

28th May, 1952.

PRESENT:

HIS EXCELLENCY THE GOVERNOR

SIR ALEXANDER WILLIAM GEORGE HERDER GRANTHAM,
G.C.M.G.

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

LIEUTENANT-GENERAL SIR TERENCE AIREY, K.C.M.G., C.B., C.B.E.

THE HONOURABLE THE COLONIAL SECRETARY

MR. ROBERT BROWN BLACK, O.B.E.

THE HONOURABLE THE ATTORNEY GENERAL

MR. G. E. STRICKLAND, Q.C., *Acting*.

THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS

MR. JOHN CRICHTON MCDOUALL, *Acting*.

THE HONOURABLE THE FINANCIAL SECRETARY

MR. ARTHUR GRENFELL CLARKE.

THE HONOURABLE THEODORE LOUIS BOWRING, O.B.E.

(Director of Public Works).

THE HONOURABLE DOUGLAS JAMES SMYTH CROZIER.

(Director of Education).

DR. THE HONOURABLE YEO KOK CHEANG

(Director of Medical and Health Services).

THE HONOURABLE KENNETH MYER ARTHUR BARNETT

(Chairman, Urban Council).

THE HONOURABLE CHAU TSUN-NIN, C.B.E.

DR. THE HONOURABLE CHAU SIK-NIN, C.B.E.

THE HONOURABLE MAURICE MURRAY WATSON.

THE HONOURABLE CHARLES EDWARD MICHAEL TERRY.

THE HONOURABLE NGAN SHING-KWAN

THE HONOURABLE HUBERT JOHN COLLAR, C.B.E.

THE HONOURABLE KWOK CHAN.

MR. RONALD THOMPSON *(Deputy Clerk of Councils).*

ABSENT:

THE HONOURABLE LEO D'ALMADA E CASTRO, Q.C.

MINUTES.

The Minutes of the meeting of the Council held on 14th May, 1952, 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 Papers, 1952:—	
No. 8—Annual Report by the Registrar General for the year 1950-51.	
The Defence Regulations, 1940.	
The Aviation Spirit Control Order, 1952	A. 90
The Pensions Ordinance, Chapter 89.	
The Pensionable Offices Order, 1952	A. 91
Removal of quarantine restrictions imposed against	
Rangoon on account of smallpox	A. 92
The Defence Regulations, 1940.	
The Price Control Order, 1946—Amendments to the Schedule	A. 93
The Building Ordinance, Chapter 123.	
Notification under s. 102	A. 94
The Miscellaneous Licences Ordinance, Chapter 114.	
The Miscellaneous Licences (Amendment) Regulations, 1952	A. 95
The Emergency Regulations Ordinance, Chapter 241.	
The Emergency (Resettlement Areas) (Amendment) Regulations, 1952	A. 96
The British Nationality (Miscellaneous Provisions) Ordinance, Chapter 186.	
The British Nationality (Miscellaneous Provisions) Order, 1952	A. 97
The Essential Services Corps Ordinance, Chapter 197.	
The Essential Services (Auxiliary Medical Services) Corps (Amendment)	
Regulations, 1952	A. 98

MOTIONS.**SUPPLEMENTARY PROVISIONS, 1951/1952.**

THE FINANCIAL SECRETARY moved the following resolution:—

Resolved that the Supplementary Provisions for the quarter ended 31st March, 1952 as set out in Schedule No. 4 of 1951/52, be approved.

He said: Sir, all the larger items in the Schedule of the Supplementary Provisions have already been foreshadowed by me in the course of my review of the Colony's financial position in introducing the Appropriation Bill in this Council on the 5th March last. All the items have already been approved by Finance Committee and now require the covering approval of this Council.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

**RESOLUTION REGARDING ABANDONMENT OF CLAIMS
AND WRITE-OFFS OF LOSSES AND DEFICIENCIES
FOR THE FINANCIAL YEAR 1951—52.**

THE FINANCIAL SECRETARY moved the following resolution:—

Resolved that the abandonment of claims and write-offs of losses and deficiencies as specified and explained in Schedule No. 4 of 1951-52, be approved.

He said: Sir, the Schedule of Abandonment of Claims and Write-offs is as usual in four parts. The items set out in A and C have already received the approval of Finance Committee and those in B and D have been authorized by the Financial Secretary under the authority delegated by Finance Committee.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

WATERWORKS (AMENDMENT) BILL, 1952.

HON. T. L. BOWRING, O.B.E., moved the First reading of a Bill intituled "An Ordinance to amend the Waterworks Ordinance, Chapter 102." He said: Sir, the importance of the purity of a water supply must be well-known to Honourable Members, but it may not be so well-known that a high standard of purity

is attained mainly by restricting habitation inside catchment areas so as to prevent pollution of these areas and of the water in the reservoirs.

The object of this Bill, Sir, is to make these restrictions enforceable under the Waterworks Ordinance by providing heavy penalties for their contravention.

It is admittedly a fact that modern methods of water purification have now advanced to a point where highly polluted water can be purified and made potable. To do this, however, elaborate and expensive purification plants are required and with these there is a greater risk of breakdown with increased risk to the community. At present there are no such plants in Hong Kong, the existing equipment having been designed to deal with water from catchment areas which have been carefully protected against pollution and damage.

Towards the end of 1951 the discovery of extensive wolfram deposits in the vicinity of Shing Mun led to widespread illegal mining inside the reservoir catchment area. Many of the miners were found to be living on the site with little or no sanitary arrangements, and the hillsides were being dug up indiscriminately and the vegetation destroyed.

This gave rise to two serious results. Firstly, the pollution of the water supply and, secondly, the disturbance of the ground surface with consequent erosion of the catchment area and silting of the Shing Mun Reservoir.

Samples of the water supplied to Tsun Wan Village from the Shing Mun catchment were found, on analysis, to be badly polluted and dangerous, and in order to sterilize the water chlorination had to be increased to a degree which rendered it very unpleasant to the taste.

This threat to the Waterworks was discussed with the Commissioner of Police, but in his opinion it could not be dealt with under the existing Waterworks Ordinance, as there were at that time between 3,000 and 5,000 miners in the area and it was considered impracticable to arrest and charge that number of offenders with pollution of the waterworks, that being the only charge applicable.

After considerable discussion Government decided that the only way to combat the very serious threat to public health and the damage to the waterworks was to combine a policy of controlled

and licensed mining with new Waterworks Legislation so as to make it possible to control, not only the miners, but also the erection and habitation of buildings in the catchment area.

It was realized that even if control were exercised in the licensed mining areas, hawkers and others might build huts, shops, stalls, etc. just outside such mining areas but inside the catchment areas, and that there was nothing in the existing Waterworks Ordinance to compel the removal to such illegal structures or to stop persons from living inside the catchment areas.

It was, therefore, agreed that an amendment should be made to the Waterworks Ordinance which would enable action to be taken against offenders. This is the amendment now before Council.

I am of the opinion, Sir, that there will not be a large number of cases involved under this amendment. Unless, therefore, the situation should change for reasons unforeseen at present, it is considered that the existing Waterworks staff should be capable of dealing with the matter and no additional personnel will be required to implement the Bill.

In conclusion, although this legislation has been drawn up primarily on account of the mining activities at Shing Mun, it is not impossible that similar occurrences might arise in other catchment areas, and it is therefore desirable that the Waterworks Ordinance should in any case contain these additional provisions.

THE COLONIAL SECRETARY seconded, and the Bill was read a First time.

Objects and Reasons.

The "Objects and Reasons" for the Bill were stated as follows:—

1. For some time past illicit wolfram mining has been taking place in an area part of which is upon the waterworks catchment area and the miners have erected and inhabited many huts in the waterworks area. Others live in caves or holes caused by excavation. In addition to being a trespass this constitutes a serious danger to public health by reason of the likelihood of the pollution of the water.

2. The object of the amendment made by clause 2 of the Bill is to prevent such trespass and to eliminate such danger to public health by prohibiting the erection or habitation of such structures and the habitation of any such cavities by providing heavy penalties for the contravention of such prohibition. Provision is also made for an additional penalty where the offender fails to comply with a notice from the Water Authority to remove such structure or cease such habitation.

3. The opportunity has been taken to modernise provisions for prescribing punishment for contraventions of the regulations.

PENSIONS (SPECIAL PROVISIONS) BILL, 1952.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to make provision for the granting of pensions to certain public officers transferred on the 1st day of September, 1950, from the public service to the service of Cable and Wireless, Limited."

THE COLONIAL SECRETARY seconded, and the Bill was read a Second time.

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

Council then resumed.

THE ATTORNEY GENERAL reported that the Pensions (Special Provisions) Bill, 1952 had passed through Committee without amendment, and moved the Third reading.

THE COLONIAL SECRETARY seconded, and the Bill was read a Third time and passed into law.

ADJOURNMENT.

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

THE ATTORNEY GENERAL:—Two weeks' time, Sir.

H.E. THE GOVERNOR:—Council will adjourn to this day fortnight: