

12th May, 1948.

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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. C. G. S. FOLLOWS, C.M.G.)

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

DR. HON. G. H. THOMAS, O.B.E. (Acting Director of Medical Services).

HON. E. HIMSWORTH (Acting Superintendent of Imports and Exports).

HON. D. F. LANDALE.

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

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

DR. HON. CHAU SIK-NIN.

HON. LEO D'ALMADA, K.C.

HON. C. C. ROBERTS.

HON. N. O. C. MARSH.

MR. ALASTAIR TODD (Deputy Clerk of Councils).

MINUTES.

The Minutes of the meeting of the Council held on 14th April, 1948, were confirmed.

OATHS.

The Hon. E. Himsworth, the Hon. C. C. Roberts and the Hon. N. O. C. Marsh took the Oath of Allegiance and assumed their seats as Members of the Council.

THE ATTORNEY GENERAL moved: —

That the "Shops for the Sale of Salted or Dried Fish or Sharks Fins" By-laws made by the Urban Council on 13th April, 1948, under section 5 of the Public Health (Food) Ordinance, 1935, Ordinance No. 13 of 1935, be approved. He said: Sir, the purpose of these by-laws which, under the Ordinance, require the approval of this Council, is to give effect to a decision of the Urban Council whereby it is agreed that the retail sale of salted fish and sharks fins should be subject to licensing. The by-laws, in addition to provision for licensing, include provision whereby control of the buildings or structures in which such foodstuffs are retailed shall be controlled.

THE COLONIAL SECRETARY seconded, and the motion was carried.

ESTATE DUTY (AMENDMENT) BILL, 1948.

THE FINANCIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance to amend the Estate Duty Ordinance, 1932." He said: Sir, the reasons for the introduction of this Bill are fully set out in the Objects and Reasons and there is very little that I can add. The aim of the Bill is to exempt from the payment of Estate Duty property passing on death which has a value of less than \$5,000, where death occurred on or after 1st April, 1948. In the course of a review of our rates of Estate Duty it became apparent that in most Colonies the lower limit at which duty becomes payable is considerably higher than is at present the case in Hong Kong. The tendency in late years, both in the United Kingdom and in the Colonies, has been to relieve the smaller estates of this duty and to increase the rates payable in respect of the larger estates. The amount of work involved in assessing duty on these small estates is out of all proportion to the yield. In point of fact, the revenue derived from these small estates has been averaging rather less than \$8,000 a year, so the logs will only be trivial.

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. By virtue of section 4 of the Estate Duty Ordinance, 1932, (as amended), estate duty on the property passing on the death of

persons dying on or after 1st April, 1941, is payable on estates of \$500 and upwards at the graduated rates mentioned in the Fourth Schedule to the Ordinance.

2. Although estates of under \$5,000 at present constitute over 40% of the estates paying duty, the revenue obtained therefrom is very small and is disproportionate to the work involved in collecting it. Modern policy in the United Kingdom and elsewhere is to exempt smaller estates from the payment of estate duty. The object of the Bill is so to amend the principal Ordinance so as to exempt from payment of estate duty, property passing on death having a value of under \$5,000 in cases where death occurred on or after the 1st of April, 1948. This is effected by adding a Fifth Schedule (clause 3) and by amending the interpretation of "applicable schedule" (clause 2).

BIRTHS AND DEATHS REGISTRATION BILL, 1948.

THE ACTING DIRECTOR OF MEDICAL SERVICES moved the First reading of a Bill intituled "An Ordinance to provide for an additional type of birth certificate." He said: Sir, in England the Births and Deaths Registration Act of 1947 provides for the issue of a shortened form of a birth certificate in which are set out only the name and surname, sex, and date and place of birth of a child, without any reference to the parents or adopted parents of such child. It is thought that the provisions of this Act may be usefully adopted and applied to the Colony. Accordingly Clause 2(1) of the Bill enables anyone to apply for such a shortened form of a birth certificate on payment of a fee of 50 cents, and Clause 2(2) confers the necessary powers upon the Governor-in-Council to make the necessary regulations. I wish to emphasise that the existing right of any person to obtain the ordinary forms of birth certificate is not affected.

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 the Bill is to authorise the Governor in Council to make regulations under section 28 of the Births and Deaths Registration Ordinance, 1934, and under section 13 of the Births Registration (Special Registers) Ordinance, 1947, to provide for the issue by a registrar in the General Register Office, of certificates of birth in a shortened form and at a reduced fee of fifty cents. The regulations to be made will contain the form of the certificate. Such certificate will omit all reference to parentage, and in respect of adopted children, all reference to adoption.

The Bill does not interfere with the existing right of any person to obtain the ordinary forms of birth certificate at present issued under the Births and Deaths Registration Ordinance, 1934, and the Births Registration (Special Registers) Ordinance, 1947.

The Bill follows closely the provisions of the Births and Deaths Registration Act, 1947, (10 & 11 Geo. 6, c. 12).

PUBLIC HEALTH (FOOD) AMENDMENT BILL, 1948.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Public Health (Food) Ordinance, 1935." He said: Sir, the main purpose of this Bill is so to amend the Public Health (Food) Ordinance, 1935 as to make provision for new types of restaurant or cafe—in other words, a marine restaurant, a cafe and a canteen—and consequentially to empower the Urban Council to make by-laws regulating such institutions. The opportunity has been taken to include provision for granting powers under the Ordinance to the Urban Council to control the importation or use of foods which are calculated to introduce or promote disease in the Colony. In fact, there has hitherto been no such provision in the substantive law of the Colony, but only in emergency regulations which enable the proper control to be exercised to prevent the sale or importation of foodstuffs which produce such serious disease as cholera. The Bill also, by Clause 4, provides for the removal of any doubt which may have existed that where the Urban Council imposes condition upon a licence there can be any question of the licence being cancelled or withdrawn upon breach of such condition.

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. Clause 2 of this Bill repeals and re-enacts section 2 of the Public Health (Food) Ordinance, 1935, (the principal Ordinance) but with the following differences—

(a) the definition of "Eating-house" in section 2 of the principal Ordinance is omitted from Clause 2 because in practice it is unnecessary for the purposes of the principal Ordinance to distinguish between an eating-house and a restaurant. The present distinction consists in the fact that no intoxicating liquors are sold in eating-houses where as such liquors are sold in restaurants. As the sale of intoxicating liquor in any particular premises has no relevance to the grant by the Urban Council of a licence for the sale of food in such premises there is no need to perpetuate the distinction;

(b) for the definition of "Food" in section 2 of the principal Ordinance a new definition of "Food" and of "Substance" is substituted to correspond with the definition of "food" and "substance" employed in section 100 of the Food and Drugs Act, 1938, (1 and 2 Geo. VI. c. 56), and in section 2 of the Adulterated Food and Drugs Ordinance, 1935. This is necessary in order to dispel doubts which may arise as to whether the present definition of "Food" in the principal Ordinance covers substances which are used with food;

(c) for the definition of "Restaurant" in section 2 of the principal Ordinance, a new definition is substituted which omits reference to the sale of intoxicating liquors in such premises. As stated above, the sale of such liquor in any particular premises is not relevant to the grant by the Urban Council of a licence for the sale of food;

(d) Five new definitions are added, i.e. "Cafe", "Food canteen", "Marine restaurant", "Premises" and "Officer of the Sanitary Department."

The object of defining "Cafe" is to enable the Urban Council to make special provision for small establishments where no food is cooked on the premises.

The object of defining "Food canteen" is to enable the Urban Council to make special provision for establishments which specialise in the sale of cheap meals.

The object of defining "Marine restaurant" is to enable the Urban Council to make special provision for businesses carried on in certain approved vessels. Shortage of buildings has created a demand for the licensing of floating premises and it is considered that such premises may conveniently be described as marine restaurants.

As regards the definition of "Premises", this definition is added for convenience and corresponds with the definition of "Premises" in section 2 of the Public Health (Sanitation) Ordinance, 1935.

2. Clause 3 of the Bill is necessary—

(a) to extend the power of the Urban Council to make by-laws consequent upon the amendments to be effected by clause 2 of the Bill; and

(b) to empower the Urban Council to exercise in respect of food control, including prohibition to the extent provided in the clause in the case of any food, the control or prohibition of which is necessary in the opinion of the Council for the prevention cure or control of disease, e.g. Cholera.

3. Section 8(2) of the principal Ordinance empowers the Urban Council to cancel any licence issued under any by-law made under the Ordinance. Doubt has arisen as to whether the Council is in

fact empowered to attach condition to the issue of a licence. Clause 4 of the Bill which is designed to add a section as section 5A to the Ordinance is provided for the removal of any such doubt.

4. Clause 5 of the Bill gives effect to the change which took place in 1940 whereby the Deputy Director of Health Services became the Urban Council's professional adviser in lieu of the Director of Medical Services.

JURY (AMENDMENT) BILL, 1948.

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

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

Council then went into Committee to consider the Bill clause by clause.

Council then resumed.

THE ATTORNEY GENERAL reported that the Jury (Amendment) Bill, 1948, 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.

LANDLORD AND TENANT (AMENDMENT) BILL, 1948.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Landlord and Tenant Ordinance, 1947."

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

Council then went into Committee to consider the Bill clause by clause.

Council then resumed.

THE ATTORNEY GENERAL reported that the Landlord and Tenant (Amendment) Bill, 1948, 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.

HAWKERS (AMENDMENT) BILL, 1948.

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

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

Council then went into Committee to consider the Bill clause by clause.

Council then resumed.

THE ATTORNEY GENERAL reported that the Hawkers (Amendment) Bill, 1948, 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.

RATING (AMENDMENT) BILL, 1948.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance further to amend the Rating Ordinance, 1901."

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

Council then went into Committee to consider the Bill clause by clause.

Council then resumed.

THE ATTORNEY GENERAL reported that the Rating (Amendment) Bill, 1948, 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.

PIERS (REPEAL) BILL, 1948.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to repeal the Piers Ordinance, 1899."

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

Council then went into Committee to consider the Bill clause by clause.

Council then resumed.

THE ATTORNEY GENERAL reported that the Piers (Repeal) Bill, 1948, 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, Gentlemen. When is it your pleasure that we should meet again. Two weeks from to-day?

This was agreed to.

H.E. THE GOVERNOR: — Council will adjourn until this day fortnight, at 2.30 p.m.