

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 13th October 1965****PRESENT**

EXCELLENCY THE GOVERNOR (*PRESIDENT*)
DAVID CLIVE CROSSBIE TRENCH, KCMG, MC
EXCELLENCY LIEUTENANT-GENERAL SIR DENIS STUART SCOTT
O'CONNOR, KBE, CB
COMMANDER BRITISH FORCES
THE HONOURABLE MICHAEL DAVID IRVING GASS, CMG
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
THE HONOURABLE DAVID RONALD HOLMES, CBE, MC, ED
DIRECTOR OF COMMERCE AND INDUSTRY
THE HONOURABLE JOHN PHILIP ASERAPPA
DISTRICT COMMISSIONER, NEW TERRITORIES
THE HONOURABLE ROBERT MARSHALL HETHERINGTON, DFC
DEPUTY ECONOMIC SECRETARY
THE HONOURABLE DHUN JEHANGIR RUTTONJEE, CBE
THE HONOURABLE KWAN CHO-YIU, CBE
THE HONOURABLE KAN YUET-KEUNG, OBE
THE HONOURABLE SIDNEY SAMUEL GORDON, OBE
THE HONOURABLE LI FOOK-SHU, OBE
THE HONOURABLE FUNG HON-CHU, OBE
THE HONOURABLE TANG RING-YUAN
THE HONOURABLE TSE YU-CHUEN, OBE
THE HONOURABLE KENNETH ALBERT WATSON, OBE
THE HONOURABLE WOO PAK-CHUEN, OBE
THE HONOURABLE GEORGE RONALD ROSS
THE HONOURABLE SZETO WAI
THE HONOURABLE WILFRED WONG SIEN-BING
MR ANDREW McDONALD CHAPMAN (*Deputy Clerk of Councils*)

MINUTES

The Minutes of the meeting of the Council held on 29th September 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 39—Annual Report by the Commissioner of Inland Revenue for the year 1964-65.	
No 40—Annual Report by the Commissioner of Rating and Valuation for the year 1964-65.	
No 41—Annual Report by the Director of Broadcasting for the year 1964-65.	
No 42—Annual Report by the Commissioner of Mines for the year 1964-65.	
No 43—Annual Report by the Registrar, Supreme Court for the year 1964-65.	
Certificate of the Director General of the Overseas Audit Service on the accounts of Hong Kong for the year ended 31st March 1964.	
Pensions Ordinance.	
Pensionable Offices (Amendment) Order 1965	125
Chinese Temples Ordinance.	
General Chinese Charities Fund (Amendment) Directions 1965	126

INLAND REVENUE ORDINANCE CHAPTER 112

THE FINANCIAL SECRETARY moved the following resolution: —

Resolved, pursuant to section 85 of the Inland Revenue Ordinance, that the Inland Revenue (Amendment) (No 2) Rules 1965, made by the Board of Inland Revenue on the 7th day of October 1965, under section 85 of that Ordinance, be approved.

He said:—Sir, the Inland Revenue (Amendment) Ordinance 1964, removed doubts as to the eligibility for deduction of certain expenses. When I introduced the second reading of that Bill I made a statement to the effect that Government intended to propose, in the course of

further amendments to the Inland Revenue Ordinance, that the principles of an administrative circular issued by the Commissioner of Inland Revenue to Assessors dealing with the apportionment of expenses between profits attracting tax and profits not attracting tax be enshrined in 'the law, probably in the form of Rules to be made by the Board of Inland Revenue.

The new rules now made by the Board of Inland Revenue, for which approval by resolution of Legislative Council is being sought, specify the methods to be followed in ascertaining to what extent any outgoing or expense is incurred in the production of chargeable profits and is, therefore, deductible under Section 16 of the Ordinance. They also incorporate a right of objection or appeal against any decision made under the Rules.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

PUBLIC HEALTH AND URBAN SERVICES

ORDINANCE 1960

MR K. S. KINGHORN moved the following resolution: —

Resolved, pursuant to section 144 of the Public Health and Urban Services Ordinance 1960, that the Pleasure Grounds (Amendment) (No 2) By-laws 1965, made by the Urban Council on the 5th day of October 1965, under section 109 of that Ordinance, be approved.

He said:—Your Excellency, the Pleasure Grounds (Amendment) By-laws 1965, which concerned charges for the use of the squash courts at Victoria Park, were approved by this Council on 25th August. Unfortunately, they omitted to make provision for charges for the use of the courts before 10 a.m. on Mondays to Saturdays, it apparently not having occurred to any of the persons concerned in this matter, including—I regret to say—myself, that there exist in Hong Kong enthusiasts willing to participate in this strenuous sport during the hours between 6 and 10 a.m. The purpose of the Pleasure Grounds (Amendment) (No 2) By-laws 1965, made by the Urban Council on 5th October and now before honourable Members, is to rectify this omission in the scale of charges.

Sir, I regret that this matter should have to be referred once again to honourable Members after such a short interval, but I seek their approval of the By-laws mentioned in the resolution.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

**WIDOWS AND ORPHANS PENSION (CLIVE ROBERT
CARTER) (EXEMPTION) BILL 1965**

THE COLONIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance to make special provision to exempt Clive Robert Carter from the obligation to be a contributor under the Widows and Orphans Pension Ordinance and to refund to the said Clive Robert Carter contributions made by him under the said Ordinance."

He said:—Sir, the purpose of this Bill is set out in the Objects and Reasons, and the circumstances in which the obligation to exempt Mr CARTER arose are set out in the preamble to the Bill.

It will be noticed, Sir, from paragraph (4) of the preamble that the failure of Mr CARTER to give notice within the time allowed resulted from no fault of his own. In fact he was admitted to hospital within a week of his arrival in the Colony and was off duty until after the option date had expired. Owing to his absence from duty, official memoranda regarding his option unfortunately failed to reach him.

Sir, there is no discretionary clause in the Widows and Orphans Pension Ordinance or the regulations made under it to allow late acceptance of notice, and therefore in order to remedy the situation in Mr CARTER'S case the present bill is necessary.

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 objects of this Bill are to exempt Clive Robert Carter, who is an officer serving on agreement for a period of three years in the public service of this Colony, from the obligation to be a contributor under the Widows' and Orphans' Pension Scheme and to provide for the refund to him of contributions made. The circumstances in which the obligation arose are set out in the preamble to this Bill.

RESETTLEMENT (AMENDMENT) BILL 1965

THE COLONIAL SECRETARY moved the Second reading of a Bill intituled "An Ordinance further to amend the Resettlement Ordinance 1958."

THE ATTORNEY GENERAL 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 29 were agreed to.

Council then resumed.

THE COLONIAL SECRETARY reported that the Resettlement (Amendment) Bill 1965, had passed through Committee without amendment and moved the Third reading.

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

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

AIRPORT FEES (VALIDATION) BILL 1965

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to provide that certain directions purporting to have been given in exercise of powers conferred by the Air Navigation (Colonies, Protectorates and Mandated Territories) Order 1927, and certain regulations purporting to have been made in exercise of powers conferred by the Colonial Air Navigation Order for the time being in force in the Colony, but not validly given or made by reason of the fact that the Order under which the said directions or regulations purported to have been given or made did not confer power in that behalf in respect of Government aerodromes, shall be deemed to have had the full force and effect of law."

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 5 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Airport Fees (Validation) 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.

SUPPLEMENTARY APPROPRIATION (1964-65) BILL 1965

THE FINANCIAL SECRETARY moved the Second reading of a Bill intituled "An Ordinance to authorize a supplementary appropriation to defray the charges of the financial year ended the 31st day of March, 1965".

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 and the Schedule were agreed to.

Council then resumed.

THE FINANCIAL SECRETARY reported that the Supplementary Appropriation (1964-65) 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.

WATERWORKS (AMENDMENT) BILL 1965

MR A. M. J. WRIGHT moved the second reading of a Bill intituled "An Ordinance further to amend the Waterworks 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.

Council then resumed.

MR A. M. J. WRIGHT reported that the Waterworks (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.

NEXT MEETING

HIS EXCELLENCY THE GOVERNOR:—That concludes the business for today. The next meeting of Council will be held on the 27th October.