

OFFICIAL REPORT OF PROCEEDINGS.**Meeting of 9th December, 1959.****PRESENT:**HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

SIR ROBERT BROWN BLACK, K.C.M.G., O.B.E.

THE HONOURABLE THE COLONIAL SECRETARY

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

THE HONOURABLE THE ATTORNEY 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.

THE HONOURABLE ALLAN INGLIS

(Director of Public Works).

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 MAC EWEN BARTON, M.B.E.

THE HONOURABLE DHUN JE HANGIR RUTTONJEE, O.B.E.

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

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

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

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

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

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

MINUTES.

The Minutes of the meeting of the Council held on 25th November, 1959 were confirmed.

PAPERS.

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

<i>Subject</i>	<i>G.N. No.</i>
Sessional Paper, 1959: —	
No. 32—Annual Report by the Accountant General for the year 1958/59.	
Defences (Firing Areas) Ordinance.	
Defences (Firing Areas) (Amendment) Order, 1959	A. 75.
Buildings Ordinance, 1955.	
Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations, 1959	A. 76.
Buildings Ordinance, 1955.	
Building (Private Streets and Access Roads) Regulations, 1959	A. 77.
Buildings Ordinance, 1955.	
Building (Lifts) Regulations, 1959	A. 78.
Buildings Ordinance, 1955.	
Building (Escalators) Regulations, 1959	A. 79.
Buildings Ordinance, 1955.	
Building (Lifts and Escalators) (Interpretation and Application) Regulations, 1959	A. 80.
Buildings Ordinance, 1955.	
Building (Refuse Chutes) Regulations, 1959	A. 81.
Buildings Ordinance, 1955.	
Building (Administration) Regulations, 1959	A. 82.
Buildings Ordinance, 1955.	
Building (Planning) (Amendment) Regulations, 1959	A. 83.
Buildings Ordinance, 1955.	
Building (Construction) (Amendment) Regulations, 1959	A. 84.
Places of Public Entertainment Ordinance.	
Places of Public Entertainment (Amendment) Regulations, 1959.	A. 85.

<i>Subject</i>	<i>G.N. No.</i>
Road Traffic Ordinance, 1957.	
Road Traffic (Registration and Licensing of Vehicles) (Amendment) Regulations, 1959	A. 86.
Road Traffic Ordinance, 1957.	
Road Traffic (Construction and Use) (Amendment) Regulations, 1959	A. 87.
Road Traffic Ordinance, 1957.	
Road Traffic (Driving Licences) (Amendment) Regulations, 1959.	A. 88.
Sailors Home and Missions to Seamen Incorporation Ordinance.	
Sailors Home and Missions to Seamen Regulations, 1959	A. 89.

**ILLEGAL STRIKES AND LOCK-OUTS ORDINANCE,
CHAPTER 61.**

THE ATTORNEY GENERAL moved the following resolution: —

Resolved, pursuant to section 8 of the Illegal Strikes and Lock-Outs Ordinance, Chapter 61, that the duration of the said Ordinance be extended for the term of one year with effect from 1st January, 1960.

He said: Sir, the purpose of this Resolution is to extend the life of the Illegal Strikes and Lock-Outs Ordinance for a further year, that is to say, until 31st December, 1960. This Ordinance makes illegal those strikes and lock-outs which are not in furtherance of a genuine trade dispute and which are designed or calculated to coerce the Government. It has no effect in relation to any strike or lock-out resulting from a genuine trade dispute.

Sir, it is considered essential that the powers conferred by this Ordinance should continue in being for the time being.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

SOCIETIES ORDINANCE, CHAPTER 151.

THE ATTORNEY GENERAL moved the following resolution: —

Resolved, pursuant to section 26 of the Societies Ordinance, Chapter 151, that the duration of the said Ordinance be extended for the term of one year with effect from 1st January, 1960.

He said: Sir, the purpose of this Resolution is to extend the life of the Societies Ordinance for a further year, that is to say, until 31st December, 1960.

The provisions of this Ordinance afford the Commissioner of Police a strong weapon in the fight against undesirable and subversive organizations and their activities and it is not considered that the time has yet come when this weapon can be cast away.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

DEFENCE REGULATIONS (CONTINUATION) ORDINANCE, 1958.

THE ATTORNEY GENERAL moved the following resolution: —

Resolved, pursuant to section 6 of the Defence Regulations (Continuation) Ordinance, 1958, that the duration of the said Ordinance be extended for the term of one year with effect from 1st January, 1960.

He said: Sir, the purpose of this Resolution is to extend the life of the Defence Regulations (Continuation) Ordinance, 1958 for a further year.

This Ordinance, which was enacted last year, keeps in force certain Defence Regulations and the Defence (Finance) Regulations and it is considered necessary that those regulations should continue in being for the time.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

COMPANIES (PREVENTION OF EVASION OF THE SOCIETIES ORDINANCE) ORDINANCE, 1959.

THE ATTORNEY GENERAL moved the following resolution: —

Resolved, pursuant to section 16 of the Companies (Prevention of Evasion of the Societies Ordinance) Ordinance, 1959, that the duration of the said Ordinance be extended for the term of one year with effect from 1st January, 1960.

He said: Sir, the purpose of this Resolution is to extend the life of the Companies (Prevention of Evasion of the Societies Ordinance) Ordinance, 1959, for a further year.

Sir, this Ordinance was enacted in July this year, its purpose being to close a possible loophole in the Societies Ordinance which left it open to persons who wished to associate together for purposes inimical to the peace to register under the Companies Ordinance.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

**HONG KONG AND YAUMATI FERRY COMPANY
(SERVICES) ORDINANCE, 1951.**

THE ATTORNEY GENERAL moved the following resolution: —

WHEREAS—

- (a) Section 4 of the Hong Kong and Yaumati Ferry Company (Services) Ordinance, 1951 (hereinafter referred to as the Ordinance) provides that the ferry service authorized by the Ordinance shall be maintained and operated upon the terms and conditions specified in the Schedule thereto;
- (b) Section 5 of the Ordinance provides that the Schedule thereto may be varied at any time, with the consent of the Company by Resolution of Legislative Council;
- (c) A definition of the frontage of the Jordan Road Ferry Pier appears in Appendix I of the Schedule to the Ordinance;
- (d) By reason of the removal of the public pier at Kowloon Point from its original position to a position situated further to the Eastward, it is necessary to amend the definition of the frontage of the Jordan Road Pier appearing in Appendix I of the Schedule to the Ordinance;
- (e) The Company has consented to the amendment of the said definition of the frontage of the Jordan Road Pier;

NOW, THEREFORE, BE IT RESOLVED, with the consent of the Company, that Appendix I of the Schedule to the Ordinance be varied by the deletion therefrom of the definition of the frontage of the Jordan Road Pier and the substitution therefor of the following—

"North side of Waterloo Road to the Southern boundary of Kowloon Marine Lot No. 10, as such boundary existed on the 1st day of October, 1959."

He said: Sir, this resolution proposes an amendment to the definition of the frontage of the Jordan Road ferry pier contained in Appendix I to the Schedule to the Hong Kong and Yaumati Ferry Company (Services) Ordinance, an amendment occasioned by the fact that the

public pier at Kowloon Point has been moved from its original position to a new position further eastward. The Hong Kong and Yaumati Ferry Company has consented to this amendment.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

FERRIES (AMENDMENT) BILL, 1959.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Ferries Ordinance, Chapter 104."

He said: Sir, this Bill proposes an amendment to the reference in the Ferries Ordinance to the ferry service maintained by the "Star" Ferry Company, an amendment occasioned by the fact that the Star Ferry pier in Victoria has been moved from its original site opposite Ice House Street to a point immediately to the west of Queen's Pier.

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 repeal and replace section 9 of the Ferries Ordinance, Chapter 104.

2. The replacement is necessitated by the fact that the Star Ferry Pier in Victoria has been moved from its original site opposite to Ice House Street to a point immediately to the West of Queen's Pier and also by the fact that the Company now derives its use of this pier under the "Star" Ferry Company (Service) Ordinance, 1951 and not from a lease as heretofore.

SUMMARY OFFENCES (AMENDMENT) BILL, 1959.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Summary Offences Ordinance, Chapter 228."

He said: Sir, the duties given to heads of departments by legislation have now become so multifarious that it is virtually impossible for any head of department to attend to all of them in person, and some

delegation of authority is desirable. The main purpose of this Bill is to enable heads of departments to delegate the issue of permits and licences under the Summary Offences Ordinance to named subordinates.

Opportunity has been taken to strengthen the prohibition contained in the Ordinance against unauthorized dumping of refuse and rubbish.

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 the proposed new section 2A is to enable the various Heads of Department who are required to grant permits under this Ordinance to delegate the actual issue of the permits to named subordinates.

2. The proposed amendment to section 3 of the Ordinance is intended to prohibit people throwing rubbish or other offensive matter into the harbour or the waters around the shores of the Colony. A like provision is to be found in the Merchant Shipping Ordinance, 1953 in respect of such things being discharged from vessels.

HEUNG YEE KUK BILL, 1959.

THE COLONIAL SECRETARY moved the Second 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, since the first reading of this Bill there has been some public comment upon its provisions and I am glad to say much of this has been useful and constructive. It will perhaps be helpful to Members if I comment briefly at this stage on one or two of the points which have been so raised.

First there has been some criticism of the provisions of Clause 3(2)(b), which *inter alia* empowers the District Commissioner to veto candidates for the posts of Special Councillor who are not Village Representatives. The Government's point of view is that some such fundamental safeguard is justified and indeed essential, but that such powers should be exercised only with the greatest caution and discretion. The present District Commissioner has already

informed all Rural Committees, in a letter which was published in some Chinese newspapers last week, that such power of veto would be used only in the most exceptional circumstances. He could, he said, at present envisage no case in which it would be used except perhaps in the case of a candidate who either had a serious criminal record or who, on the basis of his past activities, was known to be likely to introduce into the conduct of rural affairs irrelevant matters related to international political issues. To quote a specific example, although the Government was obliged to withdraw recognition of the representative status of the so called XIIIth Term Heung Yee Kuk some two years ago, the District Commissioner's veto would certainly not now be used against any of those who held office in what is known as the XIIIth Term. I hope that these assurances will go far towards removing such misgivings as have made themselves felt, but it has also been decided, on the suggestion of Honourable Unofficial Members of this Council, who have been consulted in all these matters, to propose at the Committee stage an amendment which, if it is accepted, will give the statutory right of appeal to the Governor in Council to any individual who may consider himself aggrieved by a decision of the District Commissioner given under Clause 3(2)(b); and a similar right of appeal is conferred by the same amendment upon any person who may wish to appeal against a refusal on the part of the District Commissioner to recognize him as a Village Representative or to withdraw such recognition.

I now turn to one other point which has given rise to public comment and to some publicity. Most Members will be aware that at the end of last week the New Territories Unofficial Justices of the Peace approached the District Commissioner and asked whether the Government would be willing to defer the second and third readings of this Bill for two weeks in order that the Justices might be given a further opportunity to confer once more with the leaders of rural opinion and perhaps to suggest amendments in detail of the Bill or of its Schedules in the light of responsible opinions so formulated.

This request was promptly submitted to the Governor, but you, Sir, were strongly of the view that discussions such as those that the Justices appeared to envisage had been taking place for over two years and that a prolongation of such discussions for a further two weeks would be most unlikely to lead to any greater degree of unanimity on these matters than already exists, and that they might well in fact lead to further animosities and misunderstandings. On these grounds the request for a postponement has been refused with regret but at the same time the Government has expressed its gratitude for the public spirit which the Justices have shown in offering to make this further effort. The lack of constructive leadership is clearly one cause of the difficulties with which the New Territories have been beset in recent years, and the offer by the Justices to assume an element of such leadership is clearly

most timely. In recognition of this I propose to move, at the Committee stage of this Bill, a further amendment which, if accepted, will mean that the New Territories Justices will be *ex officio* members of the Full Council and of the Executive Committee of the Kuk. It is the Government's hope that this will enable and assist the Justices to play their full part in the process of assessing and crystallizing and reporting New Territories opinion on these affairs.

This, Sir, brings me to my final point. This Bill, when it becomes law, will be, in some respects, an experimental measure. If the passage of time should show that there is room for improvement in its provisions, the Government will always be ready to give careful consideration to any constructive proposals to that end.

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 and 2 were agreed to.

Clause 3.

COLONIAL SECRETARY: —Sir, I rise to move that clause 3 be amended as set forth in the paper before honourable Members.

Proposed Amendment.

(1) In sub-clause (2), leave out paragraph (a) and substitute the following—

"(a) The following shall be *Ex Officio* Councillors—

(i) the Chairmen and Vice-Chairmen of Rural Committees, who shall be deemed to have resigned as Councillors on ceasing to hold such office, and

(ii) New Territories Unofficial Justices of the Peace."

(2) In sub-clause (3), after paragraph (b), add the following—

"(c) where any doubt arises as to whether any person is a New Territories Unofficial Justice of the Peace a certificate issued by the Colonial Secretary shall be conclusive as to that matter."

(3) In sub-clause (3), after paragraph (c) add the following—

"(d) (i) Where the District Commissioner refuses to approve any person as a candidate for election as a Special Councillor or refuses to approve any person, or withdraws

approval of any person, as a Village Representative, such person may within fourteen days of such refusal or withdrawal appeal therefrom by way of petition to the Governor in Council, whose decision shall be final;

(ii) Pending the determination of an appeal instituted under subparagraph (i), or where there is no appeal the expiry of the period limited therefor, no disqualification shall be deemed to have taken place and no person shall cease to be eligible for election as a special Councillor by reason of the District Commissioner's refusal or withdrawal of approval:

Provided that where a person, notwithstanding the District Commissioner's refusal or withdrawal of approval, is elected as a Special Councillor during such period, he shall become disqualified and cease to be a Councillor of the Kuk in the event of his petition being rejected, or if he does not appeal, on the expiry of the period limited therefor. "

Clause 3, as amended, was agreed to.

Clause 4.

COLONIAL SECRETARY: —Sir, I rise to move that clause 4 be amended as set forth in the paper before honourable Members.

Proposed Amendment.

In sub-clause (2), leave out paragraph (a) and substitute the following—

"(a) The following shall be *Ex Officio* Members—

(i) the Chairmen of Rural Committees, and

(ii) New Territories Unofficial Justices of the Peace. "

Clause 4, as amended, was agreed to.

Clauses 5 to 11 were agreed to.

Clause 12.

COLONIAL SECRETARY: —Sir, I rise to move that clause 12 be amended as set forth in the paper before honourable Members.

Proposed Amendment.

Leave out the word and symbols "and—" and substitute the following—

"and which—".

Clause 12, as amended, was agreed to.

Clause 13.

COLONIAL SECRETARY: —Sir, I rise to move that clause 13 be amended as set forth in the paper before honourable Members.

Proposed Amendment.

- (1) In sub-clause (1), leave out all the words after the words "in the Crown, and" in the fourth line to the end of the sub-clause, and substitute the following—

"all rights in, upon or over such property shall be extinguished and cease to exist."

- (2) After sub-clause (2), add the following new sub-clause—

"(3) On the coming into existence of the Heung Yee Kuk Incorporated it shall be entitled to a lease of such property on the same terms and conditions as existed in the former Crown lease or on such other terms and conditions as may be agreed between the Heung Yee Kuk Incorporated and Government. "

Clause 13, as amended, was agreed to.

Clauses 14 and 15, the Schedules and the Preamble, were agreed to.

Council then resumed.

THE COLONIAL SECRETARY reported that the Heung Yee Kuk Bill, 1959 had passed through Committee with certain amendments 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.

**"STAR" FERRY COMPANY (SERVICE) (AMENDMENT)
BILL, 1959.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the "Star" Ferry Company (Service) Ordinance, 1951.

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.

Clause 1 was agreed to.

Clause 2.

ATTORNEY GENERAL: —Sir, I rise to move that clause 2 be amended as set forth in the paper before honourable Members.

Proposed Amendment.

Delete the comma after the figures "1951" and insert thereafter the following—

"(hereinafter referred to as the principal Ordinance)".

Clause 2, as amended, was agreed to.

New clause.

ATTORNEY GENERAL: —Sir, I rise to move the addition of a new clause as set forth in the paper before honourable Members.

Proposed New Clause.

The following new clause is added to the Bill—

"Amendment of Schedule. 3. Sub-paragraph (2) of paragraph 2 of the Schedule to the principal Ordinance is amended by the deletion of the words "Eastern side of the public pier at Kowloon Point" and the substitution therefor of the following—

"Southern boundary of Kowloon Marine Lot No. 10, as such boundary existed on the 1st day of October 1959".

New Clause was agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the "Star" Ferry Company (Service) (Amendment) Bill, 1959 had passed through Committee with two 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 GOVERNOR: —That concludes the business for today. When is it your pleasure that we should meet again?

ATTORNEY GENERAL: —Sir, I suggest this day week.

H. E. THE GOVERNOR: —Council stands adjourned until this day weeks.