

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 11th July 1962****PRESENT:**

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR ROBERT BROWN BLACK, GCMG, OBE
THE HONOURABLE CLAUDE BRAMALL BURGESS, CMG, OBE
COLONIAL SECRETARY
THE HONOURABLE MAURICE HEENAN, QC
ATTORNEY GENERAL
THE HONOURABLE JOHN CRICHTON McDouall
SECRETARY FOR CHINESE AFFAIRS
THE HONOURABLE JOHN JAMES COPPERTHWAITE, OBE
FINANCIAL SECRETARY
THE HONOURABLE ALLAN INGLIS, CMG
DIRECTOR OF PUBLIC WORKS
DR THE HONOURABLE DAVID JAMES MASTERTON MACKENZIE, CMG, OBE
DIRECTOR OF MEDICAL AND HEALTH SERVICES
THE HONOURABLE KENNETH STRATHMORE KINGHORN
DIRECTOR OF URBAN SERVICES
THE HONOURABLE PETER DONOHUE
DIRECTOR OF EDUCATION
THE HONOURABLE DHUN JEHANGIR RUTTONJEE, OBE
THE HONOURABLE FUNG PING-FAN, OBE
THE HONOURABLE RICHARD CHARLES LEE OBE
THE HONOURABLE KWAN CHO-YIU, OBE
THE HONOURABLE KAN YUET-KEUNG, OBE
THE HONOURABLE WILLIAM CHARLES GODDARD KNOWLES
THE HONOURABLE SIDNEY SAMUEL GORDON
THE HONOURABLE LI FOOK-SHU
MR ALASTAIR TREVOR CLARK (*Clerk of Councils*)

ABSENT:

HIS EXCELLENCY LIEUTENANT-GENERAL REGINALD HACKETT HEWETSON, KCB,
CBE, DSO
COMMANDER BRITISH FORCES

MINUTES

The minutes of the meeting of the Council held on 27th June 1962, were confirmed.

PAPERS

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

<i>Subject</i>	<i>GN No</i>
Report of the Census 1961, Vols. I—III.	
University Ordinance, 1958.	
Statutes of the University (Amendment) Statutes, 1962	A 59
Pharmacy and Poisons Ordinance.	
Poisons (Amendment) Regulations, 1962	A 60
Pharmacy and Poisons Ordinance.	
Poisons List (Amendment) Regulations, 1962	A 61
Pharmacy and Poisons Ordinance.	
Poisons List (Amendment) (No. 2) Regulations, 1962	A 62

He said: Sir, one of these papers—the three volume report on the recent Census—is a document of unique importance to Hong Kong; and I very much regret that Mr BARNETT, who planned and directed the whole Census operation with such conspicuous ability and resource, is not present in the Colony to witness its reception by the public.

I fear, Sir, that the more portentous reverberations of Mr BARNETT's statistical thunder have been stolen—if I may speak metaphorically. The major conclusions of his report have been public knowledge for some months; and the reason for this is, of course, that any reliable information on our population problem is of such vital importance to every aspect of forward planning (whether in the public or the private sector) that Government felt bound to release any significant figures as they became available. Furthermore the preparation, printing and checking of a report of this kind takes time; but I hope that the fact that many of the general conclusions are already known, will not deter our planners, both public and private, from making the fullest use of the details of this veritable Aladdin's Cave of information, now opened to the public for the first time.

There will undoubtedly be some people, simple-minded like myself, who will pause at the portals of this cave, dazzled and bewildered by the factual riches therein. Mr BARNETT has not overlooked our predicament. In Chapter 23, which will be found in the third volume, he advises us as to those exhibits which merit close attention and as

to those which may be passed by with a cursory glance. In a few weeks time we hope to produce a sixteen-page illustrated summary—in English and Chinese—which will be called "The Census and You". Moreover the first chapter of the Annual Report for 1961 provides a further explanation in simple terms—particularly of the background to the whole Census operation. If the general reader were to proceed from these two publications to Mr. BARNETT's own guide to his Report, I think he would lose his bewilderment, and find much in Mr BARNETT's cave that is of fascination and interest and value to him.

The laying of this particular paper is, as I have said, an occasion of some importance for Hong Kong, and I regret, Sir, that I cannot conclude these few remarks without one word of warning. We in Hong Kong grow accustomed to the fact that change is one of the few constants in our society. I am afraid that Mr BARNETT's treasured statistics are not immune from this chronic mutation. The figures are even now more than a year out of date, and some of them may already have been overtaken by events subsequent to 7th March 1961. The population projections now being undertaken may not, therefore, lead to accurate forecasts. But demography is not, in the nature of things, an exact science; and our new approach to accuracy may be illustrated by the fact that never before in the last thirty years have we had as close a view of our actual population as the sixteen-months distance from which we now consider Mr BARNETT's figures. And I should, of course, make it clear that Government departments have not awaited the publication of this Report before applying themselves to figures as and when Mr BARNETT could make them available. The process of examination of the relevant figures is well advanced, and full account of these will be taken in all Government's forward planning.

QUESTIONS

MR DHUN J. RUTTONJEE, pursuant to notice, asked the following question: —

I am sure Government is aware that its present rent pause policy has stimulated a large number of notices for rent increases and/or eviction after the expiration of the six-months period. Would Government state whether it proposes to take any action to counter such unhealthy inflationary tendencies.

THE COLONIAL SECRETARY replied as follows: —

Sir, Government has the whole question of rents under continuing examination. It is not yet in a position to announce any conclusions or to forecast any action that may be taken.

MR DHUN J. RUTTONJEE, pursuant to notice, asked the following question: —

Has Government in its examination of the rent problem made a further study as to the feasibility of a fair rent tribunal and if so what conclusions has Government reached in that connexion?

THE COLONIAL SECRETARY replied as follows: —

Sir, I am afraid that I have nothing to add to the reply that I gave to the honourable Member's first question.

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

Arising out of the publication of the Tomkins Report, will Government indicate when, if at all, it is proposed to introduce legislation to amend the Banking Ordinance?

THE FINANCIAL SECRETARY replied as follows: —

Sir, it is Government's intention to introduce legislation to replace the present inadequate Banking Ordinance as early as possible. The aim is that it should become law by the end of this year, although not all provisions would come into force at once. I am not certain that we will achieve that aim because there is still a fair amount of work to be done. Since publication of the Tomkins Report various banking bodies have been considering it at Government's request and their advice has now been received. The next step will be to take it to the Banking Advisory Committee and then it will go to the Legal Department for final drafting. It has been agreed that drafting will be given high priority.

I should like to take this opportunity to make it clear that, while it is Government's view that there should be new banking legislation at an early date, the publication of Mr TOMKINS' Report should not necessarily be taken to mean that Government has accepted it for implementation in every particular.

SUPPLEMENTARY PROVISIONS FOR THE QUARTER ENDED 31ST MARCH 1962

THE FINANCIAL SECRETARY moved the following resolution: —

Resolved that the Supplementary Provisions for the Quarter ended 31st March 1962, as set out in Schedule No 5 (final) of 1961/62, be approved.

He said: Sir, the Schedule before Council is the fifth and final list of supplementary provisions on 1961/62 account. The total supplementary vote required on this occasion is some \$10½ million; this brings the total for the year as a whole to \$74½ million against recorded savings of just under \$2 million.

Generally speaking, the list represents the final adjustments necessary where the estimated provision in individual subheads proved inadequate to meet actual expenditure during the year.

All the items included in the Schedules have been approved by Finance Committee and the covering approval of this Council is now sought.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

**MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT)
(AMENDMENT) BILL, 1962**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Maintenance Orders (Facilities for Enforcement) Ordinance, Chapter 15."

He said, Sir, the purpose of this brief amending Bill is to repeal and replace section 12 of the principal Ordinance in order to afford the Governor power to extend the application of the principal Ordinance not only to British possessions and territories under Her Majesty's protection (which is the position at present) but also to other countries which provide the requisite reciprocal facilities. This will permit the enforcement in the courts of Hong Kong of maintenance orders made in any country which itself permits the enforcement under its laws of maintenance orders made in Hong Kong.

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 enable the Governor to extend the application of the Maintenance Orders (Facilities for Enforcement) Ordinance, Chapter 15 to all countries. Heretofore, this Ordinance could be extended only to other British possessions and territories under

Her Majesty's protection and maintenance orders made in other countries could not be enforced here. A request has now been received from South Africa for reciprocity in respect of maintenance orders and it is anticipated that further such requests will be received from time to time. It has been found convenient for drafting purposes to repeal and replace section 12 of the Ordinance.

HAWKER CONTROL FORCE (AMENDMENT) BILL, 1962

MR K. S. KINGHORN moved the First reading of a Bill intituled "An Ordinance to amend the Hawker Control Force Ordinance, 1960."

He said: The objects of this Bill are threefold. Firstly, to enable inspectors, other than Police Officers, to be appointed to the Hawker Control Force. Secondly, to revise the procedure for charging hawkers. Thirdly, to provide for the establishment of a welfare fund.

The present Ordinance requires that Hawker Control Force inspectors shall all be such Police Officers as the Commissioner of Police shall appoint. When the Hawker Control Force was first set up in 1960, it was agreed that the secondment of Police Inspectors should be treated as a diminishing commitment over a period of 5 years. It is now proposed to begin recruiting permanent inspectors for the Hawker Control Force.

When section 19 of the Ordinance was drafted, it was the intention that members of the Hawker Control Force would normally operate by issuing a Form 19 in the street to persons who appeared to have committed a scheduled offence. The Form 19 required the offender to appear at an office in a magistracy where a senior Police officer would be on duty to decide whether a formal charge should be made. If a charge were made, the offender would have to appear in court on the same day. In practice, the Hawker Control Force functions with its own Duty Rooms for each Division. Constables arrest offenders on the streets, taking both them and their goods straight to the Duty Room where a more senior officer of the Hawker Control Force decides whether a formal charge should be laid. If he decides to charge, the offender is given a Form 19 requiring him to appear in Court. This procedure is the only practicable one and causes the least inconvenience to the hawker. The amendment of section 19 of the Ordinance is designed to regularize it.

It is proposed to set up a welfare fund on the same pattern as similar funds for other disciplined forces, such as the Police Force and the Fire Services. The fund will consist of donations, voluntary contributions and such sums as may perhaps be voted from time to time by this Council.

Objects and Reasons

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

This Bill seeks to amend the Hawker Control Force Ordinance, 1960, No. 31 of 1960, (the principal Ordinance) in three respects.

- (a) At present, the inspectors of the Hawker Control Force are all seconded police officers appointed by the Commissioner of Police (section 7(1) of the principal Ordinance). It is intended that the Force should have its own inspectors who will gradually replace the seconded police officers. Clause 2 will amend subsection (1) of section 7 of the principal Ordinance to provide for the appointment by the Governor of inspectors. The existing provision for the appointment of police officers as inspectors will remain for the time being.
- (b) The new procedure introduced by section 19 of the principal Ordinance for the charging of hawkers and others who are alleged to have committed any of the offences specified in the First Schedule to the principal Ordinance and for securing their attendance at court if charged was designed, firstly, to avoid the dual attendance of arrested hawkers, usually on different days, at a police station for the purpose of being charged and at court on the hearing of the charge and, secondly, to relieve the congestion in the charge rooms at police stations. Experience since the Hawker Control Force commenced operations has shown that the first of these objectives cannot be realized in practice in that it is not practicable for a member of the Force on duty in the streets to issue the notice provided for by section 19(1)(a). The Hawker Control Force now has its own duty rooms to which persons arrested by members of the Force can conveniently be taken for the purpose of an inquiry into the allegations made against them, and clause 4 seeks to repeal section 19 and to replace it by a new section establishing a revised procedure that overcomes the practical difficulties that have been encountered in the operation of the existing procedure whilst, at the same time, continuing to relieve the charge rooms at police stations of the burden of dealing with persons arrested by members of the Force, except in rare cases; for example, where the offence is not a scheduled offence or it is necessary for the arrested person to be detained in custody. Under the revised procedure, a person arrested by a member of the Force will be taken either to a police station or to one of the Force duty rooms. If he is taken to a Force duty room, the case will be inquired into by an authorized officer who may charge him with one or more scheduled offences or, in appropriate cases,

direct that he be taken to a police station. An arrested person who is charged at a Force duty room with a scheduled offence will be served with a notice requiring him to attend court to answer to the charge and will then be released. Where a person arrested by a member of the Force is taken to a police station in the first instance or is taken there pursuant to a direction of the officer who inquires into the case at a Force duty room, the provisions of section 47 of the Police Force Ordinance will apply in the ordinary way.

- (c) Clause 6 seeks to introduce into the principal Ordinance two new sections establishing a welfare fund for the Hawker Control Force and empowering the Governor in Council to make regulations for its control and administration.

ADJOURNMENT

His Excellency the Governor: —Well, gentlemen, that concludes today's business. When is it your pleasure that we should meet again?

The Attorney General: —I suggest this day two weeks, Sir.

His Excellency the Governor: —Council stands adjourned until this day two weeks.