

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 5th January 1966****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 MICHAEL DAVID IRVING GASS, CMG
COLONIAL SECRETARY
THE HONOURABLE MAURICE HEENAN, CMG, QC
ATTORNEY GENERAL
THE HONOURABLE JOHN CRICHTON McDOUALL, CMG
SECRETARY FOR CHINESE AFFAIRS
THE HONOURABLE JONH JAMES COWPERTHWAITTE, CMG, OBE
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 DAVID RONALD HOLMES, CBE, MC, ED
DIRECTOR OF COMMERCE AND INDUSTRY
THE HONOURABLE JOHN PHILIP ASERAPPA
DISTRICT COMMISSIONER, NEW TERRITORIES
THE HONOURABLE ROBERT MARSHALL HETHERINGTON, DFC
DEPUTY ECONOMIC SECRETARY
THE HONOURABLE KWAN CHO-YIU, CBE
THE HONOURABLE SIDNEY SAMUEL GORDON, OBE
THE HONOURABLE LI FOOK-SHU, OBE
THE HONOURABLE FUNG HON-CHU, OBE
THE HONOURABLE TANG PING-YUAN
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
THE HONOURABLE WILFRED WONG SIEN-BING
THE HONOURABLE MRS ELLEN LI SHU-PUI, OBE
MR ANDREW McDONALD CHAPMAN (*Deputy Clerk of Councils*)

ABSENT

THE HONOURABLE KAN YUET-KEUNG, OBE

MINUTES

The Minutes of the meeting of the Council held on 22nd December, 1965, were confirmed.

ANNOUNCEMENT

THE COLONIAL SECRETARY: —Sir, by Your Excellency's direction I rise to announce the appointment of the Standing Law Committee for 1966. The following members have been appointed and have agreed to serve: —

The Honourable the Attorney General (*Chairman*)

The Honourable Dhun J. RUTTONJEE

The Honourable KWAN Cho-yiu

The Honourable S. S. GORDON

The Honourable G. R. ROSS

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 1966: —	
No 1—Annual Report by the Director of Audit for the year 1964-65.	
No 2—Annual Report by the Director of Immigration for the year 1964-65.	
His Excellency the Governor's Despatch to the Secretary of State on the Report of the Director of Audit.	
Certificate of the Director General of the Overseas Audit Service on the accounts of Hong Kong for the year ended 31st March 1965.	
Importation and Exportation Ordinance.	
Importation and Exportation (Strategic Commodities) Regulations 1965	154
Miscellaneous Licences Ordinance.	
Miscellaneous Licences (Amendment) (No 2) Regulations 1965	155

QUESTIONS

MR G. R. ROSS, pursuant to notice, asked the following question: —

Sir, may I ask what is Government's policy regarding typhoon shelters in the harbour; when can we expect the Aldrich

Bay scheme to be upgraded to Category "A" of the Public Works' programme; and what steps have been taken to implement the Cheung Sha Wan/Stonecutters Island scheme?

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

Sir, Government's policy on the typhoon shelter building programme is governed by the progress made in implementing the recommendations of the 1961 Working Party's Report. This policy was reviewed in the spring of 1965 by the Director of Marine, in consultation with other interested departments, the Port Executive Committee and the Port Committee. The review resulted in proposals for certain immediate, short-term and long-term measures to cope with the increased demand for typhoon shelters, particularly in the Harbour area.

Certain of the immediate measures proposed are already being tackled by the Marine Department. The proposal which concerns improved control of non-working craft in existing typhoon shelters is more appropriately dealt with in my reply to my Honourable friend's next question.

The short-term measures proposed were concerned with the inclusion of five items in the Public Works Programme for the Aldrich Bay Typhoon Shelter, and cargo-working basins cum typhoon shelters at Chai Wan, Kwun Tong, Wan Chai, and West Point/Kennedy Town.

So far as Aldrich Bay is concerned, the item in question, which has been in Category C of the Public Works Programme, was upgraded to Category B at the May 1965 Review by the Public Works Sub-Committee, and a considerable amount of work has been done on preliminary investigation and design. The project is not a simple one and it is already clear that it will be very expensive for the amount of sheltered anchorage provided. Before I can submit the project for up-grading to Category A—that is, obtain authority to proceed with working drawings and call for tenders—a reasonably accurate estimate of cost is essential and we have not yet got to the stage where this is possible. Once this estimate is available, the proposal to build a typhoon shelter will be critically examined, balancing the need for more sheltered anchorage in the Harbour against the capital cost of providing it. As regards the four other items, the review has raised a fundamental point of principle regarding Government's future policy on cargo-handling in the Harbour area, and before any general

progress can be made on building new cargo-handling basins, which are bound to involve very heavy capital expenditure, it will be necessary to determine Government's policy on this matter. Before consideration can usefully be given to the various complicated factors involved it is necessary to await receipt of the report on Cargo-handling which has been prepared by a Sub-Committee of the Port Executive Committee and which is, I understand, almost ready for submission to Government.

As part of the long-term remedial measures, immediate investigation has been proposed of the feasibility of a scheme within the general area of Cheung Sha Wan/Stonecutters Island. This has also some relation to the impending Cargo-handling Report which I have just mentioned and to Government's future policy on Cargo-handling, but in any case I must make clear now that this scheme can only be regarded as a very long-term prospect and as such, no early announcement can be expected of Government's decision whether or not to proceed with its construction.

MR G. R. ROSS, pursuant to notice, asked the following question: —

Sir, in reply to my question in this Council on 28th July last, the Honourable Director of Public Works stated that the Director of Marine and the Commissioner for Resettlement were in consultation over the question of boat squatters. What steps have been taken to remove non-working craft from the shelters and to resettle boat squatters?

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

Sir, My Honourable friend may not know that since 1962, over 33,000 people from 4,700 squatter boats have been resettled and some 5,000 other boat squatters resided on shore. 930 boats with a total of 7,090 people have been removed from Yau Ma Tei and Causeway Bay typhoon shelters. Unfortunately a greater number of boats and boat squatters still remain in these typhoon shelters. This situation reflects the demand for cheap housing in Hong Kong, and it must be remembered that under existing law non-working boats which are not wrecks are committing no offence by staying in typhoon shelters.

The Director of Marine is fully aware of the need to keep non-working craft out of typhoon shelters so that these

shelters may fulfil their primary function, which is to protect working boats at the onset of a typhoon. Unfortunately at present he has neither the legal powers nor the staff necessary to exercise proper control, but during the past few weeks the Colonial Secretariat has been discussing with the Director what legal powers and staff he will need not only to accelerate the clearance of non-working craft from typhoon shelters but also to ensure that further non-working craft do not move in to take their places.

MR G. R. ROSS: —Thank you, Sir.

MR K. A. WATSON: —Sir, may I ask a supplementary question? Is there any reason why a printed copy of the Honourable Director of Public Works' replies to these questions should not be given to us at this meeting.

THE COLONIAL SECRETARY: —I am afraid, Sir, that they are not immediately available but I will look into the question of providing copies of future answers to questions, especially when they are as long as this one.

EXPLOSIVE SUBSTANCES (AMENDMENT) BILL 1966

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Explosive Substances Ordinance."

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.

Clause 1.

THE ATTORNEY GENERAL: —Sir, I rise to move that Clause 1 be amended as set forth in the paper before honourable Members.

Proposed Amendment.

1. Leave out "1965" and substitute therefor the following—
"1966".

Clause 1, as amended, was agreed to.

Clauses 2 and 3 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Explosive Substances (Amendment) Bill 1966, had passed through Committee with one 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.

APPLICATION OF ENGLISH LAW BILL 1966

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to declare the extent to which English Law is in force in the Colony."

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.

Clause 1.

THE ATTORNEY GENERAL: —I rise to move that Clause 1 be amended as set forth in the paper before honourable Members.

Proposed Amendment.

1. Leave out "1965" and substitute therefor the following—
"1966".

Clause 1, as amended, was agreed to.

Clause 2 was agreed to.

Clause 3.

THE ATTORNEY GENERAL: —Sir, I rise to move that Clause 3 be amended as set forth in the paper before honourable Members.

Proposed Amendment.

3. Leave out the words "or inhabitants" in the fourth line.

Clause 3, as amended, was agreed to.

Clauses 4 to 7 and the Schedule were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Application of English Law Bill 1966 had passed through committee with certain amendments 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.

CITY HALL (AMENDMENT) BILL 1966

MR K. S. KINGHORN moved the Second reading of a Bill intituled "An Ordinance to amend the City Hall Ordinance 1961."

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.

Clause 1.

MR K. S. KINGHORN: —Sir, I rise to move that Clause 1 be amended as set forth in the paper before honourable Members.

Proposed Amendment.

1. Leave out "1965" and substitute therefor the following—
"1966".

Clause 1, as amended, was agreed to.

Clauses 2 to 4 were agreed to.

Council then resumed.

MR K. S. KINGHORN reported that the City Hall (Amendment) Bill 1966 had passed through committee with one 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.

ANNOUNCEMENT

HIS EXCELLENCY THE GOVERNOR: —Before we adjourn, with the indulgence of Council, I would like to say one thing.

Honourable Members will be aware of the change in the constitution of this Council that has recently been approved. In consequence of this change, the Senior Military Officer for the time being commanding the regular troops in the Colony will no longer be an *ex officio* member of this Council. This, therefore, will be the last occasion on which Lieutenant-General Sir Denis O'CONNOR will be with us. Moreover, the change breaks a long and honourable tradition, and I feel that the occasion should not pass unnoticed.

I would first like to thank Sir Denis O'CONNOR for his own services to us here, and for his ready and helpful agreement to the relinquishment of his seat. His advice and assistance will, of course, continue to be available to the Government through his membership of the Executive Council. Moreover, should circumstances ever make it desirable that this Council should again have the benefit of direct military advice, there would be no constitutional difficulty in the way of re-appointing the Senior Military Officer as an official member. For the time being, however, the seat becomes available for allocation to another official member; and I have thought that the business of this Council could best be furthered by including an officer with experience in Social Welfare matters. Mr. BARON, the Director of Social Welfare, is accordingly being appointed to the vacant seat.

It may surprise honourable Members to know that the first Legislative Council of Hong Kong consisted of three military gentlemen only. It was first constituted by a Royal Charter dated 5th April 1843, which was published in Hong Kong on 26th June 1843. The Council assembled for the first time on Thursday, 11th January 1844, under a salute from the Battery. It consisted of the Governor, Sir Henry POTTINGER, who had been a Colonel in the service of the East India Company, Major CAINE, the Chief Magistrate; and Major-General George Charles D'AGUILAR, C.B., who held the office of Lieutenant Governor as well as the command of the land forces in this area.

The Senior Military Officer is therefore, with the exception of the Governor himself, the oldest *ex officio* member of this Council—having been a member since its very first inception. In view of this long and distinguished record of service to Council and to the Colony I would like now to take the somewhat unusual step of proposing from the Chair "That this Council expressed its sincere thanks and appreciation to Her Majesty's Military Forces and to the successive gentlemen who have, as Senior Military Officer for the time being commanded Her Majesty's regular troops in the Colony, served as *ex officio* members of this Council; and further directs that this expression of appreciation and thanks be

conveyed to the Minister of Defence through the Secretary of State for the Colonies".

I would like to propose that resolution and I will ask Mr KWAN to second this motion.

MR C. Y. KWAN: —My Unofficial colleagues and I associate ourselves most heartily with the remarks of Your Excellency, particularly with the sentiments expressed in your Motion. Accordingly I have much pleasure in seconding the motion.

The question was put and agreed to.

HIS EXCELLENCY THE COMMANDER BRITISH FORCES: —Your Excellency, it is a rare privilege for the holder of my appointment to address this Council. I am therefore grateful for this final opportunity to do so.

First I would like to thank you, Sir, for your kind remarks about me personally, which I greatly appreciate. During my relatively short experience of being a member of this Council, I have come to realize that while the Commander British Forces himself derives interest and value from witnessing the workings of the Council, he is not really able to contribute proportionately in return.

I fully appreciate how much the business of the Council will benefit by the inclusion of the Director of Social Welfare with his long experience in the Government and his intimate association with the community.

While sad therefore that, in Your Excellency's words, a long and honourable tradition should be broken, I have readily agreed to relinquish my seat. I am consoled by the knowledge that the Commander British Forces will continue to be a member of the Executive Council where he is better able to make a useful contribution and where he can represent the interests of the Armed Services.

I speak not only for myself but for a long line of distinguished Soldiers whom I have had the privilege to succeed, when I say that it has been a great honour to be a member of this Council. I and my many predecessors have thus been enabled to witness and to play some small part in the enacting of legislation which, over the years, has earned Hong Kong a reputation for good government, freedom and prosperity under the rule of law. It is indeed remarkable, as Your Excellency has said, that the first Legislative Council formed 123 years ago consisted of three Military Gentlemen only. In those days the sword and the pen were weapons of more equal significance than they are today. Those three Soldiers would I am sure be proud and gratified if they could see the structure of Government which now stands upon the stones they laid.

Finally, Your Excellency, I would like to express to you and to honourable Members, on behalf of all Ranks of the Royal Navy, the

Army, the Royal Air Force and the Auxiliary Forces of this Colony, our sincere appreciation of the honour paid us by the resolution which has just been passed.

You may rely on the Armed Services to continue in the future, to the best of their ability, to carry out whatever duties they may be called upon to perform in furtherance of their task of protecting and assisting the population of Hong Kong.

HIS EXCELLENCY THE GOVERNOR: —That concludes the business for today. The next meeting of Council will be held on the 19th January.