

**OFFICIAL REPORT OF PROCEEDINGS****Meeting of 19th July 1961****PRESENT:**HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT (*PRESIDENT*)

MR CLAUDE BRAMALL BURGESS, CMG, OBE

THE HONOURABLE THE COLONIAL SECRETARY

MR EDMUND BRINSLEY TEESDALE, MC (*Acting*)

THE HONOURABLE THE ATTORNEY GENERAL

MR ARTHUR RIDEHALGH, QC

THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS

MR JOHN CRICHTON McDOUALL

THE HONOURABLE THE FINANCIAL SECRETARY

MR MICHAEL DENYS ARTHUR CLINTON, GM (*Acting*)

THE HONOURABLE ALLAN INGLIS

*(Director of Public Works)*

DR THE HONOURABLE DAVID JAMES MASTERTON MacKENZIE, CMG, OBE

*(Director of Medical and Health Services)*

THE HONOURABLE KENNETH STRATHMORE KINGHORN

*(Director of Urban Services)*

THE HONOURABLE PETER DONOHUE

*(Director of Education)*

THE HONOURABLE DHUN JEHANGIR RUTTONJEE, OBE

THE HONOURABLE FUNG PING-FAN, OBE

THE HONOURABLE KWAN CHO-YIU, OBE

THE HONOURABLE KAN YUET-KEUNG, OBE

THE HONOURABLE LI FOOK-SHU

THE HONOURABLE WILLIAM CHARLES GODDARD KNOWLES

MR ALASTAIR TREVOR CLARK (*Clerk of Councils*)**ABSENT:**

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

LIEUTENANT-GENERAL SIR RODERICK WILLIAM McLEOD, KCB, CBE

THE HONOURABLE KWOK CHAN, OBE

THE HONOURABLE HUGH DAVID MacEWEN BARTON, MBE

## MINUTES

The minutes of the meeting of the Council held on 5th July 1961 were confirmed.

## OATHS

MR W. C. G. KNOWLES took the Oath of Allegiance and assumed his seat as a Member of the Council.

HE THE OFFICER ADMINISTERING THE GOVERNMENT: —I welcome you to this Council, Mr KNOWLES, and I am sure that you will have a valuable contribution to make to our work and to the work of the Finance Committee, and I hope that you in turn will enjoy your duration with us.

MR W. C. G. KNOWLES: —Thank you very much Sir.

## ANNOUNCEMENT

THE COLONIAL SECRETARY: —Sir, in accordance with Standing Orders I rise to announce the appointment of Mr W. C. G. KNOWLES to serve on the Standing Law Committee for 1961 in succession to Mr G. M. GOLDSACK.

## PAPERS

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

<i>Subject</i>	<i>GN No</i>
Annual Report of the Hong Kong War Memorial Fund Committee, 1960	
Nurses Registration Ordinance, 1961	
Nurses Registration and Disciplinary Procedure Regulations, 1961.	A 75
Pharmacy and Poisons Ordinance	
Poisons (Amendment) (No 5) Regulations, 1960 .....	A 78
Pharmacy and Poisons Ordinance	
Poisons List (Amendment) (No 5) Regulations, 1960 .....	A 79
Pharmacy and Poisons Ordinance	
Poisons (Amendment) Regulations, 1961 .....	A 80
Pharmacy and Poisons Ordinance	
Poisons List (Amendment) Regulations, 1961 .....	A 81
Pharmacy and Poisons Ordinance	
Poisons (Amendment) (No 2) Regulations, 1961 .....	A 82
Public Health and Urban Services Ordinance, 1960	
Public Conveniences (Charges) Order, 1961 .....	A 83

**SUPPLEMENTARY PROVISIONS FOR THE QUARTER  
ENDED 31ST MARCH 1961**

THE FINANCIAL SECRETARY moved the following resolution: —

Resolved that the Supplementary Provisions for the Quarter ended 31st March 1961, as set out in Schedule No 5 (Final) of 1960-61, be approved.

He said: Sir, the schedule before Council is the fifth and final list of supplementary provisions on 1960-61 account. The total supplementary vote required this time is just under \$11 million: it makes the aggregate for the whole of 1960-61 nearly \$94 millions. Savings and recoveries recorded on this schedule exceed \$4½ millions.

The main item is \$3.6 millions required for Typhoon and Rainstorm Damage. It represents the cost, in part, of making good the damage caused by Typhoon *Mary* last summer and the May floods of 1960.

All the items in the Schedule have been approved by Finance Committee, and the covering approval of this Council is now sought.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

**SOCIAL WORK TRAINING FUND BILL, 1961**

THE COLONIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance to establish a trust fund for the training of social workers."

He said: Sir, the United Kingdom Committee for World Refugee Year decided, early in 1960, to make a grant of £ 137,500, or approximately HK\$2,200,000, to form a capital fund, the interest on which would be devoted to social work training. The receipt of this, the largest single donation received in Hong Kong as a result of the international appeal, served to emphasize the importance of obtaining expert advice on the establishment of a comprehensive programme for training social workers. Dr Eileen YOUNGHUSBAND was therefore invited to advise Government on this question and the expenses of her visit, amounting to nearly HK\$20,000 were, with the Governor's authority, charged to the fund; Dr YOUNGHUSBAND'S impressive Report was tabled in this Council on 9th November last year. The annual interest derived from the fund's investments, amounting to about \$100,000 on the present capital, is to be made available under this Bill for expenditure on training for social work.

The Bill would vest in the Director of Social Welfare Incorporated, as Trustee, the net capital which comprised the original donation, together with accumulated interest. A management committee, consisting of three official and three nominated members, would be established under clause 5 of the Bill, to decide upon the use of the fund in accordance with the objects set out in clause 4(1). The committee may, under clause 8, solicit and accept donations and bequests to the fund and would be invited formally to accept a donation of about £ 9,000 already made by the Government of Bermuda, together with certain other contributions.

The establishment of this fund is a valuable step towards the development of a training programme. Its primary use is likely to be in the training of Hong Kong people for social work; an example, under the first of the purposes stated in clause 4(1), would be the specialized training overseas of Hong Kong social workers whose employing agencies could not afford the heavy expenditure, amounting perhaps to \$15,000 per head for an academic year; in the process of developing and improving training facilities within Hong Kong, there will be many calls on the income from the fund, which is expected to be very fully employed.

Finally, Sir, I think this would be a suitable moment to place on public record the gratitude of the people of Hong Kong for this generous donation from the people of the United Kingdom.

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

The Bill was read a First time.

#### *Objects and Reasons*

The "Objects and Reasons" for the Bill were stated as follows: —

The purpose of this Bill is to make provision for the establishment of a trust fund, to be known as the Social Work Training Fund, to be applied for the provision of training facilities for social workers and for persons desirous of becoming social workers. The fund is to be established by a donation of \$2,200,000.00 made by The United Kingdom Committee For World Refugee Year, less the sum of \$19,939.06 which has already been expended for these purposes.

2. The Director of Social Welfare Incorporated will be the trustee of the fund which will be managed by a committee constituted under clause 5. The fund is to be applied for the purposes mentioned in clause 4.

3. The monies of the fund may be invested as the committee may direct subject, in certain cases, to the prior approval of the Financial Secretary and the cost of administering the fund shall be defrayed out of the general revenue of the Colony.

**AIRFIELD (KAI TAK) EXTENSION AND REVERSION  
(AMENDMENT) BILL, 1961**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Airfield (Kai Tak) Extension and Reversion Ordinance, Chapter 246."

He said: Sir, this Ordinance, which was enacted in 1948, makes provision in relation to land which was taken during the Japanese occupation for the enlargement of Kai Tak Airfield. It provides that such land shall be deemed to have reverted to the Crown and that compensation shall be payable in respect of such reversion. Section 15, which this Bill seeks to repeal and replace, provides that no claim for compensation shall be entertained unless presented within two years of the coming into effect of the Ordinance, but that section gives the Governor in Council power to extend that time in any particular case. That section also sets a similar time-limit in relation to applications and recommendations under section 7 to remedy errors and omissions in the plan and schedule of the extension to the airfield. It is now thought desirable to fix a definite date for the purpose of section 15 after which no claims for compensation will be entertained and this date is to be 1st April 1962. The same date is also to be the time-limit within which applications for remedying of errors as to the extent of the airfield may be made: the making of any such application is, I fancy, a very unlikely contingency after this lapse of time.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

*Objects and Reasons*

The "Objects and Reasons" for the Bill were stated as follows: —

Under section 15 of the Airfield (Kai Tak) Extension and Reversion Ordinance, the Governor in Council may extend, in any particular case, the time limited by that section for the presenting of any claim for compensation under section 6 or any application or recommendation under section 7. This Bill seeks to put a time limit, the 1st day of April, 1962, for the submission of claims for compensation, applications and recommendations.

**DANGEROUS DRUGS (AMENDMENT AND VALIDATION  
OF REGULATIONS) BILL, 1961**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Dangerous Drugs Ordinance, Chapter 134, and to remove doubt concerning the validity of certain penalty provisions contained in the Dangerous Drugs Regulations."

He said: Sir, I think that the purposes of this Bill are made sufficiently clear by the preamble read together with the statement of Objects and Reasons, but I would just add a word or two about the necessity for clause 3 which provides for the validation of penalties prescribed by the Dangerous Drugs Regulations.

Sir, the very serious offence of illegal manufacture of dangerous drugs is provided for in the regulations, and not, as one might have expected, in the Ordinance itself. Quite recently, the penalties for the offence of illegal manufacture were increased by amendment to the regulations; and in the case of conviction on indictment raised to a fine of one hundred thousand dollars and imprisonment for life. Doubt has arisen about the validity of these increases, and it is considered absolutely essential to put their validity beyond all doubt. That is the purpose of clause 3 of this Bill. Clause 2 of the Bill remedies a defect in the regulation-making section of the Ordinance by providing that offences created by regulations may be made to carry penalties, independent of those prescribed in the Ordinance, to a maximum of one hundred thousand dollars and imprisonment for life.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

*Objects and Reasons*

The "Objects and Reasons" for the Bill were stated as follows: —

The purpose of this Bill is to seek amendment to the Dangerous Drugs Ordinance, Chapter 134, in order to enable the Governor in Council when making regulations under section 11 to specify penalty provisions in respect of contraventions thereof different from those which are contained in section 17 of the Ordinance and to remove doubt which has arisen concerning the validity of one such penalty provision at present appearing in the existing regulations.

**BUILDINGS (AMENDMENT) BILL, 1961**

MR A. INGLIS moved the First reading of a Bill intituled "An Ordinance to amend the Buildings Ordinance, 1955."

He said: Sir, I would draw attention of Honourable Members to the intent of certain clauses in this Bill: —

Clause 2 of the Bill was found to be necessary because under the present section 12 of the Principal Ordinance an occupation permit can be issued only when all building works shown on the approved plans have been fully completed. This obviously creates anomalies particularly in large multi-storey buildings where the lower floors are completed and fit for occupation perhaps several months in advance of the whole building.

The amendment by clause 3 of section 18 of the Principal Ordinance has been found necessary because at present it is an offence under any circumstances to occupy a building during the continuance of a Closure Order and the amendment is to enable investigations to proceed, particularly in factories under varying working conditions.

Clause 4, subsection 5 of section 20, is an attempt to arrive at a more equitable method of assessing the contribution that should be made by different landowners using a common access. The amendment might still appear in certain cases not to be wholly equitable but it does provide a fairer solution than the present method and a workable one.

The remainder of the Bill is explained fully in the Objects and Reasons.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

#### *Objects and Reasons*

The "Objects and Reasons" for the Bill were stated as follows: —

The purpose of this Bill is to make a number of minor amendments to the Buildings Ordinance, 1955 (the principal Ordinance).

By clause 2, section 12 of the principal Ordinance is replaced by re-enacting the present provisions relating to the issue of an occupation permit in respect of a building which is wholly completed but in addition empowering the Building Authority to issue a temporary occupation permit in respect of a part of a new building which has been completed, before the remainder of the building has been completed, upon such conditions as the Building Authority may consider necessary and to revoke any such temporary occupation permit and prohibiting the occupation of a building or any part thereof before the issue of a temporary occupation permit or of an occupation permit.

By clause 3, section 18 of the principal Ordinance is amended to enable the Building Authority to grant permission for the temporary occupation of a building during the continuance in force of a Closure Order subject to such conditions as the Building Authority may consider necessary.

By clause 4, subsection (5) of section 20 is amended to provide that the cost of work carried out on an access road may be recovered from the frontagers thereto in proportion to the area of the lots to which the access road provides access instead of, as at present, equally, as the present provision has been found in certain cases to be unfair and difficult of application. This clause also amends subsection (8) of that section to make it clear that in the case of a private street the cost of the maintenance of lighting apparatus shall also be borne by Government, such additional cost being negligible and impracticable of collection from the frontagers. A new subsection (9) is also added to provide that where the Building Authority certifies that the lighting of an access road is in the public interest on the grounds set forth in that subsection, the cost of lighting, etc. shall be borne by the Government.

By clause 5, a minor amendment is made to subsection (10) of section 23 to clarify the power of sale thereby vested in the Building Authority.

By clause 6, the regulation-making power conferred on the Governor in Council by section 26 is extended to enable regulations to be made relating to the provision of fire fighting equipment and to the manner in which buildings may be demolished and the safety precautions to be observed during such demolition.

### **PHARMACY AND POISONS (AMENDMENT) BILL, 1961**

DR D. J. M. MACKENZIE moved the First reading of a Bill intituled "An Ordinance to amend the Pharmacy and Poisons Ordinance, Chapter 138."

He said: Sir, as explained in the Objects and Reasons, inspectors appointed under section 25 of the Pharmacy and Poisons Ordinance at present have powers only to purchase samples of poisons or to seize substances consisting of or containing any poison which the Inspector has reasonable cause to suspect is liable to forfeiture. There is no power however to seize the records of transactions in such substances which are required to be kept under the Ordinance. In the majority of cases of breach of the Ordinance these records contain the relevant evidence. The Pharmacy Board has advised that the Ordinance should be amended to give this additional power of seizure of records and this is the purpose of the Bill before Council.



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 enable inspectors carrying out inspections under the provisions of the Pharmacy and Poisons Ordinance to seize and detain articles, records and other things which amount to evidence of the commission of an offence against the provisions of the Ordinance. As the law stands at present an inspector is empowered in the course of an inspection, in this connexion, only—

- (a) to purchase samples of substances; and
- (b) to seize substances consisting of or containing poison which he has reason to believe are liable to forfeiture.

**SOCIETIES (AMENDMENT) BILL, 1961**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Societies Ordinance, Chapter 151."

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 9 were agreed to.

Clause 10.

THE ATTORNEY GENERAL: —I beg to move the amendment which is set out on the table of amendments which has been placed in the hands of Honourable Members.

*Proposed Amendment.*

*Clause*

- 10 Leave out the comma, figures and word," 12C and 12D" and substitute the following—

"and 12C".

Clause 10, as amended, was agreed to.

Clauses 11 to 15 were agreed to.

Clause 16.

THE ATTORNEY GENERAL: —I beg to move the amendment which is shown on the table of proposed amendments which is in the hands of Honourable Members.

*Proposed Amendment.*

*Clause*

16 In paragraph (c), in the new subsection (2), leave out the word "regulation" and substitute the following—  
“rule”.

Clause 16, as amended, was agreed.

Clauses 17 and 18 were agreed.

THE ATTORNEY GENERAL: —I beg to move two new clauses which are shown on the table of amendments which is in the hands of Honourable Members.

*Proposed Amendment.*

*New clauses* Add the following new clauses—

"Amendment of section 12D. Section 12D of the principal Ordinance is repealed and replaced by the following—

“Liability of office-bearer of a society whose registration or exemption from registration has been cancelled. **12D.**If the registration or exemption from registration of any society has been cancelled under section 5E, any office-bearer of such society at the time of such cancellation who, after that time, becomes an office-bearer of any other society without the permission in writing of the Registrar shall be liable on conviction on indictment to a fine of three thousand dollars and to imprisonment for three years.”

"Amendment of section 24A. Section 24A of the principal Ordinance is amended by the deletion in subsection (1) of the words "the rescission of the exemption from registration of a society under subsection (5) of section 5 or the cancellation of the registration

of a society under subsection (6) of section 5" and the substitution therefor of the following—

"the cancellation of the registration or of the exemption from registration of a society under section 5E".

The two new clauses were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Societies (Amendment) Bill, 1961, had passed through Committee with certain amendments and moved the Third reading.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

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

#### **ROAD TRAFFIC (AMENDMENT) (NO 2) BILL, 1961**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance further to amend the Road Traffic Ordinance, 1957."

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.

THE ATTORNEY GENERAL reported that the Road Traffic (Amendment) (No 2) Bill, 1961, 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**

HE THE OFFICER ADMINISTERING THE GOVERNMENT: —That concludes the business for to-day, gentlemen. When is it your pleasure that we should meet again?

THE ATTORNEY GENERAL: —Sir, may I suggest this day two weeks?

HE THE OFFICER ADMINISTERING THE GOVERNMENT: —Council stands adjourned until this day two weeks.