

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 18th September 1963****PRESENT:**HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

SIR ROBERT BROWN BLACK, GCMG, OBE

HIS EXCELLENCY LIEUTENANT-GENERAL SIR RICHARD WALTER CRADDOCK, KBE,
CB, DSO

COMMANDER BRITISH FORCES

THE HONOURABLE EDMUND BRINSLEY TEESDALE, MC
COLONIAL SECRETARYTHE HONOURABLE DENYS TUDOR EMIL ROBETS, OBE
ACTING ATTORNEY GENERALTHE HONOURABLE JOHN CRICHTON McDOUALL
SECRETARY FOR CHINESE AFFAIRSTHE HONOURABLE MICHAEL DENYS ARTHUR CLINTON, GM
ACTING FINANCIAL SECRETARYDR THE HONOURABLE DAVID JAMES MASTERTON MacKENZIE CMG, OBE
DIRECTOR OF MEDICAL AND HEALTH SERVICESTHE HONOURABLE PETER DONOHUE
DIRECTOR OF EDUCATIONTHE HONOURABLE ALEC MICHAEL JOHN WRIGHT
DIRECTOR OF PUBLIC WORKSTHE HONOURABLE GEOFFREY MARSH TINGLE
DIRECTOR OF URBAN SERVICES

THE HONOURABLE DHUN JEHANGIR RUTTONJEE, OBE

THE HONOURABLE FUNG PING-FAN, OBE

THE HONOURABLE RICHARD CHARLES LEE, CBE

THE HONOURABLE KAN YUET-KEUNG, OBE

THE HONOURABLE WILLIAM CHARLES GOODARD KNOWLES

THE HONOURABLE SIDNEY SAMUEL GORDON

THE HONOURABLE LI FOOK-SHU, OBE

THE HONOURABLE FUNG HON-CHU

MR GORDON ERIC MATHER (*Deputy Clerk of Councils*)

MINUTES

The Minutes of the meeting of the Council held on 4th September 1963, were confirmed.

PAPERS

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

<i>Subject</i>	<i>LN No</i>
Annual Report of the Sir Robert Black Trust Fund Committee for the year ending 31st March, 1963.	
Report of the Kadoorie Agricultural Aid Loan Fund Committee for the year 1962-63.	
Report on the Administration of the J. E. Joseph Trust Fund during the period 1st April, 1962 to 31st March, 1963.	
Rent Increases (Domestic Premises) Control Ordinance, 1963. Rent Increases (Domestic Premises) Control (Exclusion) Order, 1963	107
Education Ordinance, 1952. Education (Exemption) Order, 1963	108
Preventive Service Ordinance, 1963. Preventive Service (Welfare Fund) Regulations, 1963	109
Dutiable Commodities Ordinance, 1963. Dutiable Commodities Regulations, 1963	110
Dutiable Commodities Ordinance, 1963. Dutiable Commodities (Marking and Colouring of Hydrocarbon Oils) Regulations, 1963	111
Public Conveniences (Conduct and Behaviour) By-laws, 1961. Public Conveniences (Charges) (Amendment) Order, 1963	112
Registration of Persons Ordinance, 1960. Registration of Persons (Re-registration) (No 34) Order, 1963	113
Registration of Persons Ordinance, 1960. Registration of Persons (Cancellation of Registration and Identity Cards) (No. 3) Order, 1963	114
Registration of Persons Ordinance, 1960. Registration of Persons (Re-registration) (No 35) Order, 1963	115

**PLACES OF PUBLIC ENTERTAINMENT (AMENDMENT)
BILL, 1963**

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, this short measure has two objects. Firstly, it is proposed to insert in the principal Ordinance a definition of Building Authority, which phrase appears in the principal Ordinance but is at present undefined in it.

Secondly, clause 3 of the Bill authorizes public officers, upon whom powers are conferred by the Ordinance, to delegate those powers to members of their own department.

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 of the Places of Public Entertainment Ordinance, Chapter 172, firstly to insert therein a definition of the phrase "Building Authority" and, secondly, to enable public officers on or upon whom powers are conferred by that Ordinance or by regulations made thereunder to delegate such powers to members of their own department.

**PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT)
BILL, 1963**

MR G. M. TINGLE moved the First reading of a Bill intituled "An Ordinance to amend the Public Health and Urban Services Ordinance, 1960."

He said: Sir, almost three years have elapsed since the Public Health and Urban Services Ordinance, No. 30 of 1960, was enacted, and experience of the practical application of the provisions of the Ordinance has revealed a need for clarification or amendment at certain points. In view of the complexity of the Ordinance these are remarkably few.

In the present Bill the items of principal consequence are the following: —

Clause 3, which amends section 27 of the Ordinance in such a way as to allow the serving of notice to abate a nuisance, in cases of mosquito nuisances on building sites, upon the building contractor. As the law stands at present notices can be served only on the occupier or owner of premises.

Clause 5, which amends section 85 of the Ordinance, dealing with procedure for the arrest of persons, in such a way as to bring this section into line with section 19 of the Hawker Control Force Ordinance.

Clause 7, which amends section 93 to make clear that notices requiring ventilating systems to be provided in restaurants, dancing establishments, theatres and cinemas, are to be served specifically on the owner or on the licensee of the premises.

Clause 9, which amends section 95—dealing with the construction of ventilation ducts—to provide for certain safety requirements.

Clause 10, which amends section 96 to require that ventilating systems installed voluntarily in restaurants, dancing establishments, theatres and cinemas, and not as the result of a notice to install, shall be kept in operation at all times when the premises are open to the public.

Clause 12, which amends section 105 to extend the powers conferred upon the Building Authority and the Director of Fire Services in respect of dangerous advertisement boardings to any hoarding, scaffolding or structure which obstructs a fire escape or other means of exit from a building.

and

Clause 13, which repeals and replaces section 107 in such a way as to permit the use of public pleasure grounds for purposes other than physical and other recreation—that is to say to permit them to be used for such functions as traffic displays, charity shows, and New Year's fairs.

All the proposed amendments have the approval of the Urban 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 principal purpose of this Bill is to replace (by clause 13) section 107 of the Public Health and Urban Services Ordinance, 1960, (the principal Ordinance) by a new section which clarifies the power of the Urban Council, subject to the over-riding control of the Governor, to authorize the use of a public pleasure ground for varying purposes including purposes not connected with physical or other recreation.

2. The opportunity has been taken to make a number of other amendments to the principal Ordinance—

- (a) by clause 5, section 85 of the principal Ordinance is replaced by a new section applying, in certain circumstances, the procedure set forth in section 19 of the Hawker Control Force Ordinance, 1960. By clause 4, a consequential amendment is proposed to section 84 and, for clarity, by clause 2, the definition of "Hawker Control Force" in section 2 of the principal Ordinance is replaced by a definition of "Force". By clause 17, it is proposed to delete from the Seventh Schedule Forms B and C as these would be replaced by the forms in the Third Schedule to the Hawker Control Force Ordinance, 1960;
- (b) by clause 2, in addition, the definition of "food" has been amended for clarity, a typographical error in the definition of "premises" has been corrected and the definition of "milk" has been expanded to include buffaloes milk and goats milk so that the purity standards imposed on the principal Ordinance and by certain subsidiary legislation made thereunder shall apply to buffaloes milk and to goats milk. And by clause 20, a consequential amendment is made to regulation 2 of the Food and Drugs (Composition and Labelling) Regulations, 1960, to provide that these regulations, which establish standards of content of cows milk, inappropriate to buffaloes milk or to goats milk, shall not apply to the latter types of milk;
- (c) by clause 3, it is proposed to amend section 27 to enable a notice in regard to mosquito nuisance to be served on a building contractor in respect of a building site and to render a building contractor liable for any accumulation of larvae or pupae found on a building site;
- (d) by clause 6, it is proposed to amend section 86 to enable the Commissioner of Police, equally with the Authority, to return seized goods;

- (e) by clause 7, it is proposed to amend section 93 to provide that notices in regard to ventilation of scheduled premises may be served on the owner or licensee thereof;
- (f) by clause 8, it is proposed to amend section 94 to make the supplier of ventilating equipment who furnishes an incorrect statement for the purpose of that section guilty of an offence, consequential amendments, to the Sixth and Tenth Schedules being made respectively by clauses 16 and 19;
- (g) by clauses 9 and 11, it is proposed to amend sections 95 and 97 of the principal Ordinance to make it clear that these sections apply only to "scheduled premises" as defined; and by clause 9, in addition, it is proposed to amend section 95 to provide for the proper construction of ventilation ducts;
- (h) by clause 10, it is proposed to amend section 96 to provide for the operation of a ventilating system voluntarily provided;
- (i) by clause 12, it is proposed to amend section 105 to extend the powers conferred on the Building Authority and the Director of Fire Services to any boarding, etc., which obstructs a fire escape;
- (j) by clause 14, it is proposed to amend the Third Schedule in relation to the exercise of powers under section 56;
- (k) by clause 15, it is proposed to add new cemeteries to the Fifth Schedule;
- (l) by clause 16, in addition, a correction is made to the Sixth Schedule;
- (m) by clause 18, it is proposed to amend the Ninth Schedule to the principal Ordinance (which keeps in operation certain by-laws in the Schedule to the Public Health (Sanitation) Ordinance, 1935, which was repealed by the principal Ordinance) by the deletion therefrom of the reference to the 1935 by-laws headed "Latrine Accommodation" which are no longer required; and
- (n) by clause 19, it is proposed, in addition, to amend the Tenth Schedule to make the penalty for an offence under subsection (3) of section 27 of the principal Ordinance the same as the penalty for the like offence under paragraph (a) of subsection (2) of that section.

CHINESE UNIVERSITY OF HONG KONG BILL, 1963

THE COLONIAL SECRETARY moved the Second reading of a Bill intituled "An Ordinance to establish the Chinese University of Hong Kong, to provide for its incorporation, constitution, functions and matters connected therewith."

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 10 were agreed to.

COLONIAL SECRETARY: —I rise to move that Clause 11 be amended as set forth in the paper before honourable Members.

Proposed Amendment.

11. In paragraph (k) insert, after the word "by", the following—
“Unofficial Members of”.

Clause 11, as amended, was agreed to.

Clauses 12 to 27 were agreed to.

COLONIAL SECRETARY: —I rise to move that Clause 28 be amended as set forth in the paper before honourable Members.

Proposed Amendment.

28. (1) Leave out the full stop and substitute therefor the following—
“and the first Pro-Vice-Chancellor.”.

Clause 28, as amended, was agreed to.

COLONIAL SECRETARY: —I rise to move that the Schedule be amended as set forth in the paper before honourable Members.

Proposed Amendment.

Schedule (1) In Statute 6, insert in paragraph 7, after the word "Pro-Vice-Chancellor", the following—

“other than the first Pro-Vice –Chancellor”.

(2) In Statute 22—

(a) in sub-paragraph (b) of paragraph 4, leave out the words "the Colleges" wherever they occur and substitute therefor the following—

"the Foundation Colleges";

- (b) in sub-paragraph (b) of paragraph 5, leave out the words "the Colleges" and substitute therefor the following—
- (c) in paragraph 9—
 - (i) leave out the words "the Colleges" and substitute therefor the following—
"the Foundation Colleges";
 - (ii) leave out the words "such College" and substitute therefor the following—
"such Foundation College".

The Schedule, as amended, was agreed to.

Council then resumed.

THE COLONIAL SECRETARY reported that the Chinese University of Hong Kong Bill, 1963, had passed through Committee with certain amendments 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.

CROWN LANDS RESUMPTION (AMENDMENT) BILL, 1963

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Crown Lands Resumption Ordinance, Chapter 124."

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 Crown Lands Resumption (Amendment) Bill, 1963, 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.

HIS EXCELLENCY THE GOVERNOR: —Well, Gentlemen, this is the last occasion on which our colleague Dr MACKENZIE will be with us in Legislative Council. On the occasion of the opening of the Queen Elizabeth Hospital a few days ago I had the opportunity, which I took, of expressing my appreciation for his experienced, distinguished and devoted service to Hong Kong as Director of Medical and Health Services over a period of 5½ years. Dr MACKENZIE has been a very fine Head of Department who has set himself the highest standards of professional conduct and he has proved an able colleague. I know that you will wish me on your behalf to thank him for the service he has rendered to this Colony and to wish him all happiness and health in retirement and to include in these wishes his wife and his two daughters.

DR MACKENZIE: —Thank you.

ADJOURNMENT

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

ATTORNEY GENERAL: —Sir, may I suggest Wednesday, 9th October?

HIS EXCELLENCY THE GOVERNOR: — Council stands adjourned until Wednesday, 9th October.