

**OFFICIAL REPORT OF PROCEEDINGS****Meeting of 24th April 1963****PRESENT:**HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

SIR ROBERT BROWN BLACK, GCMG, OBE

HIS EXCELLENCY LIEUTENANT-GENERAL RICHARD WALTER CRADDOCK, CB,  
CBE, DSO

COMMANDER BRITISH FORCES

THE HONOURABLE EDMUND BRINSLEY TEESDALE, MC

COLONIAL SECRETARY

THE HONOURABLE MAURICE HEENAN, QC

ATTORNEY GENERAL

THE HONOURABLE PATRICK CARDINALL MASON SEDGWICK

ACTING SECRETARY FOR CHINESE AFFAIRS

THE HONOURABLE JOHN JAMES COWPERTHWAITTE, OBE

FINANCIAL SECRETARY

DR THE HONOURABLE DAVID JAMES MASTERTON MacKENZIE, CMG, OBE

DIRECTOR OF MEDICAL AND HEALTH SERVICES

THE HONOURABLE PETER DONOHUE

DIRECTOR OF EDUCATION

THE HONOURABLE ALEC MICHAEL JOHN WRIGHT

DIRECTOR OF PUBLIC WORKS

THE HONOURABLE GEOFFREY MARSH TINGLE

DIRECTOR OF URBAN SERVICES

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, OBE

MR ANDREW McDONALD CHAPMAN (*Deputy Clerk of Councils*)MR THOMAS ARTHUR JOHNSTON, JR (*Deputy Clerk of Councils*)

## MINUTES

The minutes of the meeting of the Council held on 10th April 1963 were confirmed.

## PAPERS

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

<i>Subject.</i>	<i>LN No</i>
Sessional Paper, 1963: —	
No. 17—Annual Report by the Manager and Chief Engineer, Railway for the year 1961-62.	
Report of the Fulton Commission 1963.	
Probation of Offenders Ordinance, 1956.	
Probation of Offenders (Approved Institution) Order, 1963 .....	38
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re -registration) (No 15) Order, 1963	41
Rent Increases (Domestic Premises) Control Ordinance, 1963.	
Rent Increases (Domestic Premises) Control (Rules of Court) Rules, 1963 .....	42

He said: Among these papers is one of particular interest. I refer to the Report of the Fulton Commission on the proposed new Chinese University. This Report, as I stated in the Budget Debate, reached us in typescript form some three weeks ago. It has now been printed and is today made public, in order that all who will be concerned in its implementation may have the earliest opportunity of studying it.

I do not propose to make any reference today to the recommendations in the Report. These will now be the subject of immediate and careful examination on all sides. In particular I would wish to emphasize that the draft Ordinance and statutes in Chapter 8 of the Report will call for special scrutiny. They are likely to require considerable recasting and revision and should not therefore at this stage be regarded as more than an outline draft.

Finally, Sir, I would like to use this opportunity to pay a public tribute to Mr. J. S. FULTON and the members of his Commission for the very evident care and thoroughness with which they have applied themselves to the problems of this unique and important development in higher education.

**WIDOWS AND ORPHANS PENSION (AMENDMENT) BILL, 1963**

THE COLONIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance to amend the Widows and Orphans Pension Ordinance, Chapter 94."

He said: Sir, the majority of the amendments proposed in this Bill are minor ones. They are designed to give legislative sanction to administrative arrangements adopted as a result of salary increases after the 1953 and 1959 Salaries Revisions. These amendments are summarized in the Objects and Reasons.

There is, however, one amendment of substance which does not arise from this cause. Clause 5 of the Bill deals with pensionable officers who are bachelors, or widowers without children, and who opt on leaving Government service to cease contributing to the Scheme. Clause 5 provides that they may be repaid, in the case of a bachelor, the amount of his contributions and, in the case of a widower, the amount of his contributions since the death of his wife or since the date when any child of his ceased to be pensionable, in both cases with 2½% compound interest. Under Section 10 of the Ordinance, as it now stands, only half of such contributions, without interest, is refunded. As the Scheme has borne no risk in such cases, the present arrangements are thought to be unfair to the officers concerned, and the Secretary of State has made it clear that in this respect the present Ordinance is at variance with generally accepted principles.

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: —

The principal object of this Bill is to substitute new provisions regarding the repayment of contributions made to the Widows and Orphans Pension Scheme (hereinafter referred to as the scheme) by bachelors and widowers without pensionable children. By clause 5 this Bill provides—

- (a) that a bachelor on leaving the service of the Hong Kong Government will have the option either to continue to contribute to the scheme or to cease contributing and receive back all contributions paid with two and a half per cent compound interest; under the present law a bachelor who opts not to continue contributing is entitled only to the return of half his contributions without any interest; and

- (b) that a widower without pensionable children at the time of leaving the service will have the option on leaving the service either to continue to contribute to the scheme, or to cease contributing and receive back all contributions paid since the death of his wife or since the date when any child of his ceased to be pensionable with two and a half per cent compound interest; under the present law an officer in this category does not have the option granted to a bachelor to continue contributing if he so desires, and is entitled only to the return without interest of half the contributions paid by him since the death of his wife or the date when any child of his ceased to be pensionable.
2. The subsidiary objects of the Bill are—
- (a) by clause 2, to give legal validity to the method of calculating an officer's salary for the purpose of determining his contributions to the scheme, which has been adopted and applied administratively as a result of the 1953 and 1959 salaries revisions;
- (b) by clause 6, to provide an upper limit of compulsory contribution to the scheme of \$125 per month, beyond which no officer need contribute unless he wishes to do so; and
- (c) by clause 7, to amend the Widows and Orphans Pension (Application) Regulations, 1952, so that with effect from the 1st day of July, 1959, no officer in receipt of a salary of less than \$4,440 per annum is eligible to contribute to the scheme; under the present law the lower salary limit is \$3,240 per annum.

### **DISTRICT COURT (AMENDMENT) BILL, 1963**

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

He said: Sir, Honourable members will recollect that when the Honourable Colonial Secretary moved an amendment of clause 23 during the second reading of the Rent Increases (Domestic Premises) Control Bill, 1963, I spoke on the amendment and explained in some detail the reasons why such an amendment had become necessary. In so doing, I mentioned that I proposed to advise Government to take steps to introduce at the earliest possible moment an amendment to the District Court Ordinance, 1953, designed to remove doubts as to the extent of the civil jurisdiction of the District Court when such jurisdiction has been or is conferred on the District Court by an enactment other than the District Court Ordinance. The present Bill is the outcome.

Sir, the purpose of the Bill is recited in detail in its preamble which together with the explanation afforded in the statement of objects and reasons renders it unnecessary for me to say anything further today.

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 preamble sets out the objects of and reasons for this Bill. Two amending clauses are required because the District Court Ordinance, 1953, was amended by the District Court (Amendment) Ordinance, 1962, the relevant provisions of which have not yet come into operation. When they do the First Schedule will be repealed and section 3 will be amended to provide that the District Court is to have the criminal and civil jurisdiction conferred on it by the District Court Ordinance itself or by any other enactment.

### **ANIMALS (CONTROL OF EXPERIMENTS) BILLS, 1963**

DR D. J. M. MACKENZIE moved the First reading of a Bill intituled "An Ordinance to provide for the control of experiments on living vertebrate animals."

He said: Experiments on living animals for the purposes of teaching and research are subject to statutory control in many countries throughout the Commonwealth but Hong Kong has not as yet in force legislation of this kind. The Secretary of State for the Colonies some time ago invited the Government of Hong Kong to give consideration to the introduction of such legislation. Consultation with the University of Hong Kong, the Chinese Medical Association and the Hong Kong Branch of the British Medical Association has taken place regarding the scope and form of the legislation to be introduced and account has been taken in drafting the Bill of the views expressed by these bodies.

This Bill before Council is designed to ensure that experiments on living animals carried out in the course of research designed to save or prolong life or to combat disease shall be carried out only by persons licensed to perform experiments such as come within the provisions of Clause 6(1) of the Bill. When such experiments are carried out Clause 6(2) sets out the requirements to ensure that the animals concerned do not suffer pain.

Provisions covering the performance of experiments in connexion with research, the teaching of medical students and the development of physiological and surgical techniques are contained in Clause 8, 9 and 10. Other Clauses in the Bill govern the issue of licences, teaching permits, the rendering of returns and the cancellation of licences, of permits or of endorsements on such permits. There is also provision for appeal to the Governor in Council by any person or persons aggrieved by the refusal or cancellation of a licence.

It will be noted Sir, that no prosecution shall be instituted without the consent of my honourable Friend the Attorney General.

I should make it quite clear that the introduction of this legislation has not been due to any evidence or suggestion that experiments on living animals which have been carried out in the past for the purposes of research and teaching have in any way been conducted other than according to the principles of humane treatment which lie behind this Bill. It is merely bringing Hong Kong legislation into line with that which has existed in other Commonwealth countries for some considerable time.

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 control experiments performed on living vertebrate animals thereby reducing, as far as possible, the risks of pain to the creatures concerned.

2. Clause 3 prohibits the performing of experiments without a licence from the Director of Medical and Health Services.

3. The conducting of experiments for the purpose of attaining manual skill or of illustrating lectures is prohibited by clauses 4 and 5 respectively unless the operator has obtained the requisite permission.

4. The purposes for and manner in which experiments may be conducted are restricted by clause 6 to ensure that capricious (subclause (1)) and unnecessary painful (subclause 2) experiments are not practised.

5. The granting of licences etc. by the Director of Medical and Health Services is dealt with in clauses 7, 8 and 9 and appeal against refusal is conferred by clause 17.

6. Clause 10 empowers the Director of Medical and Health Services to endorse licenses to enable experiments to be conducted which would otherwise contravene clause 6(2) if he is satisfied that the purpose of the experiment would be frustrated by that prohibition.

7. Clauses 11 and 12 deal with the keeping of records and powers of inspection. The Governor in Council is authorized to make regulations by clause 13 and the Director of Medical and Health Services may cancel licenses etc. by virtue of clause 14.

8. The maximum penalty for contraventions is a fine of \$1,000 and 6 months imprisonment (clause 15) whilst clause 16 requires that the Attorney General's consent be obtained to any prosecution.

### **SUPREME COURT (AMENDMENT) BILL, 1963**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Supreme Court Ordinance, Chapter 4."

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 Supreme Court (Amendment) Bill, 1963, 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.

### **ADOPTION (AMENDMENT) BILL, 1963**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Adoption Ordinance, 1956."

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 Adoption (Amendment) Bill, 1963, 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.

### **PROTECTION OF NON-GOVERNMENT CERTIFICATES OF ORIGIN (AMENDMENT) BILL, 1963**

THE FINANCIAL SECRETARY moved the Second reading of a Bill intituled "An Ordinance to amend the Protection of Non-Government Certificates of Origin 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 3 were agreed to.

Council then resumed.

THE FINANCIAL SECRETARY reported that the Protection of Non-Government Certificates of Origin (Amendment) Bill, 1963, 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.

**POLICE SUPERVISION (AMENDMENT) BILL, 1963**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Police Supervision Ordinance, 1956."

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 Police Supervision (Amendment) Bill, 1963, 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.

**PRIOR OF THE ORDER OF CISTERCIANS OF THE STRICT  
OBSERVANCE INCORPORATION BILL, 1963**

MR DHUN J. RUTTONJEE moved the Second reading of a Bill intituled "An Ordinance to provide for the incorporation of the Prior in Hong Kong of the Order of Cistercians of the Strict Observance."

MR S. S. GORDON 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 DHUN J. RUTTONJEE reported that the Prior of the Order of Cistercians of the Strict Observance Incorporation Bill, 1963, had passed through Committee without amendment and moved the Third reading.

MR S. S. GORDON seconded.

The question was put and agreed to.

The Bill was read a Third time and passed into law.

### **HONG KONG CONFERENCE OF YOUTH ORGANIZATIONS INCORPORATION BILL, 1963**

MR FUNG PING-FAN moved the Second reading of a Bill intituled "An Ordinance to provide for the incorporation of the Hong Kong Conference of Youth Organizations. ".

MR KAN YUET-KEUNG 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 11 were agreed to.

Council then resumed.

MR FUNG PING-FAN reported that the Hong Kong Conference of Youth Organization Incorporation Bill, 1963, had passed through Committee without amendment and moved the Third reading.

MR KAN YUET-KEUNG 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 the business for today. 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.