

**OFFICIAL REPORT OF PROCEEDINGS.****Meeting of 18th December, 1957.**

---

**PRESENT:**HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

SIR ALEXANDER WILLIAM GEORGE HERDER GRANTHAM, G.C.M.G.

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

LIEUTENANT-GENERAL SIR EDRIC MONTAGUE BASTYAN, K.B.E., C.B.

THE HONOURABLE THE COLONIAL SECRETARY

MR. EDGEWORTH BERESFORD DAVID, C.M.G.

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. ARTHUR GRENFELL CLARKE, C.M.G.

THE HONOURABLE PATRICK CARDINALL MASON SEDGWICK  
(*Commissioner of Labour*).THE HONOURABLE DAVID RONALD HOLMES, M.B.E., M.C., E.D.  
(*Director of Urban Services*).THE HONOURABLE ALLAN INGLIS  
(*Director of Public Works*).DR. THE HONOURABLE GEORGE GRAHAM-CUMMING  
(*Acting Director of Medical and Health Services*).

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, O.B.E.

THE HONOURABLE CEDRIC BLAKER, M.C., E.D.

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*).

**MINUTES.**

The Minutes of the Meeting of the Council held on 20th November, 1957, were confirmed.

**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 Papers, 1957: —	
No. 44—Annual Report by the Controller of Stores and Sand Monopoly for the year 1956/57.	
No. 45—Annual Report by the Registrar General for the year 1956/57	
No. 46—Annual Report by the Government Printer for the year 1956/57	
No. 47—Annual Report by the Social Welfare Officer for the year 1956/57.	
No. 48—Annual Report by the Secretary for Chinese Affairs for the year 1956/57.	
Colonial Air Navigation Order, 1955.	
Hong Kong Air Navigation (Radio) (Amendment) Regulations, 1957 .....	A. 94.
Colonial Air Navigation Order, 1955.	
Hong Kong Air Navigation (General) (Amendment) Regulations, 1957 .....	A. 95.
Regulations governing the award of the Colonial Police Long Service Medal to members of the Police Force of Hong Kong .....	A. 97.
Regulations governing the award of the Colonial Fire Brigades Long Service Medal to members of the Fire Brigade of Hong Kong	A. 99.

<i>Subject.</i>	<i>G.N. No.</i>
Emergency (Provisional Resettlement Areas) Regulations, 1954	
Declaration under regulation 3 .....	A. 100.
Hong Kong Airport (Control of Obstructions) Ordinance, 1957	
Hong Kong Airport (Control of Obstructions) Order, 1957 .....	A. 102.

**ILLEGAL STRIKES AND LOCK-OUTS ORDINANCE,  
CHAPTER 61.**

THE ATTORNEY GENERAL moved the following resolution: —

Resolved, pursuant to section 8 of the Illegal Strikes and Lock-Outs Ordinance, Chapter 61, that the duration of the said Ordinance be extended for the term of one year with effect from 1st January, 1958.

He said: Sir, the purpose of this resolution is to extend the life of the Illegal Strikes and Lock-Outs Ordinance for a further year, that is to say, until 31st December, 1958. This Ordinance, Sir, has no effect in relation to any strike or lock-out resulting from a genuine trade dispute, but is a measure designed to prevent strikes and lock-outs calculated to coerce the Government, either directly or by inflicting hardship upon the community, and it also provides for the punishment of persons who instigate, incite others to take part in, or otherwise act in furtherance of, any such illegal strike or lock-out. Sir, it is considered essential to have adequate power in this behalf, and I therefore move this resolution.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

**SOCIETIES ORDINANCE, CHAPTER 151.**

THE ATTORNEY GENERAL moved the following resolution: —

Resolved, pursuant to section 26 of the Societies Ordinance, Chapter 151, that the duration of the said Ordinance be extended for the term of one year with effect from 1st January, 1958.

He said: Sir, the purpose of this resolution is to extend the life of the Societies Ordinance until 31st December, 1958. This Ordinance gives the Commissioner of Police a measure of help in curbing the activities of Triad and other unlawful societies and over the past year the Police have had considerable success in bringing to book some of the worst elements in the Triad world. Nevertheless, Sir, it seems that the Triad problem is always with us and it is considered that this Ordinance must be retained. Honourable Members may recollect that in July this year this Ordinance was amended to give added weapons against these evil associations.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

### **ENTERTAINMENTS TAX ORDINANCE, CHAPTER 110.**

THE FINANCIAL SECRETARY moved the following resolution: —

Resolved, pursuant to section 3 of the Entertainments Tax Ordinance, Chapter 110, that the duty charged, levied and paid on payments for admission to an entertainment where all the performers whose words or actions constitute the entertainment are actually present and performing and the entertainment is in the opinion of the Colonial Secretary of special cultural or artistic value, shall be at the reduced rate of twenty-five per cent of the appropriate rate of duty as prescribed by a resolution made and passed on the 1st day of April, 1941.

He said: Sir, under the Entertainments Tax Ordinance as it stands now, duty is not charged on payments for admission to certain types of entertainment. One such instance is where the entertainment is of a wholly educational character, regardless of who provides the entertainment. Another is where the entertainment is provided partly for educational and scientific purposes, but here the exemption from duty is restricted to cases where the entertainment is provided by a society not conducted or established for profit.

There have been many entertainments conducted by such societies in the past and no problem has arisen. On the other hand there have been precisely similar entertainments which cannot qualify for exemption from duty, because they have been provided

by organizations which in essence are profit-making. This has given rise to some protests, because entertainments of this type are rarely profitable, in that they appeal to a comparatively limited number of the public, and are frequently very expensive to produce.

A good deal of consideration has been given to representations that those who endeavour to improve the standard of the Colony's cultural and artistic tastes should be treated alike regardless of whether they are conducted for profit or not. It is now proposed, in this resolution, to leave the position unchanged so far as non-profit-making bodies are concerned, and to reduce by 75% the duty payable on admission to this type of entertainment when it is provided by a profit-making organization.

The Colonial Secretary is to be the judge in deciding which entertainments shall receive this concession: if these proposals commend themselves to this Council, he will, when exercising his judgement be assisted administratively by a committee, to be appointed by Your Excellency, of those best qualified to advise.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

#### **HAWKERS (AMENDMENT) (NO. 4) BY-LAWS, 1957.**

MR. D. R. HOLMES moved the following resolution: —

Resolved that the Hawkers (Amendment) (No. 4) By-laws, 1957, made by the Urban Council on the 3rd day of December, 1957, under section 2 of the Hawkers Ordinance, Chapter 157, be approved.

He said: In certain parts of the urban area action has recently been taken to enforce much more fully the law relating to hawker control. This has led the Urban Council to conclude that some of the existing provisions are unduly restrictive and also that some additional powers are required. The nature of these defects and the effect of the new by-laws are described in the explanatory note.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

**TRANSFER OF FUNCTIONS OF THE SECRETARY  
FOR CHINESE AFFAIRS BILL, 1957.**

THE COLONIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance to amend certain laws of the Colony on the transfer to the Director of Social Welfare of certain functions now discharged by the Secretary for Chinese Affairs."

He said: Sir, as has already been announced in the press (in September this year) it has been decided that the Social Welfare Office, which has in most aspects of its work functioned as a separate Department for several years, shall be formally constituted as such and cease to be a sub-department of the Secretariat for Chinese Affairs. At the same time the Social Welfare Community Development Section, which is responsible for work with the Kaifong Welfare Associations, is to come directly under the Secretary for Chinese Affairs.

It is consequently necessary to amend certain Ordinances under which the Social Welfare Officer has, in the past exercised functions in the name of, and on behalf of, the Secretary for Chinese Affairs. The Bill provides that in future the Social Welfare Officer should exercise these functions which are mainly concerned with the protection of women and juveniles, in his own right as Director of Social Welfare.

THE SECRETARY FOR CHINESE AFFAIRS 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: —

As a result of administrative changes and the creation of the office of Director of Social Welfare, certain powers and functions now exercised and performed by the Secretary for Chinese Affairs are to be transferred to the Director of Social Welfare. In order to put such transfer into effect, it is necessary to amend certain Ordinances and subsidiary legislation by the deletion of the title "Secretary for Chinese Affairs" wherever it appears in the relevant provisions thereof and the substitution of the title "Director of Social Welfare". This is achieved in clause 2.

**EDUCATION (AMENDMENT) BILL, 1957.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Education Ordinance, 1952."

He said: Sir, when the principal Ordinance was enacted in 1952 it was considered that it marked a good step forward in the direction of securing that schools were not only efficiently managed and staffed but that they gave a type of instruction suited to the best interests of the students and of the community. It was recognized that the legislation was in some measure experimental and that time would test its efficacy. Well, Sir, five years have now gone by and the present Bill is designed to remedy deficiencies that have come to light as a result of experience gained during that period. Many of the provisions have to do with technical matters, others with such things as safety precautions, and yet others with the misuse of schools for propaganda purposes—an aspect to which the Director of Education alluded when he moved the first reading of the Bill in 1952. All these various provisions are explained in detail in the very full statement of objects and reasons appended to this Bill—it spreads over ten pages of print—and I think it would be a waste of my breath and of members' time if I were to attempt what could only be a paraphrase. Sir, I therefore content myself with commending this measure to the consideration of honourable Members.

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: —

This Bill seeks to make extensive amendments to the Education Ordinance, 1952.

2. Clause 2 amends certain of the definitions contained in section 2 of the principal Ordinance and adds definitions of the words "evening instruction", "permitted teacher", "post secondary college" and "pupils' association". The principal

definitions which are amended are those of the word "manager", which is amended to include a person taking part in the management of the activities of the pupils in a school, and the word "school", which is amended to provide that an institution or place which provides education for ten or more persons during any one day, whether or not at the same time, shall be a school for the purposes of the principal Ordinance,

3. Clause 3 amends section 6 of the principal Ordinance in order to include the managers, teachers and pupils of a school within the ambit of that section. This clause further amends section 6 by inserting a proviso to subsection (2) thereof. The object of this amendment is to enable a school, which, having been exempted from the provisions of the principal Ordinance or regulations by order of the Governor in Council, has subsequently complied with the provisions of the principal Ordinance and regulations, to obtain registration and thus to acquire the status of a registered school.

4. The object of the amendment, made by clause 4, to section 8 of the principal Ordinance is to provide that, where a school provides evening instruction in addition to other instruction, the evening instruction shall constitute a separate school for the purposes of the principal Ordinance.

5. Clause 6 adds a new section 10A to the principal Ordinance.

In view of the shortage of school premises in the Colony, it has been the policy of the Government to permit schools to be operated in premises which may not be suitable structurally for use for the purposes of a school. This matter has recently been reconsidered in consequence, particularly, of the coming into operation of section 16 of the Buildings Ordinance, 1955, which empowers the Building Authority to prohibit or require the discontinuance of a user of premises which is, in his opinion, unsuitable by reason of their construction. The object of the provisions contained in this new section is to ensure a reasonable standard of safety with respect both to the structure of school premises and the danger of fire therein, and this object is achieved by providing that no school shall be registered in premises not designed and constructed for the purposes of a school unless the application for registration is accompanied by certain certificates and notices.



In the light of technical advice, it is considered that schools should no longer be registered in premises having structural timber floors unless the premises were designed and constructed for the purposes of a school, and that, where the premises in which a school is to be operated are, in the opinion of the Director of Public Works, unsuitable, by reason of the loading for which they were designed and constructed for the purposes of a school, the school should not be registered unless the application for registration was accompanied by a certificate from an authorized architect that the premises are in sound structural condition. These matters are provided for by paragraphs (b) and (e) of subsection (1) of the new section 10A.

Paragraph (c) of subsection (1) of this new section provides that the application for registration of a school to be operated in premises not designed and constructed for the purposes of a school must be accompanied by a certificate from the Chief Officer of the Fire Brigade that the use of such premises for the purpose of a school would not give rise to any undue risk of fire or danger from panic in the event of fire, and, in order to ensure that a school is not registered in premises the use of which, for the purposes of a school, might be prohibited by the Building Authority under section 16 of the Buildings Ordinance, 1955, paragraph (d) of subsection (1) of this new section provides that a school which is to be operated in such premises shall not be registered unless the application for registration is also accompanied by a notice from the Building Authority that he does not intend to prohibit the use of the premises for the purposes of a school.

By subsection (3) of this new section, the Director of Education is prohibited from registering a school which is to be operated in such premises unless the application is accompanied by the required certificates and notices and is also prohibited from registering such a school where any provisions which the Chief Officer of the Fire Brigade may, in giving a certificate for the purposes of paragraph (c) of subsection (1), have, under subsection (2), required to be made, have not been made.

It is further considered, in view of the technical advice, that, in relation both to schools which are presently being, and which may in future be, operated in premises which are, in the opinion of the Director of Public Works unsuitable, by reason of the

loading for which they were designed and constructed, for the purposes of a school, it is necessary, in the interests of safety, to impose restrictions on the use of the premises and to make provisions requiring, *inter alia*, such premises to be inspected annually by an authorized architect in order to determine whether the premises are in sound structural condition. These provisions will be made by regulations, but, in connexion with the provisions requiring premises to be inspected annually, it is necessary to amend section 12 of the principal Ordinance to empower the Director of Education to cancel the registration of a school where, pursuant to the regulations, he receives notice from an authorized architect that such architect is not satisfied that the premises are in sound structural condition. Clause 9 makes, *inter alia*, the necessary provisions by the addition to section 12 of a new paragraph (f).

Clause 6 also adds a new section 10B to the principal Ordinance. This new section provides that a post secondary college shall not be registered without the consent of the Governor.

By clause 48, it is provided that the provisions contained in the new sections 10A and 10B shall not affect the registration of any school which is registered or deemed to be registered at the commencement of this Ordinance.

6. Clause 7 makes amendments in the following respects to section 11.

Firstly, in view of the provisions contained in the new section 10A, those grounds, on which the Director of Education may refuse to register a school, set out in paragraphs (a) and (b) of section 11, have been substantially superseded and it is considered that they are no longer necessary and they are, accordingly, deleted. Secondly, a new paragraph (a) is inserted in that section providing that the registration of a school may be refused if it appears to the Director of Education that there would be a danger or risk of danger to persons using the proposed school premises, whether arising inside or outside the premises. Thirdly, paragraph (c) of that section is amended by the deletion of the words "reasons of health" and the substitution therefor of the words "any reason whatsoever". Fourthly, that section is amended by the addition of new grounds upon which the Director of Education may refuse to register a school—see the new

paragraph (ll). The object of the addition of these new grounds is to provide a means of preventing a school which has been refused registration or whose registration has been cancelled from obtaining registration under a new name or under purportedly different management.

7. Clause 8 adds a new section 11A to the principal Ordinance which makes provision in relation to increased fire risks arising as a result of a change of use, structure or design of the building in which a school is operated. Where fire risks are so increased, the Chief Officer of the Fire Brigade may notify the Director of Education either that there is undue danger which cannot be sufficiently minimised by the taking of precautions or of the precautions to be taken, and the Director may in turn require the supervisor of the school to take the necessary precautions. Where the danger cannot be sufficiently minimised, power is given to close the school, and there is similar power where the required precautions are not taken. (vide clause 9).

8. Clause 12 amends section 15 of the principal Ordinance in order to make it clear that, where the supervisor of a school is no longer acceptable as such to a majority of the management committee, he shall cease to be supervisor.

9. The object of the amendment made, by clause 13, to section 16 of the principal Ordinance is to provide that the Director may appoint additional managers of a school not only, as at present, if it appears to him that the school is not being satisfactorily administered, but also where it appears to him that "the composition of the management committee is not such as is likely to ensure the efficient administration of the school".

10. Clause 14 repeals and replaces section 18 of the principal Ordinance by a section which provides, *inter alia*, that a person applying for registration as a manager of a school must be recommended as such by any existing managers.

11. Clause 16 amends section 20 of the principal Ordinance by the insertion therein of a new subsection (1A) which provides that, if it appears to the Director of Education that a manager of a school is not acceptable to a majority of the management committee, he shall cancel the registration of that manager.

12. Section 24 of the principal Ordinance is amended so as to empower the Director of Education to cancel the registration of a teacher if it appears to him that the teacher is incompetent. See clause 20.

13. Clauses 21 to 24 inclusive make amendments to each of the sections in Part V of the principal Ordinance. The object of these amendments is twofold. Firstly, to introduce the title "permitted teacher" in relation to a person who, though not registered as a teacher, is, under section 26 of the principal Ordinance, permitted to teach, and, secondly, to make it clear that a permit under section 26 may be issued only on the application of the prospective employer.

14. The provisions relating to the appointment of principals of schools are contained, at present, in Part X of the Education Regulations, 1952, and, under those provisions, the appointment of a principal does not require the approval of the Director of Education. It is considered desirable that the appointment of a principal should be subject to such approval and, in making provision to this effect, it has been found convenient to transfer the provisions relating to the appointment of principals from the Education Regulations to the principal Ordinance. Clause 25, therefore, adds a new Part VA to the principal Ordinance providing for the appointment and duties of principals, and Part X of the Education Regulations will, accordingly, be rescinded.

15. Section 31 of the principal Ordinance provides a right of appeal in certain cases from an adverse decision of the Director of Education. Clause 28 repeals and replaces section 31 by a section which sets out precisely the person who has a right of appeal in any particular case and also provides that there shall not be a right of appeal from certain decisions of the Director in respect of a manager, teacher, permitted teacher or supervisor of a school exempted from registration under subsection (2) or (3) of section 6 of the principal Ordinance.

It is considered that the period of ten days, prescribed by subsection (2) of section 31, within which notice of appeal has to be given should be increased to twenty-one days. The necessary amendment of subsection (2) has been made by clause 28.

16. Section 32 of the principal Ordinance provides, *inter alia*, that a supervisor, manager or teacher in respect of whom the Director of Education has made an adverse decision under one of the sections of the principal Ordinance therein specified shall be suspended from duty from the time at which he is notified of the decision of the Director, subject to the power of the Director to withhold such suspension until the determination of any appeal. It is considered that, notwithstanding that there may be a right of appeal, any such decision should take effect immediately, but that the Director of Education should be empowered to permit the supervisor, manager or teacher, as the case may be, to continue to carry out his duties. Clause 29 repeals and replaces section 32 with a section which makes the necessary provisions and also incorporates subsections (2) and (3) of the existing section.

17. Clause 30 adds a new section 32A to the principal Ordinance which will enable the Director to refuse or to cancel registration of a person as a teacher and to refuse or to cancel a permit under section 26 to employ as a teacher a person who is not registered as such, where he is satisfied that the environment in which that person received his education or any part thereof has been such as to make him unsuitable as a teacher in the Colony. There is a right of appeal to the Governor in Council against a decision of the Director, and the Director is empowered to permit the person affected to continue to teach pending the decision of any such appeal.

18. Clause 31 amends subsection (3) of section 33 of the principal Ordinance so as to empower the Appeals Board to make standing orders regulating its procedure.

19. Section 34 of the principal Ordinance is repealed and replaced by two sections. The new section 34 contains substantially the same provisions as those contained in the present section, save that subsection (3) thereof has been omitted and replaced by a new section 34A which, instead of conferring certain powers on the Appeals Board by reference to the Commissioners Powers Ordinance (Chapter 86), sets out expressly the powers of the Board. Subsections (1), (2) and (3) of the new section 34A follow closely the provisions of sections 17A and 17B of the Dentists Registration Ordinance (Chapter 156), and subsection (4) of this new section provides that insulting behaviour or the use of any threatening or insulting expression to or concerning or in the presence of the Appeals Board shall be an offence. See clauses 32 and 33.

20. The object of the repeal and replacement of section 35 of the principal Ordinance, effected by clause 34, is to provide that it shall be the duty of the secretary of the Appeals Board, and not the Director of Education as at present, to notify an appellant of the decision of the Board.

21. Clause 35 repeals and replaces section 36 of the principal Ordinance with a section which provides that appeals to the Governor in Council from a decision of an Appeals Board shall be by way of petition. This procedure is considered more appropriate for such appeals than the procedure laid down in the Administrative Appeals Rules.

22. It is a condition precedent to the exercise of the powers conferred upon the Governor in Council by section 37 of the principal Ordinance that it must appear to him that "it would be prejudicial to the security of the Colony or of the Commonwealth or to public safety or public morals that any school, manager or teacher should be registered or continue to be registered . . . .". It is desired to substitute the words "prejudicial to the public interest or the welfare of the pupils or of education generally" for the words "prejudicial to the security of the Colony or the Commonwealth or to public safety or public morals". Clause 36 makes, *inter alia*, the desired amendment.

It is intended that, where the registration of a person as manager of a school is cancelled under subsection (6) of section 37 of the principal Ordinance and, at the time, such person is registered as manager of another school or schools, the Director of Education shall also be required to cancel the registration of that person as a manager of such other school or schools. It is also intended that, where the registration of a manager or teacher or a permit under section 26 of the principal Ordinance to employ as a teacher a person who is not registered as a teacher is cancelled thereunder, such manager, teacher or the person in respect of whom such permit was issued shall not thereafter be registered as a manager or teacher nor shall a permit be issued under section 26 in respect of such manager, teacher or person.

Two new subsections making the necessary provisions have been added, by clause 36, to section 37 of the principal Ordinance. The provisions contained in these subsections are similar to those contained in subsections (1), (2) and (4) of section 38 of the

principal Ordinance which is applicable only where the registration of a school is cancelled under section 37, and not where the registration of an individual manager or teacher or a permit under section 26 in respect of any person is cancelled thereunder.

23. Clause 37 repeals and replaces section 38 of the principal Ordinance. Apart from making a number of amendments to that section consequent upon other amendments made to the principal Ordinance by this Bill, the object of the repeat and replacement of section 38 is twofold. Firstly, to remove any doubt which may exist as to the requirement of the principal Ordinance that, where the registration of a school is cancelled under section 37, the Director of Education shall also cancel the registration of all the managers thereof. Secondly, to provide that, where the registration of a school is cancelled under section 37, the registration of all the managers and teachers thereof at the date of the cancellation of the registration of the school and not, as at present, at the date of service of the notice under subsection (2) of section 37 shall be cancelled, and to make the same provisions in relation to the cancellation, in such a case, of permits under section 26 of the principal Ordinance.

24. Section 39 of the principal Ordinance is amended in order to enable any Government medical officer to be appointed a medical officer of schools, and to make provisions for the appointment of an assistant medical officer of schools. See clause 38.

25. Clause 39 amends section 41 of the principal Ordinance so as to empower the Director of Education to require the production of articles or the furnishing of information relative to the activities in a school, in addition to the administration or management thereof or teaching therein.

26. Clause 41 adds two new sections, 42A and 42B, to the principal Ordinance.

Where the registration of a school is cancelled, it is desirable that the teachers and pupils thereof should not, thereafter, be allowed to remain upon or enter the school premises. Accordingly, the new section 42A prohibits the teachers and pupils of a school whose registration has been cancelled from remaining upon or entering the school premises.

There are, in the Education Regulations, 1952, certain provisions touching the closure of schools in specified circumstances. It is considered that it would be more appropriate if those provisions were contained in the Ordinance. Subsection (1) of the new section 42B contains provisions empowering the Director of Education to direct the closure of a school or to prohibit the use of any place for the purposes of a school, or to give directions or make requirements and to direct the closure of a school or prohibit the use of any place for the purposes of a school until such directions or requirements have been complied with, and specifies the circumstances in which those powers may be exercised. Subsection (2) of this new section prohibits any person, except a public officer or a person authorized by the Director of Education, from remaining upon or entering any school the closure of which has been directed under subsection (1) or any place the use of which, for the purposes of a school, has been prohibited thereunder.

Contravention of the provisions of the new section 42A or of the provisions of subsection (2) of the new section 42B will be an offence. See the new paragraph (o) added, by clause 43, to section 47 of the principal Ordinance.

Further provisions for the enforcement of these new sections are contained in a new section 47C which is added to the principal Ordinance by clause 44. This new section empowers police officers to enter premises, either under a warrant or, in the case of premises other than dwelling houses, under the authority of the Commissioner of Police or a deputy or assistant commissioner, and to remove therefrom any person contravening the provisions of section 42A or subsection (2) of section 42B, as the case may be.

27. Clause 42 amends section 43 of the principal Ordinance in order to enable the Governor in Council to make regulations prescribing or providing for—

- (i) the control of the activities of persons in Schools and of pupils' associations;
- (ii) the control of entrances to and exits from schools;
- (iii) the duties of supervisors and principals; and
- (iv) requiring the supervisor of a school to supply to the Director of Education such information concerning the school or the pupils therein as the Director may require.



28. A new section 47A has been added to the principal Ordinance by clause 44. The object of this new section is to provide for the shifting of the burden of proof upon proof in any prosecution of certain facts. The provisions of this new section are considered necessary for the proper enforcement of the principal Ordinance and the Education Regulations.

29. Clause 44 also adds a new section 47B to the principal Ordinance. Experience has shown that, frequently, the person indirectly responsible for the operation of an unregistered school is the landlord or tenant of the premises on which the school is operated, though he may not take any part in the management of the school. The new section 47B provides that where it is proved to the satisfaction of a magistrate that an unregistered school is being operated on any premises, he may order that notice of the fact be served upon the landlord or tenant of the premises. If, thereafter, an unregistered school is operated on the premises, the person upon whom such notice was served will be guilty of an offence unless he proves that he neither knew nor had reasonable means of knowing that the school was being operated. Complementary to these provisions, this new section empowers a magistrate, at the request of the landlord or tenant, to make an order determining any tenancy of that part of the premises on which the school is being operated.

Section 48 of the principal Ordinance has been renumbered as subsection (1) and a new subsection (2) added thereto in order to make provision for the service of a notice in writing under subsection (1) of this new section by posting the same upon a conspicuous part of the premises to which it relates. See clause 45.

30. Clause 49 provides for an authentic reprint of the principal Ordinance as from time to time amended.

31. Finally, those clauses of this Bill which have not been commented upon herein make amendments to the principal Ordinance consequent upon amendments which are commented upon or make amendments thereto for the sake of clarity only.

#### **TOWN PLANNING (AMENDMENT) BILL, 1957.**

MR. A. INGLIS moved the First reading of a Bill intituled "An Ordinance further to amend the Town Planning Ordinance, Chapter 131."

He said: Sir, the proposal contained in this Bill is a provision enabling the Governor in Council to refer an approved plan to the Town Planning Board for amendment. At present it is only possible for amendments to be made to such a plan in those cases where the Governor in Council sees fit to refer the plan to the Board for replacement by a new one. Replacement of the plan as a whole is, of course, desirable in those cases where the proposals affect the plan as a whole, but is a very cumbersome and indeed unnecessary process in those cases where the amendments to be considered are limited in extent. This Bill will, therefore, if enacted, avoid the necessity of having to refer the plan for replacement in those instances where limited amendments only are contemplated.

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: —

Section 11 of the principal Ordinance empowers the Governor in Council to revoke in whole or in part an approved plan or to refer such plan to the Town Planning Board for replacement by a new plan. As however, no provision is included for amending an approved plan it is necessary, if amendments to parts of the plan become desirable, to refer the whole for replacement.

2. This Bill seeks to remedy this defect by empowering the Governor in Council to refer an approved plan to the Board for amendment. In so doing, it applies to the preparation, exhibition, consideration, submission and approval of amendments the same rules as are applicable in the case of draft plans.

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

MR. A. INGLIS moved the First reading of a Bill intituled "An Ordinance to amend the Hong Kong Airport (Control of Obstructions) Ordinance, 1957."

He said: Sir, the amendment concerning heights of buildings is necessary because it was found virtually impossible to prescribe heights of buildings calculated by angles of slope without the use of a plan. This Bill provides the means to specify in detail the restricted heights of buildings in any given area affecting the Airport.

The minor amendments pertaining to occulting lights and the procedure for demolitions are, I think, self-explanatory.

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 object of this Bill is to amend certain sections of the Hong Kong Airport (Control of Obstructions) Ordinance, No. 27 of 1957, so that—

- (a) the maximum heights of buildings in prescribed areas may be specified on a plan of such areas;
- (b) the Director of Civil Aviation and the Director of Public Works are given additional powers to ensure that vital time is not wasted in the demolition or reduction in height of any building which affects the safety of aircraft; and
- (c) the use of occulting lights (in common parlance, flashing lights) which constitute a danger to aircraft may be prohibited.

2. Section 3(1) of the principal Ordinance empowers the Governor in Council by Order to prescribe areas within which no building shall exceed the height specified in such order in relation to a particular area. It has now become apparent from the plan drawn up by the Director of Public Works in consultation with the Director of Civil Aviation that in one area heights will have to be calculated by angles of slope both along the curving lines of the airport's runway approach path and at right angles thereto. It is at least doubtful whether it is permissible to prescribe heights under section 3(1)(b) as it stands by reference to a plan because the paragraph says that such heights shall be specified in the

order. It would be extremely difficult and cumbersome to prescribe in an order made under section 3(1)(b) heights calculated by angles of slope, and it is therefore considered essential to take power to prescribe such heights by reference to a plan deposited in accordance with section 3(2). It is essential that an order under section 3(1)(b) be made as early as possible so that action may be taken for the demolition or reduction in height of any building which may endanger the safety of aircraft using the new runway, and such an order was made by the Governor in Council on the 10th day of December, 1957. It is equally essential that the validity of such order should be put beyond any doubt, and it is therefore provided that such order shall be deemed to have been enacted under paragraph (b) as amended. The amendment provides that the restriction of heights may be prescribed "in or by" the order.

3. Clause 3 gives the Director of Civil Aviation power under section 5 of the Ordinance to specify by notice the date by which the demolition or reduction in height of any building shall be commenced where the building is to be demolished or reduced in height as the result of an Order in Council made under section 3(1)(c). As section 5 now stands the Director of Civil Aviation can only specify in his notice the date by which such building is to be actually demolished or reduced in height as the case may be, and if no building works are carried out before this date the Director of Civil Aviation could not at present apply to the Director of Public Works for the Director of Public Works to carry out the necessary building works under section 12 until after the date of completion given in the Director of Civil Aviation's notice. This would mean that the Director of Civil Aviation would have to fix the completion date unnecessarily early to ensure that if the Order is not complied with by that date the Director of Public Works will have sufficient time to complete the works before the new airport runway opens.

4. Clause 4 amends section 8 of the Ordinance by restricting the use of occulting lights; whereas as section 8 now stands the restriction is on the use of amber lights. This has been done owing to the fact that the danger to aircraft caused by amber lighting generally, has to a large extent been removed by the introduction at Kai Tak of a new form of white lighting which replaces amber lights. Occulting lights however constitute a danger to aircraft and although for this reason occulting signs are

at present illegal under by-law 5 of the Advertisements By-laws, it is felt that all occulting lights should be subject to this Ordinance.

5. Clause 5 provides for the addition of a new section 8A which gives power to the Governor in Council, where the safety of aircraft so requires, to prohibit by order any type of lighting within prescribed areas.

6. Clause 6 amends section 12 to empower the Director of Public Works upon application made to him by the Director of Civil Aviation to carry out such building works as are necessary to ensure that any building due to be demolished or reduced in height as a result of an Order in Council under section 3(1)(c) of the Ordinance is so demolished or reduced in height in any case where the owner of the building has not commenced the building works of such demolition or reduction in height by the date specified in the Director of Civil Aviation's notice under section 5 or where such building works commenced by the owner have not been or are unlikely to be completed by the date of completion specified in the Director of Civil Aviation's notice under section 5.

7. Clauses 7 and 8 delete from sections 20 and 22 of the Ordinance references to section 8 thereof. The former sections provide for compensation, and it is considered that compensation should not be payable in respect of the prohibition of occulting lights, as under the Advertisements By-Laws occulting signs are already totally prohibited. These clauses also insert a reference to the new section 8A, to enable compensation to be paid to an owner injuriously affected by an order made under the new section.

### **ROAD TRAFFIC BILL, 1957.**

THE ATTORNEY GENERAL moved the Second Reading of a Bill intituled "An Ordinance to make amended provision for the regulation of road traffic and the use of vehicles and the user of roads and for other purposes connected therewith."

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.

H. E. THE GOVERNOR: —With your concurrence, Gentlemen, we will take these clauses in batches of five.

Clause 1.

THE ATTORNEY GENERAL: —Sir, I beg to move the amendment which is contained and explained in a table of proposed amendments, copies of which are in the hands of honourable Members.

*Proposed Amendment.*

Delete the words and figures "1st day of ..... 1957" and substitute therefor the following—

"1st day of February, 1958."

Clause 1, as amended, was agreed to.

Clause 2 was agreed to.

Clause 3.

THE ATTORNEY GENERAL: —Sir, I beg to move the amendments standing in my name.

*Proposed Amendments.*

In sub-clause (1) —

(a) paragraphs (b) and (c), delete the words "and tram-cars"; and

(b) paragraph (h), delete the words "of Police".

Clause 3, as amended, was agreed to.

Clauses 4 to 7 were agreed to.

Clause 8.

THE ATTORNEY GENERAL: —Sir, I beg to move the amendments standing in my name.

*Proposed Amendments.*

(a) In sub-clause (1), after the words "offer to sell or supply", add the following—

“or cause or permit to be sold, supplied or offered,”; and

(b) In sub-clause (2), after the word "alter", add the following—

“or cause or permit to be altered”.

Clause 8, as amended, was agreed to.

Clause 9 was agreed to.

Clauses 10 and 11:

THE ATTORNEY GENERAL: —Sir, I beg to move the amendments standing in my name.

*Proposed Amendments.*

In sub-clause (1), the second proviso to sub-clause (2) and sub-clause (3) of clause 10 and in clause 11, delete the word "drinks" wherever the same appears and substitute therefor the following—

"drink"

Clauses 10 and 11, as amended, were agreed to.

Clauses 12 to 19 were agreed to.

Clause 20.

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

*Proposed Amendment.*

In sub-clause (6), delete the word "later" and substitute therefor the following—

"less".

Clause 20, as amended, was agreed to.

Clauses 21 to 32 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Road Traffic Bill, 1957 had passed through Committee with 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.

### **ADDRESS BY THE GOVERNOR.**

Honourable Members: It cannot be gainsaid, I am sure, that the ten years since I first presided at this Council on the 31st day of July, 1947 have been tremendous years in the life of Hong Kong. What developments there have been, what growth and what problems! First of all, of course, there was the rehabilitation, the reparation of the damage and ravages of the war and the Japanese occupation. It is difficult to realize now that on liberation 70% of the European style residences and 20% of the tenements were unfit for human habitation. Our school buildings were largely destroyed, the University was but an empty shell.

The work of restoration was already in full swing when I arrived. It has long since been completed but how much more has been accomplished. We should really compare the Hong Kong of today with the Hong Kong of 1941. The difference is remarkable and yet it is a span of 16 years only. Consider the buildings, the schools, the hospitals, the skyscrapers of office blocks and domestic flats, Victoria Park, North Point Housing Estate, Tai Lam Reservoir, the development of the New Territories, the factories whose output today accounts for nearly one-third of our exports. Much of all this has been done since 1951 and this is the more remarkable because during this time we were flooded out with refugees while simultaneously our trade was being penalized as a result of the United Nations and United States embargoes on trade with China.

How has this been done, and who has done it? The answer to that is the people of Hong Kong. What is their peculiar genius? Is it not their industry, their intelligence and their ingenuity? I think it is and besides this they are realists. They



get on with the job, there is an absence of humbug about them and they are imbued with the spirit of co-operation. Furthermore it has always been a tradition of Hong Kong to let the genius of its people work to their own advantage and hence to the advantage of the community generally, without their initiative being frustrated by an excess of state planning.

Nevertheless, although a great deal has been accomplished we, or rather you, as I am shortly passing from the scene, must not be complacent for much more remains to be done. The airport is not completed, the new Kowloon Hospital has not yet been physically started, the Kwong Wah Hospital has hardly got to the planning stage, more schools are needed, the city hall has not been commenced. The list is indeed a formidable one. Planning will have to go on and on and on.

Here I might mention development of Tai Po, Gin Drinkers Bay, Junk Bay, Tide Cove, schemes which, as was announced a few days ago, are shortly to be examined in detail with a view to the early implementation of one or more of them and the later implementation of the others if found practicable. These are within the realm of actualities and they will open up considerable areas. But still in the dream stage is the development of High Island which might well accommodate a satellite town of a half a million people.

I pass to constitutional matters, in particular those affecting this Council. A moment ago I mentioned that one of the characteristics of the people of Hong Kong was their realism. They are not taken in by catchwords such as democracy. Not that democracy is not a very fine thing: it is. But many people use it as a catchword and make a mistake of regarding it as an end in itself, whereas it is only one of the means to an end, that end being individual freedom and liberty. And here in Hong Kong despite the fact that the constitution of this Council and of Executive Council is not democratic, I venture to say in the words of a noted American writer, that Hong Kong is one of the most live and let live places in the world. Liberty and freedom are actualities.

As regards this Council, it is sometimes stated that the Unofficial Members are stooges of the Government and almost in the same breath that the Government is but the mouthpiece of big

business. These conflicting statements cannot both be true. In point of fact, neither is. Having worked with the Members of this Council for ten years I have the highest regard for them, for their integrity and for the intelligent and unremitting way in which they strive for the good of the Colony. Without giving away State secrets I may tell you that in no single case, to my knowledge, has it ever happened on Executive Council that the Official Members have voted one way and the Unofficial Members the other. On Legislative Council this happened only once. In short, on both Councils we work as a team. One thought concerning Legislative Council, however, remains, and that is this. Would the authorities in London pay greater heed to Hong Kong and its just claims if the Council, which in this connexion means the Unofficial Members thereof, were to be more vocal in pressing those claims than has been the tradition in the past? I leave the thought, which is not original or unique with me, with honourable Members.

You will observe that I have throughout my address used the word development and not the word progress. I am a bit chary of talking about progress for it rather suggests the scientific progress that has brought us to the age of the H-Bomb by which mankind can destroy itself not a very desirable type of progress. Nonetheless there has been progress in the way of social consciousness. By that I mean that the more well to do members of the community feel that they have a duty and are prepared to do that duty towards the under-privileged. Here too, although much has been accomplished, we have an almost limitless task ahead of us, and nowhere is it more formidable than in the refugee problem. We have received praise and commendation from all over the world for what we have done in the name and in the cause of humanity and high sounding resolutions have been passed, but it has, with the exception of the voluntary agencies who have done a magnificent job, been entirely a matter of words and not deeds.

Practical help we have not received, not even from Her Majesty's Government. One of the reasons put forward by Her Majesty's Government for not helping us is that we are financially well enough off to carry the burden. It is true that so far we have borne the burden and have not gone bankrupt in the process, but at what a cost. If we had not spent some \$300 million on the refugees would we have such an inadequacy of schools, for example, or of hospitals with a ratio of beds to population only

one-quarter of that in the United Kingdom. Are we to be expected to continue to shoulder the burden alone at the cost of our social services and other amenities dropping further and further behind those in other countries? I leave the question unanswered, for the answer is not to be found in Hong Kong. But whether or not Her Majesty's Government changes its mind as I hope it will, and as I most earnestly entreat it to do, we shall continue to do our best. Our best, of course, will not be confined to the refugee problem, but generally to make Hong Kong a better place for all.

To conclude, the past decade has presented one challenge after another which, without the co-operation that has existed between all sections of the community, we should not have met as well as we have. We have gone through some bad patches and at times could not see the road ahead, but thank God we have not lost faith and we have always come through. For myself I can say that my ten years as Governor have been most rewarding and the best of my life. I owe you gentlemen and the Members of the Executive Council and of the Government Service and the voluntary workers, a very great debt of gratitude. I am fortunate to have been captain of such an excellent team. Here also I pay tribute to my wife who has played her part so well. As to Hong Kong's future, I am full of confidence and although no one man, no Governor, is all important, nonetheless the Governor is, because of his position, important. And here the Colony is fortunate in having as its new Governor Sir Robert Black who knows and is also well known to Hong Kong.

Honourable Members, as this is the last occasion on which I shall address this Council, I wish to thank you for the support you have given me and for your services to the Colony. May you and Hong Kong for ever prosper. (*Applause*).

DR. CHAU SIK NIN: —Your Excellency, the Unofficial Members desire to express their sincere thanks for your very kind words of appreciation and to say that we too are filled with regret that you should be leaving the Colony. It is with heavy hearts that we attend Council today, knowing that this is the last occasion on which you will preside. The ten years or so that you have been President have been years of harmony and progress. Although there have been some heated debates, bitterness and rancour have been conspicuous by their absence, not because we have all agreed all the time but rather because through your

patience and understanding we have found it possible always to see the other side's point of view. By your example we have been encouraged and in the result believe we have each of us given of his best. The happiest relationship has existed between yourself and this Council. Your approachability and availability have been responsible for the congenial atmosphere that prevails and though you have retained the dignity your high office demands, you have endowed it with a refreshing informality.

An enormous amount of legislation has been enacted whilst you have been President of Council, legislation which reflects great credit on you and the administration for which you are responsible. During this period too, portentous events have threatened us, sometimes our way of living, often our livelihood. A lesser man might have panicked, carrying his administration along with him, but under your wise and steadfast guidance, we have emerged not only unscathed from our adversities but strengthened as a result of them.

You came to us, Sir, as an old friend and we expected great things of you. We have not been disappointed and our expectations have been more than fulfilled. You leave us, Sir, in a sound financial position, with a stable economy and with a tranquility exceptional in this part of the world, with a changed appearance, with a different mode of earning our living, and for most people, with a better standard of living. All these we owe to your administration and each of us is in his own way, indebted to you: we who are on this Council because our association with you has made us better legislators, the many who know you personally because of the friendship you have accorded us, and the Colony as a whole because of your outstanding ability which has given us such a measure of peace and prosperity.

For these and other reasons we are reluctant to say goodbye to you and are filled with a sadness because we must. You leave behind a community that is grateful and a name that will be honoured and revered in our hearts and minds so long as memory shall endure. As the Grantham era closes we turn our faces to the future with confidence and in the knowledge that during the last ten years firm foundations have been laid which will ensure our continued wellbeing.

As we look to the future, Sir, let me wish you and Lady Grantham, on behalf of all the Unofficials, good health and many years of tranquil retirement, a wish I know is echoed around the Colony, Sir. (*Applause*).

THE COLONIAL SECRETARY: —Your Excellency, on behalf of the Official Members of this Council I should like very briefly to associate myself with the remarks made by my honourable Friend Dr. Chau. As my honourable Friend has said, this Council under your Presidency, Sir, has transacted a vast amount of business with a minimum of fuss, and the smallest expenditure of that precious commodity—time.

The watchword you have always set before us, Sir, is "there is so much to be done; let us get on with the job" and the spirit of co-operation which has characterized the proceedings of this Council have reflected that common purpose which you have inspired.

Sir, I can add nothing to the sincere tribute which has been paid to you by my honourable Friend, but in subscribing to the deep and warm feelings with which it is imbued, I know that I am speaking not only for the Official Members of this Council, but also for the whole public service in the Colony. (*Applause*).

H. E. THE GOVERNOR: —Thank you very much.

### **ADJOURNMENT.**

H. E. THE GOVERNOR: —Council will adjourn for three weeks.