

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 27th December 1961**

PRESENT:HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

SIR ROBERT BROWN BLACK, KCMG, OBE

HIS EXCELLENCY LIEUTENANT-GENERAL REGINALD HACKETT HEWETSON, CB,
CBE, DSO

COMMANDER BRITISH FORCES

THE HONOURABLE CLAUDE BRAMALL BURGESS, CMG, OBE

COLONIAL SECRETARY

THE HONOURABLE MAURICE HEENAN

ACTING ATTORNEY GENERAL

THE HONOURABLE PATRICK CARDINALL MASON SEDGWICK

ACTING SECRETARY FOR CHINESE AFFAIRS

THE HONOURABLE JOHN JAMES COWPERTHWAITHE, OBE

FINANCIAL SECRETARY

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 KWOK CHAN, OBE

THE HONOURABLE HUGH DAVID MacEWEN BARTON, MBE

THE HONOURABLE DHUN JEHANGIR RUTTONJEE, OBE

THE HONOURABLE FUNG PING-FAN, OBE

THE HONOURABLE RICHARD CHARLES LEE, OBE

THE HONOURABLE KAN YUET-KEUNG, OBE

THE HONOURABLE WILLIAM CHARLES GODDARD KNOWLES

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

THE HONOURABLE KWAN CHO-YIU, OBE

MINUTES

The minutes of the meeting of the Council held on 13th December 1961 were confirmed.

PAPERS

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

<i>Subject</i>	<i>GN No</i>
Report of the Brewin Trust Fund Committee on the Administration of the Brewin Trust Fund for the year from 1st July 1960 to 30th June 1961.	
Dangerous Drugs Ordinance.	
Dangerous Drugs (Amendment of First Schedule) (No. 2) Order, 1961	A 141
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No. 21) Order, 1961	A 146
Pharmacy and Poisons Ordinance.	
Poisons (Amendment) (No. 3) Regulations, 1961	A 147
Pharmacy and Poisons Ordinance.	
Poisons (Amendment) (No. 4) Regulations, 1961	A 148
Pharmacy and Poisons Ordinance.	
Poisons List (Amendment) (No. 2) Regulations, 1961	A 149
Pharmacy and Poisons Ordinance.	
Poisons List (Amendment) (No. 3) Regulations, 1961	A 150
Rating Ordinance.	
Tenements (Minimum Rateable Value) Order, 1961	A 151

QUESTIONS

MR W. C. G. KNOWLES, pursuant to notice, asked the following question: —

Sir, Advisory Boards and Committees are an important part of the organization of Government, and their recommendations frequently involve the expenditure of public funds. I therefore ask: —

Firstly: That Government should state what are the standing orders of procedure of such boards and Committees, with particular reference to the rights of individual members

to call for meetings and to raise subjects for discussion. In this connexion would Government please state whether, under the terms of reference of the Traffic Advisory Board, unofficial members of that Board can initiate subjects for discussion and, if not, whether consideration will be given to changing the terms of reference so as to allow them to do so?

I ask secondly: That Government should confirm that it is the duty of members of Advisory Boards and Committees to express their opinions of what is in the interests of the Colony as a whole, disregarding their own interests or those of any trade association by whom they may have been nominated, and that if matters under discussion involve the interests of any member or of the association by whom he has been nominated, it is obligatory on him to declare his interest in the usual manner in order that Government and the remainder of the Board may have the opportunity of evaluating his opinion?

THE COLONIAL SECRETARY replied as follows: —

Sir, there are no fixed standing orders of procedure of general application to all boards and committees, and it is probable that practice varies considerably. Some boards and some committees draw up their own standing orders or rules of procedure, and in some cases procedural principles can be deduced from the Terms of Reference themselves; but other boards and committees which work more informally do not adhere to any fixed principles of procedure, nor do I think it necessary or desirable that they should be asked or required to do so.

My honourable Friend has referred specifically to the Traffic Advisory Committee. The Terms of Reference of that Committee are "to consider and advise on any matters connected with traffic in the Colony of Hong Kong which are referred to it by Government or by the Commissioner of Police". Thus only the Chairman on the instructions of Government, or the Commissioner of Police, has the *right* to initiate subjects for discussion. I am advised, however, that in practice if a member wishes a particular subject to be discussed, and indicates his wish to the Commissioner in sufficient time, arrangements can almost invariably be made for the subject to be referred to the Committee, so long of course as it lies within the Committee's Terms of Reference. So far as I am aware the arrangements work reasonably well and I see no necessity

to consider amending the Terms of Reference. If, however, the Committee itself should, after due consideration, feel that the public interest would be better served by some amendment of its Terms of Reference, Government will of course be very ready to consider any representations that the Committee may wish to make to that effect.

As regards the second part of the question, I confirm that Government is in general agreement with the principles stated by my honourable Friend.

MR W. C. G. KNOWLES, pursuant to notice, asked the following question: —

My predecessor as Chairman of the General Chamber of Commerce emphasized in his budget speech earlier this year that the industrial and commercial community is much concerned with the high price of land leased by Government for industrial use. The new system of publishing in advance a programme of proposed auctions of industrial land seems to have had a beneficial effect in some areas, and I should like to ask: —

firstly: Will Government give a public assurance that they intend to continue to publish advance programmes of auctions?

and secondly: Will Government adjust upset prices to any lowering of the market, and will they also refrain from artificial support of prices by such devices as withdrawing lots from auction or interposing a Crown bid when the other bids do not come up to a level which Government considers satisfactory?

MR A. INGLIS, replied as follows: —

Your Excellency, concerning the question on sales of land I can give the honourable Member the assurance he requires that it is intended to continue to publish advance programmes of auction sales.

2. As to the second part of the question, Government is of course prepared to adjust prices downwards should the results from auction sales over a reasonable period indicate that there is no demand at current upset prices. I need hardly emphasize that upset prices should never be less than the cost to Government of forming the land including the costs of roads, drains, and other works.
3. The last part of my honourable Friend's questions namely "will Government refrain from artificial support of prices

by such devices etc." is unacceptable as a straightforward question. It savours of the "have you stopped beating your wife yet" type of question. There is no answer 'yes' or 'no'.

4. I am pleased to have this opportunity of explaining the need for something in the way of a device— not to support prices artificially but to combat some of the questionable practices that go on. It is necessary to take into account Government's obligation to get the full current market value at any given moment from a public asset for the benefit of the public. That is the purpose of sale by auction.
5. It is common knowledge that attempts are made to purchase land at less than the true market value by manipulation of the bidding by certain groups of people operating in rings with a view to re-sale, probably within a matter of hours, at very enhanced prices and quick large profits for the operators. The result of this is that the final developer has paid the full market value for his lot but Government has received only a part.
6. One precaution against this is for Government to have an undisclosed reserve price. This 'device' is used very sparingly particularly in respect of industrial lots. In fact, the reserve price (as opposed to the upset price) has been exceeded in every case in the past two years except one—in July 1960. Sale by Tender is being considered in certain cases. Even with this method it will be necessary to insert a clause to the effect that "Government does not undertake to accept the highest or any Tender."
7. I can assure honourable Members that the whole question is constantly under review by the Government Officers whose concern it is. I can also give the assurance that it is the intention of Government to reduce land value if possible but at the same time see that the true market value is paid to the Government.

TRADE UNION REGISTRATION BILL, 1961

THE COLONIAL SECRETARY moved the Second reading of a Bill intituled "An Ordinance to make provision for the registration and better control of trade unions, and matters ancillary thereto."

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 69, First Schedule and Second Schedule were agreed to.

Council then resumed.

THE COLONIAL SECRETARY reported that the Trade Union Registration 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.

INDUSTRIAL EMPLOYMENT (HOLIDAYS WITH PAY AND SICKNESS ALLOWANCE) BILL, 1961

THE COLONIAL SECRETARY moved the Second reading of a Bill intituled "An Ordinance to provide for the grant to workers employed in industrial undertakings of certain holidays and for the payment to them of a measure of sick pay and for matters connected with the purposes aforesaid."

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 and 2 were agreed to.

Clause 3.

THE COLONIAL SECRETARY: —Sir, I rise to move the amendment to clause 3(1) set out in the paper before honourable Members.

Proposed Amendment

Clause

- 3 In subclause (1), leave out the commas and words “, whether by way of manual labour, clerical work or otherwise and whether the contract is express or implied, oral or in writing,

in an industrial undertaking" and substitute therefor the following—

"in an industrial undertaking, whether by way of manual labour, clerical work or otherwise and whether the contract is express or implied, oral or in writing".

Clause 3 as amended, was agreed to.

Clauses 4 to 7 were agreed to.

Clause 8.

THE COLONIAL SECRETARY: —Sir, I rise to move the amendment to clause 8(3)(a) set out in the paper before honourable Members.

Under this Bill an employer who operates a recognized scheme of free medical treatment for his employees will be entitled to require the production of a medical certificate issued by the doctor engaged by him for the purposes of the scheme before he pays a worker the sickness allowance. The amendment seeks to clarify the conditions to be satisfied before a scheme of medical treatment will be recognized for the purposes of the Bill.

The only significant change is the addition of the words "as an outpatient" after the words "ordinary medical treatment". It was never intended that an employer would be required to provide treatment beyond that provided in general outpatient clinics of Government. Hospital and specialist treatment is provided free in certain classes of accommodation in Government hospitals and in the Tung Wah group of hospitals to all members of the public and separate provision is made in clause 8(1)(a) for the issue of medical certificates when a worker is a patient in a Government hospital or any other prescribed hospital or institution.

Proposed Amendment

Clause

3 In subclause (3), leave out paragraph (a) and substitute therefor the following—

"(a) each worker who is qualified to be paid the sickness allowance by the person by whom the scheme is operated is provided by a medical practitioner with such ordinary medical treatment as an outpatient as the Director considers reasonable; and".

Clause 8 as amended, was agreed to.

Clauses 9 to 34, and Schedule were agreed to.

Council then resumed.

THE COLONIAL SECRETARY reported that the Industrial Employment (Holidays with Pay and Sickness Allowance) Bill, 1961, had passed through Committee without material 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.

PROBATION OF OFFENDERS (AMENDMENT) BILL, 1961

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Probation of Offenders Ordinance, 1956."

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 5 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Probation of Offenders (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.

MAGISTRATES (AMENDMENT) BILL, 1961

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Magistrates Ordinance, Chapter 227, and to repeal the Administration of Justice (Summary Offences) 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 5 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Magistrates (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.

LANDLORD AND TENANT (AMENDMENT) BILL, 1961

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Landlord and Tenant Ordinance, Chapter 255."

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 Landlord and Tenant (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.

STAMP DUTIES MANAGEMENT (AMENDMENT) BILL, 1961

THE FINANCIAL SECRETARY moved the Second reading of a Bill intituled "An Ordinance to amend the Stamp Duties Management Ordinance, Chapter 121."

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 FINANCIAL SECRETARY reported that the Stamp Duties Management (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 GOVERNOR: —Well, gentlemen, that concludes the business for to-day. When is it your pleasure that we should meet again?

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

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