# OFFICIAL REPORT OF PROCEEDINGS

**Sitting of 23rd October 1968**

MR PRESIDENT in the Chair

## PRESENT

HIS EXCELLENCY THE ACTING GOVERNOR *(PRESIDENT)*
MR MICHAEL DAVID IRVING GASS, CMG
THE HONOURABLE THE COLONIAL SECRETARY *(Acting)*
MR GEOFFREY CADZOW HAMILTON
THE HONOURABLE THE ATTORNEY GENERAL
MR DENYS TUDOR EMIL ROBERTS, OBE, QC
THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS
MR DAVID RONALD HOLMES, CBE, MC, ED
THE HONOURABLE THE FINANCIAL SECRETARY
SIR JOHN COWPERTHWAITE, KBE, CMG
THE HONOURABLE ALEC MICHAEL JOHN WRIGHT, CMG
DIRECTOR OF PUBLIC WORKS
THE HONOURABLE WILLIAM DAVID GREGG, CBE
DIRECTOR OF EDUCATION
THE HONOURABLE ROBERT MARSHALL HETHERINGTON, DFC
COMMISSIONER OF LABOUR
THE HONOURABLE TERENCE DARE SORBY
DIRECTOR OF COMMERCE AND INDUSTRY
THE HONOURABLE KENNETH STRATHMORE KINGHORN
DISTRICT COMMISSIONER, NEW TERRITORIES
THE HONOURABLE DAVID RICHARD WATSON ALEXANDER, MBE
DIRECTOR OF URBAN SERVICES
THE HONOURABLE GEORGE TIPPETT ROWE
DIRECTOR OF SOCIAL WELFARE
DR THE HONOURABLE GERALD HUGH CHOA
ACTING DIRECTOR OF MEDICAL AND HEALTH SERVICES
THE HONOURABLE KAN YUET-KEUNG, CBE
THE HONOURABLE FUNG HON-CHU, OBE
THE HONOURABLE TSE YU-CHUEN, OBE
THE HONOURABLE KENNETH ALBERT WATSON, OBE
THE HONOURABLE WOO PAK-CHUEN, OBE
THE HONOURABLE SZETO WAI, OBE
THE HONOURABLE WILFRED WONG SIEN-BING, OBE
THE HONOURABLE ELLEN LI SHU-PUI, OBE
THE HONOURABLE WILSON WANG TZE-SAM
THE HONOURABLE HERBERT JOHN CHARLES BROWNE
DR THE HONOURABLE CHUNG SZE-YUEN, OBE
THE HONOURABLE MICHAEL ALEXANDER ROBERT HERRIES, OBE, MC
THE HONOURABLE ANN TSE-KAI

## IN ATTENDANCE

THE DEPUTY CLERK OF COUNCILS
MR DONALD BARTON

## MINUTES

MR PRESIDENT:—The Minutes of the last sitting have been circulated to honourable Members but, under our new Standing Orders, we no longer require them to be formally confirmed in the Council. Should any honourable Member find any mistake in them I would be glad if he would bring it to the notice of the Clerk so that the necessary correction can be made.

## PAPERS

THE ACTING COLONIAL SECRETARY, by Command of His Excellency the Acting Governor, laid upon the table the following papers: —

| *Subject* | *LN No* |
|---|---|
| Subsidiary Legislation: — | |
| Telecommunication Ordinance. | |
| Telecommunication (Amendment) Regulations 1968 | 106 |
| Telecommunication Ordinance. | |
| Telecommunication Exemption (Rediffusion Television Subscribers) Order 1968 .....……..... | 107 |
| Interpretation and General Clauses Ordinance. | |
| Definition of "British Territory" .....……..... | 108 |
| Public Health and Urban Services Ordinance. Public Conveniences (Charges) (Amendment) Order 1968 ……..……....…... | 109 |
| Banking Ordinance. | |
| Specification of Specified Liquid Assets ..……..... | 110 |
| Sessional Papers 1968:— | |
| No 29—Annual Report by the Chairman, Urban Council and Director of Urban Services for the year 1967-68. | |
| No 30—Annual Report by the Registrar of Trade Unions for the year 1967-68. | |
| No 31—Annual Report by the Controller of Stores and Sand Monopoly for the year 1967-68. | |
| No 32—Annual Report by the Commissioner of Registration of Persons for the year 1967-68. | |
| No 33—Annual Report by the Director of Public Works for the year 1967-68. | |

*Subject*

No 34—Annual Report by the Director, Royal Observatory for the year 1967-68.

No 35—Annual Report by the Commissioner of Prisons for the year 1967-68.

Reports: —

Report of the Fish Marketing Organization for the year ended 31st March 1968.

Annual Report by the Hong Kong Housing Authority for the year 1967-68.

Report of the By-Census 1966 (2 Volumes).

Hong Kong By-Census 1966.

Population Projections 1966-1981.

Report of the Vegetable Marketing Organization for the year ended 31st March 1968.

MR D. R. W. ALEXANDER, by Command of His Excellency the Acting Governor, laid upon the table the following paper:—

*Subject*

Report: —

Annual Report of the Hong Kong Housing Authority for the period 1st April 1967 to 31st March 1968.

## QUESTIONS

### Ex Naval Dockyard Area

1. MR WILSON WANG asked the following question:—

What is being planned for the development of the ex-Naval Dockyard ground, and how soon can the Public expect the completion of the realignment of the dangerous bend on Queensway, the development of the Kam Chung Garden and the conversion of the New Rodney Block and its immediate surroundings into a future home for the museum?

MR A. M. J. WRIGHT: —Sir, the statutory Town Plan for the Central Area, which was approved by the Governor in Council on 19th September 1962, was referred by the Governor in Council to the Town Planning Board for replacement on 18th May 1965.

[MR WRIGHT] **Questions**

The Town Planning Board has been awaiting publication of the Consultants' Mass Transport Study* and Long Term Road Study† before preparing a revised plan. At its meeting held on 20th September this year the Board approved a draft Outline Zoning Plan for the Central District for exhibition under section 5 of the Town Planning Ordinance. It is expected that this plan will be put on exhibition early in November this year.

I presume that the bend to which my honourable Friend refers is that between Rodney Block and Naval Terrace. Provided people drive with reasonable care and within the speed limit, this comer is not a dangerous one. The improvement line involves the demolition or partial demolition of several buildings occupied by government departments and it will be some years before these buildings can be vacated.

The development of the public open space shown on the originally approved plan at the eastern end of the Dockyard area is also dependent on the removal of several buildings, the majority of which are occupied by the Fire Services Department. These buildings cannot be vacated until the proposed Hong Kong District Fire Headquarters, at present in Category C of the Public Works Programme, is completed. I am always wary of making forecasts of when Category C projects will be completed, because much of the action involved is outside my control. However, it is unlikely to be less than 5 years.

In regard to Rodney Block, my honourable Friend must be aware that a Committee of the Urban Council is considering its use for a museum. The Civil Engineering Office of the Public Works Department will vacate Rodney Block when the new Murray Building is completed early in 1970 and Rodney Block will then be available for allocation to the Urban Services Department.

MR Y. K. KAN:—Sir, if it is not anticipating too much, may one ask whether the Hong Kong Cricket Club was included in this new planning?

MR A. M. J. WRIGHT: —Sir, the area covered by the new plan does include the Hong Kong Cricket Club.

MR Y. K. KAN: —It does, or it does not, Sir.

MR A. M. J. WRIGHT: —It does, Sir.

MR Y. K. KAN:—Thank you.

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* Page 25.

† Page 461.

**Essential Services Corps**

2. MR M. A. R. HERRIES asked the following question:—

> Will Government inform this Council of its plans for the future operation of the Essential Services Corps in view of the recent interest raised in this subject?

THE ACTING COLONIAL SECRETARY:—Sir, there are at present no new plans for the future operation of the Essential Services Corps.

We have been considering the organization and functions of the Essential Services Corps in the light of its activities last year. The matter is still being examined and no firm conclusions have yet been reached on what changes are desirable.

**Legal Aid**

3. MR P. C. Woo asked the following question:—

> Since the institution of legal aid in civil cases what amount has been paid out from the public fund to date on behalf of legally aided persons and what amount has been recovered by way of contributions from such persons or otherwise?

THE ATTORNEY GENERAL:—Sir, between 12th January 1967 and 30th September 1968 $447,850.25 were paid from public funds by way of costs in civil legal aid cases on behalf of legally aided persons. During the same period $238,805.57 have been recovered by public funds by way of contributions or awards of costs.

4. MR P. C. Woo asked the following question: —

> What is the administrative cost to date to Government in civil legal aid cases?

THE ATTORNEY GENERAL:—The administrative costs of the civil legal aid scheme are estimated at about $639,000.00 up to 30th September 1968.

5. MR P. C. Woo asked the following question: —

> Will Government consider the introduction of a requirement for contributions from legally aided persons in criminal cases as has been done in England?

**Questions**

THE ATTORNEY GENERAL:—Yes, though it is thought to be unlikely that the majority of persons who receive legal aid in criminal cases would be able to afford to make any significant contribution to the costs of their defence.

**Subvented bodies**

6. MR Y. K. KAN asked the following question:—

> To what extent is the Government responsible for the activities of the Society for the Blind, and such other similar voluntary organizations which are subvented by Government, and what has been the cause of the recent complaints from the workers of that Society's factory?

MR G. T. ROWE:—Sir, I would like to reply, first of all, to the second part of my honourable Friend's question, which calls for an explanation of the causes of the recent complaints from the workers engaged by the Hong Kong Society for the Blind.

The Society is a voluntary welfare organization which provides training in various skills and employment for some 300 blind workers in different centres. They are employed on the manufacture of a wide variety of products, 18 in all, ranging from rattanware to boxes, and from brushes and brooms to buttons and chalk. The majority can be found working at the Society's factory at To Kwa Wan which is run on a commercial basis. I stress the commercial basis, because neither the Society nor the factory can create work or wages out of nothing. In other words, the viability of the factory depends very largely on its receiving sufficient contracts and orders for its goods from the open market.

The workers are first assessed for their potential skills and, when properly trained, are put on the production of various articles according to their relative skills. They are paid according to the work they do and the amount of work available to them through orders placed with the factory, and a worker's wage depends largely on the number of items he or she produces.

The clear aim in all this is to afford blind persons, by the provision of facilities for training and employment, the opportunity to find a place as productive and independent members of the community not dependent solely upon charity for their very existence. But there is, of course, an element of subsidy; there has to be, particularly during periods of training and re-training, unless the workers are to find themselves in a position of destitution. I am informed, and I have reason to believe, that the piece-rates paid to these workers are equal to if not better than

those paid to some of their sighted counterparts employed by other similar industrial undertakings operating on a piece-wage basis. In a period of full employments workers can earn over $200 a month and some have recently been doing so despite the fact that they work only 6 hours a day 5 days a week. Further, their wages are supplemented by the Society, firstly, by the payment of travelling expenses to and from their homes and, secondly, by the provision of a free midday meal on each working day. Thirdly, during any individual's periods of non-productivity such as re-training, the Society endeavours to pay a training allowance calculated at 50% of the worker's average earnings over the last 6 months.

This situation should not, therefore, give cause for complaint; in recent discussions with staff of the Social Welfare Department, the blind workers' representatives have shown a realistic appreciation of the fact that their wages depend largely on the amount of work they can do and the amount made available to them. What they want, and what they hope to gain, is regular full time work which will afford them regular good wages.

The cause of the recent dissatisfaction among the workers can be traced to the fact that certain goods produced by the factory—notably rattanware—are increasingly difficult to sell on the open market, and that orders placed with the factory have generally been on the decline, which is attributable to keen competition in the open market (notably from China) rather than unsatisfactory workmanship.

As a result, the factory management have to take what is the only course of action open to it, which is to transfer certain workers (there were about a dozen) onto training in new skills for work which is more readily available the only alternative is to discharge them, and this the Society does not wish to contemplate. During re-training they will be paid the training allowance I have previously referred to. This is, a worker who has been earning an average of $200 a month over the past 6 months will be paid $100 a month and so on. These figures. Sir, for monthly earnings, training allowances and so on have been quoted and have been criticized as being too low. This, I fear, is being less than realistic. They are better than those available to many persons in Hong Kong. Hong Kong itself depends largely upon the contracts which it can win in the open world market, and the wages of Hong Kong workers depend largely upon those contracts. No one can change this basic situation.

For the blind workers, however a feeling of insecurity arising from the absence of a guaranteed wage or a regular amount of work; their misunderstanding of the situation; the natural frustration of those deprived of sight; their apprehension of new skills and their fear that they

might not acquire the same efficiency on a new job which would fetch wages similar to what they had been earning—all these are underlying causes which brought the blind workers' dissatisfaction to the surface. But most important of all is the lack of sufficient regular work for the factory, a point which is well appreciated by all concerned, and the Society and the Social Welfare Department are now actively exploring possible ways and means of finding a long-term solution to this problem. I would like to take this opportunity. Sir, to appeal to all those concerns which might help in this respect to see what they can do to place work in the factory's way. I might add that the Government itself is doing so, and that during the last 12 months payments totalling some $340,000 have been made by Government for goods produced by the factory. These figures may be related, if only indirectly, to the factory's total sales of some $900,000 for the last financial year, from which an income of $335,000 was derived.

Government also employs 11 totally blind and 41 partially blind persons, and I would appeal to other employers to see if they can employ more of these workers.

The other part of the question from my honourable Friend calls for an explanation of the extent to which Government is responsible for the activities of the Hong Kong Society for the Blind and other similar voluntary organizations subvented by Government.

Quite simply, the Society for the Blind is an independent voluntary organization subvented by the Government. It is not run by the Government, nor is it dependent entirely upon the Government for support for its activities. This financial year the Government has agreed, on the recommendation of the Social Welfare Advisory Committee, to make available to the Society a subvention of about $440,000 for recurrent expenditure, and this represents a little less than half of the Society's estimated recurrent expenditure. This figure, although less than the Society had requested, was a considerable increase over last year's subvention of $330,000. Honourable Members will appreciate that all requests for subventions are examined carefully and sympathetically by the Social Welfare Advisory Committee, but that the Committee is not always able to recommend to the Government that all requests for funds should be met in full.

As an independent voluntary organization subvented by the Government, the Society occupies a place similar to many other voluntary organizations in Hong Kong. These organizations are a necessary and vital part of social welfare activities. As was stated in the White Paper on Aims and Policy for Social Welfare in Hong Kong, which was approved by this Council in May, 1965*, it is the policy of the Government

* 1965 Hansard, pages 294-326.

to support and co-operate with voluntary organizations in a programme directed to the co-ordination of available resources, and to planning for the future improvement and necessary extension of voluntary social welfare services.

There are some who consider this policy should be changed. They differ widely in their views as to what changes are required. For example, some consider that the Government should withdraw entirely from direct activity in the field of social welfare, restricting itself to the financial subvention of specialized organizations (voluntary or otherwise) operating in this field. Some take a completely different view and consider that the Government should assume direct and complete control and responsibility for all aspects of social welfare activities. Between these two terminals of thinking, there are 101 different schools of thought. For myself, I am inclined to consider that, at this present stage, neither the Government nor the voluntary organizations can afford to do without the effective assistance and co-operation of each other, unless we are to run the risk of a lessening of those facilities now available to the people of Hong Kong.

But on the other hand, I agree that the aims and policy of the Government should be brought regularly under review. Circumstances change, and necessitate further changes. It is the case that the Government's aims and policy in the field of social welfare are at present under review, and I would hope to present to this Council in the not too distant future the results of that review backed by a 5-year programme of activities, for the voluntary agencies and the Social Welfare Department alike, which will I hope in due course receive the approval of this Council and this Council's Finance Committee.

MR Y. K. KAN:—Sir, what exactly was the amount asked for by the Society which my honourable Friend referred to in his answer, for this year?

MR G. T. ROWE:—Sir, the Society asked for a recurrent subvention of approximately $580,000. This request was considered by the Social Welfare Advisory Committee in the light of the accounts presented by the Society and the possible estimated income available to it.

MR Y. K. KAN:—Sir, at the time when the application was made was it made known to my honourable Friend that the Society apparently ran a deficit of $174,478 during the past two years and, according to the treasurers report for the year ending 31st March 1968, Government subvention was in fact reduced by $20,000.

MR G. T. ROWE:—I think I am right in saying, Sir, that the Society's accounts for this year and last year, and the Society's reports for these years, were available to the Social Welfare Advisory Committee when it considered the matter.

**Questions**

**Trade Development Council**

7. MR FUNG HON-CHU asked the following question: —

> Since the last Budget debate at which it was indicated by Government that the composition of the Trade Development Council might be re-examined to permit of representation of the Exporters Association on the Council, will the Government inform this Council whether a re-examination has taken place, and, if so, what decision it has arrived at?

MR T. D. SORBY: —Sir, in the Budget debate, I said that "there may be a case for re-examining the composition of the Trade Development Council in the light of present circumstances." I also said that "there would clearly be difficulty in extending *ex officio* membership, but there might be some advantage in increasing the number of appointments made in a personal capacity at the expense of members nominated by the three recognizably major commercial and industrial organizations."* Though the membership of the Council has been considered again in connexion with the Governor's nominations, announced in the *Government Gazette* on 11th October†, no amendments to the Ordinance to increase the *ex officio* membership of the Council are at present contemplated.

MR FUNG HON-CHU:—Is Government ready to consider the changing of the constitution?

MR T. D. SORBY:—Sir, I should require notice of that question.

**STATEMENT**

**Annual Report of the Hong Kong Housing Authority for the period 1st April 1967 to 31st March 1968**

MR D. R. W. ALEXANDER:—Your Excellency, the Report of the activities of the Housing Authority for the year ending 31st March 1968, is laid before honourable Members in compliance with sections 8 and 9 of the Housing Ordinance.

This Report, Sir, closes a decade of development for the Authority, since the occupation of its first estate at North Point in 1957-58.

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* Page 167.

† G.N. 2052.

Not only does the report look back over the period under review, but also it looks forward to the Authority's potential over the next decade when, with the revolving fund generated by the $260 million generously loaned to it by Government, and utilizing, to the full, the returns likely to accrue from its rental income, the Authority will have provided by 1978 about 27,000 more families with homes of which they can be proud; at rents they can afford.

To achieve this, it will be necessary for the Authority to accrue some $70 million from its working surplus, and with the rent increase policy decided upon in 1965, the Authority confidently expects that this amount can and will be found.

## SEPARATION AND MAINTENANCE ORDERS (AMENDMENT) (NO 2) BILL 1968

## INFANTS CUSTODY (AMENDMET) BILL 1968

*Bills read the first time and ordered to be set down for second reading pursuant to Standing Order No 41(3).*

## SEPARATION AND MAINTENANCE ORDERS (AMENDMENT) (NO 2) BILL 1968

THE ATTORNEY GENERAL moved the second reading of:—"A Bill to amend further the Separation and Maintenance Orders Ordinance."

He said: —Sir, at present, by virtue of paragraph *(b)* of the proviso to subsection (2) of section 7 of the Separation and Maintenance Orders Ordinance (Cap 16), when an order which was made under the Ordinance on the application of a married woman is discharged, a magistrate may make a new order that the husband shall pay to his wife a weekly sum not exceeding thirty dollars for the maintenance of each child of their marriage committed to the custody of the wife until the child attains the age of 16 years.

When the Ordinance was recently amended*, the weekly maximum should have been increased from $30 to $120, to accord with the amendment made to section 5 whereby the maximum amount payable to a child was raised by the same amount, but the amendment was overlooked. Clause 2 of the Separation and Maintenance Orders (Amendment) (No 2) Bill 1968 therefore seeks to make this amendment.

*Question put and agreed to.*

Bill read the second time.

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* Pages 262 and 279.

**Separation and Maintenance Orders (Amendment) (No 2) Bill—second reading**

MR PRESIDENT:—The Bill has now been read a second time and stands committed to a committee of the whole Council in accordance with Standing Order No 43.

*Bill committed accordingly to a committee of the whole Council pursuant to Standing Order No 43(1).*

*Explanatory Memorandum*

Clause 2 seeks to make an amendment which is consequential on the recent amendment of paragraph *(d)* of section 5.

## INFANTS CUSTODY (AMENDMENT) BILL 1968

THE ATTORNEY GENERAL moved the second reading of—"A Bill to amend the Infants Custody Ordinance."

He said:—Sir, a similar amendment to that proposed in the Separation and Maintenance Orders (Amendment) (No 2) Bill 1968, which has just been before Council today is required to paragraph *(b)* of the proviso to subsection (1) of section 5 of the Infants Custody Ordinance (Cap 13). This subsection provides that a magistrate may order the payment of not more than $30 a week towards the maintenance of an infant. Clause 2 of the Bill seeks to raise this maximum from $30 to $120 a week.

*Question put and agreed to.*

Bill read the second time.

*Bill committed to a committee of the -whole Council pursuant to Standing Order No 43(1).*

*Explanatory Memorandum*

Clause 2 seeks to make an amendment which is consequential on the recent amendment of paragraph *(d)* of section 5 of the Separation and Maintenance Orders Ordinance, whereby the amount which may be granted in respect of the maintenance of a child under that Ordinance was increased from thirty dollars to one hundred and twenty dollars per week.

## CREDIT UNIONS BILL 1968

**Resumption of debate on second reading (9th October 1968)***

*Question again proposed.*

MR TSE YU-CHUEN: —Sir, I rise to record my pleasure and privilege in the support of the Credit Unions Bill of 1968 which is now in the

* Pages 471-7.

second reading before this Council. That the project is undoubtedly sound may be seen in the fact that credit unions have been established in 80 countries in various parts of the world, where they have been a marked success. I am glad indeed Hong Kong is able to draw on the experience of a number of countries in the preparation of this Bill and I wish to express gratification that such a measure is before us for speedy passage.

The importance of this Bill lies in the fact that it is intended to benefit the low-salaried workers who in stress and urgency would find it difficult and even impossible to obtain financial assistance except by paying a very high rate of interest. The credit unions would also benefit younger members of the same circle, since the principal objectives of a credit union are to encourage thrift and to enlighten people on the proper use of money.

As people in reduced circumstances take up a good percentage of the dense population in this Colony, the credit union will no doubt meet a long felt want, namely encouragement of thrift and savings in happy days and financial assistance in time of sudden want.

Considering that the enactment is doubtless much desired and that the Bill has covered all aspects of this measure including the various safeguards and protection to members of a credit union, may I take this opportunity incidentally to mention briefly two organizations which are rendering services to the community somewhat along lines of the credit unions. I refer to the Hong Kong Resettlement Estates Loan Association and the Hong Kong and Kowloon Kaifong Association Interest Free Loan Corporation, Ltd.

Both organizations have been registered under the Companies Ordinance. The Hong Kong Resettlement Estates Loan Association has been in existance for nine years, rendering timely loans to residents living in the resettlement districts. These people, as we all know, belong mostly to the needy classes, and are benefited by the assistance of this association. Sir, it would not be difficult to envisage the dire distress of poor people in unexpected and urgent need of money and the relief or even joy at their ability to obtain loans at low interest to tide over an emergency. One important point is that the administration expenses of this Association are borne largely by Government through subvention.

The Hong Kong and Kowloon Kaifong Association Interest Free Loan Corporation, Ltd is organized on a similar footing and has been functioning for four years, although it serves a wider range of people including members of the various Kaifong Associations. As different from the first named organization, the second one bears its own administration expenses.

[MR TSE] **Credit Unions Bill—resumption of debate on second reading (9.10.68)**

What I wish to emphasize is that there should be public support to these two organizations since they are rendering a very useful service to the community especially to those living from hand to mouth. I hope it will be possible for Government, the voluntary agencies and charitable people to give substantial grants and donations to those two organizations in conjunction with the prevailing spirit and mood in Hong Kong that greater attention should be paid to the social welfare for people in less fortunate circumstances.

I suggest that bigger subsidies be granted to the Hong Kong Resettlement Estates Loans Association and generous subvention and help be accorded to the Hong Kong and Kowloon Kaifong Association Interest Free Loan Corporation Ltd. As the name makes clear, the interest is free. Thus it merits all the more financial assistance from all circles interested in the well being of this fast growing Colony. Sir. I beg to 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 No 43(1).*

## LANDLORD AND TENANT (AMENDMENT) BILL

### Resumption of debate on second reading (9th October 1968)

*Question again proposed.*

MR P. C. WOO: —Sir, in moving the second reading of this Bill my honourable Friend the Attorney General remarked that "any general measures of decontrol should not be undertaken at the present time".* I take it that Government will not at present consider any decontrol of pre-war premises in Hong Kong and even after the surrender of the premises by the tenant to the landlord as provided in the proposed clause 11A, the premises in question will still be subject to the provisions of the Landlord and Tenant Ordinance.

I query the justification of retaining control of those particular premises. Here the tenant has been adequately paid off by the landlord. I say "adequately" because the transaction must be approved by my honourable the Secretary for Chinese Affairs and as the Attorney General said, "to safeguard the tenant from being unduly influenced by his landlord".* Then why should the premises, after the landlord has paid the sitting tenant off, still be subject to the provisions of the Landlord and Tenant Ordinance? I cannot see the reason for doing so.

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* Page 479.

Why should the landlord not be given a freehand after he has paid compensation to the tenant to get out? If there is any hardship, the hardship is on the landlord.

I would also like to point out that the amendment of section 11 has been advocated by the Unofficial Members of this Council for many years and it is only now that Government sees fit to introduce it.

THE ATTORNEY GENERAL: —Sir, there is, I concede, substance in the honourable Member's argument that where an agreement has been reached under the proposed new section 11A of the principal Ordinance, there is no need to retain the premises concerned within the scope of the Ordinance in order to give any further protection to the sitting tenant concerned.

Certainly, the tenant should have been adequately protected against undue pressure by the requirement that the Secretary for Chinese Affairs should be satisfied that the agreement was freely entered. And, if the tenant has been paid the sum due under the agreement, the question may well be posed as to why the premises should continue to be controlled.

The answer, I think, is that if the proposed new section 11A were to be amended in such a way as to remove the premises from the scope of the Landlord and Tenant Ordinance when agreements had been reached and payment effected under that section, the result would be that the landlord would thereupon be able to relet the same premises, as soon as the sitting tenant had given up possession, at whatever rent he could get, since controlled rents only apply to those premises which are still subject to the principal Ordinance.

Since no exclusion order would be necessary, the landlord would no longer be obliged to put forward to the Tenancy Tribunal any proposed plan of redevelopment and such control as the Ordinance provides over rebuilding on the sites of excluded dwellings would be lost.

The proposal of the honourable Member would thus effect, by indirect means, a measure of decontrol of premises from the provisions of the principal Ordinance. Clearly, this is a change which involves a policy decision which may have an important influence on the property market and on the supply of domestic accommodation and which therefore demands the most careful examination.

However, the Government undertakes to examine the possibility of permitting a tenancy tribunal to make exclusion orders, without hearing the parties and without recommending any specific scheme of redevelopment, in cases in which landlord and tenant have agreed upon

**[**MR WOO**] Landlord and Tenant (Amendment) Bill—resumption of debate on second reading (9.10.68)**

compensation in consideration of the vacation of the premises. In this task, no doubt one of the important considerations which will have to be borne in mind is that which has been mentioned by my honourable Friend Mr K. Y. KAN; namely the fact that there does exist under the Ordinance a method whereby the parties can contract out of its provisions. However, this examination may take some time and I ask honourable Members not to hold up this bill on that account.

*Question put and agreed to.*

Bill read the second time.

*Bill committed to a committee of the whole Council pursuant to Standing Order No 43(1).*

## DANGEROUS DRUGS BILL 1968

### Resumption of debate on second reading (9th October 1968)

*Question again proposed.*

MR H. J. C. BROWNE: —Sir, a fortnight ago my Friend the Attorney General gave a clear summary of the reasons for introducing this Bill*, and I hardly need say that anything that can be done to help stamp out the odious trafficking in drugs will have very general support.

However, I would like to comment on certain provisions that affect ships and aircraft of different flags that visit Hong Kong. All reputable shipowners and airlines want to prevent their ships and aircraft from being used by traffickers to smuggle drugs and will co-operate wholeheartedly with Government to this end. This is not a new problem and, while internal security measures of different sorts already exist, I do not think shipowners and airlines will object to the proposed powers of search by authorized officers. But Hong Kong's trade and tourism are absolutely dependent on good sea and air communications and we must be careful not to disrupt it by unnecessary red tape and by introducing regulations that are either impractical or unclear, particularly as they may have to be translated into a dozen languages.

I suggest that clause 28 should make it clear what requirements apply to ships under the British flag and to ships under foreign flags. It would be helpful if the obligations of British and foreign ships are set out in separate sub-clauses.

The law and practice on foreign flag ships vary and it would. I suggest, be more practical to require all ships to have available for inspection on board a record of the issue of dangerous drugs, rather

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* Pages 481-6.

than that such record should be delivered by the Master to the Mercantile Marine Office. Equally, the pressure of ships' business in a busy port is such that, except for small craft, it is not practical for the Master to keep the key of the drug cupboard, and I suggest that the Bill be amended to follow the well established maritime practice whereby the Master may delegate this to a responsible officer.

Turning now to clause 52; the detention of ships or aircraft of different nationalities is a delicate matter, but I accept that this may well be necessary in certain circumstances. But surely all detention orders must be in writing, be signed by a responsible official and state the time and date that the detention began. Equally, detention by the Colonial Secretary beyond the proposed initial period of twelve hours, which presumably indicates a more serious state of affairs, should be in writing. Indefinite detention, as is proposed, is certainly not satisfactory to a innocent shipowner or airline, and I suggest that the Colonial Secretary's powers of detention should be for a stipulated maximum period, which can be renewed if necessary for good reasons.

A ship is a much more complicated and difficult place to search for drugs than an aircraft and, if the initial period of detention for a ship is to be twelve hours, I suggest that the period for aircraft be four or six hours. I cannot imagine circumstances in which an aircraft cannot be thoroughly searched well within this period.

There appears to be some over-lapping in sub-clauses 5 and 8 in clause 52 and "public officer" should I suggest be defined. I trust that whose who will exercise these wide powers of entry, search and detention will be authorized to do so in writing.

I was puzzled by the sweeping powers proposed under clause 56 where Courts may order the forfeiture of things and ships under 250 tons even where no person has been convicted. No doubt it is the intention to exercise these powers in a reasonable manner, but surely provisions should be included to protect the innocent owner of a vehicle or ship similar to those contained in section 17 of the Importation and Exportation Ordinance and section 46 of the Immigration and Control Ordinance.

Sir, as I said earlier I am in general support of the Bill.

THE ATTORNEY GENERAL:—Sir, I am grateful to the honourable Member for the meticulous care with which he has examined those provisions of the Bill which are of particular interest to the owners of ships and aircraft, which make such a valuable contribution to the economy of Hong Kong. It is indeed a matter of great importance that our trade and tourism should not be unnecessarily disrupted, and the Government is willing to re-examine those clauses with a view to

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reducing interference with ships and aircraft as much as is consistent with the need to retain adequate power to deal with narcotics.

I agree with the honourable Member that we should take such steps as are necessary to bring home to the masters of British and of foreign ships what their obligations will be under the new legislation. I would, however, prefer to leave clause 28 in its present form, which follows closely equivalent provisions in the English Dangerous Drugs Regulations. Where shipping legislation is concerned. I think it is in principle desirable for there to be as much consistency as possible between the law in force here and in the United Kingdom.

However, the Director of Marine assures me that he will take every opportunity to publicize to the masters of both British and foreign ships their obligations under the new Ordinance. There will be an opportunity to do this as each vessel enters the harbour and is boarded by a Port Health Officer.

With regard to records of the issue of dangerous drugs, I realize that the obligation to report to a mercantile marine office does impose a small additional task on the master of a ship. Nevertheless, I suggest that it is not a very onerous one, since sick seamen in port will very often be treated by local medical practitioners, and I submit to honourable Members that it is necessary to keep the fullest possible records of the movement of all dangerous drugs within the Colony.

However, I accept the force of the honourable Member's argument that it is not practical for the master to retain the key of the drug cupboard in his own possession at all times and I welcome his suggestion that the Bill should be amended to allow the key to be kept by a ship's officer authorized by the master.

I agree that the detention of a ship or aircraft is a very serious matter and that the power to detain should only be exercised under very stringent conditions. The Government would therefore be willing to support amendments requiring any detention order issued under clause 52 to be in writing, signed by the officer concerned and stating the time from which the order becomes effective, and also an amendment to make it clear that the powers conferred under clause 52(2) on the Colonial Secretary must be exercised by him personally.

I am advised that, although there may be difficulties in the future in completing searches within the time allowed, if aeroplanes become much larger, the proposal to limit the time during which an aircraft may be held without the Colonial Secretary's consent to 6 hours is an acceptable one.

As the Bill is now drafted, clause 52(2) would authorize the detention of a ship or aircraft beyond the initial period of 12 hours, for as long as may be necessary to complete a search. I realize that any detention may cause considerable financial loss and inconvenience to the owner of the ship or aircraft, and I suggest that the honourable Member's concern would be met if the clause were amended to require a series of certificates by the Colonial Secretary for the detention of a ship or aircraft, each certificate to be valid for 6 hours in the case of an aircraft or 12 hours in the case of a ship.

With regard to the comment made on clauses 52(5) and 52(8), the term "public officer" has not been defined since reliance has been placed on the definition of that term which appears in the Interpretation and General Clauses Ordinance. Although there may at first sight appear to be some inconsistency between clauses 52(5) and 52(8), I think that on a close examination it will be seen that the two are not in fact in conflict. A public officer can only exercise the powers which are conferred by clause 52(8) if he is already empowered by some other provision in clause 52 to carry out the task to which the powers in clause 52(8) are ancillary. He could not, for example, break open a door of premises in clause 52(8) unless he had already been authorized in writing to enter those premises under clause 52(5).

As clause 56 now stands, once an order for forfeiture has been made there is no provision, such as is found in the two Ordinances to which the honourable Member has referred, for the Governor in Council to entertain and give effect to a moral claim in respect of the property forfeited. An amendment designed to insert such a provision into this clause would be acceptable to the Government.

Earlier this week I received a letter putting forward various representations about this Bill on behalf^ of the Pharmaceutical Society of Hong Kong, a body which represents the majority of registered pharmacists in the Colony.

The Society has proposed that a definition of "Chief Pharmacist" should be included in clause 2 of the Bill. I think that this is a helpful suggestion and will move the necessary amendment at the Committee Stage.

With regard to clause 22(4) the Society is concerned because it appears to them to be intended to confer on doctors a right to manufacture drugs. I should explain that this subclause is only meant to authorize doctors to compound preparations, in the limited way which is necessary for a doctor who is making up medicines of a fairly simple nature in his own dispensary.

The use of the word "manufacture" in this subclause derives from its definition, in clause 2 of the Bill, as the carrying on of any process

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in the manufacture of a dangerous drug. The definition of "dangerous drug" contained in the First Schedule makes it clear that any preparation, manufacture, extract or other substance containing any of the listed dangerous drugs is itself a dangerous drug. Therefore, for purely technical drafting reasons, it has been necessary to use the word "manufacture" in clause 22(4) although the object is merely to authorize doctors to carry out what is generally known as compounding.

With regard to clause 22(5), the Society has argued that registered pharmacists, who are qualified persons possessing expert knowledge in the manufacturing, compounding and dispensing of drugs should not be subjected to the same degree of control under that clause as approved persons, who normally have qualifications of a lower standard than registered pharmacists.

To meet this comment, I propose to move at the Committee Stage amendments to clause 22(5) so as to authorize a registered pharmacist employed in a hospital to be in possession of a dangerous drug for the manufacture of preparations, without requiring him to be acting on the directions of the medical officer in charge of a hospital. An approved person, however, as at present, will have to show that he was acting on such directions.

As to paragraph (*c*) of clause 24(1) the Society has objected that the prohibition against wholesale dealing, which is contained in that paragraph, will unreasonably restrain authorized sellers of poisons, in the special conditions of Hong Kong. Paragraph (*c*) is taken verbatim from a provision of the English Dangerous Drugs Regulations. Nevertheless, it is argued by the Society that conditions in Hong Kong are different. It is said that there are few authorized manufacturers of dangerous drugs in the Colony and that, although there are authorized wholesale dealers in Hong Kong, sellers of poisons are obliged to obtain a substantial proportion of their supplies directly from overseas manufacturers under import licences which are allocated annually by the Director of Medical and Health Services.

In these circumstances, it is argued that from time to time authorized sellers will exhaust their stocks and be obliged to purchase at short notice from some other authorized seller in Hong Kong. This has indeed been the practice in Hong Kong for many years. It has also been represented that paragraph (*c*) would prohibit sales of dangerous drugs by authorized sellers of poisons to doctors and dentists, since the supply of substantial quantities to them would amount to wholesale dealing.

There seems to me to be considerable substance in the objections put forward by the Society to this paragraph, and I shall therefore move at the Committee Stage an amendment to provide that an authorized

seller of poisons will be authorized to supply dangerous drugs by way of wholesale dealing to a person who is authorized by or licensed under the Ordinance to be in possession of that dangerous drug. This will empower the authorized seller to carry out the kind of wholesale transaction in which he has been indulging in the past.

Finally, the Society has submitted that there are too many penal clauses in the Bill which affect registered pharmacists and that some of the maximum penalties are too severe.

I should point out, however, that most of the penal clauses are concerned with the activities of other classes of persons as well as with pharmacists. Those clauses are not directed at pharmacists as such, but at anyone who deals with dangerous drugs in the circumstances with which the particular clause seeks to deal.

Some of the maximum punishments which can be imposed under those clauses which deal with the keeping of books and with the issuing or dispensing of prescriptions (which are matters particularly within the scope of the business of the pharmacist) are substantial. Nevertheless, it must be borne in mind that they are maximum penalties and that the courts will always take into account the circumstances in which an infringement of the law takes place. No doubt an isolated error would be treated in a lenient manner, even assuming that a prosecution were launched in such circumstances.

I suggest to honourable Members that penal provisions are essential, to discourage carelessness on the part of any person who deals with dangerous drugs. It would indeed be short-sighted if the law did not insist on the highest standards of care from those who are licensed or authorized to be in possession of dangerous drugs.

I believe that the members of the Pharmaceutical Society will, on reflection, realize that negligent dealing in narcotics must be regarded in the circumstances of Hong Kong as a matter of great seriousness and that effective control must be backed by deterrent provisions.

*Question put and agreed to.*

Bill read the second time.

*Bill committed to a committee of the whole Council pursuant to Standing Order No 43(1).*

## DRUG ADDICTION TREATMENT CENTRES BILL 1968

### Resumption of debate on second reading (9th October 1968)

*Question again proposed.*

MR WILFRED S. B. WONG: —Sir, speaking on the Dangerous Drugs Bill, the Attorney General rightly called attention to the magnitude of

the social, moral and law enforcement problems with which the narcotic trade and widespread addiction face us*. I would like to congratulate Government in drafting the two pieces of important legislation; that is the Dangerous Drugs Bill and the Drug Addiction Treatment Centres Bill. In the Drug Addiction Treatment Centres Bill attention is drawn to a distinction between the trafficker and the addict and a means is provided when an addict, who is convicted of any offence, may, instead of being punished by a sentence of imprisonment, be given the opportunity of cure and rehabilitation in special centres maintained solely for this purpose. These Bills are appropriate and I hope will achieve the long term aim of eradicating the great drug evil. But what about the person who wants to be cured and cannot find the facilities to be cured?

Drug addiction is also a challenge to medical science, and while I agree that morphine and heroin addictions have a low percentage of eventual rehabilitation, I was given to understand that opium addiction has a good chance of rehabilitation. Long before the days of Miltown and Pheno-barbitone, people with less disciplined habits had been the victims of circumstances and smoked the fumes from the burning of fruit juice of the poppy flower as a means of relaxing from the stress and tension of materialistic living. This habit is still practised by a certain number of people who, while being anxious to be rid of the habit are unable to get any treatment at all. Do they have to be sentenced as criminals first before they get treatment?

I do not think that the two bills make sufficient provisions for the opium smokers who derive a mild hydrochloride from the poppy fruit. In fact, any hydrochloride is a sedative. I was given to understand that, generally speaking heroin is 15 times stronger than opium and morphine 5 times stronger than opium. I sincerely hope that these smokers will be given a period to register with the drug addiction treatment centres so that they become officially addicts which they are, and not officially criminals in that they are not engaged in the trafficking of dangerous drugs.

I also hope that more voluntary treatment centres will be established to help the victims of opium addiction as distinguished from morphine or heroin addiction the cure and rehabilitation of which must be compulsory to be effective.

With these remarks, I support the Bill.

THE ATTORNEY GENERAL: —I appreciate the force of the comments made by the honourable Member with regard to the treatment of addicts on a voluntary basis. It would, indeed, be unfortunate if an

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* Page 481.

addict could only obtain the treatment necessary for his cure and rehabilitation if he were first convicted of some criminal offence. But I can assure honourable Members that this is not in fact the position.

My remarks, when moving the second reading*, were confined to the treatment of convicted offenders. This may well have given the impression, to anyone not familiar with the facilities available, that there was little or no provision for the treatment of addicts on a voluntary basis.

I therefore welcome the comments of the honourable Member, which afford me the opportunity to correct any such misunderstanding and to pay a warm tribute to the splendid work which has been done in recent years in this field by the Society for the Aid and Rehabilitation of Drug Addicts, more commonly known as SARDA.

The Drug Addicts Treatment and Rehabilitation Ordinance, which came into force in 1961†, provided for the establishment of Addiction Treatment Centres for the care and rehabilitation of addicts who apply for admission to them. Once an applicant has been admitted, he may thereafter be detained for up to six months from the date of his admission.

The Treatment Centre on the island of Shek Kwu Chau has been operated by SARDA for several years, with encouraging results. The Centre caters for both heroin and opium addicts, though the majority are heroin takers. In 1967 for example there were about 7 heroin addicts admitted to the Centre for each opium smoker, though a number of the patients were dependent on both opium and heroin.

There has been in recent years a substantial waiting list of applicants for voluntary treatment. To meet this demand, work has begun on extensions to the Centre at Shek Kwu Chau which will, it is hoped, double its existing capacity of about 250 patients by the end of 1969.

Furthermore, an experimental Treatment Centre for women only will be opened in a few weeks time by SARDA on Hong Kong Island, with an initial capacity of about 30 patients.

I hope that the new projects which I have mentioned will satisfy honourable Members that the Government, and the voluntary agencies, are fully aware of the need to provide for the voluntary treatment of addicts and have taken and will continue to take effective measures to meet it.

I would also like to mention the fact that I have received representations about clauses 5 and 6 of the Bill, the combined effect of

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* Pages 489-94.

†1960 Hansard, pages 247 and 302.

[THE ATTORNEY GENERAL] **Drug Addiction Treatment Centres Bill—resumption of debate on second reading (9.10.68)**

which, it is said, would enable a succession of further detention orders and supervision orders to be made against the same addict, on the basis of a single finding of guilt. This was not the intention of the Bill, but I agree that the clauses could be read in this way and I shall therefore move an amendment, at the Committee Stage, to ensure that only one supervision order, based on the original detention order, can be made on the basis of one finding of guilt.

*Question put and agreed to.*

Bill read the second time.

*Bill committed to a committee of the whole Council pursuant to Standing Order No 43(1).*

## COMMUNITY CHEST OF HONG KONG BILL 1968

*Bill read the first time and ordered to be set down for second reading pursuant to Standing Order No 41(3).*

## COMMUNITY CHEST OF HONG KONG BILL 1968

MR Y. K. KAN moved the second reading of: —"A Bill to establish a corporation, to be known as The Community Chest of Hong Kong, and to make provision for its constitution and powers and for matters connected with the purposes aforesaid."

He said: —Sir, this Bill seeks to establish a corporation, to be known as The Community Chest of Hong Kong, and to make provision for its constitution and powers and for matters connected therewith.

Sir, although most voluntary agencies in Hong Kong receive Government subvention, many have to find their own money wholly or in part from overseas or locally.

The establishment of the Community Chest is not intended to reduce Government subvention, or to affect overseas support. It is intended to streamline local fund raising efforts.

Hitherto, voluntary agencies requiring funds have to face the following ever increasing difficulties:

*First*—the generally rising costs of running the agency.

*Second*—the rising costs of the fund raising campaign.

*Third*—with the growth of the population the need to expand its activities.

The donors, on the other hand, have their own difficulties of ensuring that their money is both wisely given and spent, and properly allocated between various agencies.

The Community Chest is simply a federation of voluntary welfare agencies and donors. The member agencies each year set out their financial needs. The Chest will then have a budget to fulfill through contributions from their donor members and the public at large. Proceeds will then be distributed to member agencies.

The scheme has the following advantages. From the donor's view point, he will be called upon to donate only once a year through the Chest for the benefit of the member agencies, and he may even earmark his donation for a specific agency. From the view point of the member agencies, they will be relieved of the time consuming job of raising money and can devote their efforts to their individual specialized tasks.

Similar schemes have worked well elsewhere and, given the necessary support, there is every reason to believe that it will succeed here.

I am given to understand that over 40 welfare agencies have indicated their desire for membership and I see in the Schedule to the Bill that the first board of directors consists of prominent citizens of Hong Kong. This augurs well for the success of the scheme. It will be more successful if the Financial Secretary would grant tax exemption for donations to the Chest. Nevertheless, in commending the Bill for the support of honourable Members, I would urge them not to hold the Financial Secretary to his promise to seriously consider granting such tax exemptions lest he may be tempted to vote against the Bill.

In conclusion, I would like to pay a special tribute to those who have made this worthwhile scheme a reality and in particular to Lady Hogan, who I am glad to see here today, and who by her energetic leadership has piloted the project through all its initial stages.

*Question proposed.*

*Motion made (pursuant to Standing Order No 30).* That the debate on the second reading of the Bill be adjourned—MR K. A. WATSON.

*Question put and agreed to.*

*Explanatory Memorandum*

The intention of The Community Chest of Hong Kong is to raise funds through a co-operative and community-wide campaign and to distribute them to the member agencies serving social welfare needs of the community of Hong Kong; also to disseminate the community chest idea throughout the Colony of Hong Kong.

**Community Chest of Hong Kong Bill—second reading**

[*Explanatory Memorandum*]

It is desirable that The Community Chest of Hong Kong should be incorporated and become a permanent body in view of the responsibility for the administration of the substantial donations which it may receive in connexion with its work for the community of Hong Kong. It is the object of this Bill to effect such incorporation.

## ADJOURNMENT

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

3.36 p.m.

**Multi-storey Building Legislation**

MR WILFRED S. B. WONG:—Sir, since 1961, I have on a number of occasions brought to the attention of both the Urban Council and the Legislative Council the importance of the problems existing in multi-storey buildings*.

I have said that the co-operative flats in the multi-storey buildings are the result of developers who have sold their flats, made their profit and ran away from their responsibilities. The result is that we have tenement slums where people desecrate and litter the public corridors, disturb the peace of their neighbours by playing majong in the corridors and firing firecrackers, that is before the ban. The so-called "Co-operative" flats are an abuse of the word.

One of the basic reasons for this is that the premises meant for domestic purposes housing four to six people are now rented for industrial and commercial purposes housing 25 to 28 people.

In order to understand this problem, one merely has to visit a number of these multi-storey flats. One will find not only unhygienic conditions exist in the horizontal corridors but also in the vertical light and air well where refuse are thrown by the tenants from the upper floors to the ground floor. Apart from dust and outside the realm of hygiene the nature of some of the falling objects is beyond description. This practice makes it necessary for the ground floor tenants to erect sheds for their own protection. To a lesser extent the tenants of the lower floors have to erect window sheds to protect themselves from falling debris. The result is of course they will be charged for erecting illegal sheds.

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* 1967 Hansard, page 506.

I understand the Urban Services Department has the power under section 127, sub-section 2 of the Public Health and Urban Services Ordinance to enter and abate the nuisance, but it is necessary to have, in all cases, a medical officer of health to certify that the nuisance is resulting in a menace to public health before staff are sent in to abate it. This is a cumbersome process and not very practical. Furthermore, there is also the danger of fire hazards as exemplified in a multi-storey building in Tsim Sha Tsui, Kowloon during 1966 and 1967.

I do not think that the remedy is simply for either Government to assume the task of cleansing the communal parts of the multi-storey buildings which, as far as the individual flats are concerned, are privately owned, at public expense; or on the other hand to enact new legislation merely to strengthen the voluntary management committees in multi-storey buildings.

I believe that a new approach should be made to the problem in the same manner as certain streets became public after estates were developed. There are good examples of this development in both Hong Kong and Kowloon. The only difference is to change our concept from horizontal to vertical. After all, a large multi-storey building is in essence equal to a whole village of the olden days, and should be treated as such with its same problems of population and hygiene, not to speak of harmonious living. When corridors of multi-storey flats are up in the air, do they in fact serve as public lanes in the same sense as those on the ground?

Legislation may take into account special condition of those subleases, or consideration, the reimbursement to Government for having to clean the lanes on upper floors of that type of multi-storey buildings.

It will be an important piece of legislation to measure the ability of Government and this Council to cope not only with the drawbacks of a new phenomenon of Hong Kong's economic development, but also to provide sufficient safeguards against a recurrence of its unsatisfactory features in the future. As the phenomenon has outgrown legislation, I hope legislation will move forward in such a way as to catch up with the problem.

Sir, the need for legislation governing multi-storey buildings is now acute. I trust that Government will give the drafting of such legislation the priority it deserves.

MR SZETO WAI: —Sir, our post-war building boom has left us with a legacy that has become an embarrassment which has been ably described by my honourable Friend Mr WONG. I agree fully with his opinion of the developers who profited at the expense of their social conscience. Hong Kong may present an impressive view with its skyscrapers and their lights to our visitors both from the air and from the

harbour, but unfortunately beneath this scene there lies an abundance of unhealthy and unsafe dwellings. For every decent multi-storey domestic building, there exists scores of huge skyscraper slums. Our post-war high density housing development while answering the needs of our tremendous requirements, has created a terrible monster through the unscrupulous private developers; it has driven many of our hardworking small citizens to despair who having spent their life-long savings in purchasing a home, soon find themselves in a frightful slum from which they are unable to extricate themselves.

Quite apart from the unhygienic conditions described by my honourable Friend, these multi-storey, multi-unit, domestic buildings often contribute to great fire hazards with their labyrinthic layouts and the large numbers of occupants. Some of these hazards are created by the uncivic-mindedness of the occupants themselves, who form obstructions by making illegal use of access corridors, smoke lobbies, fire-escapes, etc., but many of these hazards are caused by the unlawful act of the *mercenary and unscrupulous original landlords who on receipt of* the occupation permit, contravene fire and building regulations by further partitioning or enclosing the communal parts of the premises for their own gain without the slightest regard to the well-being and safety of the future occupants. Sir, numerous innocent purchasers of these flats have fallen victims to this malpractice, and I consider it is Government's obligation to protect the unsuspecting public from such unlawful practice. I therefore welcome the warning recently sounded by the Building Ordinance Office, though it is regrettable that both the Control and Enforcement Unit of that Office and the Means of Escape Unit of the Fire Services Department were not established in the heyday of the building boom when much of this malpractice was committed.

My honourable Friend has also pointed out that many of these domestic flats have been turned into industrial units of the small and cottage type. Collectively, no doubt they contribute to our economic development, but their operation in the midst of hundreds of domestic living cells is intolerable and dangerous in any modem city. Presumably these are the unregistered factories permissible under the law by virtue of their small size, but it is time that we examine our labour legislation with a view to removing such incompatible co-existence. These buildings are designed for domestic use and no industrial operation should be permitted, whatever their scale.

Sir, the ultra high density housing such as ours will not only inevitably lead to unhealthy and unsafe living conditions if badly managed or without management at all, it strains our services and overloads our transport facilities; and it is unacceptable by any reasonable standard of town planning. The relaxation of our building regulations in the post-war years has given the private developers a

field day, and in the hands of the unscrupulous ones, such human beehives were created. Now that new towns are being built and new transportation routes are being planned, the time has come for us to have another look at our existing building regulations to see if the permissible extent of development at present in force should merit reconsideration. As for tackling the immediate problem in our midst, I would urge Government for early legislation making compulsory the formation and registration of Management Committees among occupants, or management by authorized professional factors to prescribed regulations. This measure will abate any illegal alterations or additions that increase the fire hazards of these buildings, and to arrest the rapid deterioration that turns them into premature slums.

3.48 p.m.

MR A. M. J. WRIGHT: —Sir, I should like to touch very briefly on two points made by my honourable Friend, Mr SZBTO Wai.

The Control and Enforcement Unit of the Buildings Ordinance Office was set up in 1966 and since then has dealt with some 50,000 cases. Last month—which was an average month—over 3,800 flats or domestic units were inspected and 258 notices served. The Unit works very closely with the Fire Services Department, particularly their new Means of Escape Unit.

I mention these details to show that Government is very aware of the problems of illegal alterations and interference with fire escape routes within densely occupied buildings. Active measures are being taken to reduce, if not eliminate, the many hazards which face the occupants.

In regard to the density of post-war development, I fully endorse the remarks made by my honourable Friend. However, I would remind him that in 1963 the Planning Regulations were amended and the density of development, particularly for sites facing wide streets, was drastically reduced; in the worse cases by some 50%. Though these regulations were passed in 1963, they did not come into force until 1st January 1966 and very few large buildings, designed in accordance with the revised regulations, have so far been completed.

In the new towns, therefore, and in the majority of redevelopment schemes in the existing built-up areas, we can in the future expect significant reductions in the density of building development. But this in itself is not enough. I believe that one of the major causes of the difficulties referred to by my honourable Friend, Mr WONG, is the very high density of occupation, in other words overcrowding, of each flat or tenement, even when used for domestic purposes. Before we can expect any real improvement, some reduction in this density of occupation is

necessary. As a result of the vast programme of Resettlement and Government Low Cost Housing, this is in fact being achieved. Figures show that throughout the urban area, in privately owned property, there has been a noticeable reduction in the degree of overcrowding over the past three years.

3.51 p.m.

MR D. R. W. ALEXANDER: —Sir, the matter raised by my honourable Friend Mr WONG, about unhygienic conditions in the communal parts of multi-storey buildings has indeed been aired before in this Council. I would, first of all, like to correct any misconception which may have arisen previously that the difficulty for the Urban Council and the Urban Services Department in abating any sanitary nuisances which may arise in such buildings, lies in the need to obtain certification of any nuisance by a Health Officer before any action can proceed under section 127 of the Public Health and Urban Services Ordinance. This is not the case.

It is on very rare occasions that such certification is necessary— and only when a nuisance is considered to be "injurious or dangerous to health" such as, for example, certain nuisances caused by keeping birds or animals, or by a defective communal drain. The vast majority of nuisances occurring in multi-storey buildings do not fall within this category but constitute ordinary sanitary nuisances—a differentiation which is allowed for in the legislation. Such nuisances (which are listed at section 12 of the Ordinance) can take the form of

accumulation of refuse on shades or in communal areas,

choked or defective rainwater pipes or waste pipes,

defective wall or floor surfaces,

emission of dust, fumes or effluvia,

foul dustbins or sanitary conveniences.

In such cases, the Authority may take action summarily under section 127 of the Public Health and Urban Services Ordinance and may cause a notice to be served on the author of the nuisance. The form of this notice is a statutory one and if the person on whom the notice is served fails to comply with it, he shall be guilty of an offence, and the Authority may make a complaint to the court and the court hearing it may make a nuisance abatement order. Failure to comply with this abatement order may result in further prosecution, and, also, the Authority may abate the nuisance and recover any expenses reasonably incurred. In addition, where the person causing the nuisance cannot be found and it is clear that the owner or occupier of premises is not responsible for the nuisance in the first place or for its continuance, then the Authority may abate the nuisance and do what is necessary to prevent a recurrence.

I hope that what I have said so far clarifies the present statutory powers available for the purpose. However, I would be the first to admit that whilst this all sounds reasonably simple and straightforward, in fact the Urban Council and Urban Services Department have experienced the greatest of difficulty in the application of sections 12 and 127 of the Ordinance because of:—

firstly, the impossibility, in most cases, of proving who had caused the nuisance in the first place; and

secondly, the impracticability of taking action against a very large number of flat owners who may, in particular premises, number as many as 1,000.

Also, as some of the blocks are at present constructed, cleaning the light wells, which are in many instances the dirtiest parts of the blocks, presents the greatest difficulty, because of the lack of adequate access, especially on the intermediate floors.

I hope that amendments to the Public Health and Urban Services Ordinance and the introduction of new legislation dealing with the management of multi-storey buildings will facilitate the work of the Urban Council and Urban Services Department in dealing with sanitary nuisances, such as Mr WONG has in mind. But, as he himself and also Mr SZETO Wai have indicated, there are other problems in multi-storey buildings—for example, the presence of factories and industrial undertakings and fire hazards, not to mention the need for regular maintenance of the fabric of any building. These problems are to my mind equally important as, if not more important than, that of keeping clean the stairs, corridors and light wells. I know that all the departments concerned are constantly aware of the need to deal effectively with all these problems and are taking such action as they can within the scope of their own particular responsibilities.

With regard to Mr WONG'S suggested "new approach", I am afraid that there is one fundamental difference between corridors on the upper floors of multi-storey buildings and public lanes, in that the former are private property to which the public has no right of access.

And while my honourable Friend suggests that these corridors be treated in the same way as public lanes at ground level, he nevertheless implies that they need different treatment in that Government should be reimbursed for having to clean the corridors of multi-storey buildings. One can well imagine the practical difficulties of collecting such charges and indeed, the cost of doing so might well be more than the amount received, resulting in the public subsidizing to a greater or less extent the cleaning of private property to which it has no right of access.

[MR ALEXANDER] **Multi-storey Building Legislation**

Government's approach to the management problems of multi-storey building must be conditioned by a number of basic factors. Firstly, the action which Government can take must be related to its available physical and financial resources; secondly, even assuming that Government had the staff needed for this work, the clear indications which Government has received over the years are that owners of such property would resist the compulsory imposition of statutory management (the so called "statutory factor") to organize management of unsatisfactory multi-storey buildings at the owners' expense; thirdly, many of the owners themselves would and could do a much better job of voluntary management if they had the legal powers to compel a minority of unco-operative fellow owners to let them do so. Fourthly, only when voluntary management schemes, with adequate legal backing, have been thoroughly tested and found wanting, could a situation be said to exist calling for statutory intervention by Government.

In all these circumstances, the various departments concerned with the problems caused by the mismanagement of multi-storey buildings are currently considering draft legislation to give legal backing to voluntary management schemes. When this legislation has been thoroughly discussed within Government, it is Government's intention that it should be discussed with the Law Society and other public bodies with particular interest in this subject. I cannot, of course, forecast how soon this action can be completed as the subject is very complicated. Nor indeed, for the reasons I have mentioned can I hold out any hope that my honourable Friends' suggestions can be pursued in the context of the present legislation. Nonetheless, I can assure them that the Government shares their concern about the present unsatisfactory state of many multi-storey buildings and it is taking what it believes to be the most important and immediate steps necessary to improve this position. Meanwhile, Government, through the staff of the Secretariat for Chinese Affairs, remains willing to advise occupants of multi-storey buildings how best they can tackle their particular management problems as the law now stands.

*Question put and agreed to.*

## NEXT MEETING

MR PRESIDENT:—Council will accordingly adjourn. The next meeting will be held on 6th November.

*Adjourned accordingly at Four o'clock.*

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