

*3rd August, 1949.*

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**PRESENT:—**

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

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING IN CHIEF  
(LIEUTENANT-GENERAL F. W. EESTING, C.B., C. B. E., D. S. O.)

THE COLONIAL SECRETARY (HON. J. E. NICOLL, C. M. G.)

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

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

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

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. B.

DR. HON. CHAU SIK-NIN.

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

HON. M. M. WATSON.

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

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

**ABSENT:—**

HON. D. F. LANDALE.

**MINUTES.**

The Minutes of the meeting of the Council held on 20th July, 1949, were confirmed.

**PAPERS.**

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

Annual Report of the Director of Audit Hong Kong on the Audit of the Accounts of Hong Kong for the Financial Year ended 31st March, 1948.

Annual Report of the Chief Officer, Fire Brigade, for the year 1948-49.

**SUPPLEMENTARY APPROPRIATION FOR 1947-48 BILL, 1949.**

THE FINANCIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance to authorize the appropriation of a supplementary sum of thirty-four million six hundred and fifty-four thousand two hundred and fifty-one dollars to defray the charges of the financial year ending 31st March, 1948." He said: Sir, the expenditure for the financial year 1947/48 was estimated at \$109,834,355, but the actual expenditure was \$17,914,846 in excess of this estimate. The main reason for this was the financial settlement with His Majesty's Government, and this is responsible for the bulk of the supplementary provision required under the head "Miscellaneous Services", which constitutes the major item in the Schedule to the Bill. Other factors which contributed to this excess on the "Miscellaneous Services" vote were a sum of nearly \$4,000,000 in respect of adjustments resulting from the Salaries Revision, and of over \$1,500,000 in respect of the Government contribution to the War Memorial Fund.

In the Schedule to the Bill are set out the heads under which the expenditure for the year exceeded the amounts provided in the Appropriation Ordinance. It is necessary to make supplementary appropriation to cover these excesses, although in point of fact they have already been approved when the quarterly returns of supplementary expenditure were submitted to this Council. The Supplementary Appropriation Ordinance may thus be regarded as a regularising measure.

I should perhaps emphasise that the authorising of a further appropriation of over \$34,500,000 does not mean that this sum was actually spent during the year 1947/48 in addition to the sum of between 109 and 110 million dollars originally voted. This \$34,500,000 is merely the total of the excesses on the heads listed in the Schedule to the Bill. But there are savings on the heads which do not appear

in the Schedule which partly off-set these excesses, thus reducing the excess of actual expenditure for the year over estimated expenditure to the figure of just under \$18,000,000 which I first quoted.

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

### **REGISTRATION OF PERSONS BILL, 1949.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to provide for the registration of persons the issue of identity cards and for purposes incidental thereto." He said: Sir, it has been the experience of Hongkong and all other parts of the world that when an actual emergency occurs there must be inevitably some resort to improvisation in meeting such a situation. Improvisation applied in circumstances of actual emergency can result in confusion and can even produce hindrance rather than help in the maintenance of security. In the light of such experience it is, I think, manifest that plans must be made in advance of any actual emergency so that should such event occur the need for hasty improvisation can be minimised.

Sir, measures which have come before this Council from time to time during the past year have had relation to planning against the possibility of the occurrence of 'an actual emergency in the Colony—an emergency being a repercussion from the unsettled conditions now unhappily prevailing over most of the world in general, and in China in particular.

Sir, the Bill now before Council comes within that pattern. It gives a statutory authority and design for the establishment of a scheme of registration of persons—all persons in the Colony—subject to exemptions named in the Bill, and it provides for the issue to persons registered of identity cards.

Honourable Members well know that such a scheme is by no means novel. In one form or another registration of persons and the issue of identity cards has been in vogue in many parts of the world in modern times as a necessary part of any machinery of control for security in conditions of actual emergency.

Sir, the actual content of the Bill is explained at some length in the Objects and Reasons which appear published with the copies of the Bill in the hands of Honourable Members. It will be seen that clauses 4 and 5 lay down the general requirement that all persons in the Colony upon the coming into force of the Ordinance, and all persons being here thereafter, shall be registered. From this requirement there are exemptions which are described in clause 15 of the Bill. It will be seen, for instance, that exemption is given in regard to all children under the age of 12, and exemption is also given to all members of His Majesty's Forces and to the Police Force. It will be appreciated that in the case of the members of such Forces

all the necessary particulars of their members are well known and all such members are already in possession of identity cards or equivalent documents.

Sir, otherwise the Bill before Council is, in the main, concerned with the ways and means of registration and the enforcement of that requirement. The main exception from the generality of the statement which I have just made is provided by clause 4(2) of the Bill. That clause provides that, if administrative convenience so requires, the Governor may direct that registration of persons shall be effected progressively according to description or category of persons to be specified from time to time by order made under this subsection and published in the Gazette. Thus, if a direction is made by the Governor, selection by category can be made in the course of registration which will ensure that at the outset registration and the issue of identity cards to persons registered is applied to persons whose presence in the Colony is normal. That provision also takes account of the practical difficulty which administratively confronts the effecting of a registration of a large population. By this provision it will be possible for registration to be done in such a way as to avoid confusion or break down in the machinery of registration and in the issue of identity cards and also by this means, minimise to the utmost the inconvenience which necessity for registration will impose on individuals.

Sir, there is, I believe, only one other important aspect of this Bill upon which it is necessary that I should touch at this stage. I refer to clause 16 of the Bill. As to this, Sir, I believe I have said enough to make clear that the legislation proposed by this Bill is so proposed because of existing conditions of economic and political unrest. As and when such conditions cease to prevail, the difficulty, trouble and expense involved in the operation of a 'scheme of registration could then be avoided. To meet that contingency, which it is to be hoped will arise sooner rather than later, provision is made by this clause 16 to empower this Council by resolution to suspend the operation of the Ordinance. By this device when conditions no longer require a scheme of registration of persons and the issue or possession of identity cards, this Council can suspend operation of the Ordinance, but the Ordinance and Rules would remain upon the Statute Book for revival of operation by way, again, of resolution of this Council at such time or times in the future as conditions re-occur which call for 'security measures involving the registration of persons and the issue of identity cards.

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. In this Colony no legislation exists enabling a Register of persons to be kept or providing for individual identification. It is

considered that in conditions of world wide political and economic unrest legislation enabling the registration of persons in the Colony and giving means for their identification should be enacted. The primary objective of such legislation would be to aid any measures which may, from time to time, be found necessary for the maintenance of law and order and for the distribution of supplies of food or other commodities.

2. This Bill seeks to meet such requirements. It provides (clause 4(1)) that every person being in the Colony on the coming into force of the Ordinance or entering the Colony thereafter shall make application for registration. The obligation so imposed is, as stated, applicable to all persons except that exemption from such obligation is given by clause 15 to the persons named in such clause, *i.e.* members of His Majesty's Forces in possession of identity cards, members of the Hong Kong Police Force, *bona fide* travellers in transit and in possession of a passport, and children under the age of 12 years. For the purpose of such registration the "Registration Commissioner" (as defined) is required by clause 6 to maintain a Register in which shall be entered the name and other particulars of an applicant (as defined). Upon completion of registration of any person, which is to be effected in manner specified by any Order made under clause 4(2) and prescribed by Rules under the Ordinance, the Registration Commissioner (clause 10) shall issue Identity Cards to all persons whose names and particulars have been entered on the Register. The Bill (clauses 7, 8 and 9) give powers necessary to the Registration Commissioner and Registration Officers (as defined) for the operation of the Ordinance. In particular, by clause 7 the requirement is made that applicants for registration 'shall submit to the recording of fingerprints and the taking of photographs.

3. Clause 13 of the Bill gives to the Governor in Council powers to make rules for the purposes of the Ordinance therein mentioned. The Schedule to the Bill in fact sets out rules entitled the Registration of Persons Rules, 1949, which are deemed to be Rules made under such powers, prescribing the necessary forms and generally providing for the manner in which registration and issue of Identity Cards shall be effected. In particular, the rules provide that (subject to the provisions of any Order made under clause 4(2)) it will be possible for persons to make application for registration either through employers (as defined) or individually.

4. As indicated, the Bill upon enactment will render compulsory the registration of all persons (other than persons exempted as above specified) and the issue to registered persons of Identity Cards. Such a requirement will necessarily entail considerable 'administrative work. For this reason and in order that personal inconvenience to persons obliged to register may be minimized, the Bill also provides (clause 4(2)) that the Governor may direct that registration shall be effected progressively according to description or categories of persons specified from time to time by Order of the Governor.

5. It has also been mentioned that the need for the legislation which this Bill upon enactment will provide is primarily related to the existence of conditions of unrest. For this reason provision has been added (clause 16) which allows for suspension of the operation of the Ordinance or for its revival, as and when required, upon appropriate resolution to that effect being passed by Legislative Council in either case.

### **AIR ARMAMENT PRACTICE BILL, 1949.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to regulate Practice Bombing and Firing from Aircraft and for clearing certain Sea Areas in connection therewith." He said: Sir, this Council has long been familiar with the legislation, the existing legislation being Ordinance No. 1 of 1936, which provides authority for artillery practice to take place within the Colony, and which demies the areas in which such practice can take place. Legislation, however, does not exist which enables practice bombing from aircraft to take place. It has not proved feasible merely to amend Ordinance No. 1 of 1936 to meet the difficulty presented by the absence of legislation governing the practice of aircraft bombing and consequently this Bill, which as to scheme is modelled on Ordinance No. 1 of 1936, is necessary. As will be seen, the Bill defines an area, a sea area, in which practice bombing by aircraft may take place after due notification and precautions for safety have been made.

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 (Ordinance No. 1 of 1936), regulates practice firing by artillery. That Ordinance was amended by Ordinance No. 7 of 1948, to make it applicable to practice firing from aircraft but it does not however provide for practice bombing by aircraft.

2. The object of this Bill therefore is to provide by separate legislation for practice bombing from aircraft. In so doing the Bill follows the model of Ordinance No. 1 of 1936. The Bill also includes provision for practice firing from aircraft. Consequently (by clause 12) provision is made to amend sections 2 and 10 of Ordinance No. 1 of 1936 so as to delete from such Ordinance provision for practice firing from aircraft.

### **COMPENSATION (SPECIAL CASES) BILL, 1949.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to provide for the payment of compensation to a person injured or the dependants of a person killed in fulfilling a duty to uphold the law."

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

Council then went into Committee to consider the Bill clause by clause.

Council then resumed.

THE ATTORNEY GENERAL reported that the Compensation (Special Cases) Bill, 1949, had passed through Committee without amendment and moved the Third reading.

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

#### **REGISTRATION OF DENTISTS (AMENDMENT) BILL, 1949.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Registration of Dentists Ordinance, 1940."

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

Council then went into Committee to consider the Bill clause by clause.

Council then resumed.

THE ATTORNEY GENERAL reported that the Registration of Dentists (Amendment) Bill, 1940, had passed through Committee without amendment and moved the Third reading.

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

#### **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 this day fortnight.

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