

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 19th January 1966****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, CMG, QC
ATTORNEY GENERAL
THE HONOURABLE JOHN CRICHTON McDouall, CMG
SECRETARY FOR CHINESE AFFAIRS
THE HONOURABLE JOHN JAMES COPPERTHWAITE, CMG, OBE
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 JOHN PHILIP ASERAPPA
DISTRICT COMMISSIONER, NEW TERRITORIES
THE HONOURABLE ROBERT MARSHALL HETHERINGTON, DFC
DEPUTY ECONOMIC SECRETARY
THE HONOURABLE DAVID WHINFIELD BARCLAY BARON
DIRECTOR OF SOCIAL WELFARE
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
THE HONOURABLE MRS ELLEN LI SHU-PUI, OBE
MR ANDREW McDONALD CHAPMAN (*Deputy Clerk of Councils*)

ABSENT

THE HONOURABLE DAVID RONALD HOLMES, CBE, MC, ED
DIRECTOR OF COMMERCE AND INDUSTRY

MINUTES

The Minutes of the meeting of the Council held on 5th January, 1966, were confirmed.

HIS EXCELLENCY THE GOVERNOR: —May I welcome Mr Baron 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 1966: —	
No 3—Annual Report by the Commissioner of Police for the year 1964-65.	
Merchant Shipping Ordinance 1953. Report made in accordance with section 115(1).	
Census Ordinance 1960.	
Census Order 1966	1
Census Ordinance 1960.	
Census (No 2) Order 1966	2
Supreme Court Ordinance.	
Code of Civil Procedure (Amendment) Rules 1966	4
Supreme Court Ordinance.	
Code of Civil Procedure (Amendment) (No 2) Rules 1966	5

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 Hawker (Amendment) By-laws 1966, made by the Urban Council on the 4th day of January, 1966, under section 83 of that Ordinance, be approved.

He said: —Your Excellency, the purpose of this amendment to the Hawker By-laws 1960, is to permit a cooked food hawker, licensed by the Urban Council, to set up a small cafe area beside his stall wherever this can be done without obstruction to traffic or the public. The limits of this cafe area are such as to permit a maximum of two collapsible tables, each not larger than four square feet, and eight collapsible stools. Whilst concessionary in nature, since this amendment prohibits the extension of any cooked food stall beyond these maximum limits, it

should, when put into effect, remove most of the misunderstandings which formerly arose, among hawkers and law enforcement officers alike, over the permissible area of operation for cooked food stalls.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

**PUBLIC RECLAMATIONS AND WORKS
(AMENDMENT) BILL 1966**

MR A. M. J. WRIGHT moved the First reading of a Bill intituled "An Ordinance to amend the Public Reclamations and Works Ordinance 1956."

He said: —Your Excellency, in pursuance of the policy of relieving the Executive Council of routine work it is proposed to amend Section 3 of the Ordinance so that where no objection to a proposed undertaking and no claim of private right in respect thereof has been submitted in accordance with the provisions of the principal Ordinance, such undertaking maybe authorized by the Governor and not by the Governor in Council. The provisions regarding the consideration by the Executive Council of any objections or any claims of private right would remain unaltered.

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: —

Under the Public Reclamations and Works Ordinance 1956, all undertakings to which that Ordinance applies require the authorization of the Governor in Council. This Bill by clause 3 seeks to amend that Ordinance by providing that where no objection to a proposed undertaking and no claim of private right in respect thereof has been submitted to the Director of Public Works the Governor may authorize such undertaking.

FORESHORES AND SEA BED (AMENDMENT) BILL 1966

MR A. M. J. WRIGHT moved the First reading of a Bill intituled "An Ordinance further to amend the Foreshores and Sea Bed Ordinance."

He said: —Your Excellency, the Foreshores and Sea Bed Ordinance requires that before the Governor grants or agrees to grant a Crown lease under the Ordinance the Governor in Council must declare that it is expedient that the lease should be granted. The Bill now before Council provides that where no objection is made to the grant of a proposed lease such declaration may be made by the Governor.

The opportunity has been taken to make further amendments to the principal Ordinance. It is proposed that the term for which the Governor may grant a lease without obtaining the authorization of the Secretary of State should be increased from 75 years to 99 years. This will bring the Governor's powers under the principal Ordinance into line with his authority to grant leases otherwise.

At present the principal Ordinance requires that a notice setting out the terms of a proposed lease and calling for objections to the granting of the lease be inserted in every ordinary issue of *Gazette* over a period of three months. It is proposed to amend the principal Ordinance so as to require that the notification be published in at least three issues of the *Gazette* and in at least three issues of one English language and two Chinese language daily newspapers. It is thought that publication in this manner is more likely to bring the proposals to the notice of persons who might wish to make objection or to claim compensation, and is in accordance with the procedure already laid down in the Public Reclamations and Works Ordinance 1956.

The Bill proposes further to amend the principal Ordinance so as to provide that the period within which objections and claims to compensation may be made shall be not less than two months after the date of the first issue of the *Gazette* in which the notification is published instead of the present period of three months. The former is the period within which objections and claims to compensation to proposed undertakings are required to be made under the Public Reclamations and Works Ordinance 1956.

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: —

Subsection (1) of section 3 of the principal Ordinance requires that before the Governor grants or agrees to grant a Crown lease under the Ordinance the Governor in Council must declare that it is expedient

that the lease should be granted. This Bill seeks to amend the principal Ordinance so as to provide that where no objection is made to the grant of a proposed lease it shall be sufficient if such declaration is made by the Governor.

2. This Bill also seeks to amend the principal Ordinance by increasing from seventy-five years to ninety-nine years the term for which the Governor may grant or agree to grant leases under the principal Ordinance without obtaining the authorization of the Secretary of State. This provision will bring the Governor's powers to grant leases under the principal Ordinance into line with his authority to grant leases otherwise than under the principal Ordinance.

3. It is further sought to amend the principal Ordinance so as to provide that in the case of every lease proposed to be granted under the Ordinance a notification of the lease, setting out the terms of the lease and a description of the property to be demised and containing a notice calling for objections and claims to compensation to be made under the Ordinance, shall be published—

- (a) in three issues of the *Gazette*; and
- (b) in at least three issues of one English language and two Chinese language daily newspapers; and
- (c) by posting the notification in the English and Chinese languages near the site of the property to be demised.

4. This amendment incorporates into the principal Ordinance provisions similar to those contained in section 2 of the Public Reclamations and Works Ordinance 1956 relating to publication of notification of undertakings proposed under that Ordinance. It is thought that publication of the matters contained in the notification in daily newspapers would be more likely to bring such matters to the notice of persons who might wish to make objection or to claim compensation under the Ordinance than publication in the *Gazette* and that publication in three issues of the *Gazette* is sufficient for the purposes of the Ordinance.

5. A further amendment is sought so as to provide that the period within which objections and claims to compensations may be made shall be such period, being not less than two months after the date of the first issue of the *Gazette* in which the notification is published, as may be specified in the notice contained in the notification.

6. Clause 4 of the Bill seeks to amend paragraph (a) of section 4 of the principal Ordinance so as to provide that a licence or consent to use property leased under the Ordinance for purposes other than a purpose specified in the lease may be signified by an officer authorized by the Governor and also to make a consequential amendment to paragraph (b) of that section.

**MERCHANT SHIPPING (ALIENS EMPLOYMENT)
(AMENDMENT) BILL 1966**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Merchant Shipping (Aliens Employment) 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.

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

Proposed Amendment.

1. Leave out "1965" and substitute therefor the following—
"1966".

Clause 1, as amended, was agreed to.

Clauses 2 and 3 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Bill before Council 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.

NEXT MEETING

HIS EXCELLENCY THE GOVERNOR: —That concludes the business for today.
The next meeting of Council will be held on the 2nd February.
