

30th January, 1947.

PRESENT: —

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

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

THE COLONIAL SECRETARY (HON. MR. D. M. MACDOUGALL, C. M. G.).

THE ATTORNEY GENERAL (HON. MR. J. B. GRIFFIN, K.C.).

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. 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. T. MEGARRY.

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

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

HON. MR. C. C. ROBERTS.

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).

ABSENT:

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

HON. MR. LEO D'ALMADA E CASTRO.

MINUTES.

The Minutes of the meeting held on 16th January, 1947, were confirmed.

PAPERS.

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

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

Order made by the Governor in Council under the Quarantine and Prevention of Disease Ordinance, 1936, Ordinance No. 7 of 1936, rescinding the order declaring Macao an infected place on account of cholera, dated 16th November, 1946.

Order made by the Governor in Council under the Quarantine and Prevention of Disease Ordinance, 1936, Ordinance No. 7 of 1936, rescinding the order declaring Singapore an infected place on account of smallpox, dated 16th November, 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 Rangoon an infected place on account of plague, dated 18th November, 1946.

Order made by the Governor in Council under Section 7 of the Rating Ordinance, 1901, Ordinance No. 6 of 1901, directing a valuation of the tenements in Hong Kong, Kowloon and New Kowloon to be made before 31st January, 1947, dated 19th November, 1946.

Order made by the Governor in Council under Section 8 (2) of the Rating Ordinance, 1901, Ordinance No. 6 of 1901, adopting wholly, as the valuation for the year commencing on the 1st April, 1947, the existing valuation of the rateable tenements in the New Territories other than New Kowloon, dated 19th November, 1946.

Order made by the Acting Director of Supplies, Trade and Industry under Regulation 50 of the Defence Regulations, 1940, amending the Price Control Order, 1946, dated 20th November, 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, on 20th November, 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, on 20th November, 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, on 20th. November, 1946.

The Motor Vehicles (Allocation and Control) Order, 1946, made by the Acting Director of Supplies, Trade and Industry under Regulation 50 of the Defence Regulations, 1940, dated 27th November, 1946.

Amendment made by the Governor in Council under Section 4 of the Post Office Ordinance, 1926, Ordinance No. 7 of 1926, to the rates of postage in Class A---Letters and Postcards, dated 23rd November, 1946.

Amendment made by the Governor under paragraph 4 of the Regulations in the Second Schedule to the Pleasure Grounds and Bathing Places Regulation Ordinance, 1936, Ordinance No. 29 of 1936, to the Table in the above mentioned Second Schedule, dated 20th November, 1946.

Order made by the Governor under Defence Regulation 55 of the Defence Regulations, 1940, amending the Requisitioning, Order of 2nd July, 1946, dated 23rd 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, on 27th 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, on 27th November, 1946.

The English Methodist Church licensed by the Governor under Section 3 of the Marriage Ordinance, 1875, Ordinance No. 7 of 1875, as a place for the celebration of marriages.

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 29th November, 1946.

Amendment made by the Governor in Council under Section 4 of the Sunday Cargo Working Ordinance, 1929, Ordinance No. 7 of 1929, to the Scale of Fees for Sunday Permits, dated 29th November, 1946.

Amendment made by the Governor in Council under Section 29 of the Asiatic Emigration Ordinance, 1915, Ordinance No. 30 of 1915, to the Order relating to Fees for medical inspection, dated 29th November, 1946.

Amendments made by the Governor in Council under Section 42 of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, to certain Tables in the Regulations, dated 29th November, 1946.

Amendments made by the Governor in Council under Sections 32 and 43 of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, to Table P in the Regulations, dated 29th November, 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 Singapore an infected place on account of smallpox, dated 2nd December, 1946.

Order made by the Governor under Regulation 32 of the Defence Regulations, 1940, declaring certain premises, to be protected places, dated 6th December, 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, on 4th December, 1946.

Amendment made by the Acting Director of Supplies, Trade and Industry under Defence Regulation 50 of the Defence Regulations, 1940, to the Wholesale (Kowloon) Marketing (Vegetables) Order, 1946, dated 30th November, 1946.

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 Prohibited Exports Order, 1946, on 2nd December, 1946.

Amendment made by the Governor in Council under Article 12 of the Custodian Proclamation, Proclamation No. 10, to Regulation No. 2 relating to Custodian's Fees, dated 5th December, 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 Penang an infected port on account of smallpox, dated 6th December, 1946.

CONSULAR PRIVILEGES BILL, 1947.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to provide for the remission of taxes, duties and fees to which consuls and consular officials may be subjected when payment of such moneys is in conflict with the privileges of their office." He said: Sir, Honourable Members are fully aware of the practice which has long existed whereby, by a reciprocal agreement between the Government of the United Kingdom and the Governments of other

States, privileges and exemptions are given to the consular officers of respective nations. These reciprocal arrangements are not always identical, thus it is not possible in any bill laid before this Council to express definitely what such exemptions and privileges shall be. The exemptions and privileges which will be accorded by Your Excellency will be such as correspond to the exemptions and privileges granted by the nation of a particular consul. Thus this Bill provides in wide terms that the Governor may direct that any tax, duty or fee payable by a consul or consular official under the law of the Colony may be remitted to the extent of and to correspond with the nature of the exemptions and privileges accorded by the country which such consul represents.

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. The object of the Bill is to provide a single Ordinance under which remissions of taxes, duties or fees may be granted when a person is entitled to such treatment by reason of consular status.
2. The persons entitled to remission and the particular moneys from payment of which they should be exempted vary according to the state represented. The persons and moneys concerned are also subject to continuous change as a result of reciprocal agreements between the particular countries represented and the United Kingdom Government.
3. Clause 3 of the Bill makes provision for the Governor to direct who amongst the classes laid down in Clause 2 shall be relieved from any such payments and the extent to which relief is to be granted.

PUBLIC HEALTH (SANITATION) AMENDMENT BILL, 1947.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Public Health (Sanitation) Ordinance, 1935. " He said Sir, this is a brief bill which provides merely for the repeal and substitution of paragraph (xxiv) of section 4(1) of the Public Health (Sanitation) Ordinance, 1935. The object of such repeal and replacement is in brief to strengthen the provision) already existing dealing with the reception, housing and treatment of bodies of the dead.

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: —

The Urban Council considers that there is a public need for premises where dead bodies may be housed and treated pending or in preparation for their final disposal and that the control of such premises should be vested in the Council.

BETTING DUTY (AMENDMENT) BILL, 1947.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Betting Duty Ordinance, 1931. " He said: Your Excellency, in this Bill there are comprehensive Objects and Reasons perhaps disproportionate in length to the actual length of the Bill. I hope however that the Objects and Reasons very fully explain the object of this measure before the Council.

In regard to such Objects and Reasons I would ask Honourable Members to notice that in paragraph 4 a printing error has occurred; it should read "Clause 3 of the Bill provides that the Bill on enactment shall come into force . . ." and not "Clause 3 of the Bill provides that the Bill or enactment shall come into force. . .".

Briefly, the purpose of the Bill is to give effect to a recommendation of a Taxation Committee which His Excellency appointed to consider among other things the enhancement of the rates of existing taxation. One of the recommendations of the committee was that the rate of duty on sweep tickets should be increased from the existing figure of 15% to 25%. The Bill by clause 2 seeks to carry this recommendation into effect. At the same time the opportunity is taken to provide that in future any changes in the rate of duty payable on sweep tickets may be effected by resolution of this Council; thus in the future it will be possible to make such changes without the necessity for a Bill being enacted by this Council. Clause 3 provides that the Ordinance shall come into operation on the 7th February which, I understand, is the day previous to the next race meeting wherein sweep tickets will be sold.

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. A Taxation Committee was appointed by His Excellency the Governor on the 13th September, 1946. Among the terms of reference of the Committee, the Committee was required to consider whether enhancement of the rates of existing taxation would be practicable.

2. In its report, the Committee made recommendation that the tax oil sweepstakes now provided for by Section 6 of the Betting Duty Ordinance, 1931, should be increased from fifteen to twenty-five per cent.

3. The object of this Bill is to give effect to such recommendation by the amendment of Section 6 of the Betting Duty Ordinance, 1931. In making such amendment, opportunity is taken, while fixing the duty at twenty-five per cent, to provide that in the future the amount of such duty will be capable of being determined by resolution of the Legislative Council. Such procedure for fixing of duty payable would thus follow the analogy of Section 6(l) of the Betting Duty Ordinance which provides that the duty payable on every bet made on any totalisator or pari-mutuel is to be determined by resolution of the Legislative Council.

4. Clause 3 of the Bill provides that the Bill on enactment shall come into force on the 7th February, 1947, that is, the day prior to the next race meeting to be held in Hong Kong.

**ROPE COMPANY'S TRAMWAY (REVIVAL AND AMENDMENT)
BILL, 1946.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to revive the Rope Company's Tramway Ordinance, 1901."

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

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

Clause 1.

THE ATTORNEY GENERAL. —Sir, I beg to move that clause 1 be amended by the substitution of the figures "1947" for "1946" occurring in the second line of the clause.

This was agreed to.

Upon Council resuming,

THE ATTORNEY GENERAL reported that the Rope Company's Tramway (Revival and Amendment) Bill had passed through Committee with one amendment to clause 1 and moved the Third reading.

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

ADJOURNMENT.

H.E. THE GOVERNOR. —That concludes the business before the Council and the Council will now adjourn until Thursday, 6th February.