

HONG KONG LEGISLATIVE COUNCIL

*9th January, 1947.*

**PRESENT: —**

HIS EXCELLENCY THE GOVERNOR (STR 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. J. B. GRIFFIN, K. C.).

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. T. M. HAZLERIGG, C. B. E., M. C.

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

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

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

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

HON. MR. C. C. ROBERTS.

HON. MR. LEO D'ALMADA e CASTRO.

HON. MR. R. D. GILLESPIE.

HON. DR. CHAU SIK-NIN.

HON. MR. M. M. WATSON.

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

**MINUTES.**

The Minutes of the meeting held on 12th December, 1946, were confirmed.

**NEW MEMBER.**

The Attorney General (Hon. Mr. J. B. Griffin, K.C.) took the Oath of Allegiance and assumed his seat as a member of the Council.

**ANNOUNCEMENT.**

THE COLONIAL SECRETARY. —By Your Excellency's direction I rise to announce the appointment of the Standing Law Committee for 1947.

The following members have been appointed and have agreed to serve:

The Hon. the Attorney General (Chairman).

The Hon. Mr. Chau Tsun-nin, C.B.E.

The Hon. Mr. Lo Man-kam, C.B.E.

The Hon. Mr. Leo d'Almada e Castro.

The Hon. Mr. Maurice Murray Watson.

**PAPERS.**

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

Amendment made by the Governor in Council under section 6 of the Places of Public Entertainment Regulation Ordinance, 1919, Ordinance No. 22 of 1919, to the Regulations, dated 2nd October, 1946.

Delegation of power made by the Director of Supplies, Trade and Industry under regulation 50(5) of the Defence Regulations, 1940, relating to the movement and side of vegetables, dated 9th October, 1946.

Additional items and amendments made by the Acting Director of Supplies, Trade and Industry under Defence Regulation 50 of the Defence Regulations, 1940, to the Schedule to the Price Control Order, 1946, dated 16th October, 1946.

The National City Bank of New York recognized as a bank for the purposes of the Evidence Ordinance, 1889, Ordinance No. 2 of 1889.

The American Express Company Incorporated recognized as a bank for the purposes of the Evidence Ordinance, 1889, Ordinance No. 2 of 1889.

The Nederlandsche Handel-Maatschappij (The Netherlands Trading Society) recognized as a bank for the purposes of the Evidence Ordinance, 1889, Ordinance No. 2 of 1889.

The Bank of Communications recognized as a bank for the purposes of the Evidence Ordinance, 1889, Ordinance No. 2 of 1889.

The Farmers' Bank of China recognized as a bank for the purposes of the Evidence Ordinance, 1889, Ordinance No. 2 of 1889.

The Shanghai Commercial and Savings Bank Limited recognized as a bank for the purposes of the Evidence Ordinance, 1889, Ordinance No. 2 of 1889.

Order made by the Governor under Article 4 of the Emergency Powers (Extension) Proclamation (British Military Administration Proclamation No. 30) ordering the Defence Regulations mentioned in Parts I and II of the First Schedule to the Proclamation to continue in force, dated 21st October, 1946.

Order made by the Governor under Article 5 of the Emergency Powers (Extension) Proclamation (British Military Administration Proclamation No. 30) ordering the Defence Regulations mentioned in Parts I and II of the Second Schedule to the Proclamation to continue in force, dated 21st October, 1946.

Order made by the Colonial Secretary under Section 75 of the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, relating to the exhumation of all bodies buried in 1939 and 1940 in Sections A, B and C in Chai Wan Cemetery, dated 24th October, 1946.

Order made by the Colonial Secretary under Section 75 of the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, relating to the exhumation of all bodies buried in 1940 in Trenches and in Sections A, B and C in Kai Lung Wai East Cemetery, dated 24th October, 1946.

Order made by the Colonial Secretary under Section 75 of the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, relating to the exhumation of all bodies buried in 1939 and 1940 in Trenches in Kai Lung Wan West Cemetery, dated 24th October, 1946.

Order made by the Colonial Secretary under Section 75 of the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, relating to the exhumation of bodies buried in 1939 and 1940 in Trenches and in Sections A, B and C in New Kowloon Cemetery No. 7, dated 24th October, 1946.

Order made by the Colonial Secretary under Section 75 of the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, relating to the exhumation of certain bodies in Section B in New Kowloon Cemetery No. 7, dated 24th October, 1946.

Additional items and amendment made by the Acting Director of Supplies, Trade and Industry under Defence Regulation 50 of the Defence Regulations, 1940, to the Schedule to the Price Control Order, 1946, dated 23rd October, 1946.

Additional items added by the Acting Director of Supplies, Trade and Industry under Defence Regulation 50 of the Defence Regulations, 1940, to the Schedule to the Prohibited Exports Order, 1946, dated 23rd October, 1946.

Item deleted by the Acting Director of Supplies, Trade and Industry under Defence Regulation 50 of the Defence Regulations, 1940, from the Schedule to the Prohibited Exports Order, 1946, dated 23rd October, 1946.

Additional items added by the Acting Director of Supplies, Trade and Industry under Regulation 50 of the Defence Regulations, 1940, to the Schedule to the Prohibited Exports Order, 1946, dated 24th October, 1946.

Additional items added by the Acting Director of Supplies, Trade and Industry under Defence Regulation 50 of the Defence Regulations, 1940, to the Schedule to the Price Control Order, 1946, dated 6th November, 1946.

Item deleted by the Acting Director of Supplies, Trade and Industry under Defence Regulation 50 of the Defence Regulations, 1940, from the Schedule to the Price Control Order, 1946, dated 6th November, 1946.

Order made by the Governor in Council under regulation 2 of the Quarantine (Measures on Departure) Regulations, 1939, ordering regulation 3 of the said Regulations to continue in force, dated 8th November, 1946.

Order made by the Governor in Council under section 3 (4) of the Dangerous Drugs Ordinance, 1935, Ordinance No. 35 of 1935, declaring the said Ordinance to apply to Isonipecaïne (I methyl 4 phenyl piperidine 4 carboxylic acid ethyl ester), dated 12th November, 1946.

Order made by the Governor declaring 31st December, 1946, to be the end of the war period for the purposes of the Indemnity and Validating Ordinance, 1946, dated 12th November, 1946.

The Honourable Mr. G. E. Strickland, Acting Attorney General, appointed Proctor by the Governor in Council under rule 18 of the Hong Kong (Non-domiciled Parties) Divorce Rules, 1936.

Item added by the Acting Director of Supplies, Trade and Industry under Defence Regulation 50 of the Defence Regulations, 1940, to the Schedule to the Prohibited Exports Order, 1946, dated 14th November, 1946.

Additional items and amendments made by the Acting Director of Supplies, Trade and Industry under Defence Regulation 50 of the Defence Regulations, 1940, to the Schedule to the Price Control Order, 1946, dated 13th November, 1946.

Amendments made by the Governor in Council under section 32 of the Telecommunication Ordinance, 1936, Ordinance No. 18 of 1936, to the Radiocommunication Regulations in the Schedule to the said Ordinance, dated 12th November, 1946.

### QUESTIONS.

HON. MR. R. D. GILLESPIE asked: —

On June 20th 1946, I asked Government to state what was being done with the cheques drawn in Stanley which, by order of Mr. Gimson, were deposited with the Controller of Currency.

Government replied, *inter alia*, that in view of the desirability of adopting a common policy for the disposal of cheques issued in internment camps in British Dependencies, all cheques handed over to this Government were forwarded to the Colonial Office for disposal.

Since then, there has been no further announcement by Government.

In view of the fact that these cheques have now been in the hands of the Colonial Office for well over a year, and many people are being seriously inconvenienced by the lack of a settlement, will Government ascertain from the Colonial Office whether, in fact, it has any policy with regard to these cheques and, if so, what it is?

THE FINANCIAL SECRETARY replied: —

Enquiries are being made as to the action taken or contemplated by the Colonial Office in regard to these cheques and the result of these enquiries will be communicated to the Honourable Member in due course.

**QUARANTINE AND PREVENTION OF DISEASE  
(AMENDMENT) BILL, 1947.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Quarantine and Prevention of Disease Ordinance, 1936." He said: The Bill is a short one which is designed merely to amend section 18 so as to substitute the Governor for the Governor in Council as the authority to declare a place to be an infected place. Hitherto the Governor in Council has been vested with this authority, which in practice has proved a cause, of delay in the very necessary expedition which must attach to the declaration of a place as an infected place in order to ensure that suitable medical inspection of persons coming from such places is put in hand with all proper speed.

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

**Objects and Reasons.**

The "Objects and Reasons" for the Bill were stated as follows: —

1. Under section 18 of the Principal Ordinance upon the receipt of information that plague, cholera, yellow fever, typhus or smallpox has broken out or is reasonably suspected to exist at any port outside the Colony, the Governor in Council may declare such place to be an infected place. The object of this provision is to secure the medical inspection of persons seeking to enter the Colony from such places.

2. When information as to the existence of a disease at a particular place is received it is clearly necessary to take speedy action here to put into force the routine precautions and it has been observed that the necessity of obtaining the decision of the Governor in Council usually results in undue delay. The Bill accordingly vests the requisite powers in the Governor.

**HOLIDAYS BILL, 1947.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to consolidate and amend the law relating to general and school holidays."

THE COLONIAL SECRETARY seconded, and the Bill was read a Second time.

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

Clause 1.

THE ATTORNEY GENERAL.--I move an amendment of this clause by the substitution of the figures "1947" for the figures "1946" occurring in the second line of the clause.

The amendment was agreed to.

Upon Council resuming,

THE ATTORNEY GENERAL reported that the Holidays Bill had passed through Committee with one amendment and moved the Third reading.

THE COLONIAL SECRETARY seconded, and the Bill was read a Third time and passed.

### **HELENA MAY INSTITUTE FOR WOMEN BILL, 1947.**

HON. MR. M. M. WATSON moved the First reading of a Bill intituled "An Ordinance to provide for the incorporation of the Council of the Helena May Institute for Women and for vesting in the Corporation the property and rights of the Association known as The Helena May Institute for Women registered under the provisions of the Companies Ordinances, 1911 to 1915)." He said: In view of the fullness of the, "Objects and Reasons" which are set out in this Bill I do not think at the present stage it is necessary for me to detain the Council any longer.

HON. MR. T. M. HAZLERIGG, C.B.E., M.C., seconded, and the Bill was read a First time.

### **Objects and Reasons.**

The "Objects and Reasons" for the Bill were stated as follows: —

1. The Helena May Institute for Women was incorporated as a company, in 1916 under the provisions of the Companies Ordinances, 1911 to 1915, and was empowered by licence to dispense with the word "Limited" in its name.

In this company there were only sixteen shares and a person ceased to be a shareholder if absent from the Colony for more than one year.

Owing in part to the, evacuation of women from the Colony before the outbreak of the Pacific War and in part to the repatriation of those who had been interned, there were by October, 1946, no longer any shareholders of the company and there was not, under the Memorandum and Articles of Association, power to appoint any.

The company was thus unable to function.

2. Dissolution of the company and the disposal of its assets under the provisions of the Companies Ordinance would have involved many months' delay and in view of the urgent need for the accommodation which the premises of the Institute would afford, Government decided, in consultation with the legal and financial advisers of the company and with the last members of the Council of the Institute, that the Institute should be incorporated by Ordinance.

3. Clause 3 of the Bill provides for this incorporation, names the first members of the Council of the Institute and provides for the appointment of subsequent members in accordance with the terms of the Constitution contained in the Schedule to the Bill.

4. Clauses 4 and 5 contain the usual provisions found in incorporation Ordinances, clause 4(3) limiting the power of disposal of the corporation's lands.

5. Clause 6 provides for the management of the internal affairs of the corporation in accordance with the Constitution.

6. Clause 7 provides for the dissolution of the company and the vesting of its assets in the corporation.

7. The Constitution of the Institute is contained in the Schedule to the Bill and is designed to empower the Council of the Institute to give effect to the objects for which the Institute was founded.

### **ADJOURNMENT.**

H.E. THE GOVERNOR. —That concludes the business before the Council and the Council will now adjourn until Thursday, 16th January.