

31st July, 1947.

PRESENT: —

HIS EXCELLENCY THE GOVERNOR (SIR ALEXANDER WILLIAM GEORGE HERDER GRANTHAM, K.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. D. M. MACDOUGALL, C.M.G.)

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

THE SECRETARY FOR CHINESE AFFAIRS (HON. R. R. TODD).

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

HON. T. MEGARRY.

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

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

HON. D. F. LANDALE.

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

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

HON. LEO D'ALMADA E CASTRO.

HON. R. D. GILLESPIE.

DR. HON. CHAU SIK-NIN.

HON. M. M. WATSON.

MR. ALASTAIR TODD (Deputy Clerk of Councils).

MINUTES.

The Minutes of the meeting of the Council held on 17th July, 1947, were confirmed.

PAPERS.

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

Amendment made by the Governor in Council under section 8 of the Prevention of Cruelty to Animals Ordinance, 1935, Ordinance No. 44 of 1935, to the regulations relating to Bird Shops, dated 14th July, 1947.

Sessional Papers, 1947: —

No. 2—Jurors Lists for 1947.

H.E. THE GOVERNOR. —Honourable Members, it sometimes happens that with the advent of a new Governor one gets a new policy. On occasions that may be a good thing; there may be special reasons why a particular Colony should have a new policy. But in the case of Hong Kong at this juncture, when I understand there is general agreement on what should be done and it is largely a question of doing it, it would be a very great mistake in my opinion if there were to be a new policy, because that would mean the stopping of everything that was being done and starting all over again. It would at best mean a long delay.

I therefore come with no new policy, no new mandate, no new brief. My aim will simply be to get on with it.

Now the most important thing at the moment, as I see it, is this question of housing, but, though that may be so, we must not forget that there are a number of other very important things that also need attention. I do not propose to go into that now—I have not been here long enough. I would, however, remark that I am appalled at the high cost of living in Hong Kong. I should say that it is higher than in any other civilised country in the world today. Whether or not Government intervention would be effective or practicable I am not yet in a position to say, but if, on examination, I find that Government intervention could be useful and that Government has not at present the requisite powers, then I shall come before this Council and ask them to give Government those powers.

Gentlemen, the Legislative Council is the most important body in the Colony of Hong Kong. It makes the laws; it imposes the taxes; it authorises the expenditure; and, through the mouths of the Unofficial Members, makes Government aware of public complaints and grievances. It is therefore, I think, to be regretted that despite the very good coverage that the press gives to the proceedings of this Council, there does seem to be general apathy amongst the public

as to what goes on here. I think that the reason for that is that by and large—and I use those words advisedly—the people of Hong Kong are well satisfied with the Government (and when I use the word 'Government' I do not use it in any restrictive sense, merely referring to, say, Heads of Departments or Executive Council, but to the whole apparatus of Government, including very prominently this Council, both the Official side and the Unofficial side). I do not want to be complacent about the matter, but if we look at what has been achieved in this Colony since it was founded, I think that the people have justification for being well satisfied in the manner in which we and our predecessors have served them.

Another reason possibly why members of the public take little interest in our proceedings is the fact that there is an Official majority. It is too readily assumed that because there is a majority of Officials the slightest wish of Government is 'steam-rolled' through this Council. I am sure that no one knows better than the Unofficial Members that that is not so. The opinions of the Unofficial Members carry a great deal of weight, as they should, and it is rarely except in the matters of highest importance that the Official majority is used.

Then there is a third reason why the public are apt to be apathetic, and that is the somewhat dreary nature of the proceedings here. I am now talking of past history and not of the recent debates that I have been reading. But I well remember of old one member would be speaking—he would not really be speaking, he would be reading his speech (a practice which is ruled out by Standing Orders in every legislature of which I know) —while the other members would either be asleep or yawning. But, reading the housing debates, it seemed to me that this body was very alive; the speeches were good, keen and interesting, and even the Official Members, I gather from the remarks of one of the Unofficial Member, were commendably audible. But whether or not the public is interested in what we are doing out here, this Council is an extremely important body.

I should like to say a word about the position of the Governor as President of Legislative Council. As Governor, he controls the votes of the Officials; the Officials are in the majority; in that capacity, then, the Governor is like the Prime Minister in the House of Commons in England. On the other hand, he is President, that is a neutral chairman, more akin to the Speaker of the House of Commons than anything else. It has always been my practice to endeavour to stress the "speaker" functions rather than the "governor" functions, and therefore normally I shall not intervene in debate nor shall I vote, but I should be failing in my duty if in important matters I did not speak and endeavour to make my weight felt as Governor of this Colony.

Honourable Members, we are living in very difficult times. That puts on our shoulders extremely heavy responsibilities. But, I feel sure that the record of previous councils and the performance of this Council give guarantees that those responsibilities will be discharged so far as is humanly possible. (Applause).

THE ATTORNEY GENERAL moved: —

Resolved pursuant to section 3 of the Public Officers (Changes of Style) Ordinance, 1937, that the style of the officer appointed as "Assessor " under section 3 of the Rating Ordinance, 1901, be changed to "Commissioner, Rating and Valuation Department" and that the style of the officers appointed as "Assistant Assessors" under section 3 of the Rating Ordinance, 1901, be changed to "Rating and Valuation Surveyors", for all purposes, and that the following additions be made to the Schedule to the Public Officers (Changes of Style) Ordinance, 1937: —

OLD STYLE OF OFFICER, OFFICE OR DEPARTMENT.	NEW STYLE OF OFFICER, OFFICE OR DEPARTMENT.
Assessor	Commissioner, Rating and Valuation Department
Assistant Assessors	Rating and Valuation Surveyors

He said: Under the Inland Revenue Ordinance, provision is made for the office of "Assessor". Thus it is feared that some confusion may arise in administration if the titles of "Assessor " and "Assistant Assessor" which now occur in relation to the Rating Ordinance, 1901, should continue. Thus use is being made by the terms of this resolution of Section 3 of the Public Officers (Changes of Style) Ordinance, 1937, to provide by resolution of this Council that amendment as specified in the resolution shall be made to the titles of the officers who work under the Rating Ordinance, 1901.

THE COLONIAL SECRETARY seconded, and the resolution was adopted.

THE ATTORNEY GENERAL moved that the amendments made by the Urban Council on the 24th day of June, 1947, under section 5 of the Public Health (Food) Ordinance, 1935, Ordinance No. 13 of 1935, to the by-laws in the Schedule to the said Ordinance be approved.

He said: The purpose of the amendment is to introduce fees for registration, or to increase fees for registration and licensing of the activities mentioned in the amendments which are attached to this Order Paper.

THE COLONIAL SECRETARY seconded, and the motion was carried.

THE ATTORNEY GENERAL moved that the amendments made by the Urban Council on the 24th day of June, 1947, under section 4 of the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, to the by-laws in Schedule A to the said Ordinance be approved.

He said: Amendments have been made to the by-laws which the Urban Council is empowered to make, again for the purpose of introducing payment of fees or for increasing fees for services to be rendered under those by-laws. As in the case of the other by-laws, by-laws made by the Urban Council require the approval of this Council.

THE COLONIAL SECRETARY seconded, and the motion was carried.

THE ATTORNEY GENERAL moved that the amendments made by the Urban Council on the 24th day of June, 1947, under section 3 of the Public Health (Animals and Birds) Ordinance, 1935, Ordinance No. 16 of 1935, to the by-laws in the Schedule to the said Ordinance be approved.

He said: Here again, amendments have been made within their powers by the Urban Council to by-laws, and such amendments require approval of this Council. The purpose of the amendments is to introduce fees or increase fees for services rendered under the by-laws.

THE COLONIAL SECRETARY seconded, and the motion was carried.

THE FINANCIAL SECRETARY moved that Schedule No. 1 of Supplementary Expenditure for the year ending 31st March, 1948, be approved.

He said: The Special Warrants set out in this Schedule have all been approved by Finance Committee and it is now necessary to obtain by resolution the formal sanction of the whole Council for this expenditure which covers the first quarter of the year. The only large item is a Special Warrant for \$250,000 to cover the Government dollar for dollar contribution to the War Memorial Fund. It will be remembered that in the Estimates only a token provision of \$250,000 was inserted, but donations, including some particularly

generous ones from some of the principal business houses in the Colony, soon made it necessary for Government to supplement its original provision.

The total of the fund has continued to mount and has now reached a figure of some \$2,000,000. A further Special Warrant has accordingly become necessary in order to enable Government to maintain its dollar for dollar contribution, and this will be included in the Schedule for the next quarter.

THE COLONIAL SECRETARY seconded, and the motion was carried.

**VERANDAHS AND BALCONIES (INCLOSURE FOR OFFICE
ACCOMMODATION) BILL, 1947.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to authorise the Director of Public Works to grant permits for the inclosure of verandahs and balconies over unleased Crown land or streets for certain purposes."

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.

Council then resumed.

THE ATTORNEY GENERAL reported that the Verandahs and Balconies (Inclosure for Office Accommodation) Bill, 1947, 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 into law.

LARCENY AMENDMENT BILL, 1947.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Larceny Ordinance, 1935."

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.

Council then resumed.

THE ATTORNEY GENERAL reported that the Larceny Amendment Bill, 1947, 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 into law.

MAGISTRATES AMENDMENT BILL, 1947.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Magistrates Ordinance, 1932."

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.

Council then resumed.

THE ATTORNEY GENERAL reported that the Magistrates Amendment Bill, 1947, 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 into law.

JURY AMENDMENT BILL, 1947.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Jury Ordinance, 1887."

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.

Council then resumed.

THE ATTORNEY GENERAL reported that the Jury Amendment Bill, 1947, 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 into law.

ADJOURNMENT.

H.E. THE GOVERNOR. —That concludes the business, and the question is when should we adjourn to? I don't know what business the Attorney General has got for us.

THE ATTORNEY GENERAL. —I suggest adjourning to two weeks hence.

H.E. THE GOVERNOR. —Would that suit Honourable Members—two weeks hence?

This was agreed.

H.E. THE GOVERNOR. —Council will now adjourn to two weeks hence.