

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 4th November 1964****PRESENT:**

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR DAVID CLIVE CROSBIE TRENCH, KCMG, MC
HIS EXCELLENCY LIEUTENANT-GENERAL SIR DENIS STUART SCOTT O'CONNOR,
KBE, CB
COMMANDER BRITISH FORCES
THE HONOURABLE EDMUND RRINSLEY TEESDALE, CMG, MC
COLONIAL SECRETARY
THE HONOURABLE MAURICE HEENAN, QC
ATTORNEY GENERAL
THE HONOURABLE JOHN CRICHTON McDOUALL
SECRETARY FOR CHINESE AFFAIRS
THE HONOURABLE MICHAEL DENYS ARTHUR CLINTON, GM
ACTING FINANCIAL SECRETARY
THE HONOURABLE KENNETH STRATHMORE KINGHORN
DIRECTOR OF URBAN SERVICES
THE HONOURABLE ALEC MICHAEL JOHN WRIGHT
DIRECTOR OF PUBLIC WORKS
DR THE HONOURABLE TENG PIN-HUI, OBE
DIRECTOR OF MEDICAL AND HEALTH SERVICES
THE HONOURABLE WILLIAM DAVID GREGG
DIRECTOR OF EDUCATION
THE HONOURABLE PATRICK CARDINALL MASON SEDGWICK
COMMISSIONER OF LABOUR
THE HONOURABLE DAVID RONALD HOLMES, CBE, MC, ED
DIRECTOR OF COMMERCE AND INDUSTRY
THE HONOURABLE JAMES TINKER WAKEFIELD
DISTRICT COMMISSIONER, NEW TERRITORIES
THE HONOURABLE DHUN JEHANGIR RUTTONJEE, CBE
THE HONOURABLE RICHARD CHARLES LEE, CBE
THE HONOURABLE KWAN CHO-YIU, OBE
THE HONOURABLE KAN YUET-KEUNG, OBE
THE HONOURABLE SIDNEY SAMUEL GORDON
THE HONOURABLE LI FOOK-SHU, OBE
THE HONOURABLE FUNG HON-CHU
THE HONOURABLE TSE YU-CHUEN, OBE
THE HONOURABLE KENNETH ALBERT WATSON, OBE
THE HONOURABLE WOO PAK-CHUEN, OBE
THE HONOURABLE GEORGE RONALD ROSS
THE HONOURABLE SZETO WAI
MR ANDREW McDONALD CHAPMAN (*Deputy Clerk of Councils*)

ABSENT:

THE HONOURABLE FUNG PING-FAN, OBE

MINUTES

The minutes of the meeting of the Council held on 14th October, 1964, were confirmed.

PAPERS

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

<i>Subject</i>	<i>LN No</i>
Sessional Paper, 1964: —	
No 38—Annual Report by the Commissioner of Registration of Persons for the year 1963-64.	
No 39—Annual Report by the Commissioner of Labour for the year 1963-64.	
No 40—Annual Report by the Commissioner for Resettlement for the year 1963-64.	
No 41—Annual Report by the Commissioner of Inland Revenue for the year 1963-64.	
No 42—Annual Report by the Controller, Public Enquiry Service for the year 1963-64.	
Statement of Aims and Policy for Social Welfare.	
Report of the Advisory Committee on Library Services.	
Urban Council's Ad Hoc Committee on Library Services.	
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No 36) Order, 1964	157
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No 37) Order, 1964	158
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No 38) Order, 1964	160
Registration of Persons Ordinance, 1960.	
Registration of Persons (Cancellation of Registration and Identity Cards) (No 15) Order, 1964	161

He said: Sir, these include a Paper entitled "Statement of Aims and Policy for Social Welfare, about which I would like, with your permission, Sir, to make a few special remarks.

This document starts by describing the nature of social welfare services and the need for them, as generally accepted elsewhere; it goes on to outline the special conditions affecting their development in Hong Kong; and then puts forward Government's present views on what should be the policy guiding such development, with particular reference to the official and the voluntary role in that process.

This paper is based on the effective past practice of the Social Welfare Department and of the many leading voluntary agencies which have sunk their roots here and have thus become an invaluable element in the life of our community because of their work in this field. It has been prepared with the co-operation and advice of the Social Welfare Advisory Committee; and it represents an honest, pragmatic attempt to propose a realistic framework, within which the Government's future resources may be properly and soundly laid out, and within which also the voluntary agencies may find some guidance as to the directions in which they may best continue their important efforts without duplication and waste.

The paper thus provides a framework for the future development of social welfare services in Hong Kong, as seen by the Government. It does not purport to be a joint statement agreed between Government and the voluntary welfare agencies as to the respective role and share of voluntary and official effort in meeting the needs of the people of Hong Kong in the field of social welfare. The document is now published for information and study by the public in general and particularly by the voluntary social welfare agencies, and for subsequent debate in this Council. It will be on public sale tomorrow and the Hong Kong Council of Social Services has kindly agreed to forward copies to the major voluntary organizations. Government hopes that the attention which the public and the voluntary agencies give to it will be thoughtful and constructive. The views of the many organizations in the Hong Kong social service field will be most welcome, and will be examined with care and sympathy; for we would like to see the development of social welfare services—as indeed of the social services generally—go forward, for the benefit of the people of Hong Kong, in full partnership between official and voluntary effort.

QUESTIONS

MR KAN YUET-KEUNG, pursuant to notice, asked the following question: —

Sir, in November 1959 Government accepted a tender by the Hongkong & Yaumati Ferry Co., Ltd. to operate a vehicular ferry service between North Point and Hung Hom. Up to now the Company cannot operate this

service because the pier at North Point is not yet completed although construction began some four years ago.

In view of the urgent need for this cross-harbour vehicular service and the loss of revenue to Government amounting to \$100,000 per month in royalty alone, will the Hon. Director of Public Works explain to this Council the reasons for the long delay in the construction of the pier and what steps are being taken to expedite its completion?

MR A. M. J. WRIGHT replied as follows: —

Your Excellency, it is correct that a tender from the Hongkong & Yaumati Ferry Co., Ltd. to operate a vehicular ferry service between North Point and Kowloon City was accepted in November, 1959. However, it is not correct that construction of the piers began some four years ago; a contract for their construction was signed at the end of May, 1962 and the commencement date of the contract was 19th June, 1962—a little less than two and a half years ago.

Owing to shortage of civil engineering staff in the Public Works Department a firm of consulting engineers was appointed to undertake the design of the Ferry Piers, the preparation of drawings and contract documents, and the supervision of the construction. It was necessary to award the contract for the operation of the ferry service well in advance of the letting of a construction contract because the consulting engineers required details of the ferries before they could finalize the design of the piers.

The contract period for the construction of the piers was 500 days. With an allowance for non-working days (Sundays, holidays and bad weather), the contract should have been completed on 18th March, 1964. Work is now nearing completion and the consulting engineers have advised me that the piers should become operational by the end of this month or early in December.

There have been many reasons for the delay in completing the contract but as it is possible that the matter of delay in completion of the contract may go to Arbitration it is clearly undesirable that I should go into any details. In regard to the period since March this year, Members will no doubt appreciate that this summer has been a particularly bad one for marine works.

MR KAN YUET-KEUNG: —Thank you.

VARIATION OF TRUSTS BILL, 1964

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to extend the Jurisdiction of Courts of Law to vary trusts in the interests of the beneficiaries and to sanction dealings with trust property."

He said: Sir, as the law stands at present in Hong Kong, the terms of a trust, unless the trust instrument makes special provision, cannot normally be varied except with the legal consent of all of the beneficiaries. This was also the position in the United Kingdom until the Variation of Trusts Act, 1958 was enacted as the result of a recommendation made in the Sixth Report of the United Kingdom Law Reform Committee. For a number of years it had been felt that on occasions the law relating to the variation of trusts was too inflexible to enable trust property to be disposed of to the best advantage of beneficiaries. Circumstances arose where one or more of the beneficiaries of a trust laboured under a legal disability, for example, infancy or lunacy, which precluded their consenting to a scheme of variation notwithstanding that the variation would be to their benefit. The 1958 Act remedied the situation in the United Kingdom and the Law Reform Committee in Hong Kong have considered the local position in this respect and have recommended that it should be remedied here also. This Bill, therefore, which closely follows the provisions of the United Kingdom Act, seeks to enable the Court to approve the variation of a trust where it is in the interests of the beneficiaries to do so even though one or more of them are under a disability and cannot give their legal consent. It is believed, Sir, that this proposed measure will be very much in the general interest of the community.

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 purpose of this Bill is to seek extension of the jurisdiction of the courts to vary the terms of trusts in the interests of the beneficiaries in cases in which for reasons of infancy or other incapacity one or more of the beneficiaries are incapable of giving legal assent to an arrangement of variation or where the interests of potential beneficiaries are involved. The reason for this measure is to alleviate hardship

resulting to beneficiaries where the powers of the trustees are too circumscribed to permit, in the face of changing circumstances, of the most advantageous disposition of the settled property.

2. The text of the Bill closely follows the corresponding provisions of the Variation of Trusts Act, 1958, of the United Kingdom. The Variation of Trusts Act, 1958, was based on recommendations made in the Sixth Report of the Law Reform Committee of the United Kingdom which have been adopted by the Law Reform Committee of Hong Kong.

ROAD TRAFFIC (AMENDMENT) (NO 2) BILL, 1964

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

He said: Your Excellency, After consideration of the advice of the Advisory Committee on Public Transport, Government recently decided to increase the number of registered taxis both in Hong Kong and Kowloon and that applications for the registration of the additional taxis should be by tender inclusive of the offer of a premium. In order to permit such registration by tender it is necessary to make appropriate amendment of section 4 of the principal Ordinance and clause 2 of the Bill seeks to achieve this purpose.

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: —

This Bill seeks to make such amendments to the Road Traffic Ordinance, 1957, as are necessary to provide for the registration of any class of vehicle at a tendered premium exclusive of the registration and licence fee.

CHINESE PERMANENT CEMETERIES BILL, 1964

THE SECRETARY FOR CHINESE AFFAIRS moved the First reading of a Bill intituled "An Ordinance to give statutory recognition to and to regulate the provision of permanent cemeteries for persons of Chinese race permanently resident in the Colony and to provide for the proper maintenance and administration thereof, and for purposes connected therewith."

He said: Sir, in 1913 a number of Hong Kong Chinese gentlemen agreed to approach Government for a piece of land in Aberdeen where they could at their own expense create a permanent cemetery for Hong Kong Chinese residents. For the management of this cemetery they formed a Board, which was recognized by Government in the Deed of Appropriation granting the land, and on which the Secretary for Chinese Affairs was asked to serve and has customarily been elected as Chairman. That form of management, with the addition of certain other Heads of Departments, has remained unchanged. But the scope and responsibility of the work have grown enormously, not least on account of the tremendous pressure of applications for burials in the Board's cemeteries. The large cemetery at Aberdeen is full, and a second one at Tsuen Wan very nearly so. By 1962 the Board found itself with a reasonable cash balance, which by the terms of its Deeds of Appropriation it could not spend on anything except its cemeteries, and no room to expand. At the Board's request Government permitted it to start developing the rockiest and steepest part of the new cemetery area at Cape Collinson, and agreed to consider introducing legislation along the lines of the Bill now before honourable Members. This Bill has the support of all members of the present Board of Management, which will under Clause 12(a) be dissolved if the Bill is enacted.

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: —

As indicated in the preamble to this Bill the purpose of this measure is to seek the substitution of a body corporate having perpetual succession for the existing unincorporated Board which is at present responsible for the provision, maintenance and management of Chinese Permanent Cemeteries in the Colony. Opportunity is taken to seek the revocation of the existing deeds of appropriation whereby certain Crown lands, while remaining vested in the Crown, are appropriated to the use of the existing unincorporated Board for the purpose of such cemeteries in order that such lands, and any other lands which may be required in the future for such purpose, may be vested in the body corporate by means of suitable long term leases.

BUILDINGS (AMENDMENT) (NO 3) BILL, 1964

MR A. M. J. WRIGHT moved the Second reading of a Bill intituled "An Ordinance further to amend the Buildings Ordinance, 1955."

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

Council then went into Committee to consider the Bill clause by clause.

Clauses 1 and 2 were agreed to.

Council then resumed.

MR A. M. J. WRIGHT reported that the Bill before Council 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.

TELEVISION BILL, 1964

THE COLONIAL SECRETARY moved the Third reading of a Bill intituled "An Ordinance to make provision for licensing companies to broadcast wireless television, for controlling the standards of programmes broadcast by such companies and for purposes connected therewith."

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

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

ADJOURNMENT

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

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

HIS EXCELLENCY THE GOVERNOR: —Council stands adjourned until this day fortnight.