

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 16th August 1961****PRESENT:**HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT (*PRESIDENT*)

MR CLAUDE BRAMALL BURGESS, CMG, OBE

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

LIEUTENANT-GENERAL SIR RODERICK WILLIAM McLEOD, KCB, CBE

THE HONOURABLE THE COLONIAL SECRETARY

MR EDMUND BRINSLEY TEESDALE, MC (*Acting*)

THE HONOURABLE THE ATTORNEY GENERAL

MR ARTHUR RIDEHALGH, QC

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 HUGH DAVID MacEWEN BARTON, MBE

THE HONOURABLE FUNG PING-FAN, OBE

THE HONOURABLE KWAN CHO-YIU, OBE

THE HONOURABLE KAN YUET-KEUNG, OBE

THE HONOURABLE LI FOOK-SHU

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

THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS

MR JOHN CRICHTON McDOUALL

THE HONOURABLE KWOK CHAN, OBE

THE HONOURABLE DHUN JEHANGIR RUTTONJEE, OBE

THE HONOURABLE WILLIAM CHARLES GODDARD KNOWLES

MINUTES

The minutes of the meeting of the Council held on 2nd August 1961 were confirmed.

PAPERS

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

<i>Subject</i>	<i>GN No</i>
Immigration (Control and Offences) Ordinance, 1958.	
Immigration (Control and Offences) Regulations, 1961	A 92
Chinese Temples Ordinance.	
General Chinese Charities Fund (Amendment) Directions, 1961.	A 93
Chinese Temples Ordinance.	
Chinese Temples Fund (Amendment) Regulations, 1961	A 94
Registration of Persons Ordinance, 1960.	
Registration of Persons (Amendment) (No. 2) Regulations, 1961.	A 95
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No. 9) Order, 1961	A 96

DUTIABLE COMMODITIES ORDINANCE, CHAPTER 109

THE FINANCIAL SECRETARY moved the following resolution: —

Resolved, pursuant to section 4 of the Dutiable Commodities Ordinance, Chapter 109, that notwithstanding the resolution made and passed on the 22nd day of March 1961, (GN A 38 of 1961) no duty shall be payable on hydrocarbon oils used for the bench testing of aircraft engines which are to be installed in aircraft operating for the most part outside the Colony.

He said: Sir, the object of this resolution is to exempt from duty the fuel used for the bench testing of aircraft engines. At present no duty is charged on the fuel used for flight testing of aircraft engines or for the testing of marine engines in ocean-going vessels, on the grounds that repairs to foreign-based ships and aircraft are in fact a form of invisible export which is of considerable value to the economy and in which there is strong international competition. It is logical to

permit an extension to the bench-testing of engines for use in aircraft operating for the most part outside the Colony.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

**SUPPLEMENTARY PROVISIONS FOR THE QUARTER
ENDED 30TH JUNE 1961**

THE FINANCIAL SECRETARY moved the following resolution: —

Resolved that the Supplementary Provisions for the Quarter ended 30th June 1961, as set out in Schedule No 1 of 1961-62, be approved.

He said: Sir, the Schedule before Council is the first list of supplementary provisions on the 1961/62 account. The total supplementary vote required is just under 3.7 million dollars against which savings of 12 thousand dollars are recorded in the Schedule. Revotes of funds which lapsed on the 31st March 1961, account for nearly half of the total.

The largest single item concerns the public dumps at Pok Fu Lam Road, Stubbs Road and Tai Lam. The need for this supplementary provisions of just over half a million dollars arose out of extensive protection works which had to be carried out at the dumps following rainstorm damage.

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.

**REGISTRATION OF PERSONS (AMENDMENT) (NO. 2)
BILL, 1961**

THE COLONIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance further to amend the Registration of Persons Ordinance, 1960."

He said: Sir, as stated in the Objects and Reasons, the need for this Bill stems directly from the change of titles in the new Immigration Department introduced by the recently enacted Immigration Service Ordinance, and there is only one additional point of explanation I would like to make.

If a person, reasonably suspected of having committed an offence against the Registration of Persons Ordinance, is arrested by the Director of Immigration or a member of the Immigration Service under sub-section (2) of the proposed new section 7, the procedure followed would be that laid down in section 12 of the Immigration Service Ordinance, 1961, that is to say, the person arrested must be handed over to the officer in charge of a police station or brought before a magistrate or released within twelve hours.

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: —

This Bill seeks to repeal section 7 of the Registration of Persons Ordinance, 1960, and to replace it by a revised section under which the power of arrest formerly conferred on the Immigration Officer and on deputy immigration officers and authorized immigration control officers is conferred on the Director of Immigration and members of the Immigration Service authorized by him in writing. This change is necessary in consequence of the establishment of the Immigration Service. Although it has been found convenient to recast the whole of section 7, no other change of substance has been made.

FIRE BRIGADE (AMENDMENT) (NO. 2) BILL, 1961

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Fire Brigade Ordinance, 1954."

He said: Sir, the proposed amendments are, in my opinion, sufficiently explained in the statement of Objects and Reasons and there is nothing that I can usefully add at this stage.

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 provide for the delegation of powers by the Director of Fire Services whose functions over recent years have so far increased as to render it no longer possible for him

to carry out personally all those duties which by law he is at present required to perform.

2. Opportunity has been taken in this Bill to make provision for the amendment of various legislation affected by the recent change in title of the Fire Brigade.

EXPULSION OF UNDESIRABLES (REPEAL) BILL, 1961

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to repeal the Expulsion of Undesirables Ordinance, Chapter 242."

He said: Here again, Sir, there is nothing that I can usefully add to the statement of 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 Expulsion of Undesirables Ordinance was enacted in 1949 to provide legislation additional to the Deportation of Aliens Ordinance and the Deportation (British Subjects) Ordinance for the expulsion of undesirables from the Colony. No action has however ever been taken under it and it has remained a dead letter. This Bill accordingly proposes its repeal.

SUPPLEMENTARY APPROPRIATION (1960-61) BILL, 1961

THE FINANCIAL SECRETARY moved the First 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 1961."

He said: Sir, this Bill seeks authority for supplementary expenditure during the last financial year of some 13.4 million dollars spread over 13 different heads of expenditure. The details are set forth in the Schedule.

The largest item is in respect of Head 50—Miscellaneous Services—where the excess is almost five and a half million dollars; of this, nearly three and a half million are due to shipments of one dollar coins

arriving earlier than expected. The excess of 4.7 million dollars under Head 52—Pensions—was mainly attributable to payment of arrears of increases consequent upon the last Salaries Revision.

Savings under other heads totalled over 106 million dollars so there was, in fact, a net under-expenditure of 93 million dollars. Under Colonial accounting rules, however, it is necessary for the gross excess to be formally approved by legislation.

This Bill, Sir, represents the final stage in disposing of the accounts for the last financial year.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

MENTAL HEALTH (AMENDMENT) BILL, 1961

DR D. J. M. MACKENZIE moved the First reading of a Bill intituled "An Ordinance to amend the Mental Health Ordinance, 1960."

He said: Sir, the purpose of this Bill is set out clearly in the Objects and Reasons and needs no further explanation. If this Bill is passed by Council steps will be taken thereafter to bring into operation by proclamation the amended Mental Health Ordinance, 1960.

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 amend the Mental Health Ordinance, 1960, which has not yet been brought into operation, to provide that a person who, at the date of coming into operation of that Ordinance, is lawfully in any mental hospital by virtue of a provision of the Mental Hospitals Ordinance, Chapter 136, will be deemed to be in that mental hospital by virtue of the corresponding provision of the Mental Health Ordinance, 1960. This will obviate the necessity for the re-admission under the Mental Health Ordinance, 1960, to the mental hospital of any such person.

SOCIAL WORK TRAINING FUND BILL, 1961

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

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 13 and the preamble were agreed to.

Council then resumed.

THE COLONIAL SECRETARY reported that the Social Work Training Fund Bill, 1961, 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.

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

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Airfield (Kai Tak) Extension and Reversion Ordinance, Chapter 236."

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 Airfield (Kai Tak) Extension and Reversion (Amendment) 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.

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

THE ATTORNEY GENERAL moved the Second 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."

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 3 and the preamble were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Dangerous Drugs (Amendment and Validation of Regulations) 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.

BUILDINGS (AMENDMENT) BILL, 1961

MR A. INGLIS moved the Second reading of a Bill intituled "An Ordinance to amend the Buildings 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 4 were agreed to.

Clause 5.

MR A. INGLIS: —I rise to move that Clause 5 be amended as set forth in the paper before Honourable Members.

Sir, the alteration of the wording "under a mortgage in common form" to "under a mortgage *by deed* in common form" was proposed by the Registrar General and agreed by the Honourable Attorney General. It is a piece of "Lawyers Law" intended further to clarify the power of sale vested in the Building Authority. I am sure it is now abundantly clear.

Clause 5, as amended, was agreed to.

Clause 6 was agreed to.

Council then resumed.

MR A. INGLIS reported that the Buildings (Amendment) Bill, 1961, had passed through Committee with one amendment and moved the Third reading.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

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

PHARMACY AND POISONS (AMENDMENT) BILL, 1961

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

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.

DR D. J. M. MACKENZIE reported that the Pharmacy and Poisons (Amendment) 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.

EDUCATION (AMENDMENT) BILL, 1961

MR P. DONOHUE moved the Second reading of a Bill intituled "An Ordinance to amend the Education Ordinance, 1952."

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 3 were agreed to.

Council then resumed.

MR P. DONOHUE reported that the Education (Amendment) 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 three weeks?

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