

*Thursday, 3rd October, 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., C.B.E., D.S.O.).

THE COLONIAL SECRETARY (HON. MR. R. R. TODD, *Acting*).

THE ATTORNEY GENERAL (HON. MR. G. E. STRICKLAND, *Acting*).

THE SECRETARY FOR CHINESE AFFAIRS (HON. MR. T. MEGARRY, *Acting*).

THE FINANCIAL SECRETARY (HON. MR. C.G.S. FOLLOWS, C.M.G., *Acting*).

HON. DR. P. S. SELWYN-CLARKE, C.M.G., M.C., (Director of Medical Services).

HON. MR. C. H. SANSOM, C.M.G., C.B.E., (Acting Commissioner of Police).

HON. MR. V. KENNIFF (Director of Public Works).

HON. DR. J. P. FEHILY, O.B.E., (Acting Chairman, Urban Council).

HON. MR. D. F. LANDALE.

HON. MR. CHAU TSUN-NIN, C.B.E.

HON. MR. LO MAN-KAM, C.B.E.

HON. MR. LEO D'ALMADA E CASTRO.

HON. DR. CHAU SIK-NIN.

MR. D. R. HOLMES, M.B.E., M.C., (Deputy Clerk of Councils).

**ABSENT: —**

HON. MR. R. D. GILLESPIE.

**MINUTES.**

The Minutes of the meeting of the Council held on Thursday, 19th September, 1946, were confirmed.

**PAPERS.**

The COLONIAL SECRETARY, by command of H.E. The Governor, laid upon the table the following papers: —

Amendments made by the Governor in Council under Section 3 of the Vehicles and Traffic Regulation Ordinance, 1912, Ordinance No. 40 of 1912, to the regulations, dated 26th August, 1946.

Amendment made by the Governor in Council under Section 8 of the Law Amendment (Transitional Provisions) Ordinance, 1946, Ordinance No. 2 of 1946, to Schedule III to the said Ordinance, dated 26th August, 1946.

Amendment made by the Governor in Council under Section 42 of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, to Table C in the regulations, dated 27th August, 1946.

Order made by the Governor in Council under section 18 of the Quarantine and Prevention of Disease Ordinance, 1936, Ordinance No. 7 of 1936, declaring Wenchow an infected place, dated 29th August, 1946.

Repeal made by the Governor under Article 4 of Proclamation No. 34 (Miscellaneous Commodities Control and Price Regulation), of regulations 9, 11, 12, 13 and 14 in Part III of the Miscellaneous Commodities Control and Price Regulations (British Military Administration), 1946, dated 22nd August, 1946.

Repeal made by the Governor under Article 3 of Proclamation No. 26, Vehicular Traffic (Provisional Regulation), of all the provisions of the said Proclamation, dated 26th August, 1946.

The Trading with the Enemy (Specified Persons) (Amendment) (No. 3) Order, 1946, made by the Governor with the prior approval of the Secretary of State under Sub-section 2 of Section 3 of the Trading with the Enemy Ordinance, 1914, Ordinance No. 25 of 1914, dated 28th August, 1946.

Additional items made by the Acting Director of Supplies, Trade & Industry under Defence Regulation 50 of the Defence Regulations, 1940, to the Schedule to the Price Control Order, 1946, dated 28th August, 1946.

The Marketing of Fish Order, 1946, made by the Acting Director of Supplies, Trade & Industry, under Defence Regulation 50 of the Defence Regulations, 1940, dated 22nd August, 1946.

Amendments made by the Governor in Council under Section 8 of the Law Amendment (Transitional Provisions) Ordinance, 1946,

Ordinance No. 2 of 1946, to Schedule 1 of the said Ordinance, dated 6th September, 1946.

The Trading with the Enemy (Custodian) Order, 1946, made by the Governor under Section 20 of the Trading with the Enemy Ordinance, 1914, Ordinance No. 25 of 1914, dated 4th September, 1946.

The Trading with the Enemy (Custodian) (Specified Persons) Order, 1946, made by the Governor under Section 20 of the Trading with the Enemy Ordinance, 1914, Ordinance No. 25 of 1914, dated 4th September, 1946.

### **BRITISH CINEMATOGRAPH FILMS BILL, 1946.**

The ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to provide for the exhibition of British Cinematograph Films and to restrict the advance booking of cinematograph films." He staid: Your Excellency, I have little to add to the objects and reasons of the Bill but I would call the attention of Honourable Members to Clause 5 of the Bill which is a most important provision, in that it provides that on seven days in each quota period---a period of 70 days---British films shall be shown. Honourable Members may think that is a modest quota. It is at all events a beginning. The other provisions of the Bill may, I think, be fairly said to be supplementary to the main object which is to ensure that British films are shown on seven days in every period of 70 days.

The COLONIAL SECRETARY seconded and the Bill was read a First time.

#### **Objects and Reasons.**

1. The object of the measure is to increase the showing of British films in the Colony and restrict advance booking, and so to prevent British films being pushed off the market by foreign film companies using the block-booking system.

2. The Ordinance closely follows a proclamation promulgated for similar reasons in Malaya which in turn is based on similar provisions in the Cinema Films Act, 1938, passed in the United Kingdom.

3. The definition of British films in the Interpretation section of the Ordinance has been altered from that in the Proclamation and is intended to ensure that British film quotas are not made up of old fashioned films, and is similar in effect to section 74 of the Cinema Films Act. Should appropriate modern films not be available

or be too expensive for commercial exhibition, the Controller has under section 5, subsection 2 of this Ordinance, the power to grant exemption on any terms he considers reasonable.

4. It is not considered that Part III of the Ordinance will work great hardship in view of the fact that similar provisions under Part II of the Cinema Films Act, 1938 have proved workable in England under far more complex conditions as has also the Proclamation in Singapore. Contracts which impose obligations up to six months are still valid and this should prove sufficient time to make the scheme workable.

5. A comparative table is annexed to the Objects and Reasons. It will be observed that the penalty clauses have been consolidated and modified and that modifications have also been made in the ancillary provisions for the prosecution of offenders.

#### Table of Correspondence.

<i>British Cinematograph Films Proclamation. SINGAPORE</i>	<i>British Cinematograph Films Ordinance, 1946. HONG KONG</i>	<i>Remarks.</i>
Section	Section	In all Sections, 'Proclamation' is substituted by 'Ordinance' in the Hong Kong Ordinance.
1	1	Short title. In the Hong Kong Ordinance the words 'and shall come into force on the 17th day of March, 1946' are deleted.
2	2	In paragraph "British films", the following distinction is made in the Hong Kong Ordinance: 'registered in Great Britain <i>after</i> 1940 under the Cinematograph Films Act, 1938', whereas the Singapore Proclamation provides: 'registered in Great Britain as British films under the <i>Cinematograph Films Act, 1927</i> , or the Cinematograph Films Act, 1938.'
		In the interpretation of 'quota period' the words "from the seventeenth day of March, 1946" are substituted by "from the coming into force of this Ordinance" in the Hong Kong Ordinance.

3	3	The words "Deputy Chief Civil Affairs Officer" in the Singapore Proclamation are substituted by the words 'Governor in Council' in the H.K. Ordinance.
4	4	Division of section into paras (a) & (b) in the Hong Kong Ordinance.
5	5	
6	---	<p>See Part IV—Offences and Penalties—Section 9 which reads: "Any person who (a) contravenes or fails to comply with any of the provisions of this Ordinance or any term upon which exemption is granted under the provisions of subsection (2) of section 5 hereof or (b) makes</p> <p>any false statement in a declaration furnished in accordance with paragraph (b) of subsection (1) of section 6 hereof, shall be guilty of an offence against this Ordinance and liable on conviction upon indictment to a fine not exceeding seventy thousand dollars or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment, or upon summary conviction to a fine not exceeding five thousand dollars or imprisonment for a term not exceeding three months or to both such fine and imprisonment."</p> <p>The Singapore Proclamation makes provision for a fine of seventy thousand dollars only.</p>
7 (1) (a)	6 (a)	
7 (1) (b)	6 (b)	
7 (2)	—	<p>See Part IV—Offences and Penalties—Section 9 of the Hong Kong Ordinance (supra).</p> <p>The Singapore Proclamation provides for a fine of one thousand dollars only.</p>

### **STAMP (AMENDMENT) BILL, 1946.**

The ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Stamp Ordinance, 1921." He said: Your Excellency, I apologise to Honourable Members of the short notice they have of this Bill Honourable Members will readily appreciate the reasons which made that short notice necessary.

The Bill provides for imposition of a new stamp duty, which is to be carried into effect by amendment of the Stamp Ordinance<sup>42</sup> and inclusion therein of a new section. The duty in question is a duty of 10 per cent. levied on any increase in the purchase price of interests in land upon any new transfer. New conveyance is defined as a conveyance on sale executed on or after 3rd October, 1941. The duty is normally leviable on the difference between the consideration on the new conveyance and the consideration of the last preceding conveyance. There is provision that when no previous transfer of property has taken place the price or value of the first development of the property should be substituted for the consideration on the previous transfer.

As the Ordinance is an amending Ordinance the provisions of the Stamp Ordinance including provisions for appeal against assessment will apply to the new duty, save in so far as the contrary is provided.

His Excellency has made an order under Section 2 of the Public Revenue Protection Ordinance, 1927, which gives the provisions of the Bill the force of law.

#### **Objects and Reasons.**

1. The object of this Bill is to amend the Stamp Ordinance, 1921, in order to provide for an excess stamp duty of 10 per cent leviable on any increase in the purchase price of interests in land on any new transfer. Where, however, there has been no previous transfer, the value of the land on first development is substituted for the price on last transfer. It is not considered that there are many such cases.

2. Purchase price is determined by the consideration on any registered conveyance on sale and the Bill provides for apportionment and valuation where the property passing on the new transfer is less than that comprised in the previous transfer.

3. As the Bill is an amending Ordinance the provisions of the Principal Ordinance will apply to the new duty save in so far as the contrary is provided.

4. The Governor has made the usual order under section 2 of the Public Revenue Protection Ordinance, 1927, to give the provisions of the Bill the force of law.

#### **AIR DISASTER OF 25.9.46.**

The HON. Mr. D. F. LANDALE moved—That this Council wishes to record its sense of deep regret at the air disaster which occurred on the 25th September, 1946, resulting in the loss of the lives of all the crew and passengers and, in the name of the Colony, wishes to extend an expression of its profound sympathy to the relatives of all those who lost their lives.

He said: Your Excellency, there is little I can add to the sentiments expressed in the motion. It would not be fitting for us to pre-judge the findings of the inquiry that I understand is now going on as to the cause of the accident but there can be little doubt that the unsuitability of Kai Tak was a contributory factor. I trust, therefore, that steps will be taken as soon as possible to provide the Colony with a less hazardous airport.

The Hon. Mr. CHAU TSUN-NIN seconding the motion, said: It is with deep sorrow that I rise to second the motion. In the name of the Chinese community I beg to associate myself with the sentiments expressed in the motion.

H.E. The GOVERNOR. —The Government fully associates itself with the words and feelings of the Honourable Members who have spoken on this motion. It is fitting that expression should be given by means of a motion. in this Council to the universal sorrow that is felt in this Colony at the lamentable fatality of the 25th September, and that a message of sympathy should be addressed by this Council in the name of the whole Colony to the relatives of the deceased. I will now ask Honourable Members to rise to their feet and to express in silence their assent to this motion.

Members of the Council rose and stood in silence for a few moments.

#### **ADJOURNMENT.**

H.E. The GOVERNOR: Council stands adjourned until Friday, 11th October, 1946.