

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 25th July 1962****PRESENT:**HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

SIR ROBERT BROWN BLACK, GCMG, OBE

THE HONOURABLE CLAUDE BRAMALL BURGESS, CMG, OBE

COLONIAL SECRETARY

THE HONOURABLE MAURICE HEENAN, QC

ATTORNEY GENERAL

THE HONOURABLE JOHN CRICHTON MCDOUALL

SECRETARY FOR CHINESE AFFAIRS

THE HONOURABLE JOHN JAMES COWPERTHWAITHE, OBE

FINANCIAL SECRETARY

THE HONOURABLE ALLAN INGLIS, CMG

DIRECTOR OF PUBLIC WORKS

DR THE HONOURABLE DAVID JAMES MASTERTON MACKENZIE, CMG, OBE

DIRECTOR OF MEDICAL AND HEALTH SERVICES

THE HONOURABLE PETER DONOHUE

DIRECTOR OF EDUCATION

THE HONOURABLE DHUN JEHANGIR RUTTONJEE, OBE

THE HONOURABLE FUNG PING-FAN, OBE

THE HONOURABLE RICHARD CHARLES LEE, OBE

THE HONOURABLE KWAN CHO-YIU, OBE

THE HONOURABLE KAN YUET-KEUNG, OBE

THE HONOURABLE WILLIAM CHARLES GODDARD KNOWLES

THE HONOURABLE SIDNEY SAMUEL GORDON

THE HONOURABLE LI FOOK-SHU

MR ANDREW McDONALD CHAPMAN (*Deputy Clerk of Councils*)**ABSENT:**HIS EXCELLENCY LIEUTENANT-GENERAL SIR REGINALD HACKETT HEWETSON,
KCB, CBE, DSO,

COMMANDER BRITISH FORCES

THE HONOURABLE KENNETH STRATHMORE KINGHORN

DIRECTOR OF URBAN SERVICES

MINUTES

The minutes of the meeting of the Council held on 11th July, 1962 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>
Urban Council Ordinance, 1955.	
Urban Council Elections (Registration of Electors) (Amendment) Regulations, 1962	A 63
Importation and Exportation Ordinance.	
Exportation (Cotton Manufactures) Regulations, 1962	A 64
Stamp Ordinance.	
Stamp (Bank Authorization) (No. 3) Order, 1962	A 65

JURY (AMENDMENT) BILL, 1962

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

He said: Sir, under section 8(1) of the Jury Ordinance the Commissioner of Registration is required to send any person who applies for an identity card under the Registration of Persons Ordinance, 1960, a notice in Form 2 of the Schedule to the Jury Ordinance. This form is a joint one which notifies the recipient—

- (a) that he will be listed for jury service unless he claims and establishes exemption; and
- (b) as to how he may be entered on the register of electors.

Thus although it was clearly intended that Form 2 be sent only to those persons who appeared to the Commissioner of Registration to be qualified for and not exempt from jury service, the existing law obliges the Commissioner to send the form to every person who applies for an identity card. Strict observance of the present law would result in the loading of the jury list with the names of those unqualified or exempted persons who omitted to notify the Commissioner of their lack of qualification or exemption.

Accordingly Sir, clause 4(a) and (b) of this Bill relieve the Commissioner of Registration from the obligation of serving Form 2 on persons who are not qualified for or who are exempted from jury service.

The amendment effected by clause 4(c) is designed to enable the Commissioner of Registration to remove from the jury list the names of persons who have died or left the Colony by permitting the application of regulation 5A of the Registration of Electors Regulations to names on the jury list, and thus the removal of a name from the electoral register will be a prelude to the removal of the same name from the jury list.

Clause 5 amends Form 2 by deleting reference to the Electoral Register but it is intended that a notification regarding their inclusion in the Provisional Register of Electors be sent to persons who appear to the Commissioner to qualify as electors although exempt from jury service.

Opportunity has been taken in clause 3 of the Bill to provide for the exemption from jury service of representatives of Commonwealth Governments since it is felt that they should be treated in the same way for this purpose as representatives of Foreign Governments. The same clause also exempts members of the crew of ships and aircraft as the frequent absence of such persons from the Colony renders the appearance of their names on the jury list of little practical value.

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 primary object of this Bill is to relieve the Commissioner of Registration from the necessity to serve Form 2 on persons who are clearly not qualified for jury service under section 4 or are exempt from jury service under section 5: while preserving the right of any person served with Form 2 to claim that he is not qualified or is exempt and to have his claim determined by the Registrar, the amended provisions will eliminate the necessity for the great majority of such claims.

2. A further object of the Bill is to grant exemption from jury service to the following two categories—

- (a) representatives of Commonwealth Governments, since it is felt that they should be treated in the same way for this purpose as representatives of Foreign Governments; and
- (b) members of the crew of ships, because it is felt that they are so frequently absent from the Colony as to render the appearance of their names on the Jury List of little practical value.

3. The opportunity is being taken to remedy three minor defects in the existing Ordinance.

SMALL TENEMENTS RECOVERY (AMENDMENT) BILL, 1962

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Small Tenements Recovery Ordinance, Chapter 17."

He said: Sir, the Small Tenements Recovery Ordinance was first enacted in Hong Kong in 1897 with a view to giving landlords of small tenements a speedy and inexpensive procedure for recovering possession. Under section 5 of the principal Ordinance police officers are made responsible for the execution of warrants for the eviction of persons from land and premises and for giving possession to the rightful owners. It is considered that this function is not one primarily for the police force and accordingly this Bill seeks to bring the law more into accord with modern times by providing that warrants under the principal Ordinance be executed by a Court Bailiff.

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: —

At present, police officers are responsible for the execution of warrants issued under section 5 of the Small Tenements Recovery Ordinance, Chapter 17. It is considered that the execution of such warrants is not primarily a function of the Police Force and this Bill seeks to amend that Ordinance so as to make court bailiffs responsible for their execution.

DISTRICT COURT (AMENDMENT) BILL, 1962

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the District Court Ordinance, 1953."

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.

Clause 1.

THE ATTORNEY GENERAL: —Sir, I rise to move that clause 1 be amended as set forth in the paper before honourable Members.

Proposed Amendment

Clause

- 1 (1) Renumber as subclause (1).
- (2) After the word "and", insert the following—
“, save for paragraph (b) of section 4,”.
- (3) Add the following new subclause—
“(2) Paragraph (b) of section 4 shall come into operation on the 27th day of July, 1962. ”.

Clause 1, as amended, was agreed to.

Clauses 2 to 19 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the District Court (Amendment) Bill, 1962 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.

DISTRICT COURT (CIVIL JURISDICTION AND PROCEDURE)

BILL, 1962

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to make amended provision for the Civil Jurisdiction and Procedure of the District Court".

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 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the District Court (Civil Jurisdiction and Procedure) Bill, 1962 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.

PENICILLIN (AMENDMENT) BILL, 1962

DR D. J. M. MACKENZIE moved the Second reading of a Bill intituled "An Ordinance to amend the Penicillin Ordinance, Chapter 137."

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 8 were agreed to.

Council then resumed.

DR D. J. M. MACKENZIE reported that the Penicillin (Amendment) Bill, 1962 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.

DENTISTS REGISTRATION (AMENDMENT) BILL, 1962

DR D. J. M. MACKENZIE moved the Second reading of a Bill intituled "An Ordinance to amend the Dentists Registration Ordinance, 1959."

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.

Clause 1 was agreed to.

Clause 2.

DR D. J. M. MACKENZIE: —Sir, I rise to move that clause 2 be amended as set forth in the paper before honourable Members.

Proposed Amendment

Clause

- 2 (1) Leave out the words, commas and figures "Dentists Registration Ordinance, 1959," and substitute therefore the following—
 "principal Ordinance".
- (2) Leave out the marginal reference "(29 of 1959)".

Clause 2, as amended, was agreed to.

DR D. J. M. MACKENZIE: —Sir, I rise to move the addition of two new clauses as set forth in the paper before honourable Members.

HIS EXCELLENCY THE GOVERNOR: —Will you please put these two clauses to Council, separately.

Proposed Amendment

First new Clause

"Amendment of section 4. (29 of 1959). Section 4 of the Dentists Registration Ordinance, 1959 (hereinafter referred to as the principal Ordinance) is amended in paragraph (b) of subsection (2) by the insertion after the word "Specialist" of the following—
 "or, during his absence from the Colony or during his inability for any other reason to act, a government dental specialist appointed by the Director"."

The First new clause was agreed.

Proposed Amendment

Second new Clause

"Amendment of section 30. Section 30 of the principal Ordinance is amended by the insertion after the word "duties" wherever it appears of the following—
 "or while practising dentistry otherwise than for gain in a charitable clinic approved by the Council"."

The Second new clause was agreed.

Council then resumed.

DR D. J. M. MACKENZIE reported that the Dentists Registration (Amendment) Bill, 1962 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 into law.

ADJOURNMENT

HIS EXCELLENCY THE GOVERNOR: —Well, gentlemen, that concludes today's business. When is it your pleasure that we should meet again?

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

HIS EXCELLENCY THE GOVERNOR: —Council stands adjourned until this day two weeks.