

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 21st December, 1955.**

PRESENT:HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

SIR ALEXANDER WILLIAM GEORGE HERDER GRANTHAM, G.C.M.G.

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

LIEUTENANT-GENERAL SIR CECIL STANWAY SUGDEN, K.C.B., C.B.E.

THE HONOURABLE THE COLONIAL SECRETARY

MR. EDGEWORTH BERESFORD DAVID, C.M.G.

THE HONOURABLE THE ATTORNEY GENERAL

MR. ARTHUR HOOTON, Q.C. (*Acting*).

THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS

MR. BRIAN CHARLES KEITH HAWKINS, C.M.G., O.B.E.

THE HONOURABLE THE FINANCIAL SECRETARY

MR. ARTHUR GRENFELL CLARKE, C.M.G.

THE HONOURABLE THEODORE LOUIS BOWRING, C.M.G., O.B.E.

(Director of Public Works).

THE HONOURABLE DOUGLAS JAMES SMYTH CROZIER

(Director of Education).

DR. THE HONOURABLE YEO KOK CHEANG

(Director of Medical and Health Services).

THE HONOURABLE DAVID RONALD HOLMES, M.B.E., M.C.

(Director of Urban Services).

DR. THE HONOURABLE CHAU SIK NIN, C.B.E.

THE HONOURABLE CHARLES EDWARD MICHAEL TERRY, O.B.E.

THE HONOURABLE LO MAN WAI, C.B.E.

THE HONOURABLE NGAN SHING-KWAN, O.B.E.

THE HONOURABLE DHUN JEHANGIR RUTTONJEE.

THE HONOURABLE CEDRIC BLAKER, M.C., E.D.

THE HONOURABLE KWOK CHAN, O.B.E.

DR. THE HONOURABLE ALBERTO MARIA RODRIGUES, M.B.E., E.D.

MR. ROBERT WILLIAM PRIMROSE (*Deputy Clerk of Councils*).

MINUTES.

The Minutes of the meeting of the Council held on 7th December, 1955, were confirmed.

PAPERS.

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

<i>Subject.</i>	<i>G.N. No.</i>
Telecommunication Ordinance (Chapter 106).	
Telecommunication Exemption (Rediffusion Subscribers)	
Order, 1955	A.125
Pharmacy and Poisons Ordinance (Chapter 138).	
Poisons (Amendment) (No. 2) Regulations, 1955	A.127
Pharmacy and Poisons Ordinance (Chapter 138).	
Poisons List (Amendment) (No. 3) Regulations, 1955.....	A.128
Rating Ordinance (Chapter 116).	
Order under Section 7	A.129

CROWN RIGHTS (RE-ENTRY) (AMENDMENT) BILL, 1955.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Crown Rights (Re-entry) Ordinance, Chapter 126."

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Second time.

Council then went into Committee to consider the Bill clause by clause.

Clauses 1 to 3 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Crown Rights (Re-entry) (Amendment) Bill, 1955 had passed through Committee without amendment, and moved the Third reading.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Third time and passed.

INTERPRETATION (AMENDMENT) BILL, 1955,

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance further to amend the Interpretation Ordinance, Chapter 1."

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Second time.

Council then went into Committee to consider the Bill clause by clause.

Clauses 1 to 6 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Interpretation (Amendment) Bill, 1955 had passed through Committee without amendment and moved the Third reading.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Third time and passed.

**PUBLIC HEALTH (SANITATION) (AMENDMENT)
(NO. 2) BILL, 1955.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Public Health (Sanitation) ordinance, 1935."

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Second time.

Council then went into Committee to consider the Bill clause by clause.

Clauses 1 to 5 were agreed to.

Clause 6.

THE ATTORNEY GENERAL: —Sir, I rise to move the amendment standing in my name.

Proposed Amendment.

Re-number the new section 70 as subsection (1) of the new section 70,
and add the following new subsection thereto—

"(2) The owner of any building which is occupied in
contravention of the provisions of any order made under
subsection (1) shall be deemed to contravene the provisions of this
Ordinance."

Clause 6, as amended, was agreed to.

Clause 7 was agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Public Health (Sanitation) (Amendment) (No. 2) Bill, 1955, had passed through Committee with one amendment, and moved the Third reading.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Third time and passed.

**VERANDAHS AND BALCONIES (INCLOSURE FOR OFFICE
ACCOMMODATION) (AMENDMENT) BILL, 1955.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Verandahs and Balconies (Inclosure for Office Accommodation) Ordinance, Chapter 263."

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Second time.

Council then went into Committee to consider the Bill clause by clause.

Clauses 1 to 24, Schedules 1 to 3 and the Preamble were

Council then resumed.

THE ATTORNEY GENERAL reported that the Verandahs and Balconies (Inclosure for Office Accommodation) (Amendment) Bill, 1955 had passed through Committee without amendment and moved the Third reading.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Third time and passed.

MISCELLANEOUS LICENCES (AMENDMENT) BILL, 1955.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Miscellaneous Licences Ordinance, Chapter 114".

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Second time.

Council then went into Committee to consider the Bill clause by clause.

Clauses 1 to 6 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Miscellaneous Licences (Amendment) Bill, 1955 had passed through Committee without amendment and moved the Third reading.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Third time and passed.

MINING (AMENDMENT) BILL, 1955.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance further to amend the Mining Ordinance, 1954."

THE COLONIAL SECRETARY seconded.

THE question was put and agreed to.

The Bill was read a Second time.

Council then went into Committee to consider the Bill clause by clause.

Clauses 1 to 3 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Mining (Amendment) Bill, 1955 had passed through Committee without amendment, and moved the Third reading.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Third time and passed.

TAX RESERVE CERTIFICATES BILL, 1955.

THE FINANCIAL SECRETARY moved the Second reading of a Bill intituled "An Ordinance to provide for the issue of tax reserve certificates and their acceptance in payment of certain taxes, and for purposes connected therewith."

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Second time.

Council then went into Committee to consider the Bill clause by clause.

Clauses 1 to 4 and the Schedule were agreed to.

Council then resumed.

THE FINANCIAL SECRETARY reported that the Tax Reserve Certificates Bill, 1955 had passed through Committee without amendment, and moved the Third reading.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Third time and passed.

EDUCATION SCHOLARSHIPS FUND BILL, 1955.

MR. D. J. S. CROZIER moved the Second reading of a Bill intituled "An Ordinance to make provision for the establishment of a trust fund to be known as the Education Scholarships Fund and for the due administration thereof and for purposes connected with the matters aforesaid."

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Second time.

Council then went into Committee to consider the Bill clause by clause.

H. E. THE GOVERNOR: —With your concurrence, gentlemen, I would suggest that we take this Bill in blocks of five clauses.

This was agreed to.

Clauses 1 to 24, Schedules 1 to 3 and the Preamble were agreed to.

Council then resumed.

MR. D. J. S. CROZIER reported that the Education Scholarships Fund Bill, 1955 had passed through Committee without amendment, and moved the Third reading.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Third time and passed.

BUILDINGS BILL, 1955.

MR. T. L. BOWRING moved the Second reading of a Bill intituled "An Ordinance to amend and consolidate the law relating to the construction of buildings."

He said: Sir, since the first reading of this Bill certain representations have been made which have received careful consideration, and as a result I propose to move a number of amendments to the Bill in Committee.

The most important of these, Sir, provides for the deletion from the Bill of all those clauses pertaining to the enclosure of verandahs and balconies, which it is proposed should be no longer explicitly prohibited.

As honourable Members are aware, such enclosures are illegal under the law as it stands at present, except temporarily for the purpose of office accommodation.

One of the results of the shortage of domestic accommodation resulting from the heavy post-war increase of population has been a general tendency for balconies and verandahs to be enclosed in contravention of the law. So long as this shortage of accommodation exists, and while Government continues to be faced with the problem of providing minimum accommodation for thousands of fire victims and squatters, it would not be politic deliberately to aggravate the problem by enforcing the removal of enclosures to verandahs and balconies. It is not therefore proposed to continue the prohibition of such enclosures for the present and I shall move the omission of Part VIII of the Bill now before Council.

Where it is essential that enclosures be removed in the interest of public health, it is considered, Sir, that the Public Health (Sanitation) Ordinance will provide sufficient powers under which to take action.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Second time.

Council then went into Committee to consider the Bill clause by clause.

H. E. THE GOVERNOR: —With your concurrence, gentlemen, we will take these clauses in batches of five.

This was agreed to.

Clauses 1 and 2 were agreed to.

Clause 3.

MR. T. L. BOWRING: —Sir, I beg to move that clause 3 be amended as set out in the paper before honourable Members.

Proposed Amendment.

In subsection (4) leave out the full stop and substitute the following—

“: Provided that any person who is at the date of the coming into operation of this Ordinance registered as an authorized architect

(Cap. 123). under the provisions of the Buildings Ordinance shall be deemed to be registered as if he had duly applied for and obtained registration under this section."

Clause 3, as amended, was agreed to.

Clauses 4 to 8 were agreed to.

Clause 9.

MR. T. L. BOWRING: —Sir, I beg to move the amendments to clause 9.

Proposed Amendments.

- (a) In subsection (2) leave out the full stop at the end thereof and substitute the following—

(Cap. 123). “: Provided that where plans are received within 12 months of the coming into operation of this Ordinance the Building Authority may give his consent to the carrying out of building works which conform with the provisions of the Buildings Ordinance.”

- (b) Re-number subsections (3), (4), (5) and (6) as subsections (4), (5), (6) and (7); and insert the following new subsection—

"(3) In giving his consent to the carrying out of any building works involving the structural use of steel, concrete or timber the Building Authority may, notwithstanding the provisions of any regulations, by order in writing require the building owner, authorized architect and registered contractor to comply with such conditions as he may prescribe concerning—

(a) maximum loads and stresses;

(b) tests of materials;

(c) the use of materials;

(d) standards of workmanship; and

(e) qualified supervision."

Clause 9, as amended, was agreed to.

Clauses 10 to 12 were agreed to.

Clause 13.

MR. T. L. BOWRING: —Sir, I beg to move the amendment to clause 13.

Proposed Amendment.

Insert the following new subsection—

"(3) The Building Authority may by order in writing require an authorized architect to carry out such tests as may be specified in the order."

Clause 13, as amended, was agreed to.

Clauses 14 to 19 were agreed to.

Clause 20.

MR. T. L. BOWRING: —Sir, I beg to move the amendments to clause 20.

Proposed Amendments.

(a) In subsection (5) leave out the words "surrender the said street to Government" and substitute the following—

"surrender the said street to the Crown".

(b) In sub-paragraph (i) of paragraph (b) of subsection (5) leave out the words "his intention of accepting" and substitute the following—

"the Crown's intention of accepting".

(c) In sub-paragraph (ii) of paragraph (b) of subsection (5) leave out the words "his intention" and substitute the following—

"the Crown's intention".

Clause 20, as amended, was agreed to.

Clauses 21 to 25 were agreed to.

Clause 26.

MR. T. L. BOWRING: —Sir, I beg to move the amendments to clause 26.

Proposed Amendments.

(a) In paragraph (e) of subsection (1) leave out item (ix) and substitute the following—

"(ix) seawall, breakwater, jetty, mole, quay, wharf and pier;"

(b) In subsection (5) leave out the word "enactment" and substitute the following—

“coming into operation”.

Clause 26, as amended, was agreed to.

Clause 27 was agreed to.

Clause 28.

MR. T. L. BOWRING: —Sir, I beg to move the amendment to clause 28.

Proposed Amendment.

In paragraph (b) of subsection (2) after the words "the commencement of this Ordinance" insert the following—

“, or under the proviso to subsection (2) of section 9,”.

Clause 28, as amended, was agreed to.

Clauses 29 and 30 were agreed to.

Clause 31.

MR. T. L. BOWRING: —Sir, I beg to move the amendment to clause 31.

Proposed Amendment.

In the proviso to subsection (1) leave out the full stop and substitute the following—

"at the time of lodging such appeal."

Clause 31, as amended, was agreed to.

Clauses 32 to 34 were agreed to.

Clause 35.

MR. T. L. BOWRING: —Sir, I beg to move the amendment to clause 35.

Proposed Amendment.

Insert the following new subsection—

"Repeal of Cap. 263. (3) The Verandahs and Balconies (Inclosure for Office Accommodation) Ordinance is hereby repealed."

Clause 35, as amended, was agreed to.

Clauses 36 to 41.

MR. T. L. BOWRING: —Sir, I beg to move that these clauses be left out of the Bill.

This was agreed to.

The First and Second Schedules were agreed to.

Council then resumed.

MR. T. L. BOWRING reported that the Buildings Bill, 1955 had passed through Committee with amendments and moved the Third reading.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Third time and passed.

SUMMARY OFFENCES (AMENDMENT) BILL, 1955.

MR. T. L. BOWRING moved the Second reading of a Bill intituled "An Ordinance to amend the Summary Offences Ordinance, Chapter 228."

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Second time.

Council then went into Committee to consider the Bill clause by clause.

Clauses 1 and 2 were agreed to.

Council then resumed.

MR. T. L. BOWRING reported that the Summary Offences (Amendment) Bill, 1955 had passed through Committee without amendment and moved the Third reading.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Third time and passed.

**ADDRESS BY THE GOVERNOR: DEPARTURE OF
H. E. LIEUT. GENERAL SIR CECIL SUGDEN.**

Honourable Members, it must have come as much of a shock to you, and indeed to the rest of the Colony, as it did to me when, a few weeks ago, it was announced that General Sugden had been appointed to Oslo. I had been hoping that he was going to remain with us a good deal longer, for no Commander British Forces has impressed us more and no Commander British Forces and his wife have been better liked. For these reasons we regret very much their impending departure. Apart from his abilities as over-all Commander of the British Forces here, General Sugden has maintained the closest and friendliest relationships with the civil authorities, which is reflected in the continued friendly relations between the members of the Services and the citizenry of Hong Kong. He has also taken a keen and personal interest in our local Navy, Army and Air Force, that is the Royal Hong Kong Defence Force. For all these reasons we deeply regret his going. That, of course, is selfishness on our

part, and I suppose we mustn't be selfish. The unselfish side of us leads us to congratulate him, and to congratulate him most sincerely, on his very well merited promotion.

General Sugden, I want to thank you and your wife for all that you have done for the community whilst you have been here, and I assure you that when, in ten days' time, you take leave of us you will both carry away with you our very best wishes for your future happiness and success. (*Applause*).

GENERAL SUGDEN: —Your Excellency, my maiden speech in this Council will be short and, I hope, non-controversial. Thank you, Sir, and Members of Council, very much indeed. (*Applause*).

ADJOURNMENT.

H. E. THE GOVERNOR: —Before we adjourn, Gentlemen, I would like to take this opportunity to wish you a very merry Christmas and a happy New Year.

Council will now adjourn for three weeks.