

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 9th February, 1955.**

PRESENT:HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

SIR ALEXANDER WILLIAM GEORGE HERDER GRANTHAM, G.C.M.G.

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

LIEUTENANT-GENERAL CECIL STANWAY SITGDEN, C.B., C.B.E.

THE HONOURABLE THE COLONIAL SECRETARY

MR. 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, C.M.G., O.B.E.

(Director of Public Works).

THE HONOURABLE DOUGLAS JAMES SMYTH CROZIER

(Director of Education).

DR. THE HONOURABLE YEO KOK CHEANG

(Director of Medical and Health Services).

THE HONOURABLE HAROLD GILES RICHARDS, O.B.E.

(Director of Urban Services).

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

THE HONOURABLE CHARLES EDWARD MICHAEL TERRY.

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

THE HONOURABLE NGAN SHING-KWAN.

THE HONOURABLE DHUN JEHANGIR RUTTONJEE.

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

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*).

MINUTES.

The Minutes of the meeting of the Council held on 26th January, 1955, were confirmed.

RESTAURANTS AND FOOD STALLS (AMENDMENT)**BY-LAWS, 1955.**

MR. H. G. RICHARDS moved the following resolution: —

Resolved that the Restaurants and Food Stalls (Amendment) By-laws, 1955, made by the Urban Council on the 1st day of February, 1955, under section 5 of the Public Health (Food) Ordinance, Chapter 140, be approved.

He said: Sir, the Urban Council has reached the conclusion that latrines and properly protected tanks for the storage of potable water ought to be installed in all cafes, and the primary purpose of the by-laws now before this Council is to require these amenities in all new cafes. It is not at present intended to require them in cafes which have already been built and licensed. Sub-clauses (c) and (g) of the new by-law 5 provide for these latrines and water tanks. Sub-clauses (a) and (f) are unchanged. The opportunity has been taken to clarify the wording of sub-clauses (b) and (e), and to state in sub-clause (d) specifically what is required in the way of ablution facilities in place of the existing provision which merely requires them to be provided "to the satisfaction of the Council".

It is from time to time desirable to waive some of the provisions in by-law 5 where it is shown to be difficult, or impossible, to enforce them, and the proposed by-law 5 (a) therefore gives the Urban Council power to waive, modify or vary any of the provisions of by-law 5 where the Council is satisfied that the requirements of public health will not be prejudiced.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

**AIR NAVIGATION
(ABATEMENT OF SMOKE NUISANCES) BILL, 1955.**

THE COLONIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance to make provision for the abatement of smoke nuisances affecting the use of Hong Kong Airport (Kai Tak) by aircraft".

He said: Sir, the danger to air navigation arising from smoke emitted by certain factories near to the airport has given Government cause for concern for some years. Measures adopted hitherto, which have included the provision by certain factories of special equipment for the suppression or elimination of visible smoke particles, have not proved entirely satisfactory. Following upon renewed complaints from air-line operators that, in spite of the corrective measures to which I have just referred, smoke from factories in the area still constitutes, at certain times, a serious danger to air navigation, Government has decided that new and stringent powers are necessary, if the danger of serious accidents to aircraft attempting to land at the Hong Kong Airport is to be avoided. The approaches to Kai Tak are not, as honourable Members are well aware, ideal from the point of view of air navigation, and at certain times of the year the prevailing weather conditions constitute a natural hazard which cannot be overcome and which not infrequently involves delays and diversions which are costly to all concerned and seriously reduce the efficiency of the airport.

It is Government's view that since the airport is, in any event, subject to certain natural hazards which cannot be removed, it is all the more important to ensure that hazards which can be controlled are so controlled. There can hardly be any doubt about the validity of these principles and they form the background to the legislation which is now before this Council.

The Bill defines smoke nuisances, provides for their abatement and lays down a procedure both for apprehended and for actual nuisances. It should be understood that, in certain weather conditions, smoke nuisances sufficient to constitute a danger to air navigation may build up relatively slowly, and, in the case of apprehended nuisances, appropriate notice will be given to the occupier of the premises under clause 3. But there are known to be atmospheric conditions in which the danger from smoke can

arise suddenly, and, in such cases it is necessary in the interests of public safety for the Director of Civil Aviation to have power to order the immediate cessation of the nuisance. The steps actually taken to abate the nuisance are left to the occupier of the factory or other premises to decide, but it is accepted that on occasion nothing less than the immediate cessation of operations will suffice. The essential requirement from Government's point of view, however, is that the nuisance should be eliminated immediately; and, if honourable Members are inclined to think that very wide powers have been placed in the hands of the Director of Civil Aviation and his Deputy, and that the immediate cessation of operations, subject to penalties which are indeed heavy, constitutes a somewhat drastic form of legislation, I would urge them to consider carefully the implications of a failure to take drastic action in a matter of this kind. Provision has been made for the right of appeal to the Governor in Council against an opinion by the Director of Civil Aviation under clause 3, but there is no provision for appeal against action taken under clause 5. The reasons for this will, I think, be apparent from which I have said earlier.

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 is designed to provide for the abatement of smoke nuisances which imperil the safety of aircraft using Kai Tak Airport, and for the procedure in relation to both apprehended and actual nuisances. The expression "smoke nuisance" is defined to mean any emission of smoke (which includes soot, ash, grit or gritty particles) or vapour or a combination of them which, either alone or in conjunction with any other such emission, imperils or is likely to imperil the safety of aircraft using the airport.

2. In the case of apprehended nuisances it is provided that the Director of Civil Aviation shall give notice thereof and against his decision there is an appeal to the Governor in Council. Where a nuisance in fact occurs, it is provided that, whether or not the

procedure in relation to apprehended nuisances has been followed, the Director of Civil Aviation, or, if he is not available, the Deputy Director of Civil Aviation, shall give notification thereof under clause 5 requiring the occupier to abate the nuisance forthwith and to prevent a recurrence thereof. It is provided by clause 7 that no liability shall rest on the Government or its servants for any loss or damage either consequent upon the enforcement of the Ordinance or alleged to have been caused by any smoke nuisance.

3. Where a nuisance occurs after notice given under clause 3 or where any requirement as to abatement is not complied with or where a nuisance recurs after notification under clause 5, the Occupier of the premises will be liable to a fine of \$100,000 and to imprisonment for twelve months.

GRANTHAM SCHOLARSHIPS FUND BILL, 1955.

THE SECRETARY FOR CHINESE AFFAIRS 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 Grantham Scholarships Fund, and for the due administration thereof, and for purposes connected with the matters aforesaid."

He said: Sir, although the purposes of this Bill are set forth in the Preamble and in the Objects and Reasons, I am sure that on this occasion you would wish me to amplify the rather matter of fact statements contained therein.

The man who conceived the idea of commemorating Your Excellency's long and distinguished governorship of this Colony by the establishment of a trust fund for the promotion and encouragement of local education, was that well-known and indefatigable worker for good causes, Mr. Tang Shiu-kin. Not only did Mr. Tang Shiu-kin conceive the idea, but he imposed upon himself the sole responsibility for collecting the sum of a quarter of a million dollars which forms the basis of the Fund and which has already been deposited in the Treasury. In addition to his own munificent donation of \$50,000, Mr. Tang obtained donations ranging from \$10,000 to \$500 from no less than 88 of his friends—individuals, firms and other organizations—to a total of \$200,000. Your Excellency has authorized me, on your behalf, to express your thanks and appreciation to all these donors for their generosity and public-spiritedness.

If I were asked to suggest a slogan for the Grantham Scholarships Fund, it would be "From Primary School to Hong Kong University." Based on the conviction that, as far as possible, citizens of the Colony who have the capacity to benefit from such educational facilities as will enable them to take their part in the life of the Colony should not be denied such facilities merely because of poverty, the Fund, from this aspect alone, deserves and should command the support of the whole community. It has always been the intention, not only that the Fund will be augmented by additional donations, but that the Fund, as at the 30th of June, 1955, should be one to which all sections of the community will be given the opportunity of making their contributions so as to be identified with it in the capacity of founders. Honourable Members will observe that, in addition to the provision made in clause 14 (a) of the Bill by which the names of the 89 founders, together with the amounts of their respective subscriptions, will be published in due course, provision is made in clause 13 for any person, firm, company, corporation or other body who or which makes a subscription to the Fund not later than the 30th of June, 1955, to be deemed to be a founder. The names of and the amounts subscribed by such additional founders will be published at the same time as in the case of the original founders.

It will be obvious that the first task of the Committee, which is to be set up, in accordance with clause 4 of the Bill, to manage the Fund, will be to invest the moneys of the Fund to the best advantage. It will also be obvious that the annual income from the investment of \$250,000 will not go very far, in these days when everything is so expensive, towards the provision of scholarships and maintenance grants. I therefore take this opportunity to make an earnest appeal to all section of the community, to individuals, firms, corporations and other bodies who have the interests of education in Hong Kong at heart and who at the same time wish to show, in a practical way, their appreciation of Your Excellency's governorship, to give and to give generously to the Grantham Scholarships Fund before the end of June this year. Subscriptions should be sent to the Secretary for Chinese Affairs, Fire Brigade Building, Hong Kong, and cheques should be made payable to the Grantham Scholarships Fund. Each donor will be given a receipt for his donation and, as I have said before, he will qualify as a founder and his name and the amount of his donation will be published in the *Gazette* as soon as practicable

after the 30th of June. I am confident that long before Your Excellency leaves these shores at the end of this year you will have the satisfaction of knowing that the present amount in the Fund has been doubled or even trebled.

In conclusion, my friend the Attorney General and I wish to acknowledge with gratitude the assistance and advice in the drafting of this Bill which have been given by the Honourable Sir Mart-kam Lo, a former Member of this Council.

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 purpose of this Bill is to make provision for the establishment of a trust fund, to be known as the Grantham Scholarships Fund, for the promotion and encouragement of local education. The fund is to be established with an initial sum of \$250,000 subscribed by certain benefactors who wish to commemorate the governorship of His Excellency Sir Alexander Grantham, G.C.M.G.

2. The Secretary for Chinese Affairs Incorporated will be trustee of the fund which will be managed by a committee constituted as provided by clause 4. The fund is to be applied to the purposes mentioned in clause 5, and awards of scholarships and maintenance grants will be made by the committee under the provisions of clause 6.

3. The moneys of the fund may be invested as the committee may direct, and the committee may solicit subscriptions and bequests to the fund. The committee is empowered to employ servants and professional advisers, and salaries and fees of such servants and advisers, and the cost of administering the fund, are to be paid out of the fund.

4. Provision is made (clause 14) for the publication in due course of the names of the persons who have subscribed the initial sum of \$250,000 together with the amounts of their subscriptions, and also for the publication of the names of other persons who subscribe to the fund on or before the 30th day of June, 1955, together with the amounts of their subscriptions.

BREWIN TRUST FUND BILL, 1955.

THE SECRETARY FOR CHINESE AFFAIRS 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 Brewin Trust Fund, and for the due administration thereof, and for purposes connected with the matters aforesaid."

He said: Sir, the Preamble to, and the Objects and Reasons printed at the end of this Bill, adequately explain its purposes. But I should like to say a few words which may be of general interest.

There are probably not many people in this Colony today who remember my predecessor, the late Mr. A. W. Brewin, who held the post of Secretary for Chinese Affairs, then known as Registrar-General. Mr. Brewin retired in the year 1912, but his name is perpetuated in two ways—first, by Brewin Path, a footpath which winds from Bowen Road up the side of the Peak to Barker Road and, second, by the Brewin Fund, which was started in his honour in 1906 by certain members of the Chinese community, prominent among whom was the late Mr. Ho Kom-tong.

I well remember how, in my earlier days in this Colony, it was one of my duties as a junior Assistant to the Secretary for Chinese Affairs to supervise at the end of every month the payment of about \$5 to each of about a hundred very old—or at least they seemed very old to me—Chinese ladies who somehow managed to make their way to my office. These old ladies were known as the Brewin Fund Pensioners. Very few of them survived the rigours of the Japanese occupation and today there are eleven of them, each of whom receives a monthly grant of \$10.

As is stated in the Preamble to the Bill, the original trust deed which set out the objects of the Brewin Fund was lost during the Japanese occupation. Since the war the assets of the Fund

have remained in the custody of the Tung Wah Hospital and recently an audit of the accounts has been carried out by a firm of chartered accountants, and a Balance Sheet showing the position as at 30th November, 1954, has been prepared. The assets—cash, leasehold properties and shares—are set out in the Schedule to the Bill. It is now proposed to re-establish the Fund on a new basis, as it were, and to make it a going concern again. With the agreement of the current Board of Directors, the Tung Wah Hospital will be relieved of the management of the Fund, a new trust fund to be known as the Brewin Trust Fund will be established and, on a vesting day to be appointed by the Governor by notice in the *Gazette*, the Fund will be transferred to and vested in the Secretary for Chinese Affairs Incorporated as trustee. Thereafter the Fund will be administered by a committee consisting of the Secretary for Chinese Affairs as Chairman and not less than five other members appointed by the Governor.

I commend the Brewin Trust Fund to any charitably-minded members of the community who may wish to subscribe to it and I express the hope that the Fund may soon be in a position to provide improved benefits to a larger member of destitute widows and orphans and incapacitated workmen than hitherto.

The Honourable Sir Man-kam Lo has advised the Attorney-General and myself in the preparation of this Bill and he has also given much assistance in other matters affecting the Brewin Fund. For the second time this afternoon, I gratefully acknowledge his help.

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 object of this Bill is to establish by Ordinance the Brewin Trust Fund as successor to the Brewin Fund, the history of which is set forth in the preamble.

2. The trust fund is vested in the Secretary for Chinese Affairs Incorporated as trustee by clause 3.

3. Clause 4 enumerates the objects of the trust, which are, in short, the maintenance and benefit of Chinese widows and orphans and aged or disabled workmen.

4. The trust fund is to be administered by a committee established under clause 5, and it is to have the Secretary for Chinese Affairs as its *ex-officio* chairman and not less than five members appointed by the Governor.

URBAN COUNCIL ELECTION (COMPOSITION OF ELECTORATE) BILL, 1955.

MR. H. G. RICHARDS moved the First reading of a Bill intituled "An Ordinance to provide for the composition of the electorate for any election held in 1955 to fill vacancies in the four elected additional members of the Urban Council."

He said: Sir, after the 1954 elections to the Urban Council had been concluded, the Presiding Officer made a number of suggestions to Government for improvements in future years. At much the same time, the Urban Council resolved that a Select Committee should make recommendations for improving and streamlining election procedure, and in particular for retaining the Part 2 and Part 3 registers. There followed a number of meetings between members of that Select Committee and officers of the Colonial Secretariat and of the Legal Department, and it soon transpired that to put future elections on a thoroughly satisfactory basis would require not merely amendments to, but a complete revision of, the existing Urban Council Ordinance. The meetings have continued, and proposals for a revised Ordinance have now reached an advanced stage, but not so advanced that a Bill could be put before this Council in time for the 1955 elections.

Two courses of action were possible; either to conduct the next elections in accordance with the existing Ordinance and Rules, or to postpone the elections until the new Bill could be considered by this Council, the life of the existing Urban Council being extended accordingly. But both the Government officers

who have considered the matter and the Urban Council have agreed, for a number of reasons, that it would be undesirable to extend the period of membership of those elected members of the Urban Council whose term of office ceases this year. In recommending that the 1955 elections should be conducted in accordance with the existing Ordinance the Urban Council has strongly represented that those voters who registered last year, and who remain eligible to vote, should remain on the register without the necessity for re-registration. The Bill now before this Council has been drafted to give effect to these representations. It will affect only the 1955 elections, and it will not, of course, preclude the registration of anyone entitled to vote but who has not yet registered.

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 considered that, until fresh legislative provision can be made for the preparation of a register of voters for Urban Council elections, it is desirable that persons included in the register for the 1954 elections, who have not ceased to be entitled to vote, should remain on the register for the 1955 election without being required to re-register. This Bill accordingly seeks to continue in force the register prepared in 1954 so amended as to bring it up to date.

MR. H. G. RICHARDS: —Sir, the existing Ordinance requires an election in the month of March. Before that, a Presiding Officer, to be appointed by Your Excellency, must invite nominations of candidates by notice in the *Gazette*, and 12 days must then elapse for nominations. If a ballot becomes necessary, 3 weeks notice of that must be given. These are minimum periods, and there is therefore little time to complete all that has to be done in compiling the registers.

With Your Excellency's consent therefore I move that the Standing Orders of this Council be suspended to the extent that is necessary to enable this Bill to be passed into law today.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

MR. H. G. RICHARDS moved the Second reading of a Bill intituled "An Ordinance to provide for the composition of the electorate for any election held in 1955 to fill vacancies in the four elected additional members of the Urban Council."

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.

MR. H. G. RICHARDS reported that the Urban Council Election (Composition of Electorate) Bill, 1955 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.

JURY (AMENDMENT) BILL, 1955.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the jury Ordinance, Chapter 3."

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 6 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the jury (Amendment) Bill, 1955 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.

ADJOURNMENT.

H. E. THE GOVERNOR: —Council will adjourn until 2nd March.