

*22nd May, 1947.*

**PRESENT: —**

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT (MR. D. M. MACDOUGALL, C.M.G.)

THE HON. THE OFFICER COMMANDING THE TROOPS (BRIGADIER F. H. C. ROGERS, C.B.E., D.S.O., M.C.)

THE COLONIAL SECRETARY (HON. MR. R. R. TODD, *Acting*).

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

THE SECRETARY FOR CHINESE AFFAIRS (HON. MR. B. C. K. HAWKINS, O.B.E., *Acting*).

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

HON. MR. T. MEGARRY.

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

HON. DR. I. NEWTON (Acting Director of Medical Services).

HON. MR. D. F. LANDALE.

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

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

HON. DR. CHAU SIK-NIN.

HON. MR. M. M. WATSON.

MR. ALASTAIR TODD (Deputy Clerk of Councils).

**ABSENT: —**

HON. MR. LEO D'ALMADA E CASTRO.

HON. MR. R. D. GILLESPIE.

**MINUTES.**

The Minutes of the meeting held on 8th May, 1947, were confirmed.

**OATHS.**

The Honourable the Secretary for Chinese Affairs (Mr. B. C. K. Hawkins, O.B.E., *Acting*) took the Oath of Allegiance and assumed his seat as a Member of the Council.

**PAPERS.**

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

Order made by the Governor under Section 18 of the Quarantine and Prevention of Disease Ordinance, 1936, Ordinance No. 7 of 1936, rescinding the Order of 25th April, 1946, declaring Amoy an infected place on account of plague, dated 11th February, 1947.

Order made by the Governor under Section 18 of the Quarantine and Prevention of Disease Ordinance, 1936, Ordinance No. 7 of 1936, rescinding the Order of 18th May, 1946, declaring Foochow an infected place on account of plague, dated 11th February, 1947.

Order made by the Governor under Section 18 of the Quarantine and Prevention of Disease Ordinance, 1936, Ordinance No. 7 of 1936, rescinding the Order of 29th June, 1946, declaring Shanghai an infected place on account of cholera, dated 13th February, 1947.

Additional items and amendments made by the Acting Director of Supplies, Trade and Industry under Defence Regulation 50 of the Defence Regulations, 1940, to the Schedule to the Price Control Order, 1948, on 19th February, 1947.

The Vegetable Traders (Import, Export and Transport) Registration Order, 1947, made by the Acting Director of Supplies, Trade and Industry under Regulation 50 of the Defence Regulations, 1940, dated 21st February, 1947.

Additional items and amendments made by the Acting Director of Supplies, Trade and Industry under Defence Regulation 50 of the Defence Regulations, 1940, to the Schedule to the Price Control Order, 1946, on 26th February, 1947.

Item deleted by the Acting Director of Supplies, Trade and Industry under Regulation 50 of the Defence Regulations, 1940, from the Schedule to the Prohibited Exports Order, 1946, on 26th February, 1947.

Items added by the Acting Director of Supplies, Trade and Industry under Defence Regulation 50 of the Defence Regulations, 1940, to the Schedule to the Prohibited Exports Order, 1946, on 26th February, 1947.

The Stamp Regulations, 1947, made by the Governor in Council under Section 4 of the Stamp Ordinance, 1921, Ordinance No. 8 of 1921, dated 19th February, 1947.

Additional items added by the Acting Director of Supplies, Trade and Industry under Defence Regulation 50 of the Defence Regulations, 1940, to the Schedule to the Price Control Order, 1946, on 5th March, 1947.

Item deleted by the Acting Director of Supplies, Trade and Industry under Regulation 50 of the Defence Regulations, 1940, from the Schedule to the Prohibited Exports Order, 1946, on 5th March, 1947.

The Distraints for Rent (Watchmen Expenses) Amendment Order, 1947, made by the Governor in Council under Section 43 of the Distress for Rent Ordinance, 1883, Ordinance No. 1 of 1883, dated 17th February, 1947.

Appointment made by the Governor in Council under Rule 18 of the Hong Kong (Non-Domiciled Parties) Divorce Rules, 1936, dated 10th March, 1947.

Order made by the Governor under Section 18 of the Quarantine and Prevention of Disease Ordinance, 1936, Ordinance No. 7 of 1936, declaring Calcutta an infected place on account of smallpox, dated 10th March, 1947.

Additional items and amendments made by the Acting Director of Supplies, Trade and Industry under Defence Regulation 50 of the Defence Regulations, 1940, to the Schedule to the Price Control Order, 1946, on 12th March, 1947.

Notice made by the Governor in Council under Section 73 of the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, dated 18th March, 1947.

Order made by the Governor in Council under Section 2(1)(a) of the Summer Time Ordinance, 1946, Ordinance No. 14 of 1946, dated 18th March, 1947.

Additions made by the Governor in Council under the Companies Ordinance, 1932, Ordinance No. 39 of 1932, to the list of auditors, dated 13th March, 1947.

Appointment of a Salaries Commission made by the Governor in Council under Section 2 of the Commissioners, Powers Ordinance, 1886, Ordinance No. 13 of 1886, on 20th March, 1947.

Order made by the Governor under Section 18 of the Quarantine and Prevention of Disease Ordinance, 1936, Ordinance No. 7 of 1936, rescinding the Order of 2nd December, 1946, declaring Singapore an infected place on account of smallpox, dated 19th March, 1947.

Order made by the Governor under Section 18 of the Quarantine and Prevention of Disease Ordinance, 1936, Ordinance No. 7 of 1936, rescinding the Order of 6th December, 1946, declaring Penang an infected place on account of smallpox, dated 19th March, 1947.

Additional items and amendments made by the Acting Director of Supplies, Trade and Industry under Defence Regulation 50 of the Defence Regulations, 1940, to the Schedule to the Price Control Order, 1946, on 19th March, 1947.

Notice given by the Superintendent of Imports and Exports under Section 6(13) of the Dutiable Commodities Ordinance, 1931, Ordinance No. 36 of 1931, and Regulation 18 of the Regulations relating to Duty-paid Labels.

Proclamation No. 1 of 1947—Application and coming into operation of the Crown Rents (Apportionment) Ordinance, 1936, Ordinance No. 4 of 1936, as regards certain lots.

### **URBAN COUNCIL (TRANSITIONAL PROVISIONS) AMENDMENT BILL, 1947.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Urban Council (Transitional Provisions) Ordinance, 1946." He said: The Urban Council Ordinance, 1935, by Section 3 lays down that the composition of the Urban Council shall consist of a Chairman, four *ex officio* members and eight additional members. It further requires that of these eight additional members two shall be elected in the manner laid down in that Section and upon an electoral basis prescribed by a register which is to be kept in two parts. In May of last year it was found impossible to have such register of electors for electing these two additional members ready. Consequently, the Urban Council (Transitional Provisions) Ordinance, 1946, was passed as Ordinance No. 6 of 1946. The effect of that Ordinance is explained in the Objects and Reasons of the Bill now before Council. As summarized, the effect may be said to be this, that Ordinance No. 6 of 1946 empowered the suspension for one year of necessity to elect the two additional members. The year expires on the 25th of this month and therefore unless Ordinance No. 6 of 1946 be further amended, it is incumbent to hold election of these two additional members at this date. It is considered that since the substitution of the Urban Council by a Municipal Council is relatively imminent, it is not necessary or justifiable to hold elections. Furthermore, there is the difficulty that while a part of a register, that is, the jurors list, is in readiness, the second part, that is, the list of persons who become electors by registration, is not ready. For these reasons the Bill before Council seeks to amend Ordinance No. 6 of 1946 by continuing the suspension of necessity to hold the election of the two additional members. Subsequent to the framing of the Bill before Council, it has come to light that by Section 13 of the Urban Council Ordinance, 1935, there is a statutory obligation upon the Urban Council to hold a meeting every alternate week. Thus there appears to me to be a

necessity in the public interest that the Bill before Council should in the manner made possible by Standing Order 29 (2) pass through all stages to-day. If this be not done it will be necessary further to complicate this Bill and the existing position generally by including in this Bill provision to excuse the Urban Council from holding a meeting in the current week, or alternatively to include provision validating any of their acts at any meeting which may be held in this week.

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

H. E. THE OFFICER ADMINISTERING THE GOVERNMENT. —In view of what the Honourable the Attorney General has just said, I state my opinion that it is in the public interest that this Bill should pass all its stages to-day in accordance with the provisions of Section 29 of Standing Orders.

THE ATTORNEY GENERAL. —I move that the Standing Orders be suspended in order to enable the Bill before Council to pass through all its stages to-day.

THE COLONIAL SECRETARY seconded, and this was agreed to.

THE ATTORNEY GENERAL moved the Second reading of the Bill.

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.

Clause 5.

THE ATTORNEY GENERAL. —I move that this clause be amended to read "This Ordinance shall come into force on the twenty-fifth day of May, 1947." The reason for my amendment as suggested is that the wording of the Ordinance would not be applicable if, as is now agreed, Council passes this Bill through all stages to-day.

The amendment was agreed to.

Upon Council resuming,

THE ATTORNEY GENERAL reported that the Urban Council (Transitional Provisions) Amendment Bill, 1947, had passed through Committee with one amendment to Clause 5, and moved that it be read a Third time and passed into law.

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

#### **LANDLORD AND TENANT BILL, 1947.**

THE ATTORNEY GENERAL. —Members will recall that at the last meeting of this Council the report of the Standing Law Committee on the Bill shortly entitled the Landlord and Tenant Ordinance, 1947,

was presented to this Council. Such report submitted a number of recommendations and a reprint of the Bill which embodied such recommendations. Such reprint of the Bill has in the interval been published. In these circumstances, I ask the permission of Council under Standing Order 27 (14) to allow the Bill as so reprinted and published to be substituted for the Bill as read a Second time.

THE COLONIAL SECRETARY seconded, and the motion was carried.

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 Landlord and Tenant Bill, 1947, had passed through Committee without amendment and moved that it be read a Third time and passed into law.

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

H.E. THE OFFICER ADMINISTERING THE GOVERNMENT. — Honourable Members, now that this new Tenancy Bill has passed into law, it seems proper that I should take this opportunity to acknowledge publicly a debt owed by the entire community of Hong Kong. I want to refer very briefly to the immensely valuable work performed over the past year by the public-spirited citizens who have manned the Tenancy Committee and the Tenancy Tribunals. The able Chairman of the Tenancy Committee, the Honourable Mr. d'Almada, is a member of this Council and I would like to pay public tribute to the admirable work which he and his colleagues have accomplished during these past months. The panel of volunteer citizens who have kept the Tenancy Tribunals going week after week also have, I think, most richly earned the gratitude of the community. The work has been hard, and I fear that many of the Tribunals' achievements have been won only at grave sacrifice of their members' leisure. The Tenancy Committee and the Tenancy Tribunals seem to me—and I am sure Council will agree—to be an outstanding example of real public spirit. The community is, in my opinion, lucky to have such men in its midst.

Honourable Members will have observed in the Bill we have just passed that the work of the Tribunals is to continue and will even be increased, and that their activities form a very important part of the new law. It seems right that we should here acknowledge the Colony's debt to these unselfregarding citizens on whose continued sense of public duty the working of the Tenancy Tribunals relies so heavily. (Applause).

#### ADJOURNMENT.

H.E. THE OFFICER ADMINISTERING THE GOVERNMENT. — Council now stands adjourned till one fortnight from to-day.