
OFFICIAL REPORT OF PROCEEDINGS**Meeting of 19th May, 1954**

PRESENT:

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
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 HOOTON, Q.C., *Acting*.

THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS
MR. RONALD RUSKIN TODD.

THE HONOURABLE THE FINANCIAL SECRETARY
MR. ARTHUR GRENFELL CLARKE, C.M.G.

THE HONOURABLE THEODORE LOUIS BOWRING, O.B.E.
(*Director of Public Works*).

DR. THE HONOURABLE YEO KOK CHEANG
(*Director of Medical and Health Services*).

THE HONOURABLE LEONARD GEOFFREY MORGAN
(*Acting Director of Education*).

THE HONOURABLE HAROLD GILES RICHARDS, O.B.E.
(*Director of Urban Service*).

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

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

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

THE HONOURABLE NGAN SHING-KWAN.

THE HONOURABLE DHUN JEHangIR RUTTONJEE.

THE HONOURABLE KWOK CHAN, O.B.E.

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

THE HONOURABLE LAWRENCE KADOORIE.

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

MINUTES.

The Minutes of the meeting of the Council held on 28th April, 1954, were confirmed.

PAPERS.

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

<i>No.</i>	<i>Subject.</i>	<i>G.N.</i>
	Annual Report of the Hong Kong War Memorial Fund Committee, 1953.	
	The Dutiable Commodities Ordinance, Chapter 109. The Dutiable Commodities (Amendment) Regulations, 1954.....	A. 51
	The Merchant Shipping Ordinance, 1953. The Merchant Shipping Exemption (Ships) (No.3) Order, 1954.....	A. 52
	The Emergency Regulations Ordinance, Chapter 241. The Emergency (Provisional Resettlement Areas) Regulations, 1954.....	A. 53
	The New Territories Ordinance, Chapter 97. The Cemeteries (N.T.) Rules, 1954.....	A. 54
	The New Territories Ordinance, Chapter 97. The Cheung Chau (Urn) Cemetery (Establishment) Rules, 1954.....	A. 55
	The New Territories Ordinance, Chapter 97. The Application of the Cemeteries (N.T.) Rules, 1954.....	A. 56
	The Merchant Shipping Ordinance, 1953. The Merchant Shipping Exemption (Ships) (NO. 4) Order, 1954.....	A. 58
	The Defence (Finance) Regulations, 1940. The Possession of Gold (Goldsmiths) (Amendment) (No. 3) Order, 1954.....	A. 60

*Subject.**G.N. No.*

The Fire Brigade Ordinance, Chapter 95. The Fire Brigade Leave (Rescission) Regulations, 1954.....	A. 62
The Dutiable Commodities Ordinance, Chapter 109. The Dutiable Commodities (Amendment) (No. 2) Regulations, 1954.....	A. 63
The Merchant Shipping Ordinance, 1953. The Merchant Shipping Exemption (Ships) (No. 5) Order, 1954.....	A. 64
The Merchant Shipping Ordinance, 1953. The Merchant Shipping Exemption (Trawlers) (No. 2) Order, 1954.....	A. 65
The Defences (Firing Areas) Ordinance, Chapter 196. The Defences (Firing Areas) (Schedule Amendment) Order, 1954.....	A. 66

**EMERGENCY (RESETTLEMENT AREAS)
(AMENDMENT) GENERAL RULES, 1954.**

MR. H. G. RICHARDS moved the following resolution: —

Resolved that the Emergency (Resettlement Areas) (Amendment) General Rules, 1954, made by the Urban Council on the 27th day of April, 1954, under regulation 10 of the Emergency (Resettlement Areas) Regulations, 1952, be approved.

He said: —Sir: The General Rules which are being amended were made at a time when resettled squatters were being expected to build their own cottages. Under subsequent arrangements accommodation has been built for some of them on hire purchase terms, so that they now occupy cottages which they do not build. These amending rules therefore provide that permission must be obtained for occupation as well as for erection or maintenance of buildings.

Some resettlement squatters have found it difficult to raise the permit fee, which may be as high as \$60, in one lump sum. Provision has therefore been included in those rules for quarterly payments.

The opportunity has been taken to rescind two redundant Rules, 9 and 10 (c), which merely repeat the provisions of another law.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

PENSIONS (AMENDMENT) BILL, 1954.

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 proposes two alterations to the pension laws of the Colony. The first alteration is contained in clauses 2, 3 and 4 of the Bill which are based upon recent amendments made by the Secretary of State to the model Pensions Ordinance. They provide that the Governor in Council may, if he thinks fit, grant a pension, gratuity or other allowance to an officer whose public service is terminated on the ground that, having regard to the conditions of the public service, the usefulness of the officer thereto and all the other circumstances of the case, such termination is desirable in the public interest.

This new provision is intended to replace the present provision which authorizes the Governor in Council to grant a pension, gratuity or other allowance to an officer who is removed from the public service for reasons of inefficiency. The reason for this is that cases sometimes arise when it is desirable in the public interest that the employment of an officer in the Colonial Service should be terminated, even though he has committed no offence meriting dismissal and cannot be said to be generally inefficient.

It is considered desirable that in all cases where the public interest requires that the services of an officer should be terminated, the Governor in Council should have power, if he thinks fit, to award a pension, gratuity or other allowance and that this power should not be limited to those cases where inefficiency is the cause of the officer's services being dispensed with in the public interest.

The second proposed alteration, Sir, is contained in clause 5 of the Bill. This is designed to authorize the increase of pensions awarded to the children of an officer killed on duty if the pension awarded to their mother ceases by reason of her marrying. This will assimilate the position with regard to the children's pension to that which occurs when the pension of their mother ceases by reason of her death.

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: —

Colonial Regulations, which are applicable to officers of the Colonial Service, have recently been amended to provide for the removal from the service of any officer whose retention therein, having regard to the conditions of the service, the usefulness of the officer thereto, and all other relevant circumstances, is not desirable in the public interest. No pension, gratuity or other retiring allowance may be granted under the existing provisions of the Pensions Ordinance (Cap. 89) to an officer so removed unless the reason for such removal is inefficiency, or unless the officer otherwise qualifies for pension etc. It is considered that the Governor in Council should be empowered in all cases of officers removed from the service in the public interest to grant, if he sees fit, such pension, gratuity or other allowance as he thinks fit and proper, not exceeding the amount which could be awarded in the case of retirement on medical grounds. Clauses 2, 3 and 4 of this Bill seek to amend the Pensions Ordinance (Cap. 89) to make provision accordingly.

2. The opportunity has been taken to introduce in clause 5 an amendment to section 17 of the Pensions Ordinance (Cap. 89). This section provides for the grant of pensions to the widow and children of an officer killed on duty. The pension granted to a widow ceases on her death, in which case the pensions of the children may be doubled. The widow's pension also ceases on her remarriage, but no provision at present exists to increase the children's pensions on such occurrence. Clause 5 of this Bill seeks to supply this provision.

**CELLULOID AND CINEMATOGRAPH FILM
(AMENDMENT) BILL, 1954.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend further the Celluloid and Cinematograph Film Ordinance, 1923."

He said: —Sir: As appears from the statement of Objects and Reasons appended to this Bill, the absence of suitable safety precautions for the storage and handling of film scrap has led to a number of serious fires, resulting in deaths in some cases.

Legislation is in the course of being drafted to provide for the better control of the handling and storage of dangerous goods generally and it is expected that film scrap will be included within its provisions.

It is, however, considered to be a matter of urgency to make immediate provision to minimize the fire risk which arises from the handling and storage of film scrap. The Celluloid and Cinematograph Film Ordinance, 1923, already makes provision for the handling and storage of raw celluloid and cinematograph film with a view to the prevention of fire. This Bill proposes, therefore, to bring film scrap within the controls established by that Ordinance for raw celluloid and cinematograph film.

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 absence of suitable safety precautions for the storage and handling of film scrap has led to a number of serious fires resulting in deaths in some cases. Until legislation of a more permanent nature is enacted for the better control of the storage and handling of dangerous goods generally, it is considered necessary and advisable to amend forthwith the Celluloid and Cinematograph Film Ordinance, 1923, to provide for the desired control. Clauses 3 and 5 of the Bill have been designed to achieve this objective.

2. Opportunity has also been taken to repeal and replace section 4 of the said Ordinance to empower the Governor in Council to make regulations and prescribe an increased penalty for the contravention thereof.

INLAND REVENUE (AMENDMENT) BILL, 1954.

A motion for the Second Reading of the Inland Revenue (Amendment) Bill, 1954, stood on the Order Paper.

THE FINANCIAL SECRETARY moved that the item be withdrawn from the Order of Business.

He said: —Since the first reading a number of representations have been received by Government against the principles set forth in this Bill. While Government does not accept these representations in full, the position is, as was stated on the occasion of the first reading, that the Bill incorporates one recommendation of a committee which has been considering the working of the Inland Revenue Ordinance, and which has not yet reported fully. In the circumstances, Government, in view of the representations which have been made, is prepared to defer consideration of this particular point until the full report is available.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

CROWN AGENTS (CHANGE OF DESIGNATION) BILL, 1954.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to make provision to give effect in the laws of the Colony to a change in the designation of the Crown Agents for the Colonies."

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 ATTORNEY GENERAL reported that the Crown Agents (Change of Designation) Bill, 1954 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.

POLICE OFFICERS (SPECIAL CASES) PENSIONS BILL, 1954.

THE FINANCIAL SECRETARY moved the Second reading of a Bill intituled "An Ordinance to provide for the grant of a supplementary pension to certain police officers who on transfer to service in this Colony whilst under military administration lost pension rights acquired by service in various county, borough and city police forces in the United Kingdom."

He said: —Sir: This Bill was read a first time on the 26th August last year. The delay in proceeding further has been due to the fact that when the Bill was published, a further Police officer submitted a claim for its benefits. Action was then deferred pending the possibility of further such officers being found, and the result of investigations is that four such officers have now been traced. It is believed that no other cases are likely to come to light, and accordingly the Bill may now proceed. I shall in the Committee Stage move the necessary amendment to extend to these four officers the concessions which have been granted to their fellows.

It is also proposed, in view of the delay which has occurred, to extend the period within which pensions' contributions in respect of United Kingdom service may be refunded to the 1st July, 1956 instead of the 1st November, 1955.

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.

Clause 4.

THE FINANCIAL SECRETARY: —Sir I move that this clause be amended as set forth in the paper which is before honourable Members.

Clause 4 as amended was agreed to.

Clause 5 was agreed to.

Schedule.

THE FINANCIAL SECRETARY: —Sir: I move the Schedule be amended by the addition of four names as set forth in the paper in the hands of honourable Members.

The Schedule as amended was agreed to.

Council then resumed.

THE FINANCIAL SECRETARY reported that the Police Officers (Special Cases) Pensions Bill, 1954 had passed through Committee with two amendments 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.

**ADDRESS BY THE GOVERNOR.
LIEUTENANT-GENERAL SIR TERENCE AIREY,
K.C.M.G., C.B., C.B.E.**

H.E. THE GOVERNOR: —Honourable Members: This is the last occasion on which General Airey will sit with us at this Council table. He will be very much missed. He will be missed, officially, because he always has worked in with the civil government in a most co-operative manner. No doubt, that is because one of his previous tasks was that of Commandant at Trieste where some of the problems were much the same as they are in Hong Kong; but also, I think, it is because of the man himself.

General Airey, in my experience of him, is a man who likes to co-operate with those with whom he is working. That is the official side of the picture. On the personal, or social side of the picture, as it may be called, both he and Lady Airey have endeared themselves very much to all with whom they have come in contact. They are a popular couple. It is not that they have in any way sought popularity. It is simply because they are very nice people.

I assure you, Sir, that your going will leave a gap here; and we will think of you and Lady Airey frequently. May I wish you, on behalf of all my colleagues at this table and, indeed, of everyone in Hong Kong, God-speed and every happiness in the future. (*Applause*).

ADJOURNMENT.

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