

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 5th June 1963****PRESENT:**HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

SIR ROBERT BROWN BLACK, GCMG, OBE

THE HONOURABLE EDMUND BRINSLEY TEESDALE, MC

COLONIAL SECRETARY

THE HONOURABLE MAURICE HEENAN, QC

ATTORNEY GENERAL

THE HONOURABLE JOHN CRICHTON McDOUALL

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 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 WILLIAM CHARLES GODDARD KNOWLES

THE HONOURABLE SIDNEY SAMUEL GORDON

THE HONOURABLE LI FOOK-SHU, OBE

MR GORDON ERIC MATHER (*Deputy Clerk of Councils*)**ABSENT:**

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

DSO

COMMANDER BRITISH FORCES

THE HONOURABLE PETER DONOHUE

DIRECTOR OF EDUCATION

THE HONOURABLE KAN YUET-KEUNG, OBE

MINUTES

The minutes of the meeting of the Council held on 22nd May 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>
Animals (Control of Experiments) Ordinance, 1963.	
Animals (Control of Experiments) Regulations, 1963	57
Exportation (Cotton Manufactures) Regulations, 1962.	
Exportation (Cotton Manufactures) (Amendment of Schedule) Order, 1963	58
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No 20) Order, 1963	59
Supreme Court Ordinance.	
Supreme Court Fees (Amendment) (No 2) Rules, 1963	60
Supreme Court Ordinance.	
Code of Civil Procedure (Amendment) Rules, 1963	61
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No 21) Order, 1963	62

SUPPLEMENTARY PROVISIONS FOR THE QUARTER ENDED 31ST MARCH 1963

THE FINANCIAL SECRETARY moved the following resolution: —

Resolved that the Supplementary Provisions for the Quarter ended 31st March 1963, as set out in Schedule No 4 of 1962-63, be approved.

He said: Sir, the schedule before Council is the fourth list of supplementary provisions on 1962-63 account. The total supplementary vote involved amounts to just under \$37.9 million.

As usual, Public Works Non-recurrent accounts for the major portion of this total and additional funds required on subheads under this Head amounted to \$30.8 million. Of this amount, \$26.7 million was in respect of projects already under way, expenditure on which

was at a greater rate than expected. The Shek Pik Water Scheme alone required a further \$16 million in addition to the \$54½ million already provided in the Estimates.

One other item of some interest is the very substantial additional sum of \$3.7 million required on the vote covering the collection and storage of sand. Total expenditure during the year was \$9.7 million, or 56% more than in 1961-62, an increase which reflects the high level of building activity which prevailed during 1962-63. The expenditure is, of course, offset by revenue from the sale of sand.

All the items in the schedule 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.

ARBITRATION BILL, 1963

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to make amended provision for arbitration in respect of civil matters."

He said: Sir, the purpose of this Bill is two-fold, to provide up-to-date legislation relating to domestic arbitration, that is to say, arbitration within the Colony, and, secondly, to enable two conventions relating to the enforcement of foreign arbitral awards to be extended to the Colony.

At present, the law in Hong Kong relating to domestic arbitration is contained in Order XXV of the Code of Civil Procedure. This Order is derived from the United Kingdom Arbitration Act, 1889. It is proposed to replace Order XXV by Part II of the Bill which follows very closely the latest United Kingdom legislation on the subject, namely Part I of the Arbitration Act, 1950. Part I of the Bill, which is concerned with citation, commencement and interpretation, and Part II will come into operation on enactment but clause 1(2) provides for Part III being brought into operation by Proclamation.

Two conventions—

- (a) Protocol on Arbitration Clauses, dated 24th September 1923; and
- (b) A convention on the Execution of Foreign Arbitral Clauses, dated 26th September 1927,

were extended before the late war to most Colonies but not to Hong Kong, probably because of the absence of appropriate enabling legislation. Part III of this Bill, which is taken from Part II of the

Arbitration Act, 1950, will enable these conventions to be extended to the Colony and the intention is to bring Part III into operation contemporaneously with the extension of the conventions to the Colony.

The statement of objects and reasons contains a comparative table setting out the sections of the Arbitration Act, 1950 from which the clauses of this Bill are derived and I do not think any further explanation is necessary.

I should perhaps say that the introduction of this Bill is welcomed by the Hong Kong General Chamber of Commerce, the Hong Kong Bar Association and the Incorporated Law Society of Hong Kong who all were consulted during drafting.

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 purpose of this Bill is to replace by Part II of this Bill Order XXV of the Code of Civil Procedure by substantive legislation based on the Arbitration Act, 1950, of the United Kingdom, to make provision for arbitration in the Colony. The opportunity has been taken to include in Part III, which may be brought into operation by the Governor by Proclamation in the *Gazette*, the provisions of the 1950 Act, relating to foreign arbitration to enable the 1923 Protocol on Arbitration Clauses and the 1927 Conventions on the Execution of Foreign Arbitral Awards to be extended to the Colony.

FACTORIES AND INDUSTRIAL UNDERTAKINGS (AMENDMENT) BILL, 1963

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Factories and Industrial Undertakings 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 4 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Factories and Industrial Undertakings (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.

ADJOURNMENT

HIS EXCELLENCY THE GOVERNOR: —That concludes the business for today, gentlemen. When is it your pleasure that we should meet again?

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

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