

OFFICIAL REPORT OF PROCEEDINGS.**Meeting of 8th April, 1959.****PRESENT:**HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

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

THE HONOURABLE THE COLONIAL SECRETARY

MR. EDMUND BRINSLEY TEESDALE, M.C. (*Acting*).

THE HONOURABLE THE ATTORNEY GENERAL

MR. ARTHUR RIDEHALGH, Q.C.

THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS

MR. JOHN CRICHTON McDOWALL.

THE HONOURABLE THE FINANCIAL SECRETARY

MR. ARTHUR GRENFELL CLARKE. C.M.G.

THE HONOURABLE PATRICK CARDINALL MASON SEDGWICK

(Commissioner of Labour).

THE HONOURABLE ALLAN INGLIS

(Director of Public Works).

DR. THE HONOURABLE DAVID JAMES MASTERTON MACKENZIE, C.M.G., O.H.E.

(Director of Medical and Health Services).

THE HONOURABLE COLIN GEORGE MERVYN MORRISON

(Director of Urban Services).

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

THE HONOURABLE NGAN SHING-KWAN. O.B.E.

THE HONOURABLE KWOK CHAN, O.B.E.

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

THE HONOURABLE JOHN DOUGLAS CLAGUE. C.B.E., M.C., T.D.

THE HONOURABLE HUGH DAVID MACEWEN BARTON, M.B.E.

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

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

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

THE HONOURABLE CHARLES EDWARD MICHAEL TERRY, O.B.E.

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

MINUTES.

The Minutes of the meeting of the Council held on 25th March, 1959, 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>
Report of the Director General of the Overseas Audit Service on the Accounts of Hong Kong for the year ended the 31st day of March, 1958.	
Business Registration Ordinance, 1959.	
Business Registration Appeal Rules, 1959	A. 19.

**URBAN COUNCIL (COMMISSIONER FOR RESETTLEMENT)
ORDINANCE, 1954.**

THE COLONIAL SECRETARY moved the following resolution: —

Resolved, pursuant to section 3 of the Urban Council (Commissioner for Resettlement) Ordinance, 1954, that the duration of the said Ordinance be extended for the term of one year with effect from the 30th April, 1959.

He said: Sir, the Urban Council (Commissioner for Resettlement) Ordinance, which was enacted in 1954, provided for the Commissioner for Resettlement to be temporarily an *ex-officio* member of the Urban Council. Section 3 provided that the Ordinance should continue in force for one year from the commencement, but gives power to this Council to extend its duration for periods not exceeding one year at a time. It has been so extended four times.

The Resettlement Department working under the general direction of the Urban Council, is making steady progress, but it is apparent that the end of the work of the Department is not yet in sight, and that it is not as yet possible for the Commissioner to be withdrawn from the Urban Council.

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

PEARL CULTURE (CONTROL) (AMENDMENT) BILL, 1959.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Pearl Culture (Control) Ordinance, 1958."

He said: Sir, the principal Ordinance was enacted on the 21st day of August last but has not yet been brought into operation, which accounts for the wording of the latter part of clause 1 of this Bill.

Clause 2 of the Bill will introduce a new definition of the term "pearl oyster". The original definition related to one particular genus of oyster and also to any others declared by the Director of Agriculture, Fisheries and Forestry. The new definition will add another named genus and will also make it clear that those oysters commonly known as "Penguin" or "Wing" oysters are of the genus Pteria.

A further amendment is to subsection (1) of section 9 of the principal Ordinance. That section, Sir, as it now stands, prohibits the collection of pearl oysters under a prescribed size, but the prescribed size is only applicable to oysters of the genus Pteria, and subsection (1) of section 9 is therefore to be suitably amended.

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 cultivation of pearl oysters of the genus Pinctada within the waters of the Colony has necessitated the amendment of the Pearl Culture (Control) Ordinance, 1958.

2. Clause 2 of the Bill amends the definition of "pearl oyster" in section 2, firstly, to obviate any doubt that Penguin or Wing oysters are of the genus Pteria and secondly, to add oysters of the genus Pinctada to the definition.

3. Clause 3 of the Bill amends subsection (1) of section 9 as the limitation of size at present laid down in the existing subsection can only apply to an oyster of the genus Pteria.

RESETTLEMENT (AMENDMENT) BILL, 1959.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Resettlement Ordinance, 1958."

He said: Sir, sections 24 and 37 of that Ordinance enable the Governor to set aside Crown land for resettlement estates and cottage resettlement areas respectively. There is no power in the principal Ordinance enabling the Governor to increase or reduce any of the areas so set aside and the object of this amending Bill is to empower the Governor to increase or reduce any such areas.

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: —

A practical difficulty has been encountered in administering the provisions of the Resettlement Ordinance, 1958, in that occasions have arisen whereby it has become necessary to increase or reduce an area of Crown land which has been set aside either as a resettlement estate or as a cottage resettlement area. The law as it stands does not permit of any increase or reduction of areas so designated. The purpose of the amendment in clause 3 is to empower the Governor so to act when the necessity arises. The amendment contained in clause 2 is consequential.

PUBLIC RECLAMATIONS AND WORKS (CHAI WAN, KWUN TONG BAY, CHEUNG SHA WAN AND TSUEN WAN) BILL, 1959.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to validate undertakings for reclamation and other works over and upon unleased Crown foreshore and sea bed situate at Chai Wan, Kwun Tong Bay, Cheung Sha Wan and Tsuen Wan, and make provision for any claims for compensation arising either out of such works or out of works previously validated."

He said: Sir, in April 1956 the Public Reclamation and Works (Chai Wan, Kwun Tong Bay and Cheung Sha Wan) Ordinance, No. 16 of 1956, was enacted to regularize certain reclamation works which the Public Works Department was then carrying out at those three places. Besides validating certain works already completed in those areas, the Ordinance gave provisional approval for the reclamation of further areas. After this Ordinance was passed, the reclamations, both those in progress and those authorized, should have been further publicized in the *Gazette* to give interested parties an opportunity to present claims for compensation in respect of both categories, and objections in respect

of those areas provisionally authorized. Thereafter, definitive approval from the Governor in Council should have been sought for the latter of the areas. This procedure was unfortunately not followed, due in part to a misunderstanding of the meaning of the phrase "undertaking now authorized" in Part II of the Schedule to the Ordinance. That phrase was taken to mean that the works were fully instead of only provisionally authorized.

The position now is that the reclamation work provisionally approved for Chai Wan has been completed, while considerable progress has been made on the reclamations at Cheung Sha Wan and Kwun Tong.

A similar oversight to that I have described has occurred as regards works at Tsuen Wan where public and private rights in respect of Crown foreshore and sea bed are being interfered with by reason of a sea-wall enclosing a large area.

In these circumstances the best course would seem to be to enact an Ordinance to validate these four schemes, and that is the purpose of this Bill. Honourable Members will note that it authorizes the submission of claims for compensation in respect of all these schemes and any such claims will be dealt with under the Public Reclamations and Works Ordinance, 1956.

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: —

Ordinance No. 16 of 1956 provisionally authorizes the undertakings set out in paragraphs (a), (b) and (c) of the Schedule to this Bill, and also makes provision for the submission of claims for compensation in respect of the undertakings validated by that Ordinance. These claims for compensation could have been submitted once the undertakings provisionally authorized had received the definitive approval of the Governor in Council. This approval has not been sought, and it is therefore now necessary to validate the undertakings then provisionally authorized and to provide for the submission of claims for compensation in respect of both them and of the earlier undertakings validated in 1956. The undertakings at Tsuen Wan (paragraph (d) of the Schedule to this Bill) consists of a sea wall which will completely cut off certain inland water from the sea. It is intended to reclaim this area and use it for industrial, housing and community purposes.

**"STAR" FERRY COMPANY (SERVICE) (AMENDMENT)
BILL, 1959.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An ordinance to amend the "Star" Ferry Company (Service) Ordinance, 1951."

He said: Sir, the purpose of this Bill is to amend the definition of the word "piers" in the principal Ordinance, and this is consequent upon the removal of the Star Ferry pier on this side of the harbour from the northern end of Ice House Street to its present situation.

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 amends the definition of "piers" in section 2 of the "Star" Ferry Company (Service) Ordinance, 1951. The amendment has been necessitated by the removal of the ferry pier from the northern end of Ice House Street to a point immediately west of Queen's Pier.

ADJOURNMENT.

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

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

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