

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 4th December 1963****PRESENT:**HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

SIR ROBERT BROWN BLACK, GCMG, OBE

HIS EXCELLENCY LIEUTENANT-GENERAL, SIR RICHARD WALTER CRADDOCK,
KBE, CB, DSO

COMMANDER BRITISH FORCES

THE HONOURABLE EDMUND BRINSLEY TEESDALE, MC
COLONIAL SECRETARYTHE HONOURABLE DENYS TUDOR EMIL, ROBERTS, OBE
ACTING ATTORNEY GENERALTHE HONOURABLE JOHN CRICHTON McDOUALL
SECRETARY FOR CHINESE AFFAIRSTHE HONOURABLE JOHN JAMBS COWPERTHWAITTE, OBE
FINANCIAL SECRETARYTHE HONOURABLE KENNETH STRATHMORE KINGHORN
DIRECTOR OF URBAN SERVICESTHE HONOURABLE PETER DONOHUE
DIRECTOR OF EDUCATIONTHE HONOURABLE ALEC MICHAEL JOHN WRIGHT
DIRECTOR OF PUBLIC WORKSDR THE HONOURABLE TENG PIN-HUI, OBE
DIRECTOR OF MEDICAL AND HEALTH SERVICES

THE HONOURABLE DHUN JERANGIR RUTTONJEE, OBE

THE HONOURABLE FUNG PING-FAN, OBE

THE HONOURABLE RICHARD CHARLES LEE, CBE

THE HONOURABLE KWAN CHO-YIU, OBE

THE HONOURABLE KAN YUET-KEUNG, OBE

THE HONOURABLE SIDNEY SAMUEL GORDON

THE HONOURABLE LI FOOK-SHU, OBE

THE HONOURABLE JAMBS DICKSON LEACH, OBE

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

MINUTES

The Minutes of the meeting of the Council held on 6th November 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 Papers, 1963: —	
No 25—Annual Report of the Hong Kong Housing Authority for the period 1st April 1962 to 31st March 1963.	
No 26—Annual Report by the Administrator of Japanese Property for the year 1962-63.	
No 27—Annual Report by the District Commissioner, New Territories for the year 1962-63.	
No 28—Annual Report by the Director of Fire Services for the year 1962-63.	
No 29—Annual Reports by the Director of Information Services for the years 1961-62 and 1962-63.	
No 30—Annual Report by the Registrar, Supreme Court for the year 1962-63.	
No 31—Annual Report by the Registrar of Trade Unions for the year 1962-63.	
Flag Badges, Seals and Arms of Hong Kong by Mr G. C. HAMILTON.	
Report of the Working Party on Export Credit Insurance.	
Hong Kong Law Reform Committee Fourth Report.	
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No 43) Order, 1963	236
Pharmacy and Poisons Ordinance.	
Poisons (Amendment) Regulations, 1936	137
Pharmacy and Poisons Ordinance.	
Poisons List (Amendment) Regulations, 1963	138
Pharmacy and Poisons Ordinance.	
Poisons (Amendment) (No 2) Regulations, 1963	139
Pharmacy and Poisons Ordinance.	
Poisons List (Amendment) (No 2) Regulations, 1963	140

<i>Subject</i>	<i>LN No</i>
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No 44) Order, 1963	141
Registration of Persons Ordinance, 1960.	
Registration of Persons (Cancellation of Registration and Identity Cards) (No 4) Order, 1963	142
Cremation Ordinance.	
Cremation and Gardens of Remembrance (Amendment) Regulations, 1963	143
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No 45) Order, 1963	144
Registration of Persons Ordinance, 1960.	
Registration of Persons (Cancellation of Registration and Identity Cards) (No 5) Order, 1963	145
Dutiable Commodities Ordinance, 1963.	
Dutiable Commodities Ordinance, 1963 (Amendment of Schedule) Order, 1963	146
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No 46) Order, 1963	147
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No. 47) Order, 1963	148
Registration of Persons Ordinance, 1960.	
Registration of Persons (Cancellation of Registration and Identity Cards (No 6) Order, 1963	149

QUESTIONS

MR S. S. GORDON, pursuant to notice, asked the following question: —

During the Budget Debate in March the question of home ownership for the middle and lower middle income groups was discussed. May this Council be informed whether—

1. there have been any developments in relation to the substantial funds from sources outside the Colony to which the Financial Secretary referred,

2. Government has now had time to make the preliminary fundamental decisions on matters connected with finance and land, and
3. a Committee can now be set up with a view to achieving early action on this question which so vitally affects a very important section of our community.

THE FINANCIAL SECRETARY replied as follows: —

In reply to the first question, the possible source of external funds to which I referred during the Budget debate was the Commonwealth Development Corporation. It now seems very likely that the Corporation will be prepared to make substantial finances available for a home ownership scheme in which the Corporation themselves would participate. Mr BURGESS, their property consultant, visited the Colony in October to survey the situation and draw up tentative outline proposals for the consideration of the Corporation and of this Government. His report is expected soon. I should add that we have reason to believe that banks and other financial institutions in the Colony are also prepared to advance substantial sums for the implementation of such a scheme.

As to the second question which quotes my own, I fear, rather clumsy phrase “preliminary fundamental decisions”, I was not quite right, I now realize, in using the word “preliminary”. It now appears to be necessary to have a more concrete idea of the organization of the scheme and how it might operate, before most of the decisions on finance and land to which I was referring can be taken. One decision in principle that has been taken is that some public money should be made available for this purpose, if a suitable scheme can be worked out. I cannot say at this stage how much.

As to the third point, the setting up of a Committee, we cannot, I think, take any steps in this direction until we know whether or not the Corporation will come in with us, because they must be associated closely with the planning of the organization from the beginning. But I do not think it will be long before we can begin to make progress in this direction.

FIRE SERVICES (AMENDMENT) BILL, 1963

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Fire Services Ordinance, 1954."

He said: Sir, the very serious consequences of an outbreak of fire, in the crowded conditions of Hong Kong, are a matter of common knowledge.

Unhappily, experience has shown that many fires which take place could be prevented by the exercise of reasonable care and common sense, and that fires sometimes spread faster and further than they should because of the lack of adequate fire fighting appliances or because buildings are not constructed with the dangers of fire in mind.

The object of this Bill is to try to ensure that elementary common sense precautions are taken for the prevention of fire and to minimize as far as possible the danger to life and property which may follow from fire.

Clause 4 of the Bill, in the proposed new section 7A, empowers the Director of Fire Services, or any person authorized by him, to enter any premises at all reasonable hours, with a warrant from a magistrate, if necessary, for any of the purposes listed in subsection (1) of the new section 7A, the most important of which, perhaps, is to ascertain whether there is any fire hazard on the premises. A definition of fire hazard is to be found in clause 3 of the Bill and includes alterations to buildings which may hamper escape, overcrowding of places of entertainment, removal of fire fighting equipment, failure to maintain such equipment in working order and any other circumstances which increase the danger of fire or would hamper the Fire Services in dealing with fire.

Where a fire hazard is found to exist, the Director of Fire Services is given power, by the new section 7B, to serve a fire hazard abatement notice, on the person responsible for the fire hazard or the owner or occupier of the premises, requiring that person to take such steps as are necessary to abate the fire hazard. In certain limited cases, by subsection (2) of section 7B, the Director is given power to abate the hazard himself.

It is made an offence, under subsection (3) of section 7B, to fail to comply with a fire hazard abatement notice. Further, if a person on whom a fire hazard abatement notice is served fails to comply with it, the Director may make a complaint to a magistrate, who may issue a fire hazard order, which may, among other things, require the person responsible to comply with the fire hazard abatement notice, or to prohibit the use of the premises for certain purposes, for example,

human habitation. The procedure in sections 7A and 7B closely follows that prescribed in the Public Health and Urban Services Ordinance, 1960, for the abatement of nuisances and a right of appeal against a fire hazard order is given.

The opportunity has been taken, in clauses 5 and 7 of the Bill, to insert amendments which will permit the increments of certain members of the Fire Services Department to be deferred as a punishment for offences against discipline. Stoppage of increments is already permitted by the principal Ordinance, but deferment of increments may be a more suitable punishment than stoppage in some cases. Clause 5 will also bring the provisions, dealing with officers in control of pecuniary resources or maintaining a standard of living above the level of their salaries, into line with similar provisions applicable to other disciplined forces.

Clause 6 incorporates into the Fire Services Ordinance, which is a more appropriate place for it, so much of section 6A of the Summary Offences Ordinance, which deals with fire escapes, as is not covered by the abatement of fire hazard provisions. This is not a new provision, having been inserted in the Summary Offences Ordinance by Ordinance No 6 of 1957.

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: —

It is the duty of the Fire Services Department to take all lawful measures for the extinguishment of fires and the protection of life and property in case of fire or other calamity. Experience has shown, however, that the task of the Fire Services Department in discharging these duties is made more difficult by the lack in buildings of adequate and ordinary means for tackling the fire in its early stages, and by the existence of matters and circumstances, which could easily be avoided, that aggravate the fire or contribute to its spreading faster or further than it would otherwise do or prevent or hamper the escape of persons from the building. Experience also indicates that the cause of many fires can be attributed, wholly or substantially, to avoidable carelessness of one kind or another.

2. The object of this Bill is to ensure, so far as is possible, that fires, which can be prevented by ordinary precautions, are prevented, and, secondly, that the damage likely to life and property when fire or other calamity does occur is minimized.

3. Clause 4 of the Bill, if enacted, will add two new sections to the Fire Services Ordinance, 1954, the first empowering the Director of Fire Services or any person authorized by him to enter and inspect any premises at all reasonable hours, with a warrant from a magistrate, if necessary, in order, *inter alia*, to ascertain if there exists on the premises any fire hazard. The second new section deals with the abatement of fire hazards. It enables the Director of Fire Services to serve a notice requiring the person on whom it is served, who will usually be the person responsible for the fire hazard, to abate the fire hazard within a specified period, and to prevent its recurrence. It will be an offence not to comply with such a notice. It will also be an offence wilfully to have caused the fire hazard in the first place. Failure to comply with such a notice may also lead to the Director making a complaint of the fact to a magistrate who may then order the person concerned to abate the fire hazard or prohibit its recurrence or, in certain circumstances, prohibit the use of the premises in question for human habitation or the storage of certain goods. Non-compliance with such an order will be a further offence, and in certain circumstances the Director may abate the fire hazard and do all work necessary for this purpose and recover the expenses from the person who should have done it. A right of appeal is given against an order of the magistrate. These provisions dealing with the abatement of fire hazards follow closely the provisions in the Public Health and Urban Services Ordinance, 1960, that deal with the abatement of nuisances. A definition of "fire hazard" is inserted in the principal Ordinance by clause 2 of this Bill.

4. The opportunity has been taken in clauses 5 and 7 respectively to amend section 13A (which deals with the dismissal of members of the Service who are in possession of unexplained pecuniary resources) and the Third Schedule so as to permit increments of certain members of the Fire Services Department to be deferred as punishment for offences against discipline, in each case to bring the provisions into line with corresponding provisions dealing with other disciplined forces and, in clause 5, to incorporate into the Fire Services Ordinance, 1954, with amendment, so much of section 6A of the Summary Offences Ordinance, Chapter 228, which deals with fire escapes in buildings, as is not covered by the provisions dealing with the abatement of fire hazards. Section 6A of the Summary Offences Ordinance is accordingly repealed.

TELEPHONE (AMENDMENT) BILL, 1963

THE FINANCIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance further to amend the Telephone Ordinance, 1951."

He said: Sir, Section 34 of the Telephone Ordinance, as amended in 1955, reads as follows: —

“The Company shall provide the Government with such telephone services as may be required and in accordance with with the charges specified in the schedule less a discount of 50%.”

From the date of enactment the company applied the discount only to those items in the Schedule where the words "for service" appeared. In 1960, the Director of Audit queried this interpretation, pointing out that Government appeared to be entitled, on the wording of Section 34, to a discount on all the charges in the Schedule. The company on the other hand claimed that their interpretation conformed with the intentions of those who were involved in the negotiations which led to the legislation. It is certainly true that for a number of the items in the Schedule a discount of 50% appears to be not wholly reasonable, but on the other hand, the company has not given a discount on some items where a discount, in the context of the Ordinance, does not seem unreasonable. Unfortunately, of the two persons concerned who might have been able to give evidence on the original intention, the Manager of the company is no longer alive and the Government representative is no longer in the Colony.

The matter has been in dispute since 1960, but agreement has now been reached on which of the charges should be eligible for discount. It is necessary to amend Section 34 of the Ordinance in order to enable a distinction to be made in the Schedule between those items which attract discount and those which do not. Amendment of the Schedule itself, to put the new agreement into effect, will require a Resolution of this Council which I would hope to introduce at the time of the reading so that amendment of the Ordinance and of the Schedule might be contemporaneous.

Application will be made to the Finance Committee of this Council, before introduction of the Resolution, for the writing off of Government's formal claims against the company for the period from 1955 to date.

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: —

Differences between the Government and the Hong Kong Telephone Company as to the cases in which the fifty per cent discount

provided for by section 34 of the Telephone Ordinance, 1951 is to be allowed have now been resolved. It is considered that each telephone service in relation to which the Government and the Company are agreed that the discount is to be allowed should be identified specifically. This Bill seeks to make such amendments to the Telephone Ordinance, 1951 as are necessary for this purpose.

BUILDINGS (AMENDMENT) BILL, 1963

MR A. M. J. WRIGHT moved the First reading of a Bill intituled "An Ordinance further to amend the Buildings Ordinance, 1955."

He said: Sir, the increasing height and complexity of many of the buildings now being constructed in Hong Kong, coupled with the very high densities of occupation, make it essential that adequate facilities for fire prevention and fire fighting—generally known as fire service installations—should, when required by the Director of Fire Services, be provided as an intrinsic part of a new building.

Details of these fire service installations will be set out in a Code of Practice to be issued from time to time by the Director of Fire Services. The Code covers such items as the provision of Fire Hydrants, Dry Risers, Sprinklers, Drenchers, Hand Extinguishers, Alarm Systems, Emergency Water Tanks for fire fighting purposes, and lifts which can be operated when normal electric supply is no longer available, and so be used by firemen to gain rapid access to the upper floors of high buildings.

It is essential that provision for these Fire Service Installations should be taken into account when the buildings are being designed. The proposed amendment to the Buildings Ordinance, 1955, if enacted, will empower the Building Authority to refuse to give his approval to building plans if the requirements of the Director of Fire Services for the fire service installations have not been shown on the plans.

The Building Authority will also be empowered to refuse to issue an occupation permit if the applicant fails to produce a certificate from the Director of Fire Services to the effect that the fire services installations as shown on the approved plans, have been provided and are in good working order.

The refusal of the Building Authority to approve plans or issue an occupation permit for the reasons to which I have just referred is, of course, subject to a right of appeal to the Appeal Tribunal appointed under Section 9 of the principal Ordinance.

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: —

It is considered necessary for the extinguishment of fires and the protection of life and property in case of fire that buildings when constructed should be equipped with at least such minimum fire service installations and equipment as can reasonably be required in the circumstances of the case. The object of this Bill is, accordingly, to empower the Building Authority to refuse to approve plans or issue a temporary occupation permit or occupation permit in respect of a building—

- (a) if the plans do not show, or the building, when constructed, does not contain, such minimum fire service installations and equipment as in the opinion of the Director of Fire Services can reasonably be required in the circumstances in accordance with a Code of Practice published from time to time; or
- (b) if the fire service installations and equipment provided are not in good working order and satisfactory condition.

As has been the case under administrative arrangement in the past, plans will, on submission, be examined by the Fire Services Department for the purpose of determining the minimum fire service requirements and, upon incorporation of the requirements in the plans, they will be certified accordingly. On completion of the building the Building Authority may refuse to issue an occupation permit or temporary occupation permit unless an officer of the Fire Services Department certifies that the required installations and equipment have been provided and are in good working order and satisfactory condition. The refusal of the Building Authority to approve plans or issue a temporary occupation permit or occupation permit for the above reason is subject to the same right of appeal to the Appeal Tribunal appointed under section 9 of the principal Ordinance as his refusal for any of the other reasons already existing.

COPYRIGHT (AMENDMENT) BILL, 1963

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

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.

THE ATTORNEY GENERAL reported that the Copyright (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: —Gentlemen, that concludes the business for today. When is it your pleasure that we should meet again?

ATTORNEY GENERAL: —May I suggest, Sir, Wednesday, 18th December.

HIS EXCELLENCY THE GOVERNOR: — Council stands adjourned until Wednesday, 18th December.