

OFFICIAL REPORT OF PROCEEDINGS.**Meeting of 26th October, 1960.**

PRESENT:HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

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

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 ROBERT MARSHALL HETHERINGTON, D.F.C.

(Commissioner of Labour).

THE HONOURABLE HECTOR WILLIAM FORSYTH

(Acting Director of Public Works).

THE HONOURABLE DAVID RICHARD WATSON ALEXANDER, M.B.E.

(Director of Urban Services).

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

THE HONOURABLE KWOK CHAN, 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.

THE HONOURABLE DONALD BLACK.

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

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

LIEUTENANT-GENERAL SIR RODERICK WILLIAM McLEOD, K.C.B., C.B.E.

DR. THE HONOURABLE TENG PIN-HUI

(Acting Director of Medical and Health Services).

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

MINUTES.

The minutes of the meeting of the Council held on 12th October, 1960, were confirmed.

PAPERS.

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

<i>Subject</i>	<i>G.N. No.</i>
Sessional Papers, 1960: —	
No. 22—Annual Report by the Registrar, Supreme Court for the year 1959/60.	
No. 23—Annual Report by the Director, Royal Observatory for the year 1959/60.	
No. 24—Annual Report by the Postmaster General for the year 1959/60.	
No. 25—Annual Report by the Chief Officer, Fire Brigade for the year 1959/60.	
No. 26—Annual Report by the Manager and Chief Engineer, Railway for the year 1959/60.	
No. 27—Annual Report by the Registrar of Trade Unions for the year 1959/60.	
No. 28—Annual Report of the Accountant General with the Accounts of the Colony for the year 1959/60.	
Police Force Ordinance.	
Police (Welfare Fund) (Amendment) Regulations, 1960	A. 117.
Pharmacy and Poisons Ordinance.	
Poisons List (Amendment) (No. 4) Regulations, 1960	A. 118.
Pharmacy and Poisons Ordinance.	
Poisons (Amendment) (No. 4) Regulations, 1960	A. 119.
Census Ordinance, 1960.	
Census (No. 2) Order, 1960	A. 120.
Hawker Control Force Ordinance, 1960.	
Hawker Control Force Ordinance, 1960 (Amendment of First Schedule) Order, 1960	A. 121.
Public Health (Animals and Birds) Ordinance.	
Public Health (Animals and Birds) (Keeping of Cattle, Swine, Sheep and Goats) Regulations, 1960	A. 122.

<i>Subject</i>	<i>G.N. No.</i>
Public Health (Animals and Birds) Ordinance.	
Public Health (Animals and Birds) (Animal Dealers) Regulations, 1960	A. 123.
Public Health (Animals and Birds) Ordinance.	
Public Health (Animals and Birds) (Amendment) Regulations, 1960	A. 124.
Prevention of Cruelty to Animals Ordinance.	
Prevention of Cruelty to Animals (Amendment) Regulations, 1960	A. 125.
Public Health (Animals and Birds) Ordinance.	
Dairies Regulations, 1960	A. 126.
Public Health and Urban Services Ordinance, 1960.	
Public Health and Urban Services Ordinance, 1960 (Amendment of First Schedule) Order, 1960	A. 127.
Stamp Ordinance.	
Stamp (Bank Authorization) (No. 4) Order, 1960	A. 128.

**ADMINISTRATION OF JUSTICE (SUMMARY OFFENCES)
ORDINANCE, 1955—RESOLUTION.**

THE ATTORNEY GENERAL moved the following resolution: —

Resolved, pursuant to section 11 of the Administration of Justice (Summary Offences) Ordinance, 1955, that the duration of the said Ordinance be extended for the term of one year with effect from the 28th October, 1960.

He said: Your Excellency, I rise to move the resolution standing in my name, which is designed to extend the life of the Administration of Justice (Summary Offences) Ordinance, 1955, for a further year. Sir, that Ordinance permits persons summoned in respect of a limited category of minor offences to plead guilty and to pay their fines without the necessity for a hearing before a magistrate. The Chief Justice, Sir Michael HOGAN, has pointed out that the Ordinance does not operate satisfactorily in certain respects, and upon his return to the Colony, I intend to put before him certain proposals which may obviate the necessity for this particular Ordinance. If these proposals are carried into effect, this Ordinance will become redundant; and if that happens before it is due to expire next October, steps will be taken for its repeal.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

CONSERVANCY (AMENDMENT) BY-LAWS, 1960.

MR. D. R. W. ALEXANDER moved the following resolution: —

Resolved that the Conservancy (Amendment) By laws, 1960, made by the Urban Council on the 4th day of October, 1960, under section 29 of the Public Health and Urban Services Ordinance, 1960, be approved.

He said: Your Excellency, as By-law 5 of the Conservancy By-laws, 1960 now stands, the obligations in certain premises to provide an adequate supply of water for flushing purposes and to keep mechanical ventilating systems in good working order rest with the occupier of these premises. It has become evident that these obligations should more properly rest with the owner, rather than with the occupier, and the revised By-law 5 makes the necessary changes to that end.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

POLICE FORCE (AMENDMENT) BILL, 1960.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Police Force Ordinance, Chapter 232."

He said: Sir, on the 10th September, 1959, a new General Order of the Government No. 444 was published, its main purpose being to introduce a procedure for dealing with cases where it is not possible through lack of evidence to bring a charge of a specific offence, either criminal or disciplinary, but where there is reason to suspect some misconduct of a corrupt character because of an officer's apparent affluence in comparison with his salary and known private means. That General Order provides that where the Governor is of opinion that an officer appears to be either maintaining a standard of living, or in control of pecuniary resources above a standard which the Governor considers commensurate with his official emoluments and any known private means, the officer may be called upon to explain how he is able to maintain that standard or how he came by his pecuniary resources.

If the officer fails to give a satisfactory explanation the Governor may then refer the matter to a tribunal for inquiry, consisting of a judicial officer nominated by the Chief Justice, and two public officers appointed by the Governor, the judicial officer being in the chair. The tribunal having inquired into the matter makes a report to the Governor, and the Governor, upon consideration of the report, if he is of opinion that the officer has failed to give a satisfactory explanation, may either dismiss him or require him to retire from the public service. The

General Order goes on to make provision for the procedure before the tribunal and expressly provides that an officer may be represented by a solicitor or counsel or by another officer. These then are the main provisions of the General Order which came into force in last September. By virtue of section 12 of the Police Force Ordinance, that General Order applies to gazetted police officers, that is to say, officers of or above the rank of Assistant Superintendent, but other members of the Police are not subject to it but to the disciplinary provisions contained in the Ordinance. It is therefore proposed to insert into the Ordinance provisions substantially on the lines of General Order No. 444 so that similar disciplinary procedure in this particular respect will apply throughout the Force. This is the purpose of clause 8 of this Bill, the main provision of this Bill.

I will now deal with the other clauses quite briefly. Clause 2 makes provision for the delegation of statutory functions of the Commissioner of Police. Clauses 3 and 4 are purely formal; the first makes a change of description, and the other makes a consequential amendment. Clause 5 provides for termination of service in the public interest in accordance with Colonial Regulations. Clause 6 amends section 28 of the Ordinance so as to provide that "Severe Reprimand", "Reprimand", and "Caution" are included in the list of punishments which may lawfully be imposed for disciplinary offences, and that clause also makes provision for a review of disciplinary proceedings by the Commissioner instead of only on appeal as at present. Clause 7 amends section 29 of the Ordinance to enable the Governor to require retirement from the Force instead of ordering dismissal in the case of a disciplinary offence by an Inspector of Police.

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 applies to police officers—

- (a) the provisions of Colonial Regulations which enable a public officer to be retired in the public interest; and
- (b) the provisions of General Orders of the Government which empower dismissal of public officers who fail satisfactorily to explain how they are able to maintain a standard of living above that which is commensurate with their official emoluments or how they have come by pecuniary resources in excess of these emoluments.

2. Opportunity has been taken by clause 2 of the Bill to insert into the principal Ordinance a general power of delegation in the Commissioner to enable him to delegate functions in respect of which no specific power of delegation exists at present. Opportunity has also been taken by clauses 6 and 7 respectively to amend the principal Ordinance—

- (a) in section 28, by the addition of "severe reprimand", "reprimand" and "caution" to the list of disciplinary penalties which may be imposed under that section, and to make provision, subject to safeguards, to enable the Commissioner to review disciplinary proceedings of his own motion instead of, as is at present the case, only on appeal by the offender; and
- (b) in section 29, by the insertion of a power in the Governor to require an inspector to retire from the public service where, in the Governor's opinion, disciplinary proceedings have disclosed that there are sufficient grounds for so doing, without requiring such inspector to be dismissed the service and thereby to incur those consequential penalties which flow therefrom.

PLACES OF PUBLIC ENTERTAINMENT (AMENDMENT) BILL, 1960.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Places of Public Entertainment Ordinance, Chapter 172."

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 Places of Public Entertainment (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.

**PUBLIC RECLAMATIONS AND WORKS
(GIN DRINKERS BAY) BILL, 1960.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to validate an undertaking for reclamation and other works over and upon unleased Crown foreshore and sea bed situate at Gin Drinkers Bay and to make provision for any claims for compensation arising either out of such works or out of works previously validated."

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 and the Schedule were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Public Reclamations and Works (Gin Drinkers Bay) 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 GOVERNOR: —Well, gentlemen, that concludes the business for to-day. 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.