

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 8th July 1964****PRESENT:**

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR DAVID CLIVE CROSBIE TRENCH, KCMG, MC
HIS EXCELLENCY LIEUTENANT-GENERAL
SIR DENIS STUART SCOTT O'CONNOR, KBE, CB
COMMANDER BRITISH FORCES
THE HONOURABLE EDMUND BRINSLEY TEESDALE, CMG, MC
COLONIAL SECRETARY
THE HONOURABLE MAURICE HEENAN, QC
ATTORNEY GENERAL
THE HONOURABLE JOHN CRICHTON McDOUALL
SECRETARY FOR CHINESE AFFAIRS
THE HONOURABLE JOHN JAMES COWPERTHWAITTE, CMG, OBE
FINANCIAL SECRETARY
THE HONOURABLE KENNETH STRATHMORE KINGHORN
DIRECTOR OF URBAN SERVICES
DR THE HONOURABLE TENG PIN-HUI, OBE
DIRECTOR OF MEDICAL AND HEALTH SERVICES
THE HONOURABLE WILLIAM DAVID GREGG
DIRECTOR OF EDUCATION
THE HONOURABLE JAMES JEAVONS ROBSON
ACTING DIRECTOR OF PUBLIC WORKS
THE HONOURABLE PATRICK CARDINALL MASON SEDGWICK
COMMISSIONER OF LABOUR
THE HONOURABLE JAMES TINKER WAKEFIELD
DISTRICT COMMISSIONER, NEW TERRITORIES
THE HONOURABLE TE'RENCE DARE SORBY
DIRECTOR OF COMMERCE AND INDUSTRY
THE HONOURABLE DHUN JEHANGIR RUTTONJEE, CBE
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 FUNG HON-CHU
THE HONOURABLE TANG PING-YUAN
THE HONOURABLE TSE YU-CHUEN, OBE
THE HONOURABLE KENNETH ALBERT WATSON, OBE
THE HONOURABLE WOO PAK-CHUEN, OBE
THE HONOURABLE GEORGE RONALD ROSS
MR ANDREW McDONALD CHAPMAN (*Deputy Clerk of Councils*)

ABSENT:

THE HONOURABLE LI FOOK-SHU, OBE

MINUTES

The minutes of the meeting of the Council held on 17th June 1964, were confirmed.

OATHS

MESSRS. J. T. WAKEFIELD, T. D. SORBY, TANG Ping-yuan, TSE Yu-chuen, K. A. WATSON, WOO Pak-chuen and G. R. ROSS took the Oath of Allegiance and assumed their seats as Members of the Council.

HIS EXCELLENCY THE GOVERNOR: —May I take this opportunity of welcoming our new Members most warmly to this Council.

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, 1964: —	
No 26—Annual Report by the Director of Social Welfare for the year 1963-64.	
Interim Report of the Seamen's Recruitment Committee 1963.	
Final Report of the Seamen's Recruitment Committee 1963-64.	
Report of the Finance of Home Ownership Committee 1964.	
Report in accordance with regulation 10(3) of the Hawker Control Force (Welfare Fund) Regulations, 1962.	
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No 23) Order, 1964	90
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No 24) Order, 1964	91
Registration of Persons Ordinance, 1960.	
Registration of Persons (Cancellation of Registration and Identity Cards) (No 7) Order, 1964	92
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No 25) Order, 1964	93
Registration of Persons Ordinance, 1960.	
Registration of Persons (Cancellation of Registration and Identity Cards) (No 8) Order, 1964	94

He said: Sir, amongst these are the interim report and the final report of the Seamen's Recruitment Committee.

The Committee presented its interim report on 28th May last year. Government subsequently announced that it had accepted in principle the main recommendation contained in this report, which was the establishment of a centralized Seamen's Recruiting Office for the registration of all seamen employed out of Hong Kong irrespective of the Flag under which they serve.

The Committee's final report, which was presented on 6th March this year contains detailed recommendations concerning the structure and organization of the Seamen's Recruiting Office, its method of operation in association with a suitably constituted Advisory Committee, the provision of an alternative system of recruitment direct by approved employers under stringent control conditions, and other matters directly or indirectly affecting the system of recruiting seamen, such as medical examination on first registration, facilities for family allotments and training for a career at sea.

All these recommendations, and their financial implications, are now being examined as expeditiously as possible, and I hope that decisions on them will be made shortly. In the meantime I take this opportunity of recording Government's appreciation to the members of the Committee for the preparation of these useful reports.

BANKRUPTCY (AMENDMENT) (NO 2) RULES, 1964

THE ATTORNEY GENERAL moved the following resolution: —

Resolved, pursuant to section 113 and to subsection (1) of section 114 of the Bankruptcy Ordinance, that the Bankruptcy (Amendment) (No 2) Rules, 1964, made and prescribed by the Chief Justice on the 8th day of June, 1964, be approved.

He said: Sir, when item 17 of Table A in Part III of the Appendix to the Bankruptcy Rules was replaced earlier this year, the decimal point in the fee of \$7.50 (being one of the fees payable on application to the court to approve a composition) was, by mistake, omitted. The rules to which this resolution gives approval correct the omission.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

**SUPPLEMENTARY PROVISIONS FOR THE QUARTER
ENDED 31ST MARCH 1964**

THE FINANCIAL SECRETARY moved the following resolution: —

Resolved that the Supplementary Provisions for the Quarter ended 31st March 1964, as set out in Schedule No 4 of 1963-64, be approved.

He said: Your Excellency, the Schedule before Council is the fourth list of supplementary provisions on 1963-64 account. The total supplementary vote amounts to \$53 million.

The main items of expenditure are under the Public Works Non-Recurrent Vote, the additional funds required on subheads under this head amounting to \$33.8 million. Notable items are the River Indus flood pumping project on which accelerated work required a further \$5.26 million over the provision in the Estimates; and the Tung Chung Water Scheme which entailed provision of the order of \$5,000,000. A further provision of \$1 million was required in respect of the Lion Rock Tunnel Project.

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.

BANK NOTES ISSUE ORDINANCE

THE FINANCIAL SECRETARY moved the following resolution: —

Resolved, pursuant to the proviso to section 5 of the Bank Notes Issue Ordinance, Chapter 65, that this Council hereby extends the powers of all the note-issuing banks to make, issue or re-issue and circulate notes until and including the 12th day of July 1965.

He said: Your Excellency, The Bank Notes Issue Ordinance, Chapter 65, lays down that the powers of the note-issuing banks lapse automatically unless renewed by this Council from time to time. The present powers of these banks expire on 12th July 1964. It is proposed in this Resolution that they should be renewed -for the maximum permissible period of twelve months.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

ROAD TRAFFIC (AMENDMENT) BILL, 1964

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance further to amend the Road Traffic Ordinance, 1957."

He said: Sir, excluding taxis, which are not affected by this Bill, motor vehicles which can be hired by members of the public under the Road Traffic Ordinance, 1957, are divided into the following four categories—

- (a) Public Omnibuses;
- (b) Hire Omnibuses;
- (c) Public Cars;
- (d) Hire Cars.

A *Public Omnibus* is a vehicle licensed to carry more than 9 passengers, each of whom pays his fare individually: a *Hire Omnibus* on the other hand, although licensed for a similar passenger capacity, is chartered as a whole, the charge being dependent upon the mileage covered and the duration of the hire. A similar distinction can be made between *Public Cars and Hire Cars*. Vehicles in both these categories may be licensed to carry up to 9 passengers and the two categories are distinguished, as in the case of omnibuses, by the manner of their hire.

Under the law as it now stands, equivalent vehicles in the appropriate categories are not interchangeable, *i.e.* a Public Omnibus cannot be used as a Hire Omnibus or *vice versa*: this same restriction applies to Public and Hire Cars. This inflexibility has certain disadvantages; for example, a car which is being used for some specific purpose such as sightseeing tours is licensed as a Public Car and cannot therefore be hired to a person for a journey of his own choice since that would amount to operating the vehicle as a Hire Car when it is not licensed as such. This situation results in operating agencies being put to the inconvenience and expense of maintaining duplicate vehicles in order to meet the dual hiring requirements.

After detailed examination of the road traffic legislation it is considered that the most satisfactory way of resolving the difficulty is to reduce the four existing categories to two, namely Public Omnibuses and Public Cars, and clause 2 of the Bill seeks to achieve this amalgamation. If this Bill is enacted consequential amendments to the road traffic regulations will be required, therefore clause 1 suspends the commencement of the Bill until a day to be appointed, to permit the necessary amendment of the Regulations before the Bill comes into operation.

Opportunity is taken, in clause 3, to clarify an ambiguity in paragraph (a) of subsection (1) of section 9 of the principal Ordinance which prescribes the penalties for dangerous driving. This section as it now

stands implies that the fine of \$2,000 imposed on a person in the case of a second or subsequent conviction is in addition to the fine of \$1,000 first mentioned in paragraph (a), making a total of \$3,000. This is not the intention which is that the fine of \$1,000 should be applicable only in respect of a first offender, and that the fine in respect of a second or subsequent conviction should not exceed \$2,000.

In addition, clause 4 seeks to amend section 26 of the principal Ordinance so as to impose on the Police a time-limit of 14 days within which they may exercise their powers under paragraphs (b) and (c) of subsection (1) of section 26 of requiring the owner of a vehicle (or any other person who may be able to assist) to give information as to the identity of the driver of the vehicle on any particular occasion. This amendment is designed to preclude demands for information being made when, due to lapse of time, the owner or other person may no longer recollect who was the driver on the relevant occasion.

Clause 4 also amends section 26 by the addition of a new subsection (3) which expressly permits the Police to require, by post, the information they are empowered to require under paragraphs (b) and (c) of subsection (1) of section 26. This new subsection, read together with subsection (6) of section 3 of the Interpretation Ordinance, means that on proof of due posting, a presumption will arise in a prosecution for failure to comply with the provisions of section 26, that the addressee of the written requirement has received it in the ordinary course of post. This is considered a desirable provision in order to free the hard-worked police force from either having to serve these written requirements personally in each and every case, or having to rely on trying to prove actual physical receipt through the post when, as so often is the case, the only person who can say whether or not the requirement was received is the addressee himself.

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 amend the Road Traffic Ordinance, 1957, the principal Ordinance, to combine the following categories of vehicles—

- (a) public omnibuses and hire omnibuses, into one category, public omnibuses; and
- (b) public cars and hire cars into one category, public cars,

to enable, in the interest of the Colony, a vehicle to be used for either of the two appropriate purposes.

2. The opportunity has been taken to clarify the provisions of section 9, which impose penalties for dangerous driving. Further, by the insertion in section 26, which empowers police officers to require the owner of a vehicle, or any other person who is in a position to assist, to give information as to the identity of the driver of the vehicle where the driver is alleged to have committed a traffic offence, of a new subsection, it is made clear that such a requirement may be in writing and may be served by post, in the result that evidence of due posting will itself, without evidence of receipt by the addressee, constitute *prima facie* evidence of effective service by virtue of section 3(6) of the Interpretation Ordinance (Chapter 1). At the same time, clause 4 also amends subsection (1) of the section 26 to provide that the power conferred on police officers by paragraphs (b) and (c) to require information to be given, if exercised, should be exercised within fourteen days after the date of the alleged traffic offence.

LARCENY (AMENDMENT) BILL, 1964

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Larceny 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: —Sir, I beg to move that Clause 3 be amended as set forth in the paper before honourable Members.

Proposed Amendment

3. In subsection (5) of the new section 50, leave out the words "cheque or bill of exchange", in both places where they occur, and substitute the following—

“cheque or other bill of exchange”.

Clause 3, as amended, was agreed to.

Clauses 4 to 8 were agreed to.

THE ATTORNEY GENERAL: —Sir, I beg to move that clause 9 be amended as set forth in the paper before honourable Members.

Proposed Amendment

9. In the new Schedule, insert, in the second column against the item “Larceny from the Person (section 26)”, the following—

"(iii) Receiving (section 52)".

Clause 9, as amended, was agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Larceny (Amendment) Bill, 1964, had passed through Committee with certain amendments 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.

FORGERY (AMENDMENT) BILL, 1964

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Forgery 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 to 3 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Forgery (Amendment) Bill, 1964, 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 meet again?

THE ATTORNEY GENERAL: —May I suggest, Sir, this day fortnight.

HIS EXCELLENCY THE GOVERNOR: —Council will adjourn until this day fortnight.