

8th June, 1949.

PRESENT:—

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

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

THE SECRETARY FOR CHINESE AFFAIRS (HON. B. C. K. HAWKINS, O. B. E., *Acting*).

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

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

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

HON. A. NICOL (Acting Director of Public Works).

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

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

DR. HON. CHAU SIK-NIN.

HON. M. M. WATSON.

HON. C. BLAKEE, M. C., E. D.

MR. G. C. HAMILTON (Clerk of Councils).

ABSENT:—

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

THE COLONIAL SECRETARY (HON. J. F. NIGOLL, C. M. G.)

HON. D. F. LANDALE.

HON. LEO D'ALMADA E CASTEO, K. C.

MINUTES

The Minutes of the meeting of the Council held on 25th May, 1949, were confirmed.

PAPERS

THE ATTORNEY GENERAL, by command of His Excellency the Governor, laid upon the table the following papers:—

Second Annual Report of the Hong Kong War Memorial Fund Committee.

Annual Report of the Controller of Stores for the year 1947-48.

Sessional Papers, 1949:—

No. 3—Report on the Organization, Methods and Staff Survey of the Colonial Secretariat.

QUESTIONS.

HON. SIR MAN-KAM LO asked the following question:—

Will Government make a statement in regard to reparations payable to the Colony by Japan pointing out the extent, if any, to which the Colony's position is or may be affected by the recent American announcement as to stoppage of removal of industrial plants from Japan towards Japanese reparations?

THE FINANCIAL SECRETARY replied as follows:—

The effect of the statement by General McCoy of the United States Army that no further industrial plant is to be removed from Japan as reparations is now being considered by His Majesty's Government in the United Kingdom.

A further statement will be made as soon as more details are received.

MOTIONS.

THE FINANCIAL SECRETARY moved that the supplementary provision for the third quarter ended 31st December, 1948, Schedule No. 3 of 1948-49, be approved.

He said: Sir, the Special Warrants set out in this Schedule have all been approved by Finance Committee. The Schedule contains no very large items and does not appear to call for any more detailed explanation than is already set out in the remarks column.

I should like, however, to point out that besides the specific savings quoted against certain items, there are savings under other Heads which tend to set off this supplementary expenditure. \$300,000

of the expenditure provided for in the Schedule is balanced by corresponding revenue receipts and in the case of some of the Public Works items, the amounts provided were not fully expended during the financial year 1948-49.

THE ATTORNEY GENERAL seconded, and the motion was carried.

BUILDINGS (AMENDMENT) BILL, 1949.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Buildings Ordinance, 1935." He said: Sir, at the present time section 5(3) of the Buildings Ordinance, 1935 empowers the Governor in Council to remove from the list the name of any person he may consider unfit or unsuitable to be an authorised architect. Within the past year there have been cases where it has been necessary for the Governor in Council to consider the fitness or suitability of certain authorised architects. In a number of such cases it has been the view of the Governor in Council that while an architect could be regarded as blameworthy, yet he has not displayed a degree of unfitness or unsuitability which would justify the severe penalty of removal from the list of authorised architects. In such cases the conduct in question has seemed to warrant a less severe penalty, such as that of censure accompanied by publicity of the fact of such censure.

It is for this reason that the Bill is before Council to provide, as by clause 2, for the amendment of section 5 of the principal Ordinance in such a way as to provide for censure as an alternative penalty to removal from the authorised list. The amendment proposed also provides that upon an order of removal or censure being made by the Governor in Council, any such order shall be publicised by notification in the *Gazette*.

Sir, it will be observed from paragraph 2 of the Objects and Reasons that the procedure envisaged by clause 2 of the Bill has precedent and that such precedent has been followed in the case of the Bill now before Council.

THE FINANCIAL 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. Section 5(3) of the Buildings Ordinance, 1935, the principal Ordinance empowers the Governor in Council by order to remove from the list of authorized architects—

(a) the name of any person who has ceased to practise; and

(b) the name of any person he may consider unfit or unsuitable to continue to be authorized.

The principal Ordinance does not, however, empower the Governor in Council in cases of unfitness or unsuitability to order lesser penalty than removal from the list of authorized architects in cases where he considers lesser penalty would be appropriate.

2. The object of this Bill is so to provide by amendment of section 5 of the principal Ordinance. The amendment proposed (clause 2 of the Bill) is modelled on precedent afforded by section 5(3) of the principal Ordinance, section 13(1) of the Medical Registration Ordinance, 1935, and section 7 of the Architects (Registration) Act, 1931. (21 & 32, Geo. 5, c.33).

ADJOURNMENT.

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

THE ATTORNEY GENERAL:—I suggest this day fortnight, Sir.

H.E. THE GOVERNOR:—Council will adjourn till this day fortnight.