

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 8th August 1962**

PRESENT:HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

SIR ROBERT BROWN BLACK, GCMG, OBE

HIS EXCELLENCY LIEUTENANT-GENERAL SIR REGINALD HACKETT HEWETSON,
KCB, CBE, DSO,

COMMANDER BRITISH FORCES

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 TERENCE DARE SORBY

ACTING 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 FUNG HON-CHU

MR ANDREW McDONALD CHAPMAN (*Deputy Clerk of Councils*)

MINUTES

The minutes of the meeting of the Council held on 25th July 1962 were confirmed.

AFFIRMATION

MR FUNG HON-CHU made an Affirmation of Allegiance and assumed his seat as a Member of the Council.

HIS EXCELLENCY THE GOVERNOR: —We welcome you to Legislative Council.

MR FUNG HON-CHU: —Thank you very much, Sir.

PAPERS

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

<i>Subject</i>	<i>GN No</i>
Statement of Accounts of the Chinese Recreation Ground and Public Square Yau Ma Tei Management Committee for the year ending 31st March, 1962.	
Emergency (Deportation and Detention) Regulations, 1962.	
Emergency (Deportation and Detention) (Forms) Order, 1962	A 67
Emergency Regulations Ordinance.	
Emergency (Deportation and Detention) (Amendment) Regulations, 1962	A 68
Emergency (Deportation and Detention) Regulations, 1962.	
Emergency (Deportation and Detention) (Advisory Tribunal) Rules, 1962	A 69
Dentists Registration Ordinance, 1959.	
Dentists (Registration and Disciplinary Procedure) (Amendment) Regulations, 1962	A 70
Buildings Ordinance, 1955.	
Building (Demolition Works) Regulations, 1962	A 74
Buildings Ordinance, 1955.	
Building (Planning) (Amendment) Regulations, 1962	A 75
Buildings Ordinance, 1955.	
Building (Administration) (Amendment) Regulations, 1962	A 76

<i>Subject</i>	<i>GN No</i>
Registration of Persons Ordinance, 1960.	
Registration of Persons (Cancellation of Registration and Identity Cards) (No 3) Order, 1962	A 77
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No 10) Order, 1962	A 78

**ROYAL HONG KONG DEFENCE FORCE (AMENDMENT)
BILL, 1962**

THE COLONIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance to amend the Royal Hong Kong Defence Force Ordinance, 1951."

He said: Sir, I rise to move the First reading of a Bill intituled an Ordinance to amend the Royal Hong Kong Defence Force Ordinance, 1951.

Since Force Headquarters and the Hong Kong Regiment were reorganized last year, Government has been considering the role of Force Headquarters. For many years now the Hong Kong Royal Naval Reserve has been administratively independent of Force Headquarters. The Hong Kong Regiment has, since its re-organization, also become administratively independent, and similar arrangements have recently been made for the Hong Kong Auxiliary Air Force.

This has meant that the administrative responsibilities of the Commandant and of Force Headquarters have diminished considerably. It was of course never intended that they should exercise operational control of the Force. The intention has always been and still remains that, on call-out, the Units of the Force should be placed under the command of their respective Service Commanders.

The Service Commanders have now been consulted and have agreed with Government's proposal that Force Headquarters should be disbanded and that each Unit of the Force should in future be more closely associated with the appropriate Regular Service.

Since, under this Bill, the office of Commandant will disappear, I am sure that you, Sir, and honourable Members also will agree that it is appropriate that I should take the opportunity of paying public tribute on behalf of the Government to Brigadier Sir Lindsay RIDE's long and valued service as Commandant of the Force. In view of his close connexion with the old Hong Kong Volunteer Defence Corps and

his distinguished military record he was the obvious choice as Commandant of the re-constituted Volunteer Defence Corps in 1948 and then as Commandant of the combined Force when it was established in 1949—a post which he held until early this year, when his term of office expired.

At that time it had already been decided that this Bill should be drafted and it was for this reason that no new substantive appointment was made. The Deputy Commandant, Lieutenant Colonel Murray BROWN, was appointed Acting Commandant with the task of making, in consultation with the Service Commanders and the Commanding Officers of the Units, the arrangements necessary for handing over responsibility to the Commanding Officers.

Colonel Murray BROWN, having completed his task, leaves Hong Kong today on retirement. It is therefore necessary that a further acting appointment should be made pending the enactment of this Bill, and Colonel IVE, the Commanding Officer of the Hong Kong Regiment, has been appointed with effect from today.

In moving this Bill, I should like to make it clear that, although these changes will result in some economy, they are being made because it is believed that they will result in more efficient and practical use being made of the services of those members of our community who continue as members of the Force or who volunteer in future.

In those matters which still concern the Force as a whole a Committee of Commanding Officers will act. The Volunteer Centre will continue to be run as at present.

It is proposed in due course to introduce legislation establishing each principal Unit of the present Force as a separate entity, but for the time being the Royal Hong Kong Defence Force will continue under the existing Ordinance and Regulations, as amended by the present Bill.

THE ATTORNEY GENERAL 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: —

Since the re-organization of the Royal Hong Kong Defence Force in 1961 the responsibilities of Force Headquarters have considerably diminished. It is felt that the time has now come when the units of the Force should cease to be formally dependent upon Force Headquarters

and when the Commanding Officers should be given a greater degree of independence in relation to their own units. At the same time the units will become more closely associated with the corresponding regular services.

2. This Bill seeks to make the minimum number of amendments to the Royal Hong Kong Defence Force Ordinance, 1951, so as to provide for the abolition of the post of Commandant and Force Headquarters while consideration is being given to the form which legislation providing for the establishment and regulation of the various units of the Force will eventually take.

DISTRICT COURT (AMENDMENT) (NO 2) BILL, 1962

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance further to amend the District Court Ordinance, 1953."

He said: Sir, the purpose of this Bill is to amend the principal Ordinance to include therein express provision for an appeal at the suit of the Attorney General on a question of law from the decision of a District Court Judge in a criminal case.

Clause 2 of the Bill seeks to achieve this purpose by introducing a new section 32A which provides for the appeal to be by way of case stated and prescribes the appropriate procedure.

Sir, the Chief Justice has been consulted and has no objection to the proposed amendment.

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 provide an appeal at the suit of the Attorney General on questions of law from decisions of the District Courts in criminal matters. Section 32 already makes provision for appeals by persons convicted before these courts. It has been necessary up to the present to have recourse to the prerogative writs of *certiorari* and *mandamus* in order to challenge legal rulings adverse to the prosecution. A similar provision in respect of magistrates' courts is contained in section 103 of the Magistrates Ordinance.

SUPPLEMENTARY APPROPRIATION (1961-62) BILL, 1962

THE FINANCIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance to authorize a supplementary appropriation to defray the charges of the financial year ended the 31st day of March, 1962."

He said: Sir, this Bill seeks authority for supplementary expenditure during the last financial year of some \$3½ million under four different heads of expenditure. The details are set forth in the schedule.

Of the two largest items, the excess under Defence: Miscellaneous Measures, was due to higher net expenditure on the maintenance and turnover of reserve stocks, which will not necessarily be recurrent. Under Stores Department, the subhead causing the excess was that relating to Unallocated Stores. It was originally estimated that there would be an excess of issues over purchases of \$1 million, but in the event purchases exceeded issues by \$2.8 million. I should perhaps add that the stock of Unallocated Stores as at 31st March valued at \$16.6 million was well within the maximum approved by this Council in 1960.

Savings under other heads totalled about \$125 million so that there was in fact net under-expenditure of \$121½ million. Under Colonial Accounting rules, however, it is necessary for the gross excess to be formally approved by legislation.

This Bill, Sir, represents the final stage in disposing of the accounts for the last financial year.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

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

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

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 Maintenance Orders (Facilities for Enforcement) (Amendment) Bill, 1962 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.

HAWKER CONTROL FORCE (AMENDMENT) BILL, 1962

MR K. S. KINGHORN moved the Second reading of a Bill intituled "An Ordinance to amend the Hawker Control Force 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 to 8 were agreed to.

Council then resumed.

MR K. S. KINGHORN reported that the Hawker Control Force (Amendment) Bill, 1962 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

HIS EXCELLENCY THE GOVERNOR: —Well, gentlemen, that concludes today's business. When is it your pleasure that we should meet again?

THE ATTORNEY GENERAL: —Sir, I suggest this day two weeks.

HIS EXCELLENCY THE GOVERNOR: —Council stands adjourned until this day two weeks.