

Meeting of 15th December, 1954

**PRESENT:**

HIS EXCELLENCY THE GOVERNOR (*PRFSIDENT*)  
SIR ALEXANDE R WILLIAM GEORGE HERDER GRANTHAM, G.C.M.G.

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. RONALDRUSKIN 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 HAROLD GILES RICHARDS, O.B.E.  
(*Director of Urban Services*).

DR. THE HONOURABLE CHAU SIK NIN, C.B.E.  
THE HONOURABLE CHARLES EDWARD MICHAEL TERRY.  
THE HONOURABLE LO MAN WAI, O.E.E  
THE HONOURABLE NGAN SHING-KWAN.  
THE HONOURABLE DHUN JEHANGIR RUTTONJEE.  
THE HONOURABLE CEDRIC BLAKER, M.C., E.D.  
THE HONOURABLE KWOK CHAN, O.B.E.  
DR. THE HONOURABLE ALBERTO MARIA RODRIGUES, M.B.E., E.D.  
MR. ROBERT WILLIAM PRIMROSE (*Deputy Clerk of Councils*).

**ABSENT:**

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

THE HONOURABLE DOUGLAS JAMES SMYTH CROZIER  
(*Director of Education*).

**MINUTES.**

The Minutes of the meeting of the Council held on 1st December, 1954, 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, 1954: —	
No. 29—Report of the Inland Revenue Ordinance Committee, 1954.	
No. 30—Annual Report by the Director of Public Works for the year 1953/54.	
No. 31—Annual Report by the Director of Civil Aviation for the year 1953/154.	
No.32—Annual Report by the Commissioner of Inland Revenue for the year 1953/54	
Waterworks Ordinance, Chapter 102,	
Waterworks (Amendment) Regulations, 1954.....	A. 146
Importation and Exportation Ordinance, Chapter 50.	
Importation and Exportation (Reserved Com- modities) Regulations, 1954.....	A. 147
Chinese Temples Ordinance, Chapter 153.	
Chinese Temples Fund Regulations, 1954.....	A. 148
Pleasure Grounds and Bathing Places Ordinance, Chapter 173.	
Chinese Recreation Ground Fund Regulations, 1954.....	A. 149
Pleasure Grounds and Bathing Places Ordinance, Chapter 173.	
Yaumati Public Square Fund Regulations, 1954.....	A. 150

<i>Subject</i>	<i>G.N. No.</i>
Chinese Temples Ordinance, Chapter 153.	
General Chinese Charities Fund Directions, 1954.....A.	151
Aberdeen Trade School Executive Committee Fund	
Directions, 1954.....A.	152
Defences (Firing Areas) Ordinance, Chapter 196.	
Defences (Firing Areas) (Schedule Amendment)	
(No. 2) Order, 1954.....A.	153
Emergency (Requisition) Regulations, 1949.	
Emergency (Requisition) (Use of Land by Her	
Majesty's Military Forces) (Chuen Lung) Order,	
1954.....A.	154
Defence (Finance) Regulations, 1940.	
Possession of Gold (Goldsmiths) (Amendment)	
(No. 8) Order, 1954.....A.	155

He said: Sir, included among these papers is the Report of the Inland Revenue Ordinance Committee, which was appointed by Your Excellency on the 20th of September, 1952, to consider and advise on suggestions for amendment to the Inland Revenue Ordinance which had been made by the Hong Kong General Chamber of Commerce and by the Commissioner of Inland Revenue. The Report has not yet been considered by Government and I will confine myself, at this stage, to acknowledging the work of the Members of the Committee, who have given a great deal of time to the production of this valuable Report. I would also draw the attention of the public, and particularly those who are most concerned with the administration of the Inland Revenue Ordinance, to paragraph 112 of the Report, which recommends early publication of the Report in order that it may be available for critical examination by the public generally. Government has accepted this recommendation and will be glad to receive at an early date comments on the recommendations put forward by the Committee. Such comments will, if received in good time, be carefully examined before the Committee's Report is considered by Government.

**RESOLUTION REGARDING GRATUITIES FOR  
DEPENDANTS OF THE LATE BAKSHISH SINGH,  
JAGMAL SINGH, BALWANT SINGH AND PIARA SING.**

THE COLONIAL SECRETARY moved the following resolution: —

WHEREAS—

- (1) The late Bakshish Singh, P.S. B. 235, Jagmal Singh, P.S. B. 40, Balwant Singh, P.C. B. 423 and Piara Singh, P.C. B. 809 were killed in the discharge of their duties as Police Officers;
- (2) Provision was made in the Police Pensions Regulations made Linder the Police Force Ordinance, No. 37 of 1932, (now repealed), for the payment of a pension to the widows and orphans but not to the parents of such officers;
- (3) The said Bakshish Singh, Jagmal Singh, Balwant Singh and Piara Singh left no widows or orphans;
- (4) It is considered that an *ex gratia* payment of a gratuity equivalent to a commuted pension should be paid to the dependant of each of the said officers:

NOW, THEREFORE, BE IT RESOLVED that Shri Kehar Singh father of the late Bakshish Singh, and Shri Ralla Singh father of the late Jagmal Singh, and Mst. Mohan Kaur mother of the late Balwant Singh, and Mst. Mohan Kaur mother of the late Piara Singh, each be paid *ex gratia* a gratuity of \$500.

He said Sir, this Resolution concerns Bakshish Singh, P.S. B. 235, Jagmal Singh, P.S. B. 40, Balwant Singh, P.C. B. 423 and Piara Singh, P.C. B. 809. Three of these officers were killed in action and one was listed as missing, during the Japanese attack on the Colony in 1941. In each case a death gratuity was approved, and the Accountant General, Simla, was authorized to make payment to the father of Bakshish Singh and Jagmal Singh and to the mother of Balwant Singh and Piara Singh. Had these officers left a widow or orphan, a pension would be payable under Police Pension Regulation 14(1), but there is no provision in the Police Force Ordinance, No. 37 of 1932 for payment of a pension to parents, There is, however, a clear and just case for an *ex gratia* payment of \$500 to the

dependant of each of these officers, calculated, on the analogy of Police Pension Regulation 25, on the capitalization of pension benefits covering a period of five years. That is the purpose of this Resolution. Council made and passed a Resolution for similar grants on 28th July this year.

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

**ILLEGAL STRIKES AND LOCK-OUTS ORDINANCE,  
CHAPTER 61.**

THE ATTORNEY GENERAL moved the following resolution: —

“Resolved pursuant to section 8 of the Illegal Strikes and Lock-Outs Ordinance, Chapter 61, that the duration of the said Ordinance be extended for the term of one year with effect from the 1st January, 1955.”

He said: Sir, this resolution and the next, which also stands in my name, seeks the approval of this Council to the continuance in force for another year from 1st January, 1955, of two temporary measures on our Statute Book. By the indulgence of the Council, I would say what I have to say in explanation of both Resolutions now. The aim of the first Ordinance, to which the present resolution relates, is to make illegal, strikes and lock-outs which are not in furtherance of a genuine trade dispute and which are designed to coerce the Government. This Ordinance also provides that it is an offence wilfully to break contracts of service in specified essential services. The purpose of the Societies Ordinance is to curb the activities of undesirable organizations.

The question is whether under conditions now prevailing in this Colony-and elsewhere in this part of the world-we can take the risk of letting these Ordinances lapse. The view of the Government is that we cannot, and the Government invites this Council to endorse this view by continuing these Ordinances in force for the year 1955.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

**SOCIETIES ORDINANCE, CHAPTER 151.**

THE ATTORNEY GENERAL moved the following Resolution:

“Resolved, pursuant to section 26 of the Societies Ordinance, Chapter 151, that the duration of the said Ordinance be extended for the term of one year with effect from the 1st January, 1955.”

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

**TALLYCLERKS (LICENSING) (AMENDMENT) BILL, 1954.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled “An Ordinance to amend the Tallyclerks (Licensing) Ordinance, Chapter 85.” He said: Sir, this Bill carries a stage further the process of trying to ensure that persons who are employed in tallying cargoes into and out of ships are honest and under control. I need hardly say that in the Government’s view and in the interests of the mercantile community, it is essential that talliers should be of the highest possible integrity. The various provisions of this Bill are explained in 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: —

Under section 4 of the Tally clerks (Licensing) Ordinance, Chapter 85, every applicant for a tally clerk’s licence must be personally approved by a sworn measurer. The number of tally clerks has greatly increased and it is now impracticable to expect personal knowledge of the applicant in each case. It is therefore considered that this requirement should be abolished and clause 3 accordingly substitutes a new section for the old section 4, omitting any reference to sworn measurers.

2. In lieu of this requirement it is considered desirable that the following provisions affording a greater measure of control of tally clerks and licences should be included. Clause 4 introduces a new section 4A giving the Director of Marine power to cancel or suspend a licence in certain circumstances; Clause 5 provides further offences in respect of licences, armbands and badges; and clause 6 gives the Governor in Council power to make regulations relating to licences, armbands and badges.

3. This Bill also seeks to remove from the Ordinance certain minor provisions relating to licensing; it is intended that these provisions will be included in regulations to be made under the Ordinance.

### **TRAINING CENTRES (AMENDMENT) BILL, 1954.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Training Centres Ordinance, 1953."

He said: Sir, last year we passed the Training Centres Ordinance whose object is to provide a suitable alternative to a prison sentence for persons between 14 and 18 years of age convicted of offences punishable with imprisonment. This Bill extends the upper age limit to 21 years.

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 benefits of training center treatment can at present be given only to persons between fourteen and eighteen years of age, but there are many offenders over eighteen years of age now serving sentences in prison who could benefit from this treatment. Clause 2 provides for the alternative of training center treatment for such offenders by raising the upper age limit to twenty-one. It is intended to accommodate these older offenders in the new Tung Tau Wan Training Center.

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**WIDOWS AND ORPHANS PENSION (ARCHIBALD GRASSON FREEBAIRN) (EXEMPTION) BILL, 1954.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled “An Ordinance to make special provision to exempt Archibald Grasson Freebairn from the obligation to be a contributor tinder the Widows and Orphans Pension Ordinance and to refund to the said Archibald Grasson Freebairn contributions made by him under the said Ordinance.”

He said: Sir, the circumstances giving rise to this Bill are set out in the preamble and I would merely add in implification of paragraph 4 of the preamble that the notice was given out of time owing to an oversight in Mr. Freebairn’s Department. At the material time Mr. Freebairn was on leave in the United Kingdom, and the form of notice was not posted to him soon enough.

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 objects of this Bill are to exempt Archibald Grasson Freebairn from the obligation imposed upon officers, serving on agreement for periods of three years and upwards in the public service of this Colony, to be contributors under the Widows' and Orphans' Pension Scheme and to provide for the refund to him of contributions made. The circumstances giving rise to this Bill are set out in the preamble thereto.

**AIR ARMAMENT PRACTICE (AMENDMENT) BILL, 1954.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled “An Ordinance to amend the Air Armament Practice Ordinance, Chapter 194.”

He said: Sir, this is a Bill after my own heart. I do not wish to add anything 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: —

1. At present under section 4(5) of the Ordinance, firing practice on Sundays is prohibited over all the practice ranges. This absolute prohibition has imposed disproportionately serious limitations on the air-training programmed. Clauses 3 and 4 are designed to assist the R.A.F. and H.K.A.A.F. by enabling the Governor in Council to permit such practice to take place, over a limited area within the Port Shelter range, on a maximum number of four Sundays in any one calendar year.

2. Opportunity has been taken of this amendment to include a definition of the term “general holiday” (clause 2).

**WILD BIRDS AND WILD MAMMALS PROTECTION  
(AMENDMENT) BILL, 1954.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled “An Ordinance to amend the Wild Birds and Wild Mammals Protection Ordinance, 1954.”

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 6 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Wild Birds and Wild Mammals Protection (Amendment) 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.

### **WORKMEN'S COMPENSATION (AMENDMENT) BILL, 1954.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Workmen's Compensation Ordinance, 1953".

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 7 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Workmen's Compensation (Amendment) 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.

### **ADJOURNMENT.**

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

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

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