

9th February, 1949.

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 F. R. G. MATTHEWS, 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.)

HON. V. KENNIFF, C.B.E. (Director of Public Works).

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

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

HON. D. F. LANDALE.

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

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

DR. HON. CHAU SIK-NIN.

HON. M. M. WATSON.

HON. P. S. CASSIDY.

MR. J. L. HAYWARD (Deputy Clerk of Councils).

ABSENT:—

HON. LEO DALMADA. K.C.

MINUTES.

The Minutes of the meeting of the Council held on 20th January, 1949, were confirmed.

OATHS.

THE HON. B. C. K. HAWKINS, O.B.E., 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 Governor, laid upon the table the following papers:—

Annual Report for the Director of Supplies, Trade and Industry for the year 1947-1948.

Annual Report on Exchange Control for the year 1947-1948.

Annual Report of the District Office, New Territories, for the year 1947-1948.

Sessional Papers, 1949:—

No. 2—Report of the War Damaged Sites Committee.

Report to the Director General of Colonial Audit on the Financial Operations and Accounting Methods of the Supplies, Trade and Industries Department, Hong Kong.

Memorandum by the Financial Secretary on the Report to the Director General, Colonial Audit, on the Financial and Accounting Methods of the Supplies, Trade and Industry Department.

MAGISTRATES (AMENDMENT) BILL, 1949.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled “An Ordinance to amend the Magistrates Ordinance, 1932.” He said: Sir, the Bill before Council is designed to provide for substantial and important amendments to the Magistrates Ordinance, 1932, the principal Ordinance. For this reason the Bill is accompanied by substantial Objects and Reasons which are very fully descriptive of the contents of the Bill. For this reason it is unnecessary that I should detain Council by a full discussion of the Bill. It will suffice, I think, if I indicate to Council the Bill’s more prominent features.

The Bill, by clause 3, provides for the appointment of two types of magistrate, a permanent and a special. The clause can perpetuate, in the case of permanent magistrates who are all professional officers, the enhanced powers which have been exercisable and have been exercised by magistrates since the restoration of Civil Government. It has been found by experience that such enhanced powers can properly be exercised by magistrates and, Sir, it is found that it is essential that they should continue to exercise enhanced powers, otherwise it will entail that further work will fall to the Supreme Court and to Juries.

Sir, clause 8 provides for the insertion of new sections in the principal Ordinance, for the purpose, in the main, of making clear what has hitherto not been clear, namely, the powers and functions of the Attorney General in regard to magisterial prosecutions. Further, the new sections will set out clearly what again is not now clear, that is who is and who may be appointed a prosecutor before the Magistrates Courts.

In clause 9, Sir, there is an interesting innovation suggested in that it is provided that it will be possible, where an Ordinance so declares, or where a resolution of this Council so declares, to afford to certain offences the right for persons to plead guilty by letter. It is anticipated that the class of offence would be, for instance, the trivial offences related to minor traffic infringements. By this procedure, which in fact has been tried with success in Scotland, it is hoped that the saving of time to the Magistrates Courts and the Police will be effected, while convenience of the public who are in trouble in a minor degree would also be served.

In clause 12, Sir, we have provision which seeks to modernise and improve the existing provisions for probation of offenders.

Clause 39 provides for the repeal and replacement of section 99 which deals with the powers of review. Under the existing Ordinance a magistrate, of his own motion or upon application of either party, may review a finding at which he has arrived. This procedure is unknown in the United Kingdom and it seems to be of doubtful value where, as is the case, ample facility for appeals is given. The power to review therefore by the intended new section will be restricted to the power to review where it is found that there has been an exercise of magistrates powers in excess of jurisdiction.

Clause 40 provides for the repeal and replacement of Part VI which deals with appeals in the principal Ordinance. As so replaced it will repeal the existing powers for appeal against acquittal and appeal for the purposes of increasing sentences. A further new feature which the Part will, on replacement, show is that there will be an obligation definitely put upon magistrates to provide written judgments for the consideration of the Appeal Court where appeals are lodged against magisterial decisions.

The opportunity, Sir, has been taken by the need to amend the Bill, to amend throughout the Ordinance in regard to the maximum limits which appear in the principal Ordinance for fines, costs and compensation and the like. As at present existing such costs and provision for compensation seem to be inadequate having regard to the changed value of money, and as will be seen from the table which is attached to the concluding paragraph of the Objects and Reasons, certain of the provisions for fines and costs and the like have remained static since 1890.

Sir, this Bill has been the subject of much consideration and consultation. Nevertheless, as it deals with matters which are of general interest and importance, I propose, subject to Your Excellency's permission, not to move the further stages of this Bill at too early

a date, thus affording, upon publication of the Bill, ample opportunity for its consideration and review, both by this Council and by the public.

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. Shortly before the Pacific War, it was decided to recruit magistrates from among legally qualified men instead of from the administrative service. This decision has now been almost fully implemented so that apart, from offences under the Merchant Shipping Ordinance and petty cases in the New Territories, all offences triable by a magistrate are dealt with by legally qualified men.

2. The Magistrates Ordinance, 1932, is based on the -Summary Jurisdiction Act, 1848, which is operated in England principally though by no means exclusively by lay justices. What is perhaps of more importance is that in England by means of Quarter Sessions there is machinery for the trial of a large number of criminal cases without requiring in first instance, the intervention of a judge. Moreover, the particular form of Quarter Sessions known as borough sessions are held by a Recorder who is the sole judge of the Court and this is becoming the rule in cities and large urban districts.

3. Most Colonies have found it necessary in the administration of justice either to depart from the system prevailing in the United Kingdom or at all events to constitute some tribunal for the trial of criminal cases which has greater jurisdiction and powers than Justices under the Summary Jurisdiction Acts in the United Kingdom and less jurisdiction and powers than a Judge of the High Court. In Hong Kong, the expedient, adopted immediately prior to the Pacific War, of increasing the powers of magistrates was, after the restoration of Civil Government, confirmed by an Ordinance (No. 5 of 1946) which permits such increased powers being exercised by a magistrate certified by the Chief Justice to possess the necessary legal qualifications and experience for the exercise of such powers.

4. Although this measure was originally passed as an emergency measure, its utility since the return of Civil Government has been demonstrated by the fact that increased Powers were resorted to by magistrates in a vast numbers of cases, all of which would otherwise have had to be tried by an already over-burdened Supreme Court or been inadequately punished. It is perhaps significant that despite the trial of these more important cases by magistrates there have been very few successful appeals against sentence since the restoration of Civil Government.

5. Another defect in the principal Ordinance, which came to light when it was recently desired to appoint magistrates purely for the purpose of hearing tenancy cases is that there is no power to appoint magistrates by warrant and in this way, limit the jurisdiction

and powers of magistrates. A similar situation arose and may arise again in the case of offences by hawkers or in the case of an offence which is so prevalent that additional magistrates are from time to time required. The practice of appointing magistrates by warrant is in general use in other Colonies and would suit the circumstances prevailing in Hong Kong.

6. It is accordingly provided by clause 3 of the present Bill that magistrates may be appointed by warrant under the hand of the Governor. Such magistrates may be given either a permanent warrant or a special warrant. In the former case they will exercise all the powers now exercisable by a magistrate including the increased powers. (*See* s.s.(ii) of the new section 5 introduced by clause 3 of the Bill and see clauses 19 and 29 of the Bill.) They are also no longer hampered by section 38 of the principal Ordinance which by clause 15 of the Bill will apply only to special magistrates. Special magistrates, who may not be legally qualified, will not have such increased powers save and in so far as express provision is made in future Ordinances in the case of special offences. Moreover, their jurisdiction and powers may be further limited by their warrant of appointment. (*See* s.s.(iii) of the new section 5 and see clauses 19 and 29 of the Bill.)

7. As a corollary of the above amendments it becomes possible to dispense with the clumsy and uneconomic expedient applicable in certain cases of two magistrates sitting together. (*See* the amendment to section 86 effected by clause 30 of the Bill and the repeal of sections 87 and 88 effected by clause 31 of the Bill.) It is nevertheless proposed to utilise justices of the peace for magisterial duties and section 7 of the principal Ordinance has been amended to make this more practical. (clause 5).

8. The amendment to sub-section (2) of section 10 of the principal Ordinance reproducing section 134 of the Criminal Procedure Code of Uganda substantially gives effect to the present practice in Hong Kong. Such practice would not, however, be warranted, except by the express consent of the accused, under the wording of the present sub-section. It is appreciated that this is a departure from the procedure in force in England. It should however, be borne in mind—

(a) that the jurisdiction and powers conferred on magistrates here is far in excess of that conferred on Justices in England;

(b) that in Quarter Sessions charges could be joined in the manner provided by clause 6 of the Bill (without the limitations as to time and number contained in paragraph (a)); and

(c) that numerous other Colonies have in not dissimilar circumstances legislated in the manner proposed by the Bill. It has been thought wise, as in other Colonies, to limit in the manner proposed by paragraph (a) of the sub-section, the number of offences of the same or similar character which can be tried together.

9. It has been assumed for some years in Hong Kong that the Attorney General is in the same control of criminal proceedings before magistrates as he undoubtedly is of proceedings before the Supreme Court. It has also been the practice to obtain his consent to the institution of private prosecutions before magistrates although at one time application used to be made to the Commissioner of Police. It is doubtful whether these practices are warranted by the principal Ordinance but under the provisions of the Criminal Procedure Ordinance, 1899, the Attorney General has a complete discretion in respect of cases committed for trial as to whether to institute proceedings or to decline to institute any proceedings or to remit the case back to the magistrate. (*See* the provisions of sections 12—17 (both inclusive) of that Ordinance.) It is clearly desirable that, as in other Colonies, the Attorney General should exercise control over criminal proceedings before magistrates particularly as many cases previously triable only by the Supreme Court are now being dealt with by magistrates. The Attorney General cannot of course, always personally exercise the discretions and powers which it is necessary to vest in him. Clause 8 of the Bill enables the Attorney General to exercise the necessary discretions, to delegate some of these to the Solicitor General and to appoint public prosecutors to act either generally or in particular cases or classes of cases. It is proposed to appoint suitable police officers to act generally and officers of those departments which customarily conduct their own prosecutions to act in cases affecting their respective departments. Crown Counsel will be public prosecutors *ex officio*.

10. There are certain types of cases, notably those relating to breaches of traffic regulations and other statutory offences which though necessarily made offences in the interest of public order or public health are often contravened by persons who would not normally be termed “criminals”. It is to the interest of such persons as well as to that of police authorities and magistrates to permit a plea of guilty to be made by letter and without personal appearance where the commission of the offence is not contested. A procedure to enable this to be done has been introduced with success in Scotland. Clause 9 of the Bill enables a similar procedure to be applied here where the Ordinance creating the offence or a resolution of Legislative Council has declared it to be applicable to such offence. It is, however, as is customary, left to the discretion of the magistrate to insist if he wishes on the personal appearance of the defendant.

11. Sub-section (4) of section 13 of the principal Ordinance contains an anomalous provision enabling a magistrate if he thinks fit, and on being required so to do to make an order of dismissal of the complaint or information and to give a certificate, such certificate operating as a bar to subsequent proceedings on the same facts. It is conceivable that this provision was only intended to be evidentiary and not intended to enable the magistrate to decide whether in any particular case the dismissal of a complaint or information should have

such effect. It is, however, usual in most Colonies to follow English law that a dismissal does operate as a bar and to enable the Attorney General to enter a *nolle prosequi* in magisterial proceedings in the same manner and with the same result as in proceedings by indictment before the Supreme Court. This course has accordingly been adopted. (See the new section 11D introduced by clause 8 of the Bill.)

12. Although section 21 of the principal Ordinance is based on section 1 of the Summary Jurisdiction Act, 1848, it contains a most important addition in that it enables the adjudicating magistrate to give Judgment upon the substantial merits of the facts of the case as proved before him and to convict the accused of any offence of which he may appear to be guilty. Magistrates have not infrequently asked for guidance as to correct procedure in such cases and have suggested that the section should be expanded. Clause 11 of the Bill accordingly replaces section 21 of the principal Ordinance with a new section.

13. Section 30 of the Magistrates Ordinance, 1932, was taken from section 16 of the Summary Jurisdiction Act, 1879 (42 and 43 Vict. c.49). That section was repealed and replaced by section 1 of the Probation of Offenders Act, 1907 (7 Edw. 7, c.17). Clause 12 of the Bill is an adaptation of the section from the later English Act which gives wider powers to the magistrate of releasing an offender on probation.

14. Section 43(1) of the Magistrates Ordinance, 1932 (the principal Ordinance) contains no provision enabling a magistrate to order the prompt disposal of perishable goods or property which cannot conveniently be stored, when such goods or property come into the possession of the police in connection with a criminal offence and the owner is unknown or cannot be traced. As a result, unnecessary waste, expense and inconvenience occur. The object of clause 17 of the Bill therefore is to replace section 43 of the principal Ordinance by a new section which authorises magistrates to make orders for the immediate sale of such goods or property, or to order disposal where sale would be unlawful, dangerous or impracticable. The rights of the owner are, in the event of sale, preserved for six months from the date when the property first came into the hands of the police and in the event of disposal for six months from the date of the order.

15. Section 73, which relates to remands has been recast by clause 24 to bring it into line with the Criminal Justice Act, 1914. Sections 76 and 77 have been recast by clauses 25 and 26 respectively so as to bring procedure into line with the Criminal Justice Act, 1925 (United Kingdom). The result of the amendment will be that accused will be cautioned before he is asked if he wishes to give evidence on oath or to call witnesses and that the recording of such evidence will be subsequent to the recording of any unsworn statement he wishes to make.

16. The object of clause 37 of the Bill is to widen the scope of section 96 of the principal Ordinance to enable more effective steps to be taken against unlicensed hawkers and against licensed hawkers found contravening any Ordinance relating to markets, or causing obstruction by hawking in a public thoroughfare. The proposed new section 96 will enable a magistrate, on convicting an offender, to order the forfeiture of his stall frames and other hawking paraphernalia in addition to the articles being displayed, hawked and sold by him. It is considered that the great increase in the number of offenders (which shews no sign of abating) justifies this measure.

17. In clause 27 of the Bill, section 79 has been recast so that it now contains two sub-sections. In sub-section (1), the relevant part of the existing section has been expanded—

(a) to state what, though clearly law, is often disputed, namely, that a discharge is no bar to a subsequent charge or complaint in respect of the same facts; and

(b) to enable the magistrate to investigate a charge disclosed by the inquiry but not the subject of complaint or information.

18. (1) Under section 14 of the principal Ordinance a magistrate is given power at his discretion to grant bail, whether before or during hearing, on the adjournment of any hearing.

(2) Under section 97 of the principal Ordinance, a magistrate is given a discretion to grant bail, in the case of felonies other than treason or murder, and in the case of certain indictable misdemeanors. In other indictable misdemeanors he is directed to grant bail. This section is based on section 23 of the Indictable Offences Act, 1848 (U.K.), with an important exception that in that Act, the class of cases in which bail was discretionary was extended by the words “any other misdemeanor for the prosecution of which costs may be allowed out of the county rate.” These words not being applicable to Hong Kong were omitted, but as by the Criminal Cases Act, 1908 (U.K.), all indictable offences can be made the subject of an order for payment of costs out of county rates, the logical course in Hong Kong after the passing of that Act would have been to have made bail discretionary in all misdemeanors. Moreover, in view of section 85, section 97 would only apply to indictable offences for which the accused had been committed for trial. This would lead to the somewhat curious result that a magistrate could refuse bail if he tried the case himself but not if he committed for trial, in which event the offence would presumably be more serious. In view of the foregoing, clause 38 of the Bill seeks to amend section 97 by making bail discretionary in all cases of felony, save treason and murder, and in all cases of indictable misdemeanor.

19. The rehearing of cases under section 99 of the principal Ordinance is not possible in the United Kingdom and the benefits from such a procedure are very doubtful in view of the rights of appeal

given otherwise. Clause 39 is intended to replace section 99 by a new section which allows a magistrate to review an order or determination consequential upon conviction only where the order is in excess of jurisdiction. By resorting to the procedure known as *certiorari* the anomalous result of causing the conviction to be set aside altogether where the sentence is in excess of jurisdiction could be produced. This is contrary to the interests of justice and although the procedure has not been used in Hong Kong it is thought desirable to abolish it in such cases. (See sub-section (7) of the proposed new section.) In consequence of this it is proposed that the period of time for exercising the right to apply for review should be extended from 7 days to 30 days.

20. Part VI of the principal Ordinance provides for appeals and this Part has been recast in clause 40 of the Bill. The principal amendment proposed is to delete the powers of appeal against acquittal and appeal for the purpose of increasing sentence. These are powers which do not exist in the United Kingdom and they have been exercised only very occasionally in this Colony. Much of the procedure of appeal by way of case stated has been assimilated with that which is provided under sections 118A and B of the principal Ordinance. The proposed section 111 in clause 40 contains a provision that a magistrate prepare a statement of his findings on the facts and other grounds of his determination on appeals which are not by way of case stated which is intended to give the full benefit of the magistrate's conclusions in the hearing of the case to the parties and the judge on appeal and incidentally to reduce the time which is taken in the hearing of appeals. Clause 41 contains consequential amendments to the First Schedule.

21. (1) Provision made throughout the principal Ordinance for fines, costs and compensation are subject to maximum limits. These appear hopelessly inadequate, particularly in those cases where they have remained unaltered, possibly for a century and certainly since 1890. The table below shows the existing scale, the 1890 scale where applicable, and the scale proposed by the Bill. A remarks column is added to show the nature of the provision—

Remarks.	Section of 1890		Section of 1932		Clause of present Bill & proposed scale.	
	Ord. & scale.		Ord. & scale.			
Appropriation to payment of fine of money found on defendant.	S.32	\$5	S.32	\$25	Clause 13	\$100
Default in complying with magistrate's Order— penalty per day of default	S.34	\$5	S.34(2)	\$5	Clause 14 (a)	\$20
maximum penalty	S.34	\$100	S.34(2)	\$200	Clause 14(b)	\$1,000
Penalty for punishment of person who has reasonable cause to believe he was in possession of stolen property.	—		S.40(2)	\$250	Clause 16	\$1,000
Penalty on common informer compounding without magistrate's permission.	S.48(2)	\$25	S.44	\$200	Clause 18	\$500
Exemption from distress of bedding and wearing apparel of debtor and family.	—		S.54(2)	\$25	Clause 20	\$100
Power to award costs and recovery by distress.	S.57	\$5	S.63	\$5	Clause 22	\$50
No costs where fine does not exceed—	S.60(1)	\$2	S.65(1)	\$2	Clause 23	\$20
Power to substitute fine for imprisonment—	S.87	\$250	S.91	\$250	Clause 33	\$2,000
Power to award compensation in addition to punishment.	S.88	\$50	S.92	\$100	Clause 34	\$250
Power to sentence person using insulting language to or concerning magistrate.	S.89	\$50	S.93	\$50	Clause 35	\$500
Power to award compensation to person maliciously prosecuted.	S.90	\$50	S.94(1)	\$100	Clause 36(a)	\$250
Penalty for false testimony in above connection.	S.90	\$50	S.94(2)	\$100	Clause 36(b)	\$500

(2) The same consideration warrants alteration of the scale of imprisonment for non-payment of money at present contained in section 62 of the principal Ordinance. Such alteration is effected by clause 21 of the Bill.

HOTELS BILL, 1949.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to make provision for the control of accommodation provided by and charges made by hotels." He said: Sir, it will be recalled that in August last year, Your Excellency appointed a Committee to enquire into and advise Government concerning the rates to be charged in Hotels. This Committee, after considerable deliberation and work, reported and a copy of that Report has been laid before this Council. The Bill which is now before Council for First reading has two main objectives.

Firstly, it seeks to provide ordinary legislation to enable where necessary measures of control to be imposed in respect of accommodation and charges made by hotels, and to do this by way of legislation by ordinance, rather than by perpetuation of the method of control by use of Defence Regulations. Thus this legislation will meet the desire which has often been expressed in this Council that in time of peace the law of the Colony should be the law as enacted by this Council and should not be law enacted by defence or emergency regulations.

The second objective is to enable control by way of enforcing a reservation of accommodation in hotels. Such form of control could not, in fact, have been imposed by way of defence regulations.

Sir, it will be seen that the Bill before Council is, in the main, an enabling measure to enable regulations to be made under it. It will be seen that by clause 4 power is given to the Quartering Authority to make regulations and to make regulations on the matters enumerated in that clause. A safeguard is, however, included in that any regulations so made will require to be submitted to the Governor and would not be enforced until approved by resolution of this Council.

As I have indicated, the main incentive to this legislation has been afforded by the Report of the Committee to which I have referred and it is obvious that it is necessary that regulations should be made to conform with the recommendations of that Report sooner rather than later. Thus it will be observed that Regulations have, in fact, been drafted 'and appear as a Schedule to this Bill. Thus it will happen that upon enactment of this Bill regulations will also have been made.

The main recommendations of the Committee's Report were that percentages of accommodation as set out in the Report should be reserved in hotels named in the Report, such reservation to be in the interests of "resident guests." Secondly, that the charges for accommodation so reserved shall be restricted to the amounts mentioned respectively in the Report. Thirdly, that electricity charges other than for electricity supplied for lighting purposes shall be controlled to the extent of the charges again named in the Report.

Accordingly the Regulations give effect to such recommendations; the Regulations, I mean, as they appear as a Schedule to the Bill. It will be seen that in so doing, however, there has been one departure

deserving of mention, and it is this. The Committee's Report refers to "resident guests." In fact, it was found in preparing legislation that the term "resident guest" was not in fact capable of precise definition. Furthermore, it was appreciated that the intention of the Committee was to protect by reservation of accommodation and by control of rates, the "Hong Kong resident" meaning, a person who is resident in Hong Kong for the reason that his occupation is in Hong Kong. The term "Hong Kong resident" is defined in the Regulation.

Sir, it will be seen from Regulation 2 that the regulations will apply only to the hotels specified in the first schedule to the regulations, that is to say, the hotels named in the Committee's Report, and that will be the extent of application unless and until the first Schedule is amended. The first Schedule to the Regulations shows not only, as I have said, the list of hotels to which the Regulations apply, but also shows the percentage of accommodation which each of these hotels must reserve- for the Hong Kong resident. Again those percentages 'exactly reproduce the recommendations of the Report.

The fifth Schedule describes the maximum weekly rates for accommodation and the sixth Schedule reproduces the monthly charges recommended by the Committee which may be made for electricity other than electricity used for lighting purposes.

As I have said, the Regulations have adhered closely to the recommendations of the Committee, but necessarily in the drafting of the Regulations there has been need to deal with precision with certain ancillary matters which are bound in the administration of the Regulations to be dealt with. For instance Regulation 9(2) shows that the controlled rates will be applicable to a Hong Kong resident only where he has made a declaration of his intention to remain in the hotel at least for a period of 4 weeks. Again, as regards reservation for accommodation of Hong Kong residents, regulation 8 makes it clear that it will be possible, with the consent of the Quartering Authority, for accommodation reserved for Hong Kong residents to be allowed to persons who are not Hong Kong - residents in cases where in fact a hotel can show that there are not enough Hong Kong residents to fill its available accommodation.

Now, Sir, reverting to the Bill it will be observed that the Bill provides for the repeal of the Price Control (Hotels) (Control of Charges) Regulations, 1948, and declares that any charges fixed thereunder shall be deemed never to have been applicable. Again, by clause 10 the Ordinance is to come into force upon such date as the Governor shall notify by proclamation, thus allowing of a time lag during which the necessary administrative arrangements can be made to give effect to the Bill on enactment and the regulations.

Lastly, by clause 11 the duration of the Bill upon enactment is expressed to be limited to the 31st December, 1950, but on the analogy of the Landlord and Tenant Ordinance, 1947, it will be lawful for this Council from time to time by resolution to extend the duration of the Ordinance for such term not exceeding one year at a time as may be specified in such resolution.

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. Hitherto it has been possible to control charges made by hotels under the Price Control (Hotels) (Control of Charges) Regulations, 1948. Under those regulations it is not possible, however, to control the allocation of accommodation and it would not therefore be possible to carry out that part of the recommendations of the Hotel Bates Advisory Committee which requires that a percentage of the accommodation in certain hotels be set aside for "resident guests."

2. This Bill is designed to provide legislation to empower the control of accommodation provided by and charges made by hotels by way of regulations to be made, under Clause 4 of the Bill, by the Quartering Authority, subject to approval of such regulations by resolution of Legislative Council.

3. Regulations which give effect to recommendations in the report of the Hotel Bates Advisory Committee appear in the Schedule to the Bill. Such regulations are applicable to the hotels referred to in Regulation 2 and require the management of such hotels to reserve respectively for Hong Kong residents (as defined) the percentages of accommodation recommended by the Committee at rates for accommodation and services similarly recommended.

ADJOURNMENT.

H.E. THE GOVERNOR:—That concludes the business, Gentlemen. When is it your pleasure that we should meet again?

THE ATTORNEY GENERAL:—Sir, I regret that I forgot in my speech in support of the First reading to mention that in the last few days representations have been received by Government from a few sources on the Committee's recommendations regarding Hotels accommodation and rates. In so far as the criticisms that have been received have not already been met by the form of the Bill and regulations proposed, opportunity will, of course, arise at the later stages of the Bill to give effect to any such representations as seem to require that a change be made.

H.E. THE GOVERNOR:—Council will adjourn until this day fortnight.