

**OFFICIAL REPORT OF PROCEEDINGS****Meeting of 25th May, 1955.**

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**PRESENT:**HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

SIR ALEXANDER WILLIAM GEORGE HERDER GRANTHAM, G.C.M.G.

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

LIEUTENANT-GENERAL CECIL STANWAY SUGDEN, C.B., C.B.E.

THE HONOURABLE THE COLONIAL SECRETARY

MR. EDGEWORTH BERESFORD DAVID, C.M.G.

THE HONOURABLE THE ATTORNEY GENERAL

MR. ARTHUR HOOTON, Q.C. (*Acting*).

THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS

MR. BRIAN CHARLES KEITH HAWKINS, C.M.G., O.B.E.

THE HONOURABLE THE FINANCIAL SECRETARY

MR. ARTHUR GRENFELL CLARKE, C.M.G.

THE HONOURABLE THEODORE LOUIS BOWRING, C.M.G., O.B.E.

*(Director of Public Works).*

THE HONOURABLE DOUGLAS JAMES SMYTH CROZIER

*(Director of Education).*

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 NGAN SHING KWAN.

THE HONOURABLE DHUN JEANGIR 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.

THE HONOURABLE RICHARD CHARLES LEE, O.B.E.

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

**MINUTES.**

The Minutes of the meeting of the Council held on 4th May, 1955, 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 Paper, 1955: —	
Eighth Annual Report of the Hong Kong War Memorial Fund Committee for the year 1954.	
Ferries Ordinance (Chapter 104).	
Excluded Ferries (Yue Lai Kwok) Regulations, 1955 .....	A. 50
Unclaimed Balances Ordinance (Chapter 122).	
Order by the Governor under section 3 .....	A. 51
Emergency (Provisional Resettlement Areas) Regulations, 1954.	
Notice under Regulation 6 .....	A. 52
Unclaimed Balances Ordinance (Chapter 122).	
Order by the Governor under section 3 .....	A. 53
Interpretation Ordinance (Chapter 1).	
Notice of Change of Style by the Governor under section 3(10) .....	A. 55
Merchant Shipping Ordinance, 1953. (No. 14 of 1953).	
Merchant Shipping (Control of Ports) (Amendment) Regulations, 1955 .....	A. 56
Juvenile Offenders Ordinance (Chapter 226).	
Places of Detention (juvenile Offenders) Appointment, 1955	A. 57

**RESOLUTION REGARDING SUPPLEMENTARY  
ANNUAL ALLOWANCE FOR LAU SHIU CHUEN**

THE COLONIAL SECRETARY moved the following resolution: —

WHEREAS by resolution made and passed by the Legislative Council on the 10th day of February, 1954, it was resolved that in addition to such annual allowance as might be granted to Lau Shiu Chuen, Programme Assistant, Radio Hong Kong, under regulation 26 of the Pensions Regulations, he be granted on his retirement from the public service a supplementary annual allowance of \$873.60 and that, if the annual allowance granted under regulation 26 of the Pensions Regulations be paid in the form of a reduced annual allowance together with a gratuity, the said supplementary annual allowance be paid in a like manner;

AND WHEREAS the reason for making and passing the said resolution on the 10th day of February, 1954, was to increase the pension granted to the said Lau Shiu Chuen to such figure as the said Lau Shiu Chuen would have received if he had been confirmed to the pensionable establishment;

AND WHEREAS by reason of the Salary Revision, 1953, the basic salary of the said Lau Shiu Chuen at the date of his retirement has been increased from \$960 per month to \$1,280.

NOW, THEREFORE, BE IT RESOLVED that the resolution made and passed by the Legislative Council on the 10th day of February, 1954, have effect as though it had granted to the said Lau Shiu Chuen on his retirement from the public service, in addition to such annual allowance as might be granted to him under regulation 26 of the Pensions Regulations, a supplementary annual allowance of \$1,164.80 and upon the terms set forth in the said resolution.

He said: Sir, Mr. Lau Shiu Chuen, formerly Programme Assistant of Radio Hong Kong, retired on pension on 20th March, 1954 without having been confirmed to the permanent and pensionable establishment. On 10th February, 1954 this Council made and passed a resolution to grant him an annual

additional allowance so as to place him in the same financial position which he would have occupied had he retired as a pensionable officer.

As a result of the recent revision of salaries, Mr. Lau's basic salary at the date of his retirement has been increased and in consequence the pension payable on the salary of the post would be subject to a similar adjustment. The purpose of the present resolution is to provide for the grant to Mr. Lau of a corresponding increase of the *ex gratia* annual allowance payable on the same terms as set out in the previous resolution.

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

#### **SCHEDULE OF WRITE-OFFS FOR THE FINANCIAL YEAR 1954-55.**

THE FINANCIAL SECRETARY moved the following resolution: —

Resolved that the Write-offs for the financial year 1954-55 as set out in the Schedule, be approved.

He said: Sir, honourable Members will recollect that authority to write off losses of public money has been delegated to Your Excellency where the amount involved does not exceed \$5,000 in any one case. The five items comprised in the schedule are all the cases which have come to light during the financial year 1954/55, where the amounts involved exceed \$5,000. They have already been considered and approved by Finance Committee, and the covering approval of this Council is now required.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

#### **DUTIABLE COMMODITIES (LICENSING FEES) BILL, 1955.**

THE FINANCIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance to make retrospective amendment of fees payable for certain liquor licences and to make provision for repayment of any fees paid in excess of those hereby re-established."

He said: Sir, as explained in the Objects and Reasons, the purpose of this Bill is to revoke the new scale of licence fees which was gazetted on 14th May last year, and to restore the old fees which existed before that date. Perhaps I should add some explanation for this apparent reversal of policy.

The action taken in May last year was prompted by an administrative decision of the Secretary for Chinese Affairs, as the authority for licensing Chinese restaurants, to refuse to renew the licences of a number of Chinese restaurants which in his view no longer qualified for this type of licence and should instead apply for Restaurant Adjunct Licences. This decision meant a financial benefit to the restaurants concerned, in that their licence fees, which were reckoned in thousands of dollars according to the rateable valuation, were thereby reduced to a flat \$1,400, or less. It was therefore felt reasonable that the licence fee for a restaurant which was licensed by the Licensing Board should be the same as that for a Chinese restaurant which was licensed by the Secretary for Chinese Affairs. The revision brought to light some curious relics of the past in the old scale of licence fees. For example, a Publican's Licence in Victoria or in the Hill district cost considerably more than a Publican's Licence in Kowloon or outside the city of Victoria. There was also the provision that a Restaurant Adjunct Licence on the north side of Queen's Road cost \$1,400 whereas on the south side of Queen's Road it cost only \$800; a provision possibly dating from the time when Queen's Road was close to the waterfront. Accordingly a new scale of fees was devised and enacted as a provisional measure, pending a review of the whole position.

Government then appointed a committee under the chairmanship of the Secretary for Chinese Affairs to go into the whole question of licensing. The Report of this Committee was published on the 12th March of this year. It discloses clearly that the increased fees laid down last May were excessive; but in Government's view even the revised fees now proposed may still be excessive in certain cases. One particular instance is a residential hotel, which in fact sells little liquor. Prior to last May this hotel paid an annual fee of \$800 for a Hotel Keeper's Adjunct Licence. The effect of the changes last May, which related fee to rateable value, was that the annual fee was raised to \$7,000; that is an increase of almost nine times. Under the recommendations of the Liquor Licensing Committee the fee

might be either \$7,000 or \$4,200 at the option of the Hotel Keeper, according to whether he wished to restrict the hours within which he might sell liquor or not, but even at the minimum fee of \$4,200 the increase is more than five times. Similarly in the case of a small publican's licence outside the urban area, the original fee of \$600 was raised to \$3,850 last May. Under the Committee's proposals, the fee would be either \$2,750 or \$1,650.

It is in the light of instances of this kind, and in view of the possibility of certain administrative problems arising from adoption of the proposals as they stand, that Government feels that careful consideration is required before the Committee's recommendations can be adopted. The views of representative bodies on the Report have therefore been sought, and they are awaited before any action is contemplated. But as protests have been made by a number of licensees, and as the Committee has concluded that fees are too high, it is felt that, pending a decision on the Report, the best course at the moment is to revoke the changes which were made last May, and to bring back into force the scale of fees which existed before that date, however antiquated it may seem. This, as I have already indicated, the Bill seeks to do.

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 object of this Bill is to restore the liquor licence fees which existed before amendment in May 1954 (G.N.A. 63/54). This is effected by clause 2, while clause 3 revokes that amendment regulation; in each case with retrospective effect to the beginning of the licensing year. Since this will mean that some licensees will have paid excess fees, clause 4 requires the Accountant General to refund such excess upon application.

**PUBLIC RECLAMATION AND WORKS (HUNG HOM BAY)  
BILL, 1955.**

MR. T. L. BOWRING moved the First reading of a Bill intituled "An Ordinance to validate an undertaking for reclamation and other works over and upon unleased Crown foreshore and seabed situate at Hung Hom Bay, and to authorize, subject to the definitive approval of the Governor in Council, a further undertaking for reclamation and other works in the same situation".

He said: Sir, the purpose of this Bill has been very clearly set forth in the Preamble and in the Objects and Reasons and there is nothing I can usefully add except perhaps to point out that this Reclamation, which will be formed by public dumping and by the depositing of surplus spoil from Government projects in Kowloon, will provide additional valuable Crown land for future development.

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. The object of this Bill is to validate that part of the reclamation of Hung Hom Bay already in progress and to authorize the remainder of this undertaking. This area has been used as a dumping ground for spoil since immediately after the reoccupation of the Colony. More extensive filling has recently been undertaken in connexion with housing sites in the vicinity, and this is likely to proceed more rapidly in the near future.

2. Final authority for the remainder of the undertaking is contingent upon the definitive approval by the Governor in Council which, in accordance with the Public Reclamations Validation and Clauses Ordinance, 1936, can only be given after

consideration of objections to the plan. The provisions of Part II of that Ordinance relating to objections apply to this remainder of the undertaking, while those relating to claims and compensation apply both to the reclamation now in progress and to the remainder of the undertaking.

### **CORRUPT AND ILLEGAL PRACTICES BILL, 1955.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance for the prevention of corrupt and illegal practices at elections".

He said: Sir, there is no measure at present on the Statute Book directly controlling the conduct of elections held in this Colony. The purpose of this Bill is to provide such a measure.

The practices which this Bill forbids include the influencing of electors by bribery, treating or threats, or by making false statements as to the personal character of candidates; it also forbids impersonation of voters and voting when not entitled to do so.

Provisions are also included in the Bill which regulate the expenditure which may be incurred, and the persons who may be employed, by or on behalf of candidates.

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: —

There is no legislation in the Colony to define and punish corrupt and illegal practices at elections and, while there are certain common law penalties, it is felt that as a safeguard for the due conduct of elections, such legislation is necessary. This Bill is designed to make such provision in respect of elections

to the Urban Council and in respect of any other elections to which it may be applied by clause 3 and also to limit the expenses which may be incurred by candidates at such elections. The Bill is based largely on corresponding United Kingdom legislation.

2. A Table of Comparison annexed to these Objects and Reasons seeks to indicate briefly the legislation on which this Bill is based and the amendments thereto.

### **PRISONS (AMENDMENT) BILL, 1955.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Prisons Ordinance, 1954".

He said: Sir, the purpose of this short amending Bill is sufficiently explained in the Statement of Objects and Reasons, and there is nothing I can usefully add 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: —

The principal objects of this Bill are to provide for observation in the Mental Hospital of persons awaiting trial, and to remove the sanctions of the criminal law from purely disciplinary offences committed by Prison Officers. The opportunity has been taken to modify the procedure for appointing certain officers in the Prisons service.

2. Where at a criminal trial there comes in issue the question of the sanity of the accused at the time of committing an offence, it is of the greatest importance that expert evidence be available as to the mental condition of the accused as soon thereafter as is practicable. Clause 3 amends section 13 of the Prisons

Ordinance, 1954, to enable the Commissioner of Prisons, on the application of the Attorney General, to transfer to the Mental Hospital for observation a person in custody awaiting trial.

3. It is considered that only the more important of the disciplinary offences should come within the ambit of the criminal law; as for example the supplying of unauthorized articles to prisoners which is made a criminal offence under section 21 (*b*). The effect of the amendment to section 23, effected by clause 4, is to leave the offences against discipline to be dealt with by the Commissioner of Prisons.

### **ARMS AND AMMUNITION (AMENDMENT) BILL, 1955.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Arms and Ammunition Ordinance, Chapter 238."

He said: Sir, the purpose of this amending Bill is explained in the statement of objects and reasons. At this stage I would only add this, that a provision is included in clause 1 to the effect that the Ordinance shall come into force on a day to be appointed by the Governor. The object of this provision is to enable an interval of approximately three months to lapse between enactment and commencement, so as to give owners of arms, now stored with the Commissioner of Police, ample notice of the change in the law.

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 enable the Commissioner of Police to charge fees for the storage of arms and ammunition, and to provide for the disposal of such arms and ammunition where the owners have abandoned them or have failed to pay the prescribed fees.

**URBAN COUNCIL BILL, 1955.**

MR. H. G. RICHARDS moved the Second reading of a Bill intituled "An Ordinance to make amended provision for an Urban Council".

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.

H. E. THE GOVERNOR: —With your concurrence, gentlemen, I would suggest that we take this Bill in blocks of five.

This was agreed to.

Clauses 1 to 59 were agreed to.

Clause 60.

MR. H. G. RICHARDS: —I rise to move that clause 60 be amended by the insertion after the word "functions" in sub-clause (1) of the words "other than any power to make or amend regulations, rules or by-laws,"

Clause 60, as amended, was agreed to.

Clauses 61 to 64 and the Schedule were agreed to.

Council then resumed.

MR. H. G. RICHARDS reported that the Urban Council Bill, 1955 had passed through Committee with one 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.

**COMPANIES (AMENDMENT) BILL, 1955.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Companies Ordinance, Chapter 32".

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.

Clause 1.

THE ATTORNEY GENERAL: —Sir, I rise to move the amendments standing in my name.

*Proposed Amendments:*

(a) Leave out the full-stop and add the following—

“, and shall come into operation on the 1st day of June, 1955.” ;

(b) Add to the side-note "and commencement".

Clause 1, as amended, was agreed to.

Clauses 2 to 9 were agreed to.

Clause 10.

THE ATTORNEY GENERAL: —Sir, I rise to move the amendments standing in my name.

*Proposed Amendments:*

(a) In paragraph (a), items (b) and (c) leave out the words "at the date of the coming into operation of this Ordinance" and substitute the following—

"on the 1st day of June, 1955";

(b) In paragraph (a), item (b) leave out the words "at the said date" and substitute the following—

"immediately before such increase".

Clause 10, as amended, was agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Companies (Amendment) Bill, 1955 had passed through Committee with 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.

### **TELECOMMUNICATION (AMENDMENT) BILL, 1955.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Telecommunication Ordinance, Chapter 106".

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 12 were agreed to.

Clause 13.

THE ATTORNEY GENERAL: —Sir, I rise to move the amendments standing in my name.

#### *Proposed Amendments:*

(a) Leave out the word "and" at the end of paragraph (b) and insert the following new paragraph—

(c) by the insertion in the third line of subsection (2) after the word "and" of the following—

"the Governor"; and';

(b) Re-letter paragraph (c) as paragraph (d).

Clause 13, as amended, was agreed to.

Clauses 14 to 22 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Telecommunication (Amendment) Bill, 1955 had passed through Committee with 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.

### **LING LIANG WORLD-WIDE EVANGELISTIC MISSION INCORPORATION BILL, 1955.**

DR. CHAU SIK NIN moved the First reading of a Bill intituled "An Ordinance to provide for the incorporation of the President in Hong Kong of the Ling Liang World-Wide Evangelistic Mission".

He said: Sir, this Bill is modelled along the lines of legislation of a similar character and contains the provisions usual in bills of incorporation of religious organization already enacted in the Colony. The Objects and Reasons clearly set forth the reasons for the Bill and I do not think there is anything I can usefully add.

MR. NGAN SHING KWAN 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. For the purpose of promoting in common the undertakings and aims of Chinese Christian Church members in the Colony it is proposed to form an Association to be named the Ling Liang World-Wide Evangelistic Mission and it is desired to give to such Association a corporated entity.

2. The object of this Bill is therefore to provide for the incorporation of the President of the Association by Ordinance.

3. The Bill follows the model of legislation of similar character already enacted in the Colony for the incorporation of religious and charitable organizations.

4. The Bill (Clause 7) contains provisions saving the right of the Crown as required in the case of private Bills by Article XXVII of the Royal Instructions.

### **HONG KONG BAPTIST CHURCH BILL, 1955.**

MR. KWOK CHAN moved the Second reading of a Bill intituled "An Ordinance to provide for the incorporation of the Trustees of the Hong Kong Baptist Church."

MR. DHUN J. RUTTONJEE 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 17 were agreed to.

Council then resumed.

MR. KWOK CHAN reported that the Hong Kong Baptist Church Bill 1955 had passed through Committee without amendment and moved the Third reading.

MR. DHUN J. RUTTONJEE seconded.

The question was put and agreed to.

The Bill was read a Third time and passed.

### **ADJOURNMENT.**

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

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

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