

OFFICIAL REPORT OF PROCEEDINGS.**Meeting of 21st September, 1960.**

PRESENT:HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

SIR ROBERT BROWN BLACK, K.C.M.G., O.B.E.

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

LIEUTENANT-GENERAL SIR RODERICK WILLIAM MCLEOD, K.C.B., C.B.E.

THE HONOURABLE THE COLONIAL SECRETARY

MR. CLAUDE BRAMALL BURGESS, C.M.G., O.B.E.

THE HONOURABLE THE ATTORNEY GENERAL

MR. ARTHUR RIDEHALGH, Q.C.

THE HONOURABLE THE FINANCIAL SECRETARY

MR. ARTHUR GRENFELL CLARKE, C.M.G.

THE HONOURABLE ROBERT MARSHALL HETHERINGTON, D.F.C.

(Commissioner of Labour).

DR. THE HONOURABLE TENG PIN-HUI

(Acting Director of Medical and Health Services).

THE HONOURABLE DAVID RICHARD WATSON ALEXANDER, M.B.E.

(Director of Urban Services).

THE HONOURABLE KWOK CHAN, O.B.E.

THE HONOURABLE DHUN JEHANGIR RUTTONJEE, O.B.E.

THE HONOURABLE FUNG PING-FAN, O.B.E.

THE HONOURABLE RICHARD CHARLES LEE, O.B.E.

THE HONOURABLE KWAN CHO-YIU, O.B.E.

THE HONOURABLE GEORGE MACDONALD GOLDSACK.

THE HONOURABLE DONALD BLACK.

MR. ANDREW McDONALD CHAPMAN *(Deputy Clerk of Councils).***ABSENT:**

THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS

MR. JOHN CRICHTON McDOUALL.

THE HONOURABLE HECTOR WILLIAM FORSYTH

(Acting Director of Public Works).

THE HONOURABLE NGAN SHING-KWAN, O.B.E.

MINUTES.

The minutes of the meeting of the Council held on 7th September, 1960, 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 Paper, 1960: —	
No. 16—Annual Report by the Custodian of Enemy Property for the year 1959/60.	
Drug Addicts Treatment and Rehabilitation Ordinance, 1960.	
Drug Addicts Treatment and Rehabilitation Regulations, 1960	A. 93.
Dangerous Goods Ordinance, 1956.	
Dangerous Goods (Classification) (Amendment) Regulations, 1960	A. 94.
Dangerous Goods Ordinance, 1956.	
Dangerous Goods (Shipping) (Amendment) Regulations, 1960 ...	A. 95.
Dangerous Goods Ordinance, 1956.	
Dangerous Goods (Amendment) Regulations, 1960	A. 96.
Places of Public Entertainment Ordinance.	
Film Censorship (Amendment) Regulations, 1960	A. 97.

INLAND REVENUE ORDINANCE, CHAPTER 112—**RESOLUTION.**

THE FINANCIAL SECRETARY moved the following resolution: —

Resolved, pursuant to section 28 of the Inland Revenue Ordinance, Chapter 112, that for the purposes of paragraph (a) of the proviso to section 28 of the said Ordinance the rate shall be 3 per centum per annum with effect from the 1st day of October, 1960.

He said: Sir, the purpose of this resolution in brief is to enable banks in the Colony to pay interest at the rate of 3% per annum on savings accounts.

Under the ordinary rules governing interest tax, any debtor paying interest on his borrowing must deduct tax at the time the interest is

paid or credited. There is an exception in the case of banks in that they need not deduct tax on interest which accrues at any rate not exceeding 2½% per annum. The purpose of this exemption is to encourage small savings, and there is also a practical side in that the banks would find it something of a problem to deduct tax from the tens of thousands of small sums of interest which are credited to savings accounts every six months.

This 2½% rate is subject to alteration by resolution of this Council. I think that at the time the 2½% rate was approved the rate being paid by the principal banks was 1%, and it was thought that the figure of 2½% provided an ample margin for increases in the future. But recently interest rates have tended to rise, and at the moment many banks are paying 2½%. I have now been asked by several of them to increase the exemption limit to 3% and if this is done, at least one bank proposes to raise the rate on savings accounts to 3% immediately in order further to encourage small savings, the growth of which has been most remarkable during the last few years. Honourable Members who have been following the figures in the *Gazette* will have noticed that the total of savings accounts in the Colony's banks on the 31st December last was \$368 millions, having risen by \$53 millions in six months. I have reason to believe that the figure as at the 30th June last, which should be published within a few weeks, will show an even larger increase. This development is a very good sign, and in Government's view should be encouraged by raising the tax exemption limit on the interest rate. The effect on revenue will be slight.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

BATHING BEACH BY-LAWS, 1960.

MR. D. R. W. ALEXANDER moved the following resolution: —

Resolved that the Bathing Beach By-laws, 1960, made by the Urban Council on the 2nd day of August, 1960, under section 109 of the Public Health and Urban Services Ordinance, 1960, be approved.

He said: Your Excellency, I think it would be convenient if, at this stage, I mentioned as well the succeeding eight items, and with your permission, Sir, and the indulgence of honourable Members, I shall do so. Sir, the set of By-laws for which approval is sought by this resolution, and the eight sets which follow, were drafted by the Law Revision and other relevant Select Committees of the Urban Council and were unanimously approved by that Council at meetings held on August 2nd and September 6th of this year.

The scope and variety of all these By-laws is very wide and I should like to emphasize the importance attached by Members of the Urban Council to them and the desire of Members that there should be no delay in their implementation as it is only by adopting the most modern concepts in legislation that health and amenity standards in the Colony can be raised.

The Bathing Beach By-laws, 1960, replace, with amendment, those regulations contained in the Second Schedule to the Pleasure Grounds & Bathing Places Regulations Ordinance, 1936 which relate to beaches in the urban area, and in addition to re-enacting the existing regulations they contain certain new provisions for the better control of the use of beaches.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

PLEASURE GROUNDS BY-LAWS, 1960.

MR. D. R. W. ALEXANDER moved the following resolution: —

Resolved that the Pleasure Grounds By-laws, 1960, made by the Urban Council on the 2nd day of August, 1960, under section 109 of the Public Health and Urban Services Ordinance, 1960, be approved.

He said: Your Excellency, the Pleasure Grounds By-laws, 1960, replace, with amendment, those regulations contained in the Second Schedule to the Pleasure Grounds & Bathing Places Regulations Ordinance, 1936 which relate to public pleasure grounds, other than beaches, in the urban area.

They have been modelled to a great extent upon the 1954 reprint of Section X of the Model By-laws issued by the Home Office to local authorities in the United Kingdom and are so framed as to be applicable to all pleasure grounds.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

CONSERVANCY BY-LAWS, 1960.

MR. D. R. W. ALEXANDER moved the following resolution: —

Resolved that the Conservancy By-laws, 1960, made by the Urban Council on the 2nd day of August, 1960, under sections 15 and 29 of the Public Health and Urban Services Ordinance, 1960, be approved.

He said: Your Excellency, the Conservancy By-laws, 1960, replace, with amendment, the Conservancy By-laws contained in Schedule A of the repealed Public Health (Sanitation) Ordinance, 1935.

Since the provision of the conservancy service is a departmental matter, it has been considered unnecessary to retain in these By-laws those provisions of the former By-laws which provide for the manner in which the service is to be carried out.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

PUBLIC CLEANSING AND PREVENTION OF NUISANCES BY-LAWS, 1960.

MR. D. R. W. ALEXANDER moved the following resolution: —

Resolved that the Public Cleansing and Prevention of Nuisances By-laws, 1960, made by the Urban Council on the 2nd day of August, 1960, under section 15 of the Public Health and Urban Services Ordinance, 1960, be approved.

He said: Your Excellency, the Public Cleansing and Prevention of Nuisances By-laws, 1960, replace, with amendment, the Domestic Cleanliness and Prevention of Disease By-laws and the Scavenging By-laws, 1935, both of which are contained in Schedule A of the repealed Public Health (Sanitation) Ordinance, 1935.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

FROZEN CONFECTIONS BY-LAWS, 1960.

MR. D. R. W. ALEXANDER moved the following resolution: —

Resolved that the Frozen Confections By-laws, 1960, made by the Urban Council on the 2nd day of August, 1960, under section 56 of the Public Health and Urban Services Ordinance, 1960, be approved.

He said: Your Excellency, at present, the sale of frozen confections is controlled by licence under the Disease Prevention (Food & Drinks) By-laws and their manufacture by licence under the Food Factories By-laws. This has not proved satisfactory, because, on the one hand, the conditions relating to premises from which frozen confections

may be sold are in many cases unnecessarily burdensome, while, on the other, the provisions relating to the manufacture of frozen confections are inadequate in that no provision is made for heat-treatment (which is necessary in most cases) as a process in their manufacture.

The purpose of the Frozen Confections By-laws, 1960, is therefore to provide the appropriate degree and form of control applicable to both the sale and manufacture of frozen confections as distinct from any other commodity. Since frozen confections have qualities of acquiring infection and contamination similar to those of milk, the provisions of these By-laws are similar to the provisions of the Milk By-laws, 1960.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

MILK BY-LAWS, 1960.

MR. D. R. W. ALEXANDER moved the following resolution: —

Resolved that the Milk By-laws, 1960, made by the Urban Council on the 2nd day of August, 1960, under section 56 of the Public Health and Urban Services Ordinance, 1960, be approved.

He said: Your Excellency, the purpose of the Milk By-laws, 1960, is to consolidate and amend the Milk Shops & Pasteurization Plants By-laws and the Reconstituted Milk and Cream By-laws. Milk and reconstituted milk are very similar commodities and the public health requirements which apply to one, apply, with few exceptions, to the other.

Honourable Members will have noticed in By-laws 10 and 11 certain Chinese characters have been omitted. It is intended that the proper characters will be inserted when the By-laws are printed by the Government Printer.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

PUBLIC MARKET BY-LAWS, 1960.

MR. D. R. W. ALEXANDER moved the following resolution: —

Resolved that the Public Market By-laws, 1960, made by the Urban Council on the 2nd day of August, 1960, under section 80 of the Public Health and Urban Services Ordinance, 1960, be approved.

He said: Your Excellency, the purpose of the Public Market By-laws, 1960, is to replace, subject to amendment, the existing Markets By-laws.

All public market stalls are licensed by the Urban Council. It has been considered unnecessary to include in the By-laws any matter which properly forms part of the tenancy agreement between the Council and the tenant of any stall or any matter which relates to the conduct of the food business carried on from the stall—the latter being provided for by the By-laws governing food hygiene. These By-laws provide therefore only for matters which relate strictly to the conduct of public markets as such.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

HAWKER BY-LAWS, 1960.

MR. D. R. W. ALEXANDER moved the following resolution: —

Resolved that the Hawker By-laws, 1960, made by the Urban Council on the 2nd day of August, 1960, under section 83 of the Public Health and Urban Services Ordinance, 1960, be approved.

He said: Your Excellency, the existing Hawker By-laws consist of one set of general By-laws which are applicable to all hawkers and seven sets of special By-laws which are applicable in addition to the general By-laws, to different classes of hawkers. This system of legislation has necessarily led to much duplication and to some confusion. The purpose of the Hawker By-laws, 1960, is to re-enact, subject to amendment, the existing By-laws in the form of one comprehensive set.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

FOOD BUSINESS BY-LAWS, 1960.

MR. D. R. W. ALEXANDER moved the following resolution: —

Resolved that the Food Business By-laws, 1960, made by the Urban Council on the 6th day of September, 1960, under section 56 of the Public Health and Urban Services Ordinance, 1960, be approved.

He said: Your Excellency, the Food Business By-laws, 1960, apart from those relating to licensing and to prohibited and restricted foods, are based largely upon the United Kingdom Food Hygiene Regulations, and their purpose is to replace seven existing sets of By-laws relating to various types of food businesses.

The conditions relating to the hygienic handling of food are largely the same whether the food is handled in a factory, a restaurant, a grocer's shop, or a food stall.

These new By-laws will apply to all food businesses.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

PLACES OF PUBLIC ENTERTAINMENT (AMENDMENT)

BILL, 1960.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Places of Public Entertainment Ordinance, Chapter 172."

He said: Sir, the main purpose of this Bill is to enable the Commissioner of Police to grant general permits for public entertainments. The intention is that in future, owners of cinema theatres will be able to get permits to cover a stated period or an indefinite period until the permit is revoked; but, Sir, the requirements of the law in relation to censorship of films are not in any way relaxed. It is considered that adequate control over other forms of entertainment which are not subject to censorship can be maintained by the exercise of the discretion vested in the Commissioner to grant permits subject to conditions and to cancel them if necessary.

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 measure is to amend sections 4 and 8 of the Places of Public Entertainment Ordinance in order to relieve the Commissioner of Police of the burden of issuing a separate permit for the presentation of each item of entertainment presented in the course of

business by the managers of places of public entertainment. The effect of the proposed amendments will be to enable the Commissioner to issue, in his discretion, general permits to cover extended periods of business instead of individual presentations. The need for individual censorship of films will be retained by the effect of section 4 which will make it an offence to present an uncensored film, while adequate control over other forms of entertainment, which are not subject to censorship, may be maintained by the exercise of the discretion vested in the Commissioner of Police under section 8 to withhold or curtail permits.

PUBLIC RECLAMATIONS AND WORKS (GIN DRINKERS BAY)

BILL, 1960.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to validate an undertaking for reclamation and other works over and upon unleased Crown foreshore and sea bed situate at Gin Drinkers Bay and to make provision for any claims for compensation arising either out of such works or out of works previously validated."

He said: Sir, Ordinance No. 53 of 1955 authorized a scheme of reclamation at Gin Drinkers Bay, subject to the approval of the Governor in Council. Unfortunately, due to oversight, the reclamation has proceeded without the authority of the Governor in Council having been obtained. This Bill seeks to validate the whole scheme, and makes provision for the submission of claims for compensation for the extinguishment of private rights.

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: —

Ordinance No. 53 of 1955 provisionally authorizes the undertaking set out in the Schedule to this Bill, and also makes provision for the submission of claims for compensation in respect of the undertaking validated by that Ordinance. These claims for compensation could have been submitted once the undertaking provisionally authorized had received the definitive approval of the Governor in Council. This approval has not been sought, and it is therefore now necessary to validate the undertaking then provisionally authorized and to provide for the submission of claims for compensation in respect of both it and of the earlier undertaking validated in 1955.

PENSIONS (AMENDMENT) BILL, 1960.

THE COLONIAL SECRETARY moved the Second reading of a Bill intituled "An Ordinance to amend the Pensions Ordinance, Chapter 89."

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 5 were agreed to.

Council then resumed.

THE COLONIAL SECRETARY reported that the Pensions (Amendment) Bill, 1960, had passed through Committee without amendment and moved the Third reading.

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

The Bill was read a Third time and passed into law.

INTERPRETATION (AMENDMENT) BILL, 1960.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance further to amend the Interpretation Ordinance, Chapter 1."

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 and 2 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Interpretation (Amendment) Bill, 1960, 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.

JURY (AMENDMENT) BILL, 1960.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Jury Ordinance, Chapter 3."

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 12 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Jury (Amendment) Bill, 1960, 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.

**KADOORIE AGRICULTURAL AID LOAN FUND
(AMENDMENT) BILL, 1960.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Kadoorie Agricultural Aid Loan Fund Ordinance, 1955."

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.

Council then resumed.

THE ATTORNEY GENERAL reported that the Kadoorie Agricultural Aid Loan Fund (Amendment) Bill, 1960, 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.

DIRECTOR OF EDUCATION INCORPORATION BILL, 1960.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to provide for the incorporation of the Director of Education, and for matters 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.

Clauses 1 to 7 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Director of Education Incorporation Bill, 1960, 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.

**LIGHT DUES (BAHAMAS AND LEEWARD ISLANDS)
(REPEAL) BILL, 1960.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to repeal the Light Dues (Bahamas and Leeward Islands) Ordinance, Chapter 79."

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 and 2 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Light Dues (Bahamas and Leeward Islands) (Repeal) Bill, 1960, 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.

DEFENCES (FIRING AREAS) (AMENDMENT) BILL, 1960.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Defences (Firing Areas) Ordinance, Chapter 196."

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 and 2 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Defences (Firing Areas) (Amendment) Bill, 1960, 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.

SUPPLEMENTARY APPROPRIATION (1959-60) BILL, 1960.

THE FINANCIAL SECRETARY moved the Second reading of a Bill intituled "An Ordinance to authorize a supplementary appropriation to defray the charges of the financial year ended the 31st day of March, 1960."

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 and 2, the Schedule and the Preamble were agreed to.

Council then resumed.

THE FINANCIAL SECRETARY reported that the Supplementary Appropriation (1959-60) Bill, 1960, 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.

LIFTS AND ESCALATORS (SAFETY) BILL, 1960.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to provide for the maintenance in safe working order of lifts and escalators, for the examination and testing thereof and for matters connected with the purposes 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 51 and the Schedule were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Lifts and Escalators (Safety) Bill, 1960, 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.

ADJOURNMENT.

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

THE ATTORNEY GENERAL: —May I suggest this day three weeks, Sir.

H. E. THE GOVERNOR: —Council stands adjourned until this day three weeks.