

OFFICIAL REPORT OF PROCEEDINGS.**Meeting of 5th June, 1957.****PRESENT:**

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR ALEXANDER WILLIAM GEORGE HERDER GRANTHAM, G.C.M.G.
THE HONOURABLE THE COLONIAL SECRETARY
MR. CLAUDE BRAMALL BURGESS, O.B.E. (*Acting*).
THE HONOURABLE THE ATTORNEY GENERAL
MR. ARTHUR RIDEHALGH, Q.C.
THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS
MR. JOHN CRICHTON McDOUALL.
THE HONOURABLE THE FINANCIAL SECRETARY
MR. JOHN JAMES COWPERTHWAITTE (*Acting*).
DR. THE HONOURABLE YEO KOK CHEANG, C.M.G.
(*Director of Medical and Health Services*).
THE HONOURABLE DAVID CLIVE CROSBIE TRENCH, M.C.
(*Commissioner of Labour*).
THE HONOURABLE EDMUND BRINSLEY TEESDALE, M.C.
(*Director of Urban Services*).
THE HONOURABLE ALLAN INGLIS
(*Director of Public Works*).
DR. THE HONOURABLE CHAU SIK NIN, C.B.E.
THE HONOURABLE CHARLES EDWARD MICHAEL TERRY, O.B.E.
THE HONOURABLE LO MAN WAI, C.B.E.
THE HONOURABLE NGAN SHING-KWAN, O.B.E.
THE HONOURABLE DHUN JEHANGIR RUTTONJEE.
THE HONOURABLE KWOK CHAN, O.B.E.
DR. THE HONOURABLE ALBERTO MARIA RODRIGUES, M.B.E., E.D.
MR. MAURICE DEREK SARGANT (*Deputy Clerk of Councils*).

ABSENT:

HIS EXCELLENCY THE COMMANDER BRITISH FORCES
LIEUTENANT-GENERAL EDRIC MONTAGUE BASTYAN, C.B., C.B.E.
THE HONOURABLE CEDRIC BLAKER, M.C., E.D.

MINUTES.

The Minutes of the Meeting of the Council held on 22nd May, 1957, were confirmed.

OATHS.

MR. ALLAN INGLIS took the Oath of Allegiance and assumed his seat as a Member of the Council.

PAPERS.

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

<i>Subject.</i>	<i>G.N. No.</i>
-----------------	-----------------

Sessional Paper, 1957: —

No. 21—Annual Report by the Chairman, Urban Council
and Director of Urban Services for the year
1955/56.

Medical Registration Ordinance, 1957.

Medical Practitioners (Registration and Disciplinary Procedure) Regulations, 1957	A. 49.
--	--------

Protected Places (Safety) Ordinance.

Protected Places Declaration (Amendment) Order, 1957	A. 50.
--	--------

HONG KONG TOURIST ASSOCIATION BILL, 1957.

THE FINANCIAL SECRETARY moved the First Reading of a Bill intituled "An Ordinance to provide for the establishment and constitution of a tourist association and a board of management, and for matters connected therewith."

He said: Sir, when as Chairman of the Working Committee on Tourism I presented the Committee's report to Government last year I thought that my share of the task was finished and I little expected that I would also have the task of introducing to this Council a bill to give effect to the Committee's recommendations.

The Bill follows these recommendations closely. The Committee considered that tourism had become an industry of prime importance to Hong Kong and, while recognizing the great strides it had made in recent years in a rather unregulated fashion, took the view that (if I may quote from the report) "Tourism is by its very nature so heterogeneous an industry or complex of industries and its benefits are so widely dispersed throughout the industry itself and the community generally that there is a peculiar need for a co-operative and representative body to work for the general promotion and development of the industry". The Committee therefore had no hesitation in recommending that a tourist association should be set up.

They recommended also, while recognizing it as a departure from the Hong Kong tradition, that the association should be set up by Government action as a body with official status, although not with official powers, because (and I quote again) "an association with official status would be in a position to use its prestige to exert a moral and practical force against abuses and in favour of proper standards of conduct; and its voice and advice would be an effective force in inducing Government to take any compulsive action which might be necessary or desirable."

This Bill seeks to set up such an association in the usual form given to semi-public corporations instituted by Ordinance. Considerable thought was given by the Committee to the problem of preventing the Association from becoming just another Government Department and giving it a genuinely representational character. They agreed that eventually the Association should consist of a general body of members with a small board of management of which a majority should be elected by the general body of members. They felt, however (again I quote from the report) "that in the present position of the industry in Hong Kong today and in view of the experimental nature of such an institution, caution should be exercised in framing and implementing a constitution and that experience of its practical operation should be secured before it be given final shape." They proposed therefore that "for the first three years at least of the Association's life the board should be wholly nominated by the Governor and that one of the functions of this initial board should be to make recommendations, not later than two years after its inauguration, as to the best method of introducing a more directly representational element into the Board."

For the same reasons the Committee recommended that membership should be confined initially to firms with a direct interest in the tourist industry and that the first Board should also have the duty of making recommendations as to how membership might be made more fully representative.

The Bill before Council today conforms very closely to the Committee's advice. I would draw attention in particular to Clause 15 which imposes on the Board the obligation to make recommendations for future amendment of the Association's constitution on the lines suggested.

The Committee also recommend the provision of specific and not inconsiderable sums of money from public funds to finance the first three years of the Association's activities. Government recognizes that, in the early stages at least, a substantial proportion of the Association's expenditure will have to be met from public funds but it is proposed to leave the question of the exact sums required to be negotiated between Government and the first Board before asking this Council to vote money for the purpose. There is, of course, provision in the Bill for the Association to charge fees for membership of the Association and it may find other sources of income; it is to be hoped that when it finds its feet and its work begins to bear fruit it will come to rely less and less on subventions from public funds.

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 Working Committee, appointed to advise Government as to the desirability of establishing a tourist association for the Colony and, if the establishment of such an association was desirable, to make recommendations as to the constitution, membership and financing of the association, stated in its report in June 1956, that it had no hesitation in recommending that a tourist association should be established.

2. The object of this Bill is to provide for the establishment of a tourist association and for its constitution and management. Clause 3 provides for the establishment of an association, to be known as the Hong Kong Tourist Association, which will consist of those persons qualified for membership under clause 5, who are admitted to membership in accordance with the provisions of clause 6. The objects of the Association are set out in clause 4.

3. Wide powers in respect of termination of membership of the Association are vested in the Board of Management by clause 7. This is considered necessary and is in accord with the recommendations of the Committee.

4. Clause 8 provides that the Association shall have an executive director who will be responsible for the day to day administration of the affairs of the Association, subject to such control as the Board may exercise, and such other officers and servants as the Board considers necessary.

5. Clause 9 provides for the establishment and constitution of the Board of Management which is to have the entire management and control of the Association (see clause 14). All the members of the Board are to be appointed by the Governor. This is in accord with the recommendations of the Committee which stated in its report that "in the present position of the industry in Hong Kong today and in view of the experimental nature of such an institution", that is to say, the Association, "caution should be exercised in framing and implementing a constitution and that experience of its practical operation should be secured before it be given final shape. We propose, therefore, that for the first three years at least of the Association's life the board should be wholly nominated by the Governor and that one of the functions of this initial board should be to make recommendations, not later than two years after its inauguration, as to the best method of introducing a more directly representational element into the Board." The latter part of this recommendation is provided for by clause 15 which imposes a duty on the Board to make such recommendations within two years of its establishment.

6. Clause 10 provides for the resignation of their office by members of the Board and empowers the Governor in certain circumstances to declare the office of a member of the Board to be vacant.

7. The Board is incorporated by clause 11 and provision is made, by clauses 12 and 13, for the seal of the Board and its authentication, and for enabling the Board to authorize some person to enter into contracts or execute instruments on its behalf.

8. The Board is given, *inter alia*, powers to acquire, by way of purchase, lease or otherwise, land and other property, to enter into contracts, to delegate its powers to the executive director or any of the other officers or servants of the Association and to appoint committees. See clauses 16 and 17.

9. Clause 18 requires the Board to keep accounts and provides for their audit by an auditor appointed by the Governor. A statement of accounts is to be prepared in respect of each financial year and laid on the table of the Legislative Council, together with any report made by the auditor. The Board is also required to make an annual report to the Governor on its activities and on the activities of the Association. See clause 19.

10. The remaining clauses of the Bill enable the Board, subject to the approval of the Governor in Council, to make rules in respect of certain matters, provide for the convening of meetings of the Association and for the procedure at such meetings and at meetings of the Board, and make provision in relation to the validity of meetings of the Board or the Association.

HONG KONG AIRPORT (CONTROL OF OBSTRUCTIONS) BILL, 1957.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to provide for the restriction and, where necessary, the reduction of heights of buildings in the vicinity of the Hong Kong Airport, for the control of lighting, for the erection or provision and the maintenance of aids to air navigation, for the assessment and payment of compensation in respect of damage suffered on account thereof, and for purposes connected with the matters aforesaid."

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 7 were agreed to.

Clause 8.

THE ATTORNEY GENERAL: —I beg to move the amendment standing in my name.

Proposed Amendment.

After the word "Aviation", insert the following—

"or under an exemption granted by him and published in the *Gazette*".

Clause 8, as amended, was agreed to.

Clauses 9 to 25 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Hong Kong Airport (Control of Obstructions) Bill, 1957 had passed through Committee with one 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.

HAWKERS (AMENDMENT AND VALIDATION) BILL, 1957.

MR. E. B. TEESDALE moved the Second reading of a Bill intituled "An Ordinance to amend the Hawkers Ordinance, Chapter 157, and to validate certain licences issued thereunder."

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 4 were agreed to.

Council then resumed.

MR. E. B. TEESDALE reported that the Hawkers (Amendment and Validation) Bill, 1957 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.

ADJOURNMENT.

H. E. THE GOVERNOR: —That concludes the business, gentlemen. When is it your pleasure that we should meet again?

THE ATTORNEY GENERAL: —May I suggest this day two weeks?

H. E. THE GOVERNOR: —Council will adjourn to this day fortnight.