

OFFICIAL REPORT OF PROCEEDINGS.**Meeting of 18th May, 1960.****PRESENT:**HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT (*PRESIDENT*)

MR. CLAUDE BRAMALL BURGESS, C.M.G., O.D.E.

THE HONOURABLE THE COLONIAL SECRETARY

MR. DAVID CLIVE CROSBIE TRENCH, M.C., (*Acting*).

THE HONOURABLE THE ATTORNEY GENERAL

MR. ARTHUR RIDEHALGH, Q.C.

THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS

MR. JOHN CRICHTON McDOUALL.

THE HONOURABLE THE FINANCIAL SECRETARY

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

THE HONOURABLE ALLAN INGLIS

(Director of Public Works).

DR. THE HONOURABLE DAVID JAMES MASTERTON MacKENZIE, C.M.G., O.B.E.

(Director of Medical and Health Services).

THE HONOURABLE COLIN GEORGE MERVYN MORRISON

(Director of Urban Services).

THE HONOURABLE ROBERT MARSHALL HETHERINGTON, D.F.C.

(Commissioner of Labour).

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

THE HONOURABLE KWOK CHAN, O.B.E.

THE HONOURABLE HUGH DAVID MacEWEN BARTON, M.B.E.

THE HONOURABLE DHUN JEHangIR RUTTONJEE, O.B.E.

THE HONOURABLE FUNG PING-FAN, O.B.E.

THE HONOURABLE RICHARD CHARLES LEE, O.B.E.

THE HONOURABLE KWAN CHO-YIU, O.B.E.

THE HONOURABLE GEORGE MACDONALD GOLDSACK.

MR. ANDREW McDONALD CHAPMAN (*Deputy Clerk of Councils*).**ABSENT:**

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

LIEUTENANT-GENERAL SIR EDRIC MONTAGUE BASTYAN, K.B.E., C.B.

MINUTES.

The minutes of the meeting of the Council held on 4th May, 1960, were confirmed.

PAPERS.

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

Subject. *G.N. No.*

Sessional Paper, 1960: —

No. 12—Annual Report by the Director of Civil Aviation
for the year 1958/59.

Medical Registration Ordinance, 1957.

Medical Practitioners (Registration and Disciplinary Procedure)
(Amendment) Regulations, 1960 A. 34.

Road Traffic Ordinance, 1957.

Road Traffic (Lighting and Guarding of Road Works)
(Amendment) Regulations, 1960 A. 35.

Road Traffic Ordinance, 1957.

Road Traffic (International Circulation) Regulations, 1960 A. 36.

EX GRATIA PENSION FOR THE LATE JACKSON HAU.

THE COLONIAL SECRETARY moved the following resolution: —

WHEREAS—

- (1) JACKSON HAU Grade III Post Warden in the Civil Aid Services (hereinafter referred to as "the deceased") died on the 1st day of November, 1959, while on duty with the Civil Aid Services;
- (2) a Board appointed under and in accordance with the provisions of regulation 21 of the Essential Services Corps (General) Regulations, and subsection (2) of section 18 of the Royal Hong Kong Defence Force Ordinance, 1951, decided that the death of the deceased cannot be attributed to his duties in the Civil Aid Services;
- (3) the deceased left him surviving a widow Mrs. HAU WON Sui-ping, (hereinafter referred to as "the widow") and a son, HAU HO-kuen (hereinafter referred to as "the son") who was born on the 24th day of July, 1941, and no other children under the age of twenty one years;

- (4) notwithstanding that the said Board held that the death of the deceased cannot be attributed to his service with the Civil Aid Services, it is desired that an *ex gratia* pension be granted to the widow (calculated at the rate of four fifths of the pension which might otherwise have been awarded to the widow if the death of the deceased officer had been attributed to his service with the Civil Aid Services);

RESOLVED that there be granted to the widow *ex gratia* pensions as follows—

- (a) as from the 2nd day of November, 1959, and for so long as the widow remains unmarried, the sum of \$191.90 per month;
- (b) from the 2nd day of November, 1959, until the 31st day of August, 1962 an allowance of \$69.54 per month in respect of the son;
- (c) from the 1st day of September, 1960, until the 31st day of August, 1962, an education allowance in respect of the son of \$60 per month; and
- (d) from the 2nd day of November, 1959, until the 31st day of August, 1962, a rent allowance at the rate of \$69.54 per month,

payment of the allowances granted under paragraphs (b), (c) and (d) being conditional upon the continued study by the son at the school at which he is presently studying or at such other school as may be approved of by the Director of Education and upon the son making satisfactory progress at such school.

AND RESOLVED further that if the amount of the pension which might have been awarded to the widow if the death of the deceased officer had been attributed to his service with the Civil Aid Services is increased, such sums shall be varied proportionately.

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

SCHEDULE OF WRITE-OFFS FOR THE FINANCIAL YEAR 1959/60.

THE FINANCIAL SECRETARY moved the following resolution: —

Resolved that the Write-offs for the financial year 1959/60, as set out in the Schedule, be approved.

He said: Sir, I rise to move the resolution standing in my name.

The schedule to the resolution comprises those items which were approved by Finance Committee during the last financial year but which require the covering approval of this Council.

There are two items which perhaps require a little more explanation than has been given. One refers to a sum exceeding \$76,000 in cash which was embezzled by a clerk at Tai Po. This clerk was a member of the General Clerical Service with 17 years' service who made use of his position of responsibility to enrich himself at the public expense. The defalcations were discovered in the course of audit, and he was charged on three counts of embezzlement and larceny by a public servant and was sentenced to nine months' imprisonment on each count, the terms of imprisonment being consecutive. I need hardly add that he has been dismissed from the public service.

The other item of almost \$13,000 for licence fees under-collected arose from a mistaken belief by the Department of Commerce and Industry that licences under the Dutiable Commodities Ordinance could be issued for a period shorter than twelve months. The department issued licences at reduced fees for the short periods of the Annual Hong Kong Products Exhibition, whereas in fact there is no authority under the law to issue a licence for a period of less than twelve months. This irregular, although not altogether unreasonable, practice was also picked up in the course of audit.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

POST SECONDARY COLLEGES BILL, 1960.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to provide for the registration and control of certain Post Secondary Colleges and their consequent exemption from provisions of the Education Ordinance and for other matters 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 3 were agreed to.

Clause 4.

ATTORNEY GENERAL: —I beg to move the amendment standing in my name which is on the paper in the hands of honourable Members and the reason for this amendment is also mentioned on that paper.

Proposed Amendment.

4. In paragraph (i), leave out the words "discrimination on grounds of race, nationality or religion save where the Director approves otherwise" and substitute the following—

"favour being shown on grounds of race, nationality or religion save where on the application of the Post Secondary College the Director approves of an exception in favour of a class of persons holding a particular religious faith".

Clause 4 as amended, was agreed to.

Clauses 5 to 8 were agreed to.

Clause 9.

ATTORNEY GENERAL: —I beg to move the amendments standing in my name. Those amendments are described on the paper in the hands of honourable Members and an explanation is given for these amendments.

Proposed Amendments.

9. (1) In subclause (1), leave out the word "shall" in the last line and substitute the following—

"may be required by the Director to".

- (2) In subclause (2), leave out the words "Every such Post Secondary College" and substitute the following—

"Every Post Secondary College so required".

Clause 9 as amended, was agreed to.

Clauses 10 to 12 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Post Secondary Colleges Bill, 1960, had passed through Committee with certain 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 into law.

MAGISTRATES (AMENDMENT) BILL, 1960.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Magistrates Ordinance, Chapter 227."

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 were agreed to.

ATTORNEY GENERAL: —Your Excellency, I beg to move to leave out clauses 5, 6, and 7 of this Bill. Sir, clause 5 contains an amendment giving a right of appeal to the Attorney General against sentences passed by magistrates on the ground of their inadequacy and clauses 6 and 7 contain amendments consequential thereon. Sir, this proposal—this proposed right of appeal has met with considerable opposition and it is not desired to proceed with it in this Bill but to withdraw it for further consideration. Sir, I beg to move the deletion of clauses 5, 6, and 7.

Deletion of clauses 5, 6, and 7 was agreed to.

Clause 8, to be renumbered as clause 5, was agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Magistrates (Amendment) Bill, 1960, had passed through Committee with certain 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 into law.

URBAN COUNCIL (AMENDMENT) BILL, 1960.

THE COLONIAL SECRETARY moved the Second reading of a Bill intituled "An Ordinance further to amend the Urban Council Ordinance, 1955".

THE ATTORNEY GENERAL 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 8 were agreed to.

Council then resumed.

THE COLONIAL SECRETARY reported that the Urban Council (Amendment) Bill, 1960, had passed through Committee without amendment and moved the Third reading.

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

The Bill was read a Third time and passed into law.

REGISTRATION OF PERSONS BILL, 1960.

THE COLONIAL SECRETARY moved the Second reading of a Bill intituled "An Ordinance to provide for the registration of persons in the Colony, for the issue of identity cards and for purposes connected therewith."

THE ATTORNEY GENERAL 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 10 were agreed to.

Council then resumed.

THE COLONIAL SECRETARY reported that the Registration of Persons Bill, 1960, had passed through Committee without amendment and moved the Third reading.

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

The Bill was read a Third time and passed into law.

EDUCATION SCHOLARSHIPS FUND (AMENDMENT) BILL, 1960.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Education Scholarships Fund Ordinance, 1955".

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.

THE ATTORNEY GENERAL reported that the Education Scholarships Fund (Amendment) Bill, 1960, 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 into law.

ARMS AND AMMUNITION (AMENDMENT) BILL, 1960.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance further to amend the Arms and Ammunition Ordinance, Chapter 238."

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 10 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Arms and Ammunition (Amendment) Bill, 1960, 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 into law.

ADJOURNMENT.

H. E. THE OFFICER ADMINISTERING THE GOVERNMENT: —That concludes the business for to-day, gentlemen. When is it your pleasure that we should meet again?

THE ATTORNEY GENERAL: —Sir, may I suggest this day two weeks.

H. E. THE OFFICER ADMINISTERING THE GOVERNMENT: —Council will stand adjourned until this day two weeks.