

2nd November, 1949.

PRESENT:—

HIS HONOUR THE GOVERNOR 'S DEPUTY (HON. J. F. NICOLL, C.M.G.)

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING IN CHIEF
(LIEUTENANT-GENERAL SIR E. C. E. MANSEEGH, K.B.E., C.B., M.C.)

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

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

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. E. A. BOYCE (Director of Public Works).

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

HON. SIR MAN-KAM LO, KT., 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 19th October, 1949, were confirmed.

OATHS.

His Excellency the General Officer Commanding in Chief (LIEUTENANT-GENERAL Sir E. C. R. Mansergh, K.B.E., C.B., M.C.) took the Oath of Allegiance and assumed his seat as a Member of the Council.

PAPERS.

THE FINANCIAL SECRETARY, by command of His Honour the Governor's Deputy, laid upon the table the following papers:—

The Summer Time Ordinance, 1946,—Order under Section 2(1).

(G.N. No. A. 222 of 1949).

The Emergency (Control of Ships and Aircraft) Regulations, 1949.

(G.N. No. A. 223 of 1949).

The Emergency (Royal Navy) Police Powers Regulations, 1949.

(G.N. No. A. 224 of 1949).

The Emergency (Anti-aircraft Gun Practice) Regulations, 1949.

(G.N. No. A. 225 of 1949).

Removal of quarantine restrictions imposed against Saigon on account of smallpox.

(G.N. No. A. 227 of 1949).

The Price Control (General) (Revocation) Order, 1949.

(G.N. No. A. 228 of 1949).

The Price Control Order, 1946,—Amendments to the Schedule.

(G.N. No. A. 229 of 1949).

Proclamation No. 8—The Crown Rents (Apportionment) Ord., 1936, to apply to and come into operation, as regards all lots, areas or districts of the Colony other than lots, areas or districts in the N.T. (G.N. No. A. 230 of 1949).

The Merchant Shipping Ord., 1899,—Amendment to Table N.

(G.N. No. A. 231 of 1949).

The Public Health (Sanitary Provisions) Regulations, 1948— Declaration under section 2(10)(a) (G.N. No. A. 232 of 1949).

The Prohibited Exports Order, 1946,—Amendments to the Schedule. (G.N. No. A. 233 of 1949).

The Price Control Order, 1946,—Amendments to the Schedule.

(G.N. No. A. 234-of 1949).

Annual Report of the Controller of Stores for the year 1948-49.

Annual Report of the Director of Fisheries for the year 1948-49.

Annual Report of the Commissioner of Labour for the year 1948-49.

TOTALIZATOR BETS (RATE OF DUTY)**VALIDATION BILL, 1949.**

THE FINANCIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance to validate the imposition and collection of duty on totalizator and pari-mutuel bets at the rate of three per centum in lieu of two per centum without an appropriate resolution of Legislative Council." He said: Sir, the reasons for the enactment of this Bill, are fully set out in the Objects and Reasons, and there is very little that I can usefully add. The decision to increase the scale of duty on totalizator or pari-mutuel bets was made during the Military Administration period shortly before racing started again, with the object of obtaining additional revenue. Officers still serving in Hong Kong were present at the meeting at which this step was taken, but the decision, which rested with the Chief Civil Affairs Officer alone, as Legislative Council had at that time not been re-established, does not appear to have been published in the Gazette. There are references in Government documents shortly afterwards to the effect that the duty had been raised, but the actual record of the meeting at which the decision was taken cannot now be traced. The present measure is therefore being introduced to regularise the position.

THE ATTORNEY GENERAL seconded, and the Bill was read a First time.

Objects and Reasons.

The "Objects and Reasons" for the Bill were stated as follows:—

1. Under sub-section (1) of section 6 of the Betting Duty Ordinance, the scale of duty on totalizator or pari-mutuel bets is determined from time to time by resolution of Legislative Council. This power was last exercised by Legislative Council in 1937 when the scale of duty was fixed at two per centum.

2. In October, 1945, the powers of Legislative Council were by virtue of Article 2 of Proclamation No. 4 vested in the Chief Civil Affairs Officer and he authorized an increase of the scale from two to three per centum, but there was no publication of this in the 'British Military Administration Gazette and the record of such authority cannot be found. In fact ever since racing recommenced after the liberation, duty at this increased rate has been and is still being collected.

3. After the recommencement of Civil Government a proposal to increase this duty further was rejected by Government on the advice of the taxation committee but it was not appreciated that in view of the lack of evidence and the form of the authority to increase the scale of duty to three per centum it might be desirable to pass a resolution of Legislative Council.

4. The increased duty has been borne almost entirely by the public and it would be impracticable, even if it were desirable, to refund it.

5. The object of this Bill is to give formal validity to the increased rate of duty which has been imposed and collected for the past four years.

DEPORTATION OF ALIENS (AMENDMENT) BILL, 1949.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled “An Ordinance further to amend the Deportation of Aliens Ordinance, 1935.” He said: Sir, in so doing, I wish to forecast my intention that at the Committee stage I will move certain amendments to the Bill.

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

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

Clause 2.

THE ATTORNEY GENERAL:—Sir, I move that this clause, clause 2, be amended by substituting the following for the definition of “alien” :—

“ “alien” means a person who is not a British subject or a citizen of the Irish Republic or a British protected person but includes a British protected person who has been deported, banished or expelled from any territory which is not a foreign country.”

Sir, the purpose of the amendment proposed is to clarify that a citizen of the Irish Republic is not an alien for the purpose of the Ordinance, and further, Sir, that the necessity arose by reason of the fact that recently the Ireland Act was passed in 1949 in the United Kingdom which makes it clear that citizens of the Irish Republic are not to be regarded as aliens.

This was agreed to.

Clause 6.

THE ATTORNEY GENERALS—Sir, I move that the following be substituted for clause 6 of the Bill and the existing clauses 6 and 7 be renumbered clauses 7 and 8. The amendment proposed to substitute clause 6 reads as follows:—

“Amendment of sub-section (5) of section 16 of the principal Ordinance.

6. Sub-section (S) of section 16 of the principal Ordinance is hereby amended by deleting the words “a British subject” in the fifth line thereof and substituting therefor the words “not an alien”.”

Sir, the amendment is consequential on the new definition of “alien” which I moved at committee stage.

This was agreed to:—

Renumbered Clause 8:—

THE ATTORNEY GENERAL:—Sir, I rise to move that a further clause be added to the Bill as clause 9—a commencement clause— to read:—

“This Ordinance shall come into operation on the first day of January, 1950.”

Sir, I move this amendment at this stage because it has been ascertained that the administrative and staff arrangements necessary to give effect to the Ordinance when amended by this Bill would not be in readiness in the very near future. Therefore it is proposed that the operation of the Bill upon enactment be in fact postponed until the first day of January, 1950.

This was agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Deportation of Aliens (Amendment) Bill, 1949, had passed through Committee with five amendments and moved the Third reading.

THE FINANCIAL SECRETARY seconded, and the Bill was read a Third time and passed into law.

CRIMINAL PROCEDURE (AMENDMENT) BILL, 1949.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled “An Ordinance to amend the Criminal Procedure Ordinance, 1899.”

THE FINANCIAL 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 Criminal Procedure (Amendment) Bill, 1949, had passed through Committee with no amendments and moved the Third reading.

THE FINANCIAL SECRETARY seconded, and the Bill was read a Third time and passed into law.

PREVENTION OF CORRUPTION (AMENDMENT)

BILL, 1949.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled “An Ordinance to amend the Prevention of Corruption Ordinance, 1948.”

THE FINANCIAL 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 Prevention of Corruption (Amendment) Bill, 1949, had passed through Committee without amendment and moved the Third reading.

THE FINANCIAL SECRETARY seconded, and the Bill was read a Third time and passed into law.

REPRESENTATION OF FOREIGN POWERS

(CONTROL) BILL, 1949.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to control persons, other than accredited representatives of foreign states, in the discharge in the Colony of functions on behalf of the Governments of foreign states or on behalf of other foreign political organisations." He said: Sir, In so doing, I forecast the moving of amendments to clause 2 at committee stage when it is reached.

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

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

Clause 2.

THE ATTORNEY GENERAL:—I rise to move that clause 2 of the Bill be amended as to paragraph (b) of the definition of "foreign power" in clause 2, the amendment to be as follows; by the deletion of the words "but does not include any international organisation to which the United Kingdom adheres or of which the United Kingdom forms a part" and by the substitution therefor of the words "but does not include any international organisation of which the United Kingdom, is a member."

Sir, it is considered necessary to narrow the description of international organisation.

Again, Sir, I move that as to paragraph (I) of the definition of "foreign state" there shall be substituted for the word "Eire" the words "Republic of Ireland."

Sir, the reason for this amendment is consequential on the enactment in the United Kingdom of the Ireland Act, 1949. Sir, the text of that Act became available only after this Bill was prepared and

section 1(3) of the Ireland Act requires that in enactments passed subsequent to the Ireland Act, the part of Ireland hitherto designated as Eire should be designated Republic of Ireland.

The amendments were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Representation of Foreign Powers (Control) Bill, 1949, had passed through Committee with amendments to clause 2 and moved the Third reading.

THE FINANCIAL SECRETARY seconded, and the Bill was read a Third time and passed into law.

ADJOURNMENT.

H.H. THE GOVERNOR'S DEPUTY:—That concludes the business for today. When would Honourable Members wish to meet again?

THE ATTORNEY GENERAL:—I suggest this day fortnight, Sir.

H.H. THE GOVERNOR'S DEPUTY:—Council will adjourn to this day fortnight.