

21st December, 1949.

PRESENT:—

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

THE COLONIAL SECRETARY (HON. J. F. NICOLL, 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.)

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

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

HON. E. A. BOYCE (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. P. S. CASSIDY.

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

ABSENT:—

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING IN CHIEF
(LIEUTENANT-GENERAL SIR E. C. R. MANSERGH, K.B.E., C.B., M.C.)

HON. D. F. LANDALE.

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

MINUTES.

The Minutes of the meeting of the Council held on Wednesday, 7th December, 1949, were confirmed.

PAPERS.

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

The Pensions Ord., 1932,—Declaration under section 2(b)(i). (G.N. No. A. 259 of 1949).

The Price Control Order, 1946,—Amendments to the Schedule. (G.N. No. A. 263 of 1949).

The Widows' and Orphans' Pension Ord., 1908,—"Approved schemes". (G.N. No. A. 264 of 1949).

The H.K. Defence Force Ord., 1948,—Notice under Section 15. (G.N. No. A. 265 of 1949).

Order bringing into force the Vehicle and Road Traffic (Motor Vehicles) (Direction Indicator) Regulations, 1949. (G.N. No. A. 266 of 1949).

Annual Report of the Director of Civil Aviation for the year 1948-49.

Annual Report of the Forestry Officer for the year 1948-49.

Annual Report of the Commissioner of Inland Revenue for the year 1948-49.

Annual Report of the Urban Council and Sanitary Department for the year 1948-49.

Annual Report of the Director of Department of Commerce and Industry for the year 1948-49.

MOTIONS.

THE FINANCIAL SECRETARY moved the following Resolutions :—

(1) THE COMPENSATION (SPECIAL CASES)**ORDINANCE, 1949.****Resolution of Legislative Council****(under section 2(1)).**

WHEREAS it is provided by section 2 of the Compensation (Special Cases) Ordinance, 1949, that:—

(i) it shall be lawful for the Legislative Council, by resolution, to award compensation, either by way of a lump sum or periodical payment, from the general revenue of the Colony, to a person injured

the execution of a moral or legal duty to uphold the law in resistance to crime, or to the dependants of a person so injured who dies as a result of such injury;

(ii) any such award may be made subject to such conditions as all be specified in such resolution and thereafter such award may varied or revoked by the Legislative Council by resolution;

AND WHEREAS on the 1st January, 1947, SYDNEY CHARLES COLLIKS, Land Surveyor in the Public Works Department of the Government of the Colony was killed while upholding the law in resistance to crime, namely, in resistance to attack by armed robbers occurring in a railbus travelling between Fan ling and Kowloon;

AND WHEREAS the said SYDNEY CHAELES COLLINS is survived by his widow, Mrs. Barbara Mary Collins and by his daughter Rowena Mary Collins (hereinafter referred to as "dependants") resident with him and dependent upon him at the date of his death as aforesaid;

Now THEREFORE be it resolved by this Honourable Council that award be made to the dependants of the late SYDNEY CHAELES COLLINS aforesaid to the amount and subject to the conditions specified in the Schedule hereto.

SCHEDULE.

<i>Name of dependant.</i>	<i>Amount of award.</i>	<i>Conditions.</i>
Mrs. Barbara Mary Collins.	£182 per annum.	Until re-marriage.
Rowena Mary Collins.	£22 per annum.	Until the age of 18 years be attained or earlier marriage.

(2) RESOLUTION OF LEGISLATIVE COUNCIL.

WHEREAS on the 1st January, 1947, SYDNEY CHAELES COLINS, Land Surveyor in the Public Works Department of the Government of the Colony was killed while upholding the law in resistance to crime, namely, in resistance to attack by armed robbers ring in a railbus travelling between Fanling and Kowloon;

AND WHEREAS the said SYDNEY CHAELES COLLINS is red by his widow, Mrs. Barbara Mary Collins and by his daughter Rowena Mary Collins resident with him and dependent upon him at ate of his death as aforesaid;

AND WHEKEAS pending the enactment of legislation to permit of the award of compensation, either by way of a lump sum or periodical payment, to the dependants of a person who dies as a result of injury received while upholding the law in resistance to crime, payments at the rate specified in the Schedule hereto have been or are about to be made to Mrs. Barbara Mary Collins and Rowena Mary Collins aforesaid during the period 1st January, 1947 to 20th December, 1949.

Now THEREFORE be it resolved by this Honourable Council that the payments aforesaid be ratified and confirmed.

SCHEDULE.

<i>Name of Dependant.</i>	<i>Amount of Award.</i>
Mrs. Barbara Mary Collins	£182 per annum.
	£ 22 per annum.

He said:—Your Excellency, I rise to move the two resolutions standing in my name which appear as Nos. 1 and 2 on the Order Paper.

I trust that Honourable Members will have no objection to these two resolutions being taken together, but they are very closely interconnected and it will be much more convenient to deal with them in this way.

Honourable members will recollect the tragic events of the 1st January, 1947, in the course of which Mr. S. C. Collins, a Surveyor in the Public Works Department, was killed in an attempt to capture one of the robbers who held up a train between Fanling and Kowloon. Mr. Coiling was not on duty at the time, but he met his death while striving to uphold law and order in the Colony, and as an editorial remarked at the time—“Due to him are the community’s thanks, which should be adequately expressed”.

Government felt that not only in this case but that in general where a person is killed or injured in the execution of a moral or legal duty to uphold the law in resistance to crime, it would be proper that some award of compensation should, in appropriate cases, be made to such a person or to the dependants.

A Bill giving effect to this proposal was introduced into this Honourable Council a few months ago, and was enacted as “The Compensation (Special Cases) Ordinance (No. 34 of 1949)”. Section 2 of this Ordinance provides that it shall be lawful for Legislative Council by resolution to award compensation in such cases, either by way of a lump sum or periodical payment. Under the resolution

appearing as No.1 on the Order Paper your approval is sought to the grant of a pension of £182 to Mr. Collins' widow until her re-marriage, and of £22 per annum to his daughter until she reaches the age of eighteen, or if she marries at an earlier age, until the date of her marriage. These pensions are based on the awards which would have been due if Mr. Collins had met his death while actually on duty. If this resolution meets with the approval of this Honourable Council, pensions at the rates indicated will become payable with effect from today's date.

But Mrs. Collins' need was an immediate one. By her husband's death as a result of his public-spirited action she had suffered an irreparable loss, and both she and her small daughter were left with only a very small Widows & Orphans Pension on which to live. Government decided that it was proper to frame legislation to deal with this and similar cases which might occur in future, and in this I am confident that they had the support of the whole community. It was realised that a long period would elapse before such legislation could be finally enacted, and after consideration in Executive Council, it was decided to make an ex gratia grant equivalent to the proposed pension in respect of the financial year ending 31st March, 1948. The resolution which appears as No. 2 on the Order Paper, and which I am now submitting for your approval, is designed to confirm this pension and to authorise its continuance until the other resolution becomes operative with effect from today's date.

THE COLONIAL SECRETARY seconded, and the Motions were carried.

THE ATTORNEY GENERAL moved:—

That the Rule made by His Honour the Chief Justice on the 12th December, 1949, 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 empowers the Chief Justice to make Rules, inter alia, governing the fees and costs of solicitors. The section, however, requires that Rules so made shall be approved by this Council.

Sir, by Rules made and published in the Gazette on the 22nd November, 1946 which received the approval of this Council provision was made whereby the total in any Bill of Costs or Fees of solicitors in respect of business done in the Supreme Court was increased permanently by 33 $\frac{1}{3}$ % over those in operation on the 8th December, 1941, The same Rule allowed temporarily for a further 33 $\frac{1}{3}$ % increase provided that this further increase should only continue until the 31st December, 1947.

Sir, such provisions took account of the general increase in costs and expenses resulting from the war. As the rise in costs and expenses has persisted since 1946 amendment to the Rule which I have quoted has been made in each year 1947 and 1948 and approved by this Council whereby the temporary increase of 33 $\frac{1}{3}$ % has remained

in force. The amendment made in December of last year provided that this temporary 33 1/3% increase continue in operation for a further year.

The purpose of the Rule before Council for approval to-day is to continue such permitted percentage increase for one year more, since the reasons justifying the increase still prevail.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

DOGS AND CATS BILL, 1949.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to regulate the keeping and control of dogs and cats and to prevent and control the introduction into and the spread of rabies in the Colony." He said: Sir, statistics which had been made available to me by the Honourable Member, the Director of Medical Services, show that in the past twelve months, that is, from 1st January this year, the incidence of rabies in the Colony has been: Human Cases, 20 deaths, Animal Cases, dogs and cats, 39 deaths. These statistics, of course, reveal a serious situation showing that a severe epidemic of rabies has persisted over the year. The epidemic still persists and, as I am advised, the incubation period being long, it will not be possible to be sure that the epidemic is at an end even if from this date no further cases come to notice for a matter of months. It has therefore become necessary to review the legislation of the Colony available to assist the control and prevention of rabies.

In addition, Honourable Members will recall that a petition bearing many signatures representative of many shades of opinion in the Colony has been received by Government urging prohibition of the practice of the slaughter of dogs for human consumption. That petition had regard to the fact that cruelty attends the slaughter of dogs for human consumption, and furthermore they urge the view, which I may say is shared by veterinary and other authorities, that the practice of consumption of dogmeat encourages the importation of dogs into the Colony, thereby increasing the risk of the introduction and spread of rabies.

Sir, as indicated in the Objects and Reasons which are published with the Bill before Council, the alternative existed of making amendment to the Dogs Ordinance, 1927, and regulations under that Ordinance so as to make legal provision for the additional measures of control which the rabies situation demands. Examination of the matter, however, has revealed that it will be preferable to repeal the Dogs Ordinance, 1927, which is a short Ordinance of 5 sections giving rather limited power of making regulations, and replace the existing legislation by a new legislation. The procedure of repeal of the Dogs Ordinance, 1927, and its replacement by legislation in the form of the Bill before Council is also more convenient, because professional advice requires that a measure of control should be imposed

as regards cats since they, too, are liable to rabies, the control visualised the case of cats being limited, however, to powers of seizure and destruction of cats affected or suspected of being affected by the disease.

Sir, the Bill before Council provides for a widening of powers make regulations by comparison with those now existing under the 1927 Ordinance and for powers to search for and seize animals which are rabid, or suspected of being rabid, and also powers of arch in the case of suspected contravention of the Ordinance and ablations.

The Bill also provides for an increase of penalties over those now availing which are regarded as inadequate.

Honourable Members will notice that the Bill foresees that legislative control will in the main be effected by regulations to be made by the Governor-in-Council, and I would say that regulations have in fact been prepared and will be submitted to the Governor-Council at an early date if the Bill before Council is enacted. As these regulations, the main feature will be the requirement of compulsory inoculation against rabies in the case of dogs, such inoculation to take place every 12 months and to be a condition precedent the licensing of dogs. The regulations also place a more stringent obligation upon the owners of dogs to effect muzzling or to ensure that dogs are kept on leads. The regulations would also impose a prohibition against the slaughter or sale of dogs for food. To aid enforcement of such regulations the power given by clause 3(2)(b) to vide that the onus of proof may be placed on a defendant upon contravention of the Ordinance or regulations will be employed in appropriate instances, for example, where slaughter or sale of dogs food is charged.

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 present severe epidemic of rabies has made it imperative to take more stringent measures to prevent the occurrence and spread within the Colony of this disease.

2. While many of the measures which it is desired to impose could be taken by the enactment of regulations under the Dogs Ordinance, 1927, in its existing form, it is considered advisable to repeal and replace the Ordinance so as to make it applicable also to cats, which animals are also equally susceptible to rabies. The opportunity has been taken—

(a) to widen the power of making regulations;

(b) to confer powers of search upon police officers, officers of the Sanitary Department and officers duly authorized by the District Commissioner, New Territories, in the case of suspected contraventions of the Ordinance and regulations;

(c) to increase the penalties for a contravention of the Ordinance or the regulations;
and

(d) to make it an offence to obstruct the enforcement of the principal powers given by the Ordinance.

3. The powers given to police officers and officers of the Sanitary Department and of officers duly authorized by the District Commissioner, New Territories, are modelled on the powers given by section 9 of the Importation and Exportation Ordinance, 1915.

4. The fees for the inoculation of dogs and the detention of dogs and cats must necessarily vary from time to time and it is thought that these might more conveniently be prescribed by the Governor by notification in the Gazette rather than by way of amendment on each occasion of the regulations. It is necessary in the interest of public health to make the owner of a dog absolutely liable for the breach of regulations relating to muzzling a dog or keeping a dog on a lead. It will also be necessary in certain circumstances to shift to the defendant the onus of proof that a regulation has not been contravened, e.g. where slaughter or sale for food is reasonably suspected. It will also be necessary to give a wide discretion to the Veterinary Officer and to empower him to impose conditions in permits and other authorizations. Sub-clause (2) of clause 3 has been framed with a view to avoiding doubts of the power of the Governor in Council to deal with such matters by regulation.

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 to this day fortnight.