

**OFFICIAL REPORT OF PROCEEDINGS****Meeting of 2nd December, 1953.**

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**PRESENT:**

HIS HONOUR THE GOVERNOR'S DEPUTY (PRESIDENT) (AND  
COLONIAL SECRETARY)

MR. ROBERT BROWN BLACK, C.M.G., O.B.E.

THE HONOURABLE THE ATTORNEY GENERAL

MR. ARTHUR RIDEHALGH, Q.C.

THE HONOURABLE THE SECRETARY

FOR CHINESE AFFAIRS MR. RONALD RUSKIN TODD.

THE HONOURABLE THE FINANCIAL SECRETARY

MR. JOHN JAMES COWPERTHWAIT, *Acting*.

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

*(Director of Public Works).*

THE HONOURABLE DOUGLAS JAMES SMYTH CROZIER

*(Director of Education).*

THE HONOURABLE KENNETH MYER ARTHUR BARNETT, E.D.

*(Director of Urban Services).*

DR. THE HONOURABLE JAMES MALCOLM LISTON

*(Acting Director of Medical and Health Services).*

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

THE HONOURABLE CEDRIC BLAKER, M.C., E.D.

THE HONOURABLE CHARLES EDWARD MICHAEL TERRY.

THE HONOURABLE LO MAN WAI, O.B.E.

THE HONOURABLE NGAN SHING-KWAN.

THE HONOURABLE DHUN JEHANGIR RUTTONJEE.

THE HONOURABLE KWOK CHAN, O.B.E.

DR. THE HONOURABLE ALBERTO MARIA RODRIGUES, M.B.E., E.D.

MR. ROBERT WILLIAM PRIMROSE *(Deputy Clerk of Councils).*

**ABSENT:**

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

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

**MINUTES.**

The Minutes of the meeting of the Council held on 18th November, 1953, were confirmed.

**PAPERS.**

THE COLONIAL SECRETARY laid upon the table the following papers:—

	<i>Subject</i>	<i>G.N. No.</i>
Sessional Papers, 1953:—		
No. 40—Report on Forestry Policy by the Forestry Officer, together with a foreward by the Director of Agriculture, Fisheries and Forestry.		
No. 41—Report on Technical Education in Hong Kong by the Technical Education Investigating Committee.		
The Colonial Air Navigation Order, 1949.		
The Hong Kong Air Navigation (Fees)		
	(Amendment) Regulations, 1953 .....	A. 157
The Dutiable Commodities Ordinance, Chapter 109.		
The Dutiable Commodities (Amendment)		
	Regulations, 1953 .....	A. 158
The University Ordinance, Chapter 319.		
	The University (Amendment) Statutes, 1953 .....	A. 159
The Workmen's Compensation Ordinance, 1953.		
	The Workmen's Compensation Regulations, 1953 .....	A. 161
The Workmen's Compensation Ordinance, 1953.		
	The Workmen's Compensation (Rules of Court) Rules, 1953 .....	A. 162
The Pensions Ordinance, Chapter 89.		
	The Pensions (Amendment) (No. 2) Regulations, 1953 .....	A. 163
The Emergency (Requisition) Regulations, 1949.		
The Emergency (Requisition) (Use of Land by Her Majesty's Military Forces)		
	(Quarry Camp) Order, 1953 .....	A. 164

<i>Subject</i>	<i>G.N. No.</i>
The Air Transport (Licensing of Air Services) Regulations, 1953.	
The Air Transport (Licensing of Air Services)	
(Amendment) Regulations, 1953 .....	A. 165
The Places of Public Entertainment Ordinance, Chapter 172.	
The Film Censorship Regulations, 1953 .....	A. 166

He said: As Colonial Secretary, and by Command of His Excellency the Governor, I lay upon the Table certain papers, copies of which are already in the hands of Honourable Members. Included among these papers is a report on Forestry Policy by the Forestry Officer, together with a foreward by the Director of Agriculture, Fisheries and Forestry. Subject to the availability of funds, Government is prepared to take the steps necessary to carry into effect the policy recommended.

I also invite reference to the Report on Technical Education in Hong Kong prepared by the Technical Education Investigating Committee. This Committee was appointed by His Excellency the Governor on the 1st October, 1951, with the terms of reference which are set out on page 9 of the report. Honourable Members will note that the original terms of reference were extended in the following year to enable the Committee to make such recommendations as its investigations might reveal to be desirable.

The increased importance of the part that modern industry is playing in the economic development of Hong Kong underlines the demand on our growing industries for goods and articles of high standard and quality and I do not need to stress the importance of the part which technical education will play in helping to develop our industries.

The report is a comprehensive survey of the conditions prevailing in Hong Kong in the field of technical education and contains a number of recommendations for the extension, improvement and development of our existing system of technical education. It would be premature to say to what extent Government will be able to accept and carry into effect these recommendations but the report is receiving careful consideration by Government.

I am sure that Honourable Members would wish to be associated with Government in expressing thanks and appreciation to Mr. Burt and the members of his Committee for their hard work in producing this valuable report.

**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 the 1st January, 1954.

He said: Your Honour, under the Illegal Strikes and Lockouts Ordinance, strikes and Lock-outs having an objective other than the furtherance of a genuine trade dispute and being designed to coerce the Government are declared illegal, and it is also an offence wilfully to break contracts of service resulting in the public being deprived of certain essential services. Under section 8, the Ordinance ceases to have effect unless renewed by annual resolution of this Council, and the purpose of this resolution is to extend the life of the Ordinance until December, 31st, 1954.

Sir, we still live in troubled times, and the view of the Government is that we cannot afford to allow this legislation to lapse at this stage.

THE SECRETARY FOR CHINESE AFFAIRS seconded.

The question was put and agreed to.

**SUPPLEMENTARY PROVISIONS FOR THE  
QUARTER ENDED 30TH SEPTEMBER, 1953.**

THE FINANCIAL SECRETARY moved the following resolution:—

Resolved that the Supplementary Provisions for the quarter ended 30th September, 1953, as set out in Schedule No. 2 of 1953/54, be approved.

He said: Your Honour, all the items in the Schedules have already been approved by Finance Committee and now require the covering approval of this Council.

Most of the items are adequately explained in the remarks column, but I should perhaps draw attention to one item which appears in the case of every Department—revised cost of living allowances. These become payable in consequence of a review of the scheme of cost of living allowances undertaken last year and account for \$8½ million out of the total of \$11 million in this

Schedule. I should mention, however, that this figure covers the eighteen months from October, 1952, to March, 1954, not merely the current financial year.

THE SECRETARY FOR CHINESE AFFAIRS seconded.

The question was put and agreed to.

**HONG KONG AND YAUMATI FERRY COMPANY  
(SERVICES) (AMENDMENT) BILL, 1953.**

THE FINANCIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance to amend the Hong Kong and Yaumati Ferry Company (Services) Ordinance, 1951".

He said: Your Honour, the Hong Kong and Yaumati Ferry Company (Services) Ordinance which renewed the Company's ferry franchise was passed in March, 1951, the Company having agreed to the terms embodied in the Ordinance on the understanding that the franchise granted to the Star Ferry Company (which was under negotiation at the time) would not be materially more favourable. The Star Ferry Company (Services) Ordinance was passed in December of the same year. Its terms differed in several material particulars from those of the earlier ordinance, and when introducing the Bill the Acting Financial Secretary said: "If the latter Company now considers that the terms of the Star Ferry Franchise set forth in this Bill are more favourable than those of its own franchise, sympathetic consideration would-be given by Government to an application for modification."

In 1952, the Hong Kong & Yaumati Ferry Company represented to Government that the differences between the two bills represented materially more favourable terms. Negotiations have been in progress since that time and the Bill before Council to-day is designed to amend the financial provisions of the Hong Kong and Yaumati Ferry Ordinance in such a way as to give the two Companies, so far as possible, identical terms. Opportunity is also being taken to include certain other amendments.

The principal change is in the method of calculating the royalty. At present the Hong Kong and Yaumati Ferry Company pays a royalty calculated at a percentage of gross receipts on a sliding scale. In the case of the Star Ferry Company royalties are, in theory at least, calculated in a similar manner, but are subject to a limit of 25 per cent of the Company's net profit. In practice there is little doubt that this limit will be operative at all times, and the Hong Kong and Yaumati Ferry

company has consequently agreed that in the interests of simplicity their royalty should be fixed expressly at 25 per cent of their net profit. The main amendment covering this change is clause 3(e), but there are also a number of minor consequential amendments. I would draw particular attention to clause 2 of the Bill which introduces a provision from the Star Ferry Ordinance, making it lawful for the Financial Secretary to call upon the Company and certain persons dealing with the Company to produce books and statements of account in order that he may ensure that the costs allowed in assessing the Company's net profits are not unreasonable.

The Company also represented that the pier rents charged to them had been calculated on a different basis from the Star Ferry Piers. There was some substance in the Company's representations and clause 3(c) of the Bill introduces new monthly pier rents which are slightly lower than those in the present Ordinance.

It is only equitable that the change in the basis of royalty and in the pier rents should be made retrospective to 1st January, 1951, when the Star Ferry Ordinance came into effect, and there is provision for this in the Bill. This will entail a substantial refund of royalties already paid by the Company.

Clause 3(f) brings the provisions relating to the cost of repairing piers into line with paragraph 11 of the schedule to the Star Ferry Ordinance. Clause 3(1) provides that all books of accounts of the Company will be kept in the English language, and by Clause 3(j) the provisions relating to compulsory purchase of the assets of the Company are made the same as those in paragraph 17 of the schedule to the Star Ferry Ordinance.

Clause 3(k) corrects errors in the dates relating to the right of renewal of the franchise and the dates are now the same as those in paragraph 19 of the Schedule to the Star Ferry Ordinance.

Opportunity has been taken to include the Wilmer Street/Shamshuipo Ferry Service which has been operating as an excluded service on an experimental basis since 1st September, 1950, and on which no royalty has so far been payable, while the temporary service between Wanchai and Central District which operated during the repairs to Queen's Road East has been deleted.

The Company also operates a number of services to out-lying districts. These services are licensed under the Ferries Ordinance (Cap. 104) at an annual royalty of \$20,000. The licence is a pre-war one which is due to expire soon, although in the absence

of pre-war records the exact date of expiry is not known. The draft Bill includes this service in the main franchise retrospectively to 1st January, 1951 and thus extends it to 31st December, 1964, with a right of further renewal.

THE SECRETARY FOR CHINESE AFFAIRS seconded.

MR. TERRY:—Sir, I abstain.

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:—

In 1951 two Ordinances were enacted to govern respectively the operation of ferry services by the Hong Kong and Yaumati Ferry Company Limited and the “Star” Ferry Company Limited. Each Ordinance provided for the payment of royalty by the company concerned, but the amounts thereof were arrived at on different principles. Government however undertook that the terms of the franchise granted to the “Star” Ferry would not be materially more favourable than those granted to the Hong Kong and Yaumati Ferry and to consider any modifications suggested by the Hong Kong and Yaumati Ferry to its own franchise if it considered it had been less favourably treated. The object of this Bill, amending the Hong Kong and Yaumati Ferry Company (Services) Ordinance (No.11 of 1951) is to give effect to modifications agreed with the Hong Kong and Yaumati Ferry Company and to bring the royalty payments by the Hong Kong and Yaumati Ferry substantially into line with those of the “Star” Ferry. In particular provision is made by clause 3(e) amending paragraph 5 of the Schedule to the principal Ordinance for the payment of a royalty of 25% of the net profits instead of, as heretofore, a royalty based upon gross receipts. The amendments are to be retrospective to the 1st January, 1951 (clause 4).

**CROWN RIGHTS (RE-ENTRY) (AMENDMENT) BILL, 1953.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled “An Ordinance to amend the Crown Rights (Re-entry) Ordinance, Chapter 126.”

THE SECRETARY FOR CHINESE AFFAIRS 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 4 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Crown Rights (Reentry) (Amendment) Bill, 1953 had passed through Committee without amendment, and moved the Third reading.

THE SECRETARY FOR CHINESE AFFAIRS seconded.

The question was put and agreed to.

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

### **TALLYCLERKS (LICENSING) (AMENDMENT) BILL, 1953.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Tallyclerks (Licensing) Ordinance, Chapter 85."

THE SECRETARY FOR CHINESE AFFAIRS 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 4 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Tallyclerks (Licensing) (Amendment) Bill had passed through Committee without amendment, and moved the Third reading.

THE SECRETARY FOR CHINESE AFFAIRS seconded.

The question was put and agreed to.

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

### **INSTITUTE OF THE MARIST BROTHERS OF THE SCHOOLS INCORPORATION BILL, 1953.**

MR. TERRY moved the First reading of a Bill intituled "An Ordinance to provide for the incorporation of the local representative in Hong Kong of the Institute of the Marist Brothers of the Schools".



He said: Your Honour, this Bill follows the usual and customary form of an incorporation bill and its purpose is clearly set out in the Objects and Reasons.

MR. LO MAN WAI 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:—

1. The Institute of the Marist Brothers of the Schools has for many years carried on missionary and welfare work in China and Hong Kong and it is desired to incorporate the Visitor in Hong Kong of the Institute as a corporation sole to ensure continuity of succession.

2. Clause 2 of the Bill is intended to effect such incorporation and to provide the name by which the corporation will be known.

3. Clause 3 of the Bill defines the powers of the corporation.

4. Clause 4 provides, upon the death of any Visitor for the vesting of the corporation’s property in his successor.

5. Clause 5 of the Bill provides for the execution of the documents by or on behalf of the corporation.

6. Clause 6 of the Bill provides for the appointment of a new Visitor, and for the notification thereof, to be made to the Registrar of Companies from whom evidence of the appointment can be obtained by the public. It is considered that this is a more convenient method than that hereto generally followed of notifying the Governor or the Colonial Secretary of fresh appointments.

7. Clause 7 of the Bill contains provisions saving the rights of the Crown as required, in the case of private Bills by Article XXVII of the Royal Instructions.

**HONG KONG JUVENILE CARE CENTRE INCORPORATION**

**BILL, 1953.**

MR. RUTTONJEE moved the First reading of a Bill intituled “An Ordinance for the incorporation of the executive committee of the-Hong Kong Juvenile Care Centre”.

He said: Your Honour, in 1948 a group of public spirited persons seeing that after the Second World War there were few facilities for assisting the juvenile delinquents who were brought before Magistrates on minor offences formed an association known as the Hong Kong Juvenile Care Centre for the purpose of training and finding employment, for these destitute and homeless boys.

The Right Reverend Bishop Hall was one of the promoters of the Centre and in due course a building now standing at No. 1 Lower Albert Road was built on Church property with the consent of His Excellency the Governor. The building was opened by His Excellency on the 13th April, 1953.

To quote His Excellency's words:—

“In dealing with juvenile brought before the magistrates in Hong Kong we are faced with the problem of finding some person, or a family, who will take responsibility for the care and guidance of the offender who, if he is given some sort of friendly environment, will stay on the right track..... It is very difficult to help a child who has no fixed address, so the Juvenile Care Centre will be, as it were, a club for these children, where they can come for a bath and a meal and some activity in a decent environment. They can be sure of friends here and will meet people who will help them to become good citizens.”

It has now been found desirable that the Centre be made a legal entity so as to ensure perpetual succession and the governing body has been advised that for this purpose the Centre should be incorporated by Ordinance. With this object in view this Bill for incorporating the Hong Kong Juvenile Care Centre is introduced. The Objects of the Bill are fully Set Out in the Objects and Reasons.

MR. KWOK CHAN 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:—

1. The necessity of incorporation of the executive Committee of the Hong Kong Juvenile Care Centre arises from the fact that the Centre had been granted a licence to erect a building

adjacent to the Bishop's House by the Bishop of Hong Kong. It is most important that as licensee of the said building it should be a body with perpetual succession.

2. It is also desirable that the Centre should be incorporated and become a permanent body in view of the responsibility for its administration of the substantial grants which have been and may in future be made from private sources. In one case such grant is made conditional on the incorporation of the executive committee of the Centre by Ordinance. It is the object of this Bill to effect such incorporation.

3. The Bill follows the model of legislation of similar character already enacted in the Colony for the incorporation of charitable organizations, in particular a previous Ordinance relating to the incorporation of the Anti-Tuberculosis Association, namely Chapter 287 of the Revised Edition, 1950.

### **ADJOURNMENT.**

H.H. THE GOVERNOR'S DEPUTY:—That concludes the business for to-day, Gentlemen. When is it your pleasure we should meet again?

THE ATTORNEY GENERAL:—I suggest this day fortnight?

H.H. THE GOVERNOR'S DEPUTY:—Council will adjourn to this day fortnight.

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