

*4th September, 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. B. C. K. HAWKINS, O.B.E., *Acting*).

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

HON. T. MEGARRY.

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

DR. HON. I. NEWTON (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 21st August, 1947, were confirmed.

**MOTIONS.**

THE ATTORNEY GENERAL moved: —

Resolved pursuant to section 3 of the Public Officers (Changes of Style) Ordinance, 1937 that wherever, at the date of this Resolution, in any Ordinance, Order of the Governor-in-Council, appointment, rule, regulation, minute, by-law, deed, contract, official letter or other is necessary to document the term "Labour Officer" occurs, and it is necessary to give effect thereto, such document shall be read and construed as if the term "Commissioner of Labour" were substituted for the term "Labour Officer", and that the following addition 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.
Labour Officer	Commissioner of Labour.

He said: The purpose of the resolution is to effect a change in the title of "Labour Officer" to that of "Commissioner of Labour". The purpose of so doing is to bring the title of such office into line with the title employed in other Colonies, and also to leave free the title of "Labour Officer" for application to other member of the Department of Labour.

THE COLONIAL SECRETARY seconded, and the motion was carried.

**ASIATIC EMIGRATION AMENDMENT BILL, 1947.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Asiatic Emigration Ordinance, 1915." He said: Sir, the purpose of this short Bill is merely to amend section 33 of the principal Ordinance so as to effect an increase from \$200 to \$400 for licence fee payable by Passage Brokers empowered to act as Passage Brokers under the Ordinance. The increase of fee is the outcome of recommendation by the Taxation Committee which made recommendations some time ago for increases of fees in aid of the revenue.

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: —

The object of this Bill is to provide for an increase of the fee payable for a passage broker's licence required by the Asiatic Emigration Ordinance, 1915.

#### STAMP (AMENDMENT) BILL, 1947.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend further the Stamp Ordinance, 1921." He said: In so doing, I wish to forecast amendment to be moved at the proper stage whereby an additional clause will be added to this Bill. The purpose of such clause will be to repeal and replace section 2 of the Stamp Ordinance, 1921. That section, Sir, empowers the Governor to appoint a Collector and an Assistant Collector for the purposes of the Ordinance. Since this Bill had its First reading in this Council, it has been brought to notice that the fact that the Governor may only appoint one Assistant Collector is a cause of general inconvenience in the administration of the Stamp Ordinance. The clause which I intend to propose to be added to this Bill will provide that the Governor may appoint a Collector and Assistant Collectors, thereby assisting the administration of the Stamp Ordinance.

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 2.

THE ATTORNEY GENERAL: Sir, I move that in place of clause 2, clause 2 should read as follows: —

<p>2. Section 2 of the principal Ordinance is hereby repealed and replaced as follows: —</p>	<p>Repeal and replacement of section 2 of the principal Ordinance.</p>
--	--

<p>“Collector and Assistant Collectors.</p>	<p>2. (1) The Governor may appoint a Collector and such Assistant Collectors as he may deem necessary for the purposes of this Ordinance.</p>
---	---

(2) An Assistant Collector shall have the same rights and powers as the Collector”.

and I move, Sir, that clause 2 as now appearing in the Bill and clause 3 as now appearing in the Bill shall consequentially be re-numbered.

The amendments were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Stamp (Amendment) Bill, 1947, had passed through Committee with three amendments and moved the Third reading.

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

#### **EDUCATION AMENDMENT BILL, 1947.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Education Ordinance, 1913".

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 Education 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.

#### **COMPANIES (RE-CONSTRUCTION OF RECORDS) BILL, 1947.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to relieve companies (other than China companies) against their inability or failure since the 8th of December, 1941, to comply with the Companies Ordinance, 1932, to provide for the making of necessary returns by such companies, to provide a means whereby companies can remedy the loss of registers, records and documents and for other connected matters". He said: At the proper stage I propose to move amendments to clause 3 (2) of the Bill, and also clause 12 (7) (d) of the Bill. Also, I desire to move amendments to Forms Nos. 1, 2 and 3 in the Schedule 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 3.

THE ATTORNEY GENERAL: —I move the deletion of sub-clause (2) of clause 3 and its replacement as follows: —

(2) The provisions of sections 12 to 22 (both inclusive), but save and except section 15, shall also apply to any company which, having been registered with the registrar of companies at Shanghai, is registered or registers with the registrar of companies under Proclamation No. 27—Emergency Registration of China Companies—or any enactment amending or repealing the same.

Sir, the purpose of the amendment proposed is to include section 12 within the purview of sections which will be applicable to ex-China Companies. Similarly, it is desired by the amendment to delete the word "China" and thereby provide consistency in the sub-clause with the long title of the Bill.

The amendment was agreed to.

Clause 12.

THE ATTORNEY GENERAL: Sir, I move that sub-clause (7), paragraph (d) of clause 12 be amended by the substitution of the following: for the reference to sub-paragraph (b) (ii) occurring in the first line of such paragraph (d), the reference to read "sub-paragraphs (b) (ii) or (c)". The necessity for this amendment is to make it clear that where a register is re-constructed, whether by the Court or by the Registrar, then such re-constructed register shall be *prima facie* evidence of all matters directed or authorised by the principal Ordinance to be inserted in the register.

The amendment was agreed to.

Schedule.

THE ATTORNEY GENERAL: Sir, I move that the word "serial" occurring in the eighth line of Form No. 1 be deleted and be substituted by the word "distinguishing".

The amendment was agreed to.

THE ATTORNEY GENERAL: Sir, I move that in Form No. 2 the word "serial" occurring in the seventh line in the Form be replaced by the word "distinguishing".

The amendment was agreed to.

THE ATTORNEY GENERAL: As to Form No. 3 of the Schedule, I move that the Form as it appears in the Bill before Council be replaced by a form of which copies are in the hands of Honourable Members.

The amendment was agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Companies (Re-construction of Records) Bill, 1947, had passed through Committee with five amendments and moved the Third reading.

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

#### **ADJOURNMENT.**

H.E. THE GOVERNOR: That concludes the business. When is it your pleasure that we should adjourn to?

THE ATTORNEY GENERAL: Fourteen days, Sir.

H.E. THE GOVERNOR: Would fourteen days suit Honourable Members? Council will adjourn until this day fortnight.