

*17th May, 1946.*

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**PRESENT: —**

HIS EXCELLENCY THE GOVERNOR (SIR MARK AITCHISON YOUNG, G.C.M.G.)

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING THE TROOPS (MAJOR-GENERAL F. W. FESTING, C. B. E., D. S. O.).

The ATTORNEY GENERAL (Hon. Mr. G. E. STRICKLAND, Acting).

The SECRETARY FOR CHINESE AFFAIRS (Hon. Mr. R. R. TODD, Acting).

The FINANCIAL SECRETARY (Hon. Mr. C. G. S. FOLLOWS, C. M. G., Acting).

Hon. Mr. C. H. SANSOM, C.M.G., C.B.E., (Acting Commissioner of Police).

Hon. Mr. T. M. HAZLERIGG, O.B.E., M.C.

Hon. Mr. T. MEGARRY (Chairman, Urban Council).

Hon. Dr. J. P. FEHILY, O.B.E., (Acting Director of Medical Services) .

Hon. Mr. CHAU TSUN-NIN, C.B.E.

Hon. Mr. LO MAN-KAM, C.B.E.,

Hon. Mr. LEO D'ALMADA E CASTRO.

Hon. Mr. R. D. GILLESPIE.

Hon. Mr. D. F. LANDALE.

Hon. Dr. CHAU SIK-NIN.

Mr. C. B. BURGESS (Acting Clerk of Councils).

**ABSENT: —**

The COLONIAL SECRETARY (Hon. Mr. D. M. MACDOUGALL, C.M.G., Acting).

**SUPREME COURT (EMERGENCY) BILL, 1946.**

The ATTORNEY GENERAL moved the second reading of a Bill intituled “An Ordinance to make provision for the Chief Justice to authorise solicitors to appear in any jurisdiction of the Supreme Court.”

The FINANCIAL SECRETARY seconded, and the Bill was read a second time.

On the motion of the Attorney General, seconded by the Financial Secretary, Council then went into Committee to consider the Bill clause by clause.

Upon Council resuming,

The ATTORNEY GENERAL reported that the Supreme Court (Emergency) Bill had passed through Committee without amendment, and moved the third reading.

The FINANCIAL SECRETARY seconded, and the Bill was read a third time and passed.

**POWERS OF MAGISTRATES (EMERGENCY) BILL, 1946.**

The ATTORNEY GENERAL moved the second reading of a Bill intituled “An Ordinance temporarily to vest increased powers in Police Magistrates.”

The FINANCIAL SECRETARY seconded, and the Bill was read a second time.

On the motion of the Attorney General, seconded by the Financial Secretary, Council then went into Committee to consider the Bill clause by clause.

Upon Council resuming,

The ATTORNEY GENERAL reported that the Powers of Magistrates (Emergency) Bill had passed through Committee without amendment, and moved the third reading.

The FINANCIAL SECRETARY seconded, and the Bill was read a third time and passed.

**URBAN COUNCIL (TRANSITIONAL PROVISIONS)  
BILL, 1946.**

The ATTORNEY GENERAL moved the second reading of a Bill intituled “An Ordinance to provide for the Urban Council to function temporarily without elected members.”

The FINANCIAL SECRETARY seconded, and the Bill was read a second time.

On the motion of the Attorney General, seconded by the Financial Secretary, Council then went into Committee to consider the Bill clause by clause.

Upon Council resuming,

The ATTORNEY GENERAL reported that the Urban Council (Transitional Provisions) Bill had passed through Committee without amendment, and moved the third reading.

The FINANCIAL SECRETARY seconded, and the Bill was read a third time and passed.

### **CHINESE COLLABORATORS (SURRENDER) BILL, 1946.**

The ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to provide for the surrender of subjects of China, who, during the war period, have, in China, collaborated with the Japanese."

The FINANCIAL SECRETARY seconded, and the Bill was read a second time.

On the motion of the Attorney General, seconded by the Financial Secretary, Council then went into Committee to consider the Bill clause by clause.

Clause 2.

Hon. Mr. GILLESPIE. —Does it include leased territories, or any territories leased to foreign powers?

The ATTORNEY GENERAL. —I think the answer to the Honourable Member's question is that any part of China which is recognised by His Majesty's Government is included and I think on particular facts that treaty ports are recognized as forming part of the Republic of China.

The Hon. Mr. GILLESPIE—But not territories leased to foreign powers?

The ATTORNEY GENERAL. —Not the New Territories. That is not recognized as part of the Republic of China.

H.E. THE GOVERNOR. —The Honourable Member will note that the decision is taken in accordance with the opinion of the Governor, It is difficult to give a general ruling as to what would be so recognized. The Governor would of course take advice before

determining whether any territory was to be regarded as forming part of the Republic of China.

Clause 5.

Hon. Mr. SANSOM. —I have a suggestion to make that Paragraph 2 of Clause 5 be qualified by the addition of the words “or until such time as he has been released under Section 7.”

The ATTORNEY GENERAL. —It would clarify the clause if some such words were added and I would like to move that the words “or until such time as he has been released in accordance with this Ordinance,” be added.

H.E. THE GOVERNOR. —The question is whether sub-section 2 of Clause 5 should be amended by the addition of the words at the end of that sub-section “or until such time as he has been released in accordance with this Ordinance.”

The amendment was agreed to.

Clause 7.

The ATTORNEY GENERAL. —I have a formal amendment to make. In Paragraph 2 of Clause 7, I move that the date “1889” be inserted in place of “1899.”

The amendment was agreed to.

Council then resumed.

The ATTORNEY GENERAL. —I have to report that the Chinese Collaborators (Surrender) Bill has passed through Committee with two amendments. If Your Excellency will rule that the amendments are not material I can move the third reading of the Bill at this meeting.

H.E. THE GOVERNOR. —I do not consider that they are material amendments.

THE ATTORNEY GENERAL. —I move that the Bill be read a third time and passed into law.

The FINANCIAL SECRETARY seconded, and the Bill was read a third time and passed.

#### **ADJOURNMENT.**

H.E. THE GOVERNOR. —Council will now adjourn *sine die*.