

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 26th October 1966****PRESENT**

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR DAVID CLIVE CROSBIE TRENCH, KCMG, MC
THE HONOURABLE THE COLONIAL SECRETARY
MR MICHAEL DAVID IRVING GASS, CMG
THE HONOURABLE THE ATTORNEY GENERAL
MR DENYS TUDOR EMIL ROBERTS, OBE, QC
THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS
MR JOHN CRICHTON McDOUALL, CMG
THE HONOURABLE THE FINANCIAL SECRETARY
MR JOHN JAMES COWPERTHWAITTE, CMG, OBE
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 DAVID RONALD HOLMES, CBE, MC, ED
DIRECTOR OF COMMERCE AND INDUSTRY
THE HONOURABLE ROBERT MARSHALL HETHERINGTON, DFC
COMMISSIONER OF LABOUR
THE HONOURABLE GEOFFREY MARSH TINGLE
DIRECTOR OF URBAN SERVICES
THE HONOURABLE ALASTAIR TODD
DIRECTOR OF SOCIAL WELFARE
THE HONOURABLE IAN MacDONALD LIGHTBODY
DISTRICT COMMISSIONER, NEW TERRITORIES
THE HONOURABLE KENNETH JOHN ATTWELL
ACTING DIRECTOR OF EDUCATION
THE HONOURABLE DHUN JEHANGIR RUTTONJEE, CBE
THE HONOURABLE KAN YUET-KEUNG, OBE
THE HONOURABLE LI FOOK-SHU, OBE
THE HONOURABLE FUNG HON-CHU, OBE
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 ELLEN LI SHU-PUI, OBE
THE HONOURABLE JAMES DICKSON LEACH, OBE
DR THE HONOURABLE CHUNG SZE-YUEN

IN ATTENDANCE

THE DEPUTY CLERK OF COUNCILS
MR DONALD BARTON

MINUTES

The Minutes of the meeting of the Council held on 12th October 1966 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>
Subsidiary Legislation: —	
Air Navigation.	
Hong Kong Air Navigation (Investigation of Accidents) (Amendment) Regulations 1966	73
Medical Registration Ordinance 1957.	
Medical Practitioners (Registration and Disciplinary Procedure) (Amendment) Regulations 1966	74
Road Traffic Ordinance 1957.	
Road Traffic (Construction and Use) (Amendment) Regulations 1966	75
Sessional Papers 1966: —	
No 18—Annual Report by the Commissioner for Resettlement for the year 1965-66.	
No 19—Annual Report by the Registrar, Supreme Court for the year 1965-66.	
No 20—Annual Report by the Director of Civil Aviation for the year 1965-66.	
No 21—Annual Report by the General Manager and Chief Engineer, Railway for the year 1965-66.	

**DISTRICT COURT (CIVIL JURISDICTION AND PROCEDURE)
(AMENDMENT) BILL 1966**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the District Court (Civil Jurisdiction and Procedure) Ordinance 1962 and to make related amendments to other enactments."

He said: —Sir, the object of this Bill is to increase the jurisdiction of the District Court.

In 1950 the monetary limit for cases in the summary jurisdiction of the Supreme Court was raised to \$5,000 and this jurisdiction was

taken over by the District Court on its establishment in 1953. This limitation has remained unchanged since then and it is considered that the time has come to raise it generally to \$10,000.

The District Court has shown itself fully capable of dealing with the cases that came before it and enjoys the confidence and respect of the public. It has the advantage of a shorter and simpler procedure than that of the Supreme Court and is cheaper for the parties.

In land matters, however, the existing limitation of jurisdiction to cases where the annual value of the land does not exceed \$5,000 has been retained, since this limit already brings suits involving land of considerable value within the jurisdiction of the District Court.

Clause 5 contains transitional provisions, the main effect of which is to empower the Supreme Court to transfer actions within the increased jurisdiction of the District Court to that court.

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 increase the jurisdiction of the District Court in civil cases from \$5,000 to \$10,000 except in land matters (clauses 2, 3 and 4). The jurisdiction of the Court relating to land is not increased, and this continues to be limited to proceedings where the value of the property does not exceed \$5,000.

2. Certain transitional provisions are made by clause 5. These make it clear, *inter alia*, that pending cases in the Supreme Court concerning amounts under \$10,000 may be transferred to the District Court, and that there is a complete discretion as to the costs that may be awarded in such cases.

3. Clause 6 provides for supplementary amendments to five other Ordinances, which refer to the Court's existing jurisdiction of \$5,000.

LEGAL AID BILL 1966

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to make provision for the granting of legal aid in civil actions to persons of limited means and for purposes incidental thereto or connected therewith."

He said: —Sir, this Bill is based on the recommendations of a Legal Aid Committee, appointed by the Governor to examine and report on the feasibility of a scheme of legal aid. The Committee contained members of both the Hong Kong Bar Association and the Hong Kong Law Society, and indeed both sides of the profession have, since then, shown an active and helpful interest in the formulation of the scheme, and have made many valuable suggestions on the Bill and the proposed regulations which were published with the Bill in the *Gazette* on the 7th October. While it has not been possible to make the draft legislation accord entirely with their views, I have no hesitation in saying that the members of the legal profession strongly support this scheme and will do their best to make it work. Its success depends to a considerable degree on their co-operation and this, I am sure, will be willingly given.

The Bill, which is based largely on the United Kingdom Legal Aid and Advice Act, with some modifications based on Singapore legal aid legislation, introduces a scheme of free and assisted legal aid in civil cases, to help people of limited means to bring and defend actions in the courts. A measure of free legal aid in civil actions, in the Supreme Court only, has been provided in the past for poor persons by the legal profession at its own expense as a public service, but there has been criticism that this does not go far enough, and that the costs of litigation must often deter poor men from asserting their legal rights in our courts. This scheme will go far to removing any basis for that criticism.

The administration of the scheme will be under the control of a Director of Legal Aid, who will be a qualified lawyer, appointed by the Governor under clause 3.

Clause 4 obliges the Director to prepare and maintain panels of counsel and solicitors willing to take part in the scheme and under clause 13, the Director will, if a person is granted legal aid, assign to him the solicitor and counsel chosen by the aided person from the panel, or by the Director if the aided person makes no selection himself. In cases of exceptional difficulty or importance, the Director may authorize the briefing of two counsel, one of whom may be leading counsel. Regulations will make it clear that, where a solicitor is assigned, any other solicitor in the same firm may act on behalf of the assigned solicitor.

The Director himself may act for an aided person and for the purpose is given a right of audience under clause 3(3). It is, however, not intended that the Director shall himself act for an aided person so long as the post falls within the administrative structure of the Judiciary. When the Director becomes independent of the Judiciary at some future date, he will then make use of this power if he thinks fit.

Legal aid will be available in all civil proceedings in the Full Court, Supreme Court and District Court, except those proceedings which have been specifically excluded by Part II of the Schedule to the Bill. Generally, it can be said that the scheme covers all those types of action which are most important to the ordinary individual, though small actions for debt and assault in the District Court, which are numerous, have been excluded.

Before an applicant may be granted legal aid, he will have to satisfy two tests, a merits test and a means test. The merits test obliges him to satisfy the Director that he has reasonable grounds to take or defend the proceedings. The means test requires an applicant to show that he is eligible for legal aid, that is to say, that his disposable income does not exceed \$500 a month and his disposable capital does not exceed \$3,000. Disposable income and disposable capital mean net income and capital after deductions have been made from the applicant's gross income and capital.

The various deductions which will be made are to be set out in regulations, a draft of which has been published. The effect of these deductions will be that persons with gross income and capital considerably in excess of \$500 a month and \$3,000 capital will receive assistance. It is intended that applicants with less than \$200 a month disposable income and less than \$1,000 disposable capital will receive free legal aid, and that those with resources above these limits but below the upper limits will receive assisted legal aid.

By clause 8 a person who wishes to be granted legal aid will apply to the Director on a special form, which will set out a brief summary of his case and a statement of his means. In practice, many applicants will be assisted to complete it by a solicitor whom they have consulted. Careful consideration will also be given to the possibility of making government agencies available to help with the filling in of application forms.

Officers of the Social Welfare Department will then carry out an investigation of the applicant's resources and advise the Director as to whether or not the applicant qualifies, financially. The Director will decide whether the applicant has reasonable grounds for taking or defending the proceedings. If he is satisfied that the applicant passes both the means test and the merits test, he will then, under clause 10, issue a legal aid certificate, entitling the applicant to representation by solicitor, and where appropriate, by counsel.

Clause 16 of the Bill deals with appeals from decisions in proceedings in which legal aid has already been granted, and obliges the aided person to obtain a certificate from the Director, or from counsel nominated by the Director, to the effect that the aided person has good

grounds of appeal, before legal aid may be granted in relation to such appeal.

The payment of costs and of contributions by aided persons is dealt with in Part IV of the Bill. The position may be summarized as follows, taking into account certain supplementary provisions which will appear in regulations. If an aided person is liable to contribute towards the costs of his action, he may be required to pay this sum to the Director in one sum or by instalments. This contribution is the limit which an aided person may be called upon to pay out of his own resources. However, if damages or costs are awarded to the aided person, the Director will recover from these any extra costs incurred by him above the amount of the aided person's contribution, plus any part of the contribution which is unpaid, and hand over the remaining balance to the aided person.

Where an aided person loses his action, the successful unaided party will have his costs paid by the Director under clause 19(2), if the unaided person was defendant or respondent in the action. This is because it is felt that, where public funds have supported an action against an unaided person, the latter should not be allowed to suffer financially if his defence is successful. However, where an unaided party is plaintiff or appellant and succeeds, he will receive from the Director only anything left over from the aided person's contribution after all the costs of the Director on his behalf have been met. Although it is unlikely, in most cases, that he will get anything from this source, it will still be open to the unaided person to try to recover his costs from the aided person himself by the ordinary processes of law.

Among the miscellaneous provisions in Part V, clause 23 creates offences if an applicant for legal aid gives false information; clause 24 preserves in legal aid cases the usual professional relationship between solicitor, counsel and client. Clause 25 prohibits an aided person from discharging his solicitor or counsel without leave of the Director. Conversely, counsel or solicitor assigned may not give up a legal aid case without leave, save that they may do so on any grounds which would justify them in so doing, according to their ordinary rules of professional conduct. Clause 27 provides for appeals from decisions of the Director to be heard by the Registrar of the Supreme Court or, if he refers an appeal to him, by a Supreme Court judge.

Clause 29 limits the granting of legal aid to causes of action arising after the Bill becomes law, with the exception that those who have been given aid as poor persons under the existing procedure, or would have been given such aid, in the Director's opinion, if they had applied for it, may be granted legal aid in relation to causes of action which arose before the Bill became law. It is considered that this general limitation to causes of action arising after the commencement date of

the Bill is necessary in order to avoid an overloading of the scheme in its early stages, which it is feared might happen if legal aid were available in any cause of action, whenever it arose, subject only to actions being barred by limitation provisions.

In conclusion, may I draw honourable Members' attention to clause 27, which provides for the Director to defray the expenses of legal aid from moneys voted by this Council. This will mean that the usual methods of budgetary control, by means of annual estimates and votes, and by supplementary provision if necessary, will apply.

At this stage, it is not possible to do more than guess at the possible cost of the scheme to public funds and, with so many calls on the public purse, expenditure upon legal aid must be kept within reasonable bounds. The cost of the scheme will therefore have to be kept under close review. If at any time it appears to the Government that legal aid is costing more than the general revenue can fairly be expected to bear, then it will be necessary to examine methods of reducing the cost. The most obvious methods are by extending the list of excepted proceedings, or by altering the financial limitations imposed by clause 7, though other means are possible. In this connection, it is of interest to note that it has been estimated that the present financial limitations would make approximately half the population of Hong Kong eligible to receive either free or assisted legal aid.

I hope and believe that the legal aid scheme, as embodied in this Bill, will be a success, and will rank as one of the most important pieces of social legislation of recent years.

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 object of this Bill is to introduce a scheme of free and assisted legal aid in civil cases, to enable persons of limited means to take and defend actions in the courts. It has been said that lack of money sometimes prevents a poor man from protecting or obtaining his legal rights, and the provision of legal aid from Government funds will go far to remove any basis for this assertion. The Bill is based on the report of the Legal Aid Committee, which was appointed by the Governor and recommended the adoption of a scheme of legal aid in civil cases.

2. It is proposed that the legal aid scheme should be under the control of a Director of Legal Aid, who will be appointed by the Governor under clause 3 of the Bill. Initially, it is intended to appoint a Deputy Registrar of the Supreme Court as Director, though at a later stage it may be found necessary to establish a separate organization, outside the Judiciary.

3. An applicant for legal aid must apply to the Director (clause 8). The Director, after due investigation, may issue a legal aid certificate to an applicant if he is satisfied that the applicant has reasonable grounds for taking or defending the action and that the applicant's means are within the limits prescribed (clause 10). The Director's powers of investigation, before he issues a certificate, are set out in clause 9.

4. The issue of a legal aid certificate will mean that the aided person will be represented by the Director or by a solicitor, and by counsel if necessary (clause 6). The Director will maintain panels of solicitors and counsel willing to participate in the scheme (clause 4). The aided person may select his own solicitor or counsel or, if he fails to do so, the Director may select (clause 13). It is not anticipated that, unless this becomes necessary because the legal profession cannot deal with the work, the Director will himself represent aided persons before the Director is separated from the Judiciary.

5. Legal aid will be available in all civil proceedings in the Full Court, Supreme Court and District Court, except those proceedings which are specifically excluded by Part II of the Schedule (clause 5 and the Schedule). The kinds of action excluded are also excluded in other schemes, except that, in the special circumstances of Hong Kong, it is felt necessary to exclude actions for assault in the District Court and for the recovery of small debts in the District Court, as these are very numerous and might overload the scheme. Clause 26 provides for an appeal to the Registrar, Supreme Court against any order or decision of the Director.

6. Clause 7(1) limits the eligibility of persons for legal aid to those whose disposable income does not exceed five hundred dollars a month and whose disposable capital does not exceed three thousand dollars. "Disposable income" and "disposable capital" mean the net income or capital which is left after the deduction from gross income or capital of such deduction as may be allowed by regulations made under clause 28. By clause 7(2) the Legislative Council may, by resolution, alter the limits of disposable income and disposable capital specified in clause 7(1).

7. Persons receiving legal aid will be required to pay a contribution towards costs (clause 18) on a sliding scale to be prescribed by regulations made under clause 28. A contribution would normally be

required from both disposable capital and disposable income. This contribution represents the maximum liability from his own resources of an aided person towards the costs of the action whether or not he is successful in the action and whether or not costs are awarded to or against him by the court. Clause 19 provides that a court may make an order for costs in favour of or against an aided person in the same way as in the case of any other person. Where costs are awarded against an aided person these are paid by the Director, in full if an unaided person was defendant or respondent, otherwise only up to the limit of the aided person's maximum contribution after deduction of expenses incurred by the Director. Any costs awarded to an aided person are paid to the Director.

8. Clause 20 provides that fees and costs shall be paid by the Director to solicitors and counsel acting for aided persons in accordance with scales to be prescribed by regulations.

PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT)

BILL 1966

MR G. M. TINGLE moved the First reading of a Bill intituled "An Ordinance to amend the Public Health and Urban Services Ordinance 1960."

He said: —Sir, this Bill proposes only two amendments, and these are unrelated. Clause 2 contains an amendment to section 77(1)(h) of the principal Ordinance which will give the Governor-in-Council power to make regulations prescribing or providing for the payment of fees for the inspection of animals or carcasses in slaughterhouses in the New Territories; all, at present, privately operated. Such power is missing from the Ordinance, doubtless because in the public slaughterhouses of the urban area the fee which is charged on each beast that enters the slaughterhouse for slaughter contains an element for inspection.

Clause 3 of the Bill amends section 86 to remove an anomaly whereby a person found guilty of selling prohibited or restricted foods may, though found guilty, claim for the return of the food or any other paraphernalia seized, or may claim compensation in lieu thereof. Whilst removing this anomaly the amendment ensures that if a defendant is found *not* guilty the magistrate may order the return of anything seized under this section or award compensation in lieu, (and no claim is necessary by the defendant to enable him to obtain the benefit of this provision). The text of this amendment has been agreed to by the Urban Council.

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 District Commissioner, New Territories wants authority to charge a composite fee for the inspection of animals and carcasses in slaughter-houses in the New Territories. Clause 2 contains an amendment to s. 77(1)(h) of the Public Health and Urban Services Ordinance 1960 which will give the Governor in Council the necessary regulation making power.

2. Following the enactment of this amendment it is intended that the Slaughter-houses (N.T.) Rules 1952 will be amended to provide for the payment of inspection fees.

3. Charges laid under by-law 29 or 30 of the Food Business By-laws 1960 and regulation 29 or 30 of the Food Business (New Territories) Regulations 1963 relate to the selling of prohibited or restricted foods. At present, a defendant to one of these charges may claim for the return of the food or any other paraphernalia seized, or may claim compensation in lieu thereof. This has resulted in an anomalous position whereby persons who break the law are nevertheless entitled to the return of offending food or paraphernalia or cash compensation in lieu thereof.

4. Because of the serious nature of such offences clause 3 of the Bill removes the right to claim under subsection (2) or (3) of section 86 of the Public Health and Urban Services Ordinance 1960 for the return of anything seized under section 86(1) of that Ordinance.

5. However, if a defendant is not convicted of a charge laid under by-law 29 or 30 of the Food Business By-laws 1960 or regulation 29 or 30 of the Food Business (New Territories) Regulations 1963, a magistrate may order the return of anything seized under section 86(1) of the Public Health and Urban Services Ordinance 1960, or award compensation in lieu thereof, and no claim is necessary by a defendant to enable him to obtain the benefit of this provision.

6. A similar amendment is being made to section 30 of the Hawker Control Force Ordinance 1960.

HAWKER CONTROL FORCE (AMENDMENT) BILL 1966

MR G. M. TINGLE moved the First reading of a Bill intituled "An Ordinance to amend the Hawker Control Force Ordinance 1960."

He said: —Sir, this Bill makes provision to remove from the Hawker Control Force Ordinance 1960, the same anomaly as it is proposed to remove from the Public Health and Urban Services Ordinance, whereby a person found guilty of selling prohibited or restricted foods may, though found guilty, claim for the return of the food or other paraphernalia seized or claim compensation in lieu. The same safeguard for the person found *not* guilty has been inserted, and the text of this amendment has likewise been agreed to by the Urban Council.

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: —

Charges laid under by-law 29 or 30 of the Food Business By-laws 1960 and regulation 29 or 30 of the Food Business (New Territories) Regulations 1963 relate to the selling of prohibited or restricted foods. At present, a defendant to one of these charges may claim for the return of the food or any other paraphernalia seized, or may claim compensation in lieu thereof. This has resulted in an anomalous position whereby persons who break the law are nevertheless entitled to the return of offending food or paraphernalia or a cash compensation in lieu thereof.

2. Because of the serious nature of such offences clause 2 of this Bill removes the right to claim under subsection (1) or (2) of section 30 of the Hawker Control Force Ordinance 1960 for the return of anything seized under section 20 of that Ordinance.

3. However, if a defendant is not convicted of a charge laid under by-law 29 or 30 of the Food Business By-laws 1960 or regulation 29 or 30 of the Food Business (New Territories) Regulations 1963, a magistrate may order the return of anything seized under section 20 of the Hawker Control Force Ordinance 1960, or award compensation in lieu thereof, and no claim is necessary by a defendant to enable him to obtain the benefit of this provision.

4. A similar amendment is being made to section 86 of the Public Health and Urban Services Ordinance 1960.

INTERPRETATION AND GENERAL CLAUSES BILL 1966

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to consolidate and amend the law relating to the construction, application and interpretation of laws, to make general

provisions with regard thereto, to define terms and expressions used in laws and public documents, to make general provision with regard to public officers, public contracts and civil and criminal proceedings and for purposes and for matters incidental thereto or connected therewith."

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.

HIS EXCELLENCY THE GOVERNOR: —With your concurrence, we will take the clauses in blocks of not more than ten.

Clauses 1 and 2 were agreed to.

Clause 3.

MR P. C. WOO: —Sir, I rise to move that clause 3 be amended as set forth in the paper before honourable Members.

THE ATTORNEY GENERAL: —This amendment and all the others set forth in the paper before honourable Members are acceptable to Government.

Proposed Amendment.

- (a) The definition of "offence" to be amended by—
 - (i) substituting "includes" for "means";
 - (ii) substituting "or misdemeanor" for ", misdemeanor or offence";
- (b) The definition of "public place" be amended by deleting the words "or private" in paragraph (a) thereof.

Clause 3, as amended, was agreed to.

Clauses 4 to 37 were agreed to.

Clause 38.

MR P. C. WOO: —Sir, I rise to move that clause 38 be amended as set forth in the paper before honourable Members.

Proposed Amendment.

"Presumed" to be substituted for "deemed" in the seventh line.

Clause 38, as amended, was agreed to.

Clauses 39 to 61 were agreed to.

Clause 62.

MR P. C. WOO: —Sir, I rise to move that clause 62 be left out as set forth in the paper before honourable Members.

This was agreed to.

Clause 62 left out accordingly.

Clauses 63 to 90 were agreed to.

Clause 91.

MR P. C. WOO: —Sir I rise to move that clause 91 be amended as set forth in the paper before honourable Members.

Proposed amendment.

"Fifty" to be substituted for "a hundred" in the last line.

Clause 91, as amended, was agreed to.

Clauses 92 to 103 were agreed to.

First Schedule to Fifth Schedule were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Bill before Council has 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.

MAGISTRATES (AMENDMENT) BILL 1966

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

Clauses 1 to 5 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Bill before Council has 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.

CROWN LEASE (POK FU LAM) BILL 1966

MR A. M. J. WRIGHT moved the Second reading of a Bill intituled "An Ordinance to make provision for the better establishment of the identity of certain portions of ground situated at Pok Fu Lam in the Island of Hong Kong with the parcels and plots of ground at the said Pok Fu Lam that were demised under a Crown Lease dated the 1st day of January 1893."

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.

Clauses 1 to 11 were agreed to.

The Preamble was agreed to.

Council then resumed.

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

**WATERWORKS (AMENDMENT AND VALIDATION)
BILL 1966**

MR A. M. J. WRIGHT moved the Second reading of a Bill intituled "An Ordinance further to amend the Waterworks Ordinance and to validate surcharges under the Waterworks Regulations."

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.

Clauses 1 to 4 were agreed to.

Council then resumed.

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

HIS EXCELLENCY THE GOVERNOR: —Honourable Members, this will be the last meeting of Council to be attended by Mr McDouall who will be leaving Hong Kong on the 2nd of November on leave prior to retirement. His departure will bring to an end a most distinguished career extending over more than 32 years. The greater part of this time, including five years spent in Malaya, has been devoted to the Secretariat for Chinese Affairs and to Social Welfare.

MR McDouall first joined this Council, in a provisional capacity, on the 29th of March 1950, and he became an *ex-officio* Member on the 12th of May 1957 when he was appointed substantively Secretary for Chinese Affairs following his return from Malaya. He has therefore served on this Council for a great deal longer than any of the rest of us, since his experience goes back more than 16 years.

I feel sure that honourable Members would wish me to convey their thanks to him for the very valuable work he has done for Hong Kong during his long service here, and for the wisdom and the expert advice he has made available for so long to this Council. May I wish you, Sir, and Mrs McDouall, many happy and peaceful years after you leave Hong Kong.

MR Y. K. KAN: —Sir, my Chinese Unofficial colleagues and I wish to associate ourselves most sincerely with all that you have just said.

The Chinese community owes a very great debt of gratitude to Mr McDouall not only for his 30 years of loyal and dedicated service but, above all, for the most important part that he has played in fostering the good relations between the Government and the People through his deep understanding of the Chinese people and his sympathetic approach to the many problems affecting them. The role of the SCA may not always be apparent to every one and its importance is sometimes not given due recognition. It is to forge a close link between Government and the People and it is in this respect that Mr McDouall's achievement is notable.

Mrs McDouall, too, has taken a leading part in the church, social and charitable activities, and both of them have completely identified themselves with Hong Kong, its life and its well being.

We are indeed most sorry that it is necessary to say good-bye to two loyal and good friends, but at the same time we appreciate that they have more than earned their respite from all their arduous duties over the years. We comfort ourselves in the knowledge that they will not forget us for we all know that their hearts are and will always be with us. They take with them our deep affection and gratitude and our very best wishes for many, many years of happy retirement.

MR J. C. McDouall: —Your Excellency, I had prepared a few words trying to express my thanks to Your Excellency, and to my friend the Honourable Y. K. Kan but they are quite inadequate and I can only say how grateful I am for the example set, for the guidance given me by honourable Members in this Council, by many friends outside and by the dedicated band of officers with whom I have had the privilege to work in my own Department. Thank you very much, Sir.

NEXT MEETING

HIS EXCELLENCY THE GOVERNOR: —That concludes the business for today. The next meeting of Council will be held on 9th November.