

**OFFICIAL REPORT OF PROCEEDINGS****Meeting of 25th April, 1956.**

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**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)*.

DR. THE HONOURABLE YEO KOK CHEANG, C.M.G.

*(Director of Medical and Health Services)*.

THE HONOURABLE DAVID RONALD HOLMES, M.B.E., M.C., E.D.

*(Director of Urban Services)*.

THE HONOURABLE PATRICK CARDINALL MASON SEDGWICK

*(Commissioner of Labour)*.

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

THE HONOURABLE CHARLES EDWARD MICHAEL TERRY, O.B.E.

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

THE HONOURABLE NGAN SHING-KWAN, O.B.E.

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. CHARLES RAYMOND LAWRENCE (*Deputy Clerk of Councils*).**ABSENT:**

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

LIEUTENANT-GENERAL WILLIAM HENRY STRATTON, C.B., C.V.O., C.B.E., D.S.O.

**MINUTES.**

The Minutes of the meeting of the Council held on 11th April, 1956, 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, 1956: —	
No. 14—Annual Report by the Registrar of Cooperative Societies and Director of Marketing for the year 1954/55.	
No. 15—Report by the Social Welfare Officer for the years 1948/54.	
Nurses Registration Ordinance.	
Nurses Registration (Amendment) Regulations, 1956 .....	A. 24.
Royal Hong Kong Defence Force Ordinance, 1951.	
Royal Hong Kong Defence Force (Amendment) Regulations, 1956 .....	A. 25.
Compensation (Defence) Regulations, 1940.	
Shipping Claims Tribunal Rules, 1956 .....	A. 27.
Pharmacy and Poisons Ordinance.	
Poisons (Amendment) Regulations, 1956 .....	A. 28.
Pharmacy and Poisons Ordinance.	
Poisons List (Amendment) Regulations, 1956 .....	A. 29.

**URBAN COUNCIL (COMMISSIONER FOR RESETTLEMENT)  
ORDINANCE, 1954.**

THE COLONIAL SECRETARY moved the following resolution: —

Resolved, pursuant to section 3 of the Urban Council (Commissioner for Resettlement) Ordinance, 1954, that the duration of the said Ordinance be extended for the term of one year with effect from the 30th April, 1956.

He said: —Sir: When the Urban Council (Commissioner for Resettlement) Ordinance was first enacted two years ago it was designed to provide for the temporary appointment of the Commissioner for Resettlement as an *ex-officio* member of the Urban Council. Despite the substantial achievements of the Resettlement Department, much still remains to be done, as honourable Members are well aware. It is consequently desired that the Commissioner for Resettlement should continue to sit as a temporary member of the Urban Council for a further period of one year.

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

### **PENSIONS (AMENDMENT) BILL, 1956.**

THE COLONIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance further to amend the Pensions Ordinance, Chapter 89."

He said: —Sir: The purpose of this very brief measure is fully set out in the "Objects and Reasons," to which I have nothing to add.

THE ATTORNEY GENERAL 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 Pensions Ordinance, Chapter 89, provides that no pension, gratuity or other allowance shall be paid to a public officer who is dismissed for misconduct, unless in any special case the Governor in Council with the approval of the Secretary of State so authorizes. That part of the above provision permitting grant of pension etc. in special cases is an unusual one which is not found in the pensions legislation of other territories, and this Bill proposes its repeal. By reason of recent amendments to Colonial

Regulations the Governor may, if the circumstances so warrant it, dispense with the services of an officer against whom disciplinary proceedings are taken by retiring him in the public interest instead of by dismissal. In such a case the officer is eligible to be granted a pension. It is therefore considered unnecessary to retain provision for grant of pension on dismissal particularly as in the rare cases where such has been granted in the past the offender could now appropriately be required to retire in the public interest.

### **ADOPTION BILL, 1956.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to make provision for the adoption of children."

He said: —Sir: Although there is contained in the statement of Objects and Reasons appended to the Bill an explanation of the principal provisions of it, I feel that I should, in view of the importance of this measure to the general public, say a few words in amplification.

The Bill is based so far as is possible upon the provisions of the Adoption Act, 1950. This is desirable as it will enable reliance to be placed upon judicial interpretations given in the United Kingdom.

Sir, if this Bill finds favour in the eyes of honourable Members it will mean that in future any adult person resident in the Colony who is at least 25 years old will be able to go to the Supreme Court and apply for an order to adopt a child. In certain cases, that is to say, where the adopter is a relative of the child and resident in the Colony an adoption order may be made if the relative is 21 years of age. If the adopter is the parent of the child then an adoption order may be made whatever is the age of the adopter. The consent of the parents or guardians of the child to be adopted will normally be required though in certain circumstances the Court will be able to dispense with this consent. In every case the Court will have to be satisfied that the adoption order will be for the welfare of the child. Welfare in this context is measured not only by money or physical comfort; it is used in its widest sense and the moral and religious welfare of the child and the ties of affection must be taken into account. Payments in consideration of an adoption are forbidden unless the Court sees fit to sanction them.

As I have said, the adopter must be resident in the Colony. This term "residence" has not been defined in the Bill nor is it defined in the English Act. It has not been defined because it has been held in construing the English Act that it would be dangerous to attempt a precise definition because the question of whether a person is resident in a particular place is a question of fact depending upon all the surrounding circumstances. The word denotes some degree of permanence. It will normally mean that the person applying for the adoption order must have his settled or usual abode, that is to say, his settled headquarters, in the Colony. Thus the person who lives in this Colony because his work is in this Colony will be resident here for the purposes of this Bill. The fact that he from time to time proceeds on leave to another country will not preclude him from being resident here.

Sir, under the Adoption Act, 1950, an adopter in England has to be domiciled as well as resident in the United Kingdom. Domicile is of a more enduring character than is residence. It normally means the place where a person has or intends to make his settled home, his permanent home. Consideration was given before the Bill was introduced whether provision should be included in it that the adopter should be both domiciled as well as resident in the Colony. This has not been included because it was felt that to insist upon domicile as a qualification the Bill would be too restrictive in its application. There are many people in this Colony who are domiciled in other countries, such as in the United Kingdom, because although they are resident in the Colony they intend to return one day to their country of domicile, as for example, when they retire, and if one insisted that to obtain an adoption order in the Colony they had to be domiciled in it, they would be unable to obtain an adoption order here. They cannot obtain an adoption order in the United Kingdom because they are not resident there. The mere fact that they go to the United Kingdom on leave does not make them resident for the purposes of the Act. The result of making domicile a prerequisite would therefore have the effect that many persons would not be able to obtain adoption orders anywhere.

Sir, upon the making of an adoption order the adopter will stand in the same relation to the child as does a natural parent to a child born in lawful wedlock and upon intestacy the property of the adopter will pass to the adopted person in the same way as to his child born in wedlock. However, I should issue a word of warning in this respect. It will continue to be very desirable

for persons who adopt children in this Colony to make wills providing for their adopted children, particularly if the adopters are resident but not domiciled in the Colony. The reason for this is that if the adopter leaves the Colony or leaves upon his death property outside the Colony and his estate is administered in accordance with the law of some country other than that of Hong Kong, the provisions relating to intestacies in this Bill may not be applicable.

The Adoption Act, 1950, provides for arrangements being made for adoption by registered adoption societies and regulates the conduct of these societies. No similar provision has been made in the Bill because it is considered they would be unnecessary and undesirable in this Colony and nothing should be included to encourage the creation of such societies. There are included however, provisions for supervision by the Secretary for Chinese Affairs. Any person desirous of applying for an adoption order must at least 6 months before the date of the order notify the Secretary for Chinese Affairs of his intention to make application and the Secretary for Chinese Affairs will then be authorized to visit and examine the infant. He will thus be able to satisfy himself that the application is a genuine one and not put forward for any ulterior motive and that the application is in the true interests of the child. In the case of male children, these powers of supervision will cease upon the making of the adoption order, but in the case of female children, he will be able to continue to visit the children until they reach the age of 21. The reason for this is to preclude any possibility that an adoption order may be used as a means of making the female child a drudge. The Secretary for Chinese Affairs has of course powers already under the Protection of Women and Juveniles Ordinance, which would enable him to step in if a female infant were treated with cruelty or unkindness. We may of course be sure that the Secretary for Chinese Affairs will use the powers granted him under this Bill with every consideration for the family into which the child is adopted and that he will only intervene where it is necessary to safeguard the welfare of the infant.

I should emphasize Sir, that this Bill in no way seeks to preclude adoptions being made under Chinese law and custom.

Clause 1 of the Bill provides that the Ordinance is to come into operation on a day to be appointed by the Governor by proclamation in the *Gazette*. The reason for this is that it is

necessary for rules of procedure to be made under clause 11. A draft of these rules has already been prepared and will as soon as possible be submitted to the Chief Justice for the consideration of the Rules Committee. Sir, I do not anticipate that they will present any great difficulty and I trust that it will be possible to enact them and to bring the Ordinance into force before the end of about June. If this is possible, it will mean that adoption orders may be made at the beginning of next year.

In conclusion, Sir, I would like to point out that clause 10 makes special provision for adoption orders in the case of children who have for the 2 years before the coming into operation of the Ordinance been brought up under *de facto* adoption by the prospective adopters. In those cases, the consent of the parents or guardians will not be necessary if the Court is satisfied that it is just and equitable and for the welfare of the infant that such consent should not be required, and that an adoption order should be made.

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 need for recognition of adoption as a method of bringing into the life of a family a child who is not the natural child of the adopter has long been felt in the Colony and, indeed, throughout the world. This Bill seeks to make further provision for that need in the Colony by providing for the making of adoption orders by the Supreme Court and the subsequent recognition of the adopted child as the child of the adopter in family life. For this purpose the Bill incorporates with some variations those provisions of the Adoption Act, 1950, which are considered appropriate to the needs of the Colony; the comparative table hereunder shows the source of each provision and also includes references to equivalent provisions in the Adoption of Children Ordinance, 1939, of Singapore. This Bill does not seek in any

way to interfere with the validity of adoptions made in accordance with Chinese law and custom; its provisions are supplementary to and not in substitution for the existing law.

2. Clauses 3 to 11 are concerned with the power of the Court to make adoption orders. The main restrictions on this power (clause 4) are as follows—

- (a) both the adopter and the child must reside in the Colony;
- (b) unless the adopter is the mother or father of the child, he or she must be at least twenty-five years of age and twenty-one years older than the child, or, if a relative of the child, at least twenty-one years of age;
- (c) every person who is a parent or guardian of the child (not including the father of an illegitimate child) must give his or her consent which may be in writing (clause 6), but this consent may in certain circumstances be dispensed with by the Court (clause 5);
- (d) the child must have been in the care and possession of the adopter for six months preceding the date of the order.

The Court must in addition be satisfied that the adoption order will be for the welfare of the child and that the adopter is not receiving any payment in consideration of the adoption.

3. Clauses 12 to 15 deal with the effect of adoption orders. In particular, it is provided that the rights, duties, obligations and liabilities of the parents or guardians of the child shall be transferred to the adopter (clause 12), and for the purposes of disposition of property and devolution of property on intestacy the adopted child shall, unless the contrary intention appears, be treated as a child of the adopter (clause 14).

4. Clauses 16 to 18 make provision for the registration of adoption orders and for the amendment of adoption orders and registers. A certified copy of any entry in the Adopted Children Register, if purporting to be sealed or stamped with the seal of the General Register Office, will be sufficient evidence of the adoption to which it relates (clause 16).

5. The giving or receiving of payment in connexion with the adoption or proposed adoption of a child is made an offence (clause 20), and so also is the publication of any advertisement in the



same connexion (clause 21). Provision is included covering the liability of directors, etc. of corporations committing such offences (clause 22).

6. As has already been mentioned, it is considered that adoption as provided for by this Bill should not affect adoption under Chinese law and custom, and that it is possible for both forms of adoption to run side by side in the Colony. There is nothing in the Bill which would prevent an adoption order being made in respect of a child already adopted under Chinese law and custom, but it is felt that in these circumstances the statutory effects consequent upon such an order being made should prevail. Clause 23 makes provision accordingly.

#### **AIR ARMAMENT PRACTICE (AMENDMENT) BILL, 1956.**

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: The Air Armament Practice Ordinance regulates practice bombing and firing from aircraft. It permits such bombing and firing on certain specified days upon areas of the practice range, the limits of which are specified in the First Schedule. The First Schedule has recently been amended by order of the Governor in Council in accordance with section 11 of the principal Ordinance; in particular the Port Shelter Range has been divided into two separate ranges so that, on occasion, whilst one part of the range is being used for practice, fishermen may have the right of passage and the right to fish in the remainder of the area hitherto included in the same range. This Bill seeks to make consequential amendments upon the amendments of the limits of the firing areas made by order under section 11, by adjusting the days upon which firing can take place over any particular range in order to permit the maximum use of the area by fishermen commensurate with the requirements of the services.

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 restrict firing over the Port Shelter range to enable greater access thereto by fishing boats and by other boats passing through the area.
2. A corresponding amendment to the Defences (Firing Areas) Ordinance, Chapter 196, is also proposed.

**DEFENCES (FIRING AREAS) (AMENDMENT) BILL, 1956.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Defences (Firing Areas) Ordinance, Chapter 196."

He said: —Sir: This Bill, like the previous Bill, is consequential on the re-arrangement, by order, of the firing areas set forth in the Schedule to the principal Ordinance, including the readjustment of the boundaries of the Port Shelter Range to permit the maximum use of the area by the fishermen and the firing by the Services of ammunition with somewhat longer range than heretofore, and the addition of a new firing area covering the Kai Tak Rifle Range. The opportunity has been taken to apply to all firing areas the safety precautions and notice provision in the principal Ordinance formerly applicable only to two of them, and to re-adjust the days on which firing can take place over any particular range to permit the maximum use thereof by fishermen, taking into account the requirements of the Services.

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 restrict firing over the Port Shelter range to enable greater access thereto by fishing boats and by other boats passing through the area.

2. The Bill also proposes an amendment to include the new Firing Area E which is proposed to establish, in respect of Kai Tak Rifle Range by the Defences (Firing Areas) (Schedule Amendment) Order, 1956.

3. A corresponding amendment to the Air Armament Practice Ordinance, Chapter 194, is also proposed.

**LAND TRANSACTIONS (ENEMY OCCUPATION)  
(AMENDMENT) BILL, 1956.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance further to amend the Land Transactions (Enemy Occupation) Ordinance, Chapter 256."

He said: —Sir: The Land Transactions (Enemy Occupation) Ordinance was enacted in 1948 with the object of giving effect to voluntary transactions in land during the Japanese Occupation. It authorized the making of entries in green ink in the Land Office registers against the properties which were the subject of such transactions, but provision was also made that such entries should be deleted after 2 years had elapsed. This provision was made because it was hoped that 2 years would be sufficient time for the transactions to be regularized either by assignment or by Court order. That hope however has not been fulfilled. There still remain upon the registers over 200 of these green ink entries despite the fact that the Ordinance has been amended on no less than 5 occasions to provide for an extended time before deletion took place.

Sir, this Bill proposes to allow the green ink entries to remain indefinitely upon the register. Investigations indicate that in general the green ink owners are in possession of the properties to which the entries relate and are in equity the rightful owners thereof. If the green ink entries ceased to constitute notice of the relevant transactions and were deleted in accordance with the existing statutory provisions the result would be that the registers would disclose what is really a false position as they would show as owners of the property persons who are not in receipt of the rents and who in spite of the years which have elapsed have taken no steps to vindicate whatever rights they had or have in the property, whether on the ground of forced sale or otherwise. This would of course open the way for frauds on the true owners.

By allowing the green ink entries to remain the true position will be evident to all consulting the registers and in course of time, if the green ink owners remain in possession, their imperfect titles will mature into possessory titles. If this Bill is enacted, Sir, it will be unnecessary to trouble Council again with further Bills seeking to extend the time during which green ink entries may remain on the register.

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 Land Transactions (Enemy Occupation) Ordinance was passed in 1948 to give effect to voluntary transactions in land made during the Japanese occupation. After the re-occupation entries in green ink were made in the Land Office registers against properties which were the subject of such transactions, and section 3 of the principal Ordinance provided that such entries should be deemed to have been lawfully made and should constitute notice of the transactions recorded for a limited period of two years from the commencement of the Ordinance. The principal Ordinance has been amended five times to extend this period of limitation, which is now due to expire in July 1956.

2. The original reason for limiting the period during which green ink entries were to be operative was that it was thought that a period of 2 years would constitute sufficient time to enable interested parties to regularize titles affected by green ink entries. However, approximately 220 green ink entries still remain on the registers and the object of this Bill, which has been approved by the Hong Kong Law Society, is to allow those entries to remain on the registers indefinitely. Clause 2 of the Bill amends section 3 of the principal Ordinance by deleting the provisions limiting the period during which such entries are operative.

3. Section 4 of the principal Ordinance which requires the Land Officer to delete green ink entries from the register at the expiration of the period of limitation becomes unnecessary and is repealed by clause 3.

**TOWN PLANNING (AMENDMENT) BILL, 1956.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Town Planning Ordinance, Chapter 131."

He said: —Sir: I have appended to the Bill a statement of Objects and Reasons which is much longer in terms than the Bill is itself, and I trust that it gives a full explanation of its provisions. Its purpose is to ensure that the public has the opportunity of becoming acquainted with the contents of draft plans prepared by the Town Planning Board which the Board considers suitable for submission to the Governor in Council and also with plans which have been approved by the Governor in Council. At the same time it relieves the Land Officer of the duty of making a notice of any approved plans in the registers relating to any parcel of land which may be affected by such plan. This duty would in future be impractical of performance without a large increase in staff and considerable public expenditure.

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: —

It is intended to implement in the future more fully than has been done in the past the provisions of the Town Planning Ordinance, Chapter 131. This, together with the enactment of the Buildings Ordinance, No. 68 of 1955, re-emphasizes the importance to the public of knowledge of the contents of draft and approved plans. Section 9(5) of the Buildings Ordinance, 1955, makes it mandatory upon the Building Authority to refuse his consent to the carrying out of building works which contravene an approved plan whilst section 9(6) gives him discretion to refuse his consent to the carrying out of such works if they do not conform with draft plans.

2. Consideration has therefore been given, in the light of the foregoing, to the adequacy and practicability of those provisions of the Town Planning Ordinance, Chapter 131, which

relate to giving notice to the public of draft and approved plans. Sections 5 and 8 make provision for the exhibition for public inspection of draft and approved plans respectively. Section 8 further provides for the supply of copies of approved plans on payment of fees, but no provision is contained in the Ordinance for the supply of copies of draft plans. In view of the importance to the public of knowledge of contents of draft plans, clause 2 of this Bill provides for their supply on payment of fees.

3. A further provision contained in section 10 of the Ordinance stipulates that a copy of any approved plan shall be deposited in the Land Office and that the Land Officer shall make a note of it in the register relating to any parcel of land which appears to him to be affected thereby. It is considered that the requirement imposed upon the Land Officer of making a note in the register is not necessary in view of the provisions referred to above. It would further not be practicable, without a large increase in staff, for the Land Officer to make a note against each parcel of land which may be included in or affected by an approved plan. Clause 3 of this Bill therefore proposes to substitute for this requirement a provision that a notice shall be displayed in the Land Office calling the attention of members of the public to the existence of approved plans.

### **PUBLIC RECLAMATIONS AND WORKS BILL, 1956.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the law relating to reclamations and other works of a public nature over and upon Crown foreshore and seabed."

He said: —Sir: Under the provisions of Part II of the Public Reclamations Validation and Clauses Ordinance, 1936, it is necessary to enact an Ordinance to give provisional authority for any reclamation, public pier or other such undertaking which it is desired to carry out. Part II of that Ordinance then proceeds to provide for what is a cumbersome and lengthy procedure to be followed thereafter before the definitive approval of the Governor in Council may be given to the proposed undertaking.

Since the beginning of 1951 there have been introduced into this Council no less than 8 Bills to authorize reclamations. The present Bill is designed to render unnecessary an Ordinance for

each and every reclamation. This Bill requires that notice of every proposed reclamation shall instead be given in 3 issues of the *Gazette* and in 3 issues of English and Chinese newspapers and that further notice shall be posted upon the site. Members of the public may then submit any objections they may have and any claims in respect of private rights which may be extinguished by the reclamation to the Director of Public Works. The Governor in Council will then consider these objections and claims prior to authorizing the reclamation either with or without modification.

Sir, if the Governor in Council approves the proposed undertaking, work may commence and all public and private rights over the Crown foreshore and seabed affected are extinguished. Persons who submit claims of private right are entitled to claim compensation and a tribunal consisting of a judge either of the Supreme or the District Court with the assistance of 2 assessors is established by the Bill to determine such claims. Claims may only be made to the tribunal in respect of those rights which could have been enforced by action in a Court of law had they not been extinguished upon authority being given for the reclamation. A further provision (which is new) however, authorizes the Governor in Council to give effect to any moral claims which may be submitted.

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 introduce a new procedure for authorizing reclamations and granting compensation in respect of any private rights affected adversely thereby.

2. Part II of the Public Reclamations Validation and Clauses Ordinance (No. 40 of 1936), which this Bill replaces, required that provisional authorization be given to each reclamation by a separate Ordinance, and that thereafter objections and claims of right be called for and considered before definitive approval was

given by the Governor in Council. All public and private rights in, over or upon the Crown foreshore and seabed concerned were extinguished upon publication of the definitive approval, but persons were entitled to submit written statements of claim for compensation in respect of any private right so extinguished. These claims were referred to a judge and two assessors, if agreement for settlement could not be reached between the claimant and Government. The nature and extent of the right or claim so recognized was limited to that which would have been enforceable in a court had the reclamation not been authorized. In any particular case these provisions could be varied by the Ordinance which provisionally authorized the reclamation.

3. Every proposed reclamation is now required to be advertised in three issues of both English and Chinese language newspapers (clause 2), and such advertisement is to call for objections and claims of right together with an estimate of the loss which would be incurred by the extinguishment of any private right. The Governor in Council is required to consider these objections and claims, giving opportunity to the persons concerned to appear and be heard in person or by counsel, and he may then authorize the reclamation with or without modification (clause 3). As formerly all public and private rights are extinguished upon publication of the authorization (clause 5). Persons who submit claims of right may seek compensation direct from the tribunal, composed of one judge of the Supreme or District Court and two assessors, established under clause 7 (clause 6). The Governor continues to be empowered to enter into agreement with the claimant to settle his claim (clause 7). Clause 8 seeks to ensure that the Governor in Council will have power to grant *ex gratia* compensation where there appears to be a moral claim, but not one which could have been enforced in court and hence not entitling the claimant to compensation under the Ordinance.

### **ARMS AND AMMUNITION (AMENDMENT) BILL, 1956.**

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

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 Arms and Ammunition (Amendment) Bill, 1956 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.

#### **ENTERTAINMENTS TAX (AMENDMENT) BILL, 1956.**

THE FINANCIAL SECRETARY moved the Second reading of a Bill intituled "An Ordinance to amend the Entertainments Tax Ordinance, Chapter 110."

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 FINANCIAL SECRETARY reported that the Entertainments Tax (Amendment) Bill, 1956 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.

**PUBLIC DANCE-HALLS TAX (AMENDMENT) BILL, 1956.**

THE FINANCIAL SECRETARY moved the Second reading of a Bill intituled "An Ordinance to amend the Public Dance-Halls Tax Ordinance, Chapter 115."

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 4 were agreed to.

Council then resumed.

THE FINANCIAL SECRETARY reported that the Public Dance-Halls Tax (Amendment) Bill, 1956 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.

**PUBLIC RECLAMATIONS AND WORKS (CHAI WAN, KUN  
TONG BAY AND CHEUNG SHA WAN) BILL, 1956.**

MR. T. L. BOWRING moved the Second reading of a Bill intituled "An Ordinance to validate undertakings for reclamation and other works over and upon unleased Crown foreshore and seabed situate at Chai Wan, Kun Tong Bay and Cheung Sha Wan, and to authorize, subject to the definitive approval of the Governor in Council, further undertakings for reclamation and other works in the same situations."

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 4 and Schedule were agreed to.

Council then resumed.

MR. T. L. BOWRING reported that the Public Reclamations and Works (Chai Wan, Kun Tong Bay, and Cheung Sha Wan) Bill, 1956 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.

**PUBLIC HEALTH (ANIMALS AND BIRDS)  
(AMENDMENT) BILL, 1956.**

MR. D. R. HOLMES moved the Second reading of a Bill intituled "An Ordinance to amend the Public Health (Animals and Birds) Ordinance, Chapter 139."

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 10 were agreed to.

Council then resumed.

MR. D. R. HOLMES reported that the Public Health (Animals and Birds) (Amendment) Bill, 1956 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.

### **DOGS AND CATS (AMENDMENT) BILL, 1956.**

MR. D. R. HOLMES moved the Second reading of a Bill intituled "An Ordinance to amend the Dogs and Cats Ordinance, Chapter 167."

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.

MR. D. R. HOLMES reported that the Dogs and Cats (Amendment) Bill, 1956 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.

### **PUBLIC HEALTH (FOOD) (AMENDMENT) BILL, 1956.**

MR. D. R. HOLMES moved the Second reading of a Bill intituled "An Ordinance to amend the Public Health (Food) Ordinance, Chapter 140."

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 4 were agreed to.

Council then resumed.

MR. D. R. HOLMES reported that the Public Health (Food) (Amendment) Bill, 1956 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.

### **ST. JOHN'S COLLEGE BILL, 1956.**

DR. CHAU SIK NIN moved the Second reading of a Bill intituled "An Ordinance to establish a college within the University of Hong Kong styled the College of St. John the Evangelist, and to provide for the incorporation of the members thereof."

MR. KWOK CHAN 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 14 and Schedule were agreed to.

Council then resumed.

DR. CHAU SIK NIN reported that the St. John's College Bill, 1956 had passed through Committee without amendment and moved the Third reading.

MR. KWOK CHAN 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: —May I suggest this day fortnight.

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