

OFFICIAL REPORT TO PROCEEDINGS.**Meeting of 1st June, 1960.**

PRESENT:HIS EXCELLENCY THE GOVERNOR (*President*)

SIR ROBERT BROWN BLACK, K.C.M.G., O.B.E.

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

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

THE HONOURABLE THE COLONIAL SECRETARY

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

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*).

MINUTES.

The minutes of the meeting of the Council held on 18th May, 1960, were confirmed.

MR. NGAN SHING-KWAN: —Your Excellency, on behalf of the Unofficial Members we are delighted to have you back amongst us and offer you our very best wishes for your continued health.

H. E. THE GOVERNOR: —How very kind of you—thank you very much indeed.

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>
Sessional Papers, 1960: —	
No. 13—Annual Report by the Chief Officer, Fire Brigade for the year 1958/59.	
No. 14—Annual Report by the District Commissioner, New Territories for the year 1958/59.	
Report of the Board of Management of the Hong Kong Tourist Association, 1959/60.	
Road Traffic Ordinance, 1957.	
Road Traffic (Taxis and Hire Cars) (Amendment) Regulations, 1960	A. 37.
Post Secondary Colleges Ordinance, 1960.	
Post Secondary Colleges Regulations, 1960	A. 39.
Road Traffic Ordinance, 1957.	
Road Traffic (Construction and Use) (Amendment) Regulations, 1960	A. 40.
Registration of Persons Ordinance, 1960.	
Registration of Persons Regulations, 1960	A. 41.
Pharmacy and Poisons Ordinance.	
Poisons List (Amendment) (No. 2) Regulations, 1960	A. 42.
Pharmacy and Poisons Ordinance.	
Poisons (Amendment) (No. 2) Regulations, 1960	A. 43.
Registration of Persons Ordinance, 1960.	
Direction under section 3(2) of the Ordinance	A. 45.
Registration of Persons Ordinance, 1960.	
Registration of Persons Order, 1960	A. 46.
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) Order, 1960	A. 47.

**HONG KONG TOURIST ASSOCIATION (AMENDMENT)
BILL, 1960.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance further to amend the Hong Kong Tourist Association Ordinance, 1957."

He said: Sir, by section 15 of the principal Ordinance the Board of the Hong Kong Tourist Association is required to make recommendations to the Governor as to the extent to which members of the Board may be elected by members of the Association and also as to the desirability of increasing the classes of persons eligible for membership of the Association. The Board has made a number of recommendations which have been accepted by Government and some of them necessitate legislation.

As regards eligibility for membership of the Association, the only recommendation made by the Board is that trade associations should be deleted from the list of those eligible for ordinary membership. No trade association has, in fact, applied to become a member. Effect is given to this recommendation in clause 2 of the Bill, but I should point out that trade associations will still be eligible to apply for associate membership under section 5, sub-section (2) of the Ordinance.

The recommendations of the Board relating to the election of members thereof were based on the principle that, while it was desirable to give members of the Association a greater voice in the selection of those members of the Board who will represent persons engaged in the tourist industry, it was essential in view of the very considerable Government subvention to the Association that there should continue to be an "official majority". The Board has recommended that all its members should continue to be appointed by the Governor and that their number should be increased from nine to eleven, six to be selected as well as appointed by the Governor and each of the remaining five to be nominated by one of the five groups forming the ordinary membership of the Association. This is provided for in clause 4, paragraph (a) of the Bill. The new sub-section (2A) added to the principal Ordinance by clause 4, paragraph (b) of the Bill provides that, if any of those five groups fails to make a nomination, the other members of the Board may nominate a person for appointment as representing that group.

Another recommendation, Sir, was that the terms for which members of the Board are appointed should be staggered in order to provide some continuity in membership. To permit this to be done, it is proposed that the period for which members are appointed shall be fixed by the Governor in each case, subject to a maximum of three years. This is provided for in clause 4(c).

The amendment to section 9, paragraph (b) of the principal Ordinance which clause 4, paragraph (d) seeks to effect is consequent upon the reconstitution of the Board.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

Objects and Reasons.

The "Objects and Reasons" for the Bill were stated as follows: —

Pursuant to section 15 of the Hong Kong Tourist Association Ordinance, the Board of Management has made recommendations. This Bill seeks to give effect to those recommendations.

PUBLIC HEALTH (ANIMALS AND BIRDS) (AMENDMENT)

BILL, 1960.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance further to amend the Public Health (Animals and Birds) Ordinance, Chapter 139".

He said: The Department of Agriculture, Fisheries and Forestry will shortly be assuming responsibility for the enforcement of legislation dealing with the keeping of certain animals and with animal dealers. The legislation will be in the form of regulations made under the principal Ordinance. This Bill provides for the appointment of inspectors, who will be responsible for the enforcement of those regulations and for the enforcement of the principal Ordinance and the other regulations which have been made thereunder. It also empowers the Director and other specified public officers to enter and search premises. It should be noted, however, that premises or part of any premises used exclusively as a dwelling house may not be searched under this provision and that the power of search is, in any event, limited to the hours of daylight. The new sections 16 and 18 contain the relevant provisions. The other new section, section 17, provides for the punishment of persons who obstruct or resist inspectors and other authorized officers in discharge of their functions under the Ordinance and regulations.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

Objects and Reasons

The "Objects and Reasons" for the Bill were stated as follows: —

In consequence of the expanding activities of the Department of Agriculture, Fisheries and Forestry, it has become necessary to provide for the appointment of officers of that Department as inspectors. The inspectors will be largely responsible for the enforcement of regulations made under the principal Ordinance. It has also been found convenient to add to the principal Ordinance provisions as to the power of entry into premises of the Director and officers of the Department, including the inspectors, and as to the obstruction of the Director or any of such officers in the exercise of any powers conferred upon him or them by the principal Ordinance or any regulations made thereunder. Clause 3 makes the necessary provisions.

2. The definition of the word "animals" has been revised so as to include reptiles, and the definition of the word "birds" has been amended so as to make the principal Ordinance and regulations applicable to all birds, not, as at present, only to those "ordinarily kept in a state of captivity".

**CHINESE RECREATION GROUND AND THE YAU MA TEI
PUBLIC SQUARE BILL, 1960.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to provide for the management and control of the Chinese Recreation Ground, Hong Kong, and the Public Square, Yau Ma Tei."

He said: Sir, an explanation of the necessity for this Bill is contained in the preamble, but briefly it arises from the proposed repeal by the Public Health and Urban Services Bill, which is to be read a first time later this afternoon, of the Pleasure Grounds and Bathing Places Ordinance and the regulations made thereunder. Under that Ordinance, these two parcels of land were designated as recreation grounds and provision for their administration was contained in the regulations.

As explained in the preamble, neither of these grounds has been properly described as a recreation ground for some time now, and for this reason and because it is not desired to change their present status pending a decision about the future use to which they could best be put, it is considered that they should be the subject of this ad-hoc Bill. They will continue to be managed by a Management Committee consisting of the Secretary for Chinese Affairs and the Chinese members of the Executive and Legislative Councils. For the future, however, that Committee will be a body corporate, and it is given the

usual attributes of a statutory corporation. The various provisions of the Bill are, I think, sufficiently explained in the statement of objects and reasons.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

Objects and Reasons.

The "Objects and Reasons" for the Bill were stated as follows: —

The object of this Bill is to make new provisions for the management of the Chinese Recreation Ground, Hong Kong and the Public Square, Yau Ma Tei in consequence of the proposed repeal by the Public Health and Urban Services Bill, 1960 of the Pleasure Grounds and Bathing Places Ordinance (Chapter 173). As the Preamble to the Bill states, these two areas have hitherto been specified in the Schedule to the repealed Ordinance as recreation grounds, and their management, and matters connected therewith, provided for by regulations under that Ordinance.

2. Clause 6 establishes a Committee, consisting of the Secretary for Chinese Affairs and the Chinese members, for the time being, of the Legislative Council and the Executive Council, which is, by virtue of the provisions of clause 3, to be responsible for the management of these areas. Power to acquire and dispose of property, to enter into contracts and to invest any surplus funds are vested in the Committee by clause 9. Clause 5 imposes on the chairman a duty to keep accounts on behalf of the Committee, and also provides for the audit thereof, and clauses 7 and 8 provide, respectively, for the execution of documents, and the making of certain contracts, on behalf of the Committee.

3. Clause 4 provides for the application of the revenue derived from these areas, and it will be observed that the disposal of any surplus funds is to be at the discretion of the Committee. It is considered unnecessary to retain the existing provisions under which surplus funds may be disposed of only for the benefit of such charitable purposes as the Governor may approve.

4. Clauses 11, 12 and 13 replace, in slightly modified form, certain of the provisions of the regulations under which these areas have hitherto been controlled.

5. The funds of, and any investments held by, the existing committee will be transferred to the new Committee as will any rights and liabilities under any subsisting deeds or agreements entered into for or on behalf of the existing committee. Clauses 15 and 16 are the relevant clauses in this respect.

6. All the premises situated in these areas are held under leases granted by the Secretary for Chinese Affairs on behalf of the Crown. Since these areas are to be leased by the Crown to the Committee, it would, in the absence of special provisions, be necessary for the Secretary for Chinese Affairs to terminate the subsisting leases and for the Committee as Crown lessee to grant new sub-leases. In order to obviate the necessity for this, clause 17 provides that all subsisting leases shall continue in force, take effect and be determinable as if they were sub-leases granted by the Committee on the same terms and conditions.

7. The Landlord and Tenant Ordinance (Chapter 255) has never applied to the premises situated in either of these areas since they were held directly from the Crown. Clause 18 provides that this shall continue to be the case.

FEDERATION OF HONG KONG INDUSTRIES

BILL, 1960.

THE FINANCIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance to provide for the establishment, regulation and management of a federation to be known as the Federation of Hong Kong Industries, and for matters connected with the purposes aforesaid."

He said: This Bill embodies an idea first proposed by Sir Alexander GRANTHAM in his speech at the opening of the Exhibition of Hong Kong Products in December, 1957. I think, Sir, I can do no better than quote from that speech: —

"It seems to me that the Colony has reached the stage of development where it needs a single organization fully representative of all the major industries and engineering services. In other words I feel that there is a real need for a Federation of Hong Kong Industries, an organization to which all industries can belong, irrespective of group or size, irrespective of who owns them, irrespective of how they do business. In some countries an industrial federation is little more than a Government department. This is not our way; we believe in free enterprise; but we have to compete with countries whose industries, if not state supported, are certainly state guided."

Sir Alexander then went on: —

"In order to do these things, free enterprise would have to develop a strong, fully representative, uninhibited, non-sectional, specialist organization whose claim to represent the needs of the whole of Hong Kong industry must be accepted not only by its members but by the public at large and by the Government.

The organization would have to be capable of actively assisting industry with its problems of management, training, land availabilities, markets, and trade relations overseas.

It would have to be able to assemble information for members quickly and accurately, to publicize adequately both here and overseas the achievements of industry, and to correct false reports confidently and with vigour.

It would have to co-operate with exporters, it would have to denounce malpractices effectively and expel members for failure to work to its standards."

Sir Alexander concluded his remarks by saying: —

"I hope that all who are really interested in the future well-being of Hong Kong industry will think seriously about this matter, and that after I have gone their thought will bear fruit in a Federation of Hong Kong Industries."

The suggestion received favourable public comment, and in January 1958 Government set up a Committee under the chairmanship of the Director of Commerce & Industry to advise on the form, functions and organization of the suggested association of Hong Kong manufacturing interests. This Committee reported in December 1958. Its conclusions were that there was a need for an institution fully representative of industry and that no existing institution fully met or could be adapted to meet this need. It recommended that a Federation should be set up consisting of individual firms rather than of industrial associations, and that the members should be grouped into classes representative of various sections of industry. The Committee indicated the general lines that the constitution of such a Federation should follow, and recommended the setting up of a Working Party, representative of the proposed groups, to draft a constitution and to invite founder members.

The Working Party was duly set up and started work in August last year. It was authorized to diverge from the detailed recommendations of the earlier Committee if it thought fit, but it has, in the event, kept fairly close to those recommendations. The principal divergence has been the replacement of the idea of "founder members" by a provision whereby the first general committee, which is to have office until the first annual meeting, is to be appointed by the Governor (Clause 57 of the Bill).

When the drafting of the constitution was nearing completion the question arose as to the most appropriate method of proceeding to incorporate the Federation. Its United Kingdom counterpart, the Federation of British Industries, was established by Royal Charter, and here we have had the recent precedent of the Hong Kong Tourist Association which was set up by Ordinance. It was felt therefore that

in order to provide the Federation with the prestige and authority which will be so important to it if it is to carry out its functions successfully, the Federation should be set up by Ordinance, introduced as an official Bill.

The Bill now before Council is based with very few adjustments on the draft prepared by the Working Party's legal advisers and in its present form has the full concurrence of the Working Party. I do not think, Sir, I need draw attention to specific features of the Bill; they are in any case fully explained in the attached Objects and Reasons.

May I conclude, Sir, by paying tribute to the Working Party for the speed, the energy, the thoroughness with which it has accomplished its task under the dynamic leadership of its Chairman, Dr. the Honourable S. N. CHAU.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

Objects and Reasons.

The "Objects and Reasons" for the Bill were stated as follows: —

This Bill seeks to establish a federation, to be known as the Federation of Hong Kong Industries, and to provide for its incorporation, regulation and management. The objects and powers of the Federation are prescribed in clauses 5 and 6, respectively. Save where the Bill specifically provides otherwise, the management of the Federation is vested in the general committee established by clause 34.

2. Part III of the Bill contains the necessary provisions with respect to membership of the Federation. The members are divided into three main classes—ordinary, associate and affiliated members. The qualifications for ordinary and associate membership are specified in clause 10 and the admission of affiliated members is provided for in clause 11(3). By virtue of the provisions of clause 11(4), the general committee has power to admit such persons as it thinks fit to honorary membership of the Federation. The associate members will be entitled to attend meetings of the Federation, but not to vote. The affiliated members will have the right to vote at such meetings. This Part also provides for the resignation and expulsion or suspension of members, the circumstances in which membership otherwise ceases and for fees.

3. Each ordinary and associate member will, on admission to membership, be allotted by the general committee to one of the industrial groups set out in the First Schedule. If it thinks fit, the general committee may, on the application of any such member, allot the member to one or more additional such groups. There will be a chairman and a vice-chairman of each group who is to be elected by the ordinary

members of the Federation who have been allotted to the group. These officers will be elected shortly before each annual general meeting of the Federation and will take office immediately after the meeting and hold office until immediately after the ensuing such meeting. The relevant provisions are to be found in Part VII, which also provides for the resignation of the chairman or vice-chairman of any such group and the circumstances in which they will otherwise cease to hold office and deals with the convening of, and the proceedings at, group meetings.

4. The convening of, and proceedings at, general meetings of the Federation is provided for in Part IV, and the provisions in Part V deal with the keeping of accounts, require the general committee to present to the Federation at its annual general meeting an income and expenditure account and balance sheet and provide for the appointment of auditors.

5. The establishment and constitution of the general committee is provided for in Part VI. The committee will consist of the chairman, or in his absence the vice-chairman, of each of the industrial groups, certain members elected by the associate members of the Federation and three members appointed by the Governor—see clause 34. The committee is empowered to co-opt not more than three persons who are ordinary members, associate members or affiliated members or the representatives of such members to be members of the committee. For the purposes of the election by the associate members of members of the general committee, the industrial groups have been amalgamated into five classes which are specified in the Third Schedule. The associate members allotted to each of the industrial groups comprised in each such class will elect one of their number or the representative of one of their number to be a member of the general committee. The elections will take place shortly before each annual general meeting of the Federation and the persons elected will take office as members of the general committee immediately after the meeting and will hold office until immediately after the ensuing such meeting. The circumstances in which any person so elected will cease to be a member of the general committee are specified in clause 35(2).

At its first meeting after any annual general meeting, the general committee is required to elect two of its members to be the chairman and deputy chairman thereof, respectively, and the persons so elected will also be the chairman and deputy chairman of the Federation—see clause 37.

Part VI also deals with the proceedings at meetings of the general committee.

6. Most, if not all, of the members of the Federation will be firms, companies or associations. Clause 49 provides that such members shall appoint some person, who must be a member or officer of the

firm, company or association, to be its representative for the purposes of the Federation. The representative so appointed will be entitled to attend, and to vote at, any meeting of the Federation and, if he is a representative of an ordinary member, will be eligible for election as the chairman or vice-chairman of an industrial group or, if he is the representative of an associate member, will be eligible for election under clause 36 to the general committee.

7. Until immediately after the first annual general meeting of the Federation, which must be held within twelve months after the coming into operation of this Bill, the general committee will consist of such members as the Governor shall appoint—see clause 57. These provisions are necessary because the committee cannot, in the first instance, be constituted in accordance with clause 34.

**BUILDINGS ORDINANCE⁹ 1955, (APPLICATION TO TAE
NEW TERRITORIES) BILL, 1960.**

MR. A. INGLIS moved the First reading of a Bill intituled "An Ordinance to extend the operation of the Buildings Ordinance, 1955, to the New Territories, subject to certain modifications."

He said: Sir, for many years the Public Works Department has advised the District Commissioner, New Territories, on plans submitted by authorized architects for building works in the New Territories and representations have been made from time to time that the Buildings Ordinance should be made to apply to this area.

Just over a year ago a small section was created within the Buildings Ordinance Office to deal with building works carried out in the New Territories and to ensure that it would be possible for the Building Authority to assume responsibility for the administration of the Buildings Ordinance, 1955, when applied to this part of the Colony.

As a result of discussions between the New Territories Administration and the Public Works Department during the past 18 months careful consideration has been given to the problems arising from this extension. It was found that, subject to the inclusion of powers to exempt certain types of structure, chiefly village-type buildings, the principal Ordinance and regulations could be applied.

The modification of the principal Ordinances are summarized very clearly in the Objects and Reasons.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

Objects and Reasons.

The "Objects and Reasons" for the Bill were stated as follows: —

The object of this Ordinance is to apply the Buildings Ordinance, 1955, (the principal Ordinance) to the New Territories. The procedure provided in section 1(2)(b) of the principal Ordinance for applying the principal Ordinance to the New Territories by order of the Governor in Council is not considered suitable in view of certain of the ancillary provisions necessary in connexion with its application thereto.

2. It is considered that the whole of the principal Ordinance and all the regulations made thereunder can be applied to the New Territories without modification, except in the case of village-type houses and "permitted buildings". Most village-type houses and permitted buildings are of very simple construction and, quite apart from the fact that many of the provisions of the principal Ordinance are not applicable to them in any event, it is felt that it is unnecessary for building works for the erection, alteration or demolition thereof to be subject to that Ordinance. It is not, however, considered that such building works should automatically be exempted since there may be cases where it would be desirable, by reason, particularly, of structural and health considerations, that exemption should be refused and the Ordinance apply thereto. Clause 4, therefore, authorizes the Building Authority to exempt such building works from certain specified provisions of the principal Ordinance and from the regulations made thereunder where he thinks fit.

It has been found impossible to lay down within precise limits what a village-type house is. Clause 4, therefore, provides that the question whether or not any building is, or, when erected or altered, will be, a village-type house shall be determined by the District Commissioner, New Territories whose decision shall be final.

3. Clause 5 makes it clear that alterations to existing buildings are not required solely by reason of the application of the principal Ordinance to the New Territories.

4. Clause 6 makes transitional provisions regarding certain building works, street works, lift works and escalator works. With respect to such building works, it is considered that, though the sections of the principal Ordinance specified in clause 6(1)(a) and the detailed provisions of the regulations made under that Ordinance should not apply, it is reasonable that the general provisions as to the materials used in such works contained in regulation 3 of the Building (Construction) Regulations, 1956, should apply. This clause provides accordingly.

5. Clause 7 makes a minor consequential amendment to the principal Ordinance.

PUBLIC HEALTH AND URBAN SERVICES BILL, 1960.

MR. C. G. M. MORRISON moved the First reading of a Bill intituled "An Ordinance to consolidate and amend certain legislation relating to public health and urban services and matters ancillary thereto."

He said: This Bill is designed to consolidate the public health legislation of the Colony which is at present divided between a number of enactments and to bring this legislation up to date. Broadly speaking, the Bill contains only general provisions and gives authority for the making of subsidiary legislation, which will contain the detailed provisions. The subsidiary legislation will, as in the past, be in the form of by-laws made by the Urban Council in respect of the urban areas and of regulations made by the Governor in Council in respect of the New Territories. Where the subsidiary legislation is Colony wide in application, as generally in the case of food and drugs, it will also be made by the Governor in Council.

This Bill is necessarily of considerable length since the provisions of no less than seven existing ordinances are embodied in it. It also makes a number of amendments to other enactments, details of which are to be found in the Eighth Schedule.

It is divided into 12 parts dealing with various aspects of public health, urban services and amenities and reference to the comparative table attached will indicate which clauses are simply modifications of the present law, which clauses introduce new provisions and whence the latter originate. In view of the wide range of subjects covered in this Bill and of its application to the New Territories, a number of Government departments are responsible for the enforcement of its provisions. In order to simplify the form of the Bill, the term "The Authority" has therefore been used throughout and the appropriate authority for each clause listed in the Third Schedule.

In view of the comprehensive exposition of the provisions of this Bill in the Objects and Reasons, I will confine my introductory remarks on its actual provisions to mentioning two of the principal innovations made by the Bill and treat in more detail the background to its preparation.

Firstly under Part VI a new procedure has been introduced to obviate the necessity for hawkers arrested for certain offences to be taken to police stations. In place of the existing procedure, which necessarily involves a considerable measure of hardship to hawkers the Bill provides that hawkers may be served with a notice requiring them

to attend at a specified place where a senior officer will inquire into the case and decide whether the hawker should be charged or released.

Secondly Part VIII contains provisions entirely new to Hong Kong requiring the adequate ventilation of certain categories of premises used by the public and introducing better control of the use of mechanical ventilating systems in such premises. The Urban Council has felt for some time the need for powers of this kind.

The Urban Services Department is numerically the largest in the Government and it probably deals more directly with the mass of individuals than any other department. It has had to expand in step with population trends and has had little breathing space for reflection on its own internal problems. A sine qua non for efficiency in any department is a clearcut basis of law, which is intelligible to the simplest member of the public as well as the most humble official in the Department. The laws appertaining to the Urban Services Department in 1955 had mostly been drafted twenty years previously when Hong Kong had a population of 800,000 and when no special health problems had arisen from industrialization. By 1955 despite or possibly because of innumerable small amendments they were in a hopeless tangle and were seriously hampering action by the staff in the interests of public health.

I am indeed most grateful to those farsighted Members of the Urban Council and the Department, who decided that some drastic action had to be taken in order to avoid yet greater confusion for the future. The turning point came with a motion put forward by Mr. P. C. Woo on 20th December, 1955, to the effect that a special Select Committee should be appointed to review all the legislation which it was the duty of the Council to enforce, and to make proposals for its revision with power to co-opt an officer of the Legal Department to sit with them, subject to the approval of the Attorney General.

This motion was passed unanimously and a Law Revision Select Committee appointed under the Chairmanship of Mr. P. C. Woo, who was succeeded fourteen months later by Mr. C. Y. Kwan, O.B.E., who is now an honourable Member of this Council.

The Select Committee held meetings regularly every Thursday for a period of approximately two and a half years. I personally only came in at the tail end of the drafting, but I very well remember the lengthy duration of these meetings and the manner in which every word and every phrase were minutely examined in order to achieve perfection. The climax came with a motion in the Urban Council on 5th August, 1958, to the effect that the Council should recommend to Government that legislation in the form of the draft Public Health and Urban Services Ordinance should be introduced. It was likewise passed unanimously.

I should, of course, explain that the drafting of an ordinance was only one side of law revision. The ordinance is the general authority but the specific instructions, for dealing with a milk bottle, a swimming pool, or a public convenience have to be embodied in by-laws or regulations, of which twenty-seven sets have already been drafted on the advice of the Law Revision and other relevant Select Committees.

The task was not, however, completed with the forwarding to Government of this Bill and the preparation of subsidiary legislation. The time between the approval of this Bill by the Urban Council and now has been taken up with the preparation of consequential amendments to a number of regulations: with the drafting of a Bill to provide for the continued management of the Chinese Recreation Ground and Yau Ma Tei Public Square: and with determining to what extent the provisions of this Bill could and should be applied to the New Territories. The Bill has been amended accordingly and the necessary initial subsidiary legislation prepared for the New Territories.

In order to ensure that there is no intervening period between the revocation of existing subsidiary legislation by this Bill and the substitution therefor of new legislation and also to allow time for the public to become acquainted with its provisions, this Bill will, if passed, not come into operation until a day to be appointed by Your Excellency. The subsidiary legislation made under this Bill will also not come into effect until the day appointed for the commencement of this Bill.

Members of the Urban Council attach great importance to this Bill as a means of streamlining and simplifying the duties of the staff and desire that it should be put into effect as soon as possible. The need, which was obvious in 1955, is even more pressing five years later.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

Objects and Reasons.

The "Objects and Reasons" for the Bill were stated as follows: —

The existing legislation governing matters connected with public health and urban services and amenities is, in many respects, very much out of date. The object of this Bill, together with the subsidiary legislation which will be made thereunder, is to revise that legislation and to effect a consolidation of the various enactments between which it is, at present, divided. The Bill provides for the repeal of the following Ordinances—

- (a) the Boarding-house Ordinance, 1917;
- (b) the Public Health (Sanitation) Ordinance, 1935;

- (c) the Advertisements Regulation Ordinance (Chapter 52);
- (d) the Adulterated Food and Drugs Ordinance (Chapter 132);
- (e) the Public Health (Food) Ordinance (Chapter 140);
- (f) the Hawkers Ordinance (Chapter 157); and
- (g) the Pleasure Grounds and Bathing Places Ordinance (Chapter 173).

The Bill also provides for the repeal of certain subsidiary legislation and makes consequential amendments to certain other enactments. In particular, section 4(2) of the New Territories Ordinance, (Chapter 97), which empowers the Governor in Council to make rules for the New Territories in respect of matters connected with the public health, is repealed.

2. Although it is considered that its provisions, many of which, as will be seen hereafter, are modelled on United Kingdom legislation, represent a marked improvement in every respect on the existing legislation, the Bill, which will apply to the whole Colony, does not, save for Parts II and VIII, introduce any provisions for entirely new matters in respect of either the urban areas or the New Territories. Broadly speaking, it will provide authority for the making of subsidiary legislation in respect of many diverse matters and contains general provisions with regard to various aspects of public health and urban services and amenities. Detailed provisions are reserved for the subsidiary legislation. The Bill provides, in relation to the New Territories, that the existing subsidiary legislation made under the New Territories Ordinance shall continue in force for the time being. There will, therefore, be little immediate change in the New Territories, though it is intended that this existing subsidiary legislation will be replaced as soon as possible by new legislation modelled on the by-laws which will be made by the Urban Council under the Bill. The Bill also provides that that part of the existing subsidiary legislation for the urban areas which is not to be replaced immediately will continue in force for the time being.

3. It has been decided that the Urban Services Department will, as and when it is convenient, assume responsibility in the New Territories for all those matters for which it is responsible in the urban areas. Pursuant to this decision, the Department assumed responsibility for such of those matters as do not require statutory authority with effect from the 1st April, 1960. For administrative reasons, it will not be possible for the Department to take over immediately responsibility for all the relevant statutory powers and functions, and it is intended that the District Commissioner, New Territories, will continue to exercise most of the powers and functions for the exercise of which he is at present responsible under the rules made under section 4(2) of the New

Territories Ordinance, until such time as it is convenient for the Director of Urban Services to take over those powers and functions and legislation authorizing him to do so has been prepared and enacted. It is, however, considered that the Department is now in a position to assume responsibility for such of those matters in respect of which provision is made in the Bill—for example, conservancy, scavenging, general sanitation and cleanliness and beaches. The Bill provides accordingly, and designates the Director of Urban Services as the Authority.

4. The Bill is divided into twelve Parts. Part I contains an interpretation clause, and clause 3 therein (in conjunction with the Third Schedule) designates the executive authority, referred to in the Bill as "the Authority", for the purposes of each provision of the Bill. This system has been adopted for two reasons—firstly, because it is convenient in view of the differing executive authorities for the same provisions in their application to the urban areas and the New Territories, and, secondly, because it will enable a change to be made in the executive authority for any particular provision in a simple and ready manner since the power to amend the Third Schedule is vested in the Governor in Council.

Parts II to XI of the Bill each deals with a completely different subject, and Part XII thereof provides for a number of miscellaneous and procedural matters which are applicable generally to the other Parts of the Bill and to the subsidiary legislation which will be made thereunder. With the exception of Part VIII, the greater part of the provisions of the Bill follow closely the corresponding legislation in the United Kingdom, and, where that legislation has not been followed, the existing Hong Kong legislation has been adopted with such modification as is thought to be necessary to adapt it to the conditions now prevailing in the Colony.

5. The provisions contained in Part II of the Bill, which provide for the protection of public and private sewers and drains and for various ancillary matters such as the reporting of the existence of disused drains or sewers and of the discontinuance of the use thereof, are new. They are based on the corresponding provisions of the Public Health (London) Act, 1936.

6. Part III of the Bill contains provisions in respect of a wide variety of matters connected with the public health and the maintenance of a proper standard of sanitation and cleanliness. The matters dealt with range from the provision of scavenging and conservancy services and public conveniences to the control of swimming pools. Though most of the provisions of this Part are new to Hong Kong, it is true to say that their effect is to give statutory recognition to the administrative practice which has developed in recent years so far as the existing law has allowed.

7. Part IV of the Bill contains provisions for the declaration by the Authority of offensive trades, and for the making of regulations in respect thereof. It is thought that it is preferable to leave it entirely to the Authority to declare the trades which are to be offensive trades for the purposes of the Bill and the subsidiary legislation made thereunder rather than to attempt to prescribe the offensive trades by definition.

8. Part V of the Bill, the provisions of which follow very largely the corresponding provisions of the United Kingdom Food and Drugs Act, 1955, provides for the making of subsidiary legislation in respect of food and drugs and the various premises in which food is sold, and makes provisions with respect to the sale of adulterated food and drugs and the sale of food which is unfit for man and of drugs which are unfit for use by man, and with respect to various ancillary matters, in particular the taking and analysis of samples and matters connected with proceedings for offences against its provisions. It will be observed that, in relation to the urban areas, the power to make the subsidiary legislation is vested in respect of certain matters in the Governor in Council and in respect of others in the Urban Council. Those matters in respect of which the Governor in Council may make regulations concern the standard and composition of food and drugs. The provisions of those regulations are applicable to the whole Colony and it is for this reason that the Governor in Council has been designated as the Authority for the purposes of clause 55 which is the relevant clause. This division is in line with a similar division in the existing law.

9. Part VI of the Bill deals with markets and hawkers. By clause 79, the Governor is empowered to declare the markets to which the Bill will apply, and clause 80 provides for the making of regulations in respect of such markets. The provisions of clause 82, which are new and provide for the seizure of articles and paraphernalia in respect of which any offence against any regulations made under clause 80 has been committed, were inspired by clause 115 of the Local Government Bill, 1956, of Singapore. Although these provisions were omitted when that Bill was enacted in Singapore, they are considered essential in Hong Kong if any semblance of hygienic conditions and proper control is to be maintained in markets. Any articles or paraphernalia seized under the provisions of this clause become the property of the Crown upon the expiry of a period of forty eight hours from the posting of a notice of the seizure unless a claim is made for their return, subject to further provisions enabling a claim to be made to account for their recovery.

This Part, as pointed out above, also deals with hawkers. Clause 83 contains comprehensive provisions with respect to the making of regulations, and clause 86 provides, in a similar manner to clause 82, for the seizure and forfeiture of articles or paraphernalia belonging to

or in the possession of, or appearing to belong to or to be in the possession of, any person who is committing, or appears to be committing or to have committed, an offence against the regulations made under clause 83. In the case of hawkers, these provisions are not new, but replace similar provisions at present contained in section 99 of the Magistrates Ordinance (Chapter 227). Clause 84 provides for the summary arrest of persons (who will, in the main, be hawkers) who are suspected of having committed certain specified offences, and clause 85 provides a new method of proceeding in such cases by the service on the spot of a notice requiring the arrested person to attend a court on a day and at a time specified in the notice. It is hoped that, in time, the latter provisions, which were inspired by section 213 of the Local Government Ordinance, 1957 of Singapore, will, in these cases, obviate the present necessity for taking arrested persons to a police station.

10. The provisions contained in Part VII of the Bill replace the provisions of the Boarding-house Ordinance, 1917 and those provisions of the Public Health (Sanitation) Ordinance, 1935 which deal with overcrowding in tenements.

Present conditions in the Colony have rendered the substantive provisions of the Public Health (Sanitation) Ordinance, 1935 relating to overcrowding quite unenforceable. Those provisions have, therefore, been omitted from the Bill, and replaced by provisions enabling regulations to be made in relation to overcrowding. The provisions of the Public Health (Sanitation) Ordinance, 1935 which make overcrowding a nuisance in respect of which the Authority may take action are, however, retained (see clause 87(1)). This course, which will relieve those persons who are at present living in overcrowded and insanitary conditions which they do not have the means to alleviate from committing offences every day of their lives, whilst at the same time enabling the Authority to take steps to abate overcrowding in any case where it has the means to do so, is considered the only practical one in the circumstances.

11. Part VIII of the Bill contains entirely new provisions relating to the ventilation of buildings. The only classes of premises to which these provisions will apply in the first instance are cinemas, theatres, restaurants, public dance-halls and dancing schools. These are the premises in relation to which the need for improved ventilation is most urgently felt. The main provisions of this Part are twofold. Firstly, clause 93 enables the Authority to require the provision for such premises of a mechanical ventilating system where it is considered that the premises are not adequately ventilated by natural means. The ventilating system which is provided must supply a prescribed minimum amount of air per hour for each person who may be accommodated in the premises, unless the Authority considers that, in conjunction with such natural ventilation as is available, a ventilating system which will

provide an amount of air less than the amount so prescribed will adequately ventilate the premises. Secondly, clause 96 provides that a ventilating system provided pursuant to a requirement of the Authority must, at all times when the premises for which it is provided are open to the public, be kept in operation so as to provide the correct amount of air, and also provides that existing ventilating systems must be kept fully in operation. The provisions of this Part will not apply to premises which are provided with a ventilating system when the Bill comes into operation save in the circumstances specified in clause 101, but it is most desirable that such ventilating systems should be properly operated. It is for this reason that clause 96(2) makes separate provisions with respect to the operation of existing ventilating systems. Enforcement of the provisions of this Part will be achieved mainly by the exercise of the powers vested in the appropriate licensing authority by clause 98 to revoke, either temporarily or permanently, the licence under which the particular premises are operated. In addition to these main provisions, there are a number of ancillary provisions, including provisions relating to the installation of ventilating systems (clause 95), the annual inspection of dampers, filters and precipitators (clause 97) and the making of tests (clause 100).

12. Part IX which replaces the Advertisements Regulation Ordinance (Chapter 52), empowers the Authority to make regulations with respect to advertisements, particularly so far as regulations are necessary for the preservation of public amenities. The power under the Bill to make regulations is narrower than the corresponding power in the repealed Ordinance. It is, however, considered that the new power is adequate since the Merchant Shipping Ordinance, 1953 and the Hong Kong Airport (Control of Obstructions) Ordinance, 1957 contain adequate provision for the control, *inter alia*, of advertisements so far as they may affect the safety of sea or air navigation. Clause 104, which provides the Authority for the making of the regulations, follows, in part, the corresponding provisions of the former United Kingdom Advertisements Regulations Act, 1925.

Clause 105 in this Part provides machinery for the removal or repair, at the instigation of the Director of Public Works or the Chief Officer, Fire Brigade, of dangerous advertisements or advertisements which constitute a fire hazard.

13. Part X incorporates in the Bill the provisions of the Pleasure Grounds and Bathing Places Ordinance (Chapter 173). The opportunity has been taken to improve the provisions relating to the temporary allocation of the use of pleasure grounds to schools and other organizations.

14. Part XI of the Bill deals with the disposal of the dead, and includes provisions relating to cemeteries. Cremation, which is a technical matter, is not provided for in the Bill, but will continue to be

provided for separately by the Cremation Ordinance (Chapter 133). The law relating to the disposal of the dead has been revised by the making of better provisions for the control of the keeping of dead bodies in dwelling houses pending burial, for the disposal of unclaimed dead bodies and for mortuaries. In other respects, the existing law for both the urban areas and the New Territories remains substantially unchanged.

15. As indicated previously, Part XII of the Bill provides for a number of miscellaneous and procedural matters which are applicable generally to the other Parts thereof and to the subsidiary legislation which will be made thereunder. The following are the more important provisions of this Part. The opportunity occasioned by the consolidation in the Bill of various enactments in or under which provision is made for the licensing, registration or other control of the use of premises for certain purposes has been taken to introduce standard provisions for a number of ancillary matters connected therewith so far as the same can conveniently be the subject of standardization. Clause 125 is the relevant clause in this respect. The opportunity has likewise been taken to introduce general provisions relating to entry to premises. Clause 126, which is based on section 286 of the United Kingdom Public Health Act, 1936, makes the necessary provisions. A much improved procedure for the abatement of nuisances, based on the corresponding provisions of the Public Health (London) Act, 1936, is introduced by clause 127. The existing procedure contained in Part III of the Public Health (Sanitation) Ordinance, 1935 is quite inadequate. Clause 130 provides machinery for the recovery of the cost of works carried out by public officers or public bodies under the provisions of the Bill. The machinery is similar to that provided for the like purpose in the Buildings Ordinance, 1955. Clauses 131 and 132, respectively, contain provisions with respect to the name in which proceedings for most of the offences under the Bill may be brought and with respect to the institution of proceedings for offences under the Bill and their conduct in court. Although section 11 of the Magistrates Ordinance (Chapter 227) provides that public officers authorized by the Attorney General may institute and conduct proceedings in the magistrates' courts, it is considered that it will be convenient for the purposes of this legislation if specific provision is made for the name in which proceedings for each offence against its provisions may be brought, and to authorize those in whose name proceedings may be brought to appoint public officers to conduct such proceedings before the courts on their behalf. Clause 139, which is based on section 288 of the Public Health Act, 1936, provides that, in the absence of other specific provisions, the obstruction of any person acting in the execution of his duties under the Bill or under any order or warrant made or issued thereunder shall be an offence. In this general form, these provisions are new, but they replace specific provisions to the same

effect contained in the Ordinances which are repealed by the provisions of the Bill. The provisions of clause 140 are new. They are complementary to those provisions of the subsidiary legislation which will be made under the Bill requiring persons engaged in certain trades, through which the spread of diseases is likely, to be immunized against such diseases. The effect of this clause is to shift to an accused person the burden of proving that he has been immunized—a fact which is peculiarly within the knowledge of that person.

16. A Comparative Table is annexed to this statement of Objects and Reasons. Part I thereof indicates the source from which each of the provisions of the Bill has been derived or, where such is the case, that the provisions are original. Part II comprises a list of those provisions of the enactments repealed by the Bill which are not replaced. The third column in each Part of the Table contains such observations as are considered likely to assist comparative study.

FOOTBALL POOL BETTING BILL, 1960.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to provide for the carrying on under licence of football pool betting businesses, to impose a duty on bets made by or with such businesses and to provide for matters connected with the purposes aforesaid."

THE COLONIAL SECRETARY seconded.

MR. NGAN SHING-KWAN: —Your Excellency, in Hong Kong, as in any other community, there are persons who are genuinely opposed to gambling on moral grounds, and I respect their views. It appears to me, however, that much of the criticism which has arisen since the first reading of the Bill before Council, has been directed not against gambling, but against the introduction of a new form of gambling, namely the football pools. With this, Sir, I'm afraid I cannot agree. From what I have heard of football pools, I do not believe they are any worse than the other forms of gambling which are going on all around us. If the objections that have been raised were part of a campaign against all gambling, I would seriously consider giving them my support, but I cannot bring myself to oppose the Pools and at the same time condone other forms of gambling which I regard as no less objectionable. I cannot ignore the fact that the Jockey Club is at this very present moment reconstructing its public stand to permit a greater number of persons to bet at its meetings. I cannot ignore the time that is wasted and the money which changes hands at the mahjong table, a particularly objectionable form of gambling in that it often takes place in the home in the presence of children. Similarly, I cannot overlook the other types of gambling which persist in Hong Kong notwithstanding laws to the contrary.

I referred a moment ago, Sir, to the Jockey Club, and before proceeding further I should like to make it clear that I am not unmindful of the large sums the Club donates to charity. In fact, Sir, it will be recollected that I made special reference to the good work the Jockey Club is doing during the recent debate on the Budget. I should like to point out, however, that once it is agreed to permit the operation of football pools, any non-profit making body will be at liberty to apply for a licence to raise funds for charity by this means. The Bill does not grant exclusive rights to any particular organization, and we are concerned this afternoon, not with who is going to operate the Pools, but with whether or not they should be permitted in principle.

As regards the Football Pools, I believe it is generally agreed that they have not had a harmful effect in the United Kingdom, where they have operated for many years. In fact, I am given to understand they are very popular there, and have become part of the way of life of the people. It has been argued that conditions are different in Hong Kong and this is undoubtedly so, but local conditions apply equally to all forms of gambling and not just to football pools. If conditions here are such that students, amahs and workers should be protected from the temptation of gambling away money that would otherwise be spent on basic necessities, then should we not start a movement to prohibit the sale of cash sweep tickets and to stamp out the illegal forms of gambling which flourish amongst the poorer classes? The fact is, of course, that if a person wants to try to enrich himself by gambling, the prohibition of once weekly football pools will not deter him. Now, is it such a bad thing if some of the money which at present changes hands illegally is diverted into a channel over which Government can exercise effective control and at the same time supplement revenue? I think not, and, moreover, from what I have been able to gather the Pools are not a form of gambling which would tempt one to bet to excess. On the contrary, the cold-blooded completion of a coupon two or three days before the matches are played is itself a safeguard against betting more than one can afford—a safeguard which is certainly not present at the gaming table or race track, where there is always the temptation to bet to excess in an attempt to recover one's losses.

Fears have been expressed that the low stake of ten cents per column will tempt those persons who can least afford it. I am doubtful myself if a Pools operator would be willing to go to the trouble of processing a coupon for the sake of ten cents and imagine there would be a minimum stake. In any event, the Governor in Council has powers to prescribe conditions under subsection 3 of section 4 of the Bill and one condition which could be imposed is a minimum stake of two dollars per coupon—the same as for a cash sweep ticket. Another condition which could be imposed, is that all coupons and stake

money must be sent through the post, as this would be a further safeguard against indiscriminate betting. The setting up of sub-agencies should be prohibited.

It has been represented to me that football pools would cause untold harm and suffering in Hong Kong. This is a point of view which I find very difficult to accept. Like the majority of people here, I have no actual experience of the Pools in operation. But from what I have heard about them, I do not think they would cause any more harm than horse-racing, mahjong, cash sweeps, tombola and other forms of gambling already in existence here.

You will have gathered, Sir, that I do not believe the Pools to be as bad as they have been made out during the past few weeks, and I could not oppose them with a clear conscience. In view, however, of the public opposition to this Bill, and the fact that I have no wish to go against the unanimous opinion of my Unofficial Colleagues on a matter of this nature, I shall, with Your Excellency's permission, abstain from voting.

MR. KWOK CHAN:—Your Excellency, I rise to oppose the passing of the Bill to allow the operation of football pool businesses in Hong Kong now laid before Council.

In doing so I have the support of all but one of my honourable Unofficial Colleagues.

What I am going to say represents the concerted views of all unofficial members who are opposed to the passing of this Bill. It is expressly for the purpose of saving time and avoiding repetition that we have agreed among ourselves to delegate to three members—Mr. BARTON, Mr. RUTTONJEE, and myself—the task of presenting the case for the opposition in a joint effort.

We have carefully considered the advantages and disadvantages of permitting the operation of football pool betting businesses in Hong Kong, which this Bill is meant to legalize, in the light of what we know of the nature of the Chinese people, particularly as far as indulgence in games of chance is concerned. Having studied the arguments advanced for and against, having taken due note of the wide publicity given to this question in the local press, and having duly weighed and considered the numerous letters of protests communicated to us as unofficial members of this Council, we have come to the decided conclusion that the harm football pool betting in Hong Kong would cause far outweighs the good it would produce.

Those in favour of permitting football pool betting to operate in Hong Kong point out that the duty of 25% will contribute to the local revenue. If there were no disadvantages to offset this gain, my voice

would certainly be raised in the support of this Bill, for any increase in the local revenue is to be welcomed. There are, alas, far too many disadvantages which I shall attempt to elaborate later on.

It is argued that government control will be established and maintained with ease. I am afraid that I cannot share this optimistic view. A new department of government may need to be created, or at least additional staff may need to be employed, to cope with the multitudinous problems concerning the proper manner in which the pool betting should be conducted in accordance with the provisions laid down, and so on. A large slice of the revenue collected will thus be used merely to administer and keep check on the observance of the ordinance, not to mention the additional burden that will fall on the Police Force, which is likely to entail further increases in strength and expenditure.

Further, supporters of pool betting claim that it is better to legalize football pools rather than to let people continue to invest in British Football pools secretly and illegally. To this I can safely say that only a very small minority of the people, and almost certainly not the poorer Chinese, send money to England for this purpose.

If Government were to be impressed by such an argument, then presumably we shall soon be asked to legalize prostitution, the use of narcotics, or other forms of betting, such as "Tse Far" and "Po Piu", for we know that prostitution and gambling in "Tse Far" and "Po Piu" are rife in the Colony and that narcotics are sold illegally.

Supporters also argue that since football pool betting businesses operate successfully in England, they can with equal success operate here. I beg to draw their attention to the fact that Hong Kong is in a position quite different from that of England. A large proportion of the population, among them refugees, live an existence of poverty and hardship. In their desire to better their lot, and in a vain hope of enriching themselves, by what they would think the easy way, they would readily turn to pool betting if businesses in pool betting were allowed to be operated here. Since bets of any size are accepted, even as little as 10 cents, the money thus involved may very well be taken away from those who need it for the bare necessities of life.

If we legalize the pool betting businesses, instead of helping the lot of the poor, we actually encourage them to give away their much-needed money. Poverty is already a serious problem in the Colony. Let us consider carefully before we make it even more serious. "When poverty comes in at the door, love flies out at the window" is an all-too-true saying. We Cantonese also have this quotation: Sorrow ever keeps company with poor couples. Quarrels are all too common in a family plagued by want and hunger. Poverty ever goes hand in hand with crime and moral degradation and the breakdown of family life.

On top of this the much-needed money is diverted to pool betting. The habit of the Chinese of indulgence in gambling needs no compulsion to enter for pool betting. The operation of the pool betting businesses will certainly not contribute to make the situation in Hong Kong better, so why should we allow them to be operated here?

It has also been argued that the pools require time and thought, which are in themselves an insurance against recklessness and extravagance. If that is the case would you like to see employees or workers become so addicted to the complexities of the pools that they divert their time and thought which would otherwise have been usefully and fully employed in the work for which they are paid, to this form of pastime? The effect on students (although an age limit is to be imposed) indulging in this form of pastime can well be imagined.

The deleterious effect of legalized gambling on an extensive scale on the community was never so apparent as during the period when the Colony was under enemy occupation, and we should heave a sigh of relief that the return of the British Administration had promptly put an end to it.

Football pools are by no means universal. There are no football pools in Australia nor are there any in many of the countries of the Commonwealth. I understand that at one time the operation of football pools was proposed in Paris but was turned down.

Those who are in favour of allowing football pool betting to operate here point to the Hong Kong Jockey Club as a good example of legalized gambling. But whereas the profit the Club made is largely given away to promote and support local charities to benefit the under-privileged, the football pools are run as a purely business enterprise for profit to benefit the owners, and in the latter case the altruistic motive is completely absent. My colleague, Mr. RUTTONJEE, will however enlarge on this point.

The manner in which the Hong Kong Government has protected the public from possible harmful effects by promptly introducing legislation to prohibit the keeping of pin ball machines in September 1956 is a matter for general appreciation and one which will be long remembered by the people.

Likewise the way in which Government has spent and is spending large sums of money in an anti-narcotics drive is another example of how Government is endeavouring all the time to protect the public of Hong Kong from bad influences.

If the grounds for allowing football pool betting to be operated in Hong Kong include that of revenue-producing, then I would say that other ways and means, better-suited to the condition of this Colony, might be explored.

It is purely in the interest of public welfare that I voice my opposition, both on my own behalf and on that of my other Unofficial Colleagues who are of the same mind.

Sir, I formally oppose the Bill before Council.

MR. H. D. M. BARTON:—Your Excellency, I rise to speak against the motion before this Chamber, and to support the arguments set out by my honourable Friend Mr. KWOK Chan.

First of all, in my capacity as the elected nominee of the Unofficial Justices of the Peace, I thought you, Sir, and the Members of this Council might be interested in the views of this small but representative body of opinion on this controversial issue.

In response to a questionnaire, in which each J.P. was assured that his personal view would be treated as confidential, I received replies from over 90% of the Unofficial J.P.'s resident in the Colony at this time, and the vote was as follows:—

Those in favour	27
Those against	67
Those with no strong views	23

Another point of general interest in the voting is that whereas the Chinese vote was—

7 in favour
46 against
12 with no strong views

the non-Chinese vote was—

20 in favour
21 against
11 with no strong views.

It is perhaps significant that, whereas the Chinese vote was overwhelmingly against—which is hardly surprising in view of the large number of responsible Chinese organizations that have voiced strong opposition to the Bill—the non-Chinese vote was about evenly divided with a majority of only one against the Bill.

When my honourable Friend, the Attorney General, rose in this Chamber four weeks ago to introduce this Bill to legalize football pools, I don't think anyone at that time could have anticipated what a tremendous splash was going to be kicked up by the community at large over this issue.

And you, Sir, as you lay recuperating from your operation, out of range, I trust, from the kicks—some of them rather near the shin—and the splashes—some of them pretty muddy—must have wondered whether

all this splashing about was really a good thing for this Colony, which has always been urged, and rightly so, to conserve its precious water.

As an interested observer, I would say, Sir, that on balance the kicking and splashing have been harmless enough but I am afraid I cannot compliment the Government for starting all this furore or on the unconvincing reasons it gave to my mind for introducing such a controversial issue.

According to my honourable Friend, the Attorney General, it appears that Government had been urged for a number of years to legalize football pools, though he did not tell us by whom. It seems that Government finally succumbed to the urgings, partly because the Chairman of a Committee appointed to consider the extent to which it might be possible to relax some of the stringent provisions of our gambling laws, indicated that football pools was a form of gambling that could probably be allowed. Another favourable factor to the Government's mind, was the comparative ease with which the operation of football pools could be controlled, though from a glance at the Bill it is clear that they were referring to the licensing and financial control aspects only.

And finally, we were told there was the possibility (since confirmed to be non-existent) of "neighbouring territories"—presumably the Colony of Macau—introducing this gambling if we did not legalize it ourselves, thereby encouraging an illegal flight of capital from this Colony.

Strangely enough, amongst the reasons given, no mention was made that the Government were expecting to earn a substantial income from the introduction of football pools. To those like myself, who are obstinate enough to worry about the Colony's finances, this would have been at least one good reason in favour of the Bill; but perhaps there was some genuine doubt in the minds of the Government experts as to whether indeed the game would take on and be a financial success. We were merely told that as gambling was considered a luxury it should bear a tax like any other form of legalized gambling.

And so the public of Hong Kong, who did not appear to pay much attention at first to the talk of football pools, suddenly woke up to the fact that Government, in introducing this Bill had apparently decided that an extension of legalized gambling would be a good thing for the Colony, and then the kicking and the splashing really started in earnest.

I respectfully submit, Sir, that, if Government had indeed decided that more legalized gambling would be a good thing for Hong Kong, that they could have put forward a more palatable proposal with more telling arguments in support of this major change in policy, than the one we have been asked to debate today.

Instead, we are asked to approve a Bill which seeks to introduce a British form of gambling entirely strange to 99% of the community and which requires luck—or skill as some would have it—in forecasting the correct result of a lot of football matches being played 10,000 miles away from this Colony by teams and players hardly any of whom would be known even by name to 99% of the population. This new game in order to be a financial success for its promoters and for the Government exchequer, has to catch on with a large section of the Chinese adult population. It has not only to be sold to them, but taught to them, by a sales campaign which would be allowed under the existing provisions of the bill, to use every form of sales technique known to man—advertising, the Press, the radio, the mail, and house-to-house soliciting by appointed agents.

For the first time therefore, the adult Chinese population of Hong Kong, whose standard of living bears no comparison with that of the British but whose natural aptitude for any kind of gambling is far greater, would be subjected to a high-power, and I have no doubt extremely well organized selling campaign, urging them to try their hand at this new game of chance in the hope of making a fortune. One of the most depressing factors about all this is that Government, by initiating this legislation, must take full responsibility for any evil consequences that might ensue.

It must also be remembered that if this Bill is passed, Government is not only introducing more *legalized* gambling, it is putting its seal of approval on an *extension* of gambling in Hong Kong in that it is a new form of gambling to the great majority of the Chinese people. Or is Government seriously suggesting that with the introduction of Football pools other forms of gambling would go out of favour and no more would go out of the poor man's pocket than goes out at present?

Admittedly, most of our Chinese population gamble already, some of the time illegally, at their own native games of chance, but most of this is done between friends, and what one loses today one may win back tomorrow. A lot of them are foolish enough, like many of us, to buy sweep tickets or back horses at the races—I say "foolish enough" deliberately, because the odds in racing, as in football pools, are always against the punter—but at least it is a sport going on in their own backyard in which their own kith and kin take an active part, and at least they know that the only ones to benefit from their folly are the lucky winners, the Government, and many of the welfare institutions of Hong Kong. This brings me to my last point which is that this Bill introduces for the first time in the history of this colony legalized gambling as a commercial enterprise, but I do not propose to elaborate on this aspect as I know it is going to be the fully covered by my honourable Friend, Mr. Dhun RUTTONJEE.

No, Sir, short as we may be of water in this Crown Colony, this is a pool that we would be well advised to let evaporate until it becomes a mere bubble in a puddle. Delectable as its waters may be to our British taste, unfortunately it has a flavour which deeply offends not only those in our midst who will always oppose any form of organized gambling on moral ground, but also many thousands of responsible Chinese citizens who are developing under your guidance and leadership a sense of citizenship and responsibility in their local communities. They have been encouraged in this instance to speak their views, and they have expressed them clearly and almost unanimously.

As a British citizen of this Colony, I urge the members of this Council to listen to their pleas and to vote against this Bill.

MR. DHUN RUTTONJEE: —Your Excellency, I rise to support the views so ably expressed by my honourable Friends, Messrs. KWOK Chan and BARTON.

In the last few weeks the term "Football Pool" has been variously described, and not a few correspondents in the daily papers would have us believe it is a term no longer allowed in polite company. In some circles, all one has to do to create a mental panic and a state of frenzied hysteria is to mention "football pools". A number of lurid pictures have been painted about the mass starvation and mass lunacy that will follow in the train of pools. The artists of such pictures insult the intelligence of our people.

I am not swayed by hysterical outbursts. It is essential in my view to look at this thing rationally, to try to put football pools and betting generally into proper perspective. We must first of all make up our minds, not on whether we want football pools, but whether or not we are going to allow the principle of commercially organized betting. Hitherto, the only betting we have permitted is that which provides for all investments—if one may be permitted to use such a word in this context—returning to the people in one form or another. My honourable Friend, Mr. Kwok Chan has said, the Jockey Club is a model. Government takes a goodly slice of its takings, the lucky punters get their share, and what is left after normal provisions for depreciation, sinking fund, etc. is donated to charity. The Stewards give their services free, and the Club itself takes no profit. There is but one other instance of lawful gambling in this Colony and that is the case of raffles organized for charity. It is only in recent years in fact, that it has been possible for charitable organizations, on special occasions, to obtain permission from authority to promote raffles, and even then, permission is only granted on each special occasion (for which an application must be made) and there are certain requirements before such permission is granted. The proceeds from these raffles all go back to the people, and the promoters receive no personal financial reward. This is the system

of gambling, if it is to be legalized at all, that I favour—not gambling which is solely run as a business venture and ultimately for the enrichment of individual promoters and shareholders.

The Bill before Council allows 15% of all takings being retained by the promoters to cover presumably, profits for the promoters or shareholders, in addition to overheads and salaries for staff. Now this is a radical departure from the principle of gambling that we have hitherto allowed. If this Bill is passed, then having accepted the principle that gambling is a legitimate business, we cannot refuse to legislate for the traditional Chinese forms of gambling—fan tan, tse fah, pak kap piu, etc. etc., and if anything, these forms of gambling, being the ones understood by the major portion of the people who like to gamble, should logically receive the prior consideration. At least every bettor has the same chance with these games—he knows what's going on and he can exercise an element of skill (if he has any) —whereas with football pools, even if the coupons are made out in Chinese, a good many of the bettors, inasmuch as some of them will come from the category that cannot read or write, will be at a disadvantage. And who will deny that complications will inevitably arise in such circumstances.

Sir, I do not subscribe to gambling as a business for the enrichment of a few promoters or shareholders, and I therefore regret that on a point of principle, I am unable to support the Bill before Council.

With these remarks, Sir, I close the case for the opposition, but I have been requested by my Unofficial Colleagues to state, that with the exception of the Senior Unofficial Member, all Unofficials support the views expressed by my honourable Friends, Messrs. KWOK Chan and BARTON, as well as those I have put forward, and the only reason they are refraining from speaking today is because they are satisfied that the addresses made, adequately cover the ground on their behalf.

H. E. THE GOVERNOR: —I shall now put the question. The question is that this Bill be read a Second time.

COLONIAL SECRETARY: —Sir, I should like to claim a division.

A division was taken on the motion. Mr. KWOK Chan, Mr. H. D. M. BARTON, Mr. Dhun J. RUTTONJEE, Mr. FUNG Ping-fan, Mr. R. C. LEE, Mr. KWAN Cho-yiu and Mr. GOLDSACK voted against the motion. Mr. NGAN Shing-kwan, the Commander British Forces, the Colonial Secretary, the Attorney General, the Secretary for Chinese Affairs, the Financial Secretary, Mr. A. INGLIS, Dr. D. J. M. MACKENZIE, Mr. C. G. M. MORRISON and Mr. R. M. HETHERINGTON abstained from voting. The President abstained from voting.

H. E. THE GOVERNOR: —On a division the voting is—for the 'ayes' none; 'noes' 7; abstentions 11. I therefore declare the motion for the Second reading of this Bill defeated.

ADOPTION (AMENDMENT) BILL, 1960.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Adoption Ordinance, 1956."

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 8 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Adoption (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.

CLEAN AIR (AMENDMENT) BILL, 1960.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Clean Air Ordinance, 1959".

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 Clean Air (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.

**QUARANTINE AND PREVENTION OF DISEASE (AMENDMENT)
BILL, 1960.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance further to amend the Quarantine and Prevention of Disease Ordinance, Chapter 141."

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 Quarantine and Prevention of Disease (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.

H. E. THE GOVERNOR: —Honourable Members, this is the last occasion on which we shall have General BASTYAN serving with us on Legislation Council. It has been our good fortune to have had him as a colleague for three years and I know that you will all wish me to express here in Council our grateful appreciation for the outstanding services he has rendered during his period of command. As I have said elsewhere General BASTYAN has been not only an able soldier serving here, but has associated himself sympathetically and in a very positive way in action to solve our problems. Both he and Lady BASTYAN have taken an active part in social welfare work and have

completely identified themselves with Hong Kong, its life and its well-being. We are all sorry that it is necessary for us to say goodbye to one who has been such a loyal, efficient, and good friend. It is sad that a day for goodbyes arrives—it is always a sad thing—it has to come, we have to accept it, but in saying goodbye to General BASTYAN I should like to say on behalf of all the honourable Members of this Council, and including myself as President, that we are grateful for what he has done and what his wife has done while in Hong Kong, and to them both we offer our very best wishes for their future health and happiness. (*Applause*).

GENERAL BASTYAN: —Your Excellency, honourable Members, I thank you, Sir, for your gracious remarks especially the tribute you have paid to my dear wife. I think you all know how very happy we have been here during our three years and how very sad we feel that our time here has come to its end, but a very real sadness is none the less tempered with gladness for we are rich because we have known you all and have been allowed to play our humble part in the great work of this Colony. My wife and I owe a very special debt to you, Sir, to Lady BLACK, to all honourable Members and their wives, for the welcome we received when we came here and for the guidance and help and, above all, friendship which you all offered us with both hands. I would like to pay a tribute to all departments of Government. Government is of course the perfect Aunt Sally because it cannot without loss of dignity defend its actions against every criticism. How lucky is this Colony to have the Government it has. It is evident to all who care to see how much has been done; how much is being done; and how much more will be done in the future. In my own dealings with Government departments I have often felt that you are entitled to use these words—“The difficult we will do today—the impossible may take just little bit longer”.

In closing may I, Sir, extend to you and to Lady BLACK, to all honourable Members and their wives, and to every member of this wonderful Colony our very best wishes for the future, and with it our gratitude that we have been privileged to be here with you an these last three years which are the happiest years of our lives. (*Applause*).

ADJOURNMENT.

H. E. THE GOVERNOR: —That concludes the business for today, 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 GOVERNOR: —Council stands adjourned until this day two weeks.