

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 20th January, 1954.****PRESENT:**

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR ALEXANDER WILLIAM GEORGE HERDER GRANTHAM, G.C.M.G.

HIS EXCELLENCY THE COMMANDER BRITISH FORCES
LIEUTENANT-GENERAL SIR TERENCE AIREY, K.C.M.G., C.B., C.B.E.

THE HONOURABLE THE COLONIAL SECRETARY
M R. ROBERT BROWN BLACK, C.M.G., O.B.E.

THE HONOURABLE THE ATTORNEY GENERAL
MR. ARTHUR RIDEHALGH, Q.C.

THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS
MR. RONALD RUSKIN TODD.

THE HONOURABLE THE FINANCIAL SECRETARY
MR. ARTHUR GRENFELL CLARKE. C.M.G.

THE HONOURABLE THEODORE LOUIS BOWRING, O.B.E.
(*Director of Public Works*).

THE HONOURABLE DOUGLAS JAMES SMYTH CROZIER
(*Director of Education*).

THE HONOURABLE KENNETH MYER ARTHUR BARNETT, E.D
(*Director of Urban Services*).

DR. THE HONOURABLE JAMES MALCOLM LISTON
(*Acting Director of Medical and Health Services*).

DR. THE HONOURABLE CHAU SIK NIN, C.B.E.

THE HONOURABLE CEDRIC BLAKER, M.C., E.D.

THE HONOURABLE CHARLES EDWARD MICHAEL TERRY.

THE HONOURABLE LO MAN WAI, O.B.E.

THE HONOURABLE NGAN SHING-KWAIN.

THE HONOURABLE KWOK CHAN, O.B.E.

DR. THE HONOURABLE ALBERTO MARIA RODRIGUES, M.B.E., E.D

MR. ROBERT WILLIAM PRIMROSE (*Deputy Clerk of Councils*).

ABSENT:

THE HONOURABLE DRUN JEHANIGIR RUTTONJEE.

MINUTES.

The Minutes of the meeting of the Council held on 30th December, 1953, were confirmed.

ANNOUCEMENTS.

THE COLONIAL SECRETARY: —By your Excellency's command I rise to announce the appointment of the Standing Law Committee for 1954. The following members have been appointed and have agreed to serve: —

The Honourable the Attorney General (*Chairman*)

The Honourable Cedric Blaker

The Honourable Lo Man Wai

The Honourable Dhun Jehangir Ruttonjee

Dr. the Honourable Alberto Maria Rodrigues.

PAPERS.

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

Subject

G.N. No.

Sessional Papers, 1954: —

No. 1 — Annual Report by the Director of Commerce and Industry for the year 1952-53.

No. 2 — Annual Report by the Registrar General for the year 1952-53.

No. 3 — Annual Report by the Public Relations Officer for the year 1952-53.

No. 4 — Annual Report by the Custodian of Property for the year 1952-53.

No. 5 — Annual Report by the Director of Medical and Health Services for the year 1952-53.

The Emergency Regulations Ordinance, Chapter 241. Emergency (Immediate Resumption) (Application) Regulations, 1953	A.180
The Emergency Regulations Ordinance, Chapter 241. Emergency (Public Health (Sanitation) Ordinance) (Amendment) Regulations, 1953	A.181
The Royal Hong Kong Defence Force Ordinance, 1951 Hong Kong Auxiliary Air Force (Amendment) Regulations, 1953	A.182
The Telecommunication Ordinance, Chapter 106. Radiocommunication (Amendment) Regulations. 1953	A. 183
The Emergency Regulations Ordinance, Chapter 241. Emergency(Squatter Clearance)Regulations,1953	A.184
The Emergency (Squatter Clearance) Regulations, 1953 Appointment of Competent Authority (Under Regulation 3)	A .185
The Emergency Regulations Ordinance, Chapter 241. Emergency (Immediate Resumption) (Application) Regulations, 1954	A . 1
The Trade Unions and Trade Disputes Ordinance, Chapter 64. Trade Unions and Trade Disputes (Declaration of Exemption) Order. 1954.....	A. 2

J. E. JOSEPH TRUST FUND BILL, 1954.

THE COLONIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance to make provision for the establishment of a trust fund to be known as the J.E. Joseph Trust Fund, and for the due administration thereof, and for purposes connected with the matters aforesaid".

He said: —Sir: By a will made in 1939 Mr. J. E. Joseph, who died on 16th April, 1946, bequeathed 10% of the residue of his estate (to be called the "Joseph Fund") to the Government

of Hong Kong to be expended on the development and maintenance of a Horticultural Establishment the setting up of which was foreshadowed in another part of his will. If such an Establishment were not set up within five years of his death the Trustee of the estate was to

“hold the Joseph Fund UPON TRUST to distribute the capital and income thereof among such charitable objects and institutions in the Colony of Hong Kong as are intended to make special provision for the benefit of the Chinese there resident.”

There was a proviso to the effect

“that the said Trustee may in its discretion but without considering that the suggestion made in this proviso is intended to impose any legal obligation upon it act in the matter of such distribution after consultation with the Chinese Members of the Legislative Council of Hong Kong and such other worthy Chinese inhabitants Of the Colon of Hon Kong as the said Trustee may think fit to consult.”

The Horticultural Establishment was not set up within the five years and the bequest to Government therefore lapsed, but under Miscellaneous Proceedings No. 5 of 1952 in the Supreme Court the alternative bequest was held to be a valid charitable trust.

MR. JOSEPH, in his will, stated his belief that a Horticultural Establishment of the kind he had in mind would “in due course enable the Chinese, whose livelihood depends essentially upon the development of agriculture and farming to learn to raise their standard of living”. New Territories farmers have long been in need of loan capital at a low rate of interest and Government therefore suggested to the Trustee that it would be in keeping with the late Mr. Joseph's purpose if the Fund were made available to make loans or, in special cases, even grants to deserving farmers to enable them to purchase seed or livestock or, for that matter, to buy their own land where this is possible. The Trustee and also, as required by the terms of the will, the Chinese Members of Legislative Council, agreed to this proposal and the Trustee has paid over the Fund to Government to be used for this charitable purpose.

The Bill now before Honourable Members is designed to make statutory provision for the establishment and administration of the Fund. It is proposed that the Registrar of Co-operatives, as Trustee, in consultation with an advisory body to be set up under Clause 8, should administer the Fund and that he should not deal directly with individual farmers but through the medium of Farmers' Co-operative Societies the formation of which is being actively encouraged by Government. Honourable Members will note that under Clause 5 of the Bill provision is made for the cost of administering the Fund to be met from moneys provided by this Council. Funds have already been approved by Finance Committee to meet the cost of the necessary staff up to the end of the current financial year.

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: —

The history of this trust is set out and explained in the preamble to the Bill. The intention of the trust is to assist farmers in the New Territories to raise their standard of living through the medium of loans. So to limit the objects of a charitable trust might be to import the qualification that only poor farmers could be assisted. For this reason the Bill provides a more general object for the charitable trust it creates, namely "the encouragement and improvement of agriculture in the New Territories".

2. The Registrar of Co-operatives is made trustee of the fund which amounts to some \$439,553.60. For the carrying out of the object of the trust he is given power to make loans to Farmers' Co-operative Societies. In the exercise of his powers he is required to consult with such persons as the Governor may direct. He is also required to keep accounts, which are to be audited annually and laid before Legislative Council.

MIDWIVES (AMENDMENT) BILL, 1953.

DR. J. M. LISTON moved the Second reading of a Bill intituled "An Ordinance to amend the Midwives Ordinance, Chapter 162".

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.

Council then resumed.

DR. J. M. LISTON reported that the Midwives (Amendment) Bill, 1953 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, 1953.

DR. J. M. LISTON moved the Second reading of a Bill intituled "An Ordinance to amend the Pharmacy and Poisons Ordinance, Chapter 138".

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. J. M. LISTON reported that the Pharmacy and Poisons (Amendment) Bill, 1953 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.

H. E. THE GOVERNOR: —Council will adjourn to this day three weeks.