

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 23rd August 1967****PRESENT**

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT
(*PRESIDENT*)
MR MICHAEL DAVID IRVING GASS, CMG
THE HONOURABLE THE COLONIAL SECRETARY (*Acting*)
MR DAVID RONALD HOLMES, CBE, MC, ED
THE HONOURABLE THE ATTORNEY GENERAL (*Acting*)
MR GRAHAM RUPERT SNEATH, QC
THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS (*Acting*)
MR PAUL TSUI KA-CHEUNG, MBE
THE HONOURABLE THE FINANCIAL SECRETARY
MR JOHN JAMES COWPERTHWAIT, CMG, OBE
THE HONOURABLE ALEC MICHAEL JOHN WRIGHT, CMG
DIRECTOR OF PUBLIC WORKS
DR THE HONOURABLE TENG PIN-HUI, CMG, OBE
DIRECTOR OF MEDICAL AND HEALTH SERVICES
THE HONOURABLE WILLIAM DAVID GREGG
DIRECTOR OF EDUCATION
THE HONOURABLE ROBERT MARSHALL HETHERINGTON, DFC
COMMISSIONER OF LABOUR
THE HONOURABLE ALASTAIR TODD
DIRECTOR OF SOCIAL WELFARE
THE HONOURABLE TERENCE DARE SORBY
DIRECTOR OF COMMERCE AND INDUSTRY
THE HONOURABLE GEOFFREY MARSH TINGLE
DIRECTOR OF URBAN SERVICES
THE HONOURABLE KENNETH STRATHMORE KINGHORN
DISTRICT COMMISSIONER, NEW TERRITORIES
THE HONOURABLE DHUN JEHANGIR RUTTONJEE, CBE
THE HONOURABLE KAN YUET-KEUNG, CBE
THE HONOURABLE LI FOOK-SHU, OBE
THE HONOURABLE FUNG HON-CHU, OBE
THE HONOURABLE TANG PING-YUAN, OBE
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 WILFRED WONG SIEN-BING, OBE
THE HONOURABLE ELLEN LI SHU-PUI, OBE

ABSENT

DR THE HONOURABLE CHUNG SZE-YUEN
THE HONOURABLE MICHAEL ALEXANDER ROBERT YOUNG-HERRIES, MC

IN ATTENDANCE

THE DEPUTY CLERK OF COUNCILS
MR DONALD BARTON

MINUTES

The minutes of the meeting of the Council held on 2nd August 1967 were confirmed.

PAPERS

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

<i>No</i>	<i>Subject</i>	<i>LN</i>
Subsidiary Legislation: —		
	Protection of Non-Government Certificates of Origin Ordinance.	
	Protection of Non-Government Certificates of Origin Ordinance (Amendment of Schedule) Order 1967	122
	Interpretation and General Clauses Ordinance.	
	Specification of Public Office	123
	Interpretation and General Clauses Ordinance.	
	Notice under section 46	124
	Post Office (Amendment) Regulations 1967.	
	Post Office (Amendment) Regulations 1967 (Commencement) Notice 1967.....	125
	Road Traffic Ordinance.	
	Road Traffic (Taxis, Public Omnibuses and Public Cars) (Amendment) Regulations 1967	126
	Boilers and Pressure Receivers Ordinance.	
	Boilers and Pressure Receivers (Forms) (Amendment) Order 1967	127
	Immigration (Control and Offences) Ordinance.	
	Immigration (Control and Offences) (Amendment) (No 2) Regulations 1967	128
	Merchant Shipping Ordinance.	
	Merchant Shipping (Fees) (Amendment) Regulations 1967	129
	Interpretation and General Clauses Ordinance.	
	Delegation by Officer administering the Government	130
	Legal Practitioners Ordinance.	
	Solicitors (Trade Marks) Costs Rules 1967	131
Report: —		
	Report of the Hong Kong Export Credit Insurance Corporation and Accounts for the period ended 31st March 1967.	

MAGISTRATES ORDINANCE

THE ATTORNEY GENERAL moved the following resolution:—

Resolved, pursuant to section 133 of the Magistrates Ordinance, that Magistrates (Forms) (Amendment) Rules 1967, made by the Chief Justice on the 27th day of July 1967 under section 133 of that Ordinance, be approved.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

**HONG KONG EXPORT CREDIT INSURANCE CORPORATION
ORDINANCE**

THE FINANCIAL SECRETARY moved the following resolution:—

Resolved, in exercise of the power conferred by section 23 of the Hong Kong Export Credit Insurance Corporation Ordinance, that the contingent liability of the Hong Kong Export Credit Insurance Corporation under contracts of insurance shall not at any time exceed the sum of five hundred million dollars.

He said:—Sir, section 23 of the Ordinance provides that the contingent liability of the Export Credit Insurance Corporation under contracts of insurance should not at any time exceed the sum of \$300 million or such sum as may be determined by this Council by resolution.

I had thought that the present limit of \$300 million would suffice for a substantial length of time but the Commissioner and his staff have been so remarkably successful in persuading our businessmen of the value of the credit insurance the Corporation offers, that to-day, less than eight months since it opened its doors for business, the Corporation's contingent liability has reached \$206 million. Business is still expanding rapidly and, if we are not to have a situation where the Commissioner has to turn business down, it is clear that we must raise the present limit. The resolution before Council proposes an increased limit of \$500 million.

I recall that when I introduced the original Bill I said that*, as guardian of the public purse, I must admit to cold feet at times when I contemplated \$300 million or more of public funds being at risk at one time on contracts of credit insurance. I must confess, however, that my nervousness has been considerably reduced by the Corporation's performance to date, and I am hopeful that it can 'build up substantial

* 1966 Hansard, page 438.

reserves so that it may be able to reply increasingly on its own resources to meet future claims.

I have, therefore, no hesitation in commending this resolution to honourable Members.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

SUPPLEMENTARY PROVISIONS FOR THE QUARTER ENDED 31ST MARCH 1967

THE FINANCIAL SECRETARY moved the following resolution:—

Resolved that the Supplementary Provisions for the Quarter ended 31st March 1967, as set out in Schedule No 5 (final) of 1966 - 67, be approved.

He said:—Sir, the final Schedule for the fourth quarter of the 1966-67 financial year, covers supplementary provision totalling \$16.5 million. Of this sum \$7.5 million was required to augment provision under the Pensions Head in consequence of the 1965 salaries revision and of the revised scheme of temporary pensions increases. An additional \$4 million was required to meet the cost of purchases of unallocated stores.

All the items in the Schedule have been approved by the Finance Committee, and the covering approval of this Council is now sought.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

CHINESE PUBLIC DISPENSARIES COMMITTEE (WINDING UP) BILL 1967

THE SECRETARY FOR CHINESE AFFAIRS moved the First reading of:—“A Bill to extinguish certain trusts relating to property formerly managed by a committee known as the Chinese Public Dispensaries Committee.”

He said:—Sir, this is a short and simple Bill designed to enable the holder of the office of Secretary for Chinese Affairs to wind up the affairs of the Chinese Public Dispensaries Committee which has ceased to function since 1941, and the circumstances in which the trusts came to be created no longer pertain.

Perhaps, Sir, I should at this stage, provide for the benefit of honourable Members of this Council, a brief account of the said circumstances.

The Chinese Public Dispensaries were instituted in March 1905, at a time when basic knowledge of sanitation and modern medicine were viewed with strong prejudice by the local population, and the practice of placing dead bodies in the streets, particularly those of infants had become a scandal. Indeed records available show that 614 bodies in Victoria and 259 in Kowloon were found dumped in the street in 1905, and the corresponding numbers for 1906 were 796 and 581 respectively. The contemporary Annual Report of my predecessor described the growth of the practice as due to dread of the consequences of death having resulted from plague and it was decided to try to see what could be done to lessen this fear. Two eminent Chinese gentlemen, the late FUNG Wah-chun and the late LAU Chu-pak, who were members of the Sanitary Board at the time, consulted the then Registrar General, Mr BREWIN, as to what steps could be taken to stop the practice. Application was made for permission for the Tung Wah Hospital to open branch offices in various parts of the town and to have in attendance licentiates of the Chinese College of Medicine and an interpreter; sick persons would then have their complaints diagnosed by competent doctors and in the case of infectious diseases (where the removal of the patient and disinfection of the premises was necessary) the relatives would have the assistance of an interpreter to tell them exactly what was to be done and to interpret their wishes. Permission was obtained also for the removal of dead infants to the offices and a reward of a dollar was offered in each case.

The Dispensaries were intended to provide Western-style medical diagnosis and treatment of infectious diseases in the various urban localities of Hong Kong and Kowloon and to bring the population into closer touch with the Government in all sanitary matters. Amongst the activities the Chinese Public Dispensaries Committee initially undertook were the organizing of street lectures on sanitation, provision of treatment to the sick, particularly infants, and the collection and disposal of dead bodies. The cost of buildings, equipment and staff was provided by means of local donations and subscriptions from householders, shopkeepers and local temples.

Initially 4 dispensaries were instituted—at Yau Ma Tei, Hung Hom, Kowloon City and Victoria—under the style of Tung Wah Hospital Branch offices; but it was soon considered better to sever a connexion—which was only nominal—and to regard them as distinct institutions. At the close of the year 1906, a Committee of nineteen was formed to undertake the charge of the dispensaries, as it was hoped ultimately to obtain fuller support by the formation of Street Committees. (I quote) “The Committee look to local street committees to secure the necessary

financial support and make known the benefits of the dispensaries". As can be seen the movement was essentially local, aiming at providing a form of social service meeting a practical need of the locality and of the time. Initiatives and generousities were attributed to leading members of "kaifong" or "fong chung" in some of the related Chinese documents I have seen. Names of eminent gentlemen such as those of the late FUNG Wa-chun, Ho Kam-tong, LAU Chu-pak, LI Yau-chuen, LI Shui-kam, WAI Po-san, WONG Yung-kai, SHAM Shui-chi featured prominently in these documents.

With the development of Government medical services since World War II the usefulness of the Chinese Public Dispensaries has gradually diminished and their responsibilities in the health and medical field have been taken over by an increasingly large number of Government and other Clinics or Health Centres established all over the Colony. In the first phase of the post-war expansion most of the Chinese Public Dispensary buildings have been conveniently used by the Medical and Health Department for regional clinics and the premises at Wan Chai are still used as a maternity home today.

In 1928, when the Secretary for Chinese Affairs was incorporated, the opportunity was taken to vest 14 lots in the corporation in trust for the Chinese Public Dispensaries Committee, being the land on which the various buildings stood. Since that time 5 of the lots have been surrendered to the Crown for the implementation of various projects of development in public welfare. Of the buildings standing on the remaining 9 lots, 3 are still used by Government, 2 by Kaifong Associations, 2 are empty and 2 have since before the War, been rented out to private tenants and are thus protected tenants by virtue of the Landlord and Tenant Ordinance.

As I have said earlier on, the Chinese Public Dispensaries Committee has not been functioning since 1941 and the main social service of these formerly useful institutions are now provided by Government and other bodies. There is thus a need to wind up the affairs of the Chinese Public Dispensaries Committee and to extinguish the trusts in order to enable the Secretary for Chinese Affairs to turn the properties forming the residue of the trusts into better use in the best interest of the local communities. As I hope I have shown, these buildings were provided by means of local donations and subscriptions to meet the needs of local communities at the time, and their support was equally dependent upon the local communities, it is only right, therefore, that any benefit arising out of the residue of the trusts should be directed towards meeting the current needs of the localities at which these properties are located. Since 1963, I have endeavoured and succeeded in obtaining the advice of 4 surviving members of the 1941 Committee of whom, I regret to say, only one survives today. In accordance with their advice, I intend to confer with the appropriate local Kaifongs or

other appropriate representative bodies, with a view to making the best use of these properties for the benefit of the respective local communities, in whatever way seems most advantageous.

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 extinguish certain trusts relating to property held by the Secretary for Chinese Affairs Incorporated in trust for the Chinese Public Dispensaries Committee in order to facilitate the winding up of the affairs of that Committee.

PROTECTION OF NON-GOVERNMENT CERTIFICATES OF ORIGIN BILL 1967

MR T. D. SORBY moved the First reading of:—“A Bill to make provision for the better protection of certificates of origin issued by chambers of commerce and other bodies.”

He said:—Your Excellency, the Bill seeks to substitute for the Protection of Non-Government Certificates of Origin Ordinance 1960 similar but more comprehensive legislation which will align it more readily with the legislation on the basis of which Hong Kong Government certificates of origin are issued.

It is unnecessary for me to comment in detail on the importance of certificates of origin to our economy. In a free port which is also a major producer of industrial manufactures for export, the certificate of origin has a special part to play in maintaining access for our products to the markets of the world. Many countries which restrict import of Chinese and Japanese goods accord unrestricted entry to Hong Kong goods as a result of our international trading rights. Their customs authorities naturally try to ensure that their import regulations are not circumvented, and to this end they ask for certificates of origin for imports from Hong Kong. They have a right to expect that these certificates mean precisely what they say.

We have consistently provided assurances to our international trading partners that they can continue to accept approved certificates of origin, whether Government or non-Government, for goods imported from Hong Kong with full confidence in their integrity. In order to

ensure that confidence in our certificates is maintained at a high level, Government has in recent years worked very closely with the approved non-Government organizations to improve co-ordination between them, to standardize rules of origin, to establish common procedures for the issue of certificates and now to align as nearly as possible the legislation governing both categories of certificates. The fact that the Commerce and Industry Department will now, in law as well as in practice, bear specific responsibility for investigations and prosecutions involving non-Government as well as Government certificates will also help to promote overseas confidence in non-Government certificates of origin.

I draw the attention of honourable Members to the Second Schedule of the Bill which records the names of two Chambers of Commerce and two industrial organizations which have been notified by this Government to the United Nations under the 1923 Customs Formalities Simplification Convention as competent to issue certificates of origin. Between them these four organizations issue some 15,000 certificates of origin each month.

I should like to take this opportunity of placing on record my determination that Hong Kong's origin certification system, for which Government bears an international responsibility, will continue to protect both Hong Kong industry and our trading partners overseas from false origin declarations. We simply cannot allow a few unscrupulous people to endanger the integrity of the system as this could have very serious and far-reaching consequences for Hong Kong. My department will therefore continue to work with the Scheduled non-Government organizations to prevent malpractice of any kind.

Sir, with these few words, I commend this Bill to honourable Members for their approval.

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 Bill seeks to repeal and replace the Protection of Non-Government Certificates of Origin Ordinance in order that the law governing the issue of non-government certificates of origin be brought into line so far as possible with the law governing the issue of Government certificates of origin.

Clause 3 provides that any chamber of commerce or other body that is specified in the Schedule may issue certificates of

origin in respect of any article manufactured, processed or produced in Hong Kong or any other country that has been or is to be exported or re-exported from Hong Kong.

Clause 4 gives a discretion to the chambers of commerce or other bodies to refuse to issue certificates of origin and to revoke those certificates already issued.

Clause 5 provides for the maintenance of registers by the specified chambers of commerce and other bodies. A discretion is vested in these bodies to enter or refuse to enter the name of any person in their registers. An applicant for registration under this clause may be required to give an undertaking in respect of the conduct of his business. The name of any person who fails to maintain specified records of the manufacture, processing, production or sale of his goods may be deleted from the register.

Under clause 6 any person who applies for registration with any of the specified chambers of commerce or other bodies or for the issue of a certificate of origin may be called upon to produce evidence in support of the application.

Clause 9 provides that a person may be charged with an offence under the Ordinance at any time within two years of the date of the commission of the alleged offence.

Clause 10 vests powers for the investigation of suspected offence under the Ordinance in authorized officers, who are defined in clause 2, and in police officers of or above the rank of inspector.

Clause 11 vests a power of arrest of any person reasonably suspected of having committed an offence under the Ordinance in authorized officers.

Clause 12 empowers the Governor in Council to amend the Schedule. Clause 13 is a saving clause; and clause 14 repeals the existing Protection of Non-Government Certificates of Origin Ordinance (Chapter 324).

Set out in the Schedule are the chambers of commerce and other bodies to which the Ordinance will apply.

CITY HALL (AMENDMENT) BILL 1967

MR G. M. TINGLE moved the First reading of: —“A Bill to amend the City Hall Ordinance.”

He said:—Your Excellency, the purpose of this short Bill is to amend the definition of “city hall” in the principal Ordinance. In its present form it merely refers to buildings and grounds “which comprise

and are known as the city hall". The object of the proposed amendment is to define clearly the actual area which makes up the City Hall by delineating the area on a plan, signed by the Director of Public Works and deposited in the Land Office. The boundaries of the City Hall will then be easily determinable in future, particularly in any legal proceedings involving the City Hall or use of the City Hall.

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: —

It is desired that the boundaries of the City Hall should be defined by a plan.

REVISED EDITION OF THE LAWS (AMENDMENT) BILL 1967

THE ATTORNEY GENERAL moved the Second reading of:—"A Bill to amend the Revised Edition of the Laws Ordinance 1965."

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 Revised Edition of the Laws (Amendment) Bill 1967 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 the Third time and passed.

HOP YAT CHURCH OF THE CHURCH OF CHRIST IN CHINA INCORPORATION BILL 1967

MR Y. K. KAN moved the First reading of:—"A Bill to provide for the incorporation of the Hop Yat Church of The Church of Christ in China."

He said: —Sir, as is stated in the Objects, the purposes of the Bill is to repeal and replace the Hop Yat Tong Church of Christ Hongkong Incorporation Ordinance (Cap. 1027) which, due to changing circumstances, is no longer adequate or appropriate.

The Bill follows the general pattern of Bills of this kind and there are no unusual clauses on which further comment or explanation is necessary.

MR F. S. LI 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 repeal and replace the Hop Yat Tong Church of Christ Hong Kong Incorporation Ordinance (Cap. 1027) which, due to changing circumstances, is no longer adequate or appropriate.

ADJOURNMENT

THE COLONIAL SECRETARY moved the adjournment.

THE ATTORNEY GENERAL seconded.

MR Y. K. KAN addressed the Council.

He said:—Your Excellency, last Sunday two young children, an eight year old girl and her two year old brother, went out to play, picked up a package, and were instantaneously killed.

This was an act of wanton murder, and as such it would be condemned in any civilized society, be it here, in London or Peking, and its perpetrators would be punished with the utmost severity of the law.

For the past few weeks criminal elements have been making increasing use of bombs and many people have been injured. Unless stringent measures are at once imposed many more will suffer. No one, not even young and innocent children from humble homes, will be safe.

I doubt, Sir, that the punishment prescribed by the existing law is sufficient to deter and I think the time has come for Government to

consider extending the death penalty to crimes involving bombs. Those who perpetrate them without regard for human life must be made to realize that if they are caught they may have to pay the extreme penalty that the law can impose. I strongly urge Government to consider this matter without delay.

Government is, I am sure, doing everything it can to help the family of the two unfortunate children. To them we on this Council here, I am sure, wish to extend our deepest sympathy.

THE COLONIAL SECRETARY replied as follows:—

He said: —Sir, I fully endorse the view expressed by my honourable Friend about the brutal and cowardly murders which took place last Sunday, and I can assure this Council that everything that is humanly possible is being done to prevent crimes of this kind and to apprehend those who have committed them. I am sure I need not explain that random, pointless and senseless outrages of this sort present special difficulties for the security forces in the field of prevention and detection.

Over the weekend, in spite of the typhoon, we collected in all the legitimate stocks of high explosives held in the Colony, and we concentrated them into one central place of storage where their security can be assured. Unfortunately two serious thefts had occurred before this action was taken. The question what other measures should be put in hand is under constant and urgent examination and the possibility of proposing the extreme penalty for offences of this type is amongst the measures that are under consideration.

It will not have escaped Members' notice that the Communist press has not made one single mention of the callous murders to which Mr KAN has referred and which have so deeply shocked the whole community. Honourable Members, and the public at large, will draw their own conclusions.

Finally I would like to associate myself with Mr KAN'S expression of profound sympathy with the parents of the murdered children. I am sure as he has said that every Member of this Honourable Council will wish to be associated with this sentiment.

The question was put and agreed to.

NEXT MEETING

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT: — Council will now adjourn. The next meeting will be held on 6th September.