

OFFICIAL REPORT OF PROCEEDINGS.**Meeting of 10th May, 1961.**

PRESENT:

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*),
SIR ROBERT BROWN BLACK, K.C.M.G., O.B.E.
THE HONOURABLE THE COLONIAL SECRETARY,
MR. EDMUND BRINSLEY TEESDALE, M.C. (*Acting*)
THE HONOURABLE THE ATTORNEY GENERAL,
MR. ARTHUR RIDEHALGH, Q.C.
THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS,
MR. JOHN CRICHTON McDOUALL
THE HONOURABLE THE FINANCIAL SECRETARY,
MR. JOHN JAMES COWPERTHWAITTE, O.B.E.
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 KENNETH STRATHMORE KINGHORN
(*Director of Urban Services*)
THE HONOURABLE PETER DONOHUE
(*Director of Education*)
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 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.
THE HONOURABLE FUNG PING-FAN, O.B.E.

MINUTES.

The minutes of the meeting of the Council held on 26th April, 1961, were confirmed.

OATHS.

MR. P. DONOHUE took the Oath of Allegiance and assumed his seat as a Member of this Council.

H. E. THE GOVERNOR: —We welcome you to our Council, Mr. DONOHUE.

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 Paper, 1961: —	
No. 11—Annual Report by the Director of Medical and Health Services for the year ending 1959/60.	
Certificate and Report of the Director General of the Overseas Audit Service on the accounts of Hong Kong for the year ended 31st March, 1960.	
Dogs and Cats Ordinance.	
Dogs and Cats (Amendment) Regulations, 1961	A. 53.
Mining Ordinance, 1954.	
Mining (General) (Amendment) Regulations, 1961	A. 54.
Registration of Persons Ordinance, 1960.	
Registration of Persons (Amendment) Regulations, 1961	A. 55.
Telecommunication Ordinance.	
Charges for Radiotelegrams Order, 1961	A. 57.
Companies Ordinance.	
Companies (Forms) (Amendment) (No. 2) Order, 1961	A. 58.
Holidays Ordinance.	
General Holidays Order, 1961	A. 59.

**PUBLIC RECLAMATIONS AND WORKS (AMENDMENT)
BILL, 1961.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Public Reclamations and Works Ordinance, 1956."

He said: Sir, this is a very straightforward amendment and its purpose is, I think, sufficiently explained in the statement of "Objects and Reasons" to which there is nothing I can usefully add at this stage.

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: —

Section 3 of the Public Reclamations and Works Ordinance, No. 27 of 1956, requires the Governor in Council to consider a proposed undertaking together with all objections and claims and to afford every person who has objected or claimed an opportunity of being heard in person or by counsel or solicitor. In the case of a recent reclamation where the Governor in Council had indicated to the objectors that a certain procedure was to be followed at the hearing of their objections, writs were issued against the Attorney General as representing the Governor, in Council for a declaration that the order laying down the procedure was *ultra vires*, and that the hearing of objectors in accordance with section 3 was a quasi-judicial proceeding. That position was not accepted by the Crown but the issues were never tried because the legal proceedings have been discontinued. It is, however, desirable that the matter should be put beyond doubt and that is the object of this Bill which declares the proceedings under section 3 to be of an administrative character.

MARINE INSURANCE BILL, 1961.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to codify the law relating to marine insurance."

He said: Sir, the Marine Insurance Act, 1906, codified the law of the marine insurance in the United Kingdom, which was previously derived from decisions of the courts and the treatises of text-writers, and this codification was accepted as a great boon to the mercantile community. But, although the Act was a codifying statute, it also changed the law in relation to what is known as "constructive total loss". Local insurers could therefore be embarrassed by the lack of uniformity between United Kingdom law and Hong Kong law (which is the common law) in the interpretation of the expression "constructive total loss" and by other less important differences. It is understood that local underwriters have, as a matter of custom, applied the United Kingdom Act to their business. However that may be, Government thinks that it would be to the advantage of the mercantile community

in Hong Kong to place on our statute book legislation dealing with marine insurance, and this view is supported by the Marine Insurance Association and the Hong Kong General Chamber of Commerce.

Sir, the provisions of this Bill are necessarily of a highly technical character, and no useful purpose would, I think, be served by embarking on a discussion of them at this stage, but anyone wishing to get a general idea of the scope of this measure, might have a look at clauses 2 and 3. Clause 2 defines marine insurance, and clause 3 defines marine adventure and maritime perils to which contracts of marine insurance apply. This Bill follows rigidly the United Kingdom legislation on the subject with verbal adaptations only.

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 codify the common law relating to marine insurance. It is modelled on the Marine Insurance Ordinance, 1958 of the Colony of Aden as suggested by the Secretary of State for the Colonies and the United Kingdom Board of Trade. The Marine Insurance Ordinance of Aden closely follows the Marine Insurance Act, 1906.

PROTECTION OF WOMEN AND JUVENILES (AMENDMENT)

BILL, 1961.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Protection of Women and Juveniles Ordinance, 1951."

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 Protection of Women and Juveniles (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.

**THE COUNCIL OF HEEP YUNN SCHOOL INCORPORATION
BILL, 1961.**

MR. R. C. LEE moved the Second reading of a Bill intituled "An Ordinance to provide for the incorporation of The Council of Heep Yunn School."

MR. NGAN SHING-KWAN seconded.

The question was put and agreed to.

The Bill was read a Second time.

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

Clauses 1 to 4 were agreed to.

Clause 5.

MR. R. C. LEE: —Your Excellency, I rise to move that clause 5 be amended as set forth in the paper before Honourable Members.

Proposed Amendment.

Clause.

5. Leave out the clause and substitute the following—

"Transfer of property. **5.** All monies, securities for money, goods, chattels, and effects whatsoever belonging or purporting to belong to the unincorporated The Heep Yunn School are hereby transferred to and vested in the corporation. "

Clause 5, as amended, was agreed to.

Clauses 6 to 11 were agreed to.

Schedule.

MR. R. C. LEE: —I rise to move that the Schedule be deleted.

Proposed Amendment.

Schedule. Leave out the Schedule.

The deletion of the Schedule was agreed to.

MR. R. C. LEE reported that The Council of Heep Yunn School Incorporation Bill, 1961, had passed through Committee with two amendments and moved the Third reading.

MR. NGAN SHING-KWAN 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 two weeks, Sir?

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