

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 1st November 1961**

PRESENT:HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

SIR ROBERT BROWN BLACK, KCMG, OBE

HIS EXCELLENCY LIEUTENANT-GENERAL SIR RODERICK WILLIAM McLEOD, KCB,
CBE

COMMANDER BRITISH FORCES

THE HONOURABLE CLAUDE BRAMALL BURGESS, CMG, OBE

COLONIAL SECRETARY

THE HONOURABLE ARTHUR RIDEHALGH, QC

ATTORNEY GENERAL

THE HONOURABLE JOHN CRICHTON McDOUALL

SECRETARY FOR CHINESE AFFAIRS

THE HONOURABLE JOHN JAMES COWPERTHWAITTE, OBE

FINANCIAL SECRETARY

THE HONOURABLE ALLAN INGLIS

DIRECTOR OF PUBLIC WORKS

DR THE HONOURABLE DAVID JAMES MASTERTON MacKENZIE, CMG, OBE

DIRECTOR OF MEDICAL AND HEALTH SERVICES

THE HONOURABLE KENNETH STRATHMORE KINGHORN

DIRECTOR OF URBAN SERVICES

THE HONOURABLE PETER DONOHUE

DIRECTOR OF EDUCATION

THE HONOURABLE KWOK CHAN, OBE

THE HONOURABLE HUGH DAVID MacEWEN BARTON, MBE

THE HONOURABLE DHUN JEHangIR RUTTONJEE, OBE

THE HONOURABLE FUNG PING-FAN, OBE

THE HONOURABLE RICHARD CHARLES LEE, OBE

THE HONOURABLE KWAN CHO-YIU, OBE

THE HONOURABLE KAN YUET-KEUNG, OBE

THE HONOURABLE WILLIAM CHARLES GODDARD KNOWLES

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

MINUTES

The minutes of the meeting of the Council held on 4th October 1961 were confirmed.

PAPERS

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

<i>Subject</i>	<i>GN No</i>
Sessional Papers, 1961: —	
No. 17—Annual Report by the Commissioner of Mines for the year 1960-61.	
No. 18—Annual Report by the Commissioner of Prisons for the year 1960-61.	
No. 19—Annual Report by the Commissioner of Rating and Valuation for the year 1960-61.	
No. 20—Annual Report by the Commissioner for Resettlement for the year 1960-61.	
No. 21—Annual Report by the Director of Civil Aviation for the year 1960-61.	
No. 22—Annual Report by the Director of Information Services for the year 1960-61.	
No. 23—Annual Report by the Director of Marine for the year 1960-61.	
No. 24—Annual Report by the Director of Medical and Health Services for the year 1960-61.	
No. 25—Annual Report by the Director, Royal Observatory for the year 1960-61.	
No. 26—Annual Report by the Registrar, Supreme Court for the year 1960-61.	
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No. 14) Order, 1961	A 121
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No. 15) Order, 1961	A 122
Legal Officers Ordinance.	
Legal Officers Ordinance (Amendment of Schedule) Order, 1961.	A 124

<i>Subject</i>	<i>GN No</i>
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No. 16) Order, 1961 ...	A 125
Pensions Ordinance.	
Pensionable Offices Order, 1961	A 126
Ferries Ordinance.	
Excluded Ferries (Ma On Shan and Ho Tung Lau) (Amendment) (No. 2) Regulations, 1961	A 127

QUESTIONS

MR R. C. LEE, pursuant to notice, asked the following question: —

According to a circular issued by the Education Department, no student over the age of 14 years would be permitted to sit for the examination for entry into Secondary Schools in 1962. Does this mean that children who, for one reason or another, have started primary school at a late stage, are to be denied the opportunity of competing for government and government-assisted secondary school places?

MR P. DONOHUE replied as follows: —

The circular referred to by my Honourable Friend was issued in September and included a statement that no child over the age of 14 on the 31st August in the year of the examination will be accepted for the Secondary School Entrance Examination.

This statement was subsequently corrected by a circular issued in October which regretted that the phrase "except in special circumstances" had been inadvertently omitted from the earlier circular. This circular also stated that, and I quote: —

"The purpose of Section II 2(b) of the Regulations is to ensure that no candidate will have an unfair advantage. On the other hand, it is not intended to use this Regulation to bar from the examination pupils who have started their primary education late owing to special circumstances.

"Over-age candidates will be considered for the examination but it will be necessary for Heads of

Schools to submit special recommendations in such cases and to give reasons for the recommendations."

The Secondary School Entrance Examination is a competitive examination for selecting pupils for entry to Government and Government-Aided Secondary Schools, and to Private Schools in which Government provides aided places. Since the examination is a competitive one, it is essential that no candidate shall have an unfair advantage and an age limit has been laid down to achieve this purpose. It is certainly not intended to penalize pupils who, for one reason or another, have started primary school at a late stage.

The essence of the matter is this. It is considered that all primary school pupils who have completed the primary school course in the normal period of six years should be eligible for selection for the examination; but those who have spent more than the normal period of six years and who are 14 years or over should be nominated for the examination only if there are special reasons for doing so.

I have been very surprised to learn that some members of the public entertain a fear that the age qualification foreshadows a limitation of secondary school places. I wish to make it quite clear that this fear is groundless and that the age qualification has been introduced for the purpose which I have just described and for no other purpose.

MR R. C. LEE, pursuant to notice, asked the following question: —Would Government clarify its policy concerning the provision of Secondary Education in Hong Kong?

MR P. DONOHUE replied as follows: —

As to the provision of Secondary Education in Hong Kong, I would refer to the statement of the Senior Unofficial in this year's budget debate that, and I quote: —

"It is my view, and I know I am supported in this by my Unofficial Colleagues, that Government should now bring its main effort to bear on secondary education, whilst at the same time encouraging private schools to provide additional places at primary level. The biggest problem facing parents today is that of finding a place for their children at secondary schools after they have completed their primary education."

In his reply the Colonial Secretary stated that Government was in full agreement that when the census results were available the time would be opportune to review the educational programme and to consider a switch of effort to secondary education.

Government's genuine interest in providing more secondary school places has already been demonstrated by the recent opening of three new secondary schools in temporary accommodation in advance of the completion of permanent accommodation in September this year.

As to the future, I can only say, at this stage, that the provision of primary and secondary education is being reviewed in the light of the recent census figures and the results of this review, and recommendations arising from the review, will be submitted to the Board of Education and very carefully considered by Government in due course. We shall move as quickly as we can, but this is an important matter with important implications for the whole Colony and it will require much deliberation.

MR H. D. M. BARTON, pursuant to notice, asked the following question: —

In this year's Budget Debate my Honourable Friend the Financial Secretary's predecessor — Mr Arthur CLARKE — stated, and I quote: —

“ . . . I understand that my successor will, during the course of the year, commence inviting tenders for Treasury Bills for varying periods of three to nine months.”

Can we be given any indication as to how soon the Government intends to proceed with this proposal or whether there has been any change of policy in the light of recent events?

THE FINANCIAL SECRETARY replied as follows: —

I have been giving considerable thought to this question in recent months as well as to other methods of borrowing. The issue of Treasury Bills is a useful method of short-term financing to meet temporary needs for cash but we are fortunate in not having that problem at present. Our need is rather for medium and long-term finance for capital expenditure over and above what we can do from current revenue and from our fairly substantial reserves, and it would clearly be imprudent to use the proceeds of Treasury Bills for this purpose. Indeed if we raised

funds by the issue of Treasury Bills now, there is little we could do with them but re-invest them in short-term securities elsewhere or on fixed deposit in banks in Hong Kong, almost certainly at lower rates of interest. It is true that Treasury Bills would be of some convenience to banks in Hong Kong but I do not think that that can justify Government incurring a loss on interest.

On the other hand, if and when our reserves begin to be seriously depleted, it could be that the successful issue of Treasury Bills would make it possible to run them down rather further than would otherwise be prudent. And, if we are going to come to rely on them some day in this way, it is probably desirable to get a market going some time in advance, even if it does cost a little, in interest. I have come to the conclusion that the present moment is still too early but we are making some of the necessary preparations now. In particular the present Treasury Bills Ordinance has been reviewed to bring it up-to-date and I hope to be able to present an amending Bill fairly soon. But a decision as to when it is appropriate to proceed to the actual issue of Treasury Bills depends on the future course of our finances.

MR H. D. M. BARTON, pursuant to notice, asked the following question: —

In this year's Budget Debate my Honourable Friend the Financial Secretary's predecessor—Mr Arthur CLARKE—said that there was a possibility of funds becoming available from the International Bank for the financing of some of our water schemes or our reclamation schemes, or perhaps both.

I understand that further talks have been held with officials of the International Bank. Can Government give us any information on how these talks are going and what projects are under discussion?

THE FINANCIAL SECRETARY replied as follows: —

I am glad to have the opportunity of making a statement about negotiations with the International Bank for a loan to finance the reclamation at Kwai Chung. This is the only project on which we have made a specific application for a loan.

In May, the Bank, following its usual procedure, sent a three-man economic survey mission to make an intensive study of the economy of Hong Kong, with a view to assessing

both our credit-worthiness as a potential client and our need for credit. I do not know if the Mission has yet completed its report but I have just learned that its leader will be spending two or three days in Hong Kong next week.

In July, a Technical Mission from the Bank visited the Colony to study the engineering, financial and economic aspects of the Kwai Chung reclamation. They had before them our Consultant Engineers' Report and a considerable amount of supplementary information which is now being studied in Washington. I am in communication with the Director of the Bank's Department of Far Eastern Operations on the matter.

I should add that the financing of a reclamation project, more especially one which does not entail substantial direct expenditure of foreign exchange, is something out of the usual run of projects financed by the Bank, and perhaps on that account its economic and financial aspects are the more difficult for the Bank to evaluate in its standard terms.

ROAD TRAFFIC (GENERAL) REGULATIONS, 1961

THE ATTORNEY GENERAL moved the following resolution: —

Resolved, pursuant to section 5A of the Road Traffic Ordinance, 1957, that the Road Traffic (General) Regulations, 1961, made by the Governor in Council on the 3rd day of October, 1961, under sections 3 and 5A of the Road Traffic Ordinance, 1957, be approved.

He said: Sir, regulations made by the Governor in Council under the Road Traffic Ordinance may provide that it shall be for the person charged with an offence to prove certain facts, but any regulation which does so provide requires the approval of this Council before it becomes effective. Sir, the object of this Resolution is to seek such approval in relation to one provision in the Road Traffic (General) Regulations, 1961, which were made by the Governor in Council on the 3rd October. Regulation 4 of those regulations prohibits the carrying out of repairs to a vehicle on a road other than such as are necessary to enable the vehicle to be removed from the road. This provision is designed to enable action to be taken against garage proprietors who, having inadequate premises of their own, do their repairs in public places. Paragraph (2) of regulation 4 shifts to the defendant the burden of proving that any repairs carried out on a road were necessary to enable the vehicle to be removed.

Sir, I beg to move.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

HAWKER (AMENDMENT) BY-LAWS, 1961

MR K. S. KINGHORN moved the following resolution: —

Resolved that the Hawker (Amendment) By-laws, 1961, made by the Urban Council on the 3rd day of October, 1961, under section 83 of the Public Health and Urban Services Ordinance, 1960, be approved.

He said: Sir, as a result of growing congestion in the Central District, the Urban Council recently started to enforce the law in regard to the use of racks by newspaper hawkers. This prompted the hawkers to put forward suggestions for variations to the type of rack illustrated in the First Schedule to the Hawker By-laws, 1960, with a view to providing better protection of newspapers from the weather.

The Urban Council considers these suggestions to be reasonable and the proposed amendments to the By-laws now before Honourable Members seek to give effect to them.

Sir, I beg to move.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

SIR ROBERT BLACK TRUST FUND BILL, 1961

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 Sir Robert Black Trust Fund, and for the due administration thereof and for purposes connected with the matters aforesaid."

He said: On 17th March this year Dr TANG Shiu-kin presented to you, Sir, a cheque for one million dollars, requesting that this sum be used to start a fund to provide young persons of exceptional merit with opportunities of furthering their studies, of developing their initiative and character, and of acquiring greater social usefulness, particularly through the qualities of personal leadership in the service of all members of the community. It was Dr TANG's wish that from this fund grants should be made to individuals or groups for the furtherance of activities which are of social value and which develop qualities of personal initiative and resource; and for the training of individuals or groups who are likely to become leaders in community service of any kind.

At Dr TANG's request, Your Excellency in due course approved the use of your name for the title of the Fund, and the purpose of the Bill now before Council is to set up the Fund on a statutory basis with the Secretary for Chinese Affairs Incorporated as the Trustee. The objects of the Fund, which I have just described, are set out at Clause 4 of the Bill and it is further provided in Clause 3 that the Fund shall be able to receive further donations from other sources. I am happy to announce that the Honourable Sir Michael TURNER has agreed to serve as the first Treasurer of the Fund, and that the Chairman of the Hong Kong General Chamber of Commerce supports the proposal that, of the three members appointed by Your Excellency to the Fund Committee, one shall be a member of the Chamber. Other provisions relating to management of the Fund by the Committee and the keeping of accounts and so forth, are similar to those included in legislation governing the establishment of other funds of a like nature.

Sir, I believe Your Excellency would agree that this is a fitting opportunity for Government to pay tribute to Dr TANG's outstanding generosity. His breadth of vision and public spirit will, I have no doubt, in turn inspire others with similar ideals. It is the hope of all of us that this Fund, increased in time by further generous donations, will in due course leave a lasting mark on the well-being of the community of Hong Kong which Dr TANG clearly has so much at heart.

Sir, I beg to move.

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 seeks to implement the wishes of Mr. TANG Shiu-kin with regard to the establishment of a charitable trust with moneys donated by Mr TANG Shiu-kin. The objects of the trust appear in clause 4.

GAMBLING (AMENDMENT) (NO. 2) BILL, 1961

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Gambling Ordinance, Chapter 148."

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 Gambling (Amendment) (No. 2) Bill, 1961, 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.

FIRE INVESTIGATION (AMENDMENT) BILL, 1961

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Fire Investigation Ordinance, Chapter 12."

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 Fire Investigation (Amendment) Bill, 1961, 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

HE THE GOVERNOR: —That concludes to-day's business, gentlemen. When is it your pleasure that Council should meet again?

THE ATTORNEY GENERAL: —May I suggest this day two weeks, Sir?

HE THE GOVERNOR: —Council stands adjourned until this day two weeks.