

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 6th May 1964****PRESENT:**

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR DAVID CLIVE CROSBIE TRENCH, KCMG, MC
BRIGADIER THE HONOURABLE THOMAS HADDON, CBE
SENIOR MILITARY OFFICER
THE HONOURABLE EDMUND BRINSLEY TEESDALE, MC
COLONIAL SECRETARY
THE HONOURABLE MAURICE HEENAN, QC
ATTORNEY GENERAL
THE HONOURABLE MICHAEL DENYS ARTHUR CLINTON, GM
ACTING FINANCIAL SECRETARY
THE HONOURABLE KENNETH STRATHMORE KINGHORN
DIRECTOR OF URBAN SERVICES
DR THE HONOURABLE TENG PIN-HUI, OBE
DIRECTOR OF MEDICAL AND HEALTH SERVICES
THE HONOURABLE WILLIAM DAVID GREGG
DIRECTOR OF EDUCATION
THE HONOURABLE JAMES JEAVONS ROBSON
ACTING DIRECTOR OF PUBLIC WORKS
THE HONOURABLE FUNG PING-FAN, OBE
THE HONOURABLE RICHARD CHARLES LEE, CBE
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, OBE
MR ANDREW McDONALD CHAPMAN (*Deputy Clerk of Councils*)

ABSENT.

THE HONOURABLE JOHN CRICHTON McDOUALL
SECRETARY FOR CHINESE AFFAIRS
THE HONOURABLE DHUN JEHANGIR RUTTONJEE, OBE

MINUTES

The minutes of the meeting of the Council held on 22nd April 1964, were confirmed.

HIS EXCELLENCY THE GOVERNOR: —May I on your behalf welcome Brigadier HADDON to this Council.

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>
Sessional Paper, 1964: —	
No 22—Annual Report by the Commissioner of Prisons for the year 1962-63.	
Societies Ordinance.	
Societies (Amendment of Schedule) Order, 1964	59
Stamp Ordinance.	
Stamp (Bank Authorization) Order, 1964	60
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No 16) Order, 1964	63
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No 17) Order, 1964	64

QUESTIONS

MR R. C. LEE, pursuant to notice, asked the following questions: —

Your Excellency, I refer to the recent press report of a question asked in the House of Commons regarding restrictive requirements of the Government of India for visas by Commonwealth citizens of Chinese origin in transit through India. The plain fact is that one member of the Commonwealth has deliberately instituted discriminatory regulations against a certain section of citizens of the Commonwealth which directly affect Hong Kong. Has Government taken any reciprocal measures in this matter? If not, will Government introduce counter measures as a matter of urgency?

Will Hong Kong Government request the U.K. Government to lay before the forthcoming Commonwealth Prime Ministers' meeting the fact of such unilateral and discriminatory measures having been instituted by the Indian Government against a section of citizens of the Commonwealth?

THE COLONIAL SECRETARY replied as follows: —

Sir, in his reply to the question in the House of Commons to which my honourable Friend refers, the Secretary of State for Commonwealth Relations and for the Colonies made it plain that Her Majesty's Government was opposed to discriminatory treatment as between one British subject and another, and had made representations to the Indian Government. The regulations were imposed as a security measure and the Indian Government were not prepared to withdraw them. They were, however, relaxed to allow direct transit provided that the passenger does not leave the airport.

The regulations were introduced towards the end of 1962, since when, apart from the case which gave rise to the recent question in the House of Commons, only one complaint has been brought to the notice of this Government. If honourable Members are aware of any other cases in which the Indian Government's visa regulations have caused serious inconvenience or hardship to those affected I hope they will let me have details. In the meantime this Government has not introduced, nor does it at present contemplate introducing, reciprocal counter measures.

We shall, however, bring the views expressed by my honourable Friend to the attention of the Secretary of State.

MR R. C. LEE asked the following supplementary question: —

Sir, since Government declines to introduce reciprocal measures, will the Honourable Colonial Secretary enlighten this Council as to the reasons against the introduction of such measures?

THE COLONIAL SECRETARY replied as follows: —

I think this is a matter of Commonwealth relations as a whole and not only a question of the interests of Hong Kong.

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

Your Excellency, in his budget speech on 26th March, my honourable Friend the Colonial Secretary referred to my previous remarks on the need for re-organization in the Registrar General's Department and said, *inter alia*: —

“ . . . in order to speed things up, the Registrar General has been in consultation with the Law Society on new arrangements for handling and radically simplifying the procedure for giving these consents. This new scheme, without diminishing the essential controls to safeguard purchasers, is almost ready to be introduced . . . ”

May this Council now be given an outline of the simplified procedure proposed, and the date when Government expects to introduce the new system.

THE COLONIAL SECRETARY replied as follows: —

Sir, the Registrar General informs me that it should be possible to introduce the new procedure before the end of this month. Under this procedure, whereby the consent of the Registrar General to Agreements for Sale and Purchase will be given as a matter of course provided certain basic conditions are fulfilled, the solicitor acting for the developer will make a statutory declaration in a prescribed form setting out certain facts about proposed development and this will be registered in the Land Office. Another statutory declaration, also in a prescribed form, will be made by or on behalf of the developer setting out many other relevant facts. This will be filed with the Registrar General and will not be available for public inspection.

The facts to be set out in these declarations must show that a scheme of development meets the following essential requirements: —

- (a) that the developer has a substantial stake in the land;
- (b) that the developer has the financial ability to carry out the scheme of development; and
- (c) that all Agreements for Sale and Purchase of flats include certain standard conditions, on the lines of those at present required, protecting the interests of the purchaser.

On submission, these statutory declarations will be examined in the Land Office, and if they conform with the prescribed forms, the Registrar General will issue a Certificate of

Compliance, which will operate as his consent to the sale of flats in the building. It is expected that normally it will take about two weeks to issue a certificate.

The new procedure has been agreed with the Law Society after lengthy but very helpful discussions, and its introduction is expected to eliminate delays in normal straightforward cases. It is intended to publish the procedure in the *Gazette*, and to issue a press release and an explanatory circular.

MR W. C. G. KNOWLES: —Sir, my second question is: —

In regard to my proposal for a Committee to make a manpower survey to assess the Colony's need for higher education, my honourable Friend the Colonial Secretary said on 26th March: —

"Discussions have already begun with the University of Hong Kong on the appointment of such a committee and on its particular sphere and method of operation. The Chinese University will also be brought into the discussions, and in my view we should set up the Committee as soon as possible."

May I now ask: —

What steps have been or are being taken to set up such a committee; what, in broad terms, is intended as the constitution of the committee: and by what date are its deliberations expected to begin?

THE COLONIAL SECRETARY replied as follows: —

Sir, before proceeding to appoint this Committee it was thought advisable to arrange a visit to Malaya, where a similar survey was recently conducted, in order to obtain detailed practical knowledge of its methods of operation and its general scope. Accordingly, in the middle of last month, the Registrar of the University of Hong Kong and an officer of the Colonial Secretariat visited Malaya for a week and had a number of useful discussions. They put in their recommendations at the end of last month.

While a final decision has not yet been taken, it is probable that we shall invite an Unofficial Member of Executive or Legislative Council to be Chairman of a Committee, to be set up immediately, and containing representatives of the Universities, of Government and of the community, with terms of reference requiring it to assess the community's

existing and future needs for graduates and to recommend how these needs can best be met in the light of the resources available.

The Committee will almost certainly need statistical assistance of some kind and it is thought that this can be provided by arrangement between Government and the Universities. If the Committee can be established at an early date, then I hope that its report and recommendations will be available before the end of the year.

MR F. S. LI, pursuant to notice, asked the following questions: —

Sir, may I ask if this Council can be advised whether, and if so when, it is expected that the powers, normally exercised by the Urban Council in the urban areas, will be extended to such rapidly developing areas as Tsuen Wan?

May I ask, Sir, if this Council can be advised of the reasons why the Urban Services Department ceases to be under the control of the Urban Council when operating in the New Territories, with the exception of the supervision of the New Territories beaches? And, if the arrangements for those beaches have proved satisfactory, whether there are sufficient reasons why similar arrangements should not be extended in the New Territories to other matters such as hawker control and market stalls?

MR K. S. KINGHORN replied as follows: —

Sir, Government is not yet in a position to give my honourable Friend a precise answer to his first question. The best form of administration for this rapidly developing area beyond the boundaries of New Kowloon is a complex and important question which raises other issues in addition to those relating to the exercise of the Urban Council's powers and functions. The matter is at present being very carefully and fully examined by the District Commissioner, New Territories, in conjunction with other departments.

Sir, in answer to the second question, the reason why the Urban Services Department ceases to be under the control of the Urban Council when operating in the New Territories is because the powers of the Urban Council are restricted by legislation to the urban areas. The relationship of the Urban Council to the Urban Services Department is covered by Section 55 of the Urban Council

Ordinance, No 14 of 1955, and the powers of the Urban Council are set out in the Public Health and Urban Services Ordinance and in certain other legislation. They do not include the supervision of beaches in the New Territories.

The arrangement to which my honourable Friend refers in his question is an informal one which has been in operation since 1960. The Council, through the Urban Amenities Select Committee, advises the Urban Services Department on the development and administration of bathing beaches in the New Territories, because it was considered that these beaches were a special problem, in that while some local interests had to be taken into account, the majority of beach users were urban residents, and that therefore the arrangements should be such that urban opinion could also be taken into account. It was thought that the Council's advice, based on its experience with urban beaches, would be of material assistance in ensuring that all beaches were run as uniformly as possible in the interests of the public. This arrangement works well. The advice of the Select Committee has proved to be of value and has, as far as I know, invariably been adopted.

The same justification for resort to the advice of the Urban Council cannot be advanced in respect of the other matters which my honourable Friend has mentioned, such as hawker control and market stalls. Urban use is not predominant there. I should add that in the exercise of its functions in the New Territories the Urban Services Department obtains advice and co-operation when necessary from rural Committees. It is through these committees that Government safeguards the traditional interests and practice of the people of the New Territories, because each rural community has its own special problems and there is no substitute for informed local opinion.

TELEPHONE ORDINANCE, 1951

THE FINANCIAL SECRETARY moved the following resolution: —

Resolved, pursuant to the provisions of subsection (2) of section 29 of the Telephone Ordinance, 1951, that the Schedule to the said Ordinance be amended in item 5 of Part V by—

- (a) the deletion of the full stop after "(d) Tsuen Wan" and the substitution therefor of a semicolon; and

(b) the insertion thereafter of the following—“(e) Cheung Chau Island.”.

He said: The Hong Kong Telephone Company recently established a call office at Cheung Chau for the convenience of the public who are now able to telephone subscribers on or outside the island.

An appropriate charge for a call within the island is 30 cents and this resolution seeks to amend item 5 of Part V of the schedule to the Telephone Ordinance, 1951, by the addition of Cheung Chau Island to the list of other areas in the New Territories within which a similar charge is made.

A charge of one dollar is at present payable by a subscriber on Cheung Chau for every three minutes or part thereof for a call to a subscriber outside Cheung Chau in accordance with the rate prescribed by item 4 of part V of the schedule. The charge payable by a member of the public using the new call office when making a call to a person outside the island will also be one dollar.

THE COLONIAL SECRETARY seconded.

MR R. C. LEE and MR F. S. LI declared an interest and abstained from voting.

The question was put and agreed to.

CHINESE UNIVERSITY OF HONG KONG (AMENDMENT) BILL, 1964

THE COLONIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance to amend the Chinese University of Hong Kong Ordinance, 1963."

He said: Sir, Section 11(i) of the Ordinance which was enacted last year, provides that the Council of the Chinese University shall include "two persons from universities or educational organizations outside Hong Kong who shall be nominated by Council". The two persons who have accepted nominations under this subsection are Mr J. S. FULTON (Vice-Chancellor of the University of Sussex and formerly Chairman of the Fulton Commission) and Dr N. M. PUSEY (President of Harvard University). The Chinese University Council has sought agreement to increase to four the number of members who may be appointed under this subsection, and this short Bill is designed to achieve this end.

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: —

At present the membership of the Council of the University includes, under section 11(i) of the principal Ordinance, two persons from universities or educational organizations outside Hong Kong nominated by the Council. The Council, however, desires to have some discretion in the number of such persons whom it may nominate, rather than to be restricted to two. The object of this Bill is to enable the Council to nominate not more than four such persons as members of the Council.

**FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT)
(AMENDMENT) BILL, 1964**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance further to amend the Foreign Judgments (Reciprocal Enforcement) Ordinance, 1960."

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.

THE ATTORNEY GENERAL reported that the Foreign Judgments (Reciprocal Enforcement) (Amendment) Bill, 1964, 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, 1964

DR TENG PIN-HUI moved the Second reading of a Bill intituled "An Ordinance further to amend the Penicillin Ordinance."

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.

DR TENG reported that the Penicillin (Amendment) Bill, 1964 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.

PHARMACY AND POISONS (AMENDMENT) BILL, 1964

DR TENG PIN-HUI moved the Second reading of a Bill intituled "An Ordinance further to amend the Pharmacy and Poisons Ordinance."

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 TENG reported that the Pharmacy and Poisons (Amendment) Bill, 1964, 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

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

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

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