

OFFICIAL REPORT OF PROCEEDINGS.**Meeting of 14th May, 1958.**

PRESENT:HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

SIR ROBERT BROWN BLACK, K.C.M.G., O.B.E.

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

LIEUTENANT-GENERAL SIR EDRIC MONTAGUE BASTYAN, K.B.E., C.B.

THE HONOURABLE THE COLONIAL SECRETARY

MR. CLAUDE BRAMALL BURGESS, C.M.G., O.B.E.

THE HONOURABLE THE ATTORNEY GENERAL

MR. ARTHUR RIDEHALGH. Q.C.

THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS

MR. JOHN CRICHTON McDOUALL.

THE HONOURABLE THE FINANCIAL SECRETARY

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

THE HONOURABLE PATRICK CARDINALL MASON SEDGWICK

(Commissioner of Labour).

THE HONOURABLE ALLAN INGLIS

(Director of Public Works).

DR. THE HONOURABLE DAVID JAMES MASTERTON MACKENZIE, C.M.G., O.B.E.

(Director of Medical and Health Services).

THE HONOURABLE COLIN GEORGE MERVYN MORRISON

(Director of Urban Services).

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, O.B.E.

THE HONOURABLE KWOK CHAN, O.B.E.

DR. THE HONOURABLE ALBERTO MARIA RODRIGUES, M.B.E., E.D

THE HONOURABLE JOHN DOUGLAS CLAGUE, C.B.E., M.C., T.D.

MR. MAURICE DEREK SARGANT *(Deputy Clerk of Councils).*

MINUTES.

The Minutes of the Meeting of the Council held on 30th April, 1958, 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>
Audit Report and Statement of Accounts of the Fish Marketing Organization for the year ended the 31st day of March, 1957.	
Stamp Ordinance.	
Stamp (Bank Authorization) (No. 2) Order, 1958	A. 24.

**SCHEDULE OF WRITE-OFFS FOR THE
FINANCIAL YEAR 1957/58.**

THE FINANCIAL SECRETARY moved the following resolution: —

Resolved that the Write-offs for the financial year 1957/58, as set out in the Schedule, be approved.

He said: Sir, the Schedule of Write-offs for the financial year 1957/58 is a very short one, with only one item. This has already been considered and approved by Finance Committee, and the covering approval of this Council is now sought.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

RESETTLEMENT BILL, 1958.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to provide for the clearance and resettlement of squatters."

He said: Sir, the clearance and resettlement of squatters is the province of the Resettlement Department and the law relating thereto is at present contained in the five pieces of

emergency legislation specified in the first paragraph of the statement of objects and reasons. It has for some time past been thought desirable that this legislation should be consolidated and put into permanent form, and that is the purpose of this Bill. Though a certain amount of existing administrative procedure is given sanction, particularly in relation to the screening of squatters, the Bill now before Council contains no new provision of a policy nature. In these circumstances, I do not think there is anything more that I can usefully add to the statement of objects and reasons, save perhaps to say that the Bill has been closely scrutinized by a special sub-committee of the Urban Council Resettlement (Policy) Select Committee.

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 purpose of this Bill is to replace by permanent legislation the following Emergency Regulations dealing with the clearance and resettlement of squatters—

(a) Emergency (Resettlement Areas) Regulations, 1952 (G.N.A. 6/52);

(b) Emergency (Resettlement Areas) General Rules, 1952 (G.N.A. 106/52);

(c) Emergency (Squatter Clearance) Regulations, 1953 (G.N.A. 184/53);

(d) Emergency (Provisional Resettlement Areas) Regulations, 1954 (G.N.A. 53/54);

(e) Emergency (New Territories Resettlement Areas) Regulations, 1954 (G.N.A. 83/54).

2. The Bill seeks to make no substantial change in the existing legislation but merely to consolidate all this legislation into one Bill, together with regulations to be made thereunder to simplify resettlement procedure so far as is practicable and to

give a statutory basis to the present practice of the Resettlement Department. With this object in view it is proposed to divide the areas where persons have been or may be resettled into two types—

- (1) *Resettlement Estates i.e.* Estates containing multi-storey resettlement blocks, erected and owned by the Crown, for domestic and factory resettlement; and
- (2) *Cottage Resettlement Areas i.e.* the existing area of single-storey resettlement cottages, some Government owned, some owned by private individuals and charitable organizations and some owner-occupied or in the course of purchase under hire purchase agreements.

The Bill also seeks to recognize the status of occupants of buildings in Resettlement Estates as tenants of the Crown since it is clear that, legally, they already have this status.

3. The Bill is divided into six parts—

Part I—General.

This part deals with the general question of interpretation, definitions being adapted from existing legislation, and the general power of a competent authority under parts II, III, IV, and V.

Part II—Squatter Clearance.

This part is taken directly from the Emergency (Squatter Clearance) Regulations, 1953 with no substantial amendment.

Part III—Screening of Persons for Resettlement.

This part seeks to give legislative sanction to the procedure at present adopted by the Resettlement Department in recording the particulars of persons seeking resettlement and to empower proceedings in relation to any statement made to a competent authority and in relation to resettlement cards.

Part IV—Resettlement Estates.

This part is taken principally from the Emergency (Provisional Resettlement Areas) Regulations, 1954. Provision is made for the letting of rooms in a resettlement block and for the

general powers of the competent authority in relation thereto. It is provided by clauses 27 and 28 that a tenancy card, the document of title of a tenant to his room, shall be in English and in Chinese and that if a person accepts a tenancy card and enters into occupation of a room he shall thereupon become subject to the terms of tenancy stipulated in the card.

Part V—Cottage Resettlement Areas.

This part is derived principally from the Emergency (Resettlement Areas) Regulations, 1952 and the rules made thereunder and the Emergency (New Territories Resettlement Areas) Regulations, 1954 and seeks to establish the terms under which the occupants of Cottage Resettlement Areas are entitled to reside therein.

Part VI—Regulations.

This part seeks to empower the Governor in Council to make such regulations as are necessary for the carrying out of the provisions of the Ordinance.

4. Provision is made for the appointment of a competent authority for Parts II, III, IV and V with separate duties and responsibilities under each part and for the delegation by a competent authority of his powers and duties under the part of the Ordinance under which he was appointed, to authorized officers.

SUPREME COURT (AMENDMENT) BILL, 1958.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Supreme Court Ordinance, Chapter 4."

He said: Sir, the necessity for this amendment which is briefly explained in the statement of objects and reasons arises mainly in the case of officers appointed from outside the Colony. To take an example: an officer on transfer from another Colony: unless his appointment can be made retrospective to the date upon which the transfer becomes effective, he would suffer as regards pay, continuity of service and pension.

And, Sir, there is just one other point which I think I ought to make. Honourable Members will doubtless have noticed the proviso which is designed to make it clear that a retrospective appointment does not authorize the discharge of judicial functions either before the date of the Letters Patent or before the Judge has taken the requisite oaths.

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 12(2) of the Supreme Court Ordinance, the Chief Justice and Puisne Judges are appointed by Letters Patent under the Public Seal by the Governor, and in the absence of express authority, such appointments cannot be made with retrospective effect. Where, however, a person from outside the Colony is appointed, it is essential for purposes of pay and pension that the appointment should be given retrospective effect, and this Bill amends section 12 of the Supreme Court Ordinance to that end. This Bill also provides for the validation of retrospective appointments made in the past.

DISTRICT COURT (AMENDMENT) BILL, 1958.

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

He said: Sir, this Bill makes, in relation to District Judges, provision similar to that contained in the Supreme Court (Amendment) Bill which has just been read a First time. And as explained in the statement of objects and reasons, it also makes further and better provision in relation to the functions of officers of the District Court.

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 provision—

- (a) for the retrospective effect of instruments appointing District Judges to the District Court; and
- (b) for the carrying out of certain statutory powers and duties by officers appointed to the District Court.

2. As regards (a): Under section 4(2) of the District Court Ordinance, 1953, District Judges are appointed by instruments under the Public Seal by the Governor, and in the absence of express authority, such appointments cannot be made with retrospective effect. Where, however, a person from outside the Colony is appointed, it is essential for purposes of pay and pension that the appointment should be given retrospective effect, and the effect of clause 2 of this Bill will be to amend section 4 of the Ordinance to that end. This Bill also provides for the validation of retrospective appointments made in the past.

3. As regards (b): The officers who at present perform the relevant statutory functions relating to the District Court are the Registrar, deputy registrars and bailiffs of the Supreme Court and they derive their powers to act in relation to the District Court from subsection (2) of section 10 of the District Court Ordinance, 1953. However, the District Court Ordinance, 1953, makes no corresponding provision for the performance of those functions by officers appointed to the District Court as opposed to officers attached to the Supreme Court under subsection (1) of section 17 of the Supreme Court Ordinance. The effect of clause 3 of this Bill will be to retain the present position whereby officers attached to the Supreme Court may carry out the necessary duties in relation to the District Court but to provide that officers appointed or attached to the District Court, as opposed to the Supreme Court, may also carry out such duties.

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, Sir, this day two weeks?

H. E. THE GOVERNOR: —Council stands adjourned until this day two weeks.