRECTOR OF MEDICAL AND HEALTH SERVICES
THE HONOURABLE IAN MacDONALD LIGHTBODY, CMG, JP
SECRETARY FOR HOUSING
THE HONOURABLE DAVID HAROLD JORDAN, CMG, MBE, JP
DIRECTOR OF COMMERCE AND INDUSTRY
THE HONOURABLE DAVID WYLIE McDONALD, JP
DIRECTOR OF PUBLIC WORKS
THE HONOURABLE KENNETH WALLIS JOSEPH TOPLEY, CMG, JP
DIRECTOR OF EDUCATION
THE HONOURABLE IAN ROBERT PRICE, CBE, TD, JP
COMMISSIONER FOR LABOUR
THE HONOURABLE DAVID GREGORY JEAFFRESON, JP
SECRETARY FOR ECONOMIC SERVICES
THE HONOURABLE ALAN JAMES SCOTT, JP
SECRETARY FOR THE CIVIL SERVICE
THE HONOURABLE GARTH CECIL THORNTON, QC
SOLICITOR GENERAL
THE HONOURABLE EDWARD HEWITT NICHOLS, OBE, JP
DIRECTOR OF AGRICULTURE AND FISHERIES
THE HONOURABLE THOMAS LEE CHUN-YON, JP
DIRECTOR OF SOCIAL WELFARE
THE HONOURABLE ALAN THOMAS ARMSTRONG-WRIGHT, JP
SECRETARY FOR THE ENVIRONMENT (*Acting*)
THE HONOURABLE JOHN WALTER CHAMBERS, JP
SECRETARY FOR THE NEW TERRITORIES (*Acting*)
THE HONOURABLE MORRIS CYRIL MORGAN, JP
SECRETARY FOR SOCIAL SERVICES (*Acting*)
DR THE HONOURABLE CHUNG SZE-YUEN, CBE, JP

THE HONOURABLE LEE QUO-WEI, OBE, JP
 THE HONOURABLE OSWALD VICTOR CHEUNG, CBE, QC, JP
 THE HONOURABLE ROGERIO HYNDMAN LOBO, OBE, JP
 THE HONOURABLE PETER GORDON WILLIAMS, OBE, JP
 THE HONOURABLE JAMES WU MAN-HON, OBE, JP
 THE HONOURABLE HILTON CHEONG-LEEN, OBE, JP
 THE HONOURABLE JOHN HENRY BREMRIDGE, OBE, JP
 DR THE HONOURABLE HARRY FANG SIN-YANG, OBE, JP
 THE HONOURABLE MRS KWAN KO SIU-WAH, OBE, JP
 THE HONOURABLE LO TAK-SHING, OBE, JP
 THE HONOURABLE 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 MISS LYDIA DUNN, JP
 DR THE HONOURABLE HENRY HU HUNG-LICK, OBE, JP
 THE HONOURABLE LEUNG TAT-SHING, JP
 THE REV THE HONOURABLE PATRICK TERENCE McGOVERN, SJ, JP
 THE HONOURABLE PETER C. WONG, JP
 THE HONOURABLE WONG LAM, JP

ABSENT

THE HONOURABLE LEWIS MERVYN DAVIES, CMG, OBE, JP
 SECRETARY FOR SECURITY
 THE HONOURABLE LI FOOK-WO, OBE, JP

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL
 MRS LOLLY TSE CHIU YUEN-CHU

Oath

Mr NICHOLS took the Oath of Allegiance and assumed his seat as a Member of the Council.

HIS EXCELLENCY THE PRESIDENT:—I welcome Mr NICHOLS to this Council.

Papers

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

	<i>Subject</i>	<i>LN No</i>
Subsidiary Legislation:		
	Urban Council Ordinance.	
	Urban Council Elections (Registration of Electors) (Amendment) (No 2) Regulations 1976.....	190

<i>Subject</i>	<i>LN No</i>
Inland Revenue Ordinance.	
Inland Revenue Ordinance (Amendment of Fourth Schedule) Notice 1976.....	191
Pensions Ordinance.	
Pensionable Offices Order 1976.....	200
Pilotage Ordinance.	
Pilotage (Dues) (Amendment) Order 1976.....	201
Legal Practitioners Ordinance.	
Barristers (Qualification) (Amendment) Rules 1976	202
Pilotage Ordinance.	
Pilotage (Dues) (Amendment) (No 2) Order 1976	203
Country Parks Ordinance 1976.	
Country Parks Ordinance 1976 (Commencement) Notice 1976.....	204
Factories and Industrial Undertakings Ordinance.	
Factories and Industrial Undertakings (Goods Lifts) Regulations 1976 (Commencement) Notice 1976	205
Road Traffic (Amendment) Ordinance 1976.	
Road Traffic (Amendment) Ordinance 1976 (Commencement) Notice 1976	206
Road Traffic Ordinance.	
Road Traffic (Driving Licences) (Amendment) (No 2) Regulations 1976 (Commencement) Notice 1976	207
Road Traffic Ordinance.	
Road Traffic (Registration and Licensing of Vehicles) (Amendment) (No 2) Regulations 1976 (Commencement) Notice 1976....	208
Road Traffic Ordinance.	
Road Traffic (Taxis, Public Omnibuses, Public Light Buses and Public Cars) (Amendment) Regulations 1976 (Commencement) Notice 1976	209
Commodities Trading Ordinance 1976.	
Commodities Trading (Dealers, Commodity Trading Advisers and Representatives) Regulations 1976	210

Papers

<i>Subject</i>	<i>LN No</i>
Legal Practitioners Ordinance. Accountant's Report (Amendment) Rules 1976.....	211
Legal Practitioners Ordinance. Admission and Registration (Amendment) (No 2) Rules 1976	212
Legal Practitioners Ordinance. Legal Practitioners (Fees) (Amendment) Rules 1976	213
Legal Practitioners Ordinance. Practising Certificate (Barristers) Rules 1976	214
Legal Practitioners Ordinance. Practising Certificate (Solicitors) Rules 1976	215
Interpretation and General Clauses Ordinance. Definitions of "British Territory" and "Commonwealth" Notice	216
Revised Edition of the Laws Ordinance 1965. Revised Edition of the Laws (Correction of Error) (No 2) Order 1976.....	223
Commodities Trading Ordinance 1976. Commodities Trading Ordinance 1976 (Commencement) Notice 1976.....	224
Merchant Shipping Ordinance. Merchant Shipping (Control of Ports) (Amendment) Regulations 1976 (Commencement) Notice 1976	225
Interpretation and General Clauses Ordinance. Colonial Secretary (Change of Title) Notice 1976	226
Securities Ordinance. Securities (Stock Exchange Listing) Rules 1976.....	227
Interpretation and General Clauses Ordinance. Commodities Trading Ordinance 1976.Delegation of Power	228
Dangerous Goods Ordinance. Dangerous Goods (General) (Amendment) (No 3) Regulations 1976.....	229

<i>Subject</i>	<i>LN No</i>
Fire Services Ordinance.	
Fire Services Department (Reports and Certificates) (Amendment) Regulations 1976	230
Miscellaneous Licences Ordinance.	
Miscellaneous Licences (Amendment) Regulations 1976	231
Widows and Orphans Pension Ordinance.	
Widows and Orphans Pension (Application) (Amendment) Regulations 1976	232
Companies Ordinance.	
Companies (Exemption from Statement of Turnover) Order 1976..	233
Independent Commission Against Corruption Ordinance.	
Independent Commission Against Corruption (Treatment of Detained Persons) Order 1976	234
Preventive Service Ordinance.	
Preventive Service (Amendment of Second Schedule) (No 2) Order 1976	235
Public Health and Urban Services Ordinance.	
Food Business (Amendment) By-laws 1976.....	236
Summary Offences Ordinance.	
Summary Offences (Exemption from Section 13) Order 1976.....	237
Interpretation and General Clauses Ordinance.	
Specification of Public Officers Order 1976.....	238
Small Claims Tribunal Ordinance.	
Small Claims Tribunal Ordinance (Commencement) Notice 1976..	239
Road Traffic Ordinance.	
Road Traffic (Temporary Car Parks) Regulations	240
Buildings Ordinance.	
Building (Administration) (Amendment) Regulations	241

Papers

<i>Subject</i>	<i>LN No</i>
Plant (Importation and Pest Control) Ordinance 1976.	
Plant (Imporation and Pest Control) (Fees) (Amendment) Regulations 1976	242
Immigration Ordinance.	
Immigration (Amendment) (No 2) Regulations 1976 (Commencement) Notice 1976	243
Road Traffic (Construction and Use) Regulations.	
Specification of Colour Scheme (New Territories Taxis) Notice.....	244
Books Registration Ordinance 1976.	
Books Registration Ordinance 1976 (Commencement) Notice 1976	246
Road Traffic (Amendment) (No 2) Ordinance 1976.	
Road Traffic (Amendment) (No 2) Ordinance 1976 (Commencement) Notice 1976	247
Road Traffic Ordinance.	
Road Traffic (Parking and Waiting) Regulations.....	248
Road Traffic Ordinance.	
Road Traffic (Temporary Car Parks) Regulations	249
Interpretation and General Clauses Ordinance.	
Apprenticeship Ordinance 1976.	
Delegation of Power	250
Summary Offences Ordinance.	
Summary Offences Ordinance (Exemption from Section 13) (No 2) Order 1976.....	252
Commodities Trading Ordinance 1976.	
Commodities Trading Ordinance 1976 (Commencement) (No 2) Notice 1976	253
Road Traffic Ordinance.	
Road Traffic (Parking and Waiting) Regulations.....	254
Public Health and Urban Services Ordinance.	
Hawker (Permitted Place) Declaration 5/1976	255

Sessional Papers 1976-77:

- No 1—Report on the Administration of the Fire Services Welfare Fund for the year ended 31st March 1976 (published on 13.10.76).
- No 2—J. E. Joseph Trust Fund Report for the period 1st April 1975 to 31st March 1976 (published on 13.10.76).
- No 3—Kadoorie Agriculture and Loan Fund Report for the year 1975-76 (published on 13.10.76).
- No 4—Annual Report of the School Medical Board for the year ended 31st March 1976 (published on 13.10.76).
- No 5—Statement of Assets and Liabilities and Statement of Revenue and Expenditure of the Urban Council for the year ended 31st March 1976 (published on 13.10.76).
- No 6—Annual Report of the Urban Council for the year ended 31st March 1976 (published on 13.10.76).
- No 7—Supplementary Provisions for the Quarter ended 31st March 1976 (Final) (published on 13.10.76).
- No. 8—Sir David Trench Fund for Recreation—Trustee's Report 1975-76 (published on 13.10.76).
- No 9—Annual Report of the Hong Kong Housing Authority for the year 1975-76 (published on 13.10.76).
- No 10—Statement of Accounts of the Hong Kong Housing Authority for the year ended 31st March 1976 (published on 13.10.76).
- No 11—Annual Report of Sir Robert Black Trust Fund for the year from 1st April 1975 to 31st March 1976 (published on 13.10.76).
- No 12—Statement of Accounts of Aberdeen Trade School Executive Committee for the year ended 31st March 1976 (published on 13.10.76).

Papers

Reports:

Code of Labour Relations Practice.

Green Paper—The Future Development of Rehabilitation Services in Hong Kong.

Oral answers to questions**Hong Kong—Macau Ferry Terminal Passengers Fees**

1. DR FANG asked:—

Sir, will Government state the total revenue received from the "head tax" imposed on persons travelling to Macau?

THE FINANCIAL SECRETARY:—Your Excellency, receipts from the embarkation fee payable by passengers travelling to Macau were \$7.41 million for the six months ending 30th September 1976.

Macau Ferry Terminal

2. DR FANG asked:—

Sir, (a) does Government consider the existing facilities at the Macau Ferry Terminal obsolete and inadequate?

(b) if so, will Government implement at an early date the plans for new facilities at the terminal?

MR McDONALD:—Sir, the existing facilities at the Macau Ferry Terminal are admittedly far from ideal.

Honourable Members were however informed on 11th February of this year that Government was in broad agreement with a private developer regarding the construction of a new Macau Ferry Terminal in exchange for the right to construct a commercial development above it.

Tentative plans for this very complex project have been submitted, sea-bed investigations have been completed and estimates of construction costs are now in preparation.

I understand that these costs will shortly be forthcoming and when they are agreed between Government and the developer it will be possible to finalize arrangements. The way will then be clear

for the developer to submit formal building plans and for work to commence on construction of the Terminal.

DR FANG:—Sir, will my honourable Friend indicate roughly when the construction work is likely to begin?

MR McDONALD:—Sir, as yet no programme of work has been produced by the developer although a spokesman from the company did say some few months ago that if the scheme went according to plan he would expect work to start on site next year.

Objectionable Publications Ordinance

3. Miss Ko asked:—

Sir, (a) will Government make a statement on the effectiveness of the enforcement action taken in combating objectionable publications since the enactment of the Objectionable Publications Ordinance?

(b) how many prosecutions have been taken under the Objectionable Publications Ordinance since its enactment?

(c) how many offenders have been convicted and what was the average fine imposed in these cases?

THE ATTORNEY GENERAL:—Sir, a particular problem before the enactment of the Objectionable Publications Ordinance was the widespread distribution of objectionable material of a kind particularly likely to be read by children and young people. That Ordinance passed this Council amidst considerable publicity and it had a considerable effect on the trade even before it became law. There was a marked decline in the availability of objectionable comic books. The Commissioner of Police tells me, Sir, that that has continued to be the position and that publications of that type do not now present a significant problem. 148 comic books have been seized, and there has been one prosecution in respect of a comic book, since the Ordinance came into force. In that case fines were imposed on the publisher, printer and two distributors.

The Ordinance also deals of course with objectionable material in general, whether pornographic or otherwise objectionable—though it made no substantial changes in the previous law. Police action in

[ATTORNEY GENERAL] Oral answers

this field is continuous, though rarely noticed. There have been 87 seizures of nearly 9,000 magazines containing "hard core" pornographic material since the Ordinance came into force. Some 8,000 of those had been imported. 196 objectionable films have been seized and 41 film projectors. Prosecutions followed 70 of the seizures, and in 64 cases convictions were recorded. The penalties have varied from the binding over of a street hawker to a fine of \$12,000 on a person convicted of distributing objectionable films. In one case a sentence of 5 months' imprisonment was imposed on a person convicted of possessing objectionable films and magazines.

Sir, pornographic material continues to be available in Hong Kong, but in small individual quantities. I have said that Police action against it is continuous. So it is. But, as I have stated before in this Council, the resources which the Commissioner of Police can devote this field are limited.

Commercial camping and outdoor facilities

4. MR HILTON CHEONG-LEEN asked:—

- Sir, (a) is Government aware that the camping and outdoor facilities operated by a number of commercial bodies are unsatisfactory and sub-standard?
- (b) if so, what steps is Government taking to ensure that there is improvement in these facilities?

SECRETARY FOR HOME AFFAIRS:—Sir, my honourable Friend's question touches on two separate aspects; namely commercially operated youth camps and commercially run outdoor activities which involve a degree of risk.

Government is aware that the existing holiday youth camps at Tsam Chuk Wan and Tai Mong Tsai which are run on a commercial basis by private operators were the subject of public complaint this last summer.

The operators of both these camps are in lawful occupation of their land with conditions of tenure which permit them to use the land for recreational purposes on a commercial basis. They commit no offence by doing so.

We are however very much aware of the growing demand for holiday camps which will no doubt increase with the introduction of more paid holidays. There are at present over 40 camps and hostels spread over Hong Kong, Kowloon and in the New Territories. The Recreation and Sport Services opened its own youth recreation camp at Sai Kung this summer. More camps will no doubt be opened as and when more voluntary organizations come forward and land become available.

The part to be played by commercially operated camps and holiday resorts is yet to be thought through. With increasing wealth and leisure of the community I am sure we will find an increasing demand for facilities of this sort. We should see that this demand can be legitimately provided for by entrepreneurs as well as welfare agencies.

As regards the second aspect of my honourable Friend's question, the question of safety, the Government is very much concerned about the safety of young people who take part in outdoor recreation activities particularly those which carry some degree of risk. It is recognized that some commercial operators are providing outdoor physical recreation facilities, do so mainly for a profit motive without regard or knowledge of the risk involved. This matter had been considered by the Council for Recreation and Sport which set up in June this year a Working Party to examine the problem. The terms of reference of this Working Party are to consider where danger lies and what can be done to reduce it by law or in any other way. When we have the report from this Working Party we shall be able to propose positive measures to safeguard the safety of young people taking part in outdoor recreation activities.

MR CHEONG-LEEN:—Sir, pending the completion of the working party's report, will measures be taken to ensure that there will be no danger to human life as a result of the provision of sub-standard or untrained service as has happened last December in a particular camp?

SECRETARY FOR HOME AFFAIRS:—Well, Sir, as soon as we can work out what to do I think we should get on to do it without waiting for a report. The answer to my honourable Friend's question is "yes".

Oral answers**Dropping of Objects from a height—penalties for**

5. MR WONG LAM asked:—

Sir, will Government introduce legislation to increase the penalties which may be imposed by the courts on persons who throw or drop objects from a height in or near any public place?

THE ATTORNEY GENERAL:—Sir, the honourable Mr WONG has raised a matter which is of real concern. To throw or drop something from a building, whether deliberately or carelessly, is so obviously dangerous that I need say no more.

If a passer-by were killed, the offender may be guilty of manslaughter, but there are many possibilities short of causing death. They range from the very minor to injury causing total incapacity. The existing law is in section 4 of the Summary Offences Ordinance. It is somewhat unsatisfactory.

I think, Sir, that two things must be done—

First, the substantive law itself must be improved.

Second, we must increase the maximum penalty.

Medical degrees

6. MR LEUNG asked:—

Sir, will Government ascertain the reasons behind the recent withdrawal by certain countries of reciprocal arrangements for recognition of medical degrees?

DR CHOA:—Sir, recently information has been received that the New South Wales Medical Board and the Medical Council of New Zealand have ceased to accept the qualification of MBBS Hong Kong for direct registration. The Secretary of the Hong Kong Medical Council has written to both bodies asking for an explanation. No reply has been received from New South Wales. As for New Zealand, no reason has been given, but it has been explained that the only type of registration for which graduates of the University of Hong Kong can be considered will be probationary registration which means that they must first take up a hospital appointment

in New Zealand for at least 12 months before they can apply for full registration as a medical practitioner.

Sir, may I explain that the degree of MBBS Hong Kong is registrable with the General Medical Council of the United Kingdom, and recognition by other Commonwealth countries is either through the General Medical Council or direct recognition on a reciprocal basis. I can assure the honourable Member that whatever action other countries may take our relationship with the General Medical Council of the United Kingdom remains unaffected.

MR CHEUNG:—Sir, as no reason has been given by these governments for withdrawal of recognition, will Government through the usual channels press for an explanation as to why recognition has been withdrawn?

DR CHOA:—I will so advise the Medical Council to take the necessary steps, Sir.

Traffic blackspots

7. MR CHEN asked:—

- Sir, (a) will Government table for information a list of the major traffic blackspots on Hong Kong island, in Kowloon and the New Territories?
- (b) could consideration be given to installing special road signs at these blackspots, urging both pedestrians and drivers to take extra care?

SECRETARY FOR THE ENVIRONMENT:—Sir, I could table a summary of traffic accident information, but I believe my honourable Friend will find the traffic accident maps which are now produced by computer, far more interesting and informative. These maps show details of blackspots. However, they are quite bulky, so for the convenience of my honourable Friend and other honourable Members who may be interested, I have placed copies in the Councils Office.

The answer to the second part of my honourable Friend's question is "Yes, Sir".

Oral answers**Dutiable Commodities Ordinance**

8. MR LOBO asked:—

Sir, (a) is Government contemplating the introduction of legislation to amend the Dutiable Commodities Ordinance so as to reduce the proof requirement for imported brandy and,

(b) if so, when is such legislation likely to be presented to this Council?

MR JORDAN:—Yes, Sir. Subject to the decision of the Governor in Council, next month.

MR CHEUNG:—Sir, why is Government giving consideration to such a reduction in alcoholic strength of brandy?

MR JORDAN:—Perhaps I should first assure my honourable Friend that it should still be possible for him to obtain the stronger brandy. All we shall be doing is reducing the prescribed minimum strength for imports of ordinary brandy, if this legislation goes through. Basically it is because most other countries have done this already. The present minimum is 25° under proof; we will reduce it to 30° underproof in this bill. This is, as I say, now the generally operative level. We had complaints about it because we are out of line with other countries. The Americans apparently aren't allowed to produce the stronger brandy which is all we allow to be imported here at present. In France the level is the lower one but owing to the rather large quantities of French brandy consumed in Hong Kong they find it economic to bottle it specially for Hong Kong. I should perhaps add that it will make very little difference because the Director of Commerce & Industry is an *ex-officio* connoisseur of brandy and any brandy that he is prepared to agree is a very old liqueur brandy, may be imported already although it is below our present minimum alcoholic strength, and 85 percent of the brandy imported in Hong Kong is in that category. There is very little market for Three Star here. (*laughter*)

MR WILLIAMS:—Sir, I think the provision to exempt old brandy dates back to 1898 and was only intended to apply to vintage brandy. Is he only exempting vintage brandy or blended brandy too?

MR JORDAN:—No, I don't insist on it being vintage brandy, Sir.

MR CHEUNG:—Will Government ensure that every bottle of the diluted brandy that is imported carries a Government warning that it is diluted?

MR JORDAN:—That is an aspect of the matter which I thought might be brought up, Sir. I think I'd better discuss this with the Chairman of the Consumer Council.

Colleges of Education and Technical Teachers College

9. REV JOYCE M. BENNETT:—

Sir, has Government considered the desirability of greater co-operation between the three older Colleges of Education and the Technical Teachers College so as to rationalize enrolments?

MR TOPLEY:—Sir, the college do co-operate but admission requirements vary because of a difference of function between the Technical Teachers College and the other colleges.

MISS BENNETT:—Sir, could the Government consider the advisability that applications for all four colleges were being made before the examinations results are published, like the Technical Teachers College does at the moment; but processing of the results of the application can be completed before the secondary school terms starts and then save Lower six places for those who really wish to study in Lower six.

MR TOPLEY:—Sir, I had on the first misinterpreted the use by the honourable Member of the word "rationalize". I took it that she meant to rationalize entry requirements. I did study the Oxford dictionary in its various parts. One definition is to eliminate surds, another was to eliminate waste, but I failed to pick up the honourable Member's point. I should perhaps say that apart from the difference of entry requirements between the two kinds of colleges which is related to function:—general teachers and technical teachers, the very much larger number of applicants for the general colleges of education (more than 2,000 last year as opposed to 700 for the Technical Teachers College) may make it difficult to follow the line

[MR TOPLEY] **Oral answers**

of advance which the honourable Member has suggested. But I will indeed consider this.

Driving Tests—appointments

10. MR CHEONG-LEEN asked:—

- Sir, (a) how long does it take before appointments are assigned for written and practical driving tests for learner drivers, and
- (b) can steps be taken soon to shorten the time for such appointments after an application has been received?

SECRETARY FOR THE ENVIRONMENT:—Sir, it takes about one month for learner drivers in all categories to get written tests. The waiting time for practical driving tests varies according to the class of vehicle, the longest being just under ten months. This is for private cars in Kowloon.

Steps are being taken to shorten the waiting time. The Transport Department has 34 driving examiners at present and is in the process of recruiting 10 more.

When the extra 10 examiners are available and fully trained, the Department should be able to increase the number of driving test appointments, from 17,000 to 22,000 a month. This should do much to reduce the waiting period.

MR CHEONG-LEEN:—Sir, how long does it take to train examiners and how long it is estimated that the recruitment process will be completed?

SECRETARY FOR THE ENVIRONMENT:—Sir, it is estimated that the people will be recruited and trained by the end of this year.

MR CHEONG-LEEN:—Sir, could my honourable Friend confirm that the establishment is 46 and if that is the case, could he explain why only an extra 10 examiners are being recruited instead of 12 which would bring the establishment up to full strength?

SECRETARY FOR THE ENVIRONMENT:—Sir, I am afraid I am unable to answer that question.

MR CHEONG-LEEN:—Will that answer be given in writing, Sir, at a later date?

SECRETARY FOR THE ENVIRONMENT:—Yes, Sir.

DR CHUNG:—Sir, will my honourable Friend disclose how long one has to wait for taking practical driving test for private cars in Kowloon?

SECRETARY FOR THE ENVIRONMENT:—The waiting time in Kowloon, Sir, is 10 months.

DR CHUNG:—How about in Hong Kong then?

SECRETARY FOR THE ENVIRONMENT:—Sir, I don't have the actual figure but it is a shorter period, possibly about 5 or 6 months.

MR CHEUNG:—And in the New Territories, Sir? (*Laughter*)

SECRETARY FOR THE ENVIRONMENT:—Sir, I am afraid I don't have these figures with me but I would be very glad to furnish them to my honourable Friends.

MR LO:—Sir, in view of the enormous interest in this Council to speak, may I ask just whether there is in fact a shortage of drivers for private cars in Hong Kong?

SECRETARY FOR THE ENVIRONMENT:—Sir, no, there are in fact something like half a million driving licences (and therefore one presumably imagine that they must all be drivers) and only 250,000 vehicles or so.

MR LO:—In view of the lack of resources should Government really justify the additional expenditure for recruiting more driving test examiners?

SECRETARY FOR THE ENVIRONMENT:—Sir, I don't think the increase of another 10 is going over board. It will at least reduce the waiting

[SECRETARY FOR THE ENVIRONMENT] **Oral answers**

list to a reasonable period bearing in mind that many people have legitimate reasons to become drivers.

MR PETER C. WONG:—Sir, may I ask is the time mentioned, 10 months and 5 months as the case may be, the maximum or the minimum waiting period?

SECRETARY FOR THE ENVIRONMENT:—Sir, the waiting period for somebody getting their licence is from the time he puts up his applications to the time he has his tests.

MR JAMES WU:—Would my honourable Friend feel that for one driving test examiner to test five hundred applicants per months to be an unduly large number as it work out that would be something like 20 people each day?

SECRETARY FOR THE ENVIRONMENT:—Sir, I am afraid I don't quite understand the arithmetic.

MR JAMES WU:—The arithmetic is by dividing 22,000 with 44 that works out to 500.

SECRETARY FOR THE ENVIRONMENT:—Sir, it does seem to be a reasonable figure (*laughter*).

Private schools—teacher-trainees

11. REV JOYCE M. BENNETT asked:—

Sir, what is Government doing to encourage private schools to accept teacher-trainees and pay them a reasonable salary with the opportunity of contributing to the present Provident Fund?

MR TOPLEY:—Sir, in the private non-profit-making schools the Government is able to give financial assistance towards salaries through the per capita grant scheme first introduced in 1971. It is largely as a result of this scheme that the position has now been reached whereby in those classes considered to be part of the public sector more than 90% of the teachers have acceptable qualifications and I expect this proportion to increase.

In the private independent schools the need to keep fees at a reasonable level prevents these schools in most cases from offering salaries attractive to College of Education graduates.

Membership of the Grant and Subsidized Schools Provident Funds is limited by law to the fully aided sector of education. Private schools of all kinds may, of course, establish their own provident funds or join existing approved funds if they wish. They are, in fact, encouraged to do so and a number have already done so.

Traffic Congestion at Kwai Chung Container Terminal

12. MR TIEN asked:—

Sir, what is being done to solve the problem of heavy traffic congestion in the area of the Kwai Chung Container Terminal?

SECRETARY FOR ECONOMIC SERVICES:—Sir, the problem is caused by late deliveries of goods for packing into the containers at the container freight stations. As a consequence of these delays, goods vehicles sometimes have to queue up to get into the freight stations. The problem has been increased recently by the present boom in exports.

It will be relieved in part by the opening of another container freight station by the end of this year. As an additional relief, the Director of Marine is exploring with the other departments involved the possibility of providing a holding area for goods vehicles waiting to get to the freight stations.

Dumping of refuse into the sea

13. MR CHEUNG asked:—

Sir, (a) does Government agree that there is an increase incidence of minor skin diseases caused by swimming in polluted water;

(b) if so, what steps is Government taking to control the indiscriminate dumping of refuse into the sea?

SECRETARY FOR THE ENVIRONMENT:—Sir, there is no evidence to show that there has been any increase in the incidence of skin disease as a result of people swimming in the seas around Hong Kong.

[SECRETARY FOR THE ENVIRONMENT] **Oral answers**

Nevertheless, Government is conscious of the need to prevent the indiscriminate dumping of refuse into the sea and is tackling the problem in several ways.

Firstly, every effort is made to deal with possible sources of marine pollution. Most marine refuse originates on land. The normal and very extensive refuse collection service and the cleansing of nullahs and streams, considerably reduce the amount of this refuse getting into the sea. Refuse from ocean-going ships moored in the harbour is collected by the Marine Department and bins are provided along the seawalls of typhoon shelters for refuse from small craft. In the summer months the Urban Council provides an additional scavenging service off certain gazetted beaches.

Secondly, the Urban Council and the Government continually seek public support in reducing the general problem, by means of various publicity campaigns such as the Keep Hong Kong Clean Campaign. In particular a recent special campaign was mounted by Government, assisted EPCOM, on the theme—"Keep Our Waters Clean".

Thirdly, heavy penalties have been introduced for dumping refuse in Hong Kong waters. However, it is not easy to enforce this legislation, because of the very large numbers of small vessels scattered throughout Hong Kong waters, and because it is not easy to pinpoint offenders.

Once refuse finds its way into the sea, its collection becomes the responsibility of the Marine Department's harbour cleansing fleet, which removes approximately ten tons a day.

Despite these arrangements, a considerable amount of refuse can be seen in the sea, and on the advice of EPCOM, the methods of prevention and clearance of this refuse are being reviewed.

MR CHEUNG:—Has Government any evidence of irritations and itchiness caused by swimming in polluted waters?

SECRETARY FOR THE ENVIRONMENT:—Sir, may I refer that medical question to my honourable Friend Dr CHOA. (*laughter*)

DR CHOA:—Sir, the presence of minor irritation after swimming cannot be diagnosed as dermatitis, which is a different condition.

MR CHEUNG:—I wasn't referring to dermatitis, I was referring to itchiness and other minor irritations.

DR CHOA:—Sir, cases of minor irritations would not have been brought to our attention at all.

MR LO:—Sir, is it true that Government keeps no record what-so-ever of people suffering from any kind of skin ailment as a result of swimming in the sea and is that why it has no evidence of such suffering?

DR CHOA:—Quite right, Sir, we don't keep such record.

Statements

Code of Labour Relations Practice

MR PRICE:—Sir, I wish to invite the attention of honourable Members to the Code of Labour Relations Practice which is among the various papers laid today on the table of this Council.

The purpose of this Code is to set standards and to give practical guidance, particularly to management, on the conduct of industrial relations and on the development of policies to improve human relations in all places of employment, whatever their size. In brief, it sets out in clear and concise terms the principal guide-lines for the promotion of harmonious labour relations.

The publication of the Code at this particular time has no special significance. It is merely part of the Labour Department's continuing efforts to improve labour relations.

The Code is of value equally to employers' associations, employers, trade unions and employees. Its contents are based not only on the extensive and long experience of the Labour Relations Service but also, where applicable, on practices in developed industrial societies. I am also indebted to the advice given locally by certain knowledgeable people in this field.

The Code covers such matters as the responsibilities of employer and employee, methods of communication and consultation, grievance and disciplinary procedures and other functions of personnel management including employment policies, recruitment procedures, working conditions, fringe benefits and the handling of trade disputes.

[MR PRICE] Statements

The Code has been unanimously endorsed by the Labour Advisory Board which expressed the hope that, over the years, it would exert a beneficial influence on relations between employers and employees. The Code is published in English and Chinese and is available free from all offices of the Labour Relations Service and the Government Publications Centre. I intend also to send a copy to the main employers' associations, major trade associations and to all registered trade unions: and copies will be distributed by officers of the Labour Relation Service to large employers.

I am sure that with the passage of time the Code will only need to be revised and expanded and it is my intention that it should be reviewed by the Labour Advisory Board from time to time.

Some honourable Members may ask why a Code of Practice has been drawn up instead of writing the contents into the law. The answer is simple. Good human relations, be they in the home or at work, cannot be a matter for legislation because such relations cannot be imposed by statute.

I commend this Code for study by honourable Members and by managers, supervisors, workers and trade unionists.

Green Paper on Rehabilitation Services

MR MORGAN:—Sir, among the papers laid on the table today is a Green Paper on the Further Development of Rehabilitation Services in Hong Kong.

The Green Paper is a summary of the findings and recommendations of an inter-departmental Working Group which was set up to consider how our rehabilitation services should be further developed over the next decade. The Paper considers such issues as how identification and assessment services should be improved and expanded so that disabilities are discovered as early as possible and appropriate treatment services can be promptly provided; how special education services for the disabled should be developed; how medical rehabilitation services should be expanded; how social welfare services should be improved and how policies and services in the field of rehabilitation should be co-ordinated in the future.

I commend the Paper to honourable Members as the first attempt to review comprehensively the demand for and, I am afraid, the short-fall of services for the disabled.

As may be expected, the Working Group was confronted with a formidable number of technical and administrative problems. Happily, for most areas, the Working Group was able to make long-term fore-casts of needs and to propose plans for the development of services. However, there are still areas into which further research must be undertaken and it is proposed to do this on an annual basis in the future.

The conclusions and recommendations contained in the Green Paper have not yet been accepted by Government. As the foreword to the Paper indicates, it is now being published so that the views of the community may be obtained and considered. Members of the public who wish to comment on the Paper are therefore invited to do so before the end of the year to enable Government to reach an early conclusion on the programme of development.

Government Business

Motion

AMENDMENT OF STANDING ORDERS OF LEGISLATIVE COUNCIL

DR CHUNG moved the following motion:—Your Excellency, I rise to move the resolution standing in my name on the Order Paper.

With the recent expansion of this Council my Unofficial colleagues and I regard it as both appropriate and timely for the maximum number of questions which can be asked at any one sitting of the Council under Standing Order 16(2) to be increased so as to accord more closely with our own number. We, the Unofficials do, of course, readily appreciate that the preparation of answers to questions involves a substantial amount of work on the part of the official side and for this very reason we have tried to strike a happy medium acceptable to both sides. Accordingly, the resolution now before this Council seeks to amend Standing Order 16(2) by increasing from 15 to 20 the maximum number of questions which can be asked at any one sitting of the Council. Finally, Sir, notwithstanding the effect of this resolution on the Official Members of this Council in terms of additional work, may I express the hope on behalf of my Unofficial colleagues

[DR CHUNG] Motion

and myself that they will be just as forthcoming in their replies in future as they invariably have been in the past.

Motion (in Committee)**Supplementary provisions for the quarter ended
31st March 1976 (final)**

Council went into Committee, pursuant to Standing Order 58(2) to consider the motion standing in the name of the FINANCIAL SECRETARY.

THE FINANCIAL SECRETARY moved the following motion:—

That this Council approves the proposals set out in Paper No 7.

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

Sir, this is the final schedule of supplementary provisions for the financial year 1975-76. The total sum involved is \$45.1 million of which \$38.2 million is to meet additional expenditure on personal emoluments for the year in respect of 19 departments.

This schedule brings the total of supplementary provisions for 1975-76 to \$488.8 million. But because of savings in other subheads, actual total expenditure at \$6,032.2 million was \$583.2 million less than the original estimate. I explained the reasons for the shortfall in some detail in this Council on 21st July 1976.

The Finance Committee has approved all the items in the schedule and the purpose of this motion is simply to seek the covering approval of this Council.

Question put and agreed to.

Council then resumed.

THE FINANCIAL SECRETARY reported that the motion had been agreed to in committee without amendment.

Question agreed by the whole Council pursuant to Standing Order 58(4).

ERRATUM

Official Report of the Legislative Council
sitting held on 13th October 1976

Page 54 After the speech of Dr. the
Honourable CHUNG Sze-yuen
on the motion of "Amendment of
Standing Orders of Legislative
Council"

Add "Question put and agreed
to"

First reading of bills

**INDUSTRIAL TRAINING (CONSTRUCTION INDUSTRY) (AMENDMENT) BILL
1976**

THE CHINESE UNIVERSITY OF HONG KONG BILL 1976

BANKRUPTCY (AMENDMENT) (NO 2) BILL 1976

DISTRICT COURT (AMENDMENT) (NO 2) BILL 1976

LIMITATION (AMENDMENT) BILL 1976

**MASS TRANSIT RAILWAY (LAND) RESUMPTION AND RELATED PROVISIONS)
(AMENDMENT) BILL 1976**

PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT) (NO 4) BILL 1976

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

Second reading of bills

**INDUSTRIAL TRAINING (CONSTRUCTION INDUSTRY)
(AMENDMENT) BILL 1976**

MR PRICE moved the second reading of:—"A bill to amend the Industrial Training (Construction Industry) Ordinance."

He said:—Sir, in moving the second reading of the Industrial Training (Construction Industry) (Amendment) Bill 1976, I speak at the request of the Construction Industry Training Authority which was established by the Industrial Training (Construction Industry) Ordinance in July 1975.

Section 21 of that Ordinance provides for the imposition of a levy on the value of construction works undertaken in Hong Kong. This levy finances the activities of the Training Authority. Section 24 requires the contractor and authorised person responsible for any construction works to notify the Training Authority of the commencement of such works. Section 25 requires the contractor to notify the Training Authority of payments received in respect of the work and of completion of the work.

On 17th December 1975 this Council prescribed by resolution under section 22 of the Ordinance that construction works of value under \$250,000 are not liable to levy. However, sections 24 and 25, as they now stand, require contractors and authorized persons responsible for works of value of under \$250,000 to notify the Training Authority,

[MR PRICE] **Industrial Training (Construction Industry)
(Amendment) Bill—second reading**

despite the fact that no levy is payable. Experience has proved that this requirement has placed a heavy and unnecessary administrative burden on contractors, authorized persons and the Training Authority.

The Industrial Training (Construction Industry) (Amendment) Bill, if approved by this Council, would remove from sections 24 and 25 of the Ordinance the obligation of contractors and authorized persons to notify the Training Authority of the commencement and completion of construction works and of payments made in respect of such works when the estimated value of the works is below \$250,000.

If the final value of the works eventually requires the payment of the levy, the responsible contractor or authorized person who had good reason to believe that the estimated value would be less than \$250,000 and did not therefore give notice to the authority would be protected from being guilty of an offence by the provision of "reasonable excuse" in subsection 24(3) and subsection 25(4) of the Ordinance. In addition if the final value requires the payment of the levy, the Training Authority can assess under subsection 26(5) the amount of levy due from the contractor.

I should also add that, through an administrative arrangement between the Training Authority and the Director of Public Works, the Training Authority is provided with information on the final value of all construction works.

Motion made. That the debate on the second reading of the bill be adjourned—MR PRICE.

Question put and agreed to.

THE CHINESE UNIVERSITY OF HONG KONG BILL 1976

SECRETARY FOR SOCIAL SERVICES moved the second reading of:— "A bill to repeal and replace The Chinese University of Hong Kong Ordinance, to repeal the Chung Chi College Incorporation Ordinance, the Board of Trustees of The United College of Hong Kong Incorporation Ordinance and the New Asia College Incorporation Ordinance and to make new provision concerning the Chung Chi College, The United College of Hong Kong and the New Asia College, and for purposes connected therewith."

He said:—Sir, this bill represents a major revision of The Chinese University Ordinance and is the first such revision since the ordinance was enacted in 1963. When moving the first reading of that bill, the then Colonial Secretary said that it was the first, and certainly not the last, stage in the journey towards the creation of the University, He pointed out that any university is subject to constant growth, development and change.

Events since 1963 have borne out the truth of his words. During the intervening years, the University has grown from an initial undergraduate body of just over 1,000 students with about 100 academic staff to nearly 4,000 undergraduates and 300 academic staff today. The most significant development has been the integration of the University and three of its Constituent Colleges on the campus at Sha Tin. And academically too, there have been developments: such as the creation of the Graduate School, the establishment of a number of Institutes such as those of Chinese Studies, Social Studies and the Humanities, and Science and Technology, and the establishment of various Centres in such fields as Academic and Social Research, Mass Communications, Computing and so on. And through the Department of Extra Mural Studies, the University has provided various forms of public service to the community.

This growth and development, however, were not without their consequences. Although public financing, backed with generous donations, permitted the expansion to take place, nevertheless costs mounted and the need for economy became pressing. In addition, various problems of organization and management arose. The University itself was the first to recognize that changes were needed in its organization and structure. In February 1974, with the concurrence of the Senate and Council, the Vice-Chancellor appointed a Working Party on Educational Policy and University Structure. In its report the Working Party drew attention to the effect on student/teacher relations caused by the rapid expansion of the University. It recommended that there should be full participation in University government by teachers and that departments belonging to the same discipline should integrate. It accepted that uniformity of the university structure was necessary but that the federal system of the university should be maintained. However, none of the possible forms of reorganization set out by the Working Party had universal acceptance.

Faced with the dilemma that it was apparent to all that reform of the University's constitution was necessary and that within the University itself there was no agreement on what precisely the form

[SECRETARY FOR SOCIAL SERVICES] **The Chinese University of Hong Kong Bill—second reading**

of the changes should be, and that unless quick action was taken, there might be a serious effect on the student body. As Chancellor of the University, Sir, you decided in November 1975 to appoint an external commission to advise on what broad policy changes were necessary in the governance, financial and administrative machinery, ordinances and statutes of the University and its constituent Colleges. The Commission was headed by Lord Fulton of Falmer who is not only a distinguished academic with wide experience of university administration and of service on committees of the highest standing in the United Kingdom and other places, but who also, through his chairmanship of the First Fulton Commission which recommended the establishment of the University itself, has a vast knowledge of the detailed problems facing the University. Lord Fulton was assisted by two other Commissioners: Sir Michael HERRIES who, as honourable Members will know, served as Chairman of the University and Polytechnic Grants Committee from 1965 to 1973, and Professor C. Y. YANG, a distinguished Chinese scholar with a long association with the University as a Visiting Professor and an External Examiner. The Commission visited Hong Kong in December 1975 and in January of this year and invited submissions and presentations of views from all who wished to do so. Although their visit was short, nevertheless they had meetings with members of all the governing bodies of the University and the Colleges, various University Officers, the Presidents of the Colleges, various members of staff and representatives of the student body.

There have been those who have suspected the wisdom of only having three Commissioners and the appropriateness of the persons appointed. Some felt that there should have been more than three members of the Commission and as all members were from overseas, they questioned their ability to reflect opinions from all sectors of local society. Others felt that the members of the Commission were too closely associated with the University proper and not with the views of the constituent Colleges. Sir, I refute these views. As regards the size of the Commission, experience has shown that three is about right if the deliberations of a Commission are not to be protracted and its findings unduly delayed. But the calibre of Commissioners is, perhaps, much more important and it is difficult to see how this could have been improved upon by other appointments in this case. As I have said, all the Commissioners had wide experience of university administration generally and of our local problems in particular. And

further, they were scrupulous in the conduct of their business here to permit proper access to any interested person or body. Sir, I feel that Hong Kong owes a debt of gratitude to the Commissioners, all extremely busy men, who travelled vast distances to give us the benefit of their experience and wisdom.

The Report of the Commission was received in March and after study, was published in May. There are two general principles which run like threads through the Commission's Report and which link its various recommendations: these are that there must be a strengthening of academic participation in the government of the University at all levels and that the federal nature of the University should be changed so that all powers and functions, in particular academic and development policy, financial management, the matriculation of students, the appointment of staff, the determination of the curriculum, the conduct of examinations and the award of degrees, are vested in the University itself.

I am sure honourable Members will agree that having recognized the need to safeguard the interests of the students, once the Commission's recommendations had been received, the time for debate was over; the time for decision had been reached. The views of the Boards of Governors and Trustees of the three constituent Colleges on both the fundamental recommendations were well-known and documented. In correspondence with the Working Party on educational policy and University structure, the position of the Boards on these issues was clearly put and with conviction, that the best interests of the University would be served by perpetuating the present system and this correspondence was of course available to the Commission as one of its basic documents. Government found that the objection by the Boards to the transfer of powers to the University, including powers of appointment, was not compatible with the main recommendation of both the Working Party and the Fulton Commission that the management of the University should be in academic hands. There was no point in going over this ground again and Government had to choose between the conflicting views. After carefully weighing the issues, Government accepted the recommendations of the Commission in principle and when the Report was published, it was accompanied by a statement to this effect. The statement also said that appropriate legislation would be introduced in this Council as soon as possible.

In preparing the bill, the Government has taken note of two other observations in the Commission's Report.

[SECRETARY FOR SOCIAL SERVICES] **The Chinese University of Hong Kong Bill—
second reading**

In paragraph 25, the Commissioners wrote:—

"Most governments accept that for a modern society universities are, without qualification, a vital necessity for which they must provide; and at the same time these governments generally accept that, if universities are to carry out their functions successfully, they must enjoy a large measure of independence or autonomy. Universities do not flourish in strait-jackets."

This view Government heartily endorses and further feels that now that the Chinese University has demonstrated that it is eminently capable of dealing with the challenges the future may have in store for it, the University must be permitted to regulate its own business and attain maturity without governmental restraints.

Secondly, Government has been very mindful of its responsibilities towards the students. The Commission described the University student body in the following terms "... young persons who have recently shed the final remnants of their adolescence, who are achieving independence without impairing the dignity either of their parents or of themselves and who, as individuals, are facing the stiffest intellectual tests they are ever likely to encounter, at the same time as they are making decisions about their personal lives and careers, of which the consequences will be profound and for the most part irreversible. Clever, ambitious, carried along by the surging energies of their intellectual and emotional coming of age, they are the bridge between the past and the future, intellectual leaders in the making."

Some have contended that the correct environment for this coming of age to take place is within a smaller institution than one of the size of the University and, by intense study within a restricted circle of teachers and fellow students, future leaders can best be produced. But hot-house plants rarely survive the rigours of life outside to become sturdy and vigorous; I doubt whether future leaders of our community can develop in cloistered academic societies, in circles devoted to the pursuit of a solitary academic goal. We need highly trained specialists certainly but undergraduate education flourishes in diversity and undergraduates learn much from each other. Any organization which seeks to segregate students in one branch of study from those in another or to divide a University student bodies into smaller elements, is surely retrograde. Hong Kong needs men and women who have developed personal associations with undergraduate colleagues in different disciplines so that their horizons are widened and their development fuller.

Turning to the bill itself, honourable Members will note that it contains a Preamble which is much fuller than usual. This is because, if enacted, the bill would repeal a number of private ordinances and it is also felt necessary to recite the history and objectives of the bill. As well as incorporating many of the features of the preamble of the present ordinance and noting the transfer of some of the powers and functions of the Colleges to the University, the preamble mentions the principle role of the colleges as being the provision of student-orientated teaching under the University's direction. While the implementation of the Fulton Commission's recommendations on student-orientated teaching is a matter for the University and they are not stipulated in the bill, Government feels that mention should be made of student-orientated teaching in the preamble as it constitutes an integral part of the reorganization that the Commission envisaged.

Clause 5 of the bill includes among the named officers of the University, the Pro-Vice-Chancellors, in view of the possibility of more than one Pro-Vice-Chancellor being appointed, and the Secretary and Bursar who are not mentioned in section 6 of the present ordinance.

Earlier, I referred to Government's desire that the University should, in future, govern its own affairs. Clause 7 provides for the Council to continue as the governing and executive body of the University and extends its powers over the colleges. At present, the composition of the Council is specified in section 11 of the ordinance but honourable Members will note that it is proposed that these provisions should be transferred to the Statutes, where they would be capable of being amended by the Council itself, subject to the existing safeguard that requires the Council to obtain the approval of the Chancellor for any change it proposes to make in the Statutes. This safeguard is contained in clause 13(1). Government feels that the time has come for the Council to have flexibility in making changes in its own composition and not to be tied by a legislative strait-jacket. Similarly, provisions relating to the composition of the Senate have been transferred to the Statutes.

Clause 11 is a new provision inserted to give force to the recommendation in the Commission's Report that the University, rather than the colleges, should appoint all staff.

Since the publication of the Commission's Report, some have expressed unease over the proposed transfer of property from the constituent colleges to the University. I hope that the various measures built into the bill will commend themselves to honourable Members. Firstly, clause 7(c), while vesting control and management of the

[SECRETARY FOR SOCIAL SERVICES] **The Chinese University of Hong Kong Bill—second reading**

property and financial affairs of the University including the property of the colleges firmly in the Council, lays down that in exercising such powers in respect of immovable property of any college, the Council shall not alter the use of any such property without the prior consent of the Board of Trustees of the college concerned. Secondly, while clause 19 and the Second Schedule provide for the transfer of college property, except trust property, and staff to the University, provision is made for the University to lease back some immovable properties to the colleges. These properties, mainly built with nonpublic funds, are set out in Part II of the Second Schedule. As regards "ownership" of these buildings, the present position is that the colleges hold the land, and the buildings, on sub-leases from the University. It seems to Government that the best way to ensure that the colleges maintain some control over these buildings is for specific sub-leases in respect of these buildings to be drawn up. In this way, the new Boards of Trustees of the colleges will be in no worse a position than the present college authorities as regards "ownership" and probably in a better position in that the sub-leases will give them a measurable degree of control. The Registrar General will prepare agreements to effect these sub-lettings containing such terms as he thinks fit, and these agreements will be executed by the University as landlord and the Boards of Trustees of each college as tenants when so required to do so by the Governor. In the tenancy agreement between the University and the Board of Trustees for Chung Chi College, Government proposes to insert a specific provision in respect of the Chapel and Theology Building. This will be to the effect that in exercising their responsibilities for management and control of these buildings, the University authorities will be bound by any conditions that the Board of Trustees for the college shall prescribe, subject to appeal by the University to the Chancellor, if the University Council thinks any such condition to be unreasonable. It is intended that the University authorities will be required to sign an agreement containing such a specific provision immediately the bill is enacted.

Clause 20 repeals the Incorporation Ordinances of the three constituent Colleges and the Third Schedule makes new provision for the constitution of the colleges. Honourable Members will note that there is to be a new Board of Trustees of each college and these Boards will hold in trust and administer for the benefit of their respective colleges, property retained by the colleges under the Second

Schedule. In order to ease the transition, existing Boards of Governors of Chung Chi and New Asia Colleges and the Boards of Trustees of United College will be appointed as the new Boards of Trustees. Thereafter resignations and appointments can take place under the provisions in sections 4(4) and (5) of the Third Schedule but the number of Trustees must not fall below 4.

The bill proper concludes with transitional measures in clause 22 to provide for the continuance of the present Council and Senate until new appointments, which I shall mention later, have been made, the continuance of all other appointments made prior to the enactment of the bill and the safeguarding of property, rights and privileges of the University under the existing ordinance.

Although, as I have already said, it is Government's intention to permit the University to continue to make, and amend, its own Statutes, various measures which are in the existing ordinance will be removed by this bill with the intention of putting them in the Statutes thereby rendering them more capable of ready amendment. At the same time, various recommendations of the Fulton Commission also required amendment to be made to the Statutes and in any event, the Statutes needed to be tidied up generally to conform with present practice at the University. New Statutes have, therefore, been prepared and appear in the First Schedule to the bill.

I shall not mention all the changes that have been made in these Statutes but should like to draw the attention of honourable Members to the more important of them.

Statute 5(1) contains an amendment to the committee to advise on the appointment of the Vice-Chancellor. At the moment, the Presidents of the colleges are members of this committee but as, in line with the Commission's recommendations, the office of College President is being abolished, the new committee will consist of the Chairman of the Council, three members of the Council and three members of the Senate.

Pro-Vice-Chancellors are, at the moment, drawn from among the Presidents of the colleges normally holding office in rotation. The Commission felt that the existing Statute should be amended to allow a less restricted choice than is permitted now. The proposed Statute 6 would allow for the appointment of up to two Pro-Vice-Chancellors from amongst the regular staff of the University and lays down periods for their appointment and re-appointment.

[SECRETARY FOR SOCIAL SERVICES] **The Chinese University of Hong Kong Bill—
second reading**

A new Statute, Statute 8, is proposed to permit the appointments of, lay down the terms of office and the responsibilities of the new Heads of College. This Statute follows closely the recommendations of the Commission. The Head of College has a crucial role to play in the life of the University as well as his college. He will be a scholar, be responsible for the welfare of his college and of the students assigned to it, and be, through his close contacts with the Vice-Chancellor, his membership of the Council, Senate and various University committees, the guardian of the ideals of his college. Some have felt that the new Board of Trustees should be represented on the committee which makes recommendations for the appointment of a Head of its college since, obviously, there must be a close rapport between the Head of College and the Board. This suggestion has been rejected on the grounds that as the principle of greater academic participation in the University governance means that the Head of College must be an academic, it is inappropriate for a lay person from the Board of Trustees to be a member of his selection committee.

The composition of the Council has been removed from the ordinance and is now in the proposed Statute 10(1). Honourable Members will note that apart from the replacement of the Presidents by the Heads of Colleges, some other amendments are made to increase the academic representation on the Council. The powers and duties of the Council have been revised in Statute 10(8) to give effect to the Commission's recommendations concerning centralization of authority within the University. The composition of the Senate has also been transferred from the ordinance and now appears in Statute 13(1). Various consequential amendments resulting from other proposals in the bill and new Statutes have been made to the composition of the Senate. The most important is the inclusion of representatives of College Fellows. Provision for the appointment of College Fellows is contained in Statute 15. The proposed Statute also makes provision for the establishment of Assemblies of Fellows and the powers and duties of these Assemblies. Assemblies of Fellows will be responsible for arranging the tutorial instruction and pastoral counselling of the students of the college, supervising residential accommodation and maintaining discipline within the college. In this way, college administration will, in future, be firmly in the hands of academics; a measure deemed necessary to strengthen academic participation in the government of the University at all levels.

Finally, the Fulton Commission suggested that the constitution of the Boards of Advisers which makes recommendations to the Council concerning the appointment of senior university staff should be simplified. These suggestions have been incorporated, along with some additional measures which the Commission did not make, into the proposed Statute 19.

Sir, it would be foolish to underestimate the radical change in the University organization which this bill, if enacted, would cause. And it would be foolish to admit that not everyone in the University is happy with the change. Some will feel a sense of loss when, their own particular role in the University governance is taken over by someone else. Some feel that the present systems of government and academic organization are appropriate and should endure. But having followed all the arguments within the University and taken the best advice, Government accepts that changes have to be made. If the bill is enacted, there will be difficult adjustments to be made. But a situation with each college developing into a little university of its own was not compatible with the sensible evolution of a modern major seat of higher learning. The new arrangements will produce an effective system of teaching which is very much in the best interests of the students. There is the prospect of new dimensions and new enriching relationships for the undergraduates.

Sir, in 1963, honourable Members in this Council looked forward to the creation of a new University with hope; this has been fulfilled. Now the University has to go on to new heights; I believe that the new organization embodied in this proposed legislation will permit this.

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

Question put and agreed to.

BANKRUPTCY (AMENDMENT) (NO 2) BILL 1976

MR THORNTON moved the second reading of:—"A bill to amend the Bankruptcy Ordinance."

He said:—Sir, this bill contains four unrelated amendments to the Bankruptcy Ordinance.

[MR THORNTON] **Bankruptcy (Amendment) (No 2) Bill— second reading**

Clauses 2 and 4 raise to a more appropriate and realistic level two figures set many years ago.

The first is contained in section 6 of the Ordinance which includes provision that a creditor may petition for bankruptcy against a debtor only if the debt or debts on which the petition is founded amount to \$500. Clause 2 increases this figure to \$5,000.

The second is in section 43(b) of the Ordinance which excludes from the property of a bankrupt divisible among his creditors, the tools of his trade and necessary clothing and bedding for himself and his family to a value not exceeding \$300. Clause 4 increases this figure to \$3,000.

Clause 3 would give the court a discretion to dispense with the requirement obliging a debtor against whom a receiving order has been made to submit a statement of his affairs to the Official Receiver. This discretion is desirable because under existing law if a statement of affairs has not been submitted and the debtor has disappeared, no dividend is legally possible. The amendment proposed would enable the court in such circumstances to dispense with the necessity for a statement of affairs.

The remaining clause in the bill, clause 5, introduces to the ordinance a new section 128A regarding the investment of sums, not immediately required, which are in accounts operated by the Official Receiver under sections 91 and 128 of the ordinance. It is proposed to empower the Official Receiver to invest such sums on fixed deposit with a bank and each year the accrued interest would be paid to general revenue thus helping to meet the costs of administering bankruptcies.

Motion made. That the debate on the second reading of the bill be adjourned—MR THORNTON.

Question put and agreed to.

DISTRICT COURT (AMENDMENT) (NO 2) BILL 1976

MR THORNTON moved the second reading of:—"A bill to amend the District Court Ordinance."

He said:—Sir, section 5 of the District Court Ordinance sets out the qualifications for appointment as a District Judge. No person may be appointed unless he is qualified to practise as an advocate or solicitor before a court of unlimited jurisdiction in some part of the Commonwealth. In addition he must have not less than 5 years experience and section 5(1)(b) lists the categories of approved experience. Service as a magistrate, and in the professional posts in the Legal Department and the Registrar General's Department, is included but service in the legal posts in the Legal Aid Department is not.

The purpose of this bill is to remedy this anomaly by introducing to section 5 appropriate reference to the Director, Deputy Director and Assistant Directors of Legal Aid.

Motion made. That the debate on the second reading of the bill be adjourned—MR THORNTON.

Question put and agreed to.

LIMITATION (AMENDMENT) BILL 1976

MR THORNTON moved the second reading of:—"A bill to amend the Limitation Ordinance."

He said:—Sir, the law in Hong Kong governing the time within which civil actions may be brought in the courts has normally followed the English law on the subject. This bill, which introduces to Hong Kong law the amendments made to English law by the Limitation Act 1975, will maintain this policy.

The bill is designed to improve the law relating to limitation of actions for personal injuries. The problems of achieving a fair result in this area have been given much attention in England since the war, particularly in relation to what are sometimes referred to as hidden injuries or diseases. The ordinary rules work well enough when the accident victim suffers external injuries which are immediately apparent, but injustice may be caused when a plaintiff could reasonably have had no knowledge of his injury or no knowledge that an injury or disease was the result of circumstances which might afford him a right of action for damages against some person.

At present an injured person must bring a claim for personal injuries within 3 years after the date on which he acquired knowledge

[MR THORNTON] Limitation (Amendment) Bill—second reading

of the relevant facts relating to his cause of action. It is uncertain whether time begins to run until a person knows, or ought to know, not only the facts which caused his injury but also that those facts gave him a reasonable prospect of recovering damages.

The bill, following the Limitation Act 1975, tackles the problem in two ways. First, it defines the "date of knowledge" test afresh. Secondly, it confers a discretion on the court to extend time in proper cases.

Clause 5 of the bill replaces sections 27 to 33 of the Limitation Ordinance.

The new section 27 provides a time limit of 3 years to run either from the date when the cause of action accrued or from any later date when the plaintiff knew that his injuries were significant and resulted from an act or omission of the defendant. The new "date of knowledge" test is in the proposed section 27(6). It will now be clear that knowledge by a plaintiff that he has a worthwhile cause of action is not a requisite before time begins to run.

New sections 28 and 29 make similar provision for fatal accident cases.

The new section 30 confers a discretion on the court to override the statutory time limits if to do so would be fair as between the plaintiff and the defendant. The court is required to consider all the circumstances of the case and guidelines are set out specifying the matters to which the court should have particular regard. Where a plaintiff can show no good reason for delay but has merely been dilatory, the ordinary period will, no doubt, continue to apply. However, no deserving plaintiff who can persuade the court that justice between the parties requires the claim to proceed is likely to be turned away without a trial on the merits of the case.

An important feature of the new provisions is that the preliminary application for leave to bring proceedings out of time when a plaintiff wishes to sue outside the ordinary 3 year period is abolished. This will usefully reduce the burden of costs in some cases and remove a burdensome and largely unnecessary procedure.

The remainder of the bill contains minor amendments, most of a consequential nature, and also transitional provisions. The new prov-

sions will apply to causes of action which have already accrued before the bill comes into operation as well as to those accruing later.

Motion made. That the debate on the second reading of the bill be adjourned—MR THORNTON.

Question put and agreed to.

MASS TRANSIT RAILWAY (LAND RESUMPTION AND RELATED PROVISIONS) (AMENDMENT) BILL 1976

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

He said:—Sir, the Mass Transit Railway (Land Resumption and Related Provisions) Ordinance was enacted in August 1974 to provide for the resumption of land, the creation of easements and the exercise of other powers by the Crown necessary for the construction and operation of the Mass Transit Railway. The ordinance provides for compensation payments to be made to persons whose businesses are affected by street alterations or closures, authorized under section 10. The Ordinance prescribes that claims for compensation have to be made within a year of the closure of a street or completion of substantial alterations to a street.

Many of the temporary and indefinite closures will be felt for more than one year, and it will be impossible for many claimants to identify their losses and submit reasonably accurate claims in the time allowed. The amending bill accordingly provides that claims can be made at any time up to a year after the re-opening or reinstatement of the street rather than being limited to a year from the time when closure or alterations start.

The reference in the ordinance to "completion of substantial alterations", in limiting the period during which claims for compensation can be made, is thought to be ambiguous and the opportunity is taken to use the more specific phrase, "reinstatement of the street".

The amendments also make it clear that compensation claims can be made where streets are partially closed in the course of construction works. Reference in the Ordinance to closure of streets could be taken to mean only complete closure. This is not the intention. The partial

[SECRETARY FOR THE ENVIRONMENT] **Mass Transit Railway (Land Resumption and Related Provisions) (Amendment) Bill— second reading**

closure of streets can have just as much effect on businesses as does complete closure, and the amending bill seeks to recognize this situation.

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

Question put and agreed to.

**PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT)
(NO 4) BILL 1976**

SECRETARY FOR THE ENVIRONMENT moved the second reading of:— "A bill to amend the Public Health and Urban Services Ordinance".

He said:—Sir, the purpose of this bill is:

to remove the Sai Wan War Cemetery and the Stanley Military Cemetery from the list of private cemeteries in Part II of the Fifth Schedule to the Public Health and Urban Services Ordinance;

to put them under a separate list in the same Schedule; and

to designate the Director of Urban Services as the authority to make rules for their control.

These cemeteries are for officers and men of the Commonwealth forces who lost their lives in the two World Wars and all such cemeteries enjoy a special status in every country where they have been established. As such, their classification as private cemeteries is inaccurate and a number of the by-laws to control private cemeteries are not applicable to them. On the other hand they are not public cemeteries. Accordingly, clauses 2 and 6 of the Bill seek to designate them as a separate class of cemeteries.

The Director of Urban Services, with the approval of the Government, acts as the representative of the Commonwealth War Graves Commission with respect to these two cemeteries, and it is considered appropriate that he should be the authority to make rules for their

administration. Clauses 3, 4, 5 and 7 amend the principal ordinance for this purpose.

The opportunity is being taken of course to increase from \$20 to \$100 the penalty for offences against any rules made by the Director of Urban Services in respect of public cemeteries. This revised penalty would also apply to offences against any rules that the Director may make in respect of Commonwealth War Graves Commission cemeteries.

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

Question put and agreed to.

Adjournment and next sitting

HIS EXCELLENCY THE PRESIDENT:—In accordance with Standing Orders I now adjourn the Council until 2.30 p.m. on Wednesday, the 27th of October.

Adjourned accordingly at five minutes to four o'clock.

Price: \$17.00

Code No.: G411776

64781—5K—12/76