

*19th April, 1950.*

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**PRESENT: —**

HIS EXCELLENCY THE GOVERNOR (SIR ALEXANDER WILLIAM GEORGE HERDER GRANTHAM, K.C.M.G.).

THE COLONIAL SECRETARY (HON. R. R. TODD, *Acting*).

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

THE SECRETARY FOR CHINESE AFFAIRS (HON. J. G. McDouALL, *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. 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. G. C. HAMILTON (Clerk of Councils).

**ABSENT: —**

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING IN CHIEF (Lieutenant-General SIR E. C. R. MANSERGH, K.B.E., C.B., M.C.).

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

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

HON. C. E. M. TERRY.

**MINUTES.**

THE COLONIAL SECRETARY: —Your Excellency, I beg propose an amendment to paragraph 9 on page 4 of the Minutes to the effect that the words “Attorney General” be substituted for the words "Financial Secretary".

THE ATTORNEY GENERAL seconded.

H.E. THE GOVERNOR: —Is that agreed? I think it is in accordance with fact.

This was agreed to.

The Minutes of the Meeting of the Council held on 29th March, 1950, subject to the amendment proposed, were confirmed.

**PAPERS.**

THE COLONIAL SECRETARY, by Command of His Excellency the Governor, laid upon the table the following papers: —

The Merchant Shipping Ord., 1899, —New Table M. (G.N. No. A. 63 of 1950).

The Public Health (Sanitation) Ord., 1935, —Order under Section 75(8). (G.N. No. A. 65 of 1950).

The Nursing and Maternity Homes Registration Ord., 1936, —Amendment to the Schedule. (G.N. No. A. 66 of 1950).

The Landlord and Tenant Ord., 1947, —Notification under S. 32 (1). (G.N. No. A. 67 of 1950).

The Public Health (Sanitation) Ord., 1935, —Order under S. 73(4). (G.N. No. A. 68 of 1950).

The Merchant Shipping Ord., 1899, —Amendment to Table O(B). (G.N. No. A. 69 of 1950).

The Vehicle and Road Traffic (Amendment) Regulations, 1950. (G.N. No. A. 70 of 1950).

The Trading with the Enemy (Authorization) (Japan) Order, 1950. (G.N. No. A. 71 of 1950).

The Trading with the Enemy (Transfer of Negotiable Instruments, etc.) (Japan) Order, 1950. (G.N. No. A. 72 of 1950).

The Trading with the Enemy (Custodian) (Amendment) (Japan) Order, 1950. (G.N. No. A. 73 of 1950).

The Marketing (Marine Fish) Order, 1950. (G.N. No. A. 74 of 1950).

The Price Control Order, 1946, —Amendments to the Schedule. (G.N. No. A. 75 of 1950).

Despatches to and from the Secretary of State for the Colonies on the financial operations and accounting methods of the Department of Supplies Trade and Industry.

Annual Report by the Accountant-General for the year 1949.

Annual Report of the Director of Medical Services for the year 1948-49.

### **LAW REVISION (MISCELLANEOUS AMENDMENTS)**

#### **BILL, 1950.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to make amendments to miscellaneous Ordinances for the purpose of facilitating the preparation of the revised edition of the laws." He said: Sir, the Bill is prefaced by a Preamble which explains the authority for the introduction to this Council of an omnibus Bill which seeks to effect the amendment of some fifty-two separate Ordinances and consequently amend in one Bill legislation dealing with diverse and unconnected subjects.

The amendments are set out in the Schedule to the Bill in relation to Ordinances which in turn are set out in chronological order. As regards each amendment the Objects and Reasons affords an explanation. The amendments proposed are, for the most part, of a relatively unimportant character. They represent amendments to the different Ordinances, the necessity for which has been seen and noted over the past year or two, and in addition, the amendments include amendments seen to be necessary or desirable in the course of work of revision of the laws as a whole, which is now actively proceeding.

Thus it is that I believe, Sir, it would be unnecessary for me to detain Council by attempting to deal with any one of these amendments except, as I have said, to explain that, as the Preamble sets out, the authority for dealing with so many subjects in one Bill is given by section 6 of the Revised Edition of the Laws Ordinance, 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: —

It is provided by section 6 of the Revised Edition of the Laws Ordinance, 1948, that amendments to Ordinances, which are not mere matters of form or which cannot be carried out

by the Commissioners of Law Revision under the powers vested in them, should be collected by the Commissioners and submitted to Legislative Council in the form of one or more Ordinances. This Bill is such a provision. The embodiment of unconnected items of legislation in one Bill would be contrary to the principles of legislative drafting, were it not for this express power given to the Commissioners for purposes connected with the revised edition.

The items of amendment or repeal are set out in a Schedule to the Bill and the following are the detailed reasons for the items similarly numbered in such Schedule—

1. Amendments (1) and (2) are designed to provide in the Land Registration Ordinance, 1844, a more convenient method of verification of memorials in the Land Office than that previously stipulated. Amendment (3) provides for the making of regulations relating to fees in the Land Office by the Governor in Council, which provision will, as need arises, replace the existing scale of fees; this is the method customarily adopted in more modern Ordinances.
2. The Promissory Oaths Ordinance, 1869, is analogous to the Promissory Oaths Act, 1868, of the United Kingdom. Amendments made in 1939 to the Ordinance sought to make it unnecessary for officers re-appointed to positions they had previously held to take once more the oaths attached by this Ordinance to that office. The form of the Ordinance was however a little archaic and the consequent difficulty in amendment resulted in a failure to effect such purpose. Such amendments also extended the necessity for taking the official oath to all official members of Executive Council. Study of the history and origin of the provision indicates that such oath is in fact appropriate only to official members whose office imports *ex officio* membership of Executive Council *i.e.* to *ex officio* members. The recasting of the Ordinance now carried out effects the purpose of the 1939 amendments in so far as such amendments previously failed, requires the taking of the official oath only by *ex officio* members of Executive Council, and seeks to improve the form of the Ordinance by removing into a second Schedule the stipulations as to form and content of the various oaths.
3. The purpose of the amendment to the Distress for Rent Ordinance, 1883, is to extend the scope of the declaratory section 40, removing any doubt that exemption from Part II of the New Territories Regulation Ordinance, 1910, does not in any case exempt from the provisions of the former Ordinance.

4. The fee in respect of a search of the Bills of Sale Register has not been altered since the Ordinance was enacted, and the proposed amendment to the Bills of Sale Ordinance, 1886, will render the fee comparable with that charged in England. Amendment (2) gives the Governor in Council power to make regulations as to fees as necessity may arise.
5. The object of the amendment is to assimilate the definition of "ship" in this Ordinance, the Ships (Prohibition of Sale of Liquor) Ordinance, 1886, with definitions enacted by the Merchant Shipping (Amendment) Ordinance, 1949.
6. (1) This amendment is to bring the Jury Ordinance, 1887, into line with the constitution of the Defence Force as at present governed by Ordinance 63 of 1948.  
(2) The purpose of this amendment is to reflect in the Ordinance that the Governor in Council (by Government Notification No. A143/49) has already had occasion to exercise his power to increase the list of persons who may serve on special juries.  
(3) Consequential upon Ordinance 25 of 1949 whereby all duties of a registrar may be carried out by a deputy registrar, there is no need for the specific reference sought to be deleted by this amendment.  
(4) This amendment is expedient in view of the extension of jury service to women.
7. With the present organization of the Medical Department it is improbable that a private practitioner would be needed to carry out an autopsy or to give evidence relating thereto, but revision of the fees therefor given in this section of the Coroner's Abolition Ordinance, 1888, is advisable to provide for the exceptional case, which is the object of this amendment.
8. (1) The purpose of the first amendment to the Evidence Ordinance, 1889, is to abolish the necessity for publishing in the *Gazette* details of foreign banks carrying on business in the Colony. The Banking Ordinance, 1948 contains other provisions for such publication.  
(2) The second amendment brings the section into line with the scale of costs prescribed in the Supreme Court, and makes the section conformable with other Ordinances, in which a folio is defined as being seventy-two words in lieu of ninety words.

- (3) Section 26, paragraph (1), includes a reference to a British Military Administration Proclamation. The repeal of the paragraph will enable the sufficient terms of the Interpretation Ordinance, 1950, to be applied.
9. This amendment is to provide in the Fire Investigation Ordinance, 1895, a convenient alternative to the convening of a full Marine Court in accordance with section 19 of the Merchant Shipping Ordinance, 1899, where a fire occurs in a vessel not exceeding sixty tons, and is analogous with powers that already exist with regard to buildings in the Colony.
10. The Probates Ordinance, 1897, is brought into line with present-day circumstances by the following amendments—
  - (1) increasing from \$250 to \$2,500 the limit on value of an estate which can be administered informally by the Official Administrator;
  - (2) increasing from \$250 to \$2,500 the limit on value of estates in respect of which a grant of representation can be given summarily on personal application to the Registrar, amending the nominal fees payable for this assistance, and extending the section to cover testate as well as intestate estates. The opportunity is taken to repeal a subsection dealing with duty, as in the future no estates under \$5,000 will be dutiable;
  - (3) extending to \$2,500 from \$500 the limit on the amount which a public department may in certain circumstances pay to relatives of a deceased;
  - (4) transferring to the Financial Secretary from the Colonial Secretary certain duties in respect of estates of deceased police and prison officers;
  - (5) extending to \$500 from \$100 the limit on the value of effects which the master of a ship is in certain circumstances required to deliver to the Official Administrator;
  - (6) consequentially upon item (2) above deleting the Schedule of fees payable in respect of small estates.
11. The power of the Governor in Council to exempt from assessment for rates is at present restricted to educational institutions and it is designed, by this amendment to the Rating Ordinance, 1901, to extend such power to meet appropriate cases of charitable or welfare institutions.

12. It is administratively convenient that, as provided by this amendment to the Foreshores and Sea Bed Ordinance, 1901, the Chief Justice shall allocate the business of the Courts without the need in all cases to call together the other judges.
13. The authorized route for the tramway is described in detail in section 3 of the Tramways Ordinance, 1902, and was shown on four plans dated the 9th April, 1901, and deposited with the Director of Public Works. Such plans can no longer be traced, and the detailed description in section 3 refers to obsolete place names and in spite of additions and amendments is out of date.

Modern plans are available and have been agreed between the Director of Public Works and the company. They are of a sufficient scale to show the route of the tramway and also to indicate the siting of the track in the roadway. The purpose of the present amendments is to substitute such agreed plans for the detailed description in the Ordinance, to consolidate in a substituted section 3 the existing powers of the Governor in Council to approve alterations and additions to the route, and to effect amendments consequential on the abolition of the previous method of description of the route as being in seven sections, and to effect other slight re-casting of the Ordinance to facilitate reproduction on revision in convenient form. A power has been added for the Director of Public Works to approve realignments of the track which in his opinion are minor or are temporarily necessary in an emergency. The tramway having already been constructed it has been possible by item (5) to repeal section 9 which stipulated the situation in the road to be taken up by the tramway, and section 16 relating to watering the road is a responsibility which is regarded as obsolete and of which the tramway is proposed to be relieved by the repeal specified in item (6).

Item (7) effects further amendments consequential on the abandonment of the description of the tramway route by sections.

14. The amendments effected by (1) to the Railways Ordinance, 1909, substitute figures more consonant with present values of animals carried by the railway, and the second amendment under this item refers expressly to the power to enter into contracts which may in any case be implied from the wording of the Ordinance.
15. The Trade Marks Register (Re-construction) Ordinance, 1947, is of transitional interest alone, but the new register authorized thereby is made thereby to be

of equal validity to the register authorized by the principal Ordinance. This amendment to the Trade Marks Ordinance, 1909, is designed to preserve that validity in express terms.

16. The opinion of the Principal Matron is frequently desired by the Midwives Board and it has accordingly been recommended that she shall sit on this Board, and this proposed amendment to the Midwives Ordinance, 1910, has that object in view.
17. Both sections 6 and 6A of the New Territories Regulation Ordinance, 1910, provide for rules to be made in the New Territories, but the method of publication specified in section 6(2) is overlapped by the stipulation for such publication contained in section 7. Amendments (1) and (2) preserve the wider method of publication and will facilitate, during revision, the consolidation of sections 6 and 6A.

The exemption referred to in this section concerns the method of dealing with land in the New Territories and method of registration of such dealings. It is Part II of the Ordinance which governs such dealings and such registration. Amendment (3) removes the possibility of doubt as to the effect of exemption. Amendment (4) is consequential upon the amendment made to section 7 of the Land Registration Ordinance, 1844, by item 1 in this Schedule, whereby the certificate of a practising solicitor can replace verification by a Justice of the Peace.

18. This amendment to the Advertisements Regulation Ordinance, 1912, is for the purpose of assimilating the power of the Urban Council under this Ordinance to that under such other Ordinances as the Public Health (Sanitation) Ordinance, 1935, and the Public Health (Food) Ordinance, 1935. Under the latter Ordinances by-laws require the approval of the Governor or approval on his behalf and to be laid on the table of the Legislative Council before promulgation. By the amendment this provision is added to the above Ordinance.
19. (1) As the words "to attempt to export" do not appear in that form in the Importation and Exportation Ordinance, 1915, the definition is deleted, but since the purpose of the provision is patent, a new subsection (1A) is added to section 13 to render such purpose effective. Thus an act preparatory to exportation will be deemed to be an attempt to export.  
(2) By section 13(1) an attempt to commit an offence under the Ordinance is made a misdemeanor, and section 13(2) makes forfeiture available as a sanction

in respect of any offence under the Ordinance. The Courts have already interpreted an attempt to commit an offence as sufficient justification for forfeiture to follow. The purpose of this amendment is to remove any doubt.

20. The amendment provides a minimum figure in the Public Servants Liabilities Ordinance, 1917, more consonant with modern standards.
21. This proviso in the Boarding-house Ordinance, 1917, is redundant in view of the repeal, by the amendment Ordinance of 1949, of section 6 in the Merchant Shipping Ordinance, 1899, (which provided for boarding houses for non-Chinese seamen.)
22. The Contracts (War Restrictions) Ordinance, 1917, took its origin from the Defence of the Realm Acts and amendments thereto up until the Defence of the Realm (Amendment No. 2) Act, 1915, all of which have been repealed. There is little difference between its provisions and the position at common law; its provisions and nomenclature are out of date and the object of this item in the Schedule is to repeal the Ordinance in conformity with the position in the United Kingdom.
23. (1) The reference in the 1948 amendment to the Stamp Ordinance, 1921, was to documents executed after the date of the amending Ordinance; on incorporation into the principal Ordinance reference to the actual date is necessary, which is effected by this amendment.  
  
(2) It was made clear by section 4 (2) of the Stamp (Amendment) Ordinance, 1948 that the increase of *ad valorem* duty from \$1 to \$2 extended to all duties ascertainable by direct or indirect reference to the duty payable on a conveyance on sale. Section 31A of the principal Ordinance provides that the duties payable under Heading 3A are so ascertainable; for greater clarity therefore this amendment effects the necessary alteration to the figure shown opposite Heading 3A in the Schedule.
24. Provision is at present made for the temporary removal of prisoners to a hospital for surgical or medical treatment; the present amendment to the Prisons Ordinance, 1932, is intended to extend such provision to include the removal of a female prisoner to hospital for the purpose of childbirth.
25. (1) The section of the Companies Ordinance, 1932, the repeal of which is provided by this item, embodies transitional provisions which required

compliance within six months of the commencement of the Ordinance, *i.e.* by the 2nd January, 1934, and which can now therefore be repealed as unnecessary.

- (2) The amendment is expedient since the Inland Revenue Ordinance, 1947, does not employ the expression "income tax" which is used in the Ordinance under amendment.
26. The first amendment to the Summary Offences Ordinance, 1932, supplies an omission previously existing and the second removes a phrase which is otiose.
27. (1) The amendments to section 97 are consequential upon amendments made by section 37 of the Magistrates Amendment Ordinance, 1949, whereby the grant of bail in all cases other than treason or murder has become discretionary.
- (2) This particular power to adjudicate on costs, and to apportion them in appropriate cases, is considered a necessary adjunct to the power dealt with in the Magistrates Amendment Ordinance, 1949, for the Attorney General to intervene in certain cases.
  - (3) There are at present lengthy procedural rules in the Second Schedule to the Magistrates Ordinance, 1932, and it is sought by this amendment to that Ordinance to facilitate in law revision the removal of those rules to the appropriate volume of subsidiary legislation and to provide that with regard to matters covered by such rules the Governor in Council shall have power to add to, rescind or amend the same.
28. This subsection provided that rights, obligations and duties occurring under the Patents Ordinance, 1892, should continue in force notwithstanding repeal of that Ordinance by the Registration of United Kingdom Patents Ordinance, 1925. The period for which a patent is granted is sixteen years from the date of application, and it therefore does not appear possible that any such rights could have survived after 1941. In view of the loss of patent records however it appears better that the subsection should be expressly repealed rather than it be omitted, as spent, from the revised edition of Ordinances.
29. Amendment (1) to the Arms and Ammunition Ordinance, 1933, is necessary by reason of the Hong Kong Defence Force Ordinance, 1948, and amendment (2) is to supply an omission in the Ordinance in order to provide for foreign military aircraft. The post of

Senior Superintendent of Police has been abolished and there is now more than one Deputy Commissioner. Amendment (3) will allow for this and any other similar change in the composition of the Force.

30. (1) The Trustee Ordinance, 1934, is based on the Trustee Act, 1925, in the United Kingdom where provision is made in Rules of Court for the deposit in Court of various forms of power of attorney. The provision in the Trustee Ordinance, 1934, is the only provision for such deposit in Hong Kong and it is convenient therefore that the whole procedure for such deposit shall be contained in that Ordinance, which is the object of this amendment.
  - (2) It is believed that the present reference, in the section amended hereby, to powers vested in the court relating to making of general rules and orders is insufficiently explicit, and the opportunity is taken to vest such powers in the Governor in Council, as persons other than court officials may discharge duties under the relevant part of the Ordinance.
  - (3) The amendments are consequential on the reorganization following the abolition of the office of Treasurer.
31. Reference, as in the existing section 15 of the Deportation of Aliens Ordinance, 1935, to the specific prisons and the specific hospitals of the Colony involves the likelihood of frequent amendment, and the object of this substituted section is to avoid such necessity.
32. (1) The first amendment to the Infants Custody Ordinance, 1935, is to provide a more reasonable penalty according to modern standards for the default under reference.
  - (2) The second amendment is to bring this Ordinance into line with the Separation and Maintenance Orders Ordinance, 1935, in which Ordinance the rates of maximum allowance have been amended by Ordinance No. 42 of 1948.
33. (1) The first amendment is to bring the relevant section of the Separation and Maintenance Orders Ordinance, 1935, into line with amendments effected by Ordinance No. 42 of 1948.
  - (2) The second amendment is to provide a penalty more consonant with modern standards for the default under reference.

34. The additional subsection to section 3 of the Deportation (British Subjects) Ordinance, 1936, is expedient as being declaratory of the power vested in a magistrate to recommend deportation of an immigrant British subject, which power was previously implied by the preceding subsection, and the opportunity is taken of extending to magistrates the powers given by the Ordinance to order detention up to 28 days pending deportation or pending reference to the Secretary of State.
35. Amendments (1) and (2) to provisions relating to public servants in the Telecommunication Ordinance, 1936, are consequential on the replacement of sections 4 and 5 of the Misdemeanors Punishment Ordinance, 1898, by the Prevention of Corruption Ordinance, 1948.

The maximum term of imprisonment in default of payment of a fine is the term of six months provided for by section 62 of the Magistrates Ordinance, 1932, for non-payment of a fine exceeding \$1,000. It is reasonable that such scale should be extended in the Telecommunication Ordinance, 1936, in view of the heavier fines which may be inflicted in accordance with the amending Ordinance of 1947. This is sought to be effected by amendment (3). Amendment (4) is expedient as the section it repeals is considered to be spent.

36. The purpose of the amendment is to make provision for cases where patients may voluntarily wish to undergo treatment.
37. It has been found in practice that more elasticity in the powers of the Governor in Council is desirable to deal with exemptions from the Nursing and Maternity Homes Registration Ordinance, 1936, and in particular to grant further exemptions by adding to the Schedule to the Ordinance. Such amendment is carried out by this item.
38. The Poisons List is at present contained in the Second Schedule to the Pharmacy and Poisons Ordinance, 1937; the list is extensive, diverse and needs periodical amendment, and the object of the present amendments to that Ordinance is to provide that such list shall in future be contained in the appropriate volume of subsidiary legislation and there be amended as necessary. The Commissioners already have powers to transfer portions of Ordinances to volumes of subsidiary legislation. The amendments now carried out, however, involve rather more re-casting of the section in question than would come within their inherent powers under the Revised Edition of the Laws Ordinance,

1948. The power given to the Governor in Council to prescribe a list by regulations implies power to amend the same from time to time, for this is provided by section 15 of the Interpretation Ordinance, 1950.
39. In the Criminal Law Amendment Act, 1885, which deals with the suppression of brothels in the United Kingdom, there is no definition of the word "brothel", and reliance is therefore placed on judicial interpretation of the expression. The repeal of the definition in the Protection of Women and Girls Ordinance, 1938, will upon enactment make such judicial guidance similarly available in the Colony.
  40. The amendment removes an obscurity in the section in the Holidays Ordinance, 1947, sought to be amended.
  41. The purpose of the amendment is to remove an inappropriate reference to "first directors" in the Helena May Institute for Women Ordinance, 1947.
  42. Both these amendments to the Inland Revenue Ordinance, 1947, are intended to clarify the expressions used in amendments incorporated by Ordinance No. 3 of 1949.
  43. The expression used throughout section 8 and in section 9 of the Trade Marks Register (Re-construction) Ordinance, 1947, is "commencement" and it is better therefore to substitute such expression for the expression "enactment" where it is used in section 7 in order to remove any conflict.
  44. This amendment to the Legal Practitioners Ordinance, 1948, corrects an error which arose from too close a correlation of the provisions of the Bill with the United Kingdom Act of 1932. Under the terms of the Ordinance "any unqualified person" means a person who is not a solicitor, and this expression should have been used rather than the expression "any person".
  45. The amendment corrects an error which has been noticed in the Prevention of Corruption (Amendment) Ordinance, 1949.
  46. By this item the following amendments are proposed to the Immigrants Control Ordinance, 1949, —
    - (1) (a) To adopt a more precise definition of "British protected person".
    - (b) To utilize the provisions of the Ireland Act, 1949.

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- (2) To clarify the responsibilities of captains of aircraft.
  - (3) To make a contravention of the instructions of the Immigration Officer an offence punishable by fine alone.
  - (4)
    - (a) To make it clear that an Immigration Officer's inquiries are confined to matters arising under the Ordinance.
    - (c) To incorporate a useful provision that the Immigration Officer may in appropriate cases require a written declaration from persons arriving in the Colony.
    - (d) To correlate the section with section 11.
  - (5)
    - (a) The words specified render impossible the exclusion from the Colony of deportees who properly belong to China but who are not technically being repatriated as they have been deported from a country or state where they had previously been able to claim residence or protection. Such anomaly is undesirable and the amendment will remove it.
    - (b) To permit in appropriate cases the entry of persons in possession of such capital that they are unlikely to become a liability on the institutions of the Colony.
    - (c) To correct an inadvertent omission.
    - (d) To correlate this penalty with other penalties in the Ordinance.
    - (e) To clarify a possible obscurity.
  - (6) To attain greater precision in this paragraph.
  - (7) The amendment is designed to provide a method of enforcement more expeditious and convenient than under the provisions of common law.
  - (8)
    - (a) To remedy an omission.
    - (b) To correlate penalties.
    - (c) To correct an inaccurate marginal note.
  - (9)
    - (a) To substitute specific contraventions for a penalty clause that is too general.
    - (b) To reserve for a more appropriate occasion the specification of contraventions and of penalties in regulations.
47. The first three amendments to the District Watch Force Ordinance, 1948, are of a minor nature to clarify the wording used in the Ordinance. The fourth is to

restore in the form of oath under this Ordinance provisions that were previously omitted when following the precedent of the District Watch Force, 1930, and the opportunity has also been taken to simplify the First Schedule by amalgamating the Oath and the Declaration which appear as distinct forms in the principal Ordinance. The fifth amendment is necessary since further examination of title reveals that the West Point District Watch Quarters in fact stand on the lots now sought to be substituted by this amendment, and in order that these lots shall be dealt with in a similar manner to the remaining lots specified in Part B in the Third Schedule to the principal Ordinance.

48. The intention of the China Peniel Missionary Society Incorporation Ordinance, 1949, was that the corporate name of the corporation concerned should be as now amended.
49. The amendment to the North Point Wharves Limited Ordinance, 1949, is expedient to remove an obscurity previously existing.
50. (1) The addition to section 8 of the Air Armament Practice Ordinance, 1949, is necessary to avoid any possible conflict between the section now amended and sections 9 and 10.  
  
(2) It is desirable to specify in what manner the Governor in Council may exercise the power to amend the Schedule of Practice Ranges under the Ordinance.
51. The word "hereinafter" in section 5 of the Expulsion of Undesirables Ordinance, 1949, appears to be too restrictive as the whole provisions of the Ordinance will no doubt need to be looked at by the Court if questions of construction occur. In addition a new subsection supplies to the tribunal set up by the Ordinance necessary procedural powers to be found in similar measures.
52. The first two amendments to the Interpretation Ordinance, 1950, seek to clear up possible obscurities in the definitions under reference. The third amendment effects an application generally of a beneficial principle applied to court procedure in the Rules of the Supreme Court in England that general holidays are to be excluded from a period of time computed in days, but restricts that principle, as such Rule does, to a period of less than six days.

**MOTIONS.**

THE FINANCIAL SECRETARY moved that the additional supplementary provision for the fourth quarter of the financial year ended 31st March, 1950, Schedule No. 4 of 1949-50, be approved.

He said: Your Excellency, the Special Warrants set out in this Schedule have all been approved by Finance Committee. The great majority do not appear to call for any special explanation, but there are one or two large ones on which some comments may be desirable. In the first place, there are two Special Warrants for \$1 million and \$280,000 respectively, in respect of the initial stocks of clothing and equipment supplied to the Defence Force. This scale of equipment was based on a larger and more elaborate establishment than the one finally decided upon for the Force and a certain amount has since been returned. It is, however, necessary to credit the War Department with the full amount although a partial refund will be made in due course.

Then there is a Special Warrant for \$1 million in respect of the loans made free of interest to 3 Grants-Aided Schools, St. Mary's and the Diocesan Boys' and Girls' Schools. These loans will enable these schools to make several desirable additions to their buildings including a gymnasium. They are to be repaid over a period of 10 years.

Finally, there is a Special Warrant for \$5 million which covers the supplementary payments to the 3½ per cent. Rehabilitation Loan Sinking Fund. As I explained in my budget speech, it was always contemplated that such a supplementary payment would be made when the financial year closed with a satisfactory surplus.

Besides the specific savings quoted against some items, there are, of course, savings under other heads which tend to set off this supplementary expenditure. Moreover, certain items such as the \$250,000 in respect of works executed on private account and \$410,000 in respect of the collection and storage of sand are self-balancing as they are set off by corresponding revenue.

THE COLONIAL SECRETARY seconded, and the motion was carried.

**ADJOURNMENT.**

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

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

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