

**OFFICIAL REPORT OF PROCEEDINGS****Meeting of 28th April 1965****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 GEOFFREY CADZOW HAMILTON  
ACTING 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  
THE HONOURABLE ALEC MICHAEL JOHN WRIGHT  
DIRECTOR OF PUBLIC WORKS  
DR THE HONOURABLE TENG PIN-HUI, OBE  
DIRECTOR OF MEDICAL AND HEALTH SERVICES  
THE HONOURABLE WILLIAM DAVID GREGG  
DIRECTOR OF EDUCATION  
HONOURABLE PATRICK CARDINALL MASON SEDGWICK  
COMMISSIONER OF LABOUR  
THE HONOURABLE DAVID RONALD HOLMES, CBE, MC, ED  
DIRECTOR OF COMMERCE AND INDUSTRY  
THE HONOURABLE JOHN PHILIP ASERAPPA  
DISTRICT COMMISSIONER, NEW TERRITORIES  
THE HONOURABLE DHUN JEHANGIR RUTTONJEE, CBE  
THE HONOURABLE RICHARD CHARLES LEE, CBE  
THE HONOURABLE KWAN CHO-YIU, CBE  
THE HONOURABLE KAN YUET-KEUNG, OBE  
THE HONOURABLE SIDNEY SAMUEL GORDON  
THE HONOURABLE LI FOOK-SHU, OBE  
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 SZETO WAI  
THE HONOURABLE JANMES DICKSON LEACH, OBE  
MR ANDREW McDONALD CHAPMAN (*Deputy Clerk of Councils*)

**MINUTES**

The Minutes of the meeting of the Council held on 14th April 1965, 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, 1965: —   |              |
| No 15—Annual Report by the Director of Immigration for the year 1963-64.                               |              |
| Education Policy 1965.   |              |
| Hong Kong Law Reform Committee Fifth Report.   |              |
| Buildings Ordinance 1955.  |              |
| Building (Planning) (Amendment) Regulations 1965 . . . . .   | 57           |
| Registration of Persons Ordinance 1960.  |              |
| Registration of Persons (Cancellation of Registration and Identity Cards) (No 15) Order 1965 . . . . . | 59           |

He said: Among these papers, Sir, is a White Paper on Education Policy which is the subject of a resolution which appears on the Order of Government Business.

**EDUCATION POLICY**

MR W. D. GREGG moved the following resolution: —

Resolved that the White Paper on Education Policy be adopted as a basis for future action.

He said: Sir, among the papers laid on the table this afternoon by the Colonial Secretary is a Government White Paper on Future Education Policy. Attached to this paper, as an appendix, is the report of the Working Party which was set up last year to advise Government on the recommendations of the 1963 Education Commission (commonly known as the Marsh/Sampson Report) and also on the recommendations of the Working Party on the provision of education for English Speaking Children (sometimes known as the Cockburn Report).

Thus there are three original documents which have served as a basis for Government's consideration of its new education policy. These documents dealing as they do with a wide variety of topics represent quite a formidable corpus of facts, opinions and recommendations. The Government White Paper therefore attempts to do two

things; first of all to indicate which of the recommendations it proposes to adopt and secondly to isolate and describe as simply as possible the main features of the new educational policy which will follow as a result of the adoption of these recommendations.

The first sentence of paragraph 7 of the White Paper reads as follows: "It is considered that the present position, as outlined above, now so closely resembles the aims of existing policy that the time has come to select fresh ones." Indeed as the White Paper points out elsewhere we are already exceeding the aim of present policy in one sector of education.

The situation is not unlike the story of the midshipman on his first training cruise who was given by the Captain a bright star and told to keep the ship on that course. Some time later it was obvious that the ship was going all over the place and the Captain came up on deck in a proper rage. The midshipman said "I'm glad you've come. Sir, I was just going to ask you to give me another star; you see, we've passed that one!" In Hong Kong, education however, we have genuinely reached a point from which further directions now need to be laid down.

So far as the detailed recommendations are concerned the White Paper is simple and explicit. The last sentence of the Preface reads as follows: "Any recommendations of the Working Party—(that is to say the 1964 Working Party)—which are neither referred to in the first appendix nor covered in the main body of this paper can be assumed to be agreed."

Appendix I accordingly, draws attention to those matters in the reports to which the Government cannot say "yes" at this stage. This does not of course mean that the proposals are either accepted or rejected. In certain cases, for example, the Government has a moral if not a statutory obligation to consult interested parties before introducing changes in policy or practice which would affect them. The Government intends to enter upon these consultations forthwith. It would obviously therefore be premature for Government to arrive at a decision on such matters before the consultations had even begun.

There are a small number of other matters about which the Government expresses reservations. In these cases the Government will need to consider the schemes in greater detail. This too appears to be reasonable. There is little point in accepting a proposal in principle which can only be implemented, if an effective and workable scheme for implementation can be devised. I am confident that where this can be done Government's later approval will be readily forthcoming. Later on I would like to refer again to one of these reservations in greater detail, but there is one further point concerning modifications which I would now like to make. What now emerges as

a list of new policy aims and objectives is, as I have said, derived in the main from the principal recommendations of the recent Working Party which were made to Government after a prolonged and detailed examination of the earlier reports to which I have referred. But this is not entirely so. For the Government after considering the overall effect of these recommendations on future policy, decided on its own initiative to make certain modifications. These later modifications tend in all cases towards a more liberal policy than the Working Party, having regard to its terms of reference, felt able to recommend. These changes are not therefore, in my opinion, in conflict with the corresponding recommendations of the Working Party, but they do take us rather further along the same road.

May I now in broad outline mention some of the main features of the policy set out in the White Paper. First of all primary education.

Government plans to provide as rapidly as possible a subsidized place for every child of the right age who seeks one. For planning purposes the immediate aim will be to cater for 80% of the child population. This is a somewhat arbitrary figure but it is intended to take account of those pupils who for various reasons will continue to prefer a private school education. These additional places which Government hopes to achieve by 1970-71 will either be in government schools or in aided schools or by way of assisted places in selected private schools. This will naturally involve a good deal of new building but it is also intended to bring on to the list of aided schools a number of non-profit-making private schools as well as private sessions of many existing subsidized schools.

Pupils who entered government and aided schools in 1963 and 1964 embarked upon a new five year primary school course which the first pupils are due to complete in Junior 5 in 1968. At this point a new sixth year of basic education will be introduced into the primary schools, embracing as much as possible of the work which is now done in Form I of secondary schools. At the end of this additional year pupils will enter for the Secondary School Entrance Examination. Thus in 1968 the only pupils who will enter secondary schools through the Secondary School Entrance Examination will be old-type Primary 6 pupils.

There will be no increase in the standard fee for Chinese primary schools.

In spite of this, Government proposes to double the amount of money which it devotes annually to the provision of free places in primary schools. Moreover it intends to apply these additional funds where the need is greatest, even if this means that certain schools will exceed the new Colony average.

With the rapid development of new towns, it is obvious that the special rural fee of \$1 per month is no longer applicable in certain areas, where the standard urban fee would be more appropriate. In order to minimize the effect of such changes however it is now proposed to introduce, as an interim measure, a suburban fee of \$3 per month in appropriate cases, after consultation with the New Territories Administration.

It is also proposed to return to the age of six, as the minimum age for admission. This will need to be done progressively in order to avoid congestion but a start will be made next September.

Turning now to secondary education, there are no spectacular changes in this sector. Government at present financially supports secondary education for some 18% of all primary school leavers, thus exceeding the present aim of 15%. The new policy establishes this commitment for the sake of flexibility as a bracket of between 15% -20%. It also establishes the private schools as a recognized part of the public system by earmarking 1,500-2,000 new assisted secondary places annually in private schools as a permanent feature of the aided secondary system.

Government and aided secondary school places are of course heavily subsidized by Government and it seems proper that the great majority of those who benefit from them should be so selected by public examination. Nevertheless no examination system is perfect and a reasonable margin of places will be left to the discretion of Heads and Managers to be filled by pupils who are considered by them to be deserving of a place, but who for one reason or another failed to reach the qualifying standard at the public examination.

In the case of aided secondary education (including of course government schools) the Government has accepted the recommendation that there should be an increase in the standard tuition fee from \$320 in the case of urban schools to \$400 per annum up to Form V and \$450 in the 6th Forms; and a corresponding increase in the rural fee of \$200 and a new suburban fee of \$300. These proposed increases in fees, however, are offset to some extent by proposed increases in the rate of remission of fees. In future up to 45% of the theoretical fee income may be remitted in cases of need in forms I - V and up to 50% in the sixth forms.

One of the reasons why tuition fees vary so much between one aided school and another is the fact that many schools are in the process of repaying building loans to Government and to do this they have to charge a special fee in addition to the tuition fee. In an effort to minimize these differences in fees which are more marked in the secondary schools, it is proposed to regard \$20 of the proposed increases

in the secondary school fee as a contribution towards a general secondary school building fund. This will apply to government as well as aided schools. When new aided secondary schools are built parents will no longer be called upon to pay regular contributions in addition to the tuition fee for the repayment of Government loans. This element of the cost of new buildings will in future be met by increasing the Government grant from 50% to 80%. I must point out however that this arrangement will apply to future building schemes after the new fees have been introduced and will not affect the liability of schools to repay existing loans. Nevertheless the proposed new \$20 levy will not be paid by those parents who are already contributing \$20 or more to the repayment of an existing Government debt, until that debt has been discharged.

At present over 70% of primary school leavers proceed to some form of secondary education. Of the remainder who don't, some few may go to modern schools, a small number may go to the Technical College and some may help in family businesses and the like. The Special Forms I and II in the primary schools were of course designed to cater for the remainder of this group, but they have not proved popular and Government proposes eventually to discontinue them. Instead Government hopes to establish a series of separate vocational training centres somewhat on the lines of the pre-apprenticeship courses which were started last year at the Technical College and which appear to be meeting a genuine need. The courses will be either of one year's duration or two years' if the student is still too young for regular industrial employment. Voluntary agencies who are willing to participate with Government in such projects will be encouraged to do so.

Turning now to the question of the supply of teachers. Government accepts the recommendation that the length of full-time training for non-graduate teachers should be standardized at two years, with facilities for a third year of specialized training in certain subjects for selected teachers. Part-time and in-service courses will also need to be lengthened by one year to cope with the enlarged syllabus.

Government also proposes to introduce fees of \$400 per annum for the two year course. When this is done, however, a scheme of interest free loans to students in addition to maintenance grants will be introduced. This measure is introduced because Government holds the view that no profession has a right to expect specially favoured treatment in the matter of training. At the same time it has accepted measures to ensure that no qualified student shall be prevented solely through lack of funds from undertaking a course of professional teacher training.

I now turn to the question of education for English-Speaking Children. The Government has declared its intention of providing subsidized primary education for all who want it and this policy also

extends to the provision of education in Junior English Schools. At the secondary level Government considers that the provision of one more school on Hong Kong Island of the King George the Fifth type should satisfy needs for the time being. It must however be realized that this type of education has always been more costly to provide than the standard type of Chinese or Anglo-Chinese education.

Whilst Government accepts the task of making these facilities available in Hong Kong for those who require an education based upon the English State School System, it does not consider that the difference in cost should be an extra charge against public funds but should be borne by those enjoying the facilities. In conformity with this principle, it proposes to increase the fees in Junior English Schools from \$240 to \$480 and from \$320 to \$1,000 in secondary schools by two annual stages. It is hoped that the parallel proposals for fee remission will be adequate to meet necessitous cases, but we have little factual information to go on here and it is accordingly proposed to review the question of free places or partially-free places in two years' time.

It is also proposed that the minimum age of admission to Junior English Schools should be progressively raised to the age of 6 which will thus become in due course the common age at which all Government-subsidized education will commence.

There is one final point concerning schools to which I should like to draw attention and which affects the whole of our expansion programme, including English language schools. The Government hopes that the greater part of our expansion programme will be through the medium of aided schools and that new Government schools will only be provided in special circumstances. In this connexion may I quote one short extract from the White Paper "Care will be taken....to ensure as far as may be that the grants, produced by whatsoever new simplified code is negotiated, are adequate, when taken with the permitted fees to enable schools to operate efficiently and to pay their staffs the salaries that are prescribed."

This matter of teachers' salaries leads me to the final point with which I wish to deal this afternoon. The Marsh/Sampson Commission and the Working Party both devoted a great deal of time to this subject and certain recommendations appear in Appendix 2. Government is not however proposing to implement them without further consultation to which I have already referred. In order to avoid further misunderstanding, however, I would like to state the problem. Everyone who has considered this problem is agreed that the salaries paid to Government teachers and to aided or subsidized teachers ought to be brought completely into line as soon as possible and furthermore this must be considered against the background of a greatly expanded system of public education. Secondly the basic salaries must be adequate to

attract and retain staffs of good quality on a career basis and thirdly the salaries structure should provide reasonable promotion prospects. Not everyone is in agreement on how this last condition should be achieved. The Working Party has suggested a modification of the Marsh/Sampson proposal which nevertheless preserves the idea that additional remuneration of varying amounts over and above the career scales should be paid to those teachers who are appointed to designated posts which clearly involve greater responsibility. The present Civil Service type of salaries structure only achieves this to a limited degree for Government teachers and even less so for aided and subsidized teachers. The Working Party was chiefly interested in the structure, we found it almost impossible to consider this in vacuo without reference to figures. Nevertheless the actual salary suggestions were intended to be tentative. If this scheme were adopted some teachers would tend to lose and others would gain. It is however a genuine attempt to produce a structure which is suited to, and applicable throughout a teaching service. It is not just a device for reducing teachers salaries. If anyone doubts this, may I draw attention to Table 25 in Appendix 2 which shows that if this scheme had been in operation in 1963-64 the Government salaries bill would have been some \$12½ million higher than it was.

Let us now try to view the present broad proposals in some sort of perspective. In the struggles which Hong Kong had to re-establish its life after the Second World War it was forced to rely on the initiative of private operators, in education as well as in other spheres, to supplement the efforts of Government. If it had not been for this enterprise progress would have been painfully slow.

It is little more than 10 years ago since Government embarked upon its 7 year programme of expansion of primary education. At that time, in 1954, there were 160,000 pupils enrolled in primary schools, 9,700 of these (or 6%) were in government schools, 55,400 (or 34%) were in aided schools, the remaining 95,000 (or 60%) were in private schools. The progress made in the last 10 years has been impressive. At the beginning of the current academic year September 1964, enrolments stood at 592,000 pupils. Of this government and aided schools together accounted for 334,000 (or 56%), while 258,000 (or 44%) attended private schools. Thus in spite of the increase in numbers Government has for the first time assumed rather more than an equal partnership in the task of providing primary education.

The plan which is now before Council envisages that in future Government will play the major role, at any rate so far as finance is concerned, by undertaking to provide an aided place for every child that wants one. Unless the Working Party's estimate of this need is widely out this may well represent commitments of over 600,000 aided

places by the end of the decade or thereabouts. Moreover the plan also provides that, notwithstanding the proposed reduction in the age of admission to 6 years, every child should have the opportunity of some form of education or training at least until he reaches the age of 14 or has very nearly reached it. This is a very costly undertaking and some may feel that it is too ambitious for Hong Kong at the present time. There may be others who will complain that it does not go far enough. Nevertheless when one considers that this proposed very substantial advance is to be accompanied by a greatly enlarged scheme for the remission of fees without seeking any increase in those fees, which have remained unchanged for 13 years, we shall at least have come a fair way along the road to free primary education for all who want it.

Your Excellency, I beg to commend the proposals to honourable Members of Council for their careful consideration. (*Applause*).

THE ATTORNEY GENERAL seconded.

HIS EXCELLENCY THE GOVERNOR:—The resolution is open to debate.

MR DHUN RUTTONJEE:—Your Excellency, due to the importance of this paper I move that the debate on the resolution before honourable Members be adjourned until the 26th May.

MR Y. K. KAN seconded.

The question was put and agreed to.

### **MISCELLANEOUS LICENCES (AMENDMENT) BILL 1965**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled “An Ordinance to amend the Miscellaneous Licences Ordinance.”

He said: Your Excellency, from time to time in the past few months concern has been expressed regarding certain so-called “dancing schools” which, under colour of that title, afford to the young and old— but particularly to the young, who may well not recognize the danger until it is too late,—a threat of moral degeneracy. It is not simply the *existence* of these places that provides the threat. These places are operated so as to make a profit from the corruption of morals, and accordingly the facilities necessary for corrupting morals are provided. Girls, many of whom are also known to be very young, are employed, ostensibly as dancing partners. High-backed bench seats in partitioned cubicles, or so placed as to form cubicles, are another feature of these places, as also is the invariably extremely dim lighting. In conjunction, these features afford—and are intended to afford—a sufficient degree of concealment and anonymity to permit—indeed to encourage (for

encouragement is the purpose)—immoral behaviour and practices which, in better lighting and without the concealment that the seating provides, shame alone would discourage, if not prevent.

Sir, the available legislation has been examined to find out, first, why these places are able to flourish, and, secondly, to see what can be done to prevent them.

A large degree of control is provided by the Miscellaneous Licences legislation which deals, *inter alia*, with dancing schools, but under the definition of “dancing school” in the Miscellaneous Licences Ordinance, dancing schools where the aggregate number of instructors, persons under instruction and dancing partners present at any one time, does not *habitually* exceed twelve, are exempted from licensing and, thus, from the control that can be maintained by virtue of licensing. Experience has shown that the management of the sort of places of which I am speaking are not slow to take the fullest possible advantage of this exemption, an exemption which has proved to be the greatest hindrance to Police efforts aimed at preventing the operation of these establishments in a manner designed to encourage immorality. Unless they are subject to licensing, they cannot be subjected to the control that goes with licensing. Accordingly, clause 2 of this Bill, in paragraph (a), removes the present exemption and, in its place, exempts only non-profit-making dancing schools.

The need for the control of lighting is obvious from what I have said of these so-called “dancing schools”. This, however, is a matter best left to be dealt with in the Miscellaneous Licences Regulations, but as the requirements necessary to ensure adequate lighting will vary from one establishment to another, depending on such factors as the size of the premises, it will be impracticable to lay down precise and comprehensive general lighting requirements in the regulations, and regulations on the subject will have to leave the details as to lighting to be determined to suit the circumstances of each case. I will, Sir, briefly explain in a moment what it is proposed to do in the regulations. Suffice it to say at this stage that the amendment contained in clause 3 of this Bill will permit such a lighting regulation to be made; without this amendment such a regulation would be invalid.

The other amendments contained in this Bill, namely, those in clauses 2(b) and 2(c), 4 and 5, are incidental, in that they are not connected with dancing schools, and they are explained in paragraphs 3 and 4 of the Objects and Reasons, to which I do not think it necessary to add anything.

Sir, if this Bill is enacted, it is proposed to request Your Excellency in Executive Council to follow it up with regulations amending the Miscellaneous Licences Regulations. Whilst the Ordinance will provide

the opportunity for control, it is the Regulations that will provide the “teeth” (so to speak) of that control by imposing detailed requirements and conditions, the breach of which, apart from constituting a criminal offence, will permit revocation of the licence. In these amending regulations, it is proposed to include, *inter alia*—

- (a) a provision whereby, on the issue or renewal of any dancing school licence, the Commissioner of Police as the licensing authority, or, on appeal, the Governor in Council, may specify the minimum number of lamps required to be alight on the premises at all times when the premises are open for dancing instruction; the minimum wattage and siting of each such lamp; and the colour of the bulb and type of shade which may be used in connexion with each such lamp;
- (b) a provision requiring the seating facilities in both dancing schools and public dance halls to comprise of separate chairs so arranged as to ensure that any person sitting in any chair has an unobstructed view of the whole of the dancing area, and that no chair is obstructed by any pillar, plant or other thing calculated to, or having the effect of, segregating any person using that chair from the full sight of any other person present;
- (c) a provision prohibiting the licensee of either a dancing school or a public dance hall from erecting, placing or having any partition or screen in the premises;
- (d) a provision raising the minimum age for any employee of a dancing school or public dance hall from 15 to 18 years, and a similar provision raising the minimum age of anyone else present in the premises from 15 to 16 years;
- (e) a further provision requiring a minimum unobstructed dancing area of at least dancing schools, fixing a maximum seating area of not more than one-third of the dancing area; and
- (f) a provision prohibiting anyone, except the licensee himself, from entering any cockloft in a dancing school during licensed hours.

Sir, some of these provisions, as I have indicated, are intended to apply to public dance halls as well as dancing schools. Whilst it is the so-called “dancing schools” that are of immediate and grave concern, and whilst public dance halls are, by and large, reasonably well run, the opportunity will nevertheless be taken to provide that public dance halls be included where the extra control is considered desirable.

It is also intended to include other amendments in the same amending regulations but as these other provisions are not connected with

the need to curb immorality in dancing schools, to explain them now would not assist my purpose in addressing Your Excellency, which is to move the first reading of the Bill now before Council.

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 threefold. First, by amending the definition “dancing school” it is proposed to bring within the ambit of that definition and, thus, also within the ambit of the provisions for licensing and control contained in the principal Ordinance and its regulations, all those dancing schools, except non-commercial dancing schools, which hitherto, by restricting to less than thirteen the number of persons present on the premises at any one time, have been able to avoid licensing. If this Bill is enacted, such dancing schools will require licensing. Secondly, by inserting a new paragraph in section 3(1) of the principal Ordinance it is proposed to enable regulations to be made empowering such officers as may be specified in the regulations to determine, separately in respect of each licensed place (but only at the time of the issue or renewal of the licence), the specifications and requirements as to the lighting in that place which must be satisfied. Thirdly, by amending the definition “timber store” it is proposed to bring the storage of bamboo in quantities exceeding 400 cubic feet within the ambit of the Ordinance and to exclude from the ambit of the Ordinance the storage of timber in quantities not exceeding 400 cubic feet.

2. The reason for the amendment affecting dancing schools is that certain abuses, which licensing will assist in preventing, have been occurring at certain of the dancing schools to which the definition will be extended if this Bill is enacted. The abuses fall under the general heading of immorality, and persons, many of whom are known to be very young, encouraged by the existence of these places, and the anonymity they offer, resort to them for immoral purposes. Girls, many of whom are likewise known to be very young, are provided, ostensibly as dancing partners. Thus, under the guise of dancing schools unscrupulous individuals run those places as a source of profit to themselves with no regard to the mischief being done. The large degree of anonymity, which the places offer, stems from the fact that the premises are purposely so dimly lit that identification and recognition are virtually impossible, and in such semi-darkness practices occur which, in better light, shame would discourage. It is necessary, therefore, to ensure better lighting in dancing schools. A genuine dancing school has no need for semi-darkness. The requirements regarding adequate lighting, however, will vary from dancing school to dancing school, depending

on such factors as the size of the room. It is not, therefore, possible to lay down comprehensive general requirements applicable to all dancing schools. This is the reason for the amendment proposed to section 3(1) of the Ordinance. Under this amendment, the details as to lighting can be left to be determined to suit the circumstances of each case.

3. The reason for the amendment of the definition “timber store” is that the storage of bamboo in large quantities may give rise to considerable fire risk unless the simple precautions required by the regulations made under the Ordinance are observed, whereas storage of timber or bamboo in relatively small quantities does not give rise to any appreciable risk of fire and need not therefore be controlled at all under this Ordinance.

4. The opportunity has been taken to propose an amendment to the definition “table tennis saloon” in section 2 and a consequential amendment to the First Schedule whereby the word “public” is, in the interests of consistency, inserted before the words “table tennis saloon”. In addition, clause 4 proposes an amendment to the existing appeal provisions contained in section 5, to provide that appeals to the Governor in Council shall be by way of petition and to make it clear that the regulation-making powers contained in section 3 enable the making of regulations prescribing the procedure and time for appealing.

### **CHARITIES (LAND ACQUISITION) (AMENDMENT) BILL 1965**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled “An Ordinance to amend the Charities (Land Acquisition) Ordinance 1958.”

He said: Sir, since the inception of this Ordinance in 1958 the intention has been that charitable bodies should not accumulate areas of land in excess of their needs and thus to ensure the best use and development of such land as is available in the Colony. On a strict interpretation of the principal Ordinance as it now stands it can be said that the Governor's licence is required before a charitable body can take up a private treaty grant of Crown land. On the other hand, as such a grant is made only if the applicant can satisfy the Governor in Council that it has a genuine need for such land, it seems an unnecessary duplication of control to require charitable bodies to obtain a licence to hold land granted by private treaty. Clause 3 of the Bill therefore seeks to clarify the position by the insertion of a new proviso to section 3(1) of the Ordinance, to exempt land so granted from the licensing requirements. The amendment is made retrospective to the date of coming into operation of the principal Ordinance in order to regularize the position of grants already made, as, due to doubts which have been held on the strict interpretation of the Ordinance, no such licences have in fact ever been issued.

Clause 5, the other main clause in this Bill, replaces section 10 of the principal Ordinance by a new section which seeks to make it clear that the saving provisions apply only to land vested in or possessed by or on behalf of a charity as at the 18th July 1958, the date of the coming into operation of the principal Ordinance, and that such provisions cease to apply to any such land if after that date it should cease to be vested in or possessed by or on behalf of the charity.

Sir, in addition, opportunity has been taken to deal in this Bill with the following minor amendments:—

- (i) Under clause 2, paragraph (c) of the definition of “charity” in section 2 of the principal Ordinance, which refers to the Registered Trustees Incorporation Ordinance 1958, is altered so as to bring the wording of the definition more into line with the wording of section 3(1) of the latter Ordinance.
- (ii) The Commissioner for Revision of the Laws is deleting from various Incorporation Ordinances any provision contained therein that prohibits the acquisition of land and clause 4 is designed to make a necessary consequential amendment to section 9 of the principal Ordinance, and finally, Sir;
- (iii) Clause 6 of the Bill amends the form of licence in the Schedule to the principal Ordinance by deleting therefrom the word “charitable” as a charity may hold land for purposes which are not charitable.

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 make certain amendments to the Charities (Land Acquisition) Ordinance 1958.

2. Clause 2 of the Bill alters the definition of the word “charity” to bring the wording more in keeping with the wording found in section 3(1) of the Registered Trustees Incorporation Ordinance 1958.

3. The purpose of the Ordinance is to ensure that charitable bodies do not accumulate areas of land in excess of their needs and as private treaty grants of Crown land are only made after a careful examination of the individual applicant's needs it follows that it is not necessary and indeed a duplication of effort to require such bodies also to obtain a licence under the Ordinance. Doubts have arisen as to whether, on a strict interpretation of the Ordinance a licence is in fact required

in such cases, and the new proviso to subsection (1) of section 3 of the Ordinance added by clause 3 clarifies the position that a licence is not required. The amendment is made retrospective to the date of the coming into operation of the Ordinance as no such licences have in fact ever been issued due to the doubts expressed aforesaid.

4. The amendment in clause 4 of the Bill to section 9 of the Ordinance ensures that this Ordinance does in fact apply to those Ordinances set out in Part II of the First Schedule. This amendment was found necessary as a result of certain deletions of restrictions upon the acquisition or holding of land resulting from the revision of certain Ordinances.

5. Clause 5 of the Bill amends section 10 of the Ordinance to ensure that only land vested in or possessed by or on behalf of or for the benefit of any charity or possessed for any charitable purpose on the coming into operation of the Ordinance should be protected and that land that may at one time have been so held by a charity but was not at the coming into operation of the Ordinance so held should not enjoy the protection. Further, the section is amended to ensure that land protected by virtue of having been so held by a charity at the coming into operation of the Ordinance will lose the protection on its ceasing to be so held by that charity.

6. Clause 6 of the Bill amends the form of licence in the Second Schedule to the Ordinance by deleting the word "charitable" therefrom. As a licence may be granted to a charity to acquire or possess land for purposes that are not charitable it is appropriate that the word "charitable" should be deleted.

#### **WORKMEN'S COMPENSATION (AMENDMENT) BILL 1965**

MR P. C. M. SEDGWICK moved the Second reading of a Bill intituled "An Ordinance further to amend the Workmen's Compensation Ordinance 1953. "

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.

MR P. C. M. SEDGWICK reported that the Workmen's Compensation (Amendment) Bill 1965 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. The next meeting of Council will be held on the 12th May.