

25th February, 1948.

PRESENT: —

HIS EXCELLENCY THE GOVERNOR (SIR ALEXANDER WILLIAM GEORGE HERDER GRANTHAM, K. 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. D. M. MACDOUGALL, C.M.G.)

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

THE SECRETARY FOR CHINESE AFFAIRS (HON. R. R. TODD).

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

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

DR. HON. I. NEWTON (Director of Medical Services).

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

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

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

DR. HON. CHAU SIK-NIN.

HON. LEO D'ALMADA, K. C.

HON. R. D. GILLESPIE.

HON. M. M WATSON.

MR. ALASTAIR TODD (Deputy Clerk of Councils).

ABSENT: —

HON. D. F. LANDALE.

MINUTES.

The Minutes of the meeting of the Council held on 28th January, 1948, were confirmed.

PAPERS.

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

The Dutiable Commodities (Dispensation) Regulations, 1947, made by the Governor in Council under section 6(9) of the Dutiable Commodities Ordinance, 1931, Ordinance No. 136 of 1931, on 8th September, 1947.

Order made by the Governor in Council under section 73(4) of the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, relating to the closing of the Authorised Cemeteries specified in the said Order, on 8th September, 1947.

Amendment made by the Governor in Council under section 42 of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, to Table Y in the regulations, on 8th September, 1947.

Order made by the Governor under Section 18 of the Quarantine and Prevention of Disease Ordinance, 1936, Ordinance No. 7 of 1936, declaring Shanghai an infected place, on account of cholera, on 12th September, 1947.

The Wholesale (Kowloon) Marketing (Vegetables) Order, 1947, made by the Acting Director of Supplies, Trade and Industry under Regulation 50 of the Defence, Regulations, 1940, on 29th August, 1947.

The Reserved Commodities (Re-export) Order, 1947, made by the Acting Director of Supplies, Trade and Industry under Regulation 50 of the Defence Regulations, 1940, on 10th September, 1947.

Items added 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 10th September, 1947.

Item added by the Acting Director of Supplies, Trade and Industry under Regulation 50 of the Defence Regulations, 1940, to sections (a) and (b) of column 2 of the Schedule to the Export Control Order, 1947, on 9th September, 1947.

Amendments made by the Governor in Council under section 42 of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, to the Tables in the Regulations, on 12th September, 1947.

Amendment made by the Governor in Council under section 20 of the Immigration Control Ordinance, 1940, Ordinance No. 32 of 1940, to the Schedule to the said Ordinance, on 12th September, 1947.

Amendment made by the Governor in Council under section 28 of the Arms and Ammunition Ordinance, 1933, Ordinance No. 2 of 1933, to the Second Schedule to the said Ordinance, on 16th September, 1947.

Order made under the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, relating to the exhumation of all graves, buried during the year 1941, in Trenches, in Sections A, B and C, and in the Roman Catholic Section in New Kowloon Cemetery No. 7, on 13th September, 1947.

Order made under the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, relating to the exhumation of all graves, buried during the years 1940 and 1941, in Section A and the Christian Section in Shum Wan Cemetery, on 16th September, 1947.

Order made under the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, relating to the exhumation of all graves, buried during the years 1933 to 1941 (both years inclusive), in Trenches, in Section A and the Christian Section in New Stanley Cemetery, on 16th September, 1947.

Order made under the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, relating to the exhumation of all graves, buried during the years 1929 to 1941 (both years inclusive), in Shek O Cemetery, on 16th September, 1947.

Order made under the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, relating to the exhumation of all graves, buried during the years 1941 and 1942, in the Emergency Cemetery at Shaukiwan, on 16th September, 1947.

Order made under the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, relating to the exhumation of all graves, buried during the years 1941 and 1942, in the Emergency Cemetery at Island Road, Aberdeen, on 16th September, 1947.

Order made under the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, relating to the exhumation of all graves, buried during the years 1941 and 1942, in the Emergency Cemetery at the Old Government Civil Hospital, Hong Kong, on 16th September, 1947.

Order made under the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, relating to the exhumation of all graves, buried during the years 1941 and 1942, in the Emergency Cemetery, Hong Kong No. 2A, on 16th September, 1947.

Order made under the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, relating to the exhumation of all graves, buried during the years 1941 and 1942, in the Emergency Cemetery, Hong Kong No. 2B, on 16th September, 1947.

Order made under the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, relating to the exhumation of all graves, buried during the years 1941 and 1942, in the Emergency Cemetery at Queen Mary Hospital, on 16th September, 1947.

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, on 17th September, 1947.

Items added 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 17th September, 1947.

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, 1948, on 24th September, 1947.

The Pawnbrokers Amendment Ordinance, 1946, (Continuation in Force) Order, 1947, made by the Governor in Council under section 5 of the Pawnbrokers Amendment Ordinance, 1946, Ordinance No. 23 of 1946, on 24th September, 1947.

Order made by the Governor in Council under section 12 of the Pawnbrokers Ordinance, 1930, Ordinance No. 16 of 1930, prescribing the rates of interest in the Schedule to the said Order, on 24th September, 1947.

Order made by the Colonial Secretary under Section 75(8) of the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, relating to the exhumation of graves or urns situated in the Urban District outside the boundaries of any authorised cemetery, on 23rd September, 1947.

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 graves in the Government or General section of the Aplichau Urn Cemetery, on 19th September, 1947.

Order made by the Governor under section 18 of the Quarantine and Prevention of Disease Ordinance, 1936, Ordinance No. 7 of 1936, declaring Foochow an infected place on account of smallpox, on 26th September, 1947.

Notification made by the Superintendent of Imports and Exports under paragraph 2 of the Import Control Order, 1947, relating to the issue of a general licence, on 23rd September, 1947.

Items added 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 24th September, 1947.

Items added by the Acting Director of Supplies, Trade and Industry under Defence Regulation 50 of the Defence Regulations, 1940, to the First Schedule to the Reserved Commodities (Re-export) Order, 1947, on 24th September, 1947.

Order made by the Governor's Deputy under Article 13 of the Moratorium Proclamation, exempting the securities specified in the Schedule to the said Order from the provisions of Articles 11 and 12 of the said Proclamation, on 3rd October, 1947.

Order made by the Governor's Deputy under section 18 of the Quarantine and Prevention of Disease Ordinance, 1936, Ordinance No. 7 of 1936, declaring Egypt an infected place on account of cholera, on 2nd October, 1947.

Order made by the Governor under paragraph 2 of the Regulations in the Second Schedule to the Pleasure Grounds and Bathing Places Regulation Ordinance, 1936, Ordinance No. 29 of 1936, allocating the Southorn Playground, Wanchai, Victoria, to the Childr6n's Playgrounds Association, on 9th October, 1947.

Items added 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, on 7th October, 1947.

Item deleted by the Acting Director of Supplies, Trade and Industry under Regulation 50 of the Defence Regulations, 1940, from the Schedule to the Prohibited Exports Order, 1946, on 7th October, 1947.

The Law Amendment (Transitional Provisions) Schedule 1 (Amendment) Order (No. 3), 1947, made by the Governor in Council under section 8 of the Law Amendment (Transitional Provisions) Ordinance, 1946, Ordinance No. 2 of 1946, on 12th October, 1947.

Amendment made by the Governor in Council under section 39(8) of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, to Table U in the Regulations, on 15th October, 1947.

Items added 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 15th October, 1947.

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 22nd October, 1947.

Amendment made by the Governor in Council under section 3 of the Vehicle and Road Traffic Ordinance, 1947, Ordinance No. 17 of 1947, to the regulations, on 23rd October, 1947.

Order made by the Governor in Council under section 2 of the Quarantine and Prevention of Disease Ordinance, 1936, Ordinance No. 7 of 1936, declaring the "whooping cough" (pertussis) to be included to the "infectious disease" in Section 2 of the said Ordinance, on 23rd October, 1947.

Items added 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 29th October, 1947.

Amendment made by the Governor in Council under section 42 of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, to Table M in the Regulations, on 30th October, 1947.

Order made by the Governor in Council under section 2(1)(b) of the Summer Time Ordinance, 1946, Ordinance No. 14 of 1946, declaring the cessation of Summer Time from 3.30 a.m. on 30th November, 1947, on 20th October, 1947.

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 6th November, 1947.

Amendments made by the Acting Director of Supplies, Trade and Industry under Regulation 50 of the Defence Regulations, 1940, to the Wholesale (Kowloon) Marketing (Vegetables) Order, 1947, on 3rd November, 1947.

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, on 5th November, 1947.

The Palestine Widows' and Orphans' Pension Fund and the Cyprus and Aden Widows' and Orphans' Pension Fund declared to be "approved schemes" for the purposes of section 3A of the Hong Kong Widows' and Orphans' Pension Ordinance, 1908, Ordinance No. 15 of 1908.

Item 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, on 13th November, 1947.

Amendments made by the Governor in Council under section 37 of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, to Table E in the regulations, on 13th November, 1947.

Amendment made by the Governor in Council under section 29 of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, to Table V in the Regulations, on 13th November, 1947.

Amendments made by the Governor in Council under section 42 of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, to the fees in Table I in the Regulations, on 14th November, 1947.

Amendments made by the Governor in Council under section 42 of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, to Table I in the Regulations, on 14th November, 1947.

Order removing quarantine restrictions imposed against Rangoon on account of smallpox, dated 15th November, 1947.

Order removing quarantine restrictions imposed against Rangoon on account of plague, on 15th November, 1947.

Order removing quarantine restrictions imposed against Shanghai on account of cholera, on 20th November, 1947.

Items added 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 13th November, 1947.

Items added 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 17th November, 1947.

Regulations made by the Governor in Council under section 7(2)(a) of the Telecommunication Ordinance, 1936, Ordinance No. 18 of 1936, on 19th November, 1947.

Amendments made by the Governor in Council under sections 26 and 42 of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, to Table N in the Regulations, on 25th November, 1947.

Amendments made by the Governor in Council under sections 4 and 5 of the Importation and Exportation Ordinance, 1915, Ordinance No. 32 of 1915, to the Regulations, on 26th November, 1947.

Order made by the Governor in Council under sections 3 and 4 of the Importation and Exportation Ordinance, 1915, Ordinance No. 32 of 1915, rescinding the Regulations (including the Schedules thereto) specified in the Table to the said Order, on 25th November, 1947.

Amendment made by the Governor in Council under Section 3 of the Vehicle and Road Traffic Ordinance, 1947, Ordinance No. 17 of 1947, to the regulations, on 25th November, 1947.

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, on 27th November, 1947.

MOTIONS.

THE ATTORNEY GENERAL: Sir, I ask leave to withdraw the motion standing first in my name in the Order of Business, I do so, Sir, because I have just recently learned that the terms of the resolution may not in fact meet the requirements of the situation for which the resolution provides.

This was agreed to.

THE ATTORNEY GENERAL moved: —

That the Rule made by the Acting Chief Justice on 27th January, 1948, under Section 32 of the Supreme Court Ordinance, 1873, Ordinance No. 3 of 1873, be approved. He said: Sir, Section 32 of the Supreme Court Ordinance, 1873 empowers the Chief Justice to make Rules regulating *inter alia* the costs and fees of solicitors, Rules for such purpose were made on the 9th November, 1946 and approved as required by this Council. Those Rules authorized an increase of 66.2/3% in costs and fees over and above the scale which was approved as at the 8th December, 1941. The increase which the Rules of 1946 permitted took account of the increased costs and expenses falling on solicitors in their practice. It has been represented, Sir, to the Acting Chief Justice that the situation as regards costs and expenses still obtains and that the increase which otherwise at 31st December, 1947 would have fallen to 33.1/3% should, in fact, continue at the full amount of 66.2/3% until 31st December, 1948. The purpose of these Rules is to give effect to that requirement.

THE COLONIAL SECRETARY seconded, and the motion was carried.

DANGEROUS DRUGS (AMENDMENT) BILL, 1947.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance further to amend the Dangerous Drugs Ordinance, 1935". He said: Sir, the purpose of this Bill, the title of which to read '1948' will be proposed as an alteration at the appropriate stage, is to include a prohibition in the Dangerous Drugs Ordinance against the cultivation of the opium poppy; such prohibition is not now contained in the which are included in the principal Ordinance. Ancillary provisions which are included in the Bill empower the seizure and uprooting of the opium poppy if found under cultivation. The opportunity has also been taken to amend the penalty provisions of the principal Ordinance by providing for substantially enhanced penalties upon conviction summarily or on indictment.

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. It has been found that within the New Territories of the Colony the cultivation of papaver somniferum, commonly known as the opium poppy, is taking place.

2. The main object of this Bill is to amend the Dangerous Drugs Ordinance, 1935, (the principal Ordinance) to include a prohibition, now absent, against such cultivation. Such prohibition is to be effected (Clause 4) by repeal and replacement of Section 21 of the principal Ordinance.

3. Ancillary provisions empower the seizure, uprooting, removal and detention of the opium poppy plant (Clause 2) and empower (Section 21 (5) to be enacted by Clause 4) the Superintendent of Imports and Exports to authorise such action by any public officer, the cost of which shall be recoverable from the owner of the land concerned.

4. The opportunity presented by the necessity to amend the Ordinance for the reasons above described, has been taken to amend (Clause 3) Section 17 of the principal Ordinance to enhance substantially the penalties which may be imposed upon summary conviction indictment for contravention of the Ordinance.

FORESTRY (AMENDMENT) BILL, 1948.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Forestry Ordinance, 1937". He said: Sir, this is a short Bill to amend the Forestry Ordinance, 1937, to give effect under the relevant Ordinance to the fact that the Forestry Department has now become separated from the previous Botanical and Forestry Department. Here again, Sir, the opportunity has been taken to provide for an increase in penalties in contravention of the Forestry Ordinance.

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. Forestry in the Colony was formerly under the control of the Botanical and Forestry Department.

2. The object of this Bill is to effect amendment to the Forestry Ordinance, 1937, made necessary by the establishment of a separate Forestry Department and the creation of the new posts of Forestry Officer and Forestry Protection Officer.

3. The opportunity has been taken to provide (Clause 7) for the amendment of section 22 of the principal Ordinance to effect increase in the penalties which may be imposed under such section.

DEFENCES (FIRING AREAS) AMENDMENT BILL, 1948.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Defences (Firing Areas) Ordinance, 1936." He said: Sir, the purpose of this Bill, is to amend the Defences (Firing Areas) Ordinance, 1936, mainly so as to effect a reduction in the number of firing areas, at present five, to two. The Bill contains also ancillary provisions providing for the appropriate warnings to be given when artillery practice is intended to take place in such firing areas.

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 Defences (Firing Areas) Ordinance, 1936, (the principal Ordinance) designated in the First Schedule thereto five areas as authorised areas over which practice firing by artillery may take place, and Section 5 of the principal Ordinance specifies the signals which must be given by day or night when practice firing takes place in such areas.

2. It is desired to reduce the number of areas from five to two and to make appropriate amendment to provision for signals. Such changes are affected respectively by Clause 6, repealing and replacing the First Schedule to the principal Ordinance, and by Clause 8 which seeks to add a new schedule, as the Third Schedule.

3. Further provisions made by the Bill are—

Clause 2—adding to the definitions in Section 2 of the principal Ordinance, notably by definition of gun site.

Clause 4—which provides for repeal and replacement of Section 4 of the principal Ordinance to require the quarterly circulation of provisional programmes of firing practice in respect of Firing Areas and publication of notice of intended firing practice and to prohibit firing practice on any general holiday.

ADJOURNMENT.

H.E. THE GOVERNOR. — That concludes the business, Gentlemen. When is it your pleasure that we should meet again?

THE ATTORNEY GENERAL. —I suggest the 3rd March, Sir.

H.E. THE GOVERNOR. — Council will adjourn until 2.30 p.m. on Wednesday, 3rd March, 1948.