

*16th January, 1947.*

**PRESENT: —**

HIS EXCELLENCY THE GOVERNOR (SIR MARK AITCHISON UNG, G.C.M.G.).

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING THE TROOPS,  
(MAJOR-GENERAL G. W. E. J. ERSKINE, C.B., D.S.O.).

THE COLONIAL SECRETARY (HON. MR. D. M. MACDOUGALL, C.M.G.).

THE ATTORNEY GENERAL (HON. MR. J. B. GRIFFIN, K.C.).

THE SECRETARY FOR CHINESE AFFAIRS (HON. MR. T. MEGARRY. *Acting*).

THE FINANCIAL SECRETARY (HON. MR. C. G. S. FOLLOWS, C.M.G., *Acting*).

HON. DR. P. S. SELWYN-CLARKE, C.M.G., M.C. (Director of Medical Services).

HON. MR. T. M. HAZLERIGG, C.B.E., M.C.

HON. MR. V. KENNIFF (Director of Public Works).

HON. DR. J. P. FEHTLY, O.B.E. (Acting Chairman, Urban Council).

HON. MR. CHAU TSUN-NIN, C.B.E.

HON. MR. LO MAIN-KAM, C.B.E.

HON. MR. C. C. ROBERTS.

HON. MR. E. D. GILLESPIE.

HON. DR. CHAU SIK-NIN .

HON. MR. M. M. WATSON.

MR. D. R. HOLMES, M.B.E., M.C. (Deputy Clerk of Councils).

**ABSENT: —**

HON. MR. LEO D'ALMADA E CASTRO.

### MINUTES.

The Minutes of the meeting held on 9th January 1947, were confirmed.

### NEW MEMBER.

His Excellency the General Officer Commanding the Troops (Major-General G. W. E. J. Erskine, C.B., D.S.O.) took the Oath of Allegiance and assumed his seat as a Member of the Council.

### ROPE COMPANY'S TRAMWAY (REVIVAL AND AMENDMENT) BILL, 1946.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to revive the Rope Company's Tramway Ordinance, 1901." He said: Sir: The Ordinance which this Bill seeks to revive was enacted as Ordinance No. 21 of 1901. Section 12 of that Ordinance continued in force the rights of the Company to operate the Rope Tramway for a period of ten years from tile 15th December, 1901. The proviso to Section 12 however gave power to the Governor in Council to extend the duration of the rights of the Company beyond the 15th December, 1911, for any period not exceeding ten years. Then subsequently by an amendment of the Ordinance which is embodied now as Section 13 of the Ordinance we find that in fact by statute the rights of the Company were continued in force until 15th December, 1938, but that Section 13 still preserved the power of the Governor in Council, by the proviso to Section 12, to continue the duration of the rights of the Company. In exercise of such rights by Order in Council the rights of the Company were extended for a period expiring on the 15th December, 1942. But, Sir, as members are well aware, at that date the Japanese occupation had supervened and as a consequence at this date the statutory authority of the Company to exercise its rights of operating the Tramway are without statutory force. The purpose of the Bill now before Council, Sir, is to cure that situation. and this it does in the manner which is described in paragraph 2 of the "Objects and Reasons".

Briefly, the Bill will provide that the working of the Company is validated to the date of the commencement of this Ordinance and thereafter it is provided that from the date of the commencement of the Ordinance the Company's rights will be in force for a year and will thereafter be revived by Order of the Governor in Council under Section 12.

Finally there is a small clause, clause 4, which provides for the repeal of Section 13 of the Ordinance to which I have previously referred. It is obvious that Section 13 is in fact spent since, as I have described, that Section had originally provided by statute for

the continuance of the rights of the Company until 1938. Of course, as that date has passed, the Section is necessarily no longer of any operative value.

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

### **Objects and Reasons.**

The "Objects and Reasons" for the Bill were stated as follows: —

1. The object of the Bill is to continue in force the rights, powers and privileges granted by the Rope Company's Tramway Ordinance, 1901, to the Hong Kong Rope Manufacturing Company, Limited, which has lapsed owing to the Japanese occupation of the Colony. On the 22nd day of July, 1941, the rights, powers and privileges hereinbefore mentioned were extended for a period of one year from the 15th day of December, 1941, by Government Notification No. 881 published in the Government Gazette of the 25th day of July, 1941.

2. Clause 2 of the Bill revives the aforesaid rights, powers and privileges retrospectively and they continue to be in full force and effect and so to continue until the commencement of the Ordinance brought in by this Bill.

3. Clause 3 amends Section 12 of the said Ordinance. The words "one year" have been substituted for the words "ten years" for the reason that past policy was to renew the rights, powers and privileges granted by the said Ordinance from year to year and it is thought that the decided policy should be adhered to for the present. As a result of this amendment the rights, powers and privileges of the Company continue until the 15th day of December, 1947, but may be further extended by the Governor in Council.

### **QUARANTINE AND PREVENTION OF DISEASE (AMENDMENT) BILL, 1947.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Quarantine and Prevention of Disease Ordinance, 1936. "

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

On the motion of the Attorney General, seconded by the Colonial Secretary, Council then went into committee to consider the Bill clause by clause.

Upon Council resuming.

THE ATTORNEY GENERAL reported that the Quarantine and Prevention of Disease (Amendment) Bill had passed through committee without amendment, and moved the Third reading.

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

### **HELENA MAY INSTITUTE FOR WOMEN BILL, 1947.**

HON. MR. M. M. WATSON, moved the Second reading of a Bill intituled "An Ordinance to provide for the incorporation of the Council of the Helena May Institute for Women and for vesting in the Corporation the property and rights of the Association known as The Helena May Institute for Women registered under the provisions of the Companies Ordinances, 1911 to 1915." He said: In connection with this motion, I should like to amplify the reasons for the Bill. The "Objects and Reasons" are the essence of this Bill and they have already been fully set out, Sir, in the addendum which is printed with the Bill; but there is possibly one of the reasons mentioned therein which is particularly worthy of note and which goes to the merits that I should like to refer to.

When it was discovered that the Helena May Institute for Women as formerly constituted under the Companies Ordinance was no longer able to function, discussions took place with my friend the Honourable Mr. T. M. Hazlerigg on behalf of the Government as to the manner in which its activities could be revived. There was a long and cumbersome method which could be adopted under the Companies Ordinance but the Honourable Mr. Hazlerigg agreed that a far better method was to incorporate it under an Ordinance. I concurred in this opinion because I understood that he would draft the Ordinance, otherwise I might have had extra work to do, but the Honourable Member mentioned that he thought it might look ungracious on the part of Government if they suddenly descended on the Institution and adopted it as their own without any reference to those who had in the past run the Institute, and therefore on his suggestion we got into touch with Mrs. Black who was the Chairman of the Council of the Institute at the time of the outbreak of the Pacific War and she very kindly got in touch with the other ladies of the Council who were in England and, I suppose, probably in Scotland, and as a result she obtained from them, of course without any duress whatsoever, a statement that they would like the Government to incorporate the Institute in an Ordinance. The result is, Sir, that in favour of the incorporation of this Council you have all the surviving members of the late Council.

You will see, Sir, that the Constitution of the new Institute is contained in a Schedule to the Ordinance. The old Constitution of course was contained in a Memorandum and Articles of Association under the Companies Act. These Articles were very much out of date—I think the Company was formed in 1918 or 1915—and had also quite a number of contradictory provisions and were difficult to construe, but this was probably due to the fact that from time to time they had been altered and no reference had been made to the other parts of the Articles. I had rather thought that this Ordinance

would merely incorporate the Council and the Council would then later adopt the Constitution. My friend to whom I have already referred suggested as a better method that the Constitution should be included as part of the Bill in a Schedule; this was obviously a much better method and it was accordingly adopted. The result of the adoption of this method is, Sir, if I may say so, with respect to the Honourable Member, that we have now a Constitution which is clear, modern, and which will, I think, prevent any legal troubles arising in the functioning of this Institute in the future.

Lastly, Sir, I think the members of the Council will be very glad to observe that the original connection of this Institute with the wife of the Governor of the Colony is being continued inasmuch as Lady Young has consented to be one of the original members of the new Council. With these remarks, Sir, I beg to move the second reading of this Bill.

HON. MR. T. M. HAZLERIGG, C.B.E., M.C., seconded, and the Bill was read a Second time.

On the motion of Hon. Mr. M. M. Watson, seconded by Hon. Mr. T. M. Hazlerigg, C.B.E., M.C., the Council then went into committee to consider the Bill clause by clause.

Schedule.

HON. MR. T. M. HAZLERIGG. —Your Excellency : I rise to move that the Schedule be amended by the deletion of sub-paragraph (1) of paragraph 3 of Article II which will be found near the foot of page 5 of the Bill and that the following be substituted for it. —

(1) A residential member shall pay to the Corporation all such charges as the Council shall prescribe for board, lodging and incidentals. Every residential member shall become and remain throughout her period of residence a subscriber member of the Helena May and shall have and enjoy all the obligations and privileges of a subscriber member.

Under the sub-paragraph as printed, Sir, the residential members would have enjoyed the club amenities of the Institute without payment of the subscription which the ordinary subscriber members pay. It is thought by the ladies who constitute the Council that this might possibly lead to the resident members being regarded as of rather different status from the others in club matters and that it is preferable that they should be full subscriber members too; they of course enjoy all the amenities of the Club, possibly to a greater extent than the other members. The proposed amendment is in accord with the former bye-laws of the Institute of which a copy was only found after this Bill was in print.

This was agreed to.

Upon Council resuming.

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HON. MR. M. M. WATSON reported that the Helena May Institute for Women Bill had passed through Committee with one amendment and moved the Third reading.

HON. MR. T. M. HAZLERIGG, C.B.E., M.C., seconded, and the Bill was read a Third time and passed.

**ADJOURNMENT.**

H.E. THE GOVERNOR. —Council will now adjourn until Thursday, 30th January.

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