

OFFICIAL REPORT OF PROCEEDINGS.**Meeting of 8th February, 1961.**

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 PATRICK CARDINALL MASON SEDGWICK
(*Commissioner of Labour*)
THE HONOURABLE HECTOR WILLIAM FORSYTH
(*Acting Director of Public Works*)
DR. THE HONOURABLE TENG PIN-HUI
(*Acting Director of Medical and Health Services*)
THE HONOURABLE KENNETH STRATHMORE KINGHORN
(*Director of Urban Services*)
THE HONOURABLE NGAN SHING-KWAN, C.B.E.
THE HONOURABLE KWOK CHAN, O.B.E.
THE HONOURABLE HUGH DAVID MacEWEN BARTON, M.B.E.
THE HONOURABLE DHUN JEHANGIR RUTTONJEE, O.B.E.
THE HONOURABLE FUNG PING-FAN, O.B.E.
THE HONOURABLE RICHARD CHARLES LEE, O.B.E.
THE HONOURABLE KWAN CHO-YIU, O.B.E.
THE HONOURABLE GEORGE MACDONALD GOLDSACK
MR. ANDREW McDONALD CHAPMAN (*Deputy Clerk of Councils*)

ABSENT:

HIS EXCELLENCY THE COMMANDER BRITISH FORCES,
LIEUTENANT-GENERAL SIR RODERICK WILLIAM McLEOD, K.C.B., C.B.E.

MINUTES.

The minutes of the meeting of the Council held on 18th January, 1961, 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, 1961: —	
No. 4—Annual Report by the District Commissioner New Territories for the year 1959/60.	
No. 5—Annual Report by the Commissioner of Mines for the year 1959/60.	
Royal Hong Kong Defence Force Ordinance, 1951.	
Royal Hong Kong Defence Force (Amendment) Regulations, 1961	A. 3.
Essential Services Corps Ordinance.	
Essential Services Corps (General) (Amendment) Regulations, 1961	A. 4.
Dangerous Goods Ordinance, 1956.	
Dangerous Goods (Amendment) Regulations, 1961	A. 5.
Dangerous Goods Ordinance, 1956.	
Dangerous Goods (Shipping) (Amendment) Regulations, 1961.	A. 6.
Census Ordinance, 1960.	
Census Regulations, 1961	A. 9.
Royal Hong Kong Defence Force Ordinance, 1951.	
Hong Kong Regiment (Amendment) Regulations, 1961	A. 11.
Dangerous Drugs Ordinance.	
Dangerous Drugs (Amendment) Regulations, 1961	A. 12.
Royal Hong Kong Defence Force Ordinance, 1951.	
Hong Kong Home Guard (Revocation) Regulations, 1961	A. 13.

QUESTIONS.

MR. R. C. LEE, pursuant to notice, asked the following questions: —

1. How many unregistrable doctors are there in Government service
 - (a) as Medical Officers, and
 - (b) as Assistant Medical Officers?

2. How many of the unregistrable doctors who have passed the examination of the Society of Apothecaries of London still remain in Government service?
3. Does the Government intend to make further arrangements with the Society of Apothecaries for the examination of those unregistrable doctors who remain in Government service?

DR. TENG PIN-HUI replied as follows: —

Your Excellency, in 1958 before any examinations were held by the Society of Apothecaries of London there were 156 unregistrable doctors in the Government service.

93 of them sat and passed the examination. 19 left the service since qualifying, leaving 74 still in the service.

63 of the original 156 unregistrable doctors have not passed the examination. They are all still in the service. 26 of them are Medical Officers and 37 are Assistant Medical Officers. Most of them, that is, 44, were not eligible to sit the examination.

The answers to the first two questions are therefore—

- (i) 26 unregistrable Medical Officers and 37 unregistrable Assistant Medical Officers are in Government service;
- (ii) 74 doctors who passed the examination remain in the service.

In reply to the third question it is not considered that the holding of further examinations is justified, bearing in mind the small number of eligible candidates now remaining, both in Government service and outside.

DEMOLISHED BUILDINGS (RE-DEVELOPMENT OF SITES)

BILL, 1961.

MR. H. W. FORSYTH moved the First reading of a Bill intituled "An Ordinance to make provisions concerning the re-development of sites of certain demolished buildings, compensation of tenants evicted therefrom and for purposes connected therewith."

He said: Sir, in July, 1959, a Working Party was appointed to examine the situation arising from the number of dangerous buildings in the Colony, and to make recommendations on the administrative and legal measures necessary to meet the problem. The Working Party submitted their report in October, 1959. Their recommendations covered such matters as the payment of compensation to the dispossessed tenants, their rehousing, and the redevelopment of the sites of the demolished buildings.

Subsequently, the Demolished Buildings (Redevelopment of Sites) Bill received its first reading. The Objects and Reasons drew attention to the fact that the owner of a protected building which was required to be demolished in compliance with an order of the Building Authority, obtained vacant possession without payment of compensation to the dispossessed tenants. In regard to rehousing the Objects and Reasons pointed out that it was proposed to levy a charge on those owners of one half the incremental value of their vacant property, to offset the cost to Government of rehousing those of the dispossessed tenants who were unable to find other accommodation.

It will be recalled that after the First reading some honourable Members criticized the Bill, particularly the proposal to levy a charge on the increased value of the property. Following consultations between my honourable Friend, Mr. C. Y. KWAN, and the Attorney General a new Bill was drafted, and the original Bill was withdrawn on January 4th this year.

The principal object of the new Bill is to enable dispossessed tenants of protected premises to obtain compensation, either by way of making application to the Tenancy Tribunal or by agreement with the owner. No specific provision is made for rehousing but the protected tenants of buildings which have to be demolished because of structural failure, fire, or calamity will be, as I have said, in a similar position to those in buildings demolished in pursuance of an exclusion order made under the Landlord and Tenant Ordinance, and will receive similar compensation.

Honourable Members will recall that in connexion with the original Bill it was the intention that tenants of demolished buildings should have automatic access to accommodation in government low-cost housing schemes regardless of their individual circumstances. This was in accordance with the statement made at the time of the publication of the Report of the Special Committee on Housing, in which Government announced its intention of providing housing at very low rentals for people in the lowest income groups. Under the legislation now proposed, the position will be that these persons will be able to participate in such schemes if their individual circumstances make them eligible, and not simply because they are tenants of premises which have to be demolished.

In this connexion it is Government's intention to proceed with all speed with the construction of these low-cost housing units. Site formation works will be commenced immediately after Chinese New Year on an estate at Kwun Tong; plans have been completed for a large estate at Wong Tai Sin and work will commence there as soon as the resumption

of some private land has been completed. Plans for a third estate at Shek Kip Mei have now been finalized, and at Valley Road formation has already commenced on the site of the recent fire.

Sir, this Bill deals not only with the position of the dispossessed tenant, but also, as its title implies, with the redevelopment of sites rendered vacant by the demolition or destruction of buildings. There is provision for the Director of Public Works to make an order requiring the redevelopment of a site within a specified time with buildings conforming to the lease covenants. The owner has a right of appeal against such an order. In addition an owner of property made subject to the Bill may surrender his lease to the Crown at full market value, in which event the Crown undertakes the payment of compensation to the Tenants.

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: —

Where buildings subject to the Landlord and Tenant Ordinance become dangerous and require to be demolished, this is done in compliance with an order of the Building Authority under the Buildings Ordinance, 1955 without recourse to the tenancy tribunal. As a result the owner obtains vacant possession without payment of compensation to the dispossessed tenants.

2. The principal object of this Bill is to enable the tenants dispossessed in this way to obtain compensation, either by making application to the tenancy tribunal or by agreement with the owner. Either party may appeal from an award made by the tenancy tribunal (clause 6). The compensation, whether assessed by a tenancy tribunal or agreed upon between the parties, becomes recoverable in the courts as a debt due from the owner (clause 7).

3. Property which has become dangerous, or in fact demolished by reason of fire or other calamity, may be made subject to the provisions of this Bill by a notice served by the Director of Public Works under clause 3. Thereafter the Director may make an order requiring the re-development of the site within a specified time with buildings conforming to the lease covenants. Against this order the owner has right of appeal to the tribunal established under the Bill by clause 10. These notices and orders are required to be registered in the Land Office and copies of them served on all persons appearing from the records in the Land Office to have an interest in the property.

4. An owner of property made subject to this Bill may, with the consent of any mortgagees of the property, surrender his lease to the Crown at full market value. The Crown thereupon undertakes the payment of compensation to the tenants (clause 8).

**FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT)
(AMENDMENT) BILL, 1961.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Foreign Judgments (Reciprocal Enforcement) Ordinance, 1960."

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 Foreign Judgments (Reciprocal Enforcement) (Amendment) Bill, 1961, 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.

INTERPRETATION (AMENDMENT) BILL, 1961.

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

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Second time.

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

Clauses 1 to 3 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Interpretation (Amendment) Bill, 1961, has 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.

**CORRUPT AND ILLEGAL PRACTICES (AMENDMENT)
BILL, 1961.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Corrupt and Illegal Practices Ordinance, 1955."

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Second time.

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

Clauses 1 to 6 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Corrupt and Illegal Practices (Amendment) Bill, 1961, 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: —May I suggest this day three weeks, Sir?

H. E. THE GOVERNOR: —Council stands adjourned until this day three weeks.