

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 28th September 1966****PRESENT**

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR DAVID CLIVE CROSBIE TRENCH, KCMG, MC
THE HONOURABLE THE COLONIAL SECRETARY
MR MICHAEL DAVID IRVING GASS, CMG
THE HONOURABLE THE ATTORNEY GENERAL (*Acting*)
MR DENYS TUDOR EMIL ROBERTS, OBE, QC
THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS
MR JOHN CRICHTON McDOUALL, CMG
THE HONOURABLE THE FINANCIAL SECRETARY
MR JOHN JAMES COWPERTHWAITHE, CMG, OBE
THE HONOURABLE DAVID RONALD HOLMES, CBE, MC, ED
DIRECTOR OF COMMERCE AND INDUSTRY
THE HONOURABLE ROBERT MARSHALL HETHERINGTON, DFC
COMMISSIONER OF LABOUR
THE HONOURABLE GEOFFREY MARSH TINGLE
DIRECTOR OF URBAN SERVICES
THE HONOURABLE ALASTAIR TODD
DIRECTOR OF SOCIAL WELFARE
THE HONOURABLE IAN MacDONALD LIGHTBODY
DISTRICT COMMISSIONER, NEW TERRITORIES
THE HONOURABLE KENNETH JOHN ATTWELL
ACTING DIRECTOR OF EDUCATION
THE HONOURABLE JAMES JEAVONS ROBSON
ACTING DIRECTOR OF PUBLIC WORKS
DR THE HONOURABLE ANTHONY HENRY REGINALD COOMBES, MBE
ACTING DIRECTOR OF MEDICAL AND HEALTH SERVICES
THE HONOURABLE DHUN JEHANGIR RUTTONJEE, CBE
THE HONOURABLE KAN YUET-KEUNG, 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 ELLEN LI SHU-PUI, OBE
THE HONOURABLE JAMES DICKSON LEACH, OBE

IN ATTENDANCE

THE DEPUTY CLERK OF COUNCILS
MR DONALD BARTON

MINUTES

The Minutes of the meeting of the Council held on 7th September 1966, 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 Papers 1966: —	
No 12—Annual Report by the Commissioner of Mines for the year 1965-66.	
No 13—Annual Report by the Postmaster General for the year 1965-66.	
No 14—Annual Report by the Director of Commerce and Industry for the year 1964-65.	
Statement of Accounts and the Report on the Administration of the Preventive Service Welfare Fund for the year ended 31st March, 1966.	
Report of the Kadoorie Agricultural Aid Loan Fund Committee for the year 1965-66.	
Report on the Administration of the J. E. Joseph Trust Fund during the period 1st April, 1965 to 31st March, 1966.	
Report of the Fish Marketing Organization for the year ended 31st March, 1966.	
Annual Report of the Sir Robert Black Trust Fund Committee for the year ending 31st March, 1966.	
Telecommunication Ordinance 1962.	
Telecommunication (Control of Interference) Regulations 1966	65
Stamp Ordinance.	
Stamp (Amendment of Schedule) Regulations 1966	68
Pensions Ordinance.	
Pensionable Offices Order 1966	69

QUESTIONS

MR DICKSON LEACH, pursuant to notice, asked the following question: —

Sir, having regard to the restricted free car parking facilities in the Central district, would Government consider, at

relatively low cost, the bulldozing or mechanical grading of the Old Naval Dockyard site to level off the ground and the removal of boulders, etc. to make additional space available for the parking of motor vehicles?

MR J. J. ROBSON replied as follows: —

Your Excellency, there are two areas of the old Dockyard site lying each side of the new Kapok Drive on which the public enjoy the privilege of free parking at the present moment. The one to the east of the new road has been restricted in size so as to provide works sites for the PWD contractors engaged on the road project and there would be little point in improving conditions here until such time as the contractor is off the site.

The considerable area to the west could, however, be improved as suggested by my honourable Friend Mr LEACH as this would increase the present capacity of 700 cars by about 10%. Consideration has been given to doing this and surfacing the area so as to create a new “open air car park” for which charges would have to be made in line with the decisions taken in Executive Council on 1st March this year. There was little point in proceeding with this idea unless it was reasonably certain that the new car park would have a life of two or three years, and as it was hoped to start work on the construction of a multi-storey car park at the corner of Murray Road and Harcourt Road which would require a large part of the site, the idea was shelved.

It has since transpired that work on this multi-storey car park must be delayed pending the report of the Mass Transit Consultants as the site may be affected by their proposals. Consideration therefore has again been given to creating a new open air car park on the old Dockyard area and the problem referred to the Traffic Advisory Committee for their advice.

The Committee have decided to recommend to Government that the car park should be levelled and surfaced and operated as an open air car park by the Urban Council at the usual charges.

MR DICKSON LEACH: — Thank you, Sir. May I ask a supplementary question?

In the future, when other suitable cleared areas or reclamations are available and the sale of the land or eventual building by Government is not to take place within a reasonably short period, would similar considerations apply?

MR J. J. ROBSON: —This is normally the case and I can certainly give this assurance. We are trying to see if this can be extended, in actual fact, to certain private sites where work has stopped, but it is too early to give an answer on that point.

IMPORTATION AND EXPORTATION ORDINANCE

MR D. R. HOLMES moved the following resolution: —

Resolved, pursuant to section 13 and 16 of the Importation and Exportation Ordinance, that the Importation and Exportation (Registration of Imports and Exports) Regulations 1966, made by the Governor in Council on the 13th day of September 1966, under section 13 of that Ordinance, be approved.

He said: —Honourable Members will recall that on the introduction of the Importation and Exportation (Amendment) Bill 1966, on 24th August, I spoke at some length about the purpose of that Bill and I outlined the measures which the Government proposed to take in order to charge a small *ad valorem* fee on declarations of imports and exports. The Regulations before Council today, Sir, were made by Your Excellency in Council on 13th September 1966, and they now require the approval of this Council before they can be brought into force.

These regulations were published for general information on Friday, 16th of this month, and we have done our best to bring them to the attention of the business community at large by the distribution of notices and also by means of publicity in the press and so forth.

I think Council should know, Sir, that I have recently received certain representations about this *ad valorem* fee. It has been argued that the charge, although it is only one twentieth of one per cent, will nevertheless affect some industries more than others, and that its incidence will fall unfairly upon those industries in which only a small value is added by the local manufacturing processes; small that is in relation to the value of the raw material. It has accordingly been suggested that arrangements should be made to charge the fee only upon the value added to materials brought into Hong Kong for processing for export. I have had to point out in reply that if a major change of this kind were to be made, the new charges would have to be a good deal higher than 0.05%, that the process of collection would be complex and expensive, and that I could not imagine any industry welcoming the detailed enquiries which would be necessary in order to establish just what value has been added during the process of manufacture. Much careful thought has been given to these measures, Sir, both by the Government and also by the main commercial and industrial

associations, and I must say I think it unlikely that this small levy will cause serious anomalies or inequities. But if experience should show that it does so, then naturally I and my colleagues will be ready to review the position in consultation, as always in such matters, with the representatives of the business community. In the course of the discussions arising from these representations the fear has also been expressed that when the new charges come into force the shipment of goods into or out of the Colony may be delayed pending enquiries about the accuracy of the statistical declarations. On this point I have been able to give an unqualified assurance, since the regulations confer no power to impose any delay whatever either on the movement of goods or on any other aspect of the business transactions with which they are concerned.

Apart from this there has recently also been some repetition of misgivings of amore general nature and I think I should repeat what I said in this Council a little over a month ago. "The whole point of the present proposals is that the *ad valorem* charge is to be a very small charge and will for that reason not constitute a burden upon trade. It can be increased only with the authority of this Council, and I am confident that this Council will scrutinize most carefully and critically, either now or in the future, any proposal which, on the pretext of seeking the means to promote trade, seems likely to impose a damaging burden upon it." The Government, I should add, has no intention whatever of seeking to increase the amount of these charges or of using the proceeds for any purpose other than the special and limited purpose of financing the work of the new Trade Development Council.

Turning now, Sir to the Regulations themselves; Members will have studied the text and the explanatory note and I do not think that it is necessary for me to take up much time in describing the provisions. Basically the regulations make the following changes in the existing procedures which have been in operation for many years: —

They re-define the articles to which the regulations do not apply and as a result bring within the scope of the regulations postal packets valued at over \$4,000.

They make provision for a fee of \$2 for any declaration covering goods valued at under \$4,000; and for every declaration relating to the import of foodstuffs, whatever the value of the consignment, this same flat rate of \$2 will be charged as at present.

In respect of all other declarations they prescribe an *ad valorem* charge of 50 cents per \$1,000 or part thereof.

Declarations have to be made in duplicate. Persons making the declarations can either deposit them in person or send them by post. The fee is payable either in cash or by cheque.

Finally, Sir, I would like to assure Council that we have done our best to ensure that the new arrangements will not cause delays in the declaration process, or in any other way impose a new burden upon the business community. Additional staff have been taken on, and some alterations have been made in the lay-out of the premises, counters, and so forth where the declarations are made. The regulations include sanctions intended to safeguard the accuracy of our statistics as well as to protect the revenue, and we shall not hesitate to use these if the need arises. But before doing so we shall, as we always do, seek to produce the desired effect through persuasion and explanation and co-operation with the business community, and resort to the use of penal sanctions only if other methods fail.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

INTERPRETATION AND GENERAL CLAUSES BILL 1966

THE ATTORNEY GENERAL moved the First reading of a Bill intituled: "An Ordinance to consolidate and amend the law relating to the construction, application and interpretation of laws, to make general provisions with regard thereto, to define terms and expressions used in laws and public documents, to make general provision with regard to public officers, public contracts and civil and criminal proceedings and for purposes and for matters incidental thereto or connected therewith."

He said: —The present Interpretation Ordinance was enacted in 1950, shortly before the last revised edition of the laws of Hong Kong was brought into force, and has been amended on ten occasions. A new revised edition has, as honourable Members know, been in preparation for some time and will, it is hoped, be ready for issue in the next few weeks. It was therefore considered appropriate that, in conjunction with the production of the new edition, the opportunity should be taken to revise and expand our interpretation provisions, bearing in mind the changes which have occurred in the past 16 years, both in the circumstances of Hong Kong and in the forms and methods of legislative drafting.

A majority of the clauses of the Bill reproduces, though sometimes with modifications, sections of the existing Interpretation Ordinance. In addition to this source, legislation on this subject in the United Kingdom and seven member countries of the Commonwealth has been examined and provisions from these sources which are thought desirable have been included in the Bill. The Bill is much more comprehensive than the U.K. Interpretation Act, which has not been extensively overhauled since 1889.

As its title implies, an Interpretation and General Clauses Ordinance has two main tasks. Firstly, it defines words and expressions which frequently appear in enactments so that it becomes unnecessary to include a definition of them in each separate piece of legislation. Secondly, it performs a residuary function, containing a number of general provisions and powers which are applicable in relation to many other pieces of legislation, but for which it is difficult to find an appropriate place in the laws.

It should be emphasized that, although the Bill is stated in clause 2 to apply generally to all Ordinances whether passed before or after it, specific provisions in any other Ordinance which differ from the Bill will prevail over the Bill. If, for example, a word is defined in another Ordinance in a different way from its definition in the Bill, the Ordinance definition will prevail.

Since most of the clauses in the Bill are already to be found in the law of Hong Kong, I shall confine my remarks to some of the more important of the twenty or so clauses which introduce new law and to a few of the other clauses which contain substantial modifications of existing law. A full list of clauses which are new to Hong Kong law will be found in the Objects and Reasons attached to the Bill.

In Part II of the Bill, clause 3 defines about 120 individual words and phrases, approximately one-third of which are new. If properly used, this clause should be of considerable help to draftsmen of other enactments, who will not need to include in them definitions of any of the terms contained in clause 3.

Clause 4 proposes a flexible method of defining the terms "Commonwealth" and "British Territory", both of which will be based on lists of countries contained in notices to be published by the Governor, to enable the definitions to be altered as the composition of the Commonwealth changes.

In several English enactments which are in force in Hong Kong there are references to pounds sterling, for example, in the amount of fines which can be imposed under English Acts and Clause 10 provides that such references are to be construed as meaning 16 times that number of Hong Kong dollars.

Parts III and IV contain no provisions which substantially alter the law as it now stands.

In Part V, clause 28 enlarges the present provisions on the making of subsidiary legislation in three ways—

Firstly, by providing that no subsidiary legislation shall conflict with its parent Ordinance;

Secondly, by raising the maximum fine which can be imposed by subsidiary legislation, in the absence of any special provision for a larger sum, from 1,000 to 2,000 dollars, in view of the decline in the value of money since the figure of 1,000 dollars was fixed in 1950;

Thirdly, by stating that subsidiary legislation may provide for the imposition of fees and charges in respect of matters done under the parent Ordinance or under the subsidiary legislation itself.

Clause 34, dealing with the laying of subsidiary legislation before this Council, requires resolutions passed by Council amending subsidiary legislation to be published in the *Gazette* within 14 days, or such longer period as the Governor may allow.

Part VI contains several new provisions on the subject of powers.

By clause 40, where an Ordinance confers power to prohibit, control or regulate any matter, a licensing system may be adopted to make this power effective. Further, power to issue licences, leases, permits and authorities is to confer also power to impose reasonable conditions. Clause 41 is complementary to clause 40, in the sense that it is made clear that the issue of licences and permits is discretionary.

Clause 43 is designed to deal, in a limited way, with the problem of the delegation of powers and duties by public officers. Many statutory powers and duties are conferred or imposed by Ordinances upon the holders of named public offices. As more and more powers are so imposed and as the government's activities widen, it becomes impossible for the holder of the named public office to exercise all these powers personally. It therefore becomes necessary for some method to be devised whereby he may delegate these powers to suitable public officers. In some Ordinances, a power to delegate has been included, but in most it has not. The objection to giving a general authority to all public officers to delegate any of their powers to any other public officer is that a head of department might delegate important powers to officials who might not be of sufficient experience to exercise them responsibly.

Clause 43, therefore, seeks to provide a compromise solution and before a public officer may delegate powers or duties, he must first be authorized to do so by the Governor, so that there will remain a central control of delegations.

Part VII of the Bill expands the law governing the appointment and functions of boards, tribunals, committees and similar bodies. Clause 50 allows for the appointment of alternate and temporary members. Clause 51 preserves the validity of the proceedings of such bodies notwithstanding minor irregularities. Clause 52 deals with voting and clause 53 with the procedure for fixing the seal of a body corporate to a document.

In Part VIII, clause 55 empowers the Governor to change the title of a public office or Government department by notice in the *Gazette*. By clause 57, he can direct one public officer to perform the duties of another, in the event of the absence or inability of the substantive holder.

In Part IX, subclause (4) of clause 65 seeks to clarify the generally accepted view, which has however, not been without doubt, that the Governor in Council, when considering appeals to him, is acting not in a judicial or quasi-judicial capacity (using those terms in a technical sense) but in an administrative capacity. When dealing with appeals, the Governor in Council may consider any evidence, advice or information in reaching his decision. The effect of this is that the Governor in Council is entitled to take into account not only policy considerations but other information and evidence which may not have been known to the person against whose decision the appeal has been lodged, and which are often essential factors to be weighed before reaching a conclusion on the appeal. I should perhaps make it clear that appeals which are considered by the Governor in Council are almost always against decisions which themselves contain an administrative element and that this clause does not in any sense withdraw from the ordinary courts matters which normally fall within their sphere.

Part XI introduces more detailed provision for the interpretation of those English laws which apply in Hong Kong. Generally, it may be said that English Acts are to be construed, firstly in accordance with their own interpretation provisions, secondly, in accordance with the English Interpretation Act and thirdly, so far as the first two methods do not cover the matter, in accordance with the Bill.

In Part XII, clause 85 reproduces as a general provision a section which already appears in individual Ordinances making a company director liable for an offence committed by the company if it was done with his knowledge or connivance.

Clause 93 deals with the situation which may arise when the penalties for an offence are altered and ensures that an offender shall be liable only to the penalty in force at the time of the offence.

By clause 97 the Governor may reduce, vary, remit or refund fees or charges payable to the Crown under any Ordinance, a power formerly vested in the Governor in Council. This change will avoid the necessity of referring trivial cases of refunds to Executive Council. In the case of important refunds, the Governor would, no doubt, wish to consult Executive Council anyway, in accordance with Royal Instructions.

This Bill would replace five other Ordinances, all of which would be repealed by clause 103, so that, so far as possible, all general clauses may be consolidated into one Ordinance.

Sir, I beg to move.

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: —

A new revised edition of the Laws of Hong Kong is now in an advanced stage of preparation. It is therefore considered that the time is appropriate to replace the existing Interpretation Ordinance with new provisions. The opportunity has been taken to expand the Ordinance by introducing a number of new provisions which are to be found in the legislation of other territories but are not at present part of the law of Hong Kong. Throughout the Bill, an attempt has been made to clarify provisions which have caused difficulty in interpretation in the past.

2. By clause 2, the Bill will apply to the interpretation of an Ordinances, whether passed before or after the date of commencement of the Bill, subject to the overriding rule that the provisions of the Bill will not apply where the context of any Ordinance otherwise requires.

3. Part II deals with the interpretation of words and phrases, and is largely based on the provisions of the existing Interpretation Ordinance (Cap. 1). There are, however, a number of new definitions included in clause 3, to simplify the drafting of Ordinances. Clause 9 includes a new provision to deal with possible inconsistencies between the meaning of English and Chinese words when both are used in Ordinances. Clause 10, which is also new, is designed to deal with references to sterling in English legislation which applies in the Colony.

4. In Part III, clauses 18 and 19 are new. Clause 18 gives legislative backing to the practice of including sidenotes to equivalent English legislation. Clause 19 restates the common law rule of general interpretation.

5. In Part IV, the new clauses are 26 and 27. Clause 26 merely states the present position in law in statutory form. Clause 27 deals with the expiry or lapse of an Ordinance, which will have the same effect as a repeal.

6. Part V makes special provision for subsidiary legislation and includes new provisions in clauses 28 and 33. In clause 28, dealing with the powers which are deemed to be conferred on any person empowered to make subsidiary legislation, paragraphs (a), (b) and (g) are

new. Clause 33 provides that acts done under subsidiary legislation are deemed to be done under the Ordinance under which that subsidiary legislation is made.

7. Part VI contains new provisions in clauses 38, 40, 41, 43, 45 and 47. Clause 38 introduces a presumption that powers conferred by an Ordinance have been properly exercised if the instrument in which the power is exercised states that they have been properly exercised. Clause 40(2) gives a general power to carry out the provisions of an Ordinance by licensing and imposing conditions. Clauses 40(3) and (4) deal with the position where an Ordinance refers to "as the Governor may appoint" (or some similar phrase) but omits to confer a specific power of appointment. Clause 41 makes it clear that the power to grant licences, etc. is discretionary. Clause 43 gives power to a public officer to delegate powers conferred on him by law. Clause 45 makes provision for the exercise of powers where a public office is vacant or abolished. By clause 47, appointments may be back dated to the date of the assumption of duties by the appointee.

8. Part VII greatly expands the existing law dealing with boards, committees and similar bodies. Clause 49 confers a power to appoint a public officer to any board by his official designation. Clause 50 allows for the appointment of alternate and temporary members of boards. Clause 51 preserves the validity of the acts of boards in certain circumstances where irregularities have occurred. Clauses 52(2) and (3) give a casting vote to the chairman of a board and provide for the signification of a board's decisions. Clause 53 deals with corporation seals.

9. Part VIII is mainly taken from existing legislation, including the Law Amendment (Miscellaneous Provisions) Ordinance (Cap. 23) (clauses 59 to 61) and the Official Signatures (Fees) Ordinance (Cap. 88) (clause 62).

10. Part IX contains no new clauses, save that clause 65(4), dealing with appeals to the Governor in Council, is intended to make it clear that the Governor in Council considers appeals in an administrative and not a judicial or quasi-judicial capacity.

11. Part X incorporates the Summer Time Ordinance 1953 (No. 20 of 1953). Clause 73 deals with the power of courts and other authorities to extend time.

12. Part XI introduces more detailed provisions for the interpretation of imperial enactments.

13. In Part XII, clauses 83, 85, 92 and 93 are new. The Compensation (Special Cases) Ordinance (Cap. 118) is incorporated in this part, as are sections from the Official Signatures (Fees) Ordinance. Clause 83 extends powers which are exercisable in connexion with an

offence to kindred offences. Clause 85 introduces a general provision as to the liability of directors and other officers of a company, which is already to be found in individual Ordinances. Clause 92 deals with signature of fiats and other documents of authority. Clause 93 provides for the situation where penalties are altered between the offence and conviction.

14. Part XIII. Clause 100 gives statutory authority to the practice of reprinting individual Ordinances. Clause 101 empowers public officers and others to withhold any act for which payment is required until payment is made. Clause 102 enables the Governor to amend the various boundaries specified in the Schedules by notice in the *Gazette*. Clause 103 repeals the various Ordinances, the provisions of which are included in the Bill, and also the Public Officers (Conviction of Crime) Ordinance (Cap. 91) which provides for forfeiture of pension by a public officer on a conviction, a matter which is adequately covered by the Pensions Ordinance (Cap. 89).

SUPPLEMENTARY APPROPRIATION (1965-66) BILL 1966

THE FINANCIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance to authorize a supplementary appropriation to defray the charges of the financial year ended the 31st day of March 1966."

He said: —This Bill seeks to give final legislative authority, so far as that is necessary, for the supplementary expenditure already authorized by Resolution of this Council, and is the final stage in disposing of expenditure incurred during the last financial year.

The gross total of supplementary provisions approved during the year was \$279.6 million but there were savings of \$221.9 million, so that total expenditure was \$57.7 million in excess of the original estimate of \$1,711 million.

The original estimates were given legislative form in the Appropriation (1965-66) Ordinance 1965, which authorized a specific sum under each Head of Expenditure. It is necessary to legislate further now in respect of those individual Heads of Expenditure where the net effect of supplementary provision, and of underspending if any, has resulted in an excess over the original sum authorized against these particular Heads in the Appropriation Ordinance. The total supplementary expenditure requiring this further legislative authority is \$120 million under twenty-nine Heads.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

MEDICAL REGISTRATION (AMENDMENT) BILL 1966

DR A. H. R. COOMBES moved the First reading of a Bill intituled "An Ordinance further to amend the Medical Registration Ordinance 1957."

He said: —the amendments sought are set out in detail in the Objects and Reasons appended to the Bill—the *main* purpose of which is to enable new Regulations to be made which will cover—more precisely than at present—the arrangements for the handling of complaints or information laid against registered medical practitioners particularly in respect of the membership of the Preliminary Investigation Committee.

The amending clauses of this Bill and the proposed regulations to be made under it have been considered by the Medical Council of Hong Kong, the Hong Kong Chinese Medical Association and the Hong Kong Branch of the British Medical Association — each of which has offered no objections and has recommended that these amendments be approved.

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 main object of this Bill is to seek amendment of section 31 of the Medical Registration Ordinance 1957 which relates to the powers of the Governor in Council to make regulations. It is considered desirable that the power of the Governor in Council to make regulations providing or prescribing for matters connected with disciplinary proceedings against registered medical practitioners under Part IV of the Ordinance, at present set out in paragraph (g) of section 31, should be defined in more detail than at present.

2. Clause 5 of the Bill, therefore, seeks to amend section 31 of the Ordinance by the deletion of paragraph (g) and also paragraph (h), which relates to the issue of medical certificates of death, and to substitute therefor paragraphs (g), (h), (i) and (j). Paragraphs (g), (h) and (i) provide for the making of regulations in connexion with disciplinary proceedings under Part IV and set out in more detail the matters which may be provided for by such regulations. Paragraph (j) re-enacts the provision at present contained in paragraph (h) relating to the issue of medical certificates of death.

3. It is further sought to amend section 31 of the Ordinance to enable regulations to be made providing or prescribing for the duties of the Secretary of the Council.

4. It is also sought in clause 4 of the Bill to amend section 20 of the Ordinance so as to make clear that the Medical Council may only make an order under subsection (1) of section 20 in a case which has been referred to it by the Preliminary Investigation Committee in accordance with regulations made under section 31. At present such a provision is contained in regulations made under section 31 but it is considered that it should be contained in the Ordinance rather than in regulations.

5. A further amendment is sought in clause 2 of the Bill to provide for the inclusion in section 2 of the Ordinance of the definitions "Chairman" and "Secretary".

HONG KONG TRADE DEVELOPMENT COUNCIL BILL 1966

MR D. R. HOLMES moved the Second reading of a Bill intituled "An Ordinance to provide for the establishment of the Hong Kong Trade Development Council, to define its powers and functions and to provide for matters connected therewith or incidental thereto."

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 4 were agreed to.

MR D. R. HOLMES: —Sir, I rise to move that clause 5 be amended as set forth in the paper before honourable Members.

Proposed Amendment

5. In paragraph (d) of subclause (1), leave out the word "media" and substitute therefor the following: —
"material".

Clause 5, as amended, was agreed to.

Clauses 6 to 26 were agreed to.

Council then resumed.

MR D. R. HOLMES reported that the Hong Kong Trade Development Council Bill 1966 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.

NEXT MEETING

HIS EXCELLENCY THE GOVERNOR: —That concludes the business for today. The next meeting of Council will be held on 12th October.