

**OFFICIAL REPORT OF PROCEEDINGS****Meeting of 21st October, 1953.**

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**PRESENT:**

HIS EXCELLENCY THE OFFICER ADMINISTERING THE  
GOVERNMENT

MR. ROBERT BROWN BLACK, C.M.G., O.B.E.

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

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

THE HONOURABLE THE COLONIAL SECRETARY

MR. CLAUDE BRAMALL BURGESS, *Acting*.

THE HONOURABLE THE ATTORNEY GENERAL

MR. ARTHUR RIDEHALGH, Q.C.

THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS

MR. RONALD RUSKIN TODD.

THE HONOURABLE THE FINANCIAL SECRETARY

MR. JOHN JAMES COWPERTHWAITTE, *Acting*.

THE HONOURABLE DOUGLAS JAMES SMYTH CROZIER

*(Director of Education)*.

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)*.

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

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

THE HONOURABLE NGAN SHING-KWAN.

**MINUTES.**

The Minutes of the meeting of the Council held on 7th October, 1953, were confirmed.

**PAPERS.**

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

<i>Subject.</i>	<i>G.N. No.</i>
Sessional Papers, 1953:—	
No. 30—Annual Report by the Director of Marine for the year 1952/53.	
The Emergency (Requisition) Regulations, 1949.	
The Emergency (Requisition) (Use of Land by Her Majesty's Military Forces) (Norwegian Farm Camp) Order, 1953 .....	A. 133
The Emergency (Requisition) Regulations, 1949.	
The Emergency (Requisition) (Use of Land by Her Majesty's Military Forces) (Norwegian Farm Camp) (No. 2) Order, 1953 .....	A. 134
The Emergency (Requisition) Regulations, 1949.	
The Emergency (Requisition) (Use of Land by Her Majesty's Military Forces) (Norwegian Farm Camp) (No. 3) Order, 1953 .....	A. 135
The Emergency (Requisition) Regulations, 1949.	
The Emergency (Requisition) (Use of Land by Her Majesty's Military Forces) (Lo Wu Camp) Order, 1953 .....	A. 136
The Emergency (Requisition) Regulations, 1949.	
The Emergency (Requisition) (Use of Land by Her Majesty's Military Forces) (San Wai) Order, 1953 .....	A. 137
The Emergency (Requisition) Regulations, 1949.	
The Emergency (Requisition) (Use of Land by Her Majesty's Military Forces) (Tam Mi Camp) Order, 1953 .....	A. 138

**TELEPHONE ORDINANCE, 1951.**

THE FINANCIAL SECRETARY moved the following resolution:—

Resolved in accordance with subsection (2) of section 29 of the Telephone Ordinance, 1951, that as from the 23rd day of October, 1953, item I of Part V of the Schedule to the said Ordinance be amended by the addition of the word “Shatin” immediately after the words “Tsun Wan” appearing in the second line thereof.

He said:—Sir: Under the terms of the Telephone Ordinance the Company is entitled to charge its subscribers charges not exceeding those set out in the Schedule to the Ordinance and changes in the Schedule may be made from time to time with the consent of the Legislative Council signified by Resolution.

The Company proposes to open a new exchange at Shatin about the end of November and has requested that a special rate for calls to exchange should be included in the Schedule. The proposed charge of 30 cents for three minutes is the same as that in force for calls to the Tsun Wan and Taipo exchanges. This would appear to be reasonable.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

**ASIATIC EMIGRATION (AMENDMENT) BILL, 1953.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled “An Ordinance to amend the Asiatic Emigration Ordinance, 1915”.

He said:—Sir: The Asiatic Emigration Ordinance requires that general and special licences to vessels to carry emigrants shall be granted personally by the Governor under the Public Seal. It is thought that the grant of such licences could properly be placed within the province of the Director of Marine, and, moreover, as they have on occasion to be issued at short notice, it would be a convenience to all concerned if he were the licensing authority. The purpose of this Bill is, therefore, to make amendments to the principal Ordinance necessary to achieve this end.

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:—

This Bill substitutes the Emigration Officer for the Governor as the authority for granting general and special licences to emigrant ships.

**ADMINISTRATION OF JUSTICE (MISCELLANEOUS  
PROVISIONS) BILL, 1953.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled “An Ordinance to amend the law in respect of the prerogative writs of mandamus, prohibition and certiorari, to abolish informations in the nature of quo warranto, and for purposes connected with the matters aforesaid”.

He said:—Sir: This Bill is a piece of what we call “lawyers’ law”, designed to simplify procedure in respect of certain processes of ancient origin issuing out of the Supreme Court.

By the writs of mandamus, prohibition and certiorari, which are dealt with in clause 2 of the Bill, the Supreme Court has power to exercise control in certain respects over the proceedings of inferior tribunals. As clause 2 itself indicates, “mandamus” commands something to be done; “prohibition” prohibits something from being done; and “certiorari” removes proceedings into the Supreme Court for scrutiny. I speak quite broadly, of course, on those points. The relief afforded by these writs can only be obtained by cumbersome methods which were replaced in England in 1938, and the proposal which is carried out by clause 2 is, therefore, that writs shall no longer be issued, but instead the Court shall be empowered to make orders under simplified rules of procedure.

“Quo warranto” procedure, which is also of very ancient origin, has in recent years been used to question the extent of the powers of persons holding public office. It is proposed that the procedure be abolished altogether, and that in its place the Supreme Court be empowered to restrain a person by injunction from acting in an office in which he is not entitled to act.

Power is also taken to make local rules of court prescribing procedure, but until local rules are made, the simplified English procedure will be followed.

The Chief Justice, the Bar Association and the Law Society have been consulted and have indicated their approval of these reforms. And I think I may state the views of the legal fraternity in these terms: while retaining the remedies, we wish to simplify the procedure.

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:—

The law touching the writs of mandamus, prohibition and certiorari and the information of quo warranto are assimilated in this Bill to the law now in force in England which was simplified in a like manner by the Administration of Justice (Miscellaneous Provisions) Act, 1938. By adopting similar provisions in our law and by virtue of section 37(5) of the Supreme Court Ordinance, rules of Court for the time being in force in the Supreme Court in England are made applicable in the Colony unless rules are made under clause 5 of the Bill.

**REGISTRAR GENERAL (ESTABLISHMENT)**

**(AMENDMENT) BILL, 1953.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled “An Ordinance further to amend the Registrar General (Establishment) Ordinance, Chapter 100”.

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 4 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Registrar General (Establishment), (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 OFFICER ADMINISTERING THE GOVERNMENT:—That concludes the business for to-day. When is it your pleasure we shall meet again?

ATTORNEY GENERAL:—May I suggest this day fortnight?

H. E. **THE OFFICER ADMINISTERING THE GOVERNMENT**:—Council will adjourn to this day fortnight.

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