

*13th December, 1950.*

**PRESENT: —**

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

THE COLONIAL SECRETARY (HON. J. F. NICOLL, C.M.G.).

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

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

THE FINANCIAL SECRETARY (HON. C. G. S. FOLLOWS, C.M.G.).

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

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

HON. A. P. WEIR (Acting Director of Public Works).

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

DR. HON. CHAU SIK NIN, C.B.E.

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

HON. M. M. WATSON.

HON. P. S. CASSIDY.

HON. C. E. M. TERRY.

HON. LO MAN WAI, O.B.E.

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

**ABSENT: —**

HIS EXCELLENCY THE COMMANDER BRITISH FORCES (MAJOR-GENERAL G. C. EVANS, C.B., C.B.E., D.S.O., *Acting*).

**MINUTES.**

The Minutes of the meeting of the Council held on 22nd November, 1950 were confirmed.

**PAPERS.**

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

Sessional Papers, 1950: —

No. 28. —Annual Report by the Chairman of the Urban Council and Head of the Sanitary Department for the year 1949-50.

No. 29. —Annual Report by the Director of Education for the year 1949-50.

No. 30. —Annual Report by the Senior Agricultural Officer for the year 1949-50.

Report of the Director of Audit Hong Kong on the Audit of the Accounts of Hong Kong for the year 1948-49.

Report of the Director General of Colonial Audit on the Accounts of Hong Kong for the year 1948-49.

Comments on Director of Audit's Report on 1948-49 Accounts.

The Possession of Gold (Goldsmiths) (Amendment) (No. 5) Order, 1950. (G.N. No. A. 255 of 1950).

The Public Health (Sanitary Provisions) Regulations, 1948—Declaration under Regulation 2(10)(a). (G.N. No. A. 256 of 1950).

The Public Health (Sanitary Provisions) Regulations, 1948—Declaration under Regulation 2(10)(a). (G.N. No. A. 257 of 1950).

Removal of quarantine restrictions imposed against Rangoon on account of smallpox. (G.N. No. A. 258 of 1950).

Removal of quarantine restrictions imposed against Medan on account of smallpox. (G.N. No. A. 259 of 1950).

The Reserved Commodities (Re-export) Amendment (No. 3) Order, 1950. (G.N. No. A. 260 of 1950).

The Price Control Order, 1946—Amendments to the Schedule. (G.N. No. A. 261 of 1950).

The Emergency (Requisition) (Use of Land by His Majesty's Military Forces) (No. 2) Order, 1950. (G.N. No. A. 262 of 1950).

The Price Control Order, 1946—Amendment to the Schedule. (G.N. No. A. 263 of 1950).

The Exportation (Prohibition) (Specified Articles) (No. 2) Order, 1950. (G.N. No. A. 264 of 1950).

The Export Control (Amendment) Order, 1950. (G.N. No. A. 265 of 1950).

### QUESTIONS.

HON. P. S. CASSIDY asked the following questions: —

1. Have the Profit & Loss Accounts of the Department of Supplies, Trade and Industry (now the Department of Supplies & Distribution) been completed?
2. If so when were they submitted to Government and when will they be presented to this Council, as suggested by His Excellency the Governor in his despatch to the Secretary of State dated 19th March, 1949?
3. Is it intended to submit annual audited accounts of the Department in future?

THE FINANCIAL SECRETARY replied as follows: —

Profit and Loss Accounts of the Department of Supplies and Distribution up to the 31st March, 1950, were submitted to the Government in September, but part of the surplus shown was derived from the sale of stores intended for the use of the Military Administration and it was necessary to arrange for certain transfers to the Financial Settlement Adjustment Suspense Account as these receipts, under the terms of the recent Financial Settlement with H.M.G., are to be utilized to offset payments for which this Government assumed liability under that Settlement. A revised balance-sheet showing the final position is now in course of preparation and the Secretary of State is being approached with a proposal that the surplus should be largely utilized for the establishment of a Development Fund, although it will be necessary to earmark some portion of it to form an Equalization Fund from which future losses on the trading account can be met. Losses are inevitable while, owing to the unstable political situation, stock piles of foodstuffs have to be maintained at abnormally high levels, and it might be embarrassing to have to charge such losses to expenditure in a particular year.

2. The Hon. Member will no doubt agree that, in presenting these accounts to this Honourable Council, it is highly desirable that the opportunity should be taken to make a comprehensive statement on the whole matter. This is not possible until consultations with the Secretary of State are completed, but it is hoped to make a full statement in connexion with the budget, on which of course this trading surplus has an important bearing.

3. Audited accounts of the Department will in future be laid on the table annually.

### MOTIONS.

THE FINANCIAL SECRETARY moved the following Resolution: —

Resolved that the Abandonment of Claims and the Write-offs of losses and deficiencies as specified in Schedule No. 2 of 1950-51, be approved.

He said: Your Excellency, the schedule of Write-Offs and Abandonment of Claims now before Council is in four parts. The items set out in parts A and C have already received the approval of Finance Committee, and those included in parts B and D, which are all less than \$200, have been approved by the Financial Secretary under the authority delegated to him by Finance Committee.

It is now, however, necessary for this Honourable Council formally to approve the action taken.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

THE FINANCIAL SECRETARY moved: —

That the Supplementary Provision for the quarter ended 30th September, 1950, Schedule No. 2 of 1950-51, be approved.

He said: Your Excellency, the special warrants set out in the schedule have all been approved by Finance Committee. The great majority do not appear to call for any special explanation, but there are a few on which some comments may be desirable.

It will be recollected that no provision was made in the current estimates for the contribution to His Majesty's Government in respect of the present emergency, as negotiations on this point were not commenced until after the budget had been approved.

Subsequently it was agreed that the contribution to be made by this Government should amount to £ 1 million in respect of this financial year, and the resultant special warrant for \$16 million is included in this schedule of supplementary expenditure.

There are two special warrants for \$43,600 and \$156,400 relating to medical fees paid to consultants, both Government medical officers and professors of the University School of Medicine. It has previously been the practice to make the necessary payments to the University and the proportion of the fees due to the officers concerned, and to show only the net amount under the appropriate revenue head. To conform with

normal Government accounting practice, it is now proposed to credit the gross receipts to revenue and to show the corresponding payments on the expenditure side.

There are also several rather large special warrants resulting from the present disturbed situation in the Far East. It has been necessary to provide for a further sum of \$112,750 for Security measures and \$312,000 to bring the Police transport up to the establishment recommended by the Motor Transport Committee. The establishment of a camp at Rennie's Mill for destitute Nationalist soldiers also continues to be a steady drain on our finances, and it has been necessary to provide a further \$350,000 for the operation of this camp, in addition to the sum of \$103,000 included in the schedule for the last quarter. Efforts to secure the admission of these refugees into Formosa, to which territory they are anxious to proceed, have so far not met with much success but the possibilities are still being actively explored.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

THE ATTORNEY GENERAL moved the following Resolution: —

Resolved pursuant to section 8 of the Illegal Strikes and Lock-outs Ordinance, 1949, that the duration of the said Ordinance be extended for the term of one year with effect from the 1st January, 1951.

He said: Sir, Honourable Members will remember that the Illegal Strikes and Lock-outs Ordinance, 1949 was enacted in April of last year. Section 8 of that Ordinance, however, stipulates that the Ordinance would continue in force until and including 31st December, 1949, but the section contained a proviso that it will be lawful for this Council, from time to time, by Resolution, to extend the duration of the Ordinance for such term not exceeding one year at a time, as may be specified in such Resolution. Accordingly, by Resolution of this Council passed at the meeting of the Council on 7th December last year, the duration of the Ordinance was extended for a further year with effect from 1st January, 1950.

On that occasion, I mentioned that this legislation replaced legislation previously in force in this Colony to prevent strikes and lockouts which took place without regard to any genuine dispute, but which have the effect of coercing Government and inconveniencing or endangering the life and welfare of the community. Sir, on that occasion I submitted that it was manifest that in conditions then prevailing in the world, a necessity existed to maintain the Ordinance in force. At this date, it is unhappily the case that conditions of unsettlement still prevail. Consequently it is urged that the Ordinance should continue in force for a further period.

I therefore move the Resolution which, if passed, will have the effect of extending the duration of the Ordinance for a further year with effect from 1st January, 1951.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

THE ATTORNEY GENERAL moved the following Resolution: —

Resolved pursuant to section 35 of the Landlord and Tenant Ordinance, 1947, that the duration of the said Ordinance be extended for the term of one year with effect from the 1st January, 1951.

He said: Sir, section 35 of the Landlord and Tenant Ordinance, 1947, which was enacted in May of that year, restricted the duration of the Ordinance until 31st December, 1948, but by a proviso in that section, power was given to this Council, by Resolution, to extend the duration of the Ordinance beyond that date for further terms not exceeding one year.

Honourable Members will recall that by Resolution of this Council the duration of the Ordinance was, in fact, extended for further years from 1st January, 1949 and 1st January, 1950. It is well known, of course, that the situation regarding housing accommodation in the Colony still remains bad since there has been an increase of population which has more than kept pace with the extensive building that has occurred.

Clear necessity therefore, in my submission, Sir, exists for the continuance of the Landlord and Tenant Ordinance for a further period.

I therefore move this Resolution in the terms set out on the Order of Business, which will have the effect of extending the Landlord and Tenant Ordinance, 1947, with the approval of this Council, for a further year with effect from 1st January, 1951.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

THE ATTORNEY GENERAL moved the following resolution: —

Resolved pursuant to section 27 of the Societies Ordinance, 1949, that the duration of the said Ordinance be extended for the term of one year with effect from the 1st January, 1951.

He said: Sir, the Societies Ordinance, 1949 was enacted in May of last year. As so enacted, Sir, section 27 of the Ordinance restricted its duration until the 31st December of this year. But here again the section includes a proviso that it will

be lawful for this Council from time to time by resolution to extend the duration of the Ordinance for further periods not exceeding one year at any one time.

Sir, in introducing the First reading of this Ordinance as a Bill I made a point that at a time when the state of the world is gravely unsettled and the maintenance of law and order in the Colony is likely to be endangered by outside influences, it is necessary that there should be in existence a record of all societies in the Colony and a knowledge of their objects combined with enhanced powers to control societies.

Sir, at this date, more than a year later, it is unfortunately the case that the state of unsettlement in the world persists, if not indeed aggravated. In these circumstances, it seems manifest that the Societies Ordinance, which as experience of its operation has shown, has proved to be an important contributing factor to the maintenance of law and order in the Colony, should continue in force for a further period. I therefore move the Resolution in terms set out on the Order of Business which, if accepted by this Council, will have the effect of extending the duration of the Societies Ordinance for a further period of one year with effect from the 1st January, 1951.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

THE ATTORNEY GENERAL moved the following resolution: —

Resolved pursuant to section 11 of the Hotels Ordinance, 1949, that the duration of the said Ordinance be extended for the term of one year with effect from the 1st January, 1951.

He said: Sir, Honourable Members will recall that the Hotels Ordinance was enacted in February of last year. It was so enacted following upon the report of the Committee appointed by Your Excellency to inquire into and advise Government concerning the rates to be charged in hotels. As so enacted, the Ordinance took the place of defence legislation which hitherto had provided for the control of charges by hotels. But the legislation had a further power of control over the allocation and provision of accommodation for Hong Kong residents.

As so enacted, however, the Ordinance by section 11 provided that it should continue in force only until the 31st December, 1950. But the section also provided a power for this Council by resolution from time to time to extend the duration of the Ordinance for a further period not exceeding one year,

It is the view of Government at this date that necessity still persists for the continuance in force of this Ordinance, and consequentially for the maintenance of the control for which the

Ordinance provides, because the position regarding the accommodation of Hong Kong residents still remains difficult. For these reasons, Sir, I formally move the resolution in the terms appearing on the Order of Business which if accepted will have the effect of continuing the Ordinance in force for a period of a further year with effect from the 1st January, 1951.

THE COLONIAL SECRETARY seconded.

HON. P. S. CASSIDY: —Sir, in speaking on the Second reading of this Ordinance, I might say I spoke in its favour, I expressed the hope that it would not be necessary to extend its operation beyond the 31st December, 1950. It was not until I received the Agenda of this Meeting that I realized that that date was so close at hand. If I had remembered in time I would have taken steps to make some inquiry as to the position of the Hotel Industry as it is to-day after being subjected to the Ordinance for nearly two years. I would also have tried to ascertain how residents affected by the Ordinance have been faring. There is no doubt that the position as regards the Chinese Hotels has been considerably affected by the opening of a number of new premises, and in that connexion I was informed yesterday that they had presented a petition to the Secretary for Chinese Affairs as late as the end of November which I admit is very late in the day. There are also on the other hand a large number of homeless residents of 1949 who have since found accommodation in homes of their own. The question in my mind is whether the continuation of this irksome Ordinance is really justified, despite what my honourable friend has just said. Unfortunately, I have left it too late to give notice of an amendment to the resolution and I can only appeal to Government to see whether any steps can be taken in the near future to ameliorate the application of the present Regulations. I hope it will be realized that the Hotel Industry is very much hampered by this Ordinance, and I trust that my honourable friend can give us an assurance that although we are agreeing to an extension of the Ordinance for twelve months, something will be done to see whether a further extension at the end of the forthcoming year can be dispensed with.

THE ATTORNEY GENERAL: —Sir, the remarks of my honourable friend afford the opportunity and necessity to elaborate further the remarks with which I moved the resolution now before Council. Going back for a moment to the Second reading of the Ordinance as a Bill, I would remind Council that with your authority, Sir, I was able in winding up the debate on the Second reading to give an unreserved assurance that the working of the Hotels Ordinance and any representations regarding it would always receive full and careful attention. In point of fact, Sir, within my knowledge in so far as it goes there were no representations certainly of any serious nature regarding the operation and working of this Ordinance in the interval since its passing until, as the honourable member has mentioned, representation was received addressed to my friend

the Honourable Secretary for Chinese Affairs. This representation came very much at the eleventh hour, with the result that there has been insufficient time to give the representation adequate study in aid of a decision as to whether or not this resolution should be moved to-day for the continuance in force of the Ordinance. But subject to the reservation I make that the representations have had insufficient time for study to be given to them in full, it does appear to be the position that a case has not been made out upon these representations, the only ones received, to suggest that the Ordinance should not be continued in force. But it is the case that the representations suggest that there may be a case for amendment and in particular as regards the First Schedule which sets out the list of Hotels to which the regulations apply and which specifies the percentage of accommodation in such hotels which must be reserved for Hong Kong residents. It may be as I suggest that it would prove equitable and otherwise desirable to introduce amendments to that Schedule. If that course were to be taken, it would be taken by way of amending regulations, which regulations under the Ordinance are made by the Quartering Authority. But, as so made, regulations require to be approved by Your Excellency and furthermore require to be approved by resolution of this Council, and consequentially any amendments that are thought to be necessary will become the subject matter of the consideration of this Council.

Thus, it is I think that I may be emboldened to say that the representations will be given suitable and careful consideration while urging that as those representations have not been received in time, it is necessary at this possibly last meeting of Council before the 31st December that the resolution be presented and, as I urge, passed to the effect that the Ordinance continue in force for a further year.

The Motion was carried.

THE ATTORNEY GENERAL moved the following resolution: —

Resolved that the Rule made by His Honour the Chief Justice on the 8th December, 1950, under section 32 of the Supreme Court Ordinance, No. 3 of 1873, be approved.

He said: Sir, section 32 of the Supreme Court Ordinance empowers the Chief Justice to make rules among other things for the purpose of governing the fees and costs of solicitors on business before the Supreme Court. The section however requires that the rules so made shall be approved by this Council.

Sir, by rules made and published in the *Gazette* on the 22nd November, 1946, which received the approval of this Council, provision was made whereby the total in any bill of costs or fees of solicitors in respect of business done in the Supreme

Court was increased permanently by 33 % over those in operation on the 8th December, 1941. The same rule allowed temporarily for a further 33 % increase provided that this further increase should only continue until the 31st December, 1947.

Sir, such provision took account of the general increase in costs and expenses resulting from the war. As these increases have persisted since 1946 amendment to the rule which I have quoted has been made in the years 1947, 1948 and 1949, and as so made approved by this Council whereby the temporary increase has remained in force. The amendments made with the approval of the Council in December last year provided that the temporary 33 % increase continue in operation for a further year.

The purpose of the rule before Council for approval to-day is to continue such permitted increase for one more year since the reasons as I have given them to justify the increase still prevail.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

### **PROTECTION OF WOMEN AND JUVENILES BILL, 1950.**

THE SECRETARY FOR CHINESE AFFAIRS moved the First reading of a Bill intituled "An Ordinance to amend the law relating to the protection of women and juveniles." He said: Sir, Honourable Members will observe that Clause 49 of the Bill repeals the Protection of Women and Girls Ordinance, 1938, and that the new Ordinance will be cited as "The Protection of Women and Juveniles Ordinance." I submit, Sir, that the policy reflected in the change of name is the most important aspect of this Bill, which will replace the old Ordinance of 1938 with an Ordinance which will not only strengthen the protection already afforded to women and girls but will also afford protection to juvenile males.

Experience since the war, and especially since the establishment three years ago of a new Social Welfare Office within the general framework of the Secretariat for Chinese Affairs, has shown a number of gaps and anomalies in the present legislation for the protection of women and girls. Meanwhile the closest attention has also been paid to developments in other countries for the promotion of the welfare of children and young persons of both sexes, and a careful study has been made of such reports as those of the Curtis and the Clyde Committees, and of the resulting legislation in the United Kingdom. Finally, a careful scrutiny has been made of all relevant International Conventions to which the British Commonwealth is a party in order to ensure that Hong Kong is carrying out faithfully its moral and legal obligations to the world. The intention of the present Bill is to ensure that Hong Kong continues to meet those obligations, to extend the protection of the law to male

juveniles as well as to women and girls, and to remove other gaps or practical difficulties created by the present legislation. At the same time the fullest regard has been paid to local customs of proved value. These reforms can be effected, I am glad to say, without increasing the staff of the Secretariat for Chinese Affairs or of the Social Welfare Office. The making of provision in the new Ordinance for the care and protection of boys, which, as I have said, is the major innovation, will merely regularize work which is already being done on a considerable scale and as a result of public demand by the Social Welfare Officer. The granting of statutory authority to deal with such cases will in fact make it easier to perform this important work efficiently.

Turning now to the Bill in more detail, clause 18 is a re-draft of section 18 of the present Ordinance designed to extend the protection against traffickers and exploiters, hitherto afforded only to women and girls, to males under the age of 16. Whilst the numbers of persons emigrating from China to various parts of South-East Asia *via* this Colony have decreased considerably compared with pre-war days, cases of trafficking in women and in children of both sexes still occur.

Clause 31 of the Bill is designed to remove a curious anomaly which exists in section 31 of the present Ordinance. Under the present section 31, subsection (1), the legal guardianship of a girl under 21, who has been adopted by a person who obtains custody of her, automatically vests in the Secretary for Chinese Affairs unless custody was given to the adopter by the order of a competent court. There is at present no law in Hong Kong which enables a court to make an order of adoption so that a special application for custody would have to be made to the Supreme Court in all cases of adoption in Hong Kong if guardianship is not to vest in the Secretary for Chinese Affairs. Moreover, although in cases where the Secretary for Chinese Affairs, in his discretion, assumes guardianship by declaration (subsection (2) of section 31) guardianship may be revoked by similar declaration or on the giving of directions by a Judge in Chambers, no provision is made for revocation or cessation of the guardianship vested in the Secretary for Chinese Affairs in cases falling within subsection (1). Consequently, however respectable and responsible the adopted parents may be, the Secretary for Chinese Affairs may not resign his guardianship in their favour. Clause 31 of the Bill now provides that the guardianship of the Secretary for Chinese Affairs shall cease if the girl marries with his consent, or if he renounces the guardianship or if a magistrate so orders.

Clauses 35 and 36 are two other important Clauses of the Bill to which I invite the attention of Honourable Members. Clause 35 has no counterpart in the present Ordinance for the Protection of Women and Girls. It is, in fact, a modification of section 17 of the Juvenile Offenders Ordinance, 1932, under

which section a Juvenile Court is given power to entrust to the care of a person or institution any juvenile who is found begging or destitute, or in bad company or in any circumstances likely to lead to the injury of that juvenile's physical or moral health. It is proposed to repeal this section 17, which is considered to be out-of-place in the Juvenile Offenders Ordinance, and to incorporate it in a modified form in the present Bill as clause 35. This clause enables a Juvenile Court, on being satisfied that any child or young person, of either sex, is in need of care and protection, to appoint the Secretary for Chinese Affairs to be the legal guardian of such a juvenile, or to commit him to the care of any person or institution or to place him under the supervision of a probation officer. This clause also redefines in comprehensive terms, based on experience, the categories of children and young persons who are considered to be exposed to physical or moral danger and therefore to be in need of care or protection.

Clause 36 goes even further and enables the Secretary for Chinese Affairs, if he considers, after due inquiry, that any female or any child or young person is in physical or moral danger, to take immediate action for the protection and welfare of the person endangered. Such action may or may not, in the case of a child or young person, be followed by an application to a Juvenile Court for an order under clause 35. Hitherto, under the existing Ordinance, it has been possible for the Secretary for Chinese Affairs to take immediate action only in respect of women and girls whom he has reason to believe are in danger of immoral exploitation.

Such then are the most important innovations in this Bill. The opportunity has also been taken to improve certain definitions, which will be found in clause 2, to increase the penalties in accordance with modern practice, and to make new regulations. It is also desirable to mention here, I think, that, although clause 38 perpetuates the requirements of the old Ordinance regarding the registration of female infants, including adopted daughters, the legal guardianship of whom is vested in the Secretary for Chinese Affairs, the Bill does *not* contain provision for the compulsory registration of adopted sons. Such provision is not considered to be necessary in view of the fact that the Secretary for Chinese Affairs will now be given power to protect adopted sons and all other boys under the age of 16 who appear to him to be in physical or moral danger. Nevertheless it may be of interest to Honourable Members to know that 576 adopted sons have been voluntarily registered at the Social Welfare Office. Such voluntary registration is welcomed officially and evidently it finds favour with the public too.

Lastly, before I commend the Bill to the attention of Honourable Members, I should like to pay a tribute to Mr. J. C. McDouall, the Social Welfare Officer, who has devoted much care and thought to the matters dealt with in the Bill and whose

advice and suggestions have, as I am sure my Honourable friend the Attorney General will readily agree, lightened the burden of the legal draftsmen to no small extent.

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 main object of this Bill is to repeal and replace the Protection of Women and Girls Ordinance, 1938, with an Ordinance which will afford greater protection to children and young persons as well as strengthen the protection already afforded to women and girls. The opportunity has also been taken—

- (a) to remove anomalies particularly in connexion with guardianship;
- (b) to define more precisely the occasions on which access may be had to the Courts and to permit of recourse to a magistrate; and
- (c) to increase penalties.

2. Under section 17 of the Juvenile Offenders Ordinance, 1932, a Juvenile Court is given power to entrust to the care of a person or institution a juvenile falling into one of the categories therein specified. This section, which is somewhat out of place in the Juvenile Offenders Ordinance, 1932, is repealed and replaced by clause 35 of the Bill. This clause, in addition to enabling the Court to appoint the Secretary for Chinese Affairs to be guardian of such a juvenile, redefines in more comprehensive terms the categories of children or young persons in need of care and protection, terms which are based on legislation and experience in England as well as on experience in Hong Kong.

3. The power given by clause 35 to appoint the Secretary for Chinese Affairs to be a guardian is necessary to cover cases where no suitable person or institution is willing to be responsible for a juvenile. It is further supplemented by clause 36 which enables the Secretary for Chinese Affairs (*inter alia*) to inquire into any case in which he considers that a child or young person is likely to be exposed to moral or physical danger and to take certain immediate action for the protection of the child or young person previously only possible in the case of women and girls and then only in a restricted class of cases.

4. Clauses 18, 20, 26 and 27, reproducing sections of the existing Ordinance designed to control trafficking in and exploitation of female labour, have been extended to control similar trafficking and exploitation of juvenile males.

5. Under section 31 (1) of the Protection of Women and Girls Ordinance, 1938, the legal guardianship of a girl under 21 who has been adopted by a person who obtains custody of her vests in the Secretary for Chinese Affairs unless custody was given to the adopter by the order of a competent court. There is at present no law in Hong Kong which enables a Court to make an order of adoption so that a special application for custody would have to be made to the Supreme Court in all cases of adoption in Hong Kong if guardianship is not to vest in the Secretary for Chinese Affairs. Moreover, although in cases where the Secretary for Chinese Affairs assumes guardianship by declaration (subsection (2) of section 31) guardianship may be revoked by similar declaration or directions may be given by a judge in Chambers, no provision is made for revocation or cessation of the guardianship vested in the Secretary for Chinese Affairs in cases falling within subsection (1). It follows that, however responsible the adopted parents may be, the Secretary for Chinese Affairs may not resign his guardianship in their favour. Clause 31 of the Bill now provides that the Secretary for Chinese Affairs' guardianship shall cease—

- (a) if the infant marries with his consent; or
- (b) if the Secretary for Chinese Affairs renounces the guardianship; and
- (c) by order of a competent court,

and the clause makes provision for a magistrate to be a competent court. Provision is also made by subclause (4) of clause 32 for application to be made to a magistrate where the Secretary for Chinese Affairs has made a declaration as to the guardianship of a female infant under that clause. Power for the magistrate to declare that the guardianship shall cease and to make orders as to the custody control of or access to the infant is conferred by clause 34.

6. Under section 5 of the Protection of Women and Girls Ordinance, 1938, carnal knowledge of a girl between the ages of 13 and 16 is lawful by the husband of such girl though it is not under section 6 if the girl is under 13. It is considered that carnal knowledge of a girl under 16 should be prohibited whether the man is married to her or not so as to prevent marriage with the object of commencing or continuing an intercourse which would otherwise be unlawful. Clause 5 of the Bill so provides.

7. Doubts have been expressed whether the common law definition of brothel which was restored in the process of Law Revision by Ordinance 9 of 1950 would include a boat or other place outside a building which was used for prostitution. A comprehensive definition of brothel has accordingly been inserted in clause 2 of the Bill.

8. While the above are the principal changes proposed by the Bill, the power to make regulations has been consolidated and extended by clause 40 and new regulations have been substituted by clause 50.

9. Other amendments of a minor nature are indicated by the Table of Comparison annexed.

#### **ADJOURNMENT.**

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

THE ATTORNEY GENERAL: —I propose, Sir, the 3rd January, 1951.

H.E. THE GOVERNOR: —Council is adjourned to the 3rd January, 1951, at 2.30 p.m.

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