
OFFICIAL REPORT OF PROCEEDINGS**Meeting of 25th August, 1954**

PRESENT:

HIS EXCELLENCY THE OFFICER ADMINISTERING
THE GOVERNMENT (*PRESIDENT*)
MR. ROBERT BROWN BLACK, C.M.G., O.B.E.

HIS EXCELLENCY THE COMMANDER BRITISH FORCES
LIEUTENANT-GENERAL CECIL STANWAY SUGDEN, C.B., C.B.E.

THE HONOURABLE THE COLONIAL SECRETARY
MR. CLAUDE BRAMALL BURGESS, O.B.E., (*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. 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 Services*).

DR. THE HONOURABLE CHAU SIK NIN, C.B.E.
THE HONOURABLE LAWRENCE KADOORIE.
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 JOHN ARTHUR BLACKWOOD.
MR. ROBERT WILLIAM PRIMROSE (*Deputy Clerk of Councils*).

MINUTES.

The Minutes of the meeting of the Council held on 11th August, 1954, were confirmed.

PAPERS.

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

Subject *G.N. No.*

Sessional Papers, 1954: —

No. 15—Annual Report by the Postmaster General for the year 1953/54.

No. 16—Annual Report by the Custodian of Property and Custodian of Enemy Property for the year 1953/54.

Defence Regulations, 1940.

Rationing Rescission Order, 1954.....A.100

Emergency Regulations Ordinance, Chapter 241.

Emergency (Small Change) (Rescission) Regulations,
1954A. 101

Places of Public Entertainment Ordinance, Chapter 172.

Places of Public Entertainment (Amendment) Regulations,
1954A. 102

Unclaimed Balances Ordinance, Chapter 122.

Order under section 3A. 103

RESOLUTION REGARDING GRATUITY FOR LAM CHUN.

THE COLONIAL SECRETARY moved the following resolution: —

WHEREAS—

- (1) It was resolved on the 10th day of February, 1954, by a resolution made and passed on the said day and published in the *Gazette* as Gazette Notification No.

- A. 14 in Supplement No. 2 that a gratuity of \$1,464 be paid to Lam Chun, formerly a charge-hand linesman employed in the Post Office, who retired upon abolition of office from the public service on the 30th day of September, 1950;
- (2) The said sum was equivalent to that payable under regulation 27 of the Pensions Regulations in similar circumstances;
 - (3) The proviso in the said regulation 27 limiting the total amount of the gratuity payable thereunder was deleted from the said regulation by amending regulations published in the *Gazette* as Gazette Notification No. A. 31 of 1954;
 - (4) The said amending regulations had retrospective effect to the 9th day of December, 1949;
 - (5) By reason of the said amending regulations the said Lam Chun would have received a further sum of \$219.60, had he been eligible for a pension under the said regulation 27.

RESOLVED that a further gratuity of \$219.60 be paid to the said Lam Chun.

He said: —Sir: On 10th February this year Council made and passed a resolution authorizing the award of an *ex-gratia* gratuity of \$1,464 to Lam Chun, a retired daily-rated Chargehand employed in the Post Office. The award was *ex-gratia* as he was not, owing to a break in his service, eligible for a gratuity under the terms of the Pension Regulations. The amount awarded was equivalent to what he would have received under Regulation 27 of the Pensions Ordinance, had he been so eligible.

This Regulation has since been amended by the deletion of the second proviso which limited the total amount of a gratuity to 300 times an officer's daily rate of pay. The amending Regulation, namely the Pensions (Amendment) Regulations, 1954, was published in the *Gazette* as Gazette Notification No. A. 51 of 1954 and had retrospective effect to 9th December, 1949. Had Lam Chun been eligible for a gratuity under Regulation 27, he would have received a further sum of \$219.60 in addition to the

sum of \$1,464 previously paid to him. It is considered that he should receive the benefit of this additional sum and the purpose of the Resolution is to authorize payment accordingly.

THE FINANCIAL SECRETARY seconded.

The question was put and agreed to.

MINING BILL, 1954.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to make better provision with regard to prospecting for minerals and mining and for purposes connected therewith."

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.

Clauses 6 to 10.

THE ATTORNEY GENERAL: —Sir: I rise to move that clauses 9 and 10 be amended in accordance with the draft. The draft of all proposed amendments has been placed in the hands of honourable Members, and explanatory remarks have been appended thereto where it has been thought necessary.

Proposed amendments:

- 9 (a) Between the word "shall" and the word "authorize" in line 2 insert the words "be deemed to".
 (b) Leave out paragraph (f).

- 10 Leave out the first three lines and substitute the following—
 "There shall be paid in respect of all minerals obtained in the course of prospecting or mining operations such royalties as may be prescribed:".

Clauses 6, 7 and 8 and clauses 9, and 10, as amended, were agreed to.

Clauses 11 to 15.

THE ATTORNEY GENERAL: —Sir: Clauses 11 and 15—I beg to move the amendments standing in my name.

Proposed amendments:

11(2) After the word "licence" in line 3 insert the words "or lease" and after the word "prospecting" in line 4 insert the words "or mining".

15(1) (a) After the words "Crown land" in line 2 insert the words "within the area the subject of the licence".

(b) Leave out from lines 3 and 4 the words "the area the subject of the licence" and substitute the words "such area".

Clause 11 as amended, clauses 12, 13 and 14, and clause 15, as amended, were agreed to.

Clauses 16 to 20.

THE ATTORNEY GENERAL: —Sir: Clause 19—I beg to move the amendment standing in my name.

Proposed amendment:

19 Leave out this clause and substitute the following—

<p>"Further prospecting licences for same area.</p>	<p>19. Where any area is the subject of a prospecting licence, the Governor in Council may authorize the grant of a further prospecting licence in respect of the same area for a different mineral if he is satisfied that by so doing the rights or interests of the holder of any existing prospecting licence will not be prejudicially affected."</p>
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Clauses 16, 17 and 18, clause 19 as amended, and clause 20, were agreed to.

Clauses 21 to 25.

THE ATTORNEY GENERAL: —Sir: Clause 23—I beg to move the amendment standing in my name.

Proposed amendment:

23(2) Substitute a comma for the full stop at the end thereof, and thereafter insert the following—

"and in such action a certificate under the hand of the Land Officer specifying the amount of compensation so determined shall, without further proof, be received as conclusive evidence of the amount thereof."

Clauses 21 and 22, clause 23 as amended, and clauses 24 and 25 were agreed to.

Clauses 26 to 30.

THE ATTORNEY GENERAL: —Your Excellency: Clause 26—I beg to move the amendment standing in my name.

Proposed amendment:

26 Leave out clause 26 and substitute the following—

"Rights under a mining licence or mining lease.

26. A mining licence or mining lease shall be deemed to confer on the holder or lessee the following rights---

- (a) to carry out mining operations below the surface of the area in respect of which the licence or lease is granted;
- (b) to enter upon, use and carry out mining operations on the surface of any Crown land within the said area; and
- (c) with the prior consent in writing of the owner and any lawful occupier of any private land within the said area, to enter upon, use and carry out mining operations on the surface thereof."

Clause 26 as amended, and Clauses 27, 28, 29 and 30 were agreed to.

Clauses 31 to 35.

THE ATTORNEY GENERAL: —Sir: Clauses 32 and 35—I beg to move the amendments standing in my name.

Proposed amendments:

32(1) After the word "regulations" at the end of paragraph (a) insert the following—

"or fails to comply with any of the requirements of this Ordinance or the regulations".

35 After the word "minerals" in line 2 add the words "in their unmanufactured state".

Clause 31, clause 32 as amended, clauses 33 and 34, and clause 35 as amended, were agreed to.

Clauses 36 to 40 were agreed to.

Clauses 41 to 45.

THE ATTORNEY GENERAL: —Sir Clause 45—I beg to move the amendment standing in my name.

Proposed amendment:

45 Leave out the word "of" in line 2 of paragraph (a), and substitute the words "under a".

Clauses 41, 42, 43 and 44, and clause 45 as amended, were agreed to.

Clauses 46 to 50 were agreed to.

Clauses 51 to 55.

THE ATTORNEY GENERAL: —Sir: Clause 52—I beg to move the amendment standing in my name.

Proposed amendment:

52 Add a new paragraph (e) as follows—
"(e) fails to comply with any order of the Commissioner under section 30,".

Clause 51, clause 52 as amended, and clauses 53 to 55 were agreed to.

Clauses 56 to 60.

THE ATTORNEY GENERAL: —Sir: Clause 59—I beg to move the amendment standing in my name.

Proposed amendment:

59 Leave out the word "or" in line 8 and substitute the word "and".

Clauses 56 to 58, clause 59 as amended, and clause 60 were agreed to.

Clauses 61 to 65 were agreed to.

Clauses 66 to 70.

THE ATTORNEY GENERAL: —Sir: Clauses 66 and 67—I beg to move the amendments standing in my name.

Proposed amendments:

66(1)(a) Leave out the words "his title to such land" in line 4 and substitute the words "his rights and interests in such land under his lease", and leave out the words "of such land" in lines 6 and 7 and substitute the word "thereof".

(b) Substitute a comma for the full stop at the end of sub-clause (2), and add thereafter "but otherwise the provisions of that Ordinance shall have no application to a resumption under the provisions of subsection (1)."

67 Leave out the word "royalties" in paragraph (c).

Add a new paragraph as follows—

"the rates of royalties to be paid to the Government, the method of calculation of the amount of such royalties and the manner and time of payment thereof;"

Add a new subsection as follows—

"(2) Any regulations made under subsection (1) shall be in addition to and not in derogation of the provisions of—

(1 of 1873).	(a) the Dangerous Goods Ordinance, 1873 ;
(Cap. 56).	(b) the Steam Boilers Ordinance;
(Cap. 59).	(c) the Factories and Workshops Ordinance;
(Cap. 97).	(d) the New Territories Ordinance;
(Cap. 123).	(e) the Buildings Ordinance,

and of the provisions of any regulations made thereunder; but if there is any conflict between any regulations made under subsection (1) and any such provisions as aforesaid, the regulations made under subsection (1) shall prevail."

Clauses 66 and 67 as amended, and clauses 68 to 70 were agreed to.

New clause.

THE ATTORNEY GENERAL: —Sir: I beg to move that a new clause be added to the Bill. A draft of this clause has been circulated to Members and there is an explanatory note attached thereto.

Proposed new clause:

"Security for payment of compensation may be required.	(1) In the case of a prospecting or mining licence, the Commissioner may, at any time, require the holder, and in the case of a mining lease, the Land Officer may similarly require the lessee, to give security for the payment of compensation which may become payable under section 34.
	(2) Such security shall be of such amount as the Commissioner or the Land Officer, as the case may be, shall determine, and may be given by way of a cash deposit with the Accountant General or a guarantee of a bank or person approved by the Commissioner or the Land Officer, as the case may be."

The new clause was added.

The First Schedule was agreed to.

Second Schedule.

THE ATTORNEY GENERAL: —Sir: I beg to move the amendment standing in my name.

Proposed amendment:

SECOND SCHEDULE. Add the following enactment and reference—

"The Emergency (Control of Minerals) Order, 1951.	Government Notification No. A.212. Gazette Supplement No. 2 of 7th December, 1951."
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The Second Schedule as amended was agreed to.

Council then resumed.

THE ATTORNEY GENERAL: —Your Excellency I have to report that the Mining Bill, 1954, has passed through Committee with amendment. In my view the amendments, or some of them, which have been made are material within the meaning of Standing Order 28 paragraph 1, and if Your Excellency is of the same view, I would ask permission to move the suspension of Standing Orders in order to enable the Third reading to be taken at this meeting.

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT: —I am of the same opinion.

THE ATTORNEY GENERAL: —Your Excellency: I beg to move that Standing Orders be suspended for the purpose of taking the Third reading at this meeting.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

THE ATTORNEY GENERAL: —Your Excellency: I beg to move that this Bill be read a Third time and passed.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

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

**HOSEINEE SOCIETY OF HONG KONG INCORPORATION
BILL, 1954.**

MR. DHUN J. RUTTONJEE moved the First reading of a Bill intituled "An Ordinance to provide for the incorporation of the Hoseinee Society of Hong Kong."

He said: —Your Excellency: I do not think I can usefully add anything to the Objects and Reasons which accompany this Bill, except perhaps to explain that the Hoseinee Society of Hongkong is a religious organization, formed to commemorate the martyrdom of Hosein, grandson of the Prophet Mohommed. Hosein was martyred at Kerbala on 10th October 680 A.D. —and this tragedy is commemorated by Mohammedans and particularly by Shiahs all over the world.

MR. KWOK CHAN 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 Hoseinee Society of Hong Kong is an old established society of the Shiah Community. Trustees have held property in trust for the Society under the general title of "The Hong Kong Hoseinee Fund" since 1863. To simplify conveyancing difficulties and to arrange for the future management of the fund it is desired to incorporate the governing committee and to vest the property of the fund in that body.

2. The objects of the corporation and its general *modus operandi* are set out in the constitution contained in the First Schedule which is supplemented by rules in the Third Schedule. The vesting of property is effected by clause 5 and the Second Schedule.

ADJOURNMENT.

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT: —That concludes the business for to-day. Council will adjourn to this day fortnight.