

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 24th November 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 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 MICHAEL DENYS ARTHUR CLINTON, GM
ACTING 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 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
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 27th October 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 48—Annual Report by the District Commissioner, New Territories for the year 1964-65.	
Ferries Ordinance.		
	Excluded Ferries (Ma On Shan and Ho Tung Lau) (Amendment) Regulations 1965 136
Inland Revenue Ordinance.		
	Exemption from Interest Tax Order 1965 137
Inland Revenue Ordinance.		
	Inland Revenue (Amendment of Third Schedule) Order 1965 138
Protection of Women and Juveniles (Amendment) Ordinance 1965.		
	Protection of Women and Juveniles (Places of Refuge) (Cancellation) Order 1965 141
Protection of Women and Juveniles Ordinance 1951.		
	Protection of Women and Juveniles (Places of Refuge) Order 1965	. 142
Supreme Court Ordinance.		
	Supreme Court (Costs) Rules 1965 143
Prisons Ordinance 1954.		
	Tong Fuk Prison Order 1965 146
New Territories Ordinance.		
	Crown Rent (NT) (Revocation) Regulations 1965 147

SUPPLEMENTARY PROVISIONS FOR THE QUARTER ENDED**30TH JUNE 1965**

THE FINANCIAL SECRETARY moved the following resolution:—

Resolved that the Supplementary Provisions for the Quarter ended 30th
June 1965, as set out in Schedule No 1 of 1965-66, be approved.

He said:—Your Excellency, the Schedule before Council is the first list of supplementary provisions on the 1965-66 account. The total supplementary vote amounts to just under \$28.5 million. Of this figure Public Works Non-Recurrent items, including revotes, account for a little over \$10 million, of which \$2 million were required for typhoon and rainstorm damage and emergency repairs to public works. A further \$7½ million resulted from the transfer from revenue of the accumulated net proceeds of Government lotteries to the recently established Lotteries Fund; and some \$2½ million were required for the purchase of two new helicopters acquired this year by the Auxiliary Air Force.

All items in the Schedule have been approved by Finance Committee and the covering approval of Council is now sought.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

REVISED EDITION OF THE LAWS BILL 1965

THE ATTORNEY GENERAL moved the First reading of a Bill intituled “An Ordinance to make provision for the preparation, publication and periodical revision of a revised edition of the laws of the Colony. ”

He said:—Sir, the laws of Hong Kong were last revised during 1948, 1949 and 1950, culminating in the publication of the 1950 Revised Edition. That Edition contains the Ordinances enacted on or before 1st September 1950, and subsidiary legislation made thereunder enacted on or before 31st March 1951, and it has been in force since 1st November 1951.

In the intervening fifteen years, many of the laws contained in that Edition have been amended, more or less extensively, and a considerable number of new Ordinances and subsidiary legislation has been enacted, so that the 1950 Edition is now very much out of date. It is true that the Government provides a service which enables subscribers thereto to note-up in the volumes of the 1950 Edition amendments to the laws contained therein, but new Ordinances and new subsidiary legislation are only to be found scattered amongst the annual volumes of laws published each year since 1951, and a new edition is already long overdue.

Sir, the revision of the laws is not the work of a moment. Nor is it simply a clerical exercise in which scissors and an ample supply of glue are all that the reviser needs. It is a task which calls for the most painstaking care and thoroughness. A glance at the powers conferred on the law revision commissioner by clauses 4 and 5 of the Bill readily

affords an indication of the nature of the task that he is called upon to perform.

The new edition, subject to the provisions of clause 4, will contain every law enacted in the Colony which was in force on 31st December 1964, as it stood on that day—that is to say, there will be included all amendments to any such law made on or before that day. In this respect, it differs from the 1950 edition, from which certain laws were omitted, usually because their repeal or replacement was contemplated. Those laws omitted from the 1950 Edition which have not been repealed or replaced in the meantime will be included in the new edition, and purchasers of the new edition may be sure that it contains every locally enacted law in force on 31st December 1964. A further difference is that while the new edition retains the form of a series of chapters numbered consecutively the inclusion in one volume of all chapters on cognate subjects has been abandoned. This decision has been taken because of the adoption of the loose-leaf system. An index covering all Ordinances and regulations included in the new Edition will be provided with each set of the laws.

Complementary to the new edition there will be provided a volume of reprints of the Colony's constitutional instruments (the Letters Patent and Royal Instructions) and a selection of Acts of the Parliament of the United Kingdom and Orders of Her Majesty in Council applicable to the Colony. This is a return to the practice originated in 1913 when the Alabaster Edition was published.

Another marked departure from previous editions is that the new edition of the Ordinances will contain, section by section and subsection by subsection, a history of that section or subsection, indicating the origin, and, as appropriate, the repeal and replacement and amendments thereto. In the case of our more ancient Ordinances, the preparation of this history has involved much painstaking and careful research through past editions of the laws, a task which I know has proved most time-consuming and onerous.

A fundamental change from the past is that the new edition will be a loose-leaf edition, which will permit annual revision of the laws in future. Clause 13 imposes on the Attorney General a duty to revise the laws every year. Thus, whenever an Ordinance or subsidiary legislation has been extensively amended, a new edition of that Ordinance or subsidiary legislation will be prepared and substituted for the previous edition. Also, all new Ordinances and subsidiary legislation will, of course, find their way into the volumes of the laws. The Attorney General is also required to publish annually a booklet containing a list of amendments to every law the amendments to which are not sufficiently extensive to warrant a new edition of that law.

Finally, Sir, I feel I should attempt to give some answer to the question, when will the new edition come into force? I cannot say more than that I am confident that the new edition will come into force during the second half of next year and that everyone concerned is pushing ahead as quickly as possible. I, Sir, am fully aware of the need for the publication of the new Edition as early as possible.

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: —

A revised edition of the laws of the Colony was prepared under the Revised Edition of the Laws Ordinance 1948, and included Ordinances enacted up to and including the first day of September, 1950, and subsidiary legislation made thereunder enacted up to the thirty-first day of March, 1951. The Revised Edition, 1950, as it is commonly referred to was brought into force on the first day of November, 1951, by Proclamation of the Governor published as Government Notification No. A. 187 of 1951.

2. It is considered desirable that the laws of the Colony should again be revised. The Bill authorizes the preparation of a new edition by a commissioner, whom the Governor may appoint, by notice in the *Gazette*, under clause 3. The Bill is modelled on similar Ordinances enacted in other British territories, outside the United Kingdom.

3. The Bill differs in more than one respect from the Ordinance enacted in 1948. Under that Ordinance, much obsolescent or temporary legislation which was likely to be repealed was placed in schedules and did not appear in the 1950 Revised Edition. The Bill, however, provides for the text of all Ordinances and subsidiary legislation in force on 1st January, 1965, to be published in the new edition, including any legislation contained in the First and Second Schedules of the 1948 Ordinance. Other important differences are that the Bill contains provisions which—

- (a) allow for proof of any Ordinance, which by definition, includes subsidiary legislation made thereunder, or part thereof omitted from the new revised edition in exercise of the powers conferred on the commissioner (see clause 4(2));
- (b) permit the publication of the new revised edition in booklets and the adoption of the modern loose-leaf form of binding (see clauses 8 and 9); and

- (c) vest in the Attorney General power—
- (i) to revise legislation annually (see clauses 13 and 14); and
 - (ii) to rectify errors appearing in the revised edition or in any booklet (see clause 16).

The adoption of a loose-leaf system will make it possible to keep the revised edition up to date by the issue of annual supplements.

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

THE COLONIAL SECRETARY moved the Second 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.”

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 3, and the Preamble were agreed to.

Council then resumed.

THE COLONIAL SECRETARY reported that the Widows and Orphans Pension (Clive Robert Carter) (Exemption) 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.

**WILD BIRDS AND WILD MAMMALS PROTECTION
(AMENDMENT) BILL 1965**

THE COLONIAL SECRETARY moved the Second reading of a Bill intituled “An Ordinance further to amend the Wild Birds and Wild Mammals Protection Ordinance 1954.”

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 and 2 were agreed to.

Council then resumed.

THE COLONIAL SECRETARY reported that the Wild Birds and Wild Mammals Protection (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.

HONG KONG TOURIST ASSOCIATION

(AMENDMENT) BILL 1965

MR R. M. HETHERINGTON moved the Second reading of a Bill intituled "An Ordinance further to amend the Hong Kong Tourist Association Ordinance 1957."

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 R. M. HETHERINGTON reported that the Hong Kong Tourist Association (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 8th December 1965.