

22nd October, 1952.

PRESENT:

HIS EXCELLENCY THE GOVERNOR

SIR ALEXANDER WILLIAM GEORGE HERDER GRANTHAM,
G.C.M.G.

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

LIEUTENANT-GENERAL SIR TERENCE AIREY, K.C.M.G., C.B., C.B.E.

THE HONOURABLE THE COLONIAL SECRETARY

MR. ROBERT BROWN BLACK, O.B.E.

THE HONOURABLE THE ATTORNEY GENERAL

MR. ARTHUR RIDEHALGH, Q.C.

THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS

MR. BRIAN CHARLES KEITH HAWKINS, C.M.G., O.B.E., *Acting*.

THE HONOURABLE THE FINANCIAL SECRETARY

MR. ARTHUR GREPELL CLARKE.

THE HONOURABLE THEODORE LOUIS BOWRING, O.B.E.

(Director of Public Works).

THE HONOURABLE DOUGLAS JAMES SMYTH CROZIER

(Director of Education).

DR. THE HONOURABLE YEO KOK CHEANG

(Director of Medical and Health Services).

THE HONOURABLE KENNETH MYER ARTHUR BARNETT, E.D.

(Chairman, Urban Council).

THE HONOURABLE CHAU TSUN-NIN, C.B.E.

DR. THE HONOURABLE CHAU SIK-NIN, C.B.E.

THE HONOURABLE LEO D'ALMADA E CASTRO, Q.C.

THE HONOURABLE MAURICE MURRAY WATSON.

THE HONOURABLE CHARLES EDWARD MICHAEL TERRY.

THE HONOURABLE LO MAN WAI, O.B.E.

THE HONOURABLE NGAN SHING-KWAN.

MR. RONALD THOMPSON *(Deputy Clerk of Councils).*

ABSENT:—

THE HONOURABLE HUBERT JOHN COLLAR, C.B.E.

MINUTES.

The Minutes of the meeting of the Council held on 1st October, 1952, were confirmed.

ADDRESS BY THE GOVERNOR.

Honourable Members will have seen reports of the statement made by the Secretary of State for the Colonies in the House of Commons on Monday, 20th October on the subject of constitutional reform in Hong Kong. I should like to take this opportunity of supplementing that statement by an assurance that I am at all times ready to consider further proposals for constitutional changes provided they are not of a major character. Indeed, in this connexion a number of recommendations made by the Urban Council are at present, receiving the consideration of Government.

PAPERS.

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

	<i>Subject.</i>	<i>G.N. No.</i>
Sessional Papers, 1952 :—		
No. 16—Annual Report by the General Manager, British Section, Kowloon-Canton Railway for the year 1951-52.		
The Royal Hong Kong Defence Force Ordinance, 1951.		
The Hong Kong Women's Naval Volunteer Reserve (Amendment) Regulations, 1952 A. 176		
The Quarantine and Prevention of Disease Ordinance, Chapter 141.		
Declaration under Section 18 A. 177		
Removal of quarantine restrictions imposed against Rangoon on account of plague A. 178		
The Defence Regulations, 1940.		
The Price Control Order, 1946—Amendments to the Schedule A. 179		

**RESOLUTION ON DELEGATION OF AUTHORITY FOR
THE WRITE OFF OF LOSSES OF PUBLIC MONEY,
STAMPS AND STORES.**

THE FINANCIAL SECRETARY moved the following resolution:—

WHEREAS Colonial Regulation 233 prescribes that the authority of the Secretary of State is required to write off losses of public money or stamps where the amount in any one case exceeds £250, unless some other limit has been fixed for any particular Colony, and that otherwise the authority of the Governor only is required, and

WHEREAS Colonial Regulation 277 prescribes that the authority of the Secretary of State is required to write off losses and deficiencies of stores where the amount in any one case exceeds £250 and the loss or deficiency has been caused by the fraud or negligence of an officer, unless some other limit has been fixed for any particular Colony and that otherwise the authority of the Governor only is required, and

WHEREAS the Secretary of State has delegated his authority in this Colony under the aforesaid Regulations to this Council,

BE IT NOW RESOLVED that the Governor shall have authority to write off losses of public money or stamps to the value of \$5,000 in any one case; and that the Governor shall have authority to write off losses or deficiencies of stores without limitation of value except where the value exceeds \$5,000 in any one case; and that the Governor shall have authority to write off losses or deficiencies of stores without limitation of value except where the value exceeds \$5,000 in any one case and the loss or deficiency has been caused by the fraud or negligence of an officer.

He said:—Sir, the resolution arises primarily from the fact that towards the end of last year there was issued by the Secretary of State for the Colonies a new edition of Colonial Regulations which in a number of cases has had the effect of delegating a certain degree of responsibility to the Government of the Colonies concerned. The policy of Her Majesty's Government in this respect is further exemplified here. Although the two regulations referred to in the Resolution prescribe that the authority of the Secretary of State is required, in actual fact the Secretary of State has notified us that he delegates his authority to this Council. Accordingly it is necessary for Council to confirm the delegation of authority to Your Excellency.

Honourable Members will recollect that it was necessary a few weeks ago to come to this Council to obtain authority to write off the sum of 27 cents, representing the book value of three inches of lamp wick which were found to be short on stock taking. The volume of Governmental work is constantly increasing and compels more delegation of responsibility in routine matters and matters of little importance such as this. Accordingly the Resolution proposes that in all routine write-offs and abandonments of claim where the value is not very great Finance Committee and this Council will not be troubled, but I should nevertheless add that in any case in which any question of policy is involved Government undertakes to consult Finance Committee regardless of the smallness of the amount in question.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

PENSIONS (AMENDMENT) (NO. 2) BILL, 1952.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Pensions Ordinance, Chapter 89". He said: Sir, this Bill will effect a very simple: amendment to the Pensions Ordinance and the purpose of the Bill is, I think, sufficiently explained in the statement of Objects and Reasons attached to the copies of the Bill which have been circulated and I have at this stage nothing to add to that statement.

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. Sub-paragraph (i) of paragraph (a) of subsection (1) of section 2 of the Pensions Ordinance empowers the Governor in Council, in respect of public service in an office in the Colony, to declare by Order published in the *Gazette* such office to be a pensionable office for the purposes of the Ordinance. An Order for this purpose has recently been made. Such Order, however, may only be made in respect of an office now existing. There have been a number of offices of a permanent and pensionable nature which had either been abolished or the title of which had been changed prior to the date of such Order and which

therefore could not be included in the Order. Unless these offices may be deemed to be pensionable only three quarters of the period of the service of the holder in any such office may be taken into account in computing the holders' pension. See paragraph (a) of sub-regulation (2) of regulation 19 of the Pensions Regulations.

2. The purpose of the amendment effected by clause 2 of the-Bill is to provide that the Governor in Council may by Order declare that, for such period as may be specified in the Order, such office shall be deemed to have been a pensionable office so that service therein may fully be taken into account as pensionable service.

PUBLIC RECLAMATION AND WORKS

(CAUSEWAY BAY) (EXTENSION) BILL 1952.

HON. T. L. BOWRING, O.B.E., moved the First reading of a Bill intituled "An Ordinance to authorize an undertaking for reclamation and other works over and upon unleased Crown foreshore and sea bed situate at Causeway Bay, being an extension to the undertaking authorized by Ordinance 14 of 1951". He said: Sir, the purpose of this Bill, which has been very clearly set out in the Objects and Reasons by my Honourable and Learned Friend the Attorney General, is to authorize the reclamation of a small extension adjacent to the Northeastern corner of the old typhoon shelter which was authorized to be reclaimed by the Public Reclamation (Causeway Bay) Ordinance of 1951. This additional area, when reclaimed, will provide land within the new typhoon shelter for the construction of a depot for the Port Works Office of the Public Works Department and for a small Boat Building Yard and Slipway. These facilities previously existed within the old typhoon shelter and the Port Committee consider that their reprovision within the new typhoon shelter to be most desirable.

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:—

The reclamation authorized by the Public Reclamation and Typhoon Shelter (Causeway Bay) Ordinance, 1951, was planned to cease at a line drawn from the eastern end of the existing detached breakwater to approximately the line of the north of Gordon Road, but as the work has progressed and the

claims of persons dispossessed have been considered it has proved desirable to accept a recommendation that the reclamation shall extend northward to a line extended from the north of Whitfield Road. This will economically allow room for a small slipway and boat building yard and for further space for Port Works authorities in the eastern corner of the projected typhoon shelter.

2. The object of this Bill is to authorize such extension. Because of the necessity of planning the work together with that already proceeding, and in view of the probability that if any persons would be injuriously affected by this comparatively small extension they would have been the more affected by the reclamation already authorized and would have notified their objection or claim, it has been considered justifiable to eliminate some of the delay that would be necessary if the full procedure of the Public Reclamations Validation and Clauses Ordinance, 1936, were applicable.

3. Consequently the necessity for allowing two months for receipt of objections and claims before commencement of the work has been made inapplicable, but provision has been made that claims may be lodged within six months after the enactment of this Bill, without delaying the commencement of the work. Moreover a second reference to the Governor in Council is unnecessary, as reconsideration for the purpose of definitive approval after receipt of objections and claims would serve no purpose. Claims duly delivered in accordance with this Bill if enacted will fall to be settled or adjudicated upon by virtue of the general procedure made applicable by the 1936 Ordinance to which reference has been made.

4. Clause 2 therefore authorizes the extension, which is described in a Schedule to the Bill by reference to a plan deposited at the Land Office for public inspection, and contains provision that will enable the Director of Public Works to utilize public dumping or private enterprise to effect the reclamation if this proves desirable.

5. Clause 3 applies the remaining clauses of the Public Reclamation Validation and Clauses Ordinance, 1936, with a specific variation to provide that in place of the preliminary notice claim within two months and a subsequent detailed statement claim, there shall be substituted a period of six months within which detailed statements of claim may be delivered.

**BY-LAWS UNDER THE HAWKERS ORDINANCE,
CHAPTER 157.**

HON. K. M. A. BARNETT, E.D. moved:—

That the By-laws made by the Urban Council on the 7th day of October, 1952, under section 2 of the Hawkers Ordinance, Chapter 157, be approved.

He said: Sir, this set of amending By-laws consists of 14 items and in order not to weary Honourable Members with a long speech I have prepared a short explanatory table which shows the effect of and the reason for each amendment.

I would like to call attention only to By-law 11 which rescinds the restriction on the trading hours of stallholder hawkers contained in By-law 12 of Class i of the Principal By-laws. This is the result of the review which the Urban Council's Select Committee on Hawkers has been conducting over the past month on Hawker Legislation. As a result of such review the Select Committee had doubts of the necessity for restricting the hours of business of this class of hawker and after discussion with the Commissioner of Police it has been agreed that the restriction was unnecessary and the effect of this By-law is that hawkers' stalls may now open and close as they please.

Sir, Honourable Members will perhaps be surprised to see the by-laws providing for temporary hawker licences. The Chinese New Year Fair and the small hawker fairs at the two other festivals are long established but for some reason it has not been considered necessary to provide by legislation for the issue of these licences. I am sure Honourable Members will agree that the situation should be rectified and provision made in the law for this type of licence.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

**BY-LAWS UNDER THE PUBLIC
HEALTH (SANITATION) BILL, 1952.**

HON. K. M. A. BARNETT, E.D. moved:—

That the By-laws made by the Urban Council on the 17th day of October, 1952, under section 4 of Public Health (Sanitation) Ordinance, 1935, be approved.

He said: Sir, these by-laws make certain amendments to the amendments the keeping of cattle, swine, sheep and goats. The purpose of the amendment is fully explained in the explanatory note, to which I do not think I need add.

THE COLONIAL SECRETARY seconded, and the Motion was

ADJOURNMENT.

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

THE ATTORNEY GENERAL:—Sir, I would suggest today fortnight.

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