

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 4th May 1966****PRESENT**

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR DAVID CLIVE CROSBIE TRENCH, KCMG, MC
THE HONOURABLE MICHAEL DAVID IRVING GASS, CMG
COLONIAL SECRETARY
THE HONOURABLE MAURICE HEENAN, CMG, QC
ATTORNEY GENERAL
THE HONOURABLE JOHN CRICHTON McDOUALL, CMG
SECRETARY FOR CHINESE AFFAIRS
THE HONOURABLE MICHAEL DENYS ARTHUR CLINTON, GM
ACTING FINANCIAL SECRETARY
THE HONOURABLE DAVID RONALD HOLMES, CBE, MC, ED
DIRECTOR OF COMMERCE AND INDUSTRY
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
DIRECTION OF EDUCATION
THE HONOURABLE JOHN PHILIP ASERAPPA
DISTRICT COMMISSIONER, NEW TERRITORIES
THE HONOURABLE JAMES TINKER WAKEFIELD
COMMISSIONER OF LABOUR
THE HONOURABLE GEOFFREY MARSH TINGLE
DIRECTOR OF URBAN SERVICES
THE HONOURABLE ALASTAIR TODD
DIRECTOR OF SOCIAL WELFARE
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 20th April 1966, 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>
Annual Report of the Hong Kong War Memorial Fund Committee for the year 1965.	
Buildings Ordinance 1955.	
Building (Construction) (Amendment) Regulations 1966	32
Buildings Ordinance 1955.	
Building (Planning) (Amendment) Regulations 1966	33
Education Ordinance 1952.	
Grant Schools Provident Fund (Amendment) Rules 1966	34
Education Ordinance 1952.	
Subsidized Schools Provident Fund (Amendment) Rules 1966	35
Hong Kong Airport (Control of Obstructions) Ordinance 1957.	
Hong Kong Airport (Control of Obstructions) Order 1966	36
Public Health and Urban Services Ordinance 1960.	
Muslim Cemetery Ho Man Tin (Graves Removal) Order 1966	37

DELEGATION OF FINANCIAL POWERS

THE ACTING FINANCIAL SECRETARY moved the following resolution: —

Be it resolved—

- (1) that expenditure additional to annual estimates as finally approved by this Council relating to services which could not have been foreseen and cannot be postponed without detriment to the public service and which is not of such a nature as to raise some question of principle or involve a breach of some regulation may be authorized by the Governor up to the limits set out in the Schedule hereto pending covering approval by the Finance Committee of this Council;

- (2) that expenditure as aforesaid in excess of the limits set out in the Schedule hereto may be authorized by the Governor and covering approval of Finance Committee obtained at the earliest opportunity thereafter, if it is essential in the public interest that such additional provision should be authorized at once, but in other cases the prior approval of the Finance Committee of this Council shall be obtained;
- (3) that the powers referred to in paragraphs (1) and (2) of this Resolution may be delegated by the Governor to the Financial Secretary and the Deputy Financial Secretary:

Provided no power specifically reserved for delegation to the Financial Secretary in the 4th column of the Schedule may be delegated to the Deputy Financial Secretary;

- (4) that the powers referred to in paragraphs (1) and (2) of this Resolution may be further delegated by the Governor to the officers named in the 4th column of the Schedule opposite each respective sub-paragraph in the 3rd column of the Schedule, subject to such conditions, exceptions and qualifications as the Governor may prescribe;
- (5) that the Resolution made and passed by this Council on the 18th day of April, 1962 be rescinded.

SCHEDULE.

(1) Item	(2) Category.	(3) Limits of Supplementary Provision.	(4) Authorized Delegate.
I. PERSONAL EMOLUMENTS			
	(a) Supernumerary posts	In respect of a supernumerary appointment for—	
		(i) a replacement, where considered necessary, for a woman officer on maternity leave for the approved period of such leave;	Establishment Officer and Assistant Establishment Officers
		(ii) a replacement, where considered necessary, for an officer on prolonged sick leave for the period of such leave;	Establishment Officer and Assistant Establishment Officers
		(iii) a replacement, in the same or lower grade, for an officer on no-pay leave;	Establishment Officer and Assistant Establishment Officers
		(iv) a substantive appointment to a post the previous holder of which is on leave prior to retirement; such appointment may date from the commencement of the previous holder's pre-retirement leave in the case of a superscale or upperscale post but there shall be an interval of at least six months in all other cases, provided that a shorter interval may be authorized in individual cases where the Establishment Officer considers that recruiting difficulties would be eased substantially thereby;	Establishment Officer only

(1) Item	(2) Category.	(3) Limits of Supplementary Provision.	(4) Authorized Delegate.
		(v) additional supernumerary posts in any class within a cadre, subject to the overall establishment of the cadre not being exceeded, for a period not exceeding two months; arising from a temporary need to over-establish that class for a specific purpose; <i>e.g.</i> as a result of a hand-over of officers of equal rank, in-service training courses or secondment to special duties.	Establishment Officer only
	(b) Vacancies	relating to the creation of— (i) a supernumerary post in a lower class against a vacant post in a higher class in the same grade; (ii) a supernumerary post in one grade held against a vacant post in another grade which has a similar or higher salary scale.	Heads of Departments Establishment Officer and Assistant Establishment Officers
	(c) Promotion or transfer	additional supernumerary posts for a period not exceeding one year, arising from the promotion or transfer of an officer in a grade common to several Departments (<i>e.g.</i> Administrative Officer, Executive Officer, Stores Officer, Clerk, Clerical Assistant, etc.) subject to the approved overall establishment in the class to which the officer is promoted or transferred, not being exceeded.	Establishment Officer
	(d) Salaries based on rates applied by other Governments	to cover a change in salary scale in all cases where rates of another administration are applied when such rates alter, provided that Finance Committee have initially approved the application of such rates.	Financial Secretary and Deputy Financial Secretary
	(e) Honoraria	for payment of honoraria not exceeding \$1,000 in any particular case and not involving new policy.	Financial Secretary
	(f) Arrears and Adjustments	for payment of arrears or adjustment of salary and allowances where no change in policy or principle is involved— (i) supplementary provision in the Personal Emoluments vote arising from arrears of salary and allowances or a salary and allowances award, where the commitment has been approved by Finance Committee; (ii) supplementary provision where provision of funds is insufficient to meet expenditure arising from approved posts; (iii) supplementary provision for overtime, honoraria or allowances, where the vote is insufficient, not involving any increase in rate, provided that supplementary provision for overtime does not exceed 10% of the vote or \$25,000 whichever is the lesser, and that in any case where it appears likely that there will be a continuing need for excess overtime covering approval is obtained from Finance Committee at the earliest opportunity.	Financial Secretary and Deputy Financial Secretary Financial Secretary and Deputy Financial Secretary Financial Secretary and Deputy Financial Secretary

(1) Item	(2) Category.	(3) Limits of Supplementary Provision.	(4) Authorized Delegate.
	(g) New posts	subject to the availability of funds in the Personal Emoluments vote posts for Scale I and II staff additional to those established in the Estimates may be created provided that the need for such posts is urgent and provided further that the increase shall not exceed 2½% of the establishment in each grade or 10 posts in each grade whichever is the lesser and that covering approval is obtained from Finance Committee at the earliest opportunity.	Financial Secretary
II.	OTHER CHARGES: ANNUALLY RECURRENT (Including Public Works Recurrent, Miscellaneous Services, etc.)	<p>(a) where the original provision in the subhead is— \$0 — \$50,000: not exceeding 30% or \$5,000 whichever is the greater; \$50,001 — \$150,000: not exceeding 20% or \$15,000 whichever is the greater; \$150,001 — \$500,000: not exceeding 15% or \$30,000 whichever is the greater; \$500,001 and over: maximum of \$75,000;</p> <p>(b) up to half the percentages and amounts stated in sub-paragraph (a);</p> <p>(c) virement between subheads, subject to the total additional provision in the subhead to which funds are to be transferred not exceeding in any one financial year 10% of the original approved provision of that subhead; and subject to the additional provision not involving any new principle;</p> <p>(d) virement between subheads, subject to the total additional provision in the subhead to which funds are to be transferred not exceeding in any one financial year 5% of the original approved provision of that subhead; and subject to the additional provision not involving any new principle.</p>	<p>Financial Secretary</p> <p>Deputy Financial Secretary</p> <p>Financial Secretary</p> <p>Deputy Financial Secretary</p>
III.	OTHER CHARGES: SPECIAL EXPENDITURE (Including Public Works Non-Recurrent, Miscellaneous Services, etc.)	<p>(a) in respect of the original approved provision in the subhead as in II(a) above, where no point of principle or change of policy is involved and subject to the authority being exercised not more than once in any financial year;</p> <p>(b) up to half the percentages and amounts that may be exercised by the Financial Secretary under subparagraph (a);</p> <p>(c) in respect of the overall estimate of any item as stated in the Estimates; as in II(a) above, subject to the authority being exercised only once during the life of an item; <i>i.e.</i> not annually;</p> <p>(d) up to half the percentages and amounts stated in sub-paragraph (c);</p> <p>(e) in respect of revotes; up to the overall estimate;</p> <p>(f) in respect of revotes; up to \$250,000;</p>	<p>Financial Secretary</p> <p>Deputy Financial Secretary</p> <p>Financial Secretary</p> <p>Deputy Financial Secretary</p> <p>Financial Secretary</p> <p>Deputy Financial Secretary</p>

(1) Item	(2) Category.	(3) Limits of Supplementary Provision.	(4) Authorized Delegate.
		(g) in respect of the annual provision of any subhead extending over more than one year; up to the total estimate;	Financial Secretary
		(h) in respect of the annual provision of any subhead extending over more than one year; within the total estimate up to \$250,000.	Deputy Financial Secretary

He said: —Your Excellency, in April, 1962, this Council passed a resolution covering the exercise of financial powers relating to the approval of supplementary provision. It was then resolved that certain expenditure additional to the annual estimates as finally approved by Legislative Council which related to services which could not have been foreseen and which could not be postponed without detriment to the public service and which did not raise some new question of principle, could be authorized by the Governor up to certain limits or exceptionally in excess of these limits where in the public interest such authorization is required at once. The resolution also gave power to the Governor to delegate his financial authority in these respects to the Financial Secretary and to a lesser extent to the Deputy Financial Secretary.

These limited powers related to the creation of certain supernumerary posts, the filling of vacancies in certain circumstances; the payment of arrears and adjustments of salaries; and the payment of honoraria. Authority was also delegated to the Financial Secretary to approve supplementary provision in recurrent and special expenditure votes up to 10% of the approved provision in the vote with a maximum of \$25,000 and to approve revotes not involving any increase in the approved overall estimate to a limit of \$500,000. The Deputy Financial Secretary was similarly authorized to approve such supplementary provisions but by up to only half the levels set for the Financial Secretary.

In the years that have elapsed, the volume of Government's financial business has increased considerably as has the number of matters which have to be referred to the Standing Finance Committee of this Council. The purpose of the resolution now before Council is to extend the authorizations which were bestowed in 1962, with a view to reducing unnecessary reference to Finance Committee where no new points of principle are involved so as to accelerate the discharge of Government business. I should make it quite clear that there is no intention to delegate absolutely any financial authority, and in all cases where delegated powers are exercised, as is at present the case, a schedule of supplementary provision will be submitted quarterly to Finance Committee for covering approval subject again to confirmation by the Legislative Council.

Sir, I shall not take up too much time with a detailed description of the changes proposed since they are set out clearly in the schedule to the Resolution.

The main extensions proposed are: the delegation of authority in regard to certain establishment matters to the Establishment Officer and his Assistant Establishment Officers; and in one type of case to Heads of Departments. A new authority is proposed which it is intended to vest in the Financial Secretary to permit the creation of small numbers of posts for minor staff where there is an urgent requirement without troubling the Establishment Sub-Committee of Finance Committee; but this authority is limited quantitatively in absolute as well as in percentage terms. In respect of other charges annually recurrent, special expenditure subheads and public works non recurrent, the limits for supplementary provision are regulated absolutely and by percentages in relation to the size of the original provision and the maximum limit vested in the Financial Secretary has been increased from \$25,000 to \$75,000. Another new departure is to vest in the Financial Secretary the power of virement or transfer of savings between other charges annually recurrent subheads. This transfer would be limited to 10% in any one financial year of the original approved provision in the subhead and should increase flexibility within overall financial provisions.

Finally, one further change which warrants mention is that contained in category III(g) of the schedule. At present, whenever supplementary provision is required in a Public Works non-recurrent subhead within the approved overall estimate, reference to Finance Committee is necessary. These requests are numerous since it is not possible to estimate precisely the rate at which many projects will advance in any one year and, where progress is good, the provision made for the financial year within the approved overall estimate may often not be sufficient. It is now proposed that the Financial Secretary be permitted to approve these applications provided that they do not exceed the overall estimate for the project as approved by the legislature.

As I have said, Sir, the effect of the resolution now before this Council will be to extend delegated financial powers conferred upon nominated officers. In no case will the power extend to the authorization of expenditure outside existing policy or where new principles are involved and I should emphasize that, in every case, the covering approval of the Finance Committee of this Council will be sought subsequently.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

BUILDINGS (AMENDMENT) BILL 1966

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

He said: —Your Excellency, the operation of the Buildings Ordinance 1955 and its subsidiary legislation is kept under constant review and in 1962 a Liaison Group, consisting of representatives of the Hong Kong Society of Architects and the Public Works Department, was set up to assist the Building Authority in this task. All the amendments proposed have been considered by this Liaison Group and full regard has been given to the views of the Hong Kong Society of Architects.

Clauses 2 and 4 of the Bill provide respectively that the legal adviser to the Architects and Contractors Disciplinary Boards should be the Chairman of these Boards in place of the Building Authority. So far these boards have only heard proceedings initiated by the Building Authority and it is consequently thought undesirable that the chairmanship should be held by the Building Authority's own representative. Clauses 3 and 5 empower the Disciplinary Boards to make an order in regard to the payment of costs and provision is also made for the remuneration of the unofficial members of the Boards.

Clause 9 of the Bill enables the Governor in Council to make regulations for the supply of water to buildings, while Clause 6 seeks to amend Section 12 of the principal Ordinance so as to allow the Building Authority to refuse to issue an occupation permit where he is not satisfied that a supply of water, whether for flushing or other purposes, has been permanently connected to the Building. It will be recalled that cases have occurred when developers have sold off completed buildings with a water supply which, though apparently abundant, has failed within a short time after occupation.

Clauses 7 and 8 of the Bill seek to amend Sections 15 and 17 of the principal Ordinance so as to provide that an order made by the Building Authority under these sections may specify not only the time within which the work shall be completed, but also the time within which it shall be commenced. At present the Building Authority can take no action, notwithstanding that no effort has been made to commence work, until the notice has expired.

Finally, Clause 10 seeks to amend Section 27 of the Buildings Ordinance to make it an offence to use materials which, though not in themselves defective, have not been mixed or prepared in a proper manner thus making them as dangerous or undesirable as defective materials.

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: —

Under subsection (1) of section 26 of the Buildings Ordinance 1955 (hereinafter referred to as the principal Ordinance) the Governor in Council may by rule or regulation provide for the planning and design of buildings, including sanitation, and for the construction of buildings, including plumbing. In exercise of this power, the Building (Standard's of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations 1959 have been made. These Regulations provide that certain buildings, namely residential buildings, offices, industrial undertakings and other places of work, places of public entertainment, public dancehalls, cinemas and restaurants, shall be provided with sanitary fitments. The object of these regulations may be defeated unless a supply of water to such buildings is provided.

2. There has in recent years been a great increase both in the density of building in the Colony and in the number of private wells opened for the purpose of supplying water to buildings. There is a danger not only that the source of supply from wells will become inadequate in times of drought (as in 1963, for example), but also that at such times withdrawal of water and consequent lowering of the water table could cause settlement and damage to buildings in certain areas. It is therefore considered desirable that provision should be made to enable regulations to be made relating to the sources from which water is obtained.

3. Accordingly, clause 9 of the Bill seeks to amend section 26 of the principal Ordinance so as to provide that the Governor in Council may by rule or regulation prescribe and provide for the supply of water to buildings and for other matters connected therewith and for the power of the Building Authority to require that the supply of water be obtained from a particular source or to prohibit or restrict the supply of water from any particular source.

4. Clause 6 of the Bill seeks to amend section 12 of the principal Ordinance so as to provide that in the case of any new building to which by regulations made under section 26 of the principal Ordinance a supply of water is required to be connected for any purpose, the Building Authority may refuse to issue a temporary occupation permit or an occupation permit where he is not satisfied that a supply of water has been connected to the building in accordance with such regulations.

5. Clauses 2, 3, 4 and 5 of the Bill seek to make the following further amendments to the Ordinance so as to provide—

- (a) that the chairman of any disciplinary board appointed under section 5 or 8 shall be the legal adviser;
- (b) that the members of any such disciplinary board, other than persons in full-time employment in any office of emolument under the Crown, may be paid such remuneration as the Governor may determine;
- (c) that in the case of any inquiry held under section 5B or section 8B the board may make an order with regard to the payment of costs; and
- (d) that the decision of the judge on an appeal by an authorized architect under subsection (3) of section 5B against a decision of a disciplinary board under subsection (2) of section 5B shall be final.

6. Clauses 7 and 8 of the Bill seek to amend sections 15 and 17 of the principal Ordinance so as to provide that an order made by the Building Authority under those sections may specify not only the time within which the work required to be done by the order shall be completed but also the time within which it shall be commenced. The Building Authority must allow a reasonable time for completion of the work and, depending on the circumstances, this may extend over a period of months. Without authority to specify the time within which the work shall be commenced, the Building Authority can take no action until the time for completion has elapsed notwithstanding that no effort is made to begin the work. In the case of dangerous structures, this may have serious and may be fatal consequences and in cases which come within Section 15 it permits defective, unsafe, or illegal structures to continue.

7. Subsection (1) of section 17 of the principal Ordinance provides that where the Building Authority is of opinion that a building has been rendered dangerous or liable to become dangerous by fire, wind, rain, dilapidation, use, lack of fire escapes or any other cause he may by order declare such building to be dangerous or liable to become dangerous and may require the owner of the building to carry out certain works in respect thereof. Subsection (3) of section 17 provides that where the owner of a dangerous building cannot be found or has failed to comply with the requirements of an order served on him under subsection (1) the Building Authority may carry out or caused to be carried out the work specified in the order or such other work as he considers necessary. It is considered that subsection (3) should not be confined to dangerous buildings but should be extended to apply to all buildings to which subsection (1) applies. Clause 8 of the Bill accordingly seeks further to amend section 17 so as to provide that subsection (3) shall apply where the owner of a building, which in the opinion of the

Building Authority has been rendered dangerous, or liable to become dangerous by fire, wind, rain, dilapidation, use, lack of fire escapes or any other cause cannot be found or fails to comply with the requirements of an order served under section 17.

8. At present item (5) of subsection (2) of section 27 makes it an offence to use materials which are defective or which do not comply with the Ordinance in any building works, street works, lift works or escalator works. It is considered that the use of materials which, although they are not defective and comply with the Ordinance, have not been mixed, prepared, applied, used, erected, constructed or fixed in the manner required for such materials may be as dangerous or undesirable as the use of defective materials or materials which do not comply with the Ordinance. Clause 10 of the Bill seeks to amend subsection (2) of section 27 of the Ordinance so as to bring such materials within item (5).

9. Clause 11 seeks to amend the principal Ordinance by the deletion of the second proviso to subsection (1) of section 35. It is considered that this proviso is now spent.

10. Clause 12 seeks to correct a minor drafting error in the form of warrant in the Third Schedule to the principal Ordinance.

NURSING AND MATERNITY HOMES REGISTRATION (AMENDMENT) BILL 1966

DR TENG PIN-HUI moved the First reading of a Bill intituled "An Ordinance further to amend the Nursing and Maternity Homes Registration Ordinance."

He said: — Your Excellency, the Nursing and Maternity Homes Registration Ordinance provides for registration by the Director of Medical and Health Services of nursing homes and maternity homes which by definition exclude Government and military hospitals and institutions; it allows the Director to refuse registration if an institution is considered unsuitable on grounds of structure, accommodation, equipment or staff, and it provides for the inspection of registered institutions.

The Ordinance, which has been in force since 1937, has been applied without difficulty to nursing and maternity homes but under the powers granted in Section 8 of the Ordinance all hospitals have been exempted from its operation. The exclusion of hospitals in this way has given rise to difficulty when there have, been complaints against hospitals by members of the public. The immunity from inspection which the hospitals enjoy has made it impossible for the Director of Medical and Health Services to carry out an impartial investigation into such complaints and to dispel any doubts that may have existed

in the minds of the public. The exemption has therefore operated to the detriment rather than to the benefit of the hospitals concerned.

It is this defect in the Ordinance which the Bill is principally intended to correct. The necessary amendments are made by clauses 10 and 12 of the Bill which provide for the deletion from the Ordinance of Section 8, which grants power of exemption, and of the Schedule in which the exempted institutions are listed. To make it clear that the Ordinance applies to hospitals as well as to nursing and maternity homes, the titles have been amended by the insertion of the word "hospital" and consequential amendments have been made in the interpretation clauses and elsewhere throughout the Bill.

The opportunity has also been taken to authorize the Director to impose conditions before granting a certificate of registration. Such conditions will be strictly limited to matters in respect of which registration can be refused under the Ordinance as it stands. As it is impossible to devise a standard set of conditions applicable to the many and varied types of hospitals and institutions covered by the Ordinance it has been thought advisable to allow the Director to make conditions in his discretion. A safeguard against possible hardship is provided by the inclusion of the right to appeal to the Governor in Council against the imposition of conditions, similar to the right of appeal which is already provided against refusal to register or to renew registration. The opportunity has been taken to provide that appeals under the Ordinance should now be by way of petition rather than by appeal under the Administrative Appeals Rules.

Here I would assure honourable Members that there is no intention to interfere with the day to day operation of any hospital or to restrict in any way the valuable work which these institutions are doing. There is no danger that the number of hospital beds in the Colony will be reduced as a result of this legislation, and it is not contemplated that conditions will be imposed on any existing hospital before registration is first granted. Honourable Members will wish to be informed that the proposals have been considered by the Medical Advisory Board and by the Medical Development Plan Standing Committee and have received the approval of both these bodies.

The opportunity has been taken to raise the registration fee from \$5 to \$20 but to provide that only one fee shall be paid by any institution even if it is registered both as a nursing home and as a maternity home. The maximum penalty for an offence against the Ordinance is increased from \$250 to the more realistic figure of \$1,000. Definitions of "pupil midwife", "registered midwife" and "registered nurse" are also amended to bring them up to date.

It is proposed that clauses 10 and 12 of the Bill before honourable Members—which extend the Ordinance to hospitals—shall come into

force on the 1st November 1966, in order to allow persons in charge of exempted institutions adequate time to make application for registration.

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: —

Many of the Colony's private hospitals are exempted from the Nursing and Maternity Homes Registration Ordinance (the principal Ordinance). This means that the persons or organizations by whom they are maintained do not need to be registered and that the hospitals are not subject to inspection under section 7 of the Ordinance. The main object of this Bill is to bring the exempted hospitals within the ambit of the principal Ordinance. To that end, section 8 of the principal Ordinance, which confers upon the Governor in Council power to grant exemptions, will be repealed. It is intended that clauses 10 and 12, which make the necessary provisions, shall not come into operation until the 1st day of November, 1966 in order to allow a reasonable time within which those responsible for carrying on the exempted hospitals must seek registration.

2. Since the principal Ordinance will in future apply to a much greater extent than hitherto to hospitals, it is considered that the existing title of the Ordinance is not appropriate and it is proposed that the Ordinance shall be known as the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance. Furthermore, the use of the term "nursing home" in the body of the Ordinance will be abandoned in favour of the term "hospital", which will be defined so as to include nursing homes.

3. If this Bill is enacted, the Director of Medical and Health Services will be empowered to impose conditions when he registers a person carrying on a hospital or maternity home, and will also be empowered to cancel registration in the event of a contravention of any such condition. Registration must be sought each year, so that within the limits of his power to impose conditions the Director will have continuous control over all private hospitals, nursing homes and maternity homes.

4. The opportunity has been taken to amend section 5(3) of the principal Ordinance so as to provide that an appeal under that subsection against a refusal to register a person in respect of a hospital or

maternity home or the cancellation of registration shall be by way of petition.

5. The fee payable on registration will be increased from five dollars to twenty dollars and the maximum penalty that may be imposed on conviction for an offence against the principal Ordinance is increased from two hundred and fifty dollars to one thousand dollars.

MEDICAL CLINICS (AMENDMENT) BILL 1966

DR. TENG PIN-HUI moved the First reading of a Bill intituled "An Ordinance further to amend the Medical Clinics Ordinance 1963."

He said: —Your Excellency, the purpose of this Bill is to ensure that no hospital, nursing home or maternity home or clinic maintained by such institution, which is registered under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance, is also liable to registration under the Medical Clinics Ordinance. This is effected by the insertion of a clause in the Medical Clinics Ordinance excluding from the definition of "clinic" any institution which is registered under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance.

The power to exempt certain clinics now granted under Section 8(4) of the Ordinance, being no longer required, is deleted together with the Schedule of exempted clinics.

Arrangements will be made for these amendments to come into force on the same date, that is, the 1st November 1966, as the Nursing and Maternity Homes Registration (Amendment) Ordinance. In the meantime no action will be taken under the Medical Clinics Ordinance against any registered hospital, nursing home or maternity home or against any clinic maintained thereby.

No other changes in the Ordinance are made by this Bill.

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: —

At present, clinics operated by those hospitals specified in the Schedule to the Medical Clinics Ordinance 1963 are exempt from the Ordinance. It is now considered that the Ordinance should not apply at all to such clinics or to any clinic maintained by a hospital, nursing

home or maternity home in respect of which a person is registered under the Nursing and Maternity Homes Registration Ordinance.

2. For the avoidance of doubt, it is further considered desirable to provide specifically that the Medical Clinics Ordinance 1963 does not apply to a hospital, nursing home or maternity home in respect of which a person is registered under the Nursing and Maternity Homes Registration Ordinance.

3. It is intended that the Bill will come into operation on the 1st day of November, 1966. This is the same date as exempted hospitals under the Nursing and Maternity Homes Registration Ordinance will be brought within the ambit of that Ordinance.

URBAN COUNCIL (AMENDMENT) BILL 1966

THE COLONIAL SECRETARY moved the Second reading of a Bill intituled "An Ordinance further to amend the Urban Council Ordinance 1955, and to make related amendments to other enactments."

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 11 were agreed to.

Clause 12.

THE COLONIAL SECRETARY: —Sir, I rise to move that Clause 12 be amended as set forth in the paper before honourable Members.

Proposed Amendment.

12. In the new Second Schedule to the Urban Council Ordinance 1955, leave out "Royal Institute of Chartered Surveyors." and substitute the following—

"Royal Institution of Chartered Surveyors.".

Clause 12, as amended, was agreed to.

Clauses 13 and 14 were agreed to.

Council then resumed.

THE COLONIAL SECRETARY reported that the Urban Council (Amendment) Bill 1966 had passed through Committee with one 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.

LAW REVISION (MISCELLANEOUS AMENDMENTS) BILL 1966

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to make amendments to miscellaneous Ordinances for the purpose of facilitating the preparation of the revised edition of the laws."

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.

Schedule.

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

Proposed Amendments.

Schedule (1) Leave out item 18.

(2) Re-number items 19 to 45 as items 18 to 44 respectively.

The Schedule, as amended, was agreed to.

The Preamble was agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Law Revision (Miscellaneous Amendments) Bill 1966, 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.

PRISONS (AMENDMENT) BILL 1966

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance further to amend the Prisons Ordinance 1954."

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, 2 and 3 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Prisons (Amendment) Bill 1966, 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.

**MASONIC BENEVOLENCE FUND INCORPORATION
(AMENDMENT) BILL 1966**

MR. WOO PAK-CHUEN moved the First reading of a Bill intituled "An Ordinance further to amend the Masonic Benevolence Fund incorporation Ordinance and to make provision for the transfer of the property presently vested in the trustees of The Hong Kong and South China Masonic Benevolence Fund to a custodian trustee."

He said: —Your Excellency, since the establishment of the Masonic Benevolence Fund in 1893 its magnitude and complexity have increased to such an extent in recent years that it is considered expedient to further amend the principal Ordinance in order to give wider powers of investment to the trustees of the fund and to place its administration in professional hands by the appointment of a trust corporation.

MR. KAN YUET-KEUNG 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: —

This measure is introduced in order to facilitate the administration of The Hong Kong and South China Masonic Benevolence Fund, the magnitude and complexity of which has increased in recent years to such extent that it is considered expedient, in the interests of the Fund, to place the conduct of its business in professional hands.

NEXT MEETING

HIS EXCELLENCY THE GOVERNOR: —That concludes the business for today. The next meeting will be held on the 18th May.