

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 7th October, 1953.****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. RONALD RUSKIN TODD, *Acting*.

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. JOHN JAMES COWPERTHWAITTE, *Acting*.

THE HONOURABLE KENNETH MYER ARTHUR BARNETT, E.D.

(Director of Urban Services).

THE HONOURABLE ALEXANDER PROVAN WEIR

(Acting Director of Public Works).

DR. THE HONOURABLE JAMES MALCOLM LISTON

(Acting Director of Medical and Health Services).

THE HONOURABLE CEDRIC BLAKER, M.C., E.D.

THE HONOURABLE CHARLES EDWARD MICHAEL TERRY.

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

THE HONOURABLE DHUN JEHANGIR RUTTONJEE.

THE HONOURABLE KWOK CHAN, O.B.E.

DR. THE HONOURABLE ALBERTO MARIA RODRIGUES, M.B.E.

MR. ROBERT WILLIAM PRIMROSE *(Deputy Clerk of Councils)*.**ABSENT:**

THE HONOURABLE DOUGLAS JAMES SMYTH CROZIER

(Director of Education).

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

THE HONOURABLE NGAN SHING-KWAN.

MINUTES.

The Minutes of the meeting of the Council held on 23rd September, 1953, were confirmed.

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, 1953:—		
No. 29—Annual Report by the Director of Agriculture, Fisheries and Forestry for the year 1952/53.		
The Trade Marks Ordinance, Chapter 43.		
	The Trade Marks (Amendment) Rules, 1953	A. 127
The New Territories Ordinance, Chapter 97.		
	The New Territories (Amendment) (No. 3) Rules, 1953	A. 128
The Police Force Ordinance, Chapter 232.		
	The Police (Welfare Fund) (Amendment) Regula- tions, 1953	A. 129
The Medical Registration Ordinance, Chapter 161.		
	The Medical Registration (Prescribed Periods and Form) Regulations, 1953	A. 130

**SUPPLEMENTARY PROVISIONS FOR THE
QUARTER ENDED 31ST MARCH, 1953.**

THE FINANCIAL SECRETARY moved the following resolution:—

Resolved that the Supplementary Provisions for the quarter ended 31st March, 1953, as set out in Schedule No. 5 of 1952/53, be approved.

He said: Sir, all the items in the Schedule have been approved by Finance Committee and now require the covering approval of this Council. As the accounts for the last financial year have now been closed, this will be the last schedule of the year. It is largely composed of small excesses on votes which have arisen for various reasons towards the end of the

year. There are a few larger items of which the main ones are \$457,000 for transport of Government officers and \$936,546 for Stores Department Workshop Charges. The former is largely due to the recruitment of 80 additional Police Sub-Inspectors and 160 Pakistani Police Constables, while the latter is merely a book entry for accounting purposes, the excess having been recovered from other votes.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

LEGAL OFFICERS (FEES AND COSTS) RULES, 1953.

THE ATTORNEY GENERAL moved the following resolution:—

Resolved that the Legal Officers (Fees and Costs) Rules, 1953, made by the Chief Justice under section 10 of the Legal Officers Ordinance, Chapter 87, be approved.

He said: Sir, the purpose of this Resolution is to secure the approval of this Council to rules made by the Chief Justice in relation to fees and costs in both contentious and non-contentious matters in which legal officers of the Government are engaged. These rules provide in effect that in such cases the fees and costs shall be governed by the rules applicable as between private parties, but because legal officers may act as both solicitors and barristers, provision is made for this to be taken into account on taxation. These rules further provide that the services of the person discharging the functions of Attorney General or Solicitor General may be remunerated as services of leading Counsel even though that person has not taken “silk”. I might add, though, that these fees and costs go to Government and not into the pockets of the legal officers concerned. (*Laughter*)

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

HAWKERS (AMENDMENT) BY-LAWS, 1953.

MR. K. M. A. BARNETT, E.D., moved the following Resolution:—

Resolved that the Hawkers (Amendment) By-laws, 1953, made by the Urban Council on the 21st day of September, 1953, under section 2 of the Hawkers Ordinance, Chapter 157, be approved.

He said: Sir, the purpose of these By-laws is set out in the explanatory note. I need draw special attention only to the new By-law 9, which will allow the employment of an assistant by Fixed Pitch Hawkers. This is a new departure, but one which the Urban Council feels is amply justified by circumstances. When fixed pitches were first introduced in 1947, the idea was to have a small portable type of stall which would not clutter up the streets as the large fixed stalls do, but could easily be moved to make way for scavenging, and would be cleared away altogether at night. These hopes have by and large been fulfilled. But although these small stalls are portable and indeed are designed to be carried by one person, so that—except for the aged and infirm—assistance is not generally required to carry the stall, there are certain occasions during the day when the licensee must absent himself for short periods, and this has meant either that the stall has been left in somebody else's charge, which was an offence, or left unattended, which was also an offence. I believe, Sir, that this new facility—which if taken full advantage of will give employment to over six thousand people—will improve conditions in the hawker pitches.

Sir, I do not pretend that these amending By-laws alone will solve the hawker problem. But they will contribute to a solution. They remove one or two restrictions which experience has shown to be unnecessary, and to that extent will release staff for the better enforcement of those restrictions which *are* necessary. They provide for more economical employment of the staff available. And I need hardly add, Sir, that these new provisions, including the new By-law 9, were concurred in by the other interested departments of Government, notably the Police, whose unflinching co-operation I must gratefully acknowledge.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

REGISTRAR GENERAL (ESTABLISHMENT)

(AMENDMENT) BILL, 1953.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance further to amend the Registrar General (Establishment) Ordinance, Chapter 100". He said: Sir, this Bill provides for a number of amendments of a formal character, and their purpose is, I think, sufficiently explained in the statement of objects and reasons to which I cannot usefully add anything at this stage.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

Objects and Reasons.

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

1. The office of Registrar General was established by the Registrar General (Establishment) Ordinance, 1949, (now Chapter 100). The Ordinance was amended in 1951 to provide for the appointment of Deputy Registrars General and Assistant Registrars General. On account of the increase of work in the Registrar General’s Department it is intended to create a new post in the department, namely that of Legal Assistant to the Registrar General and clauses 2 and 3 effect the necessary amendments to the Ordinance.

2. Clause 2 (*d*) gives to the Registrar General, the Deputy Registrar General and the Legal Assistant the powers of legal officers so that this will be apparent from the terms of the Ordinance itself without the necessity of referring to the Legal Officers Ordinance (Chapter 87).

3. Section 8 (2) (*e*) of the Supreme Court Ordinance as amended by the Supreme Court (Amendment) Ordinance, 1953, provides that the functions and powers of the Official Solicitor in Lunacy shall be exercised by the Registrar General. Clause 4 of the Bill amends the Schedule to the Registrar General (Establishment) Ordinance accordingly.

BUSINESS REGULATION (AMENDMENT) BILL, 1953.

THE FINANCIAL SECRETARY moved the Second reading of a Bill intituled “An Ordinance to amend the Business Regulation Ordinance, 1952.”

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Second time.

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

Clauses 1 to 5 were agreed to.

Council then resumed.

THE FINANCIAL SECRETARY reported that the Business Regulation (Amendment) Bill, 1953 had passed through Committee without amendment, and moved the Third reading.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Third time and passed into law.

OFFICIAL SIGNATURES FEES (AMENDMENT) BILL, 1953.

THE FINANCIAL SECRETARY moved the Second reading of a Bill intituled “An Ordinance to amend the Official Signatures Fees Ordinance, Chapter 88.”

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Second time.

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

Clauses 1 to 3 were agreed to.

Council then resumed.

THE FINANCIAL SECRETARY reported that the Official Signatures Fees (Amendment) Bill, 1953, had passed through Committee without amendment, and moved the Third reading.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Third time and passed into law.

ADJOURNMENT.

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

THE ATTORNEY GENERAL:—May I suggest this day fortnight?

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