

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 27th October 1965****PRESENT**

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR DAVID CLIVE CROSBIE TRENCH, KCMG, MC
THE HONOURABLE MICHAEL DAVID IRVING GASS, CMG
COLONIAL SECRETARY
THE HONOURABLE MAURICE HEENAN, QC
ATTORNEY GENERAL
THE HONOURABLE JOHN CRICHTON McDOUALL
SECRETARY FOR CHINESE AFFAIRS
THE HONOURABLE MICHAEL DENYS ARTHUR CLINTON, GM
ACTING FINANCIAL SECRETARY
THE HONOURABLE KENNETH STRATHMORE KINGHORN
DIRECTOR OF URBAN SERVICES
THE HONOURABLE ALEC MICHAEL JOHN WRIGHT
DIRECTOR OF PUBLIC WORKS
DR THE HONOURABLE TENG PIN-HUI, OBE
DIRECTOR OF MEDICAL AND HEALTH SERVICES
THE HONOURABLE WILLIAM DAVID GREGG
DIRECTOR OF EDUCATION
THE HONOURABLE DAVID RONALD HOLMES, CBE, MC, ED
DIRECTOR OF COMMERCE AND INDUSTRY
THE HONOURABLE JOHN PHILIP ASERAPPA
DISTRICT COMMISSIONER, NEW TERRITORIES
THE HONOURABLE ROBERT MARSHALL HETHERINGTON, DFC
DEPUTY ECONOMIC SECRETARY
THE HONOURABLE DHUN JEHANGIR RUTTONJEE, CBE
THE HONOURABLE KWAN CHO-YIU, CBE
THE HONOURABLE KAN YUET-KEUNG, OBE
THE HONOURABLE SIDNEY SAMUEL GORDON, OBE
THE HONOURABLE LI FOOK-SHU, OBE
THE HONOURABLE FUNG HON-CHU, OBE
THE HONOURABLE TANG PING-YUAN
THE HONOURABLE TSE YU-CHUEN, OBE
THE HONOURABLE KENNETH ALBERT WATSON, OBE
THE HONOURABLE WOO PAK-CHUEN, OBE
THE HONOURABLE GEORGE RONALD ROSS
THE HONOURABLE SZETO WAI
THE HONOURABLE WILFRED WONG SIEN-BING
MR ANDREW McDONALD CHAPMAN (*Deputy Clerk of Councils*)

ABSENT

HIS EXCELLENCY LIEUTENANT-GENERAL SIR DENIS STUART SCOTT
O'CONNOR, KBE, CB
COMMANDER BRITISH FORCES

MINUTES

The Minutes of the meeting of the Council held on 13th October 1965, 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>
Sessional Paper 1965:—	
No 44—Annual Report by the Commissioner of Prisons for the year 1964-65.	
No 45—Annual Report by the Registrar of Trade Unions for the year 1964-65.	
No 46—Annual Report by the Director of Fire Services for the year 1964-65.	
No 47—Annual Report by the Chairman, Urban Council and Director of Urban Services for the year 1964-65.	
Resettlement Ordinance 1958.	
Resettlement (Amendment) (No 4) Regulations 1965	133
The Chinese University of Hong Kong Ordinance 1963.	
Statutes of The Chinese University of Hong Kong	134

PUBLIC HEALTH AND URBAN SERVICES ORDINANCE 1960

MR K. S. KINGHORN moved the following resolution: —

Resolved, pursuant to section 144 of the Public Health and Urban Services Ordinance 1960, that the Food Business (Amendment) By-laws 1965, made by the Urban Council on the 5th day of October 1965, under section 56 of that Ordinance, be approved.

He said:—Your Excellency, the purpose of the Food Business (Amendment) By-laws 1965, made by the Urban Council on 5th October and now before honourable Members for approval, is set out in detail in the Explanatory Note appended to them. I do not therefore think that it is necessary to engage the attention of honourable Members with a lengthy explanation of each change now proposed in the new by-laws. Briefly, they provide an alternative method of sterilisation of utensils in food businesses, as well as a relaxation of the need

for a permit for food contained in unopened hermetically sealed containers, and they make certain desirable clarifications in other points in respect of food licensing.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

WILD BIRDS AND WILD MAMMALS PROTECTION (AMENDMENT) BILL 1965

THE COLONIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance further to amend the Wild Birds and Wild Mammals Protection Ordinance 1954."

He said:—Your Excellency, it will be recalled that some months ago a general examination was made to see to what extent it would be practical to amend various Ordinances so as to make it unnecessary to refer matters of relatively minor importance to the Governor in Council.

This Bill proposes such an amendment. Section 20 of the Wild Birds and Wild Mammals Protection Ordinance provides that the Governor in Council may, by order, vary, add to or delete from any of the six schedules to the Ordinance. These schedules prescribe those creatures which are game, mammals or vermin for the purposes of the Ordinance. They also lay down the areas in which hunting and the carrying of firearms are prohibited, and one of them prescribes the forms to be used.

The consideration at issue, Sir, in the amending of any of these schedules is largely of a technical nature such as does not appear to warrant reference to the Executive Council in normal circumstances. The Bill accordingly seeks to transfer the power of amendment under that section 20 from the Governor in Council to the Governor.

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 amend section 20 of the Wild Birds and Wild Mammals Protection Ordinance 1954 so as to provide that the Governor may, by order, vary, add to or delete from any of the Schedules to the Ordinance. At present this power is vested in the Governor in Council.

HONG KONG TOURIST ASSOCIATION (AMENDMENT)**BILL 1965**

MR R. M. HETHERINGTON moved the First reading of a Bill intituled "An Ordinance further to amend the Hong Kong Tourist Association Ordinance 1957".

He said:—Sir, section 24 of the principal Ordinance at present provides that the badge of the Hong Kong Tourist Association, portrayed in the Schedule to the Ordinance, and any other badge or device closely resembling it may not be used except with the authority of the Association.

The Hong Kong Tourist Association has represented that the present badge is not sufficiently conspicuous or readily identifiable by tourists. As a result, membership of the Association has become less attractive to shopkeepers and traders who are members or who contemplate becoming members. To overcome this disadvantage, the Association has devised a new badge, in red, black, and white colours, which, it is believed, would be more suitable and attractive for the purposes of publicity and promotional activities. The Association wish to retain the existing badge as the official emblem of the Association and to use the new badge as the membership badge.

The amending Bill portrays a second badge which is added to the Schedule of the principal Ordinance and seeks to protect, by an appropriate amendment of section 24, the existing badge and the new badge from improper use.

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 Hong Kong Tourist Association has found that the badge portrayed in the Schedule to the Hong Kong Tourist Association Ordinance 1957 is not sufficiently conspicuous. The object of this Bill is to make provision for another association badge in addition to the existing one.

MAGISTRATES (AMENDMENT) BILL 1965

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance further to amend the Magistrates 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.

Clause 1 was agreed to.

THE ATTORNEY GENERAL:—Your Excellency, I move the addition of a new clause after clause 1 as set forth in the papers before honourable Members.

Proposed Amendment.

New Add new clause after clause 1 as follows—
Clause

“Amendment Section 2 of the Magistrates Ordinance
of section 2 thereafter referred to as the principal Ordinance) is
(Cap. 227). amended by the insertion, after the definition
 “indictment”, of the following new definition—

 ““information” includes a charge;”.

The new clause was agreed to.

Clause 2.

THE ATTORNEY GENERAL:—Sir, I beg to move that clause 2 be amended as set forth in the paper before honourable Members.

Proposed Amendment.

2. Leave out “Magistrates Ordinance thereafter referred to as the principal Ordinance)” and substitute the following—

 “principal Ordinance”.

Clause 2, as amended, was agreed to.

Clause 3.

THE ATTORNEY GENERAL:—Sir, I move that clause 3 be amended as set forth in the paper before honourable Members.

Proposed Amendment.

3. Leave out paragraph (b) and substitute the following—

 “(b) the insertion, after subsection (3), of the following new subsection—

 “(4) Every such complaint or information shall be in writing and shall contain or consist of a statement of the offence alleged to have been

committed, together with such particulars as may be necessary for giving reasonable information as to the nature of the offence.”.

Clause 3, as amended, was agreed to.

Clause 4 was agreed to.

Clause 5.

THE ATTORNEY GENERAL:—Sir, I beg to move that clause 5 be amended as set forth in the paper before honourable Members.

Proposed Amendment.

5. In the part to be substituted, leave out the words “or charge” and the words “by the magistrate”.

Clause 5, as amended, was agreed to.

Clauses 6 and 7 were agreed to.

Clause 8.

THE ATTORNEY GENERAL:—Sir, I beg to move that clause 8 be amended as set forth in the paper before honourable Members.

Proposed Amendment.

8. Leave out the clause and substitute the following—

“Amendment of Section 71 **8.** Section 71 of the principal Ordinance is amended in subsection (1) by—

- (a) the deletion of “charge or complaint is made to a magistrate that any person has committed or is suspected to have committed” and the substitution therefor of the following—

“complaint is made to or an information laid before a magistrate alleging the commission of”;

- (b) the deletion of “charge or complaint” in the second and fourth places where they occur and the substitution “therefor in each case of the following—

“complaint or information”;

- (c) the deletion of “charge or complaint is preferred” and the substitution therefore of the following—

“complaint is made or before whom the information is laid”;

- (d) the deletion of the full stop at the end thereof and the substitution therefor of a colon; and
- (e) the insertion, at the end thereof, of the following new proviso—

“Provided that a warrant shall not be issued in the first instance unless the complaint or information is supported by evidence on oath. ”.

Clause 8, as amended, was agreed to.

Clause 9.

THE ATTORNEY GENERAL:—Sir, I beg to move that clause 9 be amended as set forth in the paper before honourable Members.

Proposed Amendment.

9. Leave out the clause and substitute the following—

“Amendment of section 74. **9.** Section 74 of the principal Ordinance is repealed and replaced by the following—

“Complain or information to be in writing and defects therein. **74.** (1) Every complaint or information alleging the commission of the commission of writing an indictable offence shall be in writing and defects and shall contain or consist of a state- therein offence alleged to have been committed, together with such particulars as may be necessary for giving reasonable information as to the nature of the offence.

(2) No objection shall be allowed to any complaint or information for any defect in it insubstance or in form or for any variance between it and the evidence adduced on behalf of the prosecution on the hearing. ”.

Clause 9, as amended, was agreed to.

Clauses 10 to 18 were agreed to.

Clause 19.

THE ATTORNEY GENERAL:—Sir, I beg to move that clause 19 be amended as set forth in the paper before honourable Members.

Proposed Amendment.

19. In the new paragraph (g), leave out the word “charge” and substitute the following—

“complaint”.

Renumber clauses 2 to 20 as clauses 3 to 21, respectively.

Clause 19, as amended was agreed to.

Clause 20 was agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Magistrates (Amendment) Bill 1965, had passed through Committee with certain 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.

NEXT MEETING

HIS EXCELLENCY THE GOVERNOR:—That concludes the business for today. The next meeting of Council will be held on the 10th of November.