

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 18th November, 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. ROBERT BROWN BLACK, C.M.G., O.B.E.

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 THEODORE LOUIS BOWRING, O.B.E.

(Director of Public Works).

THE HONOURABLE DOUGLAS JAMES SMYTH CROZIER

(Director of Education).

THE HONOURABLE KENNETH MYER ARTHUR BARNETT, E.D.

(Director of Urban Services).

DR. THE HONOURABLE JAMES MALCOLM LISTON

(Acting Director of Medical and Health Services).

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

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 NGAN SHING-KWAN.

MINUTES.

The Minutes of the meeting of the Council held on 4th November, 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. 36—Annual Report by the Chairman, Urban Council and Head of the Sanitary Department for the year 1952/53.		
No. 37—Annual Report by the Registrar, Supreme Court for the year 1952/53.		
No. 38—Annual Report by the Registrar of Co-operative Societies and Director of Marketing for the year 1952/53.		
No. 39—Annual Report by the Quartering Authority for the year 1952/53.		
The Dangerous Drugs Ordinance, Chapter 134.		
The Dangerous Drugs Exemption Order, 1953	A.	145
The Dangerous Drugs Ordinance, Chapter 134.		
The Dangerous Drugs Control Order, 1953	A.	146
The Pharmacy and Poisons Ordinance, Chapter 138.		
The Poisons (Amendment) (No. 2) Regulations, 1953.	A.	147
The Pharmacy and Poisons Ordinance, Chapter 138.		
The Poisons List (Amendment) (No. 2) Regulations, 1953	A.	148
The Legal Officers Ordinance, Chapter 87.		
The Legal Officers Ordinance (Amendment of Schedule) Order, 1953	A.	149
The Pensions Ordinance, Chapter 89.		
The Pensionable Offices Order, 1953	A.	150
The Pensions Ordinance, Chapter 89.		
The Former Pensionable Offices (Amendment) Order, 1953	A.	151

The Vehicle and Road Traffic Ordinance, Chapter 220.

The Vehicle and Road Traffic (Amendment) (No. 2)

Regulations, 1953 A. 152

The Air Armament Practice Ordinance, Chapter 194.

The Air Armament Practice (Schedule Amendment)

Order, 1953 A. 153

The Defences (Firing Areas) Ordinance, Chapter 196.

The Defences (Firing Areas) (Schedule Amendment)

Order, 1953 A. 154

The Defence (Finance) Regulations, 1940.

The Possession of Gold (Goldsmiths) (Amendment)

(No. 10) Order, 1953 A. 156

CROWN RIGHTS (RE-ENTRY) (AMENDMENT) BILL, 1953.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled “An Ordinance to amend the Crown Rights (Re-entry) Ordinance, Chapter 126”.

He said:—Sir: The purposes of this Bill are, I think, sufficiently explained in the statement of “Objects and Reasons”. I have nothing that can usefully be added 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:—

Where forfeiture of a tenancy has been incurred by reason of a breach of covenant, it is waived by the landlord’s acceptance of rent accruing due after the breach has occurred if the landlord has knowledge of the breach]. In the case of the private landlord this rule no doubt operates fairly enough because before waiver can be established, the tenant has to show that the landlord or his agent had knowledge of the breach at the time of acceptance of the rent. Where the Crown is landlord, however, the position is very different: the Crown may be affected by the knowledge of servants who have nothing whatever to do with the collection of rents, and the Crown is at a great disadvantage as compared

with the private landlord by the application of the rule stated above. The main purpose of this Bill (clause 3) is, therefore, to abrogate the rule in relation to the Crown, as has been done elsewhere. It is to be observed that, by virtue of the provisions of clause 4, the rule is abrogated in relation to all tenancies of Crown land whenever created and all acceptances of rent whenever made.

2. The time allowed by section 5 of the principal Ordinance for the presentation of a petition for relief against forfeiture (twelve months from publication in the *Gazette* of notice of registration of the memorial of re-entry) is considered to be too long. This provision was enacted as long ago as 1870, and the period of twelve months was presumably fixed for the benefit of lessees residing abroad, communications then being considerably slower than they are today. It is considered that the time may now be reduced, without injustice, to six months instead of twelve. It should be observed that the Governor in Council has, under the proviso to section 5 of the principal Ordinance, power to extend the time.

TALLYCLERKS (LICENSING) (AMENDMENT) BILL, 1953.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Tallyclerks (Licensing) Ordinance, Chapter 85".

He said:—Sir: There is nothing that I can add usefully to the statement of "Objects and Reasons".

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 Tallyclerks (Licensing) Ordinance (Chapter 85) was introduced in 1946 to make provision for the issue of licences to clerks tallying cargo in or out of ships. The position of tally-clerks is one of trust, and the proper working of tallyclerks affects the reputation of the port. The Ordinance has worked well, but it is considered that it will be more convenient for the Director of Marine to issue licences instead of the Director of Commerce and Industry, and also to provide that tallyclerks should wear arm-bands or badges whilst at work.

NORTH PACIFIC INSURANCE COMPANY LIMITED**(CAPITAL CONVERSION) BILL, 1953.**

MR. C. BLAKER moved the Second reading of a Bill intituled "An Ordinance to authorize the North Pacific Insurance Company Limited to convert the currency of its capital".

MR. C. E. M. TERRY 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.

MR. C. BLAKER reported that the North Pacific Insurance Company Limited (Capital Conversion) Bill, 1953 had passed through Committee without amendment and moved the Third reading.

MR. C. E. M. TERRY 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 it is your pleasure that we shall meet again?

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

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