

***17th November, 1927.***

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**PRESENT:—**

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT (HON. MR. W. T. SOUTHORN, C.M.G.).

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING THE TROOPS (MAJOR-GENERAL C. C. LUARD, C.B., C.M.G.).

THE COLONIAL SECRETARY (HON. MR. E. R. HALLIFAX, C.M.G., C.B.E.).

THE ATTORNEY-GENERAL (HON. SIR JOSEPH HORSFORD KEMP, KT., K.C., C.B.E.).

THE COLONIAL TREASURER (HON. MR. C. McI. MESSER, O.B.E.).

HON. MR. E. D. C. WOLFE (Captain Superintendent of Police).

HON. MR. H. T. JACKMAN (Director of Public Works).

HON. MR. R. A. C. NORTH (Secretary for Chinese Affairs).

HON. MR. R. H. KOTEWALL, C.M.G., LL.D.

HON. MR. D. G. M. BERNARD.

HON. MR. A. C. HYNES.

HON. MR. J. OWEN HUGHES.

HON. MR. W. E. L. SHENTON.

MR. E. W. HAMILTON (Deputy Clerk of Councils).

**ABSENT:—**

HON. SIR SHOU-SON CHOW, KT.

**MINUTES.**

The minutes of the previous meeting of the Council were confirmed.

**PAPERS.**

THE COLONIAL SECRETARY, by command of H.E. The Officer Administering the Government, laid upon the table the following papers:—

Regulation under section 5 of the Ferries Ordinance, 1917, on 1st November, 1927.

Order under section 92 (8) of the Public Health and Buildings Ordinance, 1903, on 1st November, 1927.

Order under section 92 (8) of the Public Health and Buildings Ordinance, 1903, on 1st November, 1927.

Pension Minute Amendments, on 1st November, 1927.

**BOY SCOUTS' ASSOCIATION ORDINANCE, 1927.**

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, "An Ordinance to further and protect the activities of the Boy Scouts' Association, and to incorporate the Hong Kong Branch thereof. He said—In view of the speeches made at the annual meeting of the Hong Kong Branch of the Boy Scouts' Association, which were reported in the Press that morning, it seems unnecessary to say anything about the aims and activities of that movement. Everyone knows something of those aims and activities, and they have always met with complete approval. The object of this Bill is to protect the movement in Hong Kong against undesirable imitations. The success of the Boy Scout movement is a temptation to the formation of small local organisations borrowing the titles and badges and other features of the original movement, but not subject to the control of the central authority. Imitation may be flattery but flattery is generally bad, and may sometimes be very embarrassing. Some of these local bodies which might be formed might not be bad in themselves, but they would lack the strict discipline and the careful organisation of the original Boy Scouts movement, and they might tend to confusion and to the dissipation of energy. Other local independent organisations might be distinctly bad in their tendency because they might be used for political and militaristic purposes. The Boy Scout movement, as everyone knows, is not political and it is not militaristic. This Bill, therefore, proposes to protect the well-known title of Boy Scouts and the Chinese equivalent. It also protects the present Boy Scouts' Association in the use of the badges and emblems which are employed by it. It also proposes to incorporate the local branch of the Association in order that it may more conveniently hold the property of the branch. I understand that most, or many at least, of the Colonial branches of the Associations have already secured the advantages of incorporation by Ordinance.

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

**OBJECTS AND REASONS.**

The "Objects and Reasons" state:—

1. The Boy Scouts' Association, which was founded in the year 1908 by Sir Robert Baden-Powell, was incorporated by Royal Charter on the 4th January, 1912. His Majesty the King is Patron of the Association, and Sir Robert Baden-Powell is Chief Scout. As is well known, local associations have been formed all over the British Empire. In the case of branches organized in the Dominions and in the Colonies, Chief Scouts or Chief Commissioners are appointed. His Excellency the Governor is the Chief Scout of the Hong Kong Branch, the Honourable Mr. R. H. Kotewall, C.M.G., LL.D., is President, and the Reverend G. T. Waldegrave is Commissioner.

2. The great success of this movement is a temptation to the formation of small local associations, copying the titles and badges of the original movement, but not subject to the organization and strict discipline of the now wide-spread Boy Scouts' Association. One of the two main objects of this Bill is to protect the original Boy Scouts' Association and its Hong Kong Branch from any such imitations in this Colony. Similar protection has been given to the Boy Scouts' Association in the Straits Settlements by Ordinance No. 10 of 1926, of that Colony. The other main object of the Bill is to incorporate the Hong Kong Branch. The Headquarters of the Boy Scouts' Association state that the majority of the oversea branches have obtained local incorporation Ordinances.

3. Section 3 of the Ordinance provides that no person other than the Hong Kong Branch of the Boy Scouts' Association shall sell or distribute any badge adopted by the Association, or any badge containing the word "Scout" or containing the Chinese characters which have been adopted as the Chinese title of the Association.

4. Section 4 prohibits the unauthorized possession of any such badge as is referred to in the preceding paragraph.

5. Section 5 prohibits the possession of any device which so closely resemble any badge adopted by the Association as to lead to the belief that the device in question is an authorized badge of the Association. This section is based on section 1 (3) of the Chartered Association (Protection of Names and Uniforms) Act, 1926, 16 and 17 Geo. 5, c. 26. That sub-section reads as follows:—

(3) Where the use of an association of any name, designation, uniform or badge has been so protected, a person shall not, without the authority of the association, use the name, designation, uniform or badge the use of which is so protected, or any name, designation, uniform, or badge so closely resembling the name, designation, uniform or badge the use of which is protected as to lead to the belief that it is that name, designation, uniform or badge.

The maximum penalty for breach of this provision is a fine of £10. The protection referred to is obtained by an Order in Council. It is understood that this Act was promoted by the Boy Scouts' Association. Section 5 also prohibits the possession of any badge, token or emblem containing any words or characters so closely resembling any words or characters ordinarily used to describe boy scouts as to be calculated to deceive or mislead.

6. Section 6 prohibits the attempts by boy scouts to exercise authority otherwise than in accordance with the rules of the Association.

7. Section 7 (1) prohibits any organization which without authority claims or purports to be "Boy Scouts," or which used the title of "Boy Scouts" or the equivalent Chinese title and also any

organization which uses any title in any thing which so closely resembles either of the two said titles as to be calculated to deceive or mislead.

8. Section 7 (2) provides that no person shall without the consent of the Governor-in-Council be a member of any organization other than the Boy Scouts' Association, Hong Kong Branch, which carries on or is intended to carry on any work of a similar nature to that carried on by the Hong Kong Branch of the Boy Scouts' Association.

9. The maximum penalty for contravention of the Ordinance is, by section 8, fixed at \$250.

10. Sections 9 to 14 deal with the question of incorporation. They follow the usual form of incorporation Ordinances. Section 11 transfers to the new corporation all the movables and rights at present belonging to the members of the unincorporated Boy Scouts' Association (Hong Kong Branch) or held by or vested in any person on behalf of the members of that association. Section 12 provides that all matters of internal management shall be carried out in accordance with the constitution, byelaws and rules of the parent Association, and with any byelaws or rules made by the Hong Kong Branch.

#### **THE DOGS' ORDINANCE.**

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, "An Ordinance to make provision for regulating the keeping of dogs and for the prevention of the importation and spread of rabies."

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

Council went into Committee to consider the Bill clause by clause. No changes were made in Committee. Upon Council resuming,

THE ATTORNEY-GENERAL moved the third reading of the Bill.

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

Council adjourned *sine die*.

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#### **FINANCE COMMITTEE.**

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A meeting of the Finance Committee followed, the COLONIAL SECRETARY presiding.

Votes of supplementary expenditure totalling \$117,445 were agreed to.