

**OFFICIAL REPORT OF PROCEEDINGS.****Meeting of 25th November, 1959.**

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**PRESENT:**HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT (*PRESIDENT*)

MR. CLAUDE BRAMALL BURGESS, C.M.G., O.B.E.

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

LIEUTENANT-GENERAL SIR EDRIC MONTAGUE BASTYAN, K.B.E., C.B.

THE HONOURABLE THE COLONIAL SECRETARY

MR. EDMUND BRINSLEY TEESDALE, M.C. (*Acting*).

THE HONOURABLE THE AT-FORNEY GENERAL

MR. ARTHUR HOOTON, Q.C. (*Acting*).

THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS

MR. PATRICK CARDINALL MASON SEDGWICK (*Acting*).

THE HONOURABLE THE FINANCIAL SECRETARY

MR. ARTHUR GRENFELL CLARKE, C.M.G.

DR. THE HONOURABLE DAVID JAMES MASTERTON MACKENZIE, C.M.G., O.B.E.

*(Director of Medical and Health Services).*

THE HONOURABLE COLIN GEORGE MERVYN MORRISON

*(Director of Urban Services).*

THE HONOURABLE KENNETH STRATHMORE KINGHORN

*(Commissioner of Labour).*

THE HONOURABLE NGAN SHING-KWAN, O.B.E.

THE HONOURABLE KWOK CHAN, O.B.E.

THE HONOURABLE JOHN DOUGLAS CLAGUE, C.B.E., M.C., T.D.

THE HONOURABLE HUGH DAVID MacEWEN BARTON, M.B.E.

THE HONOURABLE DHUN JEHANGIR RUTTONJEE, O.B.E.

THE HONOURABLE FUNG PING FAN, O.B.E.

THE HONOURABLE RICHARD CHARLES LEE, O.B.E.

THE HONOURABLE KWAN CHO YIU, O.B.E.

MR. ANDREW McDONALD CHAPMAN (*Deputy Clerk of Councils*).**ABSENT:**

THE HONOURABLE ALLAN INGLIS

*(Director of Public Works).*

**MINUTES.**

The Minutes of the meeting of the Council held on 11th November, 1959, were confirmed.

**PAPERS.**

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

*Subject.* *G.N. No.*

Sessional Papers, 1959: —

No. 29—Annual Report by the Secretary for Chinese Affairs  
for the year 1958/59.

No. 30—Annual Report by the Commissioner of Prisons for  
the year 1958/59.

No. 31—Annual Report by the Commissioner for Resettlement  
for the year 1958/59.

Importation and Exportation Ordinance.

Importation of Acetic Anhydride (Prohibition) Regulations, 1959 A. 70.

Importation and Exportation Ordinance.

Importation (Prohibition) (Strategic Commodities) Regulations,  
1959 ..... A. 71.

Importation and Exportation Ordinance.

Exportation (Prohibition) (Strategic Commodities) Regulations,  
1959 ..... A. 72.

Importation and Exportation Ordinance.

Importation (Prohibition) (Radiation) Regulations, 1959 ..... A. 73.

Public Reclamations and Works Ordinance, 1956.

Public Reclamations and Works Compensation Tribunal Rules,  
1959 ..... A. 74.

**HEUNG YEE KUK BILL, 1959.**

THE COLONIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance to provide for the Establishment and Functions of an Advisory and Consultative Body for the New Territories and for purposes connected therewith."

He said: Sir, although the Heung Yee Kuk has not until now been a statutory body, it has existed, as honourable Members are no doubt aware, for more than thirty years. During that period it has, until recently, enjoyed a respected position in the eyes not only of the people of the New Territories but also of the officials charged with the administration of the New Territories and of the Government and the community as a whole. The present Bill seeks to set up the Kuk as a statutory advisory body on New Territories affairs and to establish and consolidate and indeed to broaden its representative position, and to ensure that it may retain and enhance in the future the honoured status and prestige which have been won for it in the past by those New Territories elders who have accepted the responsibility of office therein and who in that capacity have made so substantial a contribution towards the good administration of that part of the Colony.

The immediate occasion for the introduction of this Bill arises from a dispute, or conflict, which has virtually prevented the Kuk from functioning at all during the last two years. This unhappy state of affairs began as a dispute between two factions within the Kuk which led in late 1957 to the withdrawal by the Government of recognition of the representative status of the Kuk. Matters finally developed into a dispute between one of these two factions on the one hand and the Government on the other. The point at issue was a very simple one: those who had by then assumed control of the Kuk maintained that the Government ought to treat that body as being authoritatively representative of New Territories opinion but should at the same time in no way concern itself with the question how the Kuk officials were elected—that is to say, with the Kuk's constitution—or with the question whether the Kuk was truly representative.

Such a proposition cannot logically command any support, although I suppose that if Government attached no importance to New Territories opinion, then the existence and constitution of the Heung Yee Kuk might be similarly dismissed as unimportant. This is not, however, the case, as honourable Members are well aware, and indeed since the war the Government has gone to considerable lengths to ascertain and give heed to rural opinion. Much time and care has been spent upon this, and the result has been the establishment of the twenty-five Rural Committees which now exist for the representation of local opinion in almost every area of the New Territories.

Some Members may be interested to learn, Sir, of the arrangements that are made to ensure as far as possible that these Rural Committees truly reflect rural opinion. At the bottom of the representative system is the ordinary village family. The heads of the families in each village choose one or more representatives, depending on the size of the village. The choice is reported to the District Officer who, if he is satisfied that the nomination genuinely commands the support of the majority of the

village and that the man is of good character, will extend formal recognition to the Village Representative. In the Rural Committee areas the Village Representatives sometimes together with one or two other well-known men, form the full Rural Committee and they in their turn elect the officials of the Rural Committee. Elections for Village Representatives are not often contested and in many cases a formal election is not necessary. In the Rural Committees there is usually greater competition and elections are supervised by the District Officers who ensure that the ballot is secret.

The Bill before Council not only gives statutory recognition for the first time to the Village Representative and the Rural Committee; it also establishes the Heung Yee Kuk as the apex in the representative pyramid which I have just described. The leading office-bearers of these twenty-five Rural Committees, reinforced by some twenty elders of their own choosing, will compose the Full Council of the Heung Yee Kuk and will elect the Kuk's office-bearers from amongst their own number.

All this is in line with the Government's policy, over the last ten years or more, towards the representation of rural opinion. Honourable Members will readily see that there is a need for some organization to carry out the Heung Yee Kuk's traditional functions, that is to say to co-ordinate purely localized opinion and to present, in relation to matters that affect the New Territories at large, as opposed to matters that are of only local significance, a consolidated and truly representative statement of responsible New Territories opinion. The object of the Bill at present before Council is to set up the Kuk for this purpose as a statutory body.

I should perhaps emphasize here that the Heung Yee Kuk and the Rural Committees on which it will be based are purely advisory and consultative bodies, and the main purpose of this Bill is simply to re-establish and confirm the Heung Yee Kuk in the position which it has already held for a long time, under less formal arrangements until the unhappy events of the past two years. I am confident that the future Kuk, functioning within its new statutory framework, will more than uphold the very worthy traditions which it inherits, and will again make a substantial contribution towards the good government of the New Territories. It will certainly be the policy of the Government to assist it to do so.

Finally, Sir, before closing I feel that, in order to prevent any possible misapprehension that might otherwise arise, I should mention that the proposals in this Bill are quite separate and distinct from the issue raised in an action, of which honourable Members may be aware, instituted before the Supreme Court just over a year ago by certain officers of the Kuk and which is still pending. Government, of course, respects the accepted general principle that the law should not be

changed to prejudice the existing rights of a litigant which he is seeking to assert in the Courts. The proposals in this Bill do not offend this principle. The litigation to which I have referred concerns solely the position under the Societies Ordinance of the present Heung Yee Kuk, an issue not affected by this Bill if it becomes law. While it is true to say that this Bill if enacted will make the issue before the Courts an academic one, it is equally true to say that whether or not the present Heung Yee Kuk should be held to be subject to the Societies Ordinance Government would still need to introduce this legislation in order to establish a truly representative body.

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 reasons for this legislation are set out in the preamble. In creating a statutory body it is not intended to alter the general advisory functions of the Heung Yee Kuk which are defined in clause 9.

2. In providing for the constitution of the Full Council clause 3 accords statutory recognition of Rural Committees, whose Chairmen and Vice-Chairmen are *Ex Officio* Councillors and vote for the Special Councillors.

3. Clause 14 provides that the statutory body shall have the exclusive use of the name and style Heung Yee Kuk, while clause 13 entitles the corporation (to be established under clause 12) to call for a lease of the property in Tai Po which has long been associated with the activities of the Heung Yee Kuk.

**COLONY ARMORIAL BEARINGS (PROTECTION) BILL, 1959.**

THE COLONIAL SECRETARY moved the Second reading of a Bill intituled "An Ordinance to prohibit the unauthorized making, displaying in public, sale or exposing for sale or possession for sale, or use of copies of the Colony Armorial Bearings".

THE ATTORNEY GENERAL 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.

THE COLONIAL SECRETARY reported that the Colony Armorial Bearings (Protection) Bill, 1959, had passed through Committee without amendment and moved the Third reading.

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

The Bill was read a Third time and passed into law.

### **HONG KONG ROYAL NAVAL RESERVE (CHANGE OF STYLE) BILL, 1959.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the title of the Hong Kong Royal Naval Volunteer Reserve".

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, the Schedule and Preamble were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Hong Kong Royal Naval Reserve (Change of Style) Bill, 1959, 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.

### **POLICE SUPERVISION (AMENDMENT) BILL, 1959.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Police Supervision Ordinance, 1956."

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 9 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Police Supervision (Amendment) Bill, 1959, 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.

### **DEFENCES (FIRING AREAS) (AMENDMENT) BILL, 1959.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Defences (Firing Areas) Ordinance, Chapter 196".

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 3 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Defences (Firing Areas) (Amendment) Bill, 1959, had passed through Committee without amendment and moved the Third reading.

THE COLONIAL SECRETARY seconded.

The question was put.

The Bill was read a Third time and passed into law.

### **ROAD TRAFFIC (AMENDMENT) BILL, 1959.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Road Traffic Ordinance, 1957".

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 5 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Road Traffic (Amendment) Bill, 1959, 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.

**DISTRICT LAND OFFICE, TSUEN WAN (AUTHORIZATION  
AND VALIDATION) BILL, 1959.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to authorize and validate the use of the District Land Office, Tsuen Wan, in the New Territories, as a New Territories Land Office."

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 and the Preamble were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the District Land Office, Tsuen Wan (Authorization and Validation) Bill, 1959, 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.



**BUILDINGS (AMENDMENT) BILL, 1959.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Buildings Ordinance, 1955".

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.

H. E. THE OFFICER ADMINISTERING THE GOVERNMENT: —With your concurrence, gentlemen, we will take the clauses in blocks of five.

Clause 1.

ATTORNEY GENERAL: —I rise to move the amendment in this clause included in the Table of Amendments circulated to honourable Members.

*Proposed Amendment.*

Leave out the words "a day to be appointed by the Governor by Proclamation in the *Gazette*." and substitute the following—  
"the 1st day of January, 1960."

Clause 1, as amended, was agreed to.

Clauses 2 and 3 were agreed to.

Clause 4.

ATTORNEY GENERAL: —Sir, I rise to move the amendment to this clause included in the Table of Amendments circulated to honourable Members.

*Proposed Amendment.*

In the replacing section 9A, subsection (1), leave out the words "in the prescribed form" in the second place where they occur and substitute therefor the following—  
"in writing".

Clause 4, as amended, was agreed to.

Clauses 5 to 29 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Buildings (Amendment) Bill, 1959, had passed through Committee with two minor amendments 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 OFFICER ADMINISTERING THE GOVERNMENT: —That concludes the business for today, gentlemen. When is it your pleasure that we meet again?

THE ATTORNEY GENERAL: —Sir, I suggest this day fortnight.

H. E. THE OFFICER ADMINISTERING THE GOVERNMENT: — Council stands adjourned to this day fortnight.