

*22nd June, 1949.*

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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 F. R. G. MATTHEWS, C. B., D. S. O.)

THE COLONIAL SECRETARY (HON. J. E. NICOLL, 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.)

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

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

HON. A. NICOL (Acting Director of Public Works).

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

HON. SIR MAN-KAM LO, K.T., C. B. E.

DR. HON. CHAU SIK-NIN.

HON. LEO D'ALMADA E CASTEO, K. C.

HON. M. M. WATSON.

HON. C. BLAKEE, M.C., E.D.

MR. G. C. HAMILTON (Clerk of Councils).

**ABSENT: —**

HON. D. F. LANDALE.

**MINUTES.**

The Minutes of the meeting of the Council held on 8th June, 1949, were confirmed.

**SUPREME COURT****(EMERGENCY) (REPEAL) BILL, 1949.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to repeal the Supreme Court (Emergency) Ordinance, 1946." He said: The Bill as before Members is accompanied by Objects and Reasons which fully and sufficiently explain the purposes of this short Bill. I cannot usefully add anything to what is said in those Objects and Reasons.

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. The Supreme Court (Emergency) Ordinance, 1946, made provision for a measure of fusion between the professions of Barrister and Solicitor for the reason that in 1946 and for a substantial period thereafter the number of Barristers in active practice in the Colony was insufficient. The number of Barristers in practice being now adequate, provision as 'above described is not necessary and repeal of the Ordinance can be effected.
2. This Bill provides for such repeal.

**BRITISH NATIONALITY****(MISCELLANEOUS PROVISIONS) BILL, 1949.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to provide for matters arising in the Colony incidental to the provisions of the British Nationality Act, 1948." He said: Sir, the subject of British nationality and the status of aliens was governed in the United Kingdom and in the Colonies, in the main, by the British Nationality and Status of Aliens Act, 1914 and Acts amending and supplementing that Act. The subject of British nationality is now dealt with by the British Nationality Act, 1948 which came into force on 1st January of this year, and in so doing, the Act of this year, of 1948, repealed the previous Acts which I have mentioned. These former Acts had application in this Colony, but in this Colony it was necessary to have legislation authorising the collection of fees arising out of the operation of the British Nationality and Status of Aliens Acts, 1914 and 1933. Such legislation was contained in Ordinance No. 33 of 1915.

Now, Sir, because there has been, as described, a change in the legislation of the United Kingdom governing the subject of British nationality, it is necessary to repeal our Ordinance of 1915 which, as I have said, was related to the earlier Acts of the United Kingdom. Such repeal is effected by clause 7 of the Bill now before Council, but the Bill is also designed to replace the Ordinance of 1915 by an Ordinance making offences occurring in this Colony—for instance in the giving of false particulars and statements being statements related to the requirements of the British Nationality Act, 1948—offences in this Colony on which persons can be prosecuted.

The Bill also, by clause 4, provides for the fees to be taken in connection with matters which are governed by the British Nationality Act, 1948.

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. The British Nationality Act, 1948 (11 & 12, Geo. 6, c.56) and the British Nationality Regulations, 1948, are generally applicable to this Colony, but section 28 of the Act, which relates to offences and penalties; and regulation 19 and the Seventh Schedule of the Regulations, which relate to the imposition of fees, apply only to the United Kingdom. Consequently it is necessary on these matters to legislate within the Colony.

2. The Bill therefore provides for offences, penalties and fees in respect of matters arising in this Colony under the provisions of the Act.

3. As a considerable part of the procedural work relating to naturalisation and registration of citizenship will be handled by the Immigration Officer or a Deputy Immigration Officer it is convenient that the Bill should contain a provision enabling those officers to be Commissioners for Oaths for the purposes of the Ordinance. Clause 6 of the Bill will effect this.

4. The repeal of the British Nationality and Status of Aliens (Fees) Ordinance, 1915, is necessary because that Ordinance became obsolete when the Act came into force on 1st January, 1949. Clause 7 of the Bill will effect the repeal.

5. The Act was published for general information in Supplement No. 2 of the Government Cassette of 30th December, 1948, and the Regulations were published in Supplement No. 2 of the Government *Gaazette* of 1st April, 1949.

## MERCHANT SHIPPING

### (AMENDMENT) (No. 2) BILL, 1949.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Merchant Shipping Ordinance, 1899." He said; Sir, the principal object of this Bill is to make specific provision now lacking for mechanically propelled vessels of large size which are used for fishing. The Bill, by clause 4, seeks to make such provision by the addition of a Part as Part XI dealing with Trawlers.

Sir, the opportunity has been taken, by clause 3, to amend section 28 of the principal Ordinance so as to permit of conditions and fees for the anchorage of all vessels whose stay within the waters of the Colony exceeds thirty days at any one time.

Sir, at the present time, section 28(3) of the principal Ordinance allows such conditions and such anchorage fees to be imposed, but only in respect of hulks and vessels of like description. The effect of the amendment, proposed by clause 3 of the Bill will be to allow the Governor in Council, by regulations, to impose an anchorage fee on all mechanically propelled vessels over twenty tons which remain at anchor for a period in excess of thirty days. The fee in contemplation will be small and will be equivalent to the amount now payable for light dues by vessels which remain over thirty days.

The proposal to charge anchorage fees takes account of the necessity to limit congestion as at present existing in the waters of the Colony by discouragement of anchorage for periods in excess of thirty days. Such a fee will help to defray the expenses incurred by Departments such as the Fire Brigade, Police, Health and Marine Departments in servicing and looking after ships which are anchored in the harbour.

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:—

No part of the Merchant Shipping Ordinance, 1899, the principal Ordinance, is completely applicable to mechanically propelled vessels of large dimensions used for fishing. In view of the introduction into the Colony of fishing with such vessels it is considered desirable that certain provisions of the Ordinance be made applicable to them and that further provision may be made by regulation.

2. In the United Kingdom extensive provision is made for fishing boats under the Merchant Shipping Act, 1894. In view of the different circumstances in which fishing is carried on from this Colony it is considered more feasible to extend to trawlers such of the provisions of the principal Ordinance as are considered applicable

and to provide a power to make regulations for other matters covered by the Merchant Shipping Act, 1894, rather than enact provisions analogous to that Act at a stage where sufficient practical experience of the operation of large mechanical fishing vessels in the Colony has not been gained.

3. Clause 4 of the Bill accordingly provides for the insertion of a new part in the principal Ordinance, which makes provision in the manner above described.

4. Section 28(3) of the principal Ordinance provides control over the mooring of "hulks and vessels of like description" and empowers the imposition of conditions and fees in relation to such craft. The opportunity presented by need to amend the principal Ordinance for the reasons above mentioned has been taken to propose amendment (clause 3) of section 28(3) so as to make the provisions of that subsection applicable to all ships and not merely to "hulks and vessels of like description."

### **BUILDINGS (AMENDMENT) BILL, 1949.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Buildings 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 Buildings (Amendment) Bill, 1949, 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.

### **ADDRESS BY THE GOVERNOR.**

Before the Debate starts, I would like to say that Official Members will not vote, nor will they take part in the Debate unless then-assistance is required to elucidate any points.

HON. SIR MAN-KAM LO moved that—

Since the publication of the despatch of the Right Honourable the Secretary of State for the Colonies dated 3rd July, 1947, in which he gave general approval subject to minor modifications to the recommendations submitted by Sir Mark Young and contained in his despatch No. 145 of the 22nd October, 1946, it has become increasingly evident that in the view of the general public of Hongkong:

- (a) The proposals of Sir Mark Young involving the creation of a Municipal Council and minor modifications of the constitution of the Legislative Council are no longer considered to be the best means of giving to the inhabitants of the Colony a fuller and more responsible share in the management of their own affairs;
- (b) Sufficient consideration was not given to alternative methods of achieving this object;
- (c) The most effective means of achieving this object is a more fundamental modification of the Constitution of the Legislative Council.

Therefore in order to make known to His Majesty's Government as soon as possible the present views of the Colony it is hereby moved that for the purpose of affording the inhabitants of the Colony a fuller and more responsible share in the management of their own affairs:

- (1) The present proposals for the establishment of a Municipal Council be abandoned;
- (2) The Legislative Council should be constituted as follows:

A Council of 17 with an Official membership of 6, including His Excellency the Governor, and an Unofficial membership of 11 consisting partly of members elected by qualified residents of British Nationality and partly of members nominated by the Governor. The Governor to have an original and casting vote and the usual reserve power.

- (3) After the constitution of the Legislative Council has been modified as above indicated the new Legislative Council should consider whether and, if so to what extent, the constitution of the Urban Council should be modified with the view to securing for the Urban Council a greater measure of direct representation and an increase in its financial and administrative powers in municipal affairs.

He said: Your Excellency, the motion now before this Council is the same as that tabled by my Honourable friend Mr. Landale on behalf of the Unofficial Members of this Council on the 27th April, 1949, subject to an amendment of the paragraph numbered (2). The effect of this amendment is that the new Council is to consist of 17 members instead of 20, by reducing the number of Official members from 9 to 6 (including the Governor). At the request of my Unofficial Colleagues, I have now the honour to move the motion standing in my name.

The object of tabling the motion on the 27th April, 1949 was to get from the inhabitants of this Colony, if possible, a clear expression on two points, namely, whether it is their wish that

- (1) the "Young Plan" be abandoned, and

- (2) as an alternative that the constitution of the Legislative Council be amended along the lines indicated in this motion.

What are the wishes of the inhabitants on these two points? I confess I find it difficult to give an assured answer to this important question.

The Council of Women has intimated that that Council supports the “Landale” motion.

If the views expressed by the Chinese Chamber of Commerce, the Kowloon Chamber of Commerce, and the Kowloon Residents’ Association—all well-known institutions with varying lengths of public service behind them—are not altogether conflicting, they are certainly not at one in regard to either of the points.

The same remark applies to the two recently formed Reform Clubs—the Reform Club, and the Chinese Reform Club. And here I would like to dispel once and for all one misapprehension which should never have existed. It has somehow been suggested that organisations like the Reform Clubs are frowned upon by the “Powers-that-be”, official and unofficial, and that their membership would have been greatly increased if it were not for the fact that would-be members have been deterred from joining up for fear of this disapproval with its alleged potent consequences. Sir, I say this is utter nonsense. I go further; I say that there has been absolutely no ground for such suggestion. Any institution organised as a vehicle of public opinion on matters of public interest is heartily welcomed as such. Indeed, the public spirit displayed by those who have organised or joined these Reform Clubs, which exist for the purpose of mobilising and expressing public opinion on the all-important question of constitutional reform, is fully appreciated.

But, Sir, this does not mean that any views expressed by these bodies, or, indeed, by any other bodies and individuals, as published in the Press, are to be accepted as the quintessence of wisdom or even common sense, or that individually they represent the views of any substantial section of the community.

Personally I gratefully acknowledge that some of the views expressed have been valuable and helpful. This certainly cannot be said of some of the others. I do not however propose to make any specific adverse comment on any, since this may lead to acrimony and bitterness which I am anxious to avoid. As I have stated on more than one occasion in this Council, what these difficult days call for are, above all, tolerance, co-operation and unity amongst all sections of the community. For this reason I will not say even a word on some of the virulent invective which has found its way to the Press, usually in an anonymous form, or on the now notorious plagiarised invocation of the Deity!

Sir, I do not think it is easy to say to what precise extent all the organisations which have so far expressed views on this question can in combination be said to represent the views of the inhabitants as a whole. It is even less easy to say what is the degree of the representativeness of each. I doubt whether the membership of either Reform Club exceeds several hundreds. And I venture the opinion that the total membership of all these organisations does not exceed 10,000. And I would remark that some of the leading spokesmen for the Reform Clubs can hardly claim to be residents of long standing. This, of course, does not mean that these organisations are not important cross-sections of the community, or that the views of each are not valuable on this account.

Taking the views so far expressed as representative of the various cross-sections of the community, do they afford any indication as to what the majority wants? On the whole I would say "yes", and that it would seem that a substantial majority is in favour of the motion. But this, even if it be an accurate appreciation of the situation, cannot absolve Honourable Members of this Council from their duty of expressing their own views. I therefore proceed to express mine for what they are worth.

It would seem that all are in favour of enlarging this Council, but opinions differ on three points, namely—

- (1) Whether all members should be elected,
- (2) The nature of the electorate, and
- (3) Whether the "Young Plan" as such should be abandoned.

Dealing first with the last point, I start with a statement which cannot be seriously disputed—namely that the functions of the Municipal Council under the Young Plan, at all events to begin with, are not substantially greater in scope or in importance than those which are being, and have for so long been, discharged by the Urban Council. The Press reports of its regular bi-weekly meetings and its short monthly reports afford no adequate indication of the totality of its work, especially the vast amount of the patient, laborious and unheralded work of its various select committees. In my view, the invaluable work of the Unofficial Members of the Urban Council has never received the amount of public recognition it deserves.

Now this motion does not contemplate the abandonment of the idea of having a Municipal Council, but it does contemplate the abandonment of the idea of the immediate creation of a Municipal Council. This immediate creation has certain obvious disadvantages. For instance, under the Young Plan, many problems were left to be decided by a commission as suggested in paragraph 33 of Sir Mark Young's Despatch. Moreover, there would inevitably be considerable duplication of offices involving a much more expensive Government, which would be minimised if not eliminated by a much more gradual expansion. This motion implicitly recognises that the Urban Council,



like other organs of Government, must evolve in orderly development and progress to meet the changing views and aspirations of the people. It envisages a gradual expansion of the Urban Council leading ultimately to municipal status and with a franchise that may be as wide as that proposed by Sir Mark Young, and that in this expansion the new Legislature will have a decisive say. This seems to me to be obviously sound if we are to have a new Legislature, and moreover, it will obviate any possible suggestion at some future date that the Young Plan as a form of constitutional reform was imposed on the Colony against its will.

To me the great merit of the Young Plan is that it was conceived as a testing and experimental prelude to more substantial constitutional reforms. It follows therefore that this merit will disappear if a more substantial constitutional reform as contemplated by this motion can take place immediately. But it can take place immediately only if it does command general acceptance. Those of us who feel that the Young Plan is not an acceptable measure at the present time can only hope that there will be that spirit of give and take, of honourable compromise, which will result in a substantial measure of general acceptance of the alternative including the vexed question of the electorate at the Legislative Council level.

I now come to the alternative, including the questions as to whether all members of the Legislative Council are to be elected, and the nature of the electorate.

When Hong Kong was ceded to Great Britain and thereby became a Crown Colony, the fundamental basis of its constitution was a complete control of its affairs by the Colonial Office through the Governor, and when a Legislature was granted, it was granted on the basis of an official majority and with nominated members. Apart from any question as to the degree of capacity on the part of the population as a whole to take a part in the government of their own affairs—a question which answers itself with the passage of years—the fundamental consideration which shaped this form of Government was of course that the Government must be one which should concern itself with the welfare of the Colony as a whole and without sectional or racial prejudice or distinction, and in which the Unofficial Members, since no electorate could be devised to do justice to all sections of the community, should be nominated to represent the interests of the Colony as a whole. I suggest this was the fundamental idea; I do not say that it has been realised to the full at all times.

But I submit that this was and remains the justification for the nomination of members. And although the fundamental basis, of the constitution of this Council has remained as it was up to date, its composition has been changed and enlarged with the progress of the times. Even in my own memory this Council was enlarged by the appointment of a Portuguese, and the number of Chinese members was increased from two to three.

In 1931 the census shows that the population of the Colony then was nearly 850,000 of which the Chinese formed 97.7%. Some 370,000 Chinese claimed local birth including the inhabitants of the New Territories and the floating population. Of this number only just over 61,000 claimed to be British subjects. The number of British subjects was—

Chinese	...	...	...	...	...	...	...	...	61,604
Europeans	...	...	...	...	...	...	...	...	6,636
Eurasians	...	...	...	...	...	...	...	...	714
Portuguese	...	...	...	...	...	...	...	...	1,089
Indians	•...	...	...	...	...	...	...	...	3,331
Others	...	...	...	...	...	...	...	...	<u>453</u>
									<u>73,827</u>

Until we have the next census, it is impossible to be dogmatic as to the composition of the present population or as to its exact total. We can only proceed on the assumption that, whatever the total, the relative components remain roughly the same. Perhaps we should bear in mind that in the light of Malayan experience it is by no means certain that all the 61,000 odd Chinese British subjects will elect to go on to the electoral roll. And here I must remind Honourable members of the announcement made on behalf of His Majesty's Government on the resumption of Civil Government in Hong Kong. The announcement began with this important statement:—

“His Majesty's Government has under consideration the means by which in Hong Kong, as elsewhere in the Colonial Empire, the inhabitants of the territory can be given a fuller and more responsible share in the management of their own affairs.”

There are two important implications in this statement. Whilst on the one hand, the people to whom a fuller and more responsible share in the management of their own affairs is to be given are “the inhabitants of the territory”, not only British subjects or other sections of the community, the means on the other, by which this object is to be attained is to be on the basis that Hong Kong is a part of the Colonial Empire. If the alternative contemplated by this motion is to be generally accepted, a much more realistic view and accommodating spirit than now existing must be shown by all advocates for constitutional reform.

The whole difficulty about an electorate at the Legislative Council level is of course the fact that Hong Kong is not a homogeneous community. Hong Kong is a trading centre in which the majority of the residents think in terms of their obligations and allegiance to

their respective countries, rather than of their duties to Hong Kong. In this respect, I am sorry to think that the position has actually deteriorated. When I first took an active interest in public affairs some 30 years ago people thought more in terms of Hong Kong than they appear to do today. I hope a time will come when the inhabitants will through local birth or naturalisation or permanent residence come to think and act first and foremost as Hong Kong citizens, and Hong Kong being their home will regard the interests of Hong Kong as their paramount interests—just as our American friends in America do not think of themselves as Italians, French, Dutch or any other nationals but only as Americans.

Whether or not it be true that for the Legislature constitutional law required that the electors, like the elected, must be confined to those who owe allegiance to the British Crown, it seems fairly obvious that any basis for an electorate other than that of British subjects will involve interminable argument and delay. And yet even this restricted electorate must involve an incongruity!

For on what possible basis can members elected by an electorate consisting of some 73,000 persons claim to represent a community consisting of more than ten times this number?

It has been said by some ardent advocate of constitutional reform, with more eloquence than truth, that the Unofficial Members of this Council represent nobody. In the sense that apart from the two members nominated by you, Sir, to represent the Hong Kong Chamber of Commerce and the Justices of the Peace, we do not hold our position by virtue of any mandate, direct or indirect, of any particular section of the community, this is perfectly true. But we do conceive it our duty to represent the best interests of the Colony as a whole. How well or how badly we discharge our duties is a matter of opinion. But to suggest that members elected by a fractional electorate and pledged to discharge the mandate of this fractional electorate can and will more adequately represent the Colony as a whole than nominated members is a proposition with which I profoundly disagree.

It has also been suggested that nominated members are merely “yes-men”. If this suggestion were confined to the present nominated members I would not waste the time of this Council by even referring to it, for we should be content to leave it to the judgment and fair sense of the public. But if it were meant to apply to nominated members as a class I resent the suggestion as an unjustified slur on the memory of all our distinguished predecessors who graced this Council and gave of their best in the interest of the public. That the suggestion is a base calumny can be shown by a casual perusal of any of the Hansard reports of, say, the past 50 years. Indeed even in my time—though newcomers to the Colony may not know this—the Press has made references to the Mighty Giants of the past who dominated this Council and to their legendary fights against the Government!

In my view the realistic approach to this difficult question of Legislative Council reform, is to recognise the fundamental basis of its constitution to which I have referred, and to introduce into its constitution a new elective element as a step in the right direction along its road of progress and evolution.

Assuming that the electorate is to be confined to British subjects, two subsidiary questions arise, namely whether there should be any qualification for the electors other than that of residence, and whether there shall be separate elections of Chinese candidates by Chinese electors and non-Chinese candidates by non-Chinese electors, or whether the same electors should elect both, with a limitation of seats to be held by each community. As to the first question, it seems to me to be a matter of detail which though obviously requiring consideration can be settled without much difficulty. As regards the second question, the undesirable features of communal representation are of course well-known, but it may be inevitable in a place like Hong Kong.

In theory there is not much difference between the two methods. In practice it may make a lot of difference. For, on the basis of the 1931 census figures, under the latter scheme, whilst the Chinese choice of a Chinese candidate cannot be affected by the combined votes of the non-Chinese electors, the reverse is not true. It is conceivable that a non-Chinese candidate receiving 100% of the votes of the non-Chinese electors may be defeated by another non-Chinese candidate receiving the support of Chinese electors only. I therefore feel that the first method is fairer and should be adopted.

Sir, on behalf of all the Unofficial Members of this Council I now put forth for your consideration the following scheme in outline for the reconstitution of this Council: —

- (1) That the Council should be composed of 17 members consisting of :
  - (a) His Excellency the Governor and five other Official Members, and
  - (b) 11 Unofficial Members.
- (2) Of the 11 Unofficial Members 6 shall be Chinese and 5 non-Chinese.
- (3) Of the 6 Chinese members 4 shall be elected and 2 nominated by the Governor.
- (4) Of the 5 non-Chinese members 2 shall be elected and 3 nominated by the Governor (one of whom shall be a Portuguese if the elected members do not include a Portuguese).
- (5) The electorate shall be confined to British subjects and there shall be separate elections of Chinese candidates by Chinese electors and non-Chinese candidates by non-Chinese electors.

- (6) The Governor is to have an original and a casting vote and the usual "Reserve Power."

It is the unanimous view of all the Unofficial Members of this Council that, whilst it is impracticable to devise a scheme of constitutional reform which will completely satisfy the aspirations of all the inhabitants of the Colony, their proposal represents a fair and acceptable compromise. If it commands a general measure of popular support and will receive the urgent consideration of Your Excellency and the Secretary of State for the Colonies, they see no reason why it should not be practicable to implement it within a very short time—even a matter of a few months.

I am only too aware that our suggestion cannot appeal to those who demand that all members of the Legislative Council must be elected. On them I can only urge that surely it is more important to secure some substantial advance by a general measure of agreement than to stick out for some theoretical and as yet unattainable ideal. After all, Great Britain has taken hundreds of years to reach the constitutional position she has attained today. I am no student of constitutional history but even I know that she has had to solve some difficult constitutional problems at times. And even today the question of her electorate has not yet been solved to the satisfaction of all her citizens.

If it had not been for the outbreak of the Pacific War this Colony would have celebrated its Centenary in 1941. It would have been a most fitting celebration, for the Colony's progress during the past century was certainly remarkable. There are of course many factors which have contributed to the Colony's progress. I do not propose to enumerate them, which include Sino-British co-operation; the enterprise and initiative of the merchants; the toil and labour of the workers. Certainly one of the factors are those pre-requisites to trade, industry and commerce: law, order, security and stability. These in turn pre-suppose a Government which, however dilatory or inept it may at times appear to be, does foster the welfare of the Colony and all its inhabitants, is clean and honest and acts fairly by all sections of the community. In this Government this Council from its inception has taken a worthy part. As the Legislature and the final financial authority it has identified itself with all the progressive measures which have taken place. Despite uninformed remarks to the contrary it has established a fine tradition. I hope and pray that this tradition will be long maintained, however this Council may be reformed and reconstituted.

Sir, I apologise for taking up so much of this Council's time this afternoon. My excuse is that the subject before us is one of supreme importance to the future of this Colony, and Hong Kong is my home.

I formally move the motion standing in my name.

HON. M. M. WATSON:—Your Excellency, in seconding the Motion before the Council I feel, although my Honourable friend has already very fully dealt with the subject matter of the Motion, that

in view of the importance of the proposed changes to the Colony and to the Council, I should shortly state my own views on the subject.

I am further impelled to speak by reason of the fact that I wish to emphasise that this Motion is not one which has been either lightly or idly proposed.

For many months past and at many meetings of the Unofficial Members of this Council, the subject of the reform or modernisation of the constitution of the Colony has been discussed. Needless to say they have also discussed the matter with a large number of the residents of the Colony.

As a result of such discussions and consultations the present Motion was brought forward and laid on the table of this Council for the consideration of the public.

However, there seems to me to be a somewhat surprising lack of interest in the subject amongst the population generally, which is perhaps due to the pressure of more absorbing events.

In particular I am quite unable to find any definite trend of opinion for either the one or the other method of the forms which have been suggested; that is to say, the changes in the Legislative Council proposed in this Motion or the establishment of a Municipal Council as set out in the proposals of Sir Mark Young and which have now been embodied in the draft Municipal Council Bill. However, as you have heard, Sir, the proposals contained in this Motion have received the unanimous approval of the Unofficial Members of this Council and as you will probably hear in the course of the debate, there is no hesitation on their part in recommending them to the public.

The chief reason that I personally see in proposing an alteration of this Council rather than the setting up of a Municipal Council is that it appears to me to be the logical, and safest course to pursue. Of course, that is not to say that there should not be some form of Municipal Council, which may be a modification of the Urban Council, the creation of which is referred to in the last paragraph of the Motion.

The Municipal Council covered by the published Bill would consist of partly elected and partly nominated members but this Council would continue to have only nominated members, at least until further alterations were made.

This seems to me to create a source of danger if the views of the two Councils should on any particular subject differ, which they may well do when the responsibility for the laws and the finance would rest with this Council, but the other would not be so burdened.

It is true that the franchise for the Municipal Council would differ from the one now proposed for the Legislative Council but this seems to me only to emphasise the importance of first applying the

principle of elected members to this Council and thereafter proceeding with your wider electorate for a Municipal Council.

In my view the most important thing is that there should be an unquestioned supreme legislative body which, although it must represent all sections of the public, which it is proposed it shall do in this Motion, is so far as an electorate is concerned founded on the circumstances of the Colony, that is to say, an electorate of British subjects.

The whole essence of the Colony is that it is a British Colony and in order to retain that characteristic it is essential that its Government should have its roots in the traditions of British Government which in turn are based upon allegiance to the Crown.

We know and it is a position which we welcome that the majority of the electors would undoubtedly be of Chinese race and as you have already heard, Sir, it is proposed that the majority of the Unofficial Members should also be of Chinese race.

A further but somewhat less important aspect of the matter is that owing to the geographical size of the Colony it would be overweighted both with legislators and officials if the present Council and Government were continued and, in addition, the Municipal Council were also to have the membership and staff contemplated in the proposals.

Neither does this seem the time to incur the extra and I fear, large expense of setting up the Municipal Council nor to put the further strain on the Government machine that it would entail, a glance at the contents of the Municipal Council Bill from this angle will give some indication of the official work that would have to be done.

A further and more general objection to starting your reform on the basis of the Municipal Council Bill is that it has always been found, although this may now be scouted in some quarters, that for good and orderly Government it is necessary that it should come by evolution and not by revolution.

The fact that in England there is a democracy which is the result of many years of evolution does not mean, although the principles may be applied to this Colony that the very advanced ideas on the application of them in England are equally applicable here. On the contrary I think in order not to make the doses of democracy dangerous ones, however good they may be when you are accustomed to them, that they should be taken in progressive doses.

However, in common with the views of my colleagues and those undoubtedly of the public, I agree that it is desirable that the representation of this Council or the legislative body of the Colony should conform more with modern ideas than it does at the present time.

This leads me to a further reason for the Motion and that is one which has already been mentioned by my Hon. friend that this Motion will enable reforms to be put into hand long before I think they could be done under the Municipal Council proposal. I also emphasise for the reason given by him that the proposed widening of the powers of the Urban Council is a subject which should be dealt with after the changes, which we now move should be made, have taken place.

Perhaps it would not be out of place or unimportant to stress the fact that it is suggested that in accordance with the complexion of the Colony there should be a majority of Chinese Unofficial Members and that this is a reversal of the present position.

The discussion of the subject has been somewhat marred, or enlivened, by the abuse of the motives of the Unofficial Members of this Council, a complaint that seems to be breaking out again.

Opponents of our views, so far as I am concerned, are perfectly entitled to impugn the motives with which this Motion has been introduced but they must not object if I accuse them of resorting to the proverbial tactics of the hopeless litigant.

In conclusion, Sir, having given to the subject the best consideration I can, I am convinced that the best interests of the people of this Colony in taking the first steps towards representative government, will be served by the proposals now before the Council rather than those embodied in the Municipal Bill.

HON. CHAU TSUN-NIN:—Sir, with such a diversified population as that which exists in Hong Kong, it is by no means easy—even after the many weeks during which the “Landale Motion” has been tabled—to assess with accuracy the public feeling on such an important matter. A wide variety of views has been expressed, but I feel that there is ample justification for the conclusion that, to the majority of the public, the enlargement of this Council is more acceptable than the Young Plan. My Honourable friends, Sir Man-kam Lo and Mr. Watson have dealt so competently and comprehensively with this that I need not labour the point.

There is, however, one suggestion I would like to make. As one gathers from Press reports, certain sections of the Chinese community desires not only that this Council be enlarged, but that Hong Kong should also have its long-awaited Municipal Council. Because of this, I would advocate the appointment as soon as possible of some sort of Commission or Committee to make recommendations for the gradual expansion of the existing Urban Council, with the ultimate aim of municipal status, and that the new Legislature will give them early consideration.

DR. HON. CHAU SIK-NIN:—Your Excellency, in rising to speak in support of the amendment to the motion now before this Council I wish to make a few personal observations. As my colleagues, the proposer and the seconder, have already so exhaustively dealt with the various points raised in their speeches, there remains little for me to elaborate thereon.



Hong Kong is far behind other Colonies in the matter of constitutional reform. Constitutional reform in the Far Eastern Colonies has been delayed far longer than in other Colonies of the British Empire; the West Indies, for instance, has had constitutional government with elected representatives to the Legislature for over two decades.

It is clear that Hong Kong has long outgrown the basic form of Crown Colony government, that is, government by an official majority in the Legislative' Council.

The kind of constitutional reform that should be introduced in any particular Colony should be that based on a deep study of the actual requirements necessary to satisfy the population and the circumstances of the case. For this reason the introduction of constitutional reform should be carefully considered. It should not be done in a hasty or ill-considered manner, for the introduction of a constitution must carry with it the guarantee that first, it will work; and second, that it will satisfy the requirements of the population. It is a supremely important act from the point of view of the public and hence it would be of grave concern to the prestige of the Government if the constitution introduced should fail to satisfy the requirements of the population, or should fail through not taking into consideration the circumstances of the situation. It is easier to withhold a constitution than to withdraw one already given.

I would therefore like to suggest that as soon as the present amendment to Mr. Landale's motion of April 27th is adopted and put into effect, we should proceed at once to effect the necessary alterations to the existing Urban Council to bring it more up-to-date in consonance with the changed condition obtaining. I would also like to endorse the suggestion of my Senior Chinese Colleague that in order to prevent further delay and to save time, Government should appoint a committee to put forward views and suggestions with regard to the enlargement of the Urban Council for the consideration of the new legislature.

As my friend Sir Man-kam Lo has rightly pointed out, the Urban Council has been doing good and useful work in an unostentatious way for many years past, the value of which is perhaps too little known to the public. However, since it appears to be the wish of certain sections of the public that the institution of the enlarged Urban Council be carried into effect, we should bring the idea to early fruition. In the enlarged Urban Council we have a measure of administration which will be a means of satisfying the requirements of the population for local self-government. In managing the revenues placed at the disposal of the Urban Council they will have a say in the management of their own communal lives. The Urban Council would be confined to the matters relating to the municipality and would be an autonomous body within the scope of its charter and any action which is taken outside the municipality would be void, just as any measure passed by the Council outside its charter would be ultra-vires and invalid.

Turning now to the amendment before this Council, this proposed suggestion for the reconstitution of the Legislative Council by increasing the number of Unofficial Members to 11, the majority to be elected by popular vote and the rest to be nominated by Your Excellency, I feel that this should meet the requirements of the public. As regards the question of franchise, the Chinese public feels, however, that although the membership of the Legislative Council will have to be confined to British subjects, it would be more equitable if it could include the population as a whole, instead of confining the electorate to British subjects only. I am aware that this is a difficult problem requiring serious thought, but according to the census of 1931, out of a population of some 850,000, of which the Chinese constituted 97.7%, approximately 74,000 or less than 10 per cent. of the population were British subjects. It would seem, therefore, illogical that 10 per cent. of the population should claim to represent the voice of the other 90 per cent. who can have no part in the management of their affairs, and yet are expected to support the Government in the form of taxes, etc.

It is clear that if we have Constitutional Reform there must be a real measure of representation and the *bona fides* of the Chinese population must be taken for granted. This matter of the framing of the franchise is one requiring a good deal of ingenuity if there is to be no heart-burning or recrimination in the future.

The electorate should be extended to include non-British Chinese for the reason that Chinese citizens cannot be considered aliens within the territory of Hong Kong. Qualification for voters to the Legislative Council election in the case of non-British Chinese could be increased both as to the period of residence and as to property qualification.

It would perhaps be expecting too much of the inhabitants to ask them to forget their native origin but to merge their respective individualities into a common bond of Hong Kong citizenship, as my Honourable colleague, Sir Man-kam Lo has exemplified the people of America. It must be remembered, however, that it is easy for the American people to sink their individual racial origins when they have assumed American citizenship, but the same happy result cannot be expected of the Hong Kong population, apart from the minority of local-born British subjects to whom Hong Kong is indeed home.

In principle, I am in agreement with the sentiments expressed by the mover of the present amendment, but having regard for the peculiar circumstances of the population of Hong Kong, the Chinese public would like to see the electorate enlarged so as to include non-British Chinese subject to certain qualifications. With these few remarks I have much pleasure in supporting the motion.

HON. LEO D'ALMADA:—Sir, it is always rather hard to speak fifth on a motion, more particularly when the speakers before one have covered the subject pretty fully, but whether it be harder upon the speaker or to the audience is, perhaps, a matter I should leave to the judgment of this Chamber. I do, however, crave its indulgence

if, in the course of my remarks, I happen to repeat some of the arguments adduced by previous speakers on this motion.

Reference has been made to the different views expressed in the newspapers, by various associations in Hong Kong, by writers to the Press, generally anonymous, upon the subject of whether or not we should have constitutional reform in the direction of a Municipal Council or as mooted in this motion before Council. One thing that has struck me in connection with those views is that the larger number of them appear to have come from comparative new comers to the Colony and a certain number of older residents who hitherto have evinced very little if any interest in the civic affairs of this Colony. That does not mean to say, of course, that these views are to be disregarded, but the point I wish to make is this: I can see no evidence over the last six weeks since this motion was first tabled, no evidence that the large majority of residents of long standing in this Colony want any reform at all. And I think that had it not been for the statement made upon the return of Civil Administration to this Colony that "His Majesty's Government has under consideration the means by which in Hong Kong, as elsewhere in the Colonial Empire, the inhabitants of the territory can be given a fuller and more responsible share in the management of their own affairs," had it not been for that statement emanating from a Labour Government flushed with victory in Europe and the Pacific and with a rush of a great majority to the head, had it not been for that statement, I wonder whether there would have been, at this time, during these critical and difficult years in Hong Kong, any real demand for reform. That does not mean, however, that reform is not desirable and having regard to the statement I have referred to, I think reform is also inevitable.

The Press, in its own articles, in its reports of the expressions of opinion of various associations and in its correspondence columns, has shown that there is considerable conflict of view as to what nature this reform should take. But emerging from this welter of opinion are, I think, two points upon which there appears to be general agreement. The first is that the present Unofficial Members of the Council represent nobody at all; the second, and this is of great importance to me, is the unanimity on the point that whatever form constitutional change should take, the Portuguese community should have a representative.

Sir, upon the first point, that the Unofficials do not represent anybody, for the purpose of my speech, I accept that view without admitting it. And from the point of view of the second point, let me say that I speak today as a member of that community, a community whose right to a seat upon this Council is clearly recognised by these various expressions of view and is recognised also in the motion before Council, and I stress the fact that I speak as a member of that community because it seems to me that that recognition must derive from this fact; that my community occupies a peculiar place in this Colony in that we have in it deeper and stronger roots than any other community. Your Englishman comes and goes; your

Chinese has close ties with a very near homeland; we, the Portuguese, are in an entirely different position and we can claim, I think honestly, to have the best interests of this Crown Colony at heart.

It is as a member of such a community with a vital interest in the welfare of this Colony that I have considered the various views expressed over this somewhat thorny subject, and after a careful consideration of those views, have come to the conclusion that the most satisfactory method of achieving reform lies in the motion before this House today, wherefore I support it.

I have nothing to add to it, Sir, except that I endorse what the Honourable Mover of the motion said in the course of his speech: let this motion have the immediate attention of Your Excellency and, if necessary, the Secretary of State for the Colonies. If it is acceptable, let steps be taken for its speedy implementation. I am strongly of the view that delay in this matter is neither necessary nor desirable and I can see no reason why reform as tabled in this motion should not come into being in 1950.

HON. C. BLAKEB: —I must state firstly that I am unreservedly in favour of the proposal which has been moved by my Honourable Friend. I consider also that on practical grounds the proposal has considerable merit.

Since the liberation of this Colony, Government Departments have been very fully occupied on rehabilitation matters and it was hoped that the time was approaching when they could embark on something more constructive. Unfortunately, however, the present political situation has involved all departments in considerable additional work, and the wheels of Government are already creaking under the strain. Therefore I find it hard to see how, under existing circumstances, Government is to embark on such a Herculean task as the floating of the Municipal Council on the lines of the Ordinance recently published. One has only to study this document for a few moments to realise the enormity of the effort involved in merely setting up the Electoral system of the Council to say nothing of implementing the actual work once it had started.

The reconstitution of the Legislative Council as proposed would be a far simpler task and this at the same time would denote a definite measure of progress towards giving the citizens of Hong Kong a fuller and more responsible share in the management of their own affairs. The question of the Municipal Council could still follow at a later date when times are more propitious for what would necessarily be a somewhat experimental change.

H.E. THE GO VERNOE: — After I have put this motion to the vote I shall be saying a few words. In putting it to the vote I shall ask the Clerk to take the division.

All the Unofficial Members voted in favour of the Motion.

H.E. THE GOVERNOE: —The Motion is therefore carried.

It is evident that Unofficial Members have given a great deal of thought and consideration to this extremely 'important matter. It may be asked what is the next step. Clearly I cannot give a decision this afternoon as to whether what is termed the Young Plan should be finally adopted or whether the alternative proposal that is contained in this motion this afternoon should be adopted. Moreover there have been other proposals made by various bodies and individuals. A snap decision cannot and should not be taken upon this matter. Furthermore, the Secretary of State must be consulted. He has already given his approval to the Young Plan and I am not in a position to over-rule the Secretary of State, but, of course, he is in the happy position of being able to over-rule me. I shall therefore forward to him a copy of this afternoon's debate with my comments and recommendations and at the same time I shall forward to him other proposals that have been made in the columns of the Press or have reached me through other channels. It is the Secretary of State who must give the final decision.

It would, I think, be of interest if I were to stress the main features of the proposals of Sir Mark Young and those contained in the Motion that has just been passed. Sir Mark Young advocated the establishment first of the Municipal Council and then, secondly, of a reconstituted Legislative Council with an Unofficial majority. The Unofficial members this afternoon reversed that order. They wished a new Legislative Council to be set up first and then have that new Legislative Council with its Unofficial majority develop the Urban Council towards a Municipal Council somewhat on the lines proposed by Sir Mark Young.

Now, as regards the composition of this Legislative Council, Sir Mark Young recommends eight Unofficial Members and seven Official Members, excluding the Governor. All the eight Unofficial Members would be nominated, some by the Municipal Council, others by public bodies such as the Chambers of Commerce and some by the Governor. There were to be no elected members and therefore the question of franchise did not arise. The Councillors would have to be British subjects because they must take the Oath of Allegiance.

The Motion this afternoon envisages eleven Unofficial Members and five Official Members, again excluding the Governor, but the most radical departure from the proposals of Sir Mark Young is the introduction of elected members in the Legislative Council. The Motion advocated four Chinese elected members and two non-Chinese elected members and, in addition, two Chinese nominated members, one Portuguese and two other non-Chinese nominated members; so the team of eleven Unofficials would be made up of six Chinese members, at least one Portuguese member and not more than four other non-Chinese members. The franchise according to the Motion should be restricted to British subjects. One Honourable Member spoke against that, although actually he voted for it, so it is a little bit difficult for me to know what he does want.

As regards the Municipal Council, Sir Mark Young advocated an equal number of Chinese and non-Chinese, ten of each group to be elected and five nominated. The franchise would not be restricted to British subjects. The Unofficial Members, as I have already indicated, would propose to leave the development of the Urban Council to the newly constituted Legislative Council with its Unofficial majority.

These views, together with other views that have been expressed, I now propose to send to the Secretary of State with my comments and recommendations and I shall seek his final decision as soon as possible.

### **ADJOURNMENT.**

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

THE ATTORNEY GENERAL:—I suggest a fortnight, Sir.

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