

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 28th September, 1955.**

PRESENT:

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR ALEXANDER WILLIAM GEORGE HERDER GRANTHAM, G.C.M.G.
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*).
THE HONOURABLE HAROLD GILES RICHARDS, O.B.E.
(*Director of Urban Services*).
DR. THE HONOURABLE YEO KOK CHEANG
(*Director of Medical and Health Services*).
DR. THE HONOURABLE CHAU SIK NIN, C.B.E.
THE HONOURABLE LO MAN WAI, C.B.E.
THE HONOURABLE CHARLES EDWARD MICHAEL TERRY, O.B.E.
THE HONOURABLE NGAN SHING-KWAN, O.B.E.
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*).

ABSENT:

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

MINUTES.

The Minutes of the meeting of the Council held on 14th September, 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>
Quarantine and Prevention of Disease Ordinance (Chapter 141).	
Prevention of the Spread of Infectious Diseases Regulations, 1955	A.95
Pensions Ordinance (Chapter 89).	
Pensionable Offices Order, 1955	A. 96
Merchant Shipping Ordinance, 1953.	
Merchant Shipping (Control of Ports) (Amendment) (No. 2) Regulations, 1955	A.97
Diplomatic Privileges Ordinance (Chapter 190).	
Notifications under section 2	A.98 & A.99
Deportation of Aliens Ordinance (Chapter 240).	
Appointment by the Governor	A.100
Consular Conventions Ordinance, 1951.	
Consular Conventions (United States of Mexico) Order, 1955	A.101

**FACTORIES AND INDUSTRIAL UNDERTAKINGS
REGULATIONS, 1955.**

THE COLONIAL SECRETARY moved the following resolution: —

Resolved that the Factories and Industrial Undertakings Regulations, 1955 made by the Commissioner of Labour on the 3rd day of September, 1955 under section 5 of the Factories and Industrial Undertakings Ordinance, 1955, be approved.

He said: Sir, honourable Members will recollect that the Factories and Industrial Undertakings Ordinance, 1955, was enacted on the 17th August this year. It was explained in the Objects and Reasons that the increasing industrial activity in the Colony has brought about a need for legislation to make better provision for the conditions of employment of workmen in industrial undertakings. Such provision was made, to some extent, in the Bill itself, but it was foreshadowed that the existing Factories and Workshops Regulations would also be revised and considerably extended.

Section 5 of the Ordinance empowers the Commissioner of Labour to make regulations in respect of industrial undertakings and provides that all such regulations after submission to Your Excellency shall be subject to the approval of this Council.

The regulations now before honourable Members have been made by the Commissioner of Labour in consultation with the Labour Advisory Board. They replace the existing Factories and Workshops Regulations, the provisions of which have been retained although, in certain instances, they have been varied or amplified. Certain new provisions have been inserted either to meet our obligations under the International Labour Code, or because they are considered desirable and necessary in view of increased industrial activities.

In the Appendix is a Comparative Table which sets out the main differences between these new regulations and the existing Factories and Workshops Regulations.

On page 20 is an Explanatory Note to which there is little I can usefully add.

It is intended that the Ordinance shall be brought into force tomorrow when these Regulations will also come into force on publication in the Gazette.

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

GAMBLING (AMENDMENT) BILL, 1955.

THE COLONIAL SECRETARY moved the following resolution: —

That the Gambling (Amendment) Bill, 1955, which was read a First time on 13th April, 1955, be withdrawn.

He said: Sir, honourable Members will recall that on 13th April, this year, the Gambling (Amendment) Ordinance, 1955, was read a first time in this Council. This Bill was intended to prohibit the playing of mahjong, tin kau, and card games in places where a fee, commission or other payment is charged. Further readings of this Bill were postponed to enable Government to consider representations from a number of persons whose livelihood would be affected by the measure.

The question has been carefully reconsidered in the light of the representations received and in view of the number of persons who might be put out of work if this legislation were enacted, the fact that many of the places affected have been established for many years and that the games, if played under proper conditions can afford innocent enjoyment to many persons, it is now proposed to tackle the abuses which have arisen in these establishments by a less radical method than complete prohibition.

A fresh Bill will accordingly be prepared which will provide for the licensing of such establishments and their proper regulation and control. Licences will be issued subject to conditions. These will include prohibition of the pledging of property, the employment or admission of young persons, the sale or consumption of alcohol on the premises, restrictions on the hours of opening and other conditions designed to prevent the present abuses.

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

DEPORTATION OF ALIENS (AMENDMENT) (No. 2)

BILL, 1955.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance further to amend the Deportation of Aliens Ordinance, Chapter 240".

He said: Sir, when a deportation order has been made against an alien, it is open to Your Excellency to order him to depart from the Colony by a particular train or by a particular ship, but not at present to order him to depart by a particular

aircraft. It is considered that there is no longer any reason for differentiation between travel by air and travel by land or sea. This short amending Bill therefore seeks to empower the Governor to order, if he sees fit, that an alien against whom a deportation order has been made, should leave the Colony by a particular aircraft.

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: —

As aircraft is now an established means of transport, the amendment effected by clause 2 will permit a person against whom a deportation order has been made to be sent out of the Colony by plane.

CORPORAL PUNISHMENT (AMENDMENT) BILL, 1955.

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

He said: Sir, honourable Members will recall that the Corporal Punishment Ordinance, 1954 was enacted last year following upon consideration of the problem by a Committee under the chairmanship of my honourable Friend the Secretary for Chinese Affairs. That Ordinance reduced the number of offences for which this form of punishment could be awarded and further reduced the number of strokes which could be awarded in any case.

Sir, this Bill seeks to make two further modifications to the law. The first modification raises from 16 to 17 years the age of persons who may be awarded the maximum number of 18 strokes

and reduces from 12 to 6 strokes the maximum in the case of offenders below the age of 14. Young persons aged 14, 15 and 16 may be awarded 12 strokes. The second modification re-introduces into the law a specific time limit within which the sentence is to be carried out. The duty to administer it as soon as practicable remains but an outside time limit of 6 weeks is imposed. In practice the punishment is always administered without delay but it is considered that the law should also prescribe a maximum time limit. The time limit of 6 weeks is considered to be sufficient time for a prisoner to recover from any minor illness from which he may be suffering on admission. This form of punishment cannot, of course, be administered at all if the prisoner is unfit to undergo it.

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: —

In conformity with general policy within Colonial Territories, it is considered desirable to remove progressively, or to reduce, the penalty of corporal punishment in criminal cases. It is thought that further limitation may safely be imposed on the extent to which such punishment may be ordered to be administered to young offenders. This Bill accordingly raises the age from sixteen to seventeen years of persons to whom the maximum number of strokes (eighteen) may be awarded and reduces from twelve to six strokes the maximum in the case of offenders below the age of fourteen years.

2. At present corporal punishment must be administered as soon as practicable after final determination of the proceedings in which the offender was sentenced, but no specific period is mentioned in the Ordinance. This Bill accordingly specifies six weeks as the outside limit.

MAGISTRATES (AMENDMENT) (No. 2) BILL, 1955.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Magistrates Ordinance, Chapter 227".

He said: Sir, the amendment proposed by this Bill to the Magistrates Ordinance is consequential upon the amendments proposed by the Corporal Punishment (Amendment) Bill, 1955, which I have just explained.

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 purpose of this Bill is to make an amendment to the Magistrates Ordinance, Chapter 227, consequential upon an amendment sought to be made to the Corporal Punishment Ordinance, 1954 by the Corporal Punishment (Amendment) Bill, 1955, reducing from twelve to six the number of strokes of the cane which may be administered to male offenders tinder the age of fourteen years.

CHURCH OF ENGLAND TRUST BILL, 1955.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to revest in the Crown a portion of the precincts of Saint John's Cathedral Church, and to extinguish a right of way through the said precincts".

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 Church of England Trust Bill, 1955 had passed through Committee without 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.

CHURCH OF ENGLAND TRUST (AMENDMENT) BILL, 1955.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Church of England Trust Ordinance, Chapter 277".

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 and 2 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Church of England Trust (Amendment) Bill, 1955 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.

HOLIDAYS (AMENDMENT) BILL, 1955.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Holidays Ordinance, Chapter 149".

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 2 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Holidays (Amendment) Bill, 1955 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.

**ZETLAND HALL TRUSTEES INCORPORATION
(AMENDMENT) BILL, 1955.**

MR. D. J. S. CROZIER moved the First reading of a Bill intituled "An Ordinance to amend the Zetland Hall Trustees Incorporation Ordinance, Chapter 321".

He said: Sir, in introducing this Bill I should make it quite clear that I am not doing so in my official capacity and that there is nothing in the Bill which affects government policy. The purposes of the Bill are clearly outlined in the Objects and Reasons to which I have nothing to add.

DR. YEO KOK CHEANG 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 Zetland Hall Trustees Incorporation Ordinance does not empower the trustees to invest funds of the corporation in British Government, British Commonwealth Government or British Colonial Government securities, in mortgages of land situate in the Colony and in shares of public companies incorporated in the Colony, nor are the trustees entitled to receive, accept and to hold gifts, contributions etc. of any shares or other securities in any public corporation, or company carrying on business or constituted for any purpose in the Colony or elsewhere and to sell or otherwise dispose of such shares subject to any provision. Doubt also exists as to some of the corporation's present holdings. Clause 2 has been designed to give the corporation the necessary powers and to remove the doubt.

2. The amendment effected by the Bill was approved by a resolution of the trustees on the 27th day of April, 1955.

**MASONIC BENEVOLENCE FUND INCORPORATION
(AMENDMENT) BILL, 1955.**

MR. D. J. S. CROZIER moved the First reading of a Bill intituled "An Ordinance to amend the Masonic Benevolence Fund Incorporation Ordinance, Chapter 297".

He said: Sir, in introducing this Bill also I should make it clear that I am doing so in my private capacity. The Bill itself contains nothing contrary to government policy. The purpose of the Bill is clearly outlined in the Objects and Reasons to which I have nothing to add.

DR. YEO KOK CHEANG 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 Masonic Benevolence Fund Incorporation Ordinance does not empower the trustees of the Hong Kong and South China Masonic Benevolence Fund to invest funds of the corporation in British Government, British Commonwealth Government or British Colonial Government securities, in shares of public companies incorporated in the Colony, nor are the trustees entitled to receive, accept and to hold gifts, contributions, etc. of any shares or other securities in any public corporation, or company carrying on business or constituted for any purpose in the Colony or elsewhere and to sell or otherwise dispose of such shares subject to any provision. Doubt also exists as to some of the corporation's present holdings. Clause 2 has been designed to give the corporation the necessary powers and to remove the doubt.

2. The amendment effected by the Bill was approved by a resolution of the trustees of the corporation on the 20th day of May, 1955.

**CONGREGATION OF OUR LADY OF CHARITY OF THE
GOOD SHEPHERD OF ANGERS AT HONG KONG
INCORPORATION BILL, 1955.**

DR. A. M. RODRIGUES moved the First reading of a Bill intituled "An Ordinance for the incorporation of the Mother Superior of the Congregation of Our Lady of Charity of the Good Shepherd of Angers at Hong Kong".

He said: Sir, the members of this religious order are better known as the "Good Shepherd Sisters". Their knowledge of welfare work and their training in psychology have earned for their organization world-wide recognition as specialists in the work of reform of juvenile moral delinquents.

It was with this work in view that the Good Shepherd Sisters in 1951 established in this Colony a home for the rehabilitation of wayward girls. This work of rehabilitation is threefold: educational, vocational and recreational, based on an ethical foundation.

The value and the success of their work, well known to honourable Members, was recognized by Government in the early granting of a subvention to the Good Shepherd Sisters for their annual expenditure, and later in 1953 by the granting of a site on the Clearwater Bay road for the erection of a permanent home for 100 girls with room for further expansion.

The plans for this new home are now ready, and provide for the necessary accommodation to train 200 girls, four times the present number. Building will commence when sufficient funds have been received.

The Bill before Council has as its main object the incorporation of the Mother Superior in Hong Kong. The other provisions are clearly laid out in the statement of the Objects and Reasons.

MR. C. E. M. TERRY 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 Congregation of Our Lady of Charity of the Good Shepherd of Angers at Hong Kong has for some time past carried on missionary and welfare work in Hong Kong and it is desired to incorporate the Mother Superior in Hong Kong of the said Congregation as a corporation sole to ensure continuity of succession.

2. Clause 2 of the Bill is intended to effect such incorporation and to provide the name by which the corporation will be known.

3. Clause 3 of the Bill defines the powers of the corporation.

4. Clause 4 of the Bill provides upon the death of the Mother Superior for the time being or her ceasing to hold office for the vesting of the corporation's property in her successor.

5. Clause 5 of the Bill provides for the execution of the documents by or on behalf of the corporation.

6. Clause 6 of the Bill provides that on the appointment of any person to the office of Mother Superior notification thereof shall be made to the Governor and that a notification in the *Gazette* under the hand of the Colonial Secretary that satisfactory evidence of the appointment has been furnished to the Governor by such person shall be conclusive evidence of such appointment.

7. Clause 7 of the Bill contains provisions saving the rights of the Crown as required, in the case of private Bills by Clause XXVII of the Royal Instructions.

ADJOURNMENT.

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

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

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