

OFFICIAL REPORT OF PROCEEDINGS.**Meeting of 6th January, 1960.**

PRESENT:HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

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

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

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

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 YIU, O.B.E.

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

MINUTES.

The Minutes of the meeting of the Council held on 16th December, 1959, were confirmed.

ANNOUNCEMENTS.

COLONIAL SECRETARY: —Sir, by Your Excellency's direction I rise to announce the appointment of the Standing Law Committee for 1960. The following members have been appointed and have agreed to serve: —

The Honourable the Attorney General (*Chairman*)

The Honourable J. D. Clague

The Honourable H. D. M. Barton

The Honourable Dhun J. Ruttonjee

The Honourable C. Y. Kwan

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, 1960: —	
No. 1—Report of the Director of Audit for the year 1958/59.	
Report of the Brewen Trust Fund Committee for the year ending 30th June, 1959.	
Stamp Ordinance.	
Stamp (Bank Authorization) (No. 5) Order, 1959	A. 99.
New Territories Ordinance.	
Slaughter-houses (N.T.) (Amendment) Rules, 1959	A. 100.
New Territories Ordinance.	
New Territories (Amendment) Rules, 1959	A. 101.
Road Traffic Ordinance, 1957.	
Road Traffic (Construction and Use) (Exemption) Order, 1959.	A. 102.
Dangerous Drugs Ordinance.	
Dangerous Drugs (Amendment of Schedule) (No. 2) Order, 1959	A. 104.

Department at 31st March, 1959 was still \$23 million. This again was due to steel, and the excess over the approved limit would have been even more but for a deliberate policy of delaying indents, a policy which was adopted, not with the object of keeping the balance down, but rather because of the demolition and reconstruction of the Government stores. The Stores Department was faced with serious storage problems during the changeover and took the risk of running stocks down to a dangerously low level so that replenishments would not arrive until after completion of the new building, thus minimizing the expense and loss involved in temporary storage and transport of stores.

It is fairly clear now that the old limit of \$16 million is too low in view of Government's increased and continually increasing commitments. We do not wish to raise it unduly as it is highly undesirable to have excessive amounts of money tied up in stores, but on the other hand we must keep sufficient stocks to keep the Government machine, and particularly the Public Works programme, running smoothly. It is felt that the proposed limit of \$24 million will provide a fair margin for the future and the Controller of Stores is being directed administratively to keep the stock figure down, if possible, to \$20 million.

The limit for the Kowloon-Canton Railway unallocated stores account remains unchanged. If recent proposals for an increase in the frequency of the train service, which will mean the provision of more locomotive and rolling stock, mature, it may be necessary in the future to approach Council for an increase in the limit, but the time is not yet.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

MARRIAGE (AMENDMENT) BILL, 1960.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Marriage Ordinance, Chapter 181."

He said: Sir, the purpose of this Bill is to facilitate registry marriages, a purpose which is sought to be achieved by extending the hours during which they can take place, by authorizing the Registrar to celebrate marriage of several couples at the same time and by authorizing the conduct of marriages in Chinese where all the parties and witnesses understand that language.

Sir, in order to avoid misapprehension I would add that the proposals for joint marriage do not contemplate the celebration of what are sometimes called mass marriages, that is to say something in the

region of a hundred couples being married simultaneously. What is contemplated is simply the marriage of a number of couples successively at the same place.

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: —

Amendment of the Marriage Ordinance, Chapter 181, (the principal Ordinance) has become necessary in three respects.

Firstly. Some seasons of the year are much more popular than others for people getting married; but, as the hours within which marriages can take place at the Registry are restricted to between 10 a.m. and 4 p.m., the number of marriages which can be performed daily is limited to about twenty. The result is that at these seasons the Registrar's whole time for performing marriages is often booked up for more than a month ahead. The hours of Registry marriages have, therefore, been extended to between 9 a.m. and 7 p.m. to enable the Registrar to make special arrangements for marrying couples during the busy seasons. The normal hours will remain as at present. The hours of church marriages have been altered from between 6 a.m. and 6 p.m. to between 7 a.m. and 7 p.m., which are now considered more suitable. Clauses 11(a) and 9 provide accordingly.

Secondly. It has been suggested that it would greatly cheapen the expense of getting married if it were possible for several couples to marry at the same time at some suitable place within their district. The parties could then combine in a joint tea or dinner party, to the expense of which each couple would contribute according to the number of guests invited. Government has accepted this suggestion, and it is therefore proposed that where, having regard to the number of persons desiring to marry at a particular place on a particular day, he thinks fit, the Registrar may celebrate joint marriages at that place on that day, provided that he has given at least seven days' notice of his intention to do so. Clause 11(a) makes, *inter alia*, the necessary provisions by the insertion in section 22 of the principal Ordinance of a new subsection (2A).

Thirdly. It is intended, in the near future, to open a number of Marriage Registries in outlying districts of Hong Kong and in the New Territories. The parties and witnesses to marriages in those Registries will normally understand only Chinese, and, since the Assistant Registrars before whom the marriages will be celebrated will often be

able to speak that language, it is obviously sensible that, where they and the parties and witnesses all understand Chinese, the marriage should be conducted in that language. It is desired to amend the Marriage Ordinance to provide accordingly. Clause 11(b) makes the necessary provisions.

2. The opportunity afforded by the need to amend the principal Ordinance in the foregoing respects has been taken to make a number of other amendments thereto. The following are the principal further amendments.

- (a) Clause 2 seeks to amend the Long Title to the principal Ordinance. The present Long Title does not accurately express the main purposes of the Ordinance—there is, in fact, no “general register of marriages celebrated in the Colony”. The main purpose of the Ordinance is to provide for the celebration of Christian marriages or the civil equivalent thereof, and this is reflected in the new Long Title.
- (b) Section 9 of the principal Ordinance provides that the Registrar may issue his certificate not more than three months nor, save where the Governor grants a licence, less than fifteen days after the giving of the notice of marriage required by section 6 thereof. It is considered that the power at present so vested in the Governor to license the issue of a certificate within fifteen days of the giving of the notice of marriage may properly be vested in the Registrar of Marriages. Clause 4 makes the necessary provisions.
- (c) Section 15 of the principal Ordinance, which makes provisions with respect to the giving of consent where one of the parties to a marriage is less than twenty-one years of age, empowers the guardian of that party to give consent to the marriage only if both parents are dead or *non compos mentis*. This may present serious difficulty in the case of a female who is in the guardianship of the Director of Social Welfare under the provisions of the Protection of Women and Juveniles Ordinance, 1951, but whose parents or one of them are or is alive and of sound mind. It is thought that, in such a case, the Registrar should be authorized to issue his certificate under section 9 and the Governor authorized to grant a special licence if the written consent of the Director of Social Welfare is produced to him, and that this should be so notwithstanding that the parents may have forbidden the marriage under section 17 of the principal Ordinance. Clause 7 makes the necessary provisions.
- (d) As section 23 of the principal Ordinance stands, it is doubtful whether the Registrar is empowered to celebrate a marriage by special licence elsewhere than in his office. There are cases

in which it is desirable that the Registrar should be able to celebrate such a marriage elsewhere, for example, in hospital, The first proviso to the new subsection (2A) added to section 22 of the principal Ordinance by clause 11 provides accordingly.

- (e) It has been felt for some time that parts of the address which, by virtue of the provisions of section 22(3)(a) of the principal Ordinance, is to be delivered by the Registrar to the parties to a marriage are quite inappropriate—particularly those parts which refer to bigamy and punishment therefor. A new form of address has, accordingly, been prepared, and will be substituted for the present form of address by the provisions of clause 11(b).
- (f) The provisions of section 33 of the principal Ordinance apply only to notices of intended marriage. Clause 16 repeals and replaces section 33 by a new section which will apply to all documents kept or filed by the Registrar pursuant to, or for the purposes of, the provisions of the principal Ordinance. The penalty for an offence against the provisions of this section has been increased.
- (g) Clause 18 amends section 40 of the principal Ordinance in two respects. As this section stands, the only persons who are empowered to celebrate the marriages to which the section applies are competent ministers. It is considered that the Registrar also should be empowered to celebrate such marriages. Secondly, paragraph (b) of the proviso to subsection (1) of this section which provides that the person whose consent to the marriage is required must be present at the marriage and give his consent verbally has been amended to provide that alternatively the required consent may be given in writing.
- (h) Clause 20 amends the Second Schedule to the principal Ordinance. By virtue of the amendments, a fee of sixty dollars will be payable in respect of the issue by the Registrar of Marriages of a certificate under the new proviso to section 9 of the principal Ordinance. The other amendments to this Schedule are for the purpose of prescribing fees for the celebration by the Registrar, elsewhere than in his office, of a marriage by special licence or the marriage of a person *in articulo mortis*, and for the celebration by the Registrar of joint marriages under the provisions of the second proviso to the new subsection (2A) of section 22 of the principal Ordinance.

3. Those amendments of the principal Ordinance which are not specifically mentioned herein are amendments which are either consequent upon amendments which are mentioned or are of a minor nature.

ADJOURNMENT.

H. E. THE GOVERNOR: —That concludes the business for today, gentlemen.
When is it your pleasure that we should meet again?

ATTORNEY GENERAL: —Sir, may I suggest this day fortnight?

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