

OFFICIAL REPORT OF PROCEEDINGS
Meeting of 20th September 1967

PRESENT

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT
(*PRESIDENT*)

MR MICHAEL DAVID IRVING GASS, CMG

THE HONOURABLE THE COLONIAL SECRETARY (*Acting*)

MR DAVID RONALD HOLMES, CBE, MC, ED

THE HONOURABLE THE ATTORNEY GENERAL (*Acting*)

MR GRAHAM RUPERT SNEATH, QC

THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS (*Acting*)

MR PAUL TSUI KA-CHEUNG, MBE

THE HONOURABLE THE FINANCIAL SECRETARY (*Acting*)

MR MICHAEL DENYS ARTHUR CLINTON, GM

THE HONOURABLE ALEC MICHAEL JOHN WRIGHT, CMG

DIRECTOR OP PUBLIC WORKS

DR THE HONOURABLE TENG PIN-HUI, CMG, OBE

DIRECTOR OF MEDICAL AND HEALTH SERVICES

THE HONOURABLE WILLIAM DAVID GREGG

DIRECTOR OF EDUCATION

THE HONOURABLE ROBERT MARSHALL HETHERINGTON, DFC

COMMISSIONER OF LABOUR

THE HONOURABLE ALASTAIR TODD

DIRECTOR OP SOCIAL WELFARE

THE HONOURABLE TERENCE DARE SORBY

DIRECTOR OF COMMERCE AND INDUSTRY

THE HONOURABLE GEOFFREY MARSH TINGLE

DIRECTOR OP URBAN SERVICES

THE HONOURABLE KENNETH STRATHMORE KINGHORN

DISTRICT COMMISSIONER, NEW TERRITORIES

THE HONOURABLE DHUN JEANGIR RUTTONJEE, CBE

THE HONOURABLE KAN YUET-KEUNG, CBE

THE HONOURABLE LI FOOK-SHU, OBE

THE HONOURABLE FUNG HON-CHU, OBE

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, OBE

THE HONOURABLE WILFRED WONG SIEN-BING, OBE

THE HONOURABLE ELLEN LI SHU-PUI, OBE

THE HONOURABLE JAMES DICKSON LEACH, OBE

DR THE HONOURABLE CHUNG SZE-YUEN

IN ATTENDANCE

THE DEPUTY CLERK OF COUNCILS

MR DONALD BARTON

MINUTES

The minutes of the meeting of the Council held on 6th September 1967 were confirmed.

PAPERS

THE COLONIAL SECRETARY, by Command of His Excellency the Officer administering the Government, laid upon the table the following papers: —

<i>Subject</i>	<i>LN</i>
<i>No</i>	
Subsidiary Legislation: —	
Emergency Regulations Ordinance.	
Emergency (Firework) Regulations 1967	143
Reports: —	
Statement of Accounts of the Immigration Service	
Welfare Fund for the year ended 31st March 1967.	
Statement of Accounts of the Preventive Service Welfare	
Fund for the year ended 31st March 1967.	
Annual Report of the Sir Robert Black Trust Fund	
Committee for the year ended 31st March 1967.	
Report of the Fish Marketing Organization for the year	
ended 31st March 1967.	

QUESTIONS

MR FUNG HON-CHU, pursuant to notice, asked the following questions—

In view of concern among the public over the large quantities of gelignite which have been stolen, is Government in a position to reassure the public by indicating the quantities of gelignite which have been recovered to date? Have Government's investigations revealed any collusion or any dereliction of duty on the part of anyone and can Government assure the public that suitable steps have been taken to prevent a recurrence of such thefts?

MR R. M. HETHERINGTON replied as follows:—

He said:—Sir, I will preface my replies to the questions asked by some general remarks on the action taken by Government in the past month to recover stocks of fireworks and explosives from the public in the interests of safety and good order. The people of Hong Kong has

already shown, during the past twelve days, its overwhelming support for the withdrawal of fireworks in a very practical way. Men and women of all ranks of our community have come forward willingly with their private stocks of fireworks and handed them over in large quantities for safe-keeping. I have already thanked them publicly for the most encouraging response to the appeal which I made following the introduction of the Emergency (Firework) Regulations 1967. I take this present opportunity to repeat, on behalf of Government, this message of thanks. It is clear that, faced with the choice of surrendering fireworks which play such an important part in the traditional customs of the community or of continuing to run the risks of death or injuries from bombs made from the contents of fireworks, the people of Hong Kong has demonstrated clearly and emphatically that it is willing to make considerable sacrifices to frustrate the lawless activities of the few irresponsible terrorists in our midst.

Up to yesterday a total of about 160 tons of fireworks had been collected. It was known that there were about 30 tons in the hands of licensed dealers. The quantity in the hands of the public was not known. The amounts handed in exceeded all expectations and special measures had to be taken to deal with the flood of fireworks which came in.

Following the inauguration, about two months ago, of a terrorist campaign to plant bombs in public places, investigation made into the composition of these bombs revealed that most of them contained black powder normally used in fireworks. A scheme was devised to deny this basic ingredient to those manufacturing bombs and it was eventually put into operation recently when fireworks were withdrawn from shops and the public. The scheme would have been introduced earlier but for an incident which occurred on the night of 14th/15th August. A store licensed to hold explosives was raided and a quantity of gelignite stolen. It was then decided to remove into safe-keeping all stocks of explosives from licensed stores but, before this could be done, another store was raided at 4 a.m. on 19th August. The operation was begun, as planned, later that morning. Most stocks were taken over during the week-end although very bad weather impeded the completion of the work until 22nd August. The quick and successful carrying-out of this difficult and dangerous task involving visits to 88 stores and the removal of nearly 20 tons of explosives was largely due to the preparation of a plan at the end of 1966 to meet such a situation. This was devised on the basis of experience gained when a similar operation of a limited nature was conducted in parts of Kowloon during the riots in April 1966. I would like to thank those who drew up the plan so carefully, those who worked exceptionally long hours in carrying it out at times under the most unpleasant weather conditions, and the licensees of stores who co-operated willingly in the operation.

The storage of explosives is controlled by the Dangerous Goods Ordinance and subsidiary regulations. Precise requirements are laid down regarding the construction and operation of licensed stores for explosives. The two stores which were raided were licensed as mode A stores. One situated on a branch road off Repulse Bay Road was inspected by an Explosives Inspector on 9th August and found to be in order. The other situated near Tin Hau Temple Road was inspected by an Explosives Inspector on 11th August. It was also found to be in order except that some protective screens around the stores had been blown down by the wind. The licensee was instructed to restore the screens.

Regulation 13(2) of the Dangerous Goods (General) Regulations requires a licensee of a mode A store to employ at least two watchmen and, at least, one watchman must be on watch at the store at all times when the store contains explosives. The watchman must be licensed by the Commissioner of Police under the Watchmen Ordinance.

I am informed that, following investigations by the police, there is no evidence of collusion by the watchmen concerned. At the store near Tin Hau Temple Road, the thieves cut through the wire fence and forced the locks on the magazine doors without disturbing the watchmen. The raid was carried out during a period of very heavy rain. In addition to detonators, coils, and fuse igniters, 380 sticks of gelignite were stolen. Subsequently, two sticks of gelignite were found in the watchmen's quarters and the watchmen were prosecuted and convicted for the illegal storage of dangerous goods. They were each fined \$400. The permits issued to them under the Watchmen Ordinance were revoked.

The store off Repulse Bay Road was raided at 4 o'clock in the morning, a few hours before the scheme to take explosives into safe-keeping was put into operation. Here, two men bound and gagged the watchmen and kept watch while the store was rifled. Again, detonators, coils, and fuse igniters were stolen in addition to 363 sticks of gelignite.

It is not possible to identify individual sticks of gelignite and, consequently, there can be no certainty that, when gelignite is recovered, it formed part of the stocks stolen during the raids. Since the thefts occurred the police has seized some sticks believed to be part of the thefts but it would be contrary to the public interest to reveal the quantity.

All mode A stores licensed to contain gelignite are now empty and consequently there are no sticks left to be stolen.

**SCHEDULE OF WRITE-OFFS FOR THE FINANCIAL
YEAR, 1966/67**

THE FINANCIAL SECRETARY moved the following resolution: —

Resolved that the Write-offs for the Financial Year 1966-67, as set out in the Schedule, be approved.

He said:—Your Excellency, the Schedule to the resolution comprises those write-offs approved by Finance Committee during the last financial year which require the covering approval of this Council.

There are three items which perhaps require a little more explanation than is given in the Schedule. The first refers to an unknown amount in respect of the cost of free meals supplied to Hong Kong Auxiliary Air Force personnel. Although no specific authority could be traced, the Force established a practice over some 17 years of supplying free meals to members engaged in flying tuition and servicing of aircraft on Sundays at Sek Kong. This practice has now been regularized to ensure that this concession is extended only to a limited number of officers who qualify under rules which have been laid down.

The next item refers to an unknown amount of Official signature fees not collected under the old Dutiable Commodities Ordinance. Under the old Ordinance a fee of three dollars should have been charged for the amendment of any permit or licence. However, this was not done in cases where the initial permits and licences were themselves issued free of charge. The new Dutiable Commodities Ordinance now incorporates provisions which regularize this practice.

The last item amounting to nearly \$99,000 represents postal charges for the transportation of mails from Hong Kong to China for the second half of the year 1949 during the change of administration in China. This amount has been deemed uncollectable and in any case, because of the lapse of time the debt is no longer legally enforceable.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

PUBLIC HEALTH AND URBAN SERVICES ORDINANCE

MR G. M. TINGLE moved the following resolution: —

Resolved, pursuant to section 144 of the Public Health and Urban Services Ordinance, that the Pleasure Grounds (Amendment) By-laws 1967, made by the Urban Council on the 5th day of September 1967 under section 109 of that Ordinance, be approved.

He said:—Sir, the effect of the Pleasure Ground's (Amendment) By-laws, 1967, which, as the resolution states, were made by the Urban Council on the 5th September, 1967, is to make it possible to levy separate charges for the use of the existing Boundary Street cinder track and the new all-weather tracks at Perth Street and Kowloon Tsai Park; to introduce a half day charge for the use of these facilities; and to make a fee for use of the new golf putting green in Victoria Park.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

BILLS OF SALE (AMENDMENT) BILL 1967

THE ATTORNEY GENERAL moved the First reading of:—“A Bill to amend the Bills of Sale Ordinance.”

He said:—To appreciate Sir, the purpose of the Bill it is necessary to look at the law of the United Kingdom and I hope honourable Members will bear with me, if I deal with a subject which is inevitably technical as quickly as possible. The United Kingdom law is found mainly in the Bills of Sale Act 1878 and the Bills of Sale Act 1878 (Amendment) Act 1882. I shall refer to these Acts by their shorter names as the 1878 Act and the 1882 Act, respectively.

The early Act the 1878 Act defined “bill of sale” in wide terms which included what are called absolute bills of sale under which the ownership of goods passed to the grantee and also what are called security bills of sale under which ownership of the goods did not pass, as they were given only as security over the goods for the payment of moneys. The primary purpose of this 1878 Act was to prevent false credit being given to persons who, although retaining the *possession* of goods, had in fact transferred the *ownership*. The Act provided a system of registration of bills of sale of this nature that was intended to inform the world at large as to the true ownership of the goods. In this way a person could ascertain whether the goods in the possession of another person were, in fact, owned by that person when they entered into a business transaction with him.

The later Act the 1882 Act was enacted to provide specifically for bills of sale given as security for the payment of money. The purpose of this Act was to prevent persons in need of money unwittingly signing complicated documents which they might not fully understand and under which the ownership of their goods passed to the grantee. With this object in view, a particular form of words is required for these security bills of sale; and this Act provides that a bill of sale given as security for the payment of money shall be null and void as a security against the grantor if the formalities of form, execution and registration

prescribed in the Act are not strictly complied with by the grantor and the grantee.

This later Act the 1882 Act provided that it should be read as one with the 1878 Act, save of course that it did not apply to bills of sale other than those given as security for the payment of money. When we come on to the Hong Kong Bills of Sale Ordinance (Chapter 20) which was drafted in 1886 and it must be assumed that the intention was to follow the law in the United Kingdom, as provided for in these two Acts which I have just mentioned.

With this object in view there was inserted in our Ordinance a definition of “bill of sale” which was the same as that followed in the 1878 Act, and then added the proviso that in the construction of certain sections of the Ordinance the term should apply only to bills of sale given as security for the payment of money. This I regret to say was an error because in some of these sections a distinction should have been drawn between these absolute bills of sale and the security bills of sale.

To remedy this defect the Bill now deletes the proviso to the definition of “bill of sale” in section 2; and, that where there are different provisions in the 1878 Act and the 1882 Act relevant to the same subject matter, the Ordinance is amended to make clear this distinction and clauses 3 and 4 effect these amendments.

Some provisions of the Ordinance have, after due consideration, been widened as a result of the amendment of the definition of “bill of sale” to apply both to absolute bills of sale and to security bills of sale. Other provisions have, by amendment of the specified sections, been restricted in the application to security bills of sale only and this is effected by clauses 5, 6 and 7.

The broad effect then, Sir, of the Bill is to bring our law of Hong Kong in this subject into line with the law of the United Kingdom.

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 clarify the distinction in the principal Ordinance between bills of sale that are given by way of security for the payment of money and the other instruments that fall within the definition of “bill of sale” in section 2 of the Ordinance.

2. For the purpose of clearer interpretation of the principal Ordinance, clause 2 deletes paragraph (a) of the proviso to the definition of “bill of sale”; and clauses 5, 6 and 7 make formal amendments of sections 14, 16 and 22(3) of the principal Ordinance consequential upon the amendment effected by clause 2.

3. Clauses 3 and 4 amend sections 7 and 9 of the principal Ordinance to bring those sections into line with the law relating to bills of sale in the United Kingdom, namely sections 8 and 10 of the Bills of Sale Act 1878 and the Bills of Sale Act (1878) Amendment Act 1882 respectively, subject to a minor variation pertinent to the execution of bills of sale outside of Hong Kong.

4. Consequential upon the amendment of the definition of “bill of sale” in clause 2, the application of section 18 of the principal Ordinance is no longer restricted to bills of sale made or given by way of security for the payment of money. This represents a further variation from the relevant law of the United Kingdom.

HONG KONG AIRPORT (REGULATIONS) (AMENDMENT)

BILL 1967

THE COLONIAL SECRETARY moved the Second reading of:—“A Bill to amend the Hong Kong Airport (Regulations) Ordinance.”

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

The Bill was read the Second time.

Council then went into Committee to consider the Bill clause by clause.

Clauses 1 to 3 were agreed to.

Council then resumed.

THE COLONIAL SECRETARY reported that the Hong Kong Airport (Regulations) (Amendment) Bill 1967 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 the Third time and passed.

ROAD TRAFFIC (AMENDMENT) (NO 2) BILL 1967

THE COLONIAL SECRETARY moved the Second reading of:—"A Bill to amend further the Road Traffic Ordinance."

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

The Bill was read the 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 Road Traffic (Amendment) (No 2) Bill 1967 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 the Third time and passed.

**IMMIGRATION (CONTROL AND OFFENCES) (AMENDMENT)
BILL 1967**

THE ATTORNEY GENERAL moved the Second reading of:—"A Bill to amend further the Immigration (Control and Offences) Ordinance."

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read the Second time.

Council then went into Committee to consider the Bill clause by clause.

Clauses 1 to 3 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Immigration (Control and Offences) (Amendment) Bill 1967 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 the Third time and passed.

**HOP YAT CHURCH OF THE CHURCH OF CHRIST IN CHINA
INCORPORATION BILL 1967**

MR Y. K. KAN moved the Third reading of:—"A Bill to provide for the incorporation of the Hop Yat Church of The Church of Christ in China."

MR F. S. LI seconded.

The question was put and agreed to.

The Bill was read the Third time and passed.

ADJOURNMENT

THE COLONIAL SECRETARY moved the adjournment.

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

NEXT MEETING

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT:—
Council will now adjourn. The next meeting will be held on 4th October 1967.