

The Bulletin

Magazine of The Hong Kong General Chamber of Commerce

香港總商會工商月刊

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**Industry in
Domestic Housing—
A Real Problem
for Hong Kong**
住宅樓宇中開設工廠——
香港的一大難題

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The Bulletin

Magazine of The Hong Kong General Chamber of Commerce

香港總商會工商月刊

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本會好市民獎柴灣頒獎大會



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Part of Kwun Tong viewed from Lam Tin Estate.

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Director's Viewpoint

Ouch – It Wasn't So Painful After All!

Well, that wasn't so bad, was it? Most businessmen quite liked the Budget mixture of scholarly assessment and relatively painless extraction. Contrary to some opinion, business people are reasonably responsible and don't make much of a fuss about trivia. It is only when measures are proposed or contemplated that would clearly hurt business prospects and development that business people begin to think about making their collective views known. That's not a bad reaction in terms of the economy and the society as a whole. We live by unprotected, competitive business and the system of taxation must recognise this simple fact – it does!

Korea Attracts – So Do We!

I had several calls and comments from members of the Chamber when they read the remarks attributed to Sir Peter Carey, Permanent Secretary to the British Department of Industry during his recent visit to the Republic of Korea regarding British investment in Korean industry. Sir Peter was reported as saying that, in his view, South Korea was clearly an attractive area for foreign industrial investment and he hoped that British industry would take advantage of the opportunities. Our members felt that Sir Peter might have said something similar during his earlier visit to Hong Kong.

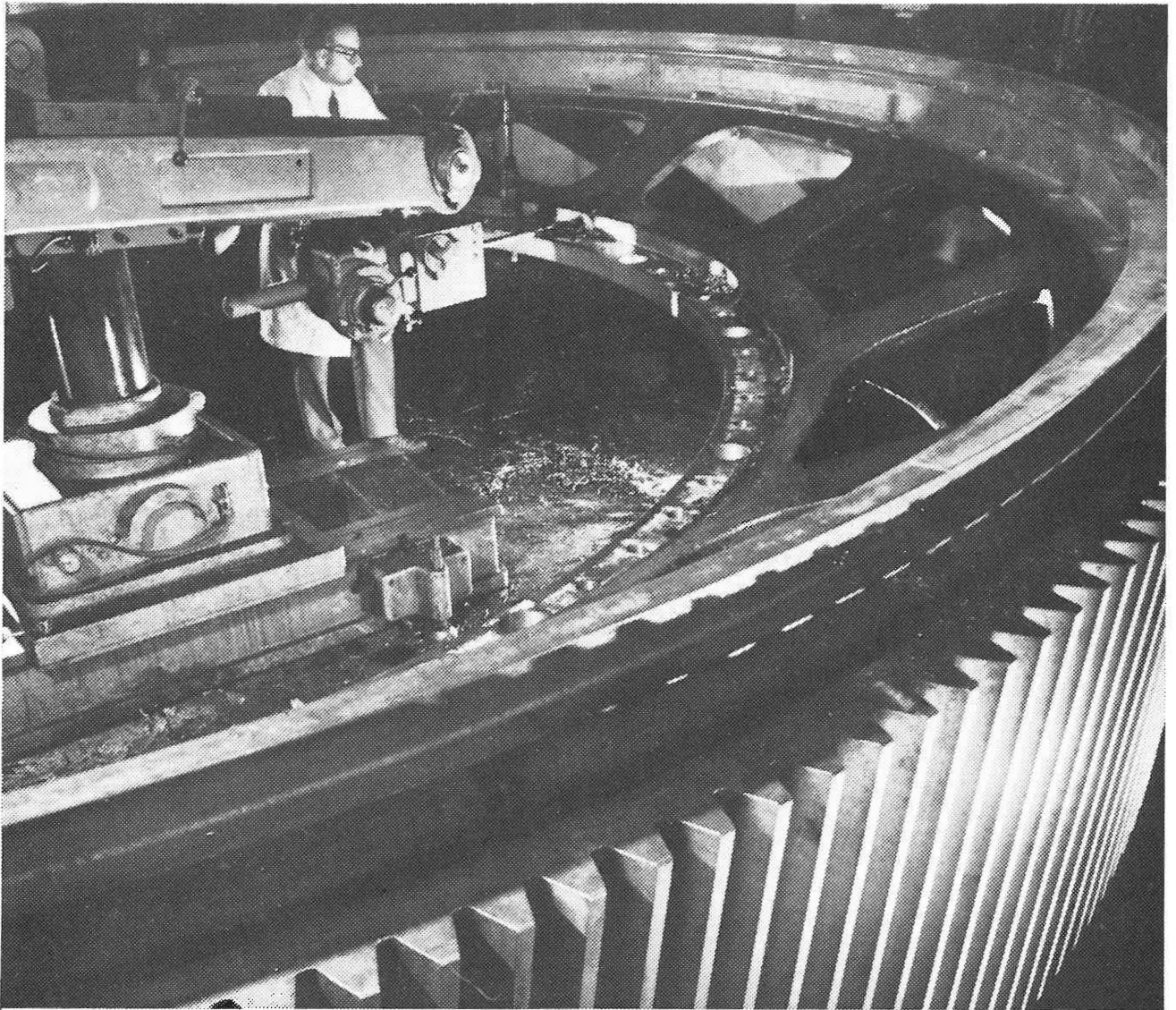
He did – but not at the press conference he gave before leaving. At several discussions with prominent Hong Kong businessmen, he made it clear that he felt that Hong Kong too offers much to British industry – as a market, as a regional centre and as a manufacturing base. He is clearly interested in expanding the existing long established two way business and industrial connection between Hong Kong and Britain. This assurance comes at a time when more British companies than ever before are showing interest in selling into and through Hong Kong, in establishing offices and agencies here and in using our facilities to look beyond Hong Kong to the great Asian Pacific market.

The depreciation of Sterling leading to more competitive British product export prices and the generally depressed state of the British economy have acted as a spur to many British companies which have not lost sight of production and marketing objectives and which still have faith in the profit motive, taxation notwithstanding. As the British economy slowly turns around (and there are encouraging signs that this is beginning to happen) British trade and industry will shake itself, and look to the future. It's a tough, tough, world for us all and Britain will have to put in more effort for less short term reward, in order to protect her long term future.

Why do I harp on Britain's trade and industry? Because our own trade and industry and our future, whatever that may be, is inextricably bound up with Britain. We must hope that we can go forward together with mutual respect and goodwill each conscious of the other's situation and different background, each willing to make allowances and trying to understand the other's strengths and weaknesses. We in Hong Kong depend on Britain more than we sometimes concede. The British for their part admire Hong Kong's real achievements more than they say.

Industry Takes Many Forms.

We have included in this month's *Bulletin* an article about the perennial problem of industrial undertakings in domestic buildings. This problem has become almost incapable of resolution and of appalling dimensions in this overcrowded metropolis of ours. For



Doesn't this tell you something about Australia?

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Ask the Australian Trade Commissioner

Director's Viewpoint

(Continued)

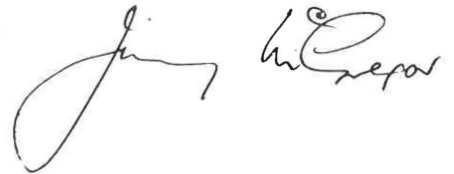
reasons which no doubt were valid twenty or more years ago the Government did not do a great deal to prevent industrial facilities being set up in new high rise domestic buildings. There were other priorities and Hong Kong's people, as always, did not begin to complain until it was very late in the day. When Government woke up to the fact that they had a very large social problem on their hands, there were nearly twenty thousand of these small factories in domestic flats. Many of them were, and are, unhygienic, noisy, crowded and dangerous. Their economic importance, even collectively, must be doubtful. Their social significance is two-edged. They provide well over 100,000 people with gainful employment. At the same time, they create quite unacceptable social stresses and strains.

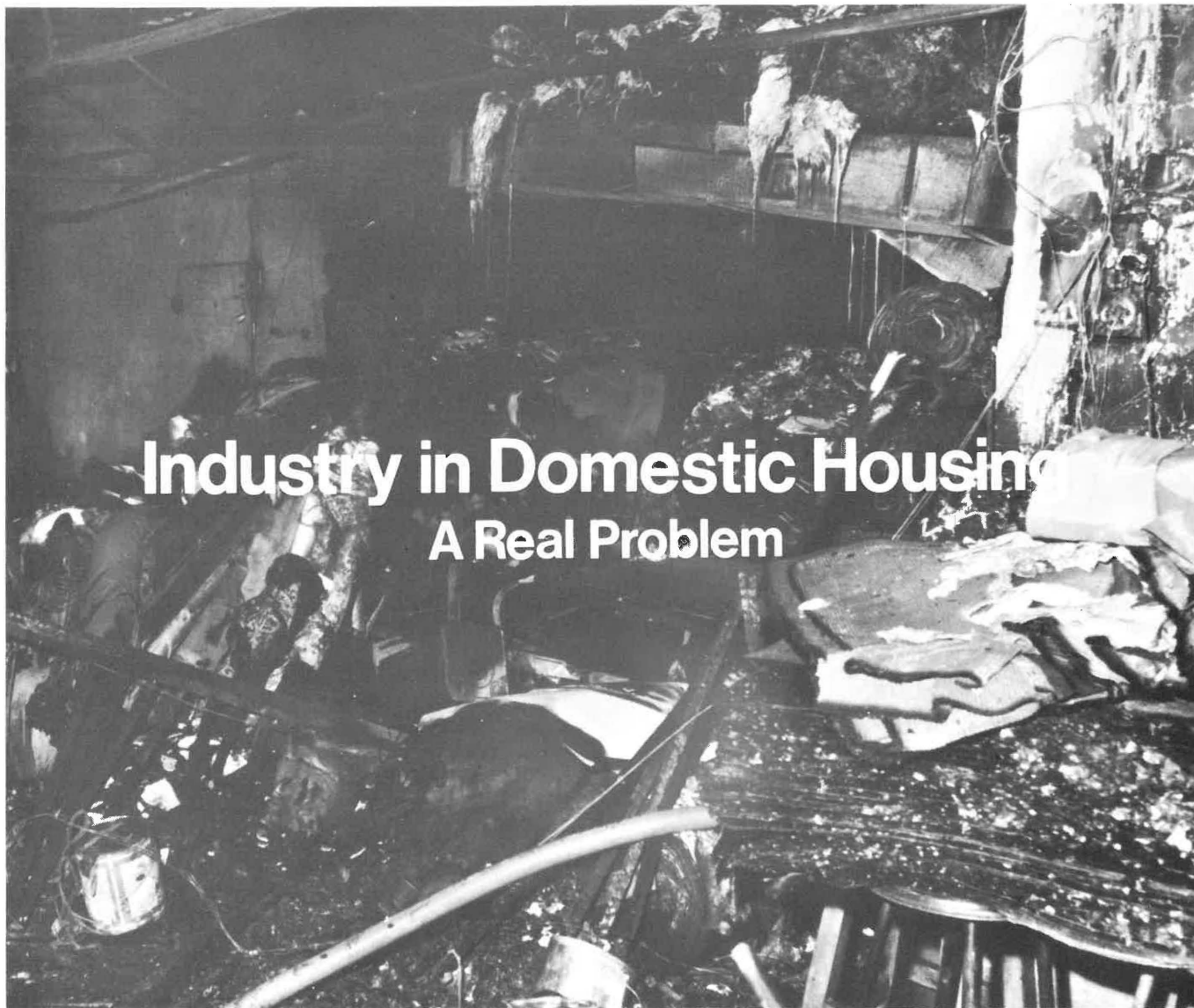
In no other part of the world would the public tolerate with such seeming resignation the conditions so widely caused by illegal factories in domestic buildings. It is to be hoped that the Government will accelerate its programme to evict the worst and prevent new illegal incursions by a kind of industry about which none of us can feel proud.

Write – Even If Only To Complain!

Finally, may I invite any of you with a point of view on any subject which might be of interest to other members to write to me. We will publish your letter or appropriate parts of it in the *Bulletin* provided you give us permission to do so.

You might also tell us if you like the new *Bulletin* format – and if you don't!

A handwritten signature in cursive script, appearing to read "J. H. Cesar". The signature is written in dark ink on a white background.



Industry in Domestic Housing A Real Problem

Ever since Hong Kong initially embarked upon the path of industrialisation, small factories, mostly located in domestic buildings, have accounted for a significant proportion of overall manufacturing production and employment. If not the backbone of HK's industrial structure, they can certainly be regarded collectively as a vital part of the skeleton. But they are also the root of many evils, as this photo illustrates and as Michael Parker explains in this article.

The exact number of factories which are currently located in domestic buildings, or the precise number of workers they employ, is not known. But according to the 1971 Census of Manufacturing Establishments there were almost 18,000 factories in domestic buildings, accounting for some 69 per cent of the total number of manufacturing establishments in HK, 27 per cent of manufacturing employment (i.e. 182,581 workers), 20.4 per cent of the total value of sales and work-done by manufacturing and as much as 40 per cent of the total floor space used by industry. No detailed survey has been conducted since then, but recent estimates place the number of factories in domestic premises at around 22,000.

The size of the workforce they employ might well be in the region of 200,000.

If the above figures — 40 per cent of industrial floor space accounting for only 20.4 per cent of sales and work-done — suggest that small factories operating in domestic premises are much less efficient than larger enterprises, it is largely because most of these premises double up as factory and domestic accommodation. Many of them are 'household' enterprises, owned and operated by a single family. The actual floorspace being used for industrial purposes is considerably less.

In fact, according to the Secretary General of the

Chinese Manufacturers' Association, J. P. Lee, judged by their gross output per hour, small industries are on the whole just as efficient as medium or large-sized enterprises, and they play an important role as sub-contractors to larger companies, thereby contributing to the flexibility of HK's industrial structure. They also contribute to HK's excellent labour relation, he says.

If, as J. P. Lee maintains and as the Government itself recognises, small industries in domestic premises continue to be an important factor in our economy, it is also unfortunately true that in social and environmental terms they can be unpleasant and in many cases downright dangerous. Domestic buildings are designed to accommodate people, not factories. Their use as factories or workshops inevitably leads to a rapid deterioration of the building and — if there are many such buildings in a particular area — of the whole environment. Many are fire hazards, since any production process entails the storage of raw materials, components or finished goods, often of a highly inflammable nature. These materials or goods have to be piled up in the flat or, worse still, on the staircase outside. They often have to be carried up and down in small passenger lifts with a low load capacity. Some of the factories are of an obnoxious nature. Others employ noisy machinery whose thumping and vibrating might endanger the building's structure — not to mention the nerves of the unfortunate residents.

According to a survey carried out in 1975*, over 98 per cent of factories in domestic premises occupy units of less than 2,000 square feet and 60 per cent occupy small flats of 700 square feet or less. Ninety-three per cent are situated in high-rise multi-storey tenement or apartment buildings (apartment flats are preferred to old-style tenements, the former being partitioned to allow physical separation of the factory, the office or storeroom and the residence).

The type of industries located in domestic buildings are typical of HK's industrial structure as a whole (see Table). In 1971 garment accounted for 34.3 per cent of factories in domestic premises and 35 per cent of their workforce.

Factories in domestic premises: Number of establishments and employment (from 1971 Census of Manufacturing Establishments)

INDUSTRY	Establishments		Persons Employed	
	No.	%	No.	%
Food, Beverages, Tobacco	696	3.9	6,772	3.7
Textiles	940	5.2	10,161	5.6
Wearing Apparel	6,156	34.3	63,947	35.0
Leather products	105	0.6	828	0.5
Footwear, except leather	480	2.7	2,888	1.6
Wood & Cork Products	565	3.1	3,987	2.2
Furniture and Fixtures	529	2.9	3,302	1.8
Paper & Paper Products	552	3.1	3,191	1.7
Printing and Publishing	718	4.0	7,105	3.9
Chemicals & Chem. Products	206	1.1	1,816	1.0
Rubber Products	111	0.6	1,732	0.9
Plastic Products	2,003	11.2	21,876	12.0
Non-Metallic Products	164	0.9	2,111	1.1
Basic Metal Products	29	0.2	1,222	0.7
Fabricated Metal Products	2,008	11.2	18,252	10.0
Machinery	891	5.0	5,912	3.2
Electrical Products	491	2.5	9,360	5.1
Transport Equipment	51	0.3	2,461	1.3
Prof. & Scientific Products	152	0.8	2,197	1.2
Others	1,165	6.5	12,448	6.8
TOTAL	17,962	100.0	182,581	100.0

* Part of a still unpublished PhD thesis on factories in domestic premises in HK.

Factories manufacturing plastic and fabricated metal products accounted for another 22.4 per cent of establishments and 20 per cent of employment. Other important industries were textiles, machinery, printing and publishing and food. For such industries as footwear, garments, non-electrical machinery, food and paper products, more than 70 per cent of the total number of establishments were operated in domestic premises.

You won't find many of these factories on the Peak or in Mid-Levels, Repulse Bay or Kowloon Tong, but tens of thousands of residents in areas like Shamshuipo, Tai Kok Tsui, Sanpokong, Tokwawan, Western District and Kwun Tong are constantly subjected to the unpleasantness and even danger which they cause. Small entrepreneurs prefer to locate their factories in these areas because of the generally lower rents, the greater availability of labour and, in some cases, their orientation towards a local district market (for example, tailoring and jewellery are found mainly within the tourist areas; food and wooden containers are found in the same area as food wholesale markets and food importers, etc.)

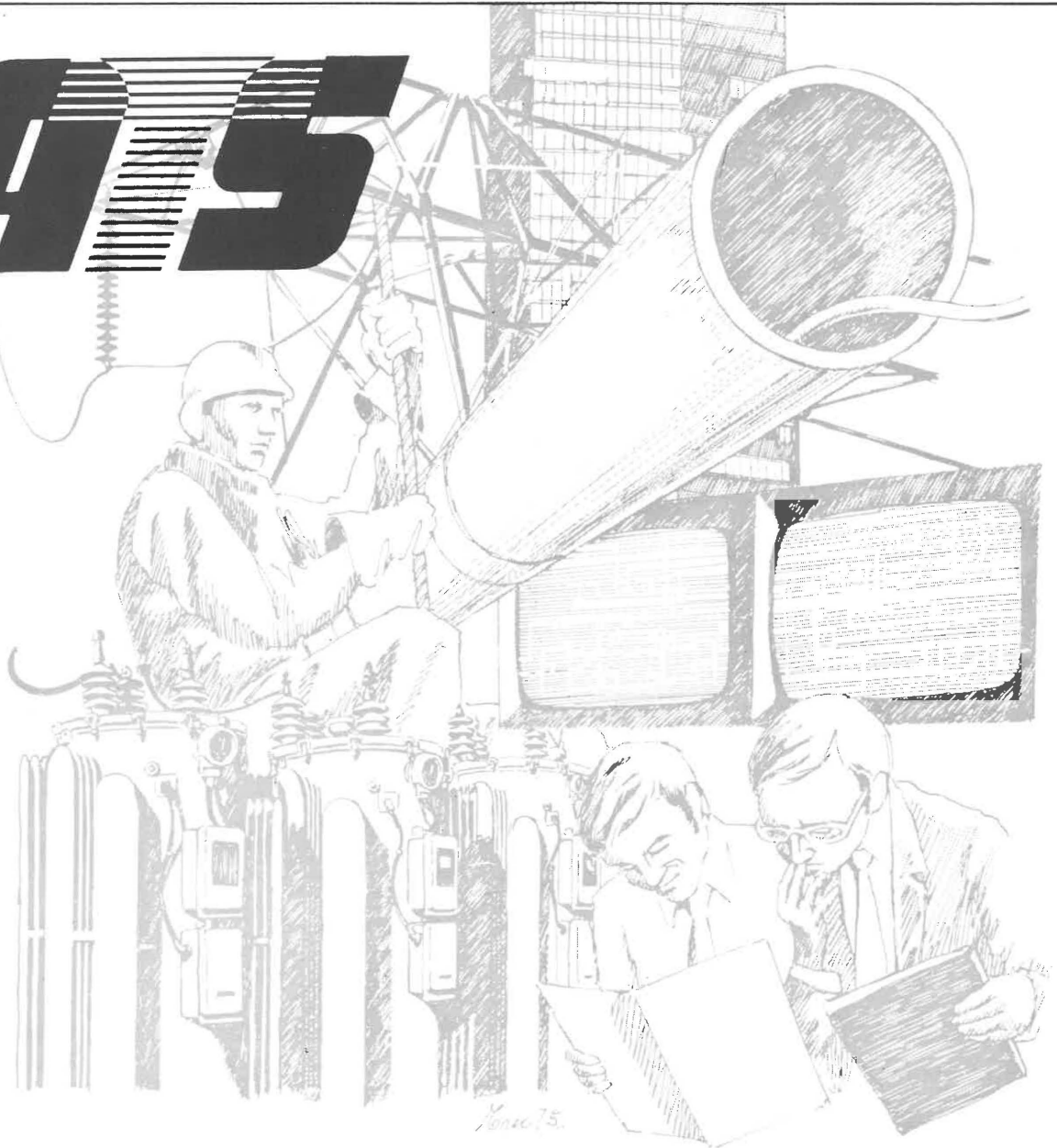
No Choice

But why do they choose to operate in residential buildings? 'Choose' is probably the wrong word, for in most cases there is no choice. Hong Kong has always suffered from a chronic shortage of industrial land. Because they offer a quicker return on capital, units in industrial buildings tend to be for sale rather than rent and in terms of size they tend to be medium to large — at least 5,000 square feet — to cater for the larger manufacturing establishments which are better able to afford to buy their own premises. As a consequence it is the small manufacturing establishments which are most affected by the shortage of industrial premises and are forced to locate in domestic buildings. They are not eligible for relocation in Government-constructed flatted factory buildings, since these are built by the Housing Authority specifically for the rehousing of squatter factories which have had to be cleared from land required for development. Moreover, the Authority's main concern must be the provision of adequate housing for the people of Hong Kong, not the large-scale construction and maintenance of factory buildings for small industries.

The survey quoted above found that nearly 90 per cent of factories in domestic premises employed fewer than 20 workers and were therefore not registrable with the Labour Department (unless they used dangerous fuels or power-driven machinery) and that more than 40 per cent were 'household' firms employing less than five workers. Were these 'household' factories relocated in proper industrial buildings — even assuming suitably sized factory units were available — their costs would increase considerably, since the owners would have to pay two lots of rent — one for domestic accommodation and one for the factory premises. Separation of the factory from their living quarters would be inconvenient in other ways too.

The survey also found that 87 per cent of the factories in domestic premises had a declared capital of less than \$100,000 and that personal savings constituted the main source of capital. None of the establishments surveyed had ever borrowed money from commercial banks since they claimed it was too difficult to obtain loans, although a few had borrowed from relatives or friends. As a result they could rarely afford to buy machinery and were tied to their low-rental premises. Their monthly rentals varied from \$100 to \$5,000, but the majority (68 per cent) paid between

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Despite their limited financial capability the small factory owners displayed several positive elements of entrepreneurship. The survey showed that they were generally experienced in the type of business they were doing: 60.4 per cent were former manufacturing workers, while another 18.2 per cent had previously been small industrialists or apprentices. Sixty-three per cent said that they were doing the same type of job as before. As for motivation, 36.6 per cent claimed that they preferred to 'be their own boss'. Although their businesses were small, there was a strong feeling of accomplishment and independence in being a proprietor.

The Government's approach to the problem of factories operating in domestic buildings might be described as pragmatic. The Secretary for the Environment, Derek Jones, stated in the Legislative Council in January: 'With so many thousands of small factories operating (in non-industrial buildings) — and presumably operating reasonably profitably and to the advantage of the economy as a whole, or they would not have persisted so tenaciously and so pervasively over such a long period of time — there can be no question of moving them wholesale from their present premises and locations, even if alternative accommodation which was thought to be satisfactory was available elsewhere.'

Mr. Jones doubted whether they could be moved out of the urban areas without considerable persuasion or compulsion — tactics which could not, he said, be applied effectively in Hong Kong on a large scale, given the nature of our society and the limited resources available to the Government for this kind of action.

Under the original Factories and Industrial Undertakings Ordinance it was illegal to operate *any* kind of industrial undertaking in a non-industrial building. All factories had to be registered and where illegal factories were discovered they were closed down. However, factories continued to set up in non-industrial buildings during the 1950's, and in 1963 it was amended to allow factories in domestic premises to be 'provisionally' registered to enable the Labour Department to exercise a degree of control over an increasingly chaotic situation. Despite the amendment, however, the majority of factories in domestic premises remained unregistered — largely because they simply did not qualify for registration.

The Ordinance was again amended in March 1976. The object of the new amendment was to prevent industrial undertakings of *any* kind from operating in *new* non-industrial buildings (i.e. completed on or after 1st March 1976). At the same time, as a matter of Government policy not directly connected with the change in the law, from the same date strenuous efforts have been made to ensure that no dangerous or obnoxious industrial undertakings operate in any non-industrial buildings and that no industrial undertakings of any kind operate in purely residential buildings (the difference between *non-industrial* and *purely residential* being that the former includes 'commercial/residential' use). These measures were introduced as a first stage of a Government "programme of action" against industrial undertakings in non-industrial buildings. The effect of this first stage should be to limit the number of factories in some domestic buildings and to keep them out of others completely, as well as to minimise the social and environmental damage which they can cause. But the majority of existing factories in domestic premises remain unaffected for the moment and the policy is to defer action until some acceptable way can be found to reprove them satisfactorily. While the

Government accepts that it is basically undesirable to have factories operating in domestic buildings at all, most of them will have to be tolerated until such time as more suitable alternative accommodation becomes available. The question is, how and where can such accommodation be provided, and by whom?

Tony Eason, Principal Assistant Secretary in the Environment Branch, explained the thinking behind the Government's policy:

'Our current thinking on this problem began to evolve in the early 1970's — a reflection of the increasing interest in environmental conservation evident at that time. The Government's ultimate aim is to separate residential accommodation and incompatible industrial activity, but this cannot be achieved overnight. There are of course two sides to the problem. On the one hand the environmentalists would like to see all factories removed from residential buildings, but they are faced with people who maintain that these factories play a major role in the economy.'

Since Stage One began in March last year, says Eason, action has been taken, or is underway against more than 360 industrial undertakings, 81 of them dangerous, through the twin measures of law enforcement and lease enforcement.

Lease enforcement and law enforcement are by no means the same thing. Action can be taken against dangerous factories in non-industrial buildings under the Fire Services Ordinance, but lease enforcement action is more effective against industrial undertakings in purely residential buildings and in new non-industrial buildings.

'In fact, lease enforcement is a very effective weapon', says Eason, 'since the ultimate penalty is very harsh (i.e. the premises can be re-entered until such time as the landlord is prepared to abide by the lease).'

There are problems with lease enforcement however, since the lease itself is often very vague. Old leases, in particular, rarely specify the uses for which the building is intended and even some new buildings still have old leases, since owners



Buildings like this one can be found throughout Hong Kong.

are not required by law to submit a new lease when a new building is constructed. The occupation certificate issued by the Building Authority does specify the uses of the building, but these terms are not binding in law.

The small factory owner has little to fear of the courts, however, since punishments tend to be light. Last year 225 factories were prosecuted for operating as unregistered industrial undertakings and the average fine was only about \$460, although the maximum laid down by law is \$5,000.

Higher penalties would obviously be a greater deterrent, but there is also the sheer physical difficulty of inspecting HK's more than 8,000 multi-storey buildings. Many small factories are 'fly-by-nights' and to keep a thorough check on them would require a huge inspectorate making monthly inspections. The present inspectorate strength of the Schools and Factories Division of the Fire Services Dept. is 12.

Critics of the Government's policy towards factories in domestic premises say that more should have been done 10 or even 20 years ago. One critic told *The Bulletin* that Government inaction has brought about the kind of situation that we face at the moment. 'Law enforcement and lease enforcement — the measures that are being used now — could have been applied anything up to 20 years ago, had the Government been of a mind to do so.

'I know the Government has maintained for many years that this sector is important in economic terms, that the production of many of these units was complementary and sometimes essential to the production of the bigger units, which were of course located in normal industrial buildings. But had there been a gradual application of the law years ago by Government to evict the worst of these undertakings, it might have caused some social disruption, particularly to individual families, but I doubt if it would have had much effect on the economy.'

Severe

'The economic circumstances have never been such as to warrant these factories being allowed to continue whatever the cost — and the cost has been severe in terms of pollution, fire risk, the conditions under which many people have to live and also, over a period of time, the effect on the valuation of buildings. What happens if you buy a flat for, say \$150,000 in a new building and within a matter of five or six months of moving in you find that industrial undertakings have established themselves all around you, some of them with effluent or noisy machinery?

'What happens to your fire insurance? And worse still, what happens when you want to sell your flat and move out? Even with the sharp increase in property values in HK you probably wouldn't get what you paid for it.

'Another argument is that many of today's successful large or medium-sized factories themselves started off as small factories in domestic buildings. It is true that many larger factories started originally as smaller factories, but the great majority started out in *properly located industrial buildings*, not in somebody's domestic flat.'

'Of course Hong Kong is a free economy and every opportunity must be given to economic activity. But the community must be protected. The profit motive will encourage people to do whatever they can to make money and they will break all the rules of civilised society if they are allowed to get away with it. A Government which is not elected has a very heavy responsibility to ensure that society is protected and in this particular case I feel the Government has been slow to recognise its duty.'



The staircase, often the only storage area for a factory in domestic premises, and also the only escape from a fire.

But as Derek Jones pointed out, sheer coercion — whether through law enforcement or lease enforcement — cannot alone solve this most intractable of problems. 'If the impression is that Government would like to do away with small factories in domestic premises — well I suppose it is both correct and incorrect at the same time,' says Tony Eason. 'It is as important that we should keep these factories in business as it is that we should ensure that they are not operating in the wrong place. I must emphasise that Government's mind is very open at this stage, beyond the measures taken under Stage One of the programme.'

Any long-term solution must entail the provision of some kind of alternative accommodation on a large-scale, since small factories are likely to remain an important factor in HK for the foreseeable future. Recently industrial units of as little as 1,400 square feet have been offered for sale in Kwai Chung at around \$200,000 and plans have also been drawn up for the sale of industrial land at Tuen Mun with the buyer being required to build factory units of 2,500 and 3,000 square feet. These are still likely to be too large for all but a few of the small factories in domestic buildings. Besides, it is by no means certain that they would be prepared to move out of the urban areas and into the new towns. Nevertheless it is a step on the right road and according to Derek Jones, if these sales are successful Government may earmark further lots for sale in the same way, possibly specifying even smaller units, although, as he says, it would certainly not do to alienate too much land in this way if the demand is not there, when there are so many larger factories requiring land for expansion.

Government is to some extent treading on unknown ground. It is not even known, for example, exactly how many factories there *are* in domestic buildings, or how far the owners of these factories would be prepared voluntarily to move into specially-constructed industrial buildings — or, to put it another way, how many could remain viable if they vacated their present domestic premises. 'Whatever we do-----', stated Derek Jones, 'I feel that we must tread warily and test the ground as we go. For we are dealing here with activities which, directly or indirectly, affect a significant part of the livelihood of our whole community.'

Denim Fades But The Glory Lingers On

Has the denim craze which took the fashion world by storm in the early '70s now come to an end? Few would deny that it has – although paradoxically demand for certain types of denim remains strong and even continues to grow. The “denim boom” once again illustrated in a vivid fashion the strengths as well as the weaknesses of the HK economy, as Jonathan Chang shows in this article.

A phenomenon called the “denim boom” helped the Hong Kong economy to keep its head above water during the recession. And it was also denim that helped our economy to pull rapidly out of the recession. Even while other major industries were faced with a shortage of orders and severe cutbacks in production, HK's weaving looms continued to clatter merrily away turning out millions of yards of denim. The boom finally began to show signs of subsiding during the second half of last year. The number of looms weaving denim declined from a peak of around 17,000 to an estimated 6,000 by the beginning of this year. Monthly production of denim fell from about 50 million square yards at the height of the boom back to the ‘normal’ pre-boom level of about 25 million sq. yds. a month. By the end of 1976 some 50 million square yards of unwanted denim worth an estimated \$300 million had piled up in local warehouses.

According to the Chairman of the Hong Kong Cotton Spinners' Association, Y. C. Chen, the boom reached its peak between October 1975 and April 1976. Thereafter it began to fade.

‘A large percentage of the newcomers – those who established their weaving factories in the second half of 1976 – had to close down. We estimate that about 7,000 new looms were brought into production for weaving denim, but of these as many as 5,000 have ceased production and many of the remaining 2,000 have been adjusted to produce grey fabric

rather than denim.’

Strictly speaking, there are several types of denim, but they can be classified mainly into two categories. Firstly, there is so-called ‘classic’, heavy denim, which is dyed with 100 per cent pure indigo and weighs 14.5 ounces per square yard. This is top quality denim. Then there is ‘fashion denim’, which is dyed with a mixture of indigo and other dyestuffs and is lighter than the ‘classic’ denim, weighing between 10 and 12 ounces per square yard. This is substandard denim. Denim garments can be divided into ‘basic’ garments, such as the traditional jeans and jackets, and fashion denim garments, such as skirts and dresses, suits, shirts, and even swimming costumes and handbags.

Levis specialise in classic denim



jeans. The company has been manufacturing in Hong Kong since 1970. The Director of Finance and Manufacturing Operations for the Asia Area, Vincent Wan, told *The Bulletin*: ‘So far as our type of denim is concerned, the boom has certainly not ended. In fact demand continues to grow. HK's denim industry is now entering a period of consolidation which will see further improvements in quality and more variety. This will enable HK-made denim garments to remain competitive. But in the process the cheap, sub-standard products will be weeded out, since they are no longer in demand. However, sales of good quality, indigo-dyed heavy denim are actually on the increase.’

The Textile Corporation of Hong Kong is among the few local textile companies which supply *Levis* with good quality denim cloth. The Managing Director, Eric Chen, told *The Bulletin*: ‘The denim industry has just been through a period of reckless expansion and over-production which I would say has not been at all beneficial to the industry as a whole. Now that supply and demand have returned to normal, however, development is more steady and disciplined. There is no longer much of a market for 10 ounce fashion denim. But the demand for our kind of denim remains steady.’

Even allowing for the fact that there were some undesirable side-effects – the overall impact of the boom on the economy was beneficial. As Editor-in-Chief of *Textile Asia*,



Y.C. Chen



Vincent Wan



Eric Chen



Kayser Sung



Jimmy Ip

Kayser Sung, points out, 'The boom definitely provided a shot in the arm for the industry, trade and economy of Hong Kong. HK manufacturers invested in more than 7,000 new looms worth at least \$100 million in order to meet the soaring demand. This sort of expansion was unprecedented in the history of HK's textile industry.'

The boom was an outstanding example of HK's renowned flexibility and adaptability and the almost uncanny ability of our entrepreneurs to grasp opportunities for business wherever they appear. Although denim was invented more than a century ago, not until the late 1960s did it really begin to gain in popularity as a fashion material. The local textile industry has been manufacturing denim since the 1950s, but only in the early '70s did production begin vigorously to expand - to the extent that by 1975 HK looms were turning out well over one million yards of denim and garment factories were producing half a million items of denim clothing *per day*. Only the United States - the 'home' of denim - was producing more.

There are two elements in this flexibility. The first is the businessman's perspicacity to see and assess the demand and jump on the fashion band-wagon right at the beginning of the boom. The second element is the equally important ability to know exactly when to pull out, when to jump *off* the band-wagon in time to avoid getting one's entrepreneurial fingers burnt.

One source told *The Bulletin* that at the height of the boom HK was producing about seven and a half times as much denim as Japan, although the latter's textile industry is more advanced than ours in terms of technology and product quality. Neighbouring countries like Malaysia and the Philippines only started to invest in denim production in the latter part of 1976, by which time the demand for denim had already begun to decline.

Perhaps the outstanding example of speed and flexibility is that of *Bang Bang*, whose Managing Director, Jimmy Ip, realised the potential of denim as a fashion material several years ago and saw too that Hong Kong had the capability to manufacture

good quality denim fashion garments at prices well below those of the US and Europe.

Bang Bang jeans not only took HK by storm, but began to sell well in the US and Europe too. However, the canny Mr. Ip realised that the denim boom could not last forever and was quick to move into other quite diverse areas, from films and restaurants, to TV games and even fish-farms.

It is more difficult, however, for a larger long-standing company to diversify its interests in this way. A company which has spent years or even decades building up its manufacturing facilities, improving equipment and technology, struggling for business and cultivating a relationship with overseas buyers cannot easily invest in something quite new and unknown.

It is noteworthy that Jimmy Ip gained much of his experience working in the wig industry in the late '60s, for there are striking parallels between the denim boom and the wig boom (It should also be noted that there are some important differences as well, chief among them being the fact that before and after the boom there was a

Hong Kong Exports of Denim Garments (HK\$ Million)

Country	1976	% of total	% change over previous year	1975	% of total	% change	1974
USA	1,479	38	+ 32	1,119	43	+ 87	597
West Germany	732	19	+ 56	468	18	- 2	476
UK	530	14	+ 33	398	15	+ 49	267
Canada	215	5	+146	87	4	+216	28
Switzerland	116	3	+121	52	2	- 13	60
Japan	92	2	+ 85	50	2	- 23	65
Others	757	19	+ 75	424	16	+ 22	349
Exports of Denim Garments	3,921	100	+ 51	2,598	100	+ 41	1,843
Clothing Exports (Overall)	14,288			10,201			8,752

steady demand for denim — which was not the case with wigs). In the late 1960s, as soon as it became apparent that the manufacture of wigs was a profitable business to be in, small factories began to sprout up almost overnight, like bamboo shoots after rain. Similarly with denim. As Vincent Wan puts it: 'People who lacked the necessary capital, skills, equipment or dyestuffs — the "fly-by-nights" — rushed to jump on the band-wagon. At the height of the boom, when supply could not keep up with demand, foreign buyers were prepared to buy anything that was available, even the inferior stuff turned out by the fly-by-nights. But as soon as supply began to return to normal these goods became unsaleable and the result was a 50 million square yard backlog in the warehouses.'

The fairly sudden decline in demand for fashion denim resulted in losses for many of the comparative latecomers. But worse still, the poor quality of the products produced by many of these newcomers caused considerable damage to the reputation of HK-made garments in general.

Vincent Wan revealed that *Levis* have for many years been trying to persuade local textile manufacturers, as well as those in Japan, Thailand and



the Philippines, to manufacture top quality denim, but so far only Japanese manufacturers have responded positively. Many HK textile mills, he says, could be capable of producing such denim if they invested in the necessary equipment, but are not willing to do so. At present HK-woven denim accounts for only about 10 per cent of the company's local requirements, the remainder being imported from the US and Japan.

Local textile manufacturers estimate that at the height of the boom denim accounted for as much as 50 per cent of HK's clothing exports (the table on page 12 considerably understates the actual value of exports of denim clothing since denim does not have a

separate classification under the SITC). However, these exports were heavily concentrated in a small number of markets — the US, West Germany and the UK between them accounting for more than 70 per cent of HK's world-wide exports of denim clothing.

The question which textile manufacturers, importers, retailers and consumers alike are asking now is, what is the future of denim and what will take its place?

Mr. Bobby To, Managing Director of Sun Rose, a fashion consultancy company, told *The Bulletin*: 'The thing about denim is, the more you wear it and the more washed-out it becomes, the more you want to wear it. I mean, how many pairs of jeans can a person have? So the market for denim has become saturated. Of course the buyers haven't stopped coming to HK; they just aren't buying denim any more. The textile mills have to produce what the buyers require — be it twill or calico or whatever. As yet nothing has emerged which can occupy the overwhelming position of denim. Some of the buyers are saying Khaki uniforms might be the big one, some say corduroy, others say woollen sweaters. Some even suggest that mini-skirts are coming back into fashion. Opinions differ greatly.'

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*News, Events, Information
From Within and Around
The Chamber*

Chamber News & Views

25 New Members

This month the Chamber welcomes to its membership 25 companies. Alphabetically, they are:

Art Key Metal Works Ltd.
Chat Hay Trading Co. Ltd.
Etta Trading Co. Ltd.
Free-Lite Products Co. Ltd.
General Electric Wire Co. Ltd.
Goh Fung Shoes Manufactory
Growth-Sonic Limited
Inchcape (Hong Kong) Ltd.
James Chow (H.K.) Ltd.
Jardine Wicking Ltd.
Kingson Cotton Products Co.
Ko Tang Agencies, Ltd.
Luen Yick Hong
Man Lok Knitting Factory Ltd.
Peak Asia Trading Co.
Resultant Brothers Co. Ltd.
Sandoz Colours Ltd.
Star Promotions Limited
Sunita Enterprises Ltd.
Superlative Clothing Co.
Tang Fun Kee Mfg. Co. Ltd.
Universe Watch Trading Co. Ltd.
Wang's Trading Co.
Wing On Cheong International Ltd.
Wintun Company

Charges for CO Amendments

A full certification fee of \$15.00 for members and \$25.00 for non-members will be charged for amended certificates of origin in the following instances:—

- increase in quantity of goods;
- material change in description of goods;
- change of destination;

and any other changes involving submission of fresh applications.

Chamber AGM

The Chamber will be holding its Annual General Meeting on Monday, April 4 at the Jade Ballroom of the Furama Hotel. The meeting will start at 5:30 p.m. with the following items on the Agenda:

- (1) Report & Accounts for 1976
- (2) Election of the General Committee
- (3) Election of Auditors.

The meeting will be followed by a cocktail reception for members.

Trade News

Insuring Goods Bound for Nigeria?

An Insurance Decree 1976 No. A261 recently issued by the Nigerian Government prohibits the insurance of exports to Nigeria by insurance companies not registered in Nigeria. The Chamber can provide you with copies of the relevant section of their Insurance Decree as well as a list of the 71 insurance companies now registered in Nigeria.

The information is available from W.S. Chan, Manager in the Trade Division (Tel: 5-237177 ext. 25).

Bits & Pieces

Lectures for Lawyers

A series of Law Lectures for Practitioners will be held in the Jade Ballroom of the Furama Hotel on April 13 & 14. Subjects to be covered include recent developments in conveyancing

and property law and homicide law, "foreign element" problems, enforcement of judgments and attachment of earnings, the legal apparatus for the protection of investors in HK, the interpretation of accounts for lawyers, the revenue law, the accountability of directors as well as two lectures given by the Rt. Hon. Lord Denning, Master of the Rolls, on recent changes in various branches of the law and on general principles concerning the administration of justice.

Members of the legal profession interested in attending these lectures should contact Mary Sinclair, Conference Secretary with the Hong Kong Law Journal for more information (Tel: 5-260318).

1,600 from the Polytechnic this June

If you are planning to recruit technical staff, the Polytechnic Student Welfare Unit offers their assistance in finding the kind of staff you need. The Unit offers a comprehensive range of services to employers.

This year, some 1,600 students are expected to graduate from the Polytechnic with Ordinary/Technician Diplomas, Higher Diplomas and Associateship qualifications. These students have been trained in disciplines such as Computing Science, Civil and Structural Engineering, Electronic Engineering, Textiles, Mathematical Studies and others. These graduates will be available in June/July. Should you wish to have more details on them, William Wan, Careers Counsellor, and his colleagues would be more than happy to help out. Call them at 3-638344. At the same time, you might ask them for a copy of their recently-completed survey on graduate employment.

52 Good Citizens Awarded in Chaiwan Presentation

A full-scale public presentation of Good Citizen Awards was organised on February 24th at the Chaiwan Playground by the Chamber and the Police Public Relations Bureau.



S.H. Sung, member of the General Committee, speaks to the crowd before the presentation.



Shaw Brothers star, Huang Yu, was on hand to assist Mr. Sung in the presentation of certificates to 52 good citizens. Over \$50,000 was awarded.



Several hundred people, most of them youngsters, watched the presentation ceremony.



*Stars from the hit TV show, *The Water Margin*, entertained the crowd with excerpts from the show.*



The Police Band also contributed to the evening.



*Brian Slevin, Commissioner of Police, presented Miss Cecilia Wong, star of *'Water Margin'* with a banner commemorating the show's participation in the presentation ceremony.*



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Documentary Credits

Part II

More than 1,600 members of the local trading community recently attended a talk given by Mr. Bernard Wheble, CBE, Chairman of the ICC Commission on Banking Technique and Practice, on documentary credits and the problems arising therefrom. The following is the final part of Mr. Wheble's talk. (The Articles referred to are those of the 'Uniform Customs and Practice for Documentary Credits (1974 Revision)' published by the International Chamber of Commerce, copies of which are available from this Chamber or from Overseas Containers Limited, who sponsored Mr. Wheble's visit.)



From left: R.T. Griffiths (HKGCC), B. Wheble; J.S. Dawes (Swire Shipping Agencies Limited) and A.H. Collier (OCL).

I make no apology for concentrating on maritime documentation because Hong Kong, like Japan, Korea and Taiwan, the three countries I visited previously, and like England, all have a sea leg involved in all their international trade, and therefore the maritime documentation becomes very important.

In respect of the traditional port to port shipment of goods which have to be handled as individual packages — what I refer to in my paper as break-bulk cargo, in the sense that you have got to handle each package separately — there are certain characteristics of that document which I set out under (a) (b) (c) (d) and (e) towards the top of page two of my paper which are important. They show the type of document which is the traditional bill of lading for a port to port shipment. Below that I show both an advantage and a disadvantage of this traditional document when in section (a) I refer to its negotiability, the fact that, and if I may quote from an OCL document to illustrate it, *one of the signed bills of lading must be surrendered duly endorsed in exchange for the goods or delivery order*. That is an advantage in that if you have

possession of a full set of the document, you virtually have control of the goods. That is advantageous to the seller because until he gets the document he does not release the goods. It is advantageous to the buyer because as soon as he gets the document he in effect has the right to the goods.

But these days with *speedier* movement of goods and, I regret to say, a *slower* movement of documentation, not only by virtue of mail delays, but because the document has to come from the shipping company to the shipper to the bank, across the ocean to the issuing bank and then to the buyer and then to the forwarding agent at destination for presentation to the shipping company, it is increasingly the case that goods arrive at destination prior to the documentation, which can sometimes lead to demurrage costs.

I should also like to draw your attention to the little (b) in the lower half of page 2 (of my paper) which is an alternative type of document to the traditional negotiable bill of lading which tends to be called 'the non-negotiable way-bill' although in one particular case there has been a rather exotic title given to it by one specialist shipping company, rather as an adver-

tising gimmick, when it calls it a 'data-freight receipt'. But the basis and again I quote from the non-negotiable way-bill is that *delivery will be made to the consignee named, or his authorised agent, on production of proof of identity at place of delivery*. He does not have to produce the document. He has to identify himself. Now of course a bank cannot accept a way-bill when the credit calls for a bill of lading. And not in every case would buyer and seller be willing to agree to the way-bill. But where it is a commercial proposition and both parties are agreed to use the simpler document, then if that simpler document is the document specified in the documentary credit, there is an advantage that you are likely to facilitate trade by not holding up the goods for presentation of documents. That is, for traditional break-bulk cargo.

The introduction of containerisation in the so-called big boxes has brought about changes in current practice which have had to be reflected in Uniform Customs and Practice, so far merely as the shipment of containerised cargo on a traditional port to port bill of lading is concerned. There was a certain amount of doubt prior to the 1974 revision as to whether a bank *could* accept a bill of lading — a traditional bill of lading port to port — which showed that the goods were packed in a container. For that reason we introduced Article 19 para (b) sub-para (iii) which says that, unless the credit says otherwise, banks will accept bills of lading issued by shipping companies or their agents covering unitted cargoes, such as those on pallets or in containers.

If you turn back to Article 17 you see one of the other problems which arises when goods are put into a container and are then handed to the shipping company as a container rather than as individual packages, where it is said that shipping documents which bear a clause on the face thereof such

as *Shippers load and count* or *Said by Shipper to contain* or words of similar effect will be accepted unless otherwise specified in the credit.

There is also the fact that, with containerised cargo shipped on the so-called cellular vessel specifically built to carry containerised cargo, some of the cargo will be carried on deck. I have been told that in Japan OCL handle about 10 per cent of cargo on deck unless of course it is refrigerated cargo which must go below deck to be linked to the ship's refrigeration system. In respect of another line I am told that the proportion is about one in three containers on deck. But whether it be one in ten or one in three there is the problem that it is known that with this type of vessel some of the containers will be carried on deck. But the document will not show that they are carried on deck. For that reason, the Hague Rules which cover the carriage of goods by sea, still apply and that is why we have put into Uniform Customs Article 22 (b) in respect of containerised cargo on port to port shipment, and the latter part of Article 23 (b) in respect of combined transport of containerised cargo.

The *real* importance of containerisation as a development in transport technology is that it has made possible

what we tend to refer to as combined transport; what, if you are in the United Nations, you refer to as multi-modal transport and which if you are in America, you refer to as inter-modal transport. Actually the three things are the same rose given slightly different names. They all — I was going to say "smell as sweet" but I am not sure that combined transport, in view of the problems it creates, can be deemed to be a 'sweet' thing. Rather it tends to give offence. Because as soon as you have put the goods into a container you make possible the carriage of that container with the cargo inside it, not merely from a port to a port, but you create the possibility of an entirely new concept of carriage — the movement of that container with its cargo from an inland point to a port by a land mode of transport; from that port to another port by a sea mode of transport; and from that destination port to the final inland destination by another mode of land transport. That is why we call it multi-modal transport as against the single mode sea transport of the traditional bill of lading.

Here of course there is one problem. The goods are *not* carried by the same carrier throughout. If I may give an example from South Africa which

rather well illustrates this — the goods moving from Johannesburg to Cape Town in a container for shipment from Cape Town to a United Kingdom port in an OCL vessel. The inland carriage by law, must be handled by the South African Railways and Harbour Board.

The sea carriage is handled by OCL. But the point here is that although OCL may not be the carrier throughout, OCL, if it acts as a new type of legal personage, a so-called combined transport operator, has to change its character from that of a mere company. Here I apologise to shipping companies for talking about 'mere' shipping companies. It has to become something more; it has to become a combined transport operator. It has to act as a principal regarding the shipper interest and it has to accept a double obligation. It has to accept an obligation for performance of the entire combined transport from the point where it took the goods into its charge to the point at which it gives the goods out of its charge regardless of the modes of transport used. And where other modes of transport are used such carriers are *agents* of the combined transport operator, *not* principals vis-à-vis the shipper interest. The other part of the obligation is that the combined transport operator has to accept liability

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ty for loss or damage not just on the sea leg but from the point of time when it takes the goods into its charge up to the point of time when it releases the goods from its charge; that is to say throughout the whole combined transport, the whole multi-modal journey.

This of course demands a document which differs from the traditional bill of lading. In fact it can be said that we have had to invent a new type of document. But it has still got to have certain commercial and banking characteristics to satisfy banking and commercial needs. And here I draw your attention to Combined Transport Documentation in my paper on page three and four. It is a new document issued at the start of combined transport by one issuer, the combined transport operator, as a principal, covering one multi-modal journey and with the combined transport operator responsible for insuring performance for the *whole* transport and responsible for loss or damage wherever occurring.

Then I go on (or rather back to 1969 when the Banking Commission of the ICC first gave a lot of thought to this) to (a) (b) (c) on page four. I draw your attention to what is said by way of quotation from an ICC document which amplifies what I have said earlier. So that when the document is issued by a shipping company — an OCL type of document — it is reasonably true to describe it as a 'stretched' bill of lading. It was at a very early seminar on the subject said by someone that the shipowner had come ashore. But a corollary of that is that the forwarding agent — if he likes to act as a combined transport operator and accept this double responsibility for performance and liability for loss or damage, can also issue a combined transport document if it is acceptable. And in that case it was said that the forwarding agent had gone to sea.

Here there were certain problems. For marine transport there is an international convention governing the shipowners liability — the Hague Rules. For combined transport, multi-modal transport, there is as yet no international intergovernmental convention to regulate the subject. As long ago as 1970, the commercial and banking interests acting through the International Maritime Committee (IMCO), the International Chamber of Commerce (ICC) and the International Institute for the Unification of Private Law (UNIDROIT) plus about 17 other lesser bodies, formulated a draft convention which would have regulated this matter. Unfortunately, when it got into intergovernmental hands it was decided that they had to consider the implications of this matter, not as

a documentary convention but as a convention which would make life difficult for developing countries who did not have the resources to develop container vessels but who were trying to develop a mercantile marine and as a result that convention is still bandying backwards and forwards in what is known as an intergovernmental preparatory group which is now six years old and it has not got very much farther.

For which reason, in the interim period, to try to achieve some degree of standardisation in the type of liability and to agree to some clarification in the type of document, the ICC has developed Document 298 Uniform Rules for a Combined Transport Document. In that, under Rule 2 para (a) you will see a definition of combined transport. Under Rule 2 (b) you get a definition of combined transport operator. Rule 2 (c) shows how an ICC rule type of combined transport document can very easily be identified. Rules 3 and 4 make it possible to issue this document either in the negotiable form or in the non-negotiable way-bill form following the lead already given by trade facilitation to the traditional ocean way-bill of lading.

Responsibility

Rule 5 paras. (a) (b) (c) and (d) govern the question of the responsibility of the combined transport operator for the performance of the full combined transport and para. 3 of Rule 5 indicates his liability for loss or damage wherever occurring. Well of course in the case of containerised cargo you *may* be able to say that the damage occurred during its carriage by a specific mode of transport.

For example there was a vessel recently carrying containerised cargo which met unprecedented heavy weather. Instead of the wave breaking sideways as the structure of the ship should make it break, an exceptional wave broke completely over the front of the vessel and stove in some 10 or more containers. There you could quite clearly identify sea transport as the place where the loss or damage occurred. In that case Rule 13 applies.

But very often you do not identify loss or damage until the goods reach destination and the container is opened and the goods taken out, and then you get what is called 'hidden' loss or damage. In those circumstances Rules 11 or 12 apply.

But the problem then arises as to what is the precise legal nature of such a document. It can be issued by a shipping company. It can be issued, if it will be accepted, by a forwarding company. And here I would refer you to something that is said in the intro-

duction to these Uniform Rules where there is a paragraph drawing attention to the fact that the Rules do not, and indeed cannot, legislate for the commercial and financial standing of the combined transport operator. This will be resolved by commercial willingness or by commercial unwillingness to regard a combined transport document issued by any particular combined transport operator as a worthwhile document. And here we have had a certain amount of legal problems.

The question is whether such a document is, so far as the sea journey is concerned, the equivalent of the traditional bill of lading. And here also there is the importance of the way the document is described in the instructions calling for the opening of the credit and calling for a particular document. When these documents were first introduced the Committee of Clearing Bankers in London, through their container committee, took legal advice in respect initially of the OCL bill of lading. And we had two rather interesting rulings. When it was first produced in 1969, counsel said if it is marked *shipped on board* and annotated with the name of the steamer, it would, after it had been accepted for some time, have all the attributes of a bill of lading. On that basis, since it has been accepted for some time, it does have all the attributes of a bill of lading.

On the other hand, another lawyer expressed doubts as to whether the document *at that time* was in fact a bill of lading. And it would appear that the view was that when annotated *on board* and after some custom had been built up, as it now has been, it would be to all intents and purposes, a bill of lading.

I am not a lawyer. I am not going to give a final ruling. But I think, as a practical banker and after careful consideration of the combined transport document, provided it is suitably annotated *on board*, there would appear to be no difference between that contract of carriage and a contract of carriage in the traditional bill of lading for the period the goods were on board the vessel. And in fact in that connection the Committee of London Clearing Bankers did in 1969 and again later in 1972 express approval of certain specific bills of lading, both to Australia and the Far East, of a combined transport nature.

The important thing really is how is the document-described in the letter of credit. If you look at Article 23 of Uniform Customs and Practice para. (a) you will find it said that if the credit provides for a combined transport — and you do not definitely have to say *these goods to be shipped by*

combined transport; the fact that you say *these goods to be shipped from point A (which is inland) to point B (which is inland)* is an indication that there must be a combined transport — if the credit indicates combined transport or calls for a combined transport document but is not specific as to the *type* of combined transport document required, then in those circumstances the bank will accept whatever document is issued.

On the other hand if the document called for in the credit is a combined transport bill of lading then it must show evidence that it is a bill of lading and the mere fact that it says *combined transport* bill of lading documents does not necessarily mean that it is not a bill of lading. In fact there is a tendency these days for shipping companies to use what may be described as multi-purpose bills of lading and I have here a copy of an OCL one which is headed 'Bill of lading for combined transport or port to port shipment'. And what it is depends upon what is said in it. In fact I understand that in a discussion in Hong Kong the Maersk Line stated that what is valid is the particulars written in the document and not the title given to the document. And that would seem to make sense because this OCL document further goes on to say "As far as this bill of lading covers combined transport, it is based on the Uniform Rules for a Combined Transport Document Brochure 298" as that it can be used as a bill of lading for port to port shipment or as a bill of lading for a combined transport involving a sea leg. It therefore becomes important for the buyer to specify precisely what type of document he wants.

He has at the same time however to notice something which is emphasized in Article 15 of Uniform Customs that in inland point to inland point carriage you get something of a new nature — the concept of the combined transport operator taking the goods in charge instead of receiving them on board a named vessel.

On the subject of the named vessel you get a certain conflict of interest. Article 23 para. (b) points out that banks will accept a combined transport document which has a sea leg *although* it does not indicate that the goods are on board a named steamer. Although of course if the documentary credit says otherwise then what the buyer says goes.

What I have said to you just now about the legal status of a document suggests that it may be necessary to have that clausung on the document. And OCL have recently agreed a standard universal wording not merely for

one country but I understand for universal use which will read *shipped on board ocean vessel so and so at such and such a port on such and such a date with an OCL signature*. Equally, on the one hand I draw your attention to their Guide where on page three OCL draw attention to the fact that with the need to have this on board endorsement it may perhaps delay the issue of the document. They therefore query the possibility of letter of credit instructions giving two alternatives, a shipped on board bill of lading or a combined transport document. That is a matter for the commercial purposes to consider.

On the other hand, on page five and six of my paper and on page 2 of the OCL Guide, is the question with combined transport of the buyer possibly transport of the buyer possibly unthinkingly continuing to do something which he has done for so many years that it is almost like breathing. That is to say, making a condition of the credit that transshipment is prohibited. Now that is a little bit nonsensical. If you are going to have combined transport you are at least going to have a movement from one mode of transport to another which is a transshipment. And if you are going to have the goods carried on the cellular vessel which is your best way of doing it, you have got to accept the fact that there are ports in the world which cannot take cellular vessels.

Feeder Vessels

Therefore you have got to have what are called feeder vessels — smaller boats which transport the containers from the feeder port to the main loading port for transshipment there out of the feeder vessel onto the large cellular container vessel; so that *transshipment prohibited* does not make sense in respect of combined transport. Thus, as I say, attention has been drawn to the fact that this is an unnecessary clause. In fact OCL stress *The point is that so far as our bill of lading is concerned we accept liability under the terms of our Bill from the Place of Acceptance to the Place of Delivery regardless of whether the cargo is being carried on our vessel or sub-contracted to a transshipping feeder vessel*. The original purpose of the 'No Transshipment' clause has therefore disappeared. And I do urge merchants to take that very much to heart. And if they will say not 'transshipment prohibited' but 'transshipment permitted' — and in fact, where a feeder vessel is concerned, go even further, as I have suggested in my paper, and stress that transshipment even by feeder vessel permitted — then they will remove a lot of problems for themselves. They will again help the banks (whether

they wish to or not and, who knows, they might even get a lower interest rate on their overdrafts because of that. That is not a promise!)

I have already referred to the question of the on board endorsement but there is one other point where the importer, the buyer, might well think. It has been traditional in port to port shipment to say "from port A to port B." That makes sense. But if you are saying "from point A to point B" it does *not* make sense to interpose that it must go through port C and reach port D. As soon as you do that you tie one hand of the container operator behind his back. Because he has got to move your goods by that route and no other route.

And if for example you have a specification in the credit that goods must go through port of destination Southampton to final destination Leeds in the North and as the vessel gets to Southampton something happens which too frequently happens in England — there is a dock strike. What happens? You know! So do I! So importers, don't tie your own hands also and reduce the flexibility of combined transport by specifying detail which *was* appropriate in the past but is *not* appropriate for this new concept of combined transport.

I have stressed these points because in this way you prevent problems arising and you, as well as the banks, benefit if there are no problems. So advice to the buyer: stop and think, and think 1980 not 1960.

To the banks: take on yourselves a little bit of extra work in, I hesitate to use the word "educating" your customers, but in assisting them to re-educate themselves.

And the seller, that is to say the man who receives the credit, to him I give the most serious advice of all. After nearly 50 years of experience I have come to the conclusion that one of two things happens. Either a seller cannot read and therefore cannot read his credit or he does not read his credit until he has presented documents which do not meet the requirements of the credit and they are thrown back at him and he doesn't get his money.

Sellers, as soon as you get your credit, check it. It should be an instrument to enable you to get the payment you are entitled to under your sales contract. Therefore the type of credit should be the type of credit you are entitled to. The documents you are required to provide, the conditions you are required to observe, should be those provided for in your sales contract. And here to both buyer and seller I would stress that you are no longer selling on the old FOB or CIF basis.



執行董事 麥理覺專欄

預算案顯屬合理

看來，財政預算案並不太壞。大多數工商界人士很滿意評析精詳且抽稅適當的財政預算案。與某些觀點相反，工商界人士通情達理，言論負責，並未小題大作。只有當某些顯然會損害工商業發展的措施被提議考慮時，工商界組織才會考慮集體提出意見。此種反應對於全港經濟及社會而言並非壞事。香港的生存端賴並無保護及自由競爭的工商業，因此香港的稅制必須承認——也確實承認——此一簡單的事實。

港英雙方攜手共進

本會若干會員讀悉有關英國工業部常務次長祈利爵士最近訪問韓國談論英國在韓工業投資的報導後，曾打電話給本人提出意見。據報導，祈利爵士表示韓國顯然對外國工業投資具有吸引力，並希望英國工業對此種良機善加利用。本會會員認為，祈利爵士月前訪問香港時也應表示類似看法。

其實，祈利爵士確曾如此表明過——但不是離港前的記者招待會上。在與香港工商界著名人士的數次商討中，祈利爵士明確表示：香港作為一個市場、地區中心及工業基地，對於英國工業極有貢獻及吸引力。祈利爵士對於擴展港英之間的悠久雙邊商業及工業關係，顯然大有興趣。當前，有意在香港推銷或轉口、設立辦事處或代理行、或利用本港設施拓展亞太龐大市場的英國公司，為數空前增多。

英鎊貶值，使英國產品的出口價格更具競爭優勢；而英國經濟普遍不景，也有利於許多仍然重視生產銷售目標及保持除稅盈利信心的英國公司。英國經濟已開始漸呈轉機，英國貿易及工業也將隨之重振雄風。世事艱難，英國必須加倍努力，少追求短期報酬，多維護長期前途。

本人為何重覆談論英國的貿易及工業？諸位，香港的貿易及工業以及香港的前途無論如何總是與英國緊密相連，休戚相關。香港人理應希望：港英雙方能攜手並進，互相尊重，互相親善，互相瞭解對方的處境及不同的背景，互相體諒對方的優點及弱點。其實，香港人比間或承認的更依賴英國；而英國人也比見諸報章的更加稱讚香港的成就。

住宅樓宇工廠問題

本期「工商月刊」登載一篇專文，論述住宅樓宇中開設工廠的老問題。此一難題業已變得幾乎無法解決，而且在人口過份擠迫的香港更變得極其嚴重。二十多年之前，港府無疑鑒於正當理由，並未設法制止新建多層住宅樓宇中開設工廠。當時另有其他更為重要的問題，而香港人一向不到問題十分嚴重就不投訴。政府驚覺此事演變成一項極為重大的社會問題時，本港住宅樓宇中已有二萬間此類小工廠了。

此類住宅樓宇中的小工廠，大都骯髒、嘈噪、擠迫、危險。此類小工廠對於香港經濟的重要性，即使總合計算，也值得懷疑。此類小工廠有兩方面的社會作用：一方面為十多萬市民提供就業機會，另一方面則造成無法接受的社會弊病。

世界上任何其他地方的市民都不會如此聽任非法工廠影響住宅樓宇的居住條件。希望政府加速其計劃，依法將影響最劣的工廠逐出住宅樓宇，並防止重新非法設廠。此種形式的工業，香港決不能引以自豪。

住宅樓宇開設工廠 香港的大難題

自從香港開始走上工業化的道路以來，大都開設在住宅樓宇中的小工廠就一直在全港工業生產及就業人口方面佔有頗大的比例。此類小工廠即使不是香港工業的支柱，也顯然是香港經濟的重要組成部份，但却同時也是許多弊病的根由。白克強特撰本文作專題論析。



香港目前開設在住宅樓宇中的工廠總數及其僱用工人總數，並無精確的最新設計。據一九七一年製造行業統計，在住宅樓宇中的工廠幾達一萬八千間，佔全港製造行業總數的百分之六十九，佔全港製造工人總數的百分之二十七（十八萬二千五百八十一人），佔全港製造業生產銷售總值的百分之二十點四，佔全港工業所用樓面總面積的百分之四十。斯時迄今，就沒有再進行過詳細的調查。據最近的估計，住宅樓宇中的工廠總數大約是二萬二千間，僱用工人總數約二十萬人左右。

經濟價值 社會弊病

據中華廠商聯合會秘書長李澤培先生分析，小型工業總體而言的每小時總產量與大中型企業同樣有效，足以為大公司分包承辦，因此對於香港工業的高度彈性作用甚大、貢獻甚鉅。李澤培還指出，小型工業也促成香港的勞資關係非常融洽合作。

住宅樓宇中的小型工業雖如李澤培及香港政府所說仍然是香港經濟的一個重要因素，但不幸在社會及環境方面却弊病甚多，而且往往十分危險。住宅樓宇的設計建造是用於住人，而不是設廠。因此，住宅樓宇用作開設工廠或工場，就必然會使樓宇迅速惡化；如果在某一區有許多此類樓宇，就會使全區的環境迅速惡化。

因為任何生產過程總要貯存原料、零件或成品，而且往往是易燃物品，於

是引起許多火警危險。此類原料及貨物必須堆放在屋宇內，甚至堆放在走廊及梯口上；又必須在本來只用於載人的小升降機中運上運下，可謂險阻重重。此類工廠有些還屬於厭惡性行業。有些則使用噪音極大的機器，機器的衝擊及震盪會損壞樓宇的結構——更不用說也會損壞住客的神經了。

種類廣泛 地區集中

根據一九七五年進行的一項調查（取材於一篇論述香港住宅樓宇中開設工廠問題的尚未發表的博士論文），百分之九十八以上的住宅樓宇工廠佔用面積不到二千平方英尺，而百分之六十只佔用不超過七百方呎的小樓房。百分之九十三的此類工廠位於多層廉租屋或公寓住宅樓宇中（公寓房比舊式廉租屋更受歡迎，因為公寓套房可將住房與工廠、寫字間或倉房分開）。

住宅樓宇中工廠的工業種類也可典型反映香港工業的整體結構（請參閱附表）。一九七一年，住宅樓宇工廠總數的百分之三十五從事製衣業。而工廠總數的百分之二十二點四及工人總數的百分之二十從事塑膠及五金製造業。其他則主要有紡織、機械、印刷出版、食品工業等等。從另一方面看，製鞋、製衣、非電動機械、食品、紙類等工廠總數的百分之七十以上均在住宅樓宇中經營生產。

住宅樓宇中的工廠分類統計表
（資料來源：一九七一年香港製造行業統計）

工業種類	工廠數目		僱用工人	
	間數	%	人數	%
食品、飲料、煙草業	696	3.9	6,772	3.7
紡織業	940	5.2	10,161	5.6
製衣業	6,156	34.3	63,947	35.0
皮革製品	105	0.6	828	0.5
製鞋業（皮鞋除外）	480	2.7	2,888	1.6
木及軟木製品	565	3.1	3,987	2.2
傢俬及裝修	529	2.9	3,302	1.8
紙及紙製品	552	3.1	3,191	1.7
印刷出版業	718	4.0	7,105	3.9
化學製品	206	1.1	1,816	1.0
橡膠製品	111	0.6	1,732	0.9
塑膠製品	2,003	11.2	21,876	12.0
非金屬製品	164	0.9	2,111	1.1
基本五金製品	29	0.2	1,222	0.7
五金配件製品	2,008	11.2	18,252	10.0
機械	891	5.0	5,912	3.2
電工製品	491	2.5	9,360	5.1
運輸設備	51	0.3	2,461	1.3
專業及科學製品	152	0.8	2,197	1.2
其他	1,165	6.5	12,448	6.8
總計	17,962	100.0	182,581	100.0

此類工廠在山頂區、半山區、淺水灣及九龍塘甚為罕見；而深水埗、大角咀、新蒲崗、土瓜灣、西區及觀塘等區的許多住宅樓宇中就遍佈此類小工廠。小型廠商偏好在上述地區設廠，是因為此類地區租金較低，勞工較多，而且其產品也主要滿足當地的市場。

環境所迫 並無選擇

小工廠為甚麼選擇在住宅樓宇中經營呢？「選擇」可謂用詞不當，因為大多數情況其實並無選擇餘地。香港一向嚴重缺乏工業用地。為了迅速收回投資，工業樓宇單位往往只售不租，而面積則都是中型至大型——起碼五千方呎——專供有能力購置自己廠房的大型製造企業設廠生產。結果，小型製造廠受工業樓宇缺乏問題的影響就最為嚴重，只得被迫在住宅樓宇中設廠生產。



此類工廠也沒有資格遷入政府興建的徙置工廠大樓，因為房屋委員會興建此類工廠大樓是專門用於安置政府發展土地而須拆遷的木屋小廠。

上述調查發現住宅樓宇中的工廠近百分之九十僱用工人在二十人以下，所以（除非使用危險燃料或電力機械）毋須在勞工處註冊。而百分之四十以上的此類小廠是「家庭」企業，僱用工人不到五人。此類「家庭」小廠如果遷入工業大廈——就算假定有合適面積的工廠單位——廠主就須付兩筆租金，一筆作住屋房租，另一筆作工廠房租，結果成本勢必大增。住屋與工廠位於兩地也引起其他諸多不便。

慘淡經營 艱苦創業

該項調查還發覺，百分之八十七的住宅樓宇工廠僅有十萬元以下的額定資本，而且主要來自於私人儲蓄。被調查的工廠表示向銀行借貸可謂難於登天，所以都從來沒有向商業銀行借貸。個別廠主也只是向親戚朋友借錢。因此，此

類小廠簡直買不起機器，也只得在低租屋宇中經營。月租從一百至五千港元不等，但大多數（百分之六十八）則在五百至一千五百港元之間。

小型廠商盡管財力微薄，但却經營有方。上述調查顯示：此類小廠商一般都具有本行的經驗。其中百分之六十點四以前是同行的生產工人，而百分之十八點二以前是小廠商或學徒。其中百分之六十三均表示他們仍在做以前的同一行業。至於動機方面，百分之三十六點六聲稱他們寧願「自己做老細」，他們的生意雖然規模很小，但却有一種強烈的獨立感及創業感。

港府法例 屢改無效

港府對住宅樓宇中開設工廠問題的態度可謂相當實際。環境司鍾悟思在一月立法會議上表示：「既然有成千上萬的小工廠在（非工業樓宇中）生產——估計經濟會有合理利潤，而且總體而言則對香港經營有利；否則也不會如此楔而不捨，範圍如此深廣，而且為時如此長久——所以毫無辦法將之從目前地點大批搬遷，即使其他地方有可令人滿意的新樓宇也無濟於事。」

根據原來的「工廠及工業企業法例」，凡在非工業樓宇中開設任何工業企業均屬非法。所有的工廠均須註冊，一經發現非法工廠就即行封閉。然而，五十年代期間仍有許多工廠在非工業樓宇中紛紛開設。到一九六三年，上述法例經過修改，准許住宅樓宇中的工廠「臨時」註冊，使勞工處對日益混亂的局面能有一定程度的控制。但法例盡管經過修訂，大多數在住宅樓宇中的工廠仍然沒有註冊——主要是因為此類小廠根本不夠資格註冊。

一九七六年三月，該法例再次修訂。新修正的條款要點是：第一，不准任何危險性或厭惡性的工業企業在任何非工業樓宇中開設；第二，不准任何工業企業在（一九七六年三月後建成的）新非工業樓宇中開設；第三，不准任何工業企業在純住宅樓宇中開設（非工業樓宇與純住宅樓宇的區別在於前者包括「商業及住宅」兩用樓宇）。

此項修改理應開始限止住宅樓宇中工廠的數目，並減少此類工廠引起的社會及環境弊病。但大多數目前在住宅樓宇中的工廠却並未受此項修改的影響，因為政策是暫不採取行動直到有重新安頓此類工廠的滿意辦法。政府雖然承認住宅樓宇中根本就不應當開設工廠，但又認為在沒有更適合的新樓宇之前也只得暫予容忍。

租約不嚴 處罰太輕

環境事務科副環境司尹信解釋港府

的新政策：「本科目前對此一問題的看法於一九七三年開始形成。當時，各方面對保護環境日益關注。政府的最終目標是將住宅樓宇與工業活動隔離，但此一目標無法在一夜之間大功告成。對於此一問題有兩種見解。一方面，環境學家希望全部工廠一律遷出住宅樓宇；但另一方面，也有許多人認爲此類工廠對於香港經濟具有重大的功用。」

尹信指出，第一階段行動已於去年三月開始實施，對三百六十多間工廠採取法律及租約兩方面的管制性措施，其中八十一間屬危險性行業。租約措施及法律措施完全不同。對非工業樓宇中的危險性工廠可以根據消防事務法例採取行動，而對純住宅樓宇及新非工業樓宇中的工廠則採取租約措施就更有有效。「由於最高處罰極爲嚴厲，租約措施確是一項極爲有效的武器。」（房東不遵守租約條件，就不准重新入住樓宇。）

但租約措施也有問題，因為租約本身往往模稜兩可。尤其是舊式租約很少規定樓宇的用途，甚至一些新樓宇仍然使用舊式租約，因為法律沒有規定新樓宇建成後業主一定要呈交新租約。建築物委員會簽發的入伙紙雖然指定樓宇的用途，但該等條款却並無法律的效力。

何況，雖然法律規定的最高罰款是五萬港元，但實際處罰往往極其輕微，因此小廠東主並不害怕被告到法庭。去年，二百二十五間工廠被起訴未經註冊開廠生產，平均罰款只有四百六十港元左右。

得不償失 早應控制

批評政府對住宅樓宇工廠政策的人士指出，早就應該在十年甚至二十年之前採取行動。一位批評者指出，港府毫無行動才使問題惡化到如今的地步。「政府當初如果認真對待，早就在該在二十年之前就實行目前採取的法律措施及租約措施了。本人瞭解政府多年來一直認爲此類小工廠在經濟上很重要，對位於工業樓宇中的大工廠具有輔助甚至必要的作用。但假使政府當初逐漸實施法律，將此類工廠中影響最惡劣者逐出住宅樓宇，雖然會導致一些社會影響，尤其對個別家庭爲然，但本人並不認爲會對本港經濟有很大的影響。」

「香港的經濟情況從來沒有必要爲了確保此類工廠而不計任何代價——此種代價已經非常慘重，不僅包括污染、火警、無數市民的生活條件，而且在一段時期之後還影響樓宇的價值。閣下如果化了十五萬港元在一幢新樓裏買了一層樓宇，喬遷之喜才五、六個月之後，却發覺周圍已開設了工廠。有的惡臭四溢，有的機聲嘈吵。樓房的火險會不會漲價？更壞的是，閣下如果想售樓遷出，

樓價會不會下跌？即使香港樓價飛漲，閣下也可能售不出原價了。」



「另一論據是許多今日的大中型工廠也是從住宅樓宇中的小廠擴展而成的。許多大廠確實來自於小廠，但絕大多數的大廠最初開設於工業樓宇，而不是私人家宅中。」

「香港是自由經濟的社會，市民可利用一切機會開展經濟活動。但社會也必須加以保護。追求利潤的動機會鼓勵市民想方設法賺錢，如果聽任其爲所欲爲，就會破壞文明社會的一切規則。港府是非民選政府，負有重大責任，理應確切保護社會。在此一點上，本人認爲政府認識自己職責實在爲時過遲。」

切實措施 謹慎解決

解決此一問題的任何長期措施均必須提供大批代替的樓宇，因為小工廠在可預見的將來仍將是香港的主要因素。最近，葵涌有一千四百方呎的小工業樓宇單位出售，售價僅二十萬左右；屯門也已制定計劃出售工業用地，規定買主興建二千五百方呎及三千方呎的工廠單位。此種單位對於大多數住宅樓宇小廠可能仍然太大。此外，此類小廠也不一定准備遷離市區而搬入新界。但這總是朝着正確的途徑而邁出了一步。據鍾悟思透露，上述售樓計劃如獲成功，政府將再接再厲，甚至可能規定更小的單位。如果需求不大，當然不會再發售土地作此用途，因為許多大工廠也需要土地以作擴展。

鍾悟思指出：「無論採取何種措施，吾人必須小心謹慎，一面測試，一面前進。因為吾人正在處理的活動，直接間接均與全港市民的生活有重大的關係。」



**SUPREME
FIVE STAR
Motor Oil**

從牛仔布服裝的繁榮 看香港工商業的結構

瘋魔全球的牛仔布服裝熱潮，究竟已經盛極而衰，還是仍有穩定需求？牛仔布服裝的蓬勃繁榮，顯示出香港工商業的優點何在，弱點又何在？牛仔布裝在世界服裝市場的壓倒性地位是否將由其他服裝所取而代之？張偉傑特撰本文作綜合性分析報導。

帶動復甦 首居其功

香港牛仔布服裝業在過去五年來飛速發展，一派繁榮；即使在經濟衰退，百業蕭條時期，仍然一枝獨秀，蓬勃興旺。香港經濟能夠安然渡過世界性經濟危機，又能以驚人的速度迅速復甦而大幅增長，牛仔布服裝業確實居功第一，貢獻最巨。

然而，牛仔布服裝的熱潮從一九七六年下半年起已逐漸減退。生產牛仔布的織機從高峯時期的一萬七千多台劇減至八千台左右，月產量也從五千萬方碼銳減為原來的二千五百萬方碼左右。去年底，香港牛仔布的存貨堆積如山，共達五千萬方碼，價值三億港元左右。



陳元鉅

牛仔布服裝的繁榮，究竟已成過去，還是仍在繼續？紡織製衣業人士的評價不甚一致。香港棉紡織同業公會主席陳元鉅先生指出：「牛仔布的繁榮於一九七五年十月至一九七六年四月間達到巔峰後已告衰落。為數眾多的新廠——在一九七五年下半年成立的織布廠——只得歇業倒閉。據本會估計，香港大約購入七千部織機用以織牛仔布，但其中多達五千部目前已停止生產，而其餘二千部也大都經過調整改行生產胚布以代替牛仔布。」



尹樹棠

牛仔裝的國際名牌當然首推「Levi's」。利惠（遠東）有限公司亞洲區財務暨生產董事尹樹棠先生認為：「香港牛仔布服裝的繁榮並非已成過去，而是正處於一個加強鞏固的階段，以便改進質素，提高標準，增加品種，使香港產品繼續在世界市場上保持競爭的優勢。這種過程當然要淘汰粗製濫造、不合規格的低級牛仔裝。但純印第科靛藍染製的重磅高級牛

仔裝，目前銷路不但沒有減少，反而有所增加。」

質素第一 優勝劣敗

牛仔布及牛仔裝嚴格而言均有許多種類，但大體則可分為兩類。牛仔布中，一類是傳統的牛仔布，採用百分之一的純印第科靛藍染料，每平方碼布重十四點五安士，又稱為高級牛仔布。另一種通稱為新潮牛仔布，用印第科及硫化等混合染料，輕磅（每方碼僅十至十二安士），又稱為低標準牛仔布。

至於牛仔裝，一種通稱為基本牛仔裝，即是指牛仔布歷來所用來製作的牛仔褲及牛仔衫。另一種是牛仔時裝，包括牛仔裙及裙褲、牛仔西裝、牛仔恤衫、牛仔泳衣、牛仔手袋，諸如此類，可謂應有盡有了。



陳良綱

專門生產高級牛仔布的會德豐紡織有限公司常務董事陳良綱先生指出：「牛仔布業在前一時期盲目擴張，生產過剩，其實反而有害；現在供求回復正常，成為有規律的穩步發展，才能真正有益。目前，十安士輕磅牛仔布已完全沒有銷路，牛仔時裝也已飽和。但高級牛仔布及基本牛仔裝已成為一種基本的需求，市場銷路仍然穩定，而且還略有增加。」

極富彈性 隨機應變

至於牛仔布裝繁榮對香港經濟的貢獻，則是眾口一詞，均予肯定。本會紡織業委員會委員、「亞洲紡織」月刊主編宋凱沙先生指出：「牛仔布裝的繁榮，支持香港安然渡過經濟大衰退，又帶動香港整個工業、貿易及經濟全面迅速復元，確實首居其功。僅織機一項，香港為了生產牛仔布，投資購置了七千多台，價值一億

多港元，可說是香港紡織業史上的空前巨大擴展。」

牛仔布裝的繁榮，生動體現了香港工商業隨機應變的高度彈性。牛仔裝雖已有近百年歷史，但直至六十年代後期才在美國逐漸掀起熱潮。香港雖在五十年代已零星生產牛仔布，但直至七十年代初才開始大規模生產。一九七〇年，利惠跨國公司才在香港投資設廠。而短短數年之內，香港就能飛速擴展，興起熱潮。高峯時期每日能生產一百多萬方碼牛仔布，五十多萬件成衣，躍居世界第二位，僅次於牛仔裝的鼻祖美國。

捷足先登 急流勇退

這種隨機應變的彈性包括兩個方面：一方面是在熱潮興起之初就捷足先登，另一方面是在高潮剛露低落端倪時就急流勇退。這樣才能獲取最大的利益，而避免損失。日本的牛仔布織機比香港先進，但香港反應迅捷，結果產量是日本的七倍半。香港獲得的利益也遠遠超過韓國、台灣等競爭對手。而反應較遲緩的菲律賓、馬來西亞以及去年底才設廠生產牛仔布的蘇聯可能就要蒙受損失了。



葉志銘

在這種隨機應變的時期，往往會湧現出不少捷足先登、成功創業的事例。「續續」(Bang Bang)集團即是典型之一。葉志銘先生數年前發現牛仔裝在美歐市場極有潛力，而香港則能以更低成本生產；



於是籌資創辦紅棉製衣廠，並大力推廣一種靛藍機染浸洗新工序，命名為「褪色的光榮」。這種牛仔布越洗越淡，越穿越靚，淡淡的藍色確實有種洗盡鉛華、返璞歸真的天然風采。結果短短數年，不僅譽滿港九，而且暢銷美歐。

改進技術 提高品質

牛仔布裝的繁榮，與六十年代末假髮業的繁榮有些類似，是香港的典型現象，既有優點，也有弱點。尹樹棠先生指出：「牛仔裝熱潮興起後，因為有利可圖，許多人並無足夠資本、設備、技術、染料與買家，就匆匆忙忙一窩風搶做牛仔布裝。這種粗製濫造的牛仔布裝，在高峯時期因為供不應求，買家也只能降格以求；但一俟恢復正常，就無銷路，於是堆積起五千萬方碼的存貨。」這種質素較差的產品，不僅使辛苦經營的新設小廠蒙受損失甚至歇業，而且有損於香港產品在世界市場的名譽。



有鑒及此，香港工業必須繼續向高級技術及高級品質發展。尹樹棠先生透露：「本公司多年來一直鼓勵香港、日本、泰國及菲律賓的布廠生產高級牛仔布。但只有日本反應較為積極。所以，本

公司雖然希望就地購用本港布料，但迄



今只能滿足百分之十的需求，而絕大多數仍須從美國及日本進口。」如今，香港紡織工業正在改進技術及提高品質。例如，會德豐紡織公司為了確保產品高級質量，從紡、織、染到縮水均自行完成整套工序。該廠最近又投資購置國際最先進的「繩染機」(Rope-dyeing machine)。

吸引投資 分散市場

這種一窩蜂的現象，也使香港工商業過份集中於少數工業、少數產品及少數市場。眾所週知，本港工業生產的一半以上集中於紡織製衣業，出口貿易的一半以上集中於紡織品成衣，出口市場的一半以上集中於美國、西德和英國。這種情況在牛仔布服裝業中更為突出。(請參見附表。由於標準國際貿易分類中尚無牛仔布及牛仔裝的類目，所以實際數字比附表所列為大。)行內人士估計牛仔裝出口在高峯時期佔成衣出口總值一半以上。主要市場集中於美、德、英，合佔全球七成！

這種過份集中的現象極為不利甚至危險。當前，歐美各國貿易壁壘、尤其是紡織品限制日益嚴重，韓國及台灣等

在紡織成衣方面的競爭日益劇烈。萬一少數主要市場發生加拿大式禁止香港紡織品入口的事件，必將沉重打擊香港經濟，後果不堪設想。

解決此一問題，唯有工業分散化。不妨再以繡繡集團為例。葉志銘先生原來就職於一間假髮廠，從曇花一現的假髮業繁榮中吸取了經驗及教訓。他改行從事製衣業後，就不斷分散投資，經營零售業、養漁業、飲食業，甚至投資拍攝了一部創五百萬賣座紀錄的影片「跳灰」，最近又開始了新的行業——電視遊戲裝置！

當然，大規模的工業分散投資遠為艱巨得多。宋凱沙先生及陳良綱先生認為：「香港紡織製衣業廠商已經有了數十年的經驗積累、廠房設備、買家關係以及艱難奮鬥得來的世界市場信譽，大都不願分散投資去經營一種完全陌生的新工業。」因此，港府應該效法韓國，對投資建立香港所需的新工業，提供諸如數年免稅等更有利的條件，才能吸引外國高級工業來港投資或與港商合資。

光榮消褪 並不消亡

最後，無論製造商、經銷商、買家及消費者都會提出一個問題：究竟牛仔布服裝的前景如何？一間服裝買家的顧問公司董事長杜顯明先生指出：「現代生活對服裝的需求是便裝。牛仔布結構堅實、經穿耐磨，牛仔裝越洗越靚，越穿越舒貼，成本低廉，適於任何工作穿。迄今為止還沒有一種衣料和服裝俱備上述的各種優點。歐美時裝界有的說黃味噁軍式裝、有的說燈蕊絨、有的說羊毛衫、有的說迷你裙捲土重來，莫衷一是，舉棋不定，恰恰證明還沒有其他衣服能取代牛仔布裝的壓倒性地位。」不妨用繡繡集團時裝顧問辜潔慧小姐一句話來結束本文：「牛仔布裝褪色的光榮，雖然有所消褪，但永遠不會消亡。」

香港牛仔服裝出口統計簡表 (單位：百萬港元，%)

國 家	一九七六年	所佔比例	年增長率	一九七五年	所佔比例	年增長率	一九七四年
美 國	1,479	38	+ 32	1,119	43	+ 87	597
西 德	732	19	+ 56	468	18	- 2	476
英 國	530	14	+ 33	398	15	+ 49	267
加拿大	215	5	+146	87	4	+216	28
瑞 士	116	3	+121	52	2	- 13	60
日 本	92	2	+ 85	50	2	- 23	65
其 他	757	19	+ 78	424	16	+ 22	349
牛仔服裝出口合計	3,921	100	+ 51	2,598	100	+ 41	1,843
成衣出口總值	14,288			10,201			8,752

跟單信用證淺釋(續)

國際總商會銀行技術處理委員會暨箱運聯席委員會主席維勃爾先生於一月廿一及廿四日假座富麗華酒店分別主持英語及粵語講解會，講述「跟單信用證及最近修改統一處理規則後引起之若干問題」。本港工商界一千六百多人踴躍出席聆聽。講解會由海外箱運有限公司贊助。

本文係根據維勃爾的講解改寫而成。有關文件「跟單信用證統一處理規則(一九七四年修訂案)」由國際總商會出版，可向本會或海外箱運有限公司索取。

傳統海運單據

本人必須重點講述海運單據，因為香港如同本人剛訪問過的日本、韓國及台灣，與英國一樣，在其國際貿易中均須包括海運，所以海運單據就更形重要。在「由一個港口到另一個港口」的傳統散裝貨運中，單據有若干特點，本人論文在3c頁上歸納為(一)、(二)、(三)、(四)及(五)項，供各位參考。

此種由一個港口到另一個港口的傳統提單，既有優點，又有缺點，本人也分別予以解釋。優點是一經獲得全部單據，就實際擁有全部貨物。對賣方而言，未收到單據，就不交出貨物，顯屬有利；對買方而言，一收到單據，就已擁有貨物，也屬有利。然而，如今由於郵寄費時，單據又須從船公司、經付貨人、經銀行、往外國開證銀行、再經買方、經目的地代理行、最後交由船公司，貨物往往比單據先到目的地，有時就須另交船舶滯期費。

本人與香港總商會戈銳非斯先生均兼理國際貿易簡化工作。因此，本人請各位注意本人論文第3c頁下部(二)所述「不可轉讓的海運單據」(或稱為「運費收據」)取代傳統的轉讓提單。收貨人或其指定代理人只須出示身份證明即可收貨。收貨人不須出示單據，但須證明身份。如信用證規定要提單，銀行就不接受備貨紙。買賣雙方不一定均同意備紙。但若買賣雙方均同意採用信用證所規定的簡便文件，就不必為了出示單據而擱置貨物了。因而也能簡化貿易程序。

貨櫃運輸單據

然而，海運實行貨櫃化後，已經引起某些變化。而跟單信用證統一處理規則就須反映該等變化。在一九七四年修訂案以前，不少人懷疑銀行可否接受傳統的港口到港口式提單用於貨櫃運輸。因此，就規定了第十九條(乙)(三)條款：除非信用證另有規定，否則就可以接受船公司或其代理人簽發的單位化貨物的提單，例如貨盤上或貨櫃內的貨物的提單。

貨櫃運輸單據還有其他問題。再來看第十七條：「除非信用證另行規定，否則寫明『付貨人裝貨並清點』或『付貨

人聲稱內裝』等條文或類似字句的海運單據，均將被接納。」此外，分層全貨櫃船往往在甲板上裝運一部份貨櫃。例如，海外箱運有限公司有百分之十的貨櫃在甲板上裝運，只有冷藏貨才全部裝在甲板下面。但單據上不會指明是在甲板上裝運。因此，管制海運的「海牙法則」仍可應用，而跟單信用證統一處理規則也有第二十二條(乙)關於貨櫃運輸的規定及第二十三條(乙)關於聯合貨櫃運輸的規定。

海陸聯運單據

從一個港口到另一個港口的貨櫃運輸近年來又發展成為「聯合運輸」——貨櫃從一個內陸地點用陸運方式到達一個港口，再用海運方式到達另一個港口，再用陸運方式抵達內陸目的地。所以，又稱為「多種方式運輸」。

於是，聯合運輸承運人就有雙重的責任，不是只負責海運的船公司，同時也要負責陸運，換言之，聯合運輸承運人必須負責從內陸起運地開始到內陸目的地為止的聯合運輸全過程。

因此，聯合運輸當然需要一種與傳統提單不同的運輸單據。換言之，必須發明一種新的文件，但仍須顧及銀行界及工商界的要求。本人在論文「聯合運輸單據」一章第6c頁上部指出：承運人在起運點簽發單據，負責保證整個聯合運輸的進行，並承擔可能遭遇的損失或損壞。然而，本人接着又在同頁中部(一)、(二)、(三)三段內引用國際總商會的早期聯運單據規定。當時稱其為「伸延式」的提單，有人還稱為「船主登陸」及「承運人出海」。

二九八號文件

在海運方面，有管制船主的國際條例——「海牙法則」。但在聯合運輸方面，却迄今仍無任何國際條例加以管制。早在一九七〇年，國際海事委員會、國際總商會、國際民法統一學會及其他十七個團體擬定一個有關條例的草案。不幸的是，此事既交由政府間人士討論，就須在作為單據條例之外，還要考慮其是否會影響無力發展貨櫃船的發展中國家。結果，此政府間籌備委員會成立已屆六年，却迄無任何進展。



於是，國際總商會為了在此期間達成一定程度的統一責任形式及統一文件格式，就擬定了國際總商會第二九八號文件「聯合運輸單據統一規則」。該文件詳細規定了聯合運輸、承運人、聯合運輸單據、既可作可轉讓備紙又可作不可轉讓備紙、損失責任等等。該文件也規定聯合運輸單據既可作海運提單，也可作聯運提單。

要點在於信用證中對所需單據的規定。「統一處理規則」第二十三條(甲)規定，信用證需要一張聯合運輸單據，但不一定指明「此批貨物由聯合運輸方式裝運」。所以，如果信用證並未指明需要任何形式的聯合運輸單據，銀行就可照收交來的單據。本人在香港一次商談中，很理解馬士基輪船公司的見解：要點在於單據中所寫的細節，而不是單據的名稱。

單據措詞改變

「統一處理規則」第二十三條(乙)又規定：聯合運輸單據即使未指明貨物裝在某某船上，只要並未特別指明貨物裝在甲板上，銀行仍可予以接受。但本人建議還是應該在單據上寫明此點。所以，海外箱運有限公司最近同意普遍採用下列措詞：「此批貨物由海外箱運有限公司簽署於某年某月某日在某某港口裝在某某船上。」

此外，買方歷來的慣用語「禁止轉運」，隨着聯合運輸的實行，也變得毫無意義。而且，世界上還有許多港口必須採用「駁船轉運」才能將貨櫃裝上大型分層貨櫃船。所以，本人在論文中建議大可寫上「准許轉運」，甚至「准許駁船轉運」，可以省却好多麻煩。

※ ※ ※

本人強調上述各點，使各位防止問題發生。本人願向買家進一言：不要思考一九六〇年，要思考一九八〇年。向銀行界進一言：協助客戶自行「再教育」。向賣家進一言：收到信用證就詳加檢查，確保信用證、單據及條件均符合合約之要求。最後，向買賣雙方進一言：如今的交易已不再使用傳統的「離岸價格」或「到岸價格」了。

(全文完)

簡報滙編

其他消息

本會消息

歡迎新會員

本刊歡迎二十五間公司於本月加入本會（名單請閱本期英文版）。

工商消息

申請簽證者請注意

凡欲對產地來源證作下列修改者，會員公司須交費十五港元，非會員公司須交費二十五港元：

- 一、增加貨物數量；
- 二、實質改變貨物名稱；
- 三、改變目的地；
- 四、任何其他須重新申請的更改。

此外，上期刊登本會調整次要服務收費標準，額外文件每份應為 \$7.50，特予更正。

尼日利亞入口貨保險新法

尼日利亞政府最近頒佈一九七六年第A261號保險法令，規定入口貨物一定要由在尼日利亞註冊的保險公司保險。本會備有該保險新法有關條款副本及七十一間在尼日利亞註冊的保險公司名單，歡迎索閱。詳情請詢貿易部經理陳煥榮（電話五-二三七一一七內線二五）。



香港出口信用保險局於去年十二月廿三日假座文華酒店舉行午餐會慶祝成立十周年。圖為（自右至左）該局總監韋納士、該局諮詢委員會主席沈焜、工務署長佐敦、香港貿易發展局主席安子介及該局前任總監許德禮。

第四屆法律講座

香港法律季刊、香港法律學會及香港大學法律系聯合贊助第四屆法律講座，定於四月十三至十四日假富麗華酒店舉行。演講專題包括財產轉讓及物業法新規定、他殺案法律新規定、外界因素、執行判決、投資者與法律、賬務報告、香港稅制發展、董事與賬務，並由丹寧助爵親臨演講法律的發展及法院的管理。詳情請詢「香港法律季刊」秘書（電話：五-二六〇三一八）。

理工學院提供技術人才

本會會員公司如欲招聘技術人員，可向香港理工學院學生輔導處求取協助。該院今夏將有一千六百名學生畢業，持有普通技術員文憑、高級文憑或院士文憑，專業範圍包括電腦科學、土木工程、電子工程、紡織、數學等等。該院備有畢業生就業調查報告，歡迎索閱。詳情請詢該院就業導師尹榮憲（電話：三-六三八三四四）。

本會好市民獎柴灣頒獎大會

本會與香港皇家警察隊於一九七七年二月二十四日在柴灣舉行好市民獎頒獎暨遊藝大會。獲獎好市民達五十二人，獎金總數達五萬多元，均創新紀錄。迄今為止，本會已向三百六十多位市民頒贈好市民獎，獎金共達五十萬元之鉅。



本會理事宋常唐先生代表本會致辭，盛讚好市民協助警方撲滅罪行。



紅星汪禹協助宋常康理事向五十二位好市民頒獎並握手致賀。



數百位市民踴躍參加盛會，熱烈祝賀好市民榮獲獎狀及獎金，並觀賞精彩表演。



警務署長施禮榮先生向為大會表演精彩節目助慶的藝員贈送錦旗誌謝。

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