

25th January, 1950.

PRESENT: —

THE COLONIAL SECRETARY (HON. R. R. TODD, *Acting*).

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.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. LEO D'ALMADA E CASTRO, K.C.

HON. M. M. WATSON.

HON. P. S. CASSIDY.

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

ABSENT: —

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

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

ANNOUNCEMENT.

THE PRESIDENT: —Gentlemen, I regret to announce that His Excellency the Governor is indisposed. In accordance with Article 21 of the Royal Instructions it is my duty to preside to-day.

MINUTES.

The Minutes of the meeting of the Council held on 4th January, 1950, were confirmed.

OATHS.

THE PRESIDENT: —I regret that it is not possible to proceed with the second item on the Agenda to-day because the Honourable Member concerned, Mr. Terry, is absent from the Colony.

PAPERS.

THE FINANCIAL SECRETARY, by direction of the President, laid upon the table the following Papers: —

The Air Navigation (Temporary Restrictions) Regulations, 1950. (G.N. No. A. 1 of 1950).

The Essential Services Corps (General) Regulations, 1950. (G.N. No. A. 2 of 1950).

The Public Health (Sanitary Provisions) Regulations, 1948—Declaration under section 2 (10) (a). (G.N. No. A. 3 of 1950).

The Public Health (Sanitary Provisions) Regulations, 1948—Declaration under section 2 (10) (a). (G.N. No. A. 4 of 1950).

The Price Control Order, 1946—Amendments to the Schedule. (G.N. No. A. 5 of 1950).

The Buildings Ord., 1935, —Notification under Section 122. (G.N. No. A. 6 of 1950).

The Merchant Shipping Ord., 1899, —Amendments to Table S. (G.N. No. A. 7 of 1950).

The Peak Tramway (Amendment) Rules, 1950. (G.N. No. A. 8 of 1950).

The Ferries Ord., 1917, —Excluded Ferry. (G.N. No. A. 9 of 1950).

The Dogs and Cats Regulations, 1950. (G.N. No. A. 10 of 1950).

The Quarantine and Prevention of Disease Ord., 1936, —Order declaring Swatow infected on account of smallpox. (G.N. No. A. 11 of 1950).

The Public Health (Sanitary Provisions) Regulations, 1948—Declaration under section 2 (10) (a). (G.N. No. A. 12 of 1950).

The Pilots (Amendment) Regulations, 1950. (G.N. No. A. 13 of 1950).

The Vehicle and Road Traffic Ord., 1947—Amendment to the Regulations. (G.N. No. A. 14 of 1950).

The Dogs and Cats Ord., 1950—Persons authorized to inoculate. (G.N. No. A. 15 of 1950).

The Dogs and Cats Ord., 1950—Inoculation Fees. (G.N. No. A. 16 of 1950).

The Dogs and Cats Ord., 1950—Observation and Quarantine Fees. (G.N. No. A. 17 of 1950).

Annual Report of the Director of Public Works for the year 1948-49.

Sessional Papers, 1950: —

No. 1. —A Report on Post-war Movements in the Cost of Living in Hong Kong.

He said: —In laying these Papers, I should just like to mention that the Report on Post-war Movements in the Cost of Living in Hong Kong will be on sale to the public in the course of the next few days.

INTERPRETATION BILL, 1950.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend and consolidate the law relating to the construction and interpretation of the law applicable to the Colony and to make better provision for the interpretation of the terminology employed therein and for matters incidental thereto." He said: Sir, the Interpretation Ordinance which is at present in force was enacted in 1911. Since that date it has been amended on a number of occasions. It is now in need of further amendments for many reasons, one being, for example, that constitutional changes have taken place within the Empire. In these circumstances it seemed best to suggest the enactment of an entirely new Ordinance which while consolidating amendments made in the past and also effecting amendments now necessary will, additionally, enable the Interpretation Ordinance of the Colony to be provided in a form which takes into account the many changes in interpretation of expressions used in legislation which have occurred in the forty years, approximately, since the present Ordinance was originally enacted.

Sir, the Bill before Council has been prepared in conjunction with the work of the general revision of the Laws which is now proceeding under the authority of the Revised Edition

of the Laws Ordinance, 1948. The detailed work necessary for revision has enabled a study to be made of the variety in form and expression now employed in Hong Kong legislation, and it has enabled decisions to be taken to ensure uniformity of form and expression throughout our laws. Such decisions are in fact being taken and applied in the revision which is now taking place but, Sir, it is necessary that confirmation of such action be imparted by the enactment of a new Interpretation Ordinance which would give statutory authority to the process which I have described. At the same time the Ordinance, upon enactment, should not come into general operation until the Revised Edition of the Laws is completed and is approved for use by the requisite proclamations being made under sections 7 and 11 of the Revised Edition of the Laws Ordinance, 1948. It is for this reason, Honourable Members will observe, that by clause 44 provision is made that if enacted the Bill as an Ordinance shall not come into force until such day as shall be notified by proclamation.

Turning now, Sir, to the actual details of the Bill, it will be observed from the comparative table published with the Objects and Reasons appearing with the Bill that the Bill represents, in substantial degree, reproduction of the provisions of the existing Interpretation Ordinance, though considerably modified in the way of phraseology. In addition, new clauses have been inserted which owe their origin to examination of the most recent Interpretation legislation of other Colonies.

For the rest, Sir, I believe it can be claimed for the Bill that it sets out its material in a more convenient form than is the case in the existing Ordinance. Such, at any rate, has been our experience in using the Bill in the course of the revision of the laws.

Sir, having seen the Bill, it will be noticed that clause 3 contains in alphabetical order all matters of general interpretation, and this is in contrast to the method operating in the existing Ordinance whereby matters of general interpretation are scattered in different parts and sections under such headings as Official Definitions, Colonial Definitions, Geographical Definitions and so on, with the result that a general definition can sometimes be difficult to trace, or—a matter of greater inconvenience still—the absence of a definition is difficult to confirm.

It will already be observed, Sir, from clause 4 of the Bill, that the opportunity is being taken to repeal some six Ordinances which deal with matters which appropriately find a place in the Interpretation Ordinance of the Colony. At the same time other matters now dealt with in the existing Ordinance which one would not expect to find in Interpretation legislation have been omitted for the purpose of inclusion in other legislation.

It will be observed by Honourable Members that the Bill provides for nine sections less than are in the existing Ordinance. The cumbersome provisions which it is still necessary to utilise to define the boundaries of the city of Victoria, the Colony and the Harbour are, by the Bill, transferred to Schedules so that they can easily be located and, at the same time, so that they do not hinder the frequent reference which it is necessary to make in the case of so important an item of legislation as an Interpretation Ordinance.

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

OBJECTS AND REASONS.

The "Objects and Reasons" for the Bill were stated follows: —

The Interpretation Ordinance now in force in the Colony was enacted as Ordinance No. 31 of 1911. In the interval the Ordinance has been amended on twelve occasions.

2. It is considered that, for practical requirements at this date coupled with the requirements of law revision, the Interpretation Ordinance, 1911, should be repealed and replaced by an Interpretation Ordinance of more comprehensive scope and detailed application.

3. The object of this Bill is to effect the purpose above described. In so doing the Bill (clause 3(1)) in the main reproduces with some modifications the general definitions contained in section 39 of Ordinance No. 31 of 1911, supplemented by addition of definitions of—

act	personal name
Christian name	pier
Colonial Secretary	power
Commonwealth	property
contravene	public body
daily penalty	public place
Dominion	registered
Financial Secretary	repeal
financial year	sell
Government Printer	sign
imperial enactment	street or road
imprisonment	surname
mandated territory	trust territory.
occupy	

4. In addition opportunity has been taken (clauses 33, 34 and 38) to incorporate provisions of other Ordinances, *e.g.* section 5 of the Misdemeanors Punishment Ordinance, 1898; section 5 of the Penalties Amendment Ordinance, 1911; and sections 2, 3, 4 and 5 of the Crown Fees Ordinance, 1870, which appropriately have their place in Interpretation legislation.

5. The remaining clauses of the Bill, as indicated by the Comparative table which follows, present modifications of corresponding sections of the existing Ordinance and adaptations of provisions of the Interpretation legislation of other Colonies.

6. The amendments put forward in the Bill have been taken into consideration in preparation of the revised edition of Ordinances; it is on that account intended that the date that the Bill shall come into force shall coincide with the bringing into use of such revised edition. Clause 44 therefore provides that the Bill upon enactment shall come into operation on such date as the Governor shall state by proclamation.

ADJOURNMENT.

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

THE ATTORNEY GENERAL: —I suggest this day fortnight.

THE PRESIDENT: —Council will adjourn to this day fortnight.
