

16th August, 1950.

PRESENT: —

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT (MR. JOHN FEARNS NICOLL, C.M.G.).

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

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

THE SECRETARY FOR CHINESE AFFAIRS (HON. J. C. McDouALL, *Acting*).

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

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

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

HON. A. P. WEIR (Acting Director of Public Works).

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

DR. HON. CHAU SIK NIN, C.B.E.

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

HON. M. M. WATSON.

HON. P. S. CASSIDY.

HON. LO MAN WAI, O.B.E.

HON. LAWRENCE KADOORIE.

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

ABSENT: —

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

MINUTES.

The Minutes of the meeting of the Council held on 9th August, 1950, were confirmed.

PAPERS.

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

Sessional Papers, 1950: —

No. 7. —Annual Report by the Director of Supplies and Distribution for the year 1950.

No. 8. —Annual Report by the Chief Officer, Fire Brigade for the year 1950.

The Emergency (Principal) Amendment Regulations, 1950. (G.N. No. A. 173 of 1950).

The Emergency Regulations (Commencement) (No. 2) Order, 1950. (G.N. No. A. 174 of 1950).

The Emergency (Requisition) (Use of Land by His Majesty's Military Forces) Order, 1950. (G.N. No. A. 175 of 1950).

The Exportation (Prohibition) (Specified Articles) Order, 1950. (G.N. No. A. 176 of 1950).

The Price Control Order, 1946, —Amendments to the Schedule. (G.N. No. A. 177 of 1950).

MOTIONS.

THE FINANCIAL SECRETARY moved the following resolution: —

Resolved that the Abandonment of Claims and the Write-offs of losses and deficiencies as specified in Schedule No. 1 of 1950/51, be approved.

He said: Your Excellency, the Schedule of Write-offs and Abandonments of claims now before Council is in four parts. The items set out in Parts A and C have already received the approval of Finance Committee, and those included in Parts B and D, which are less than \$200, have been approved by the Financial Secretary under the authority delegated to him by Finance Committee.

It is now, however, necessary for this Honourable Council formally to approve the action taken.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

PUBLIC HEALTH (FOOD) ORDINANCE, 1935.

THE CHAIRMAN, URBAN COUNCIL moved: —

That the By-laws made by the Urban Council on the 1st day of August, 1950, under section 5 of the Public Health (Food) Ordinance, 1935, Ordinance No. 13 of 1935, be approved.

He said: Sir, this motion refers to an amendment of the Market By-laws, the object of which is to regularise the position of the Wholesale Fish Market recently established in Kowloon.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

MARINE HAWKERS BILL, 1950.

THE ATTORNEY GENERAL moved the First reading of a Bill intitled "An Ordinance to provide for the licensing and control of marine hawkers." He said: Sir, at the present time registration, licensing and other control of hawkers is provided for by the Hawkers Ordinance, 1935 and by By-laws of the Urban Council. In the past few years, consideration has sporadically been given to the proposal that in the case of marine hawkers, that is hawkers who trade in the port in connection with ships, should come under the licensing and other control of the Marine Department as being more appropriate and as being, of course, more convenient.

The conclusion has been reached that this change should be made and it is for this reason that this Bill is introduced, the purpose of which is, in the main, to enable the making of regulations by the Governor in Council dealing with marine hawkers as a separate type of hawker from the other hawkers whose licensing and control will remain the responsibility of the Urban Council.

It will be observed that the Bill, in fact, makes regulations by including them in the Schedule. These regulations can, of course, in the future be amended by the Governor in Council by virtue of the provisions of clause 4.

The regulations do not impose any new restrictions upon marine hawkers which are in any way novel to those now applied and I would point out that paragraph 3 of the regulations provides for exactly similar licence fees to those now payable by them.

The Bill, if it is enacted, is designed, by clause 8, to come into operation on 1st October this year, thus enabling time for the necessary administrative arrangements to be made interdepartmentally to give effect to the change proposed.

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: —

The control by registration, licensing or otherwise of hawkers is at the present time provided for by the Hawkers Ordinance, 1935, and by-laws of the Urban Council made thereunder. It is considered that, in respect of marine hawkers (steamship and native craft), necessary control as described can more conveniently and appropriately be exercised by the Marine Department.

2. The object of this Bill is to make separate provision for the licensing and control of marine hawkers and empower the Governor in Council to make regulations for that purpose.

PUBLIC STORES BILL, 1950.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to make provision for the protection of Public Stores." He said: Sir, this Bill has for its model the Public Stores Act, 1875 of the United Kingdom. Briefly stated, its purpose is to provide for legislation which will add a better safeguard than at present obtains against the possibility of the misappropriation of His Majesty's stores, that is, stores whether of His Majesty's Government in the United Kingdom and belonging to the Services or stores belonging to this Government.

The objective which I have described is, in the main, sought to be obtained by giving a protection to the employment of marks which are set out in the description in the Schedule to the Bill, while also penalising heavily upon a conviction for the removal of such marks.

The Bill includes, by clause 12, provision for the repeal of sections 13 and 14 of the Marine Stores Protection Ordinance, 1919 and also of the Schedule to that Ordinance because the provisions would overlap the provisions of this Bill in those respects.

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. Following the re-occupation of the Colony considerable quantities of both Government and Services stores passed into the hands of the general public. As a result when a theft of such stores occurs at this date the investigation is often hampered by the difficulty of obtaining conclusive evidence identifying the stolen property as Government or Services property.

2. This Bill which is based on the precedent of the Public Stores Act, 1875, (38 & 39 Vict. c. 25) is designed to provide for the greater security of Government and Services stores and facilitate their identification and recovery in the event of misappropriation.

LAW REVISION (MISCELLANEOUS AMENDMENTS)**(NO. 2) BILL, 1950.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to make further amendments to miscellaneous ordinances for the purpose of facilitating the preparation of the revised edition of the laws". He said: Sir, in so doing, I wish to forecast that when the Bill reaches that stage, I intend to propose two amendments in the Schedule to the Bill.

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

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

Schedule, Item 28.

THE ATTORNEY GENERAL: —Sir, I rise to move that Item 28 relating to the Stamp Ordinance, 1921 be amended. I propose, Sir, that paragraph 1 be deleted and replaced as follows: —

"(1) Section 34 is amended by the addition of the following as paragraph (4) thereof—

“(4) All instruments, which have been duly stamped under the Stamp Regulations enforced by the Japanese in Hong Kong between the 26th day of November, 1942 and the 1st Day of September, 1945, shall be wholly exempt from duty.”

Sir, the reason for the amendment is that it is necessary to cure a printing error because we have "therefor" instead of the word "thereof" and to add the words "shall be wholly exempt from duty" which have been omitted in error of drafting notwithstanding that the objective was to render such instruments exempt from stamp duty, the exemption having been given by the B.M.A. Proclamation referred to at paragraph 28 of the Objects and Reasons.

This was agreed to.

Schedule, Item 60.

THE ATTORNEY GENERAL: —Sir, I propose amendment to Item 56 relating to the Banking Ordinance, 1948. Sir, I propose that paragraph 2 be amended by the addition of the following proviso to the proposed addition to section 3: —

“Provided that nothing in this subsection shall affect the operation of section 332 of the Companies Ordinance, 1932.”

Sir, the reason for the proposed addition to section 3 of the Banking Ordinance is explained at paragraph 56 of the Objects and Reasons. Neither the principal Ordinance nor the amendment had regard specifically to section 332 of the Companies Ordinance which precludes any association of more than 20 persons from carrying on the business of banking unless it is registered as a company. The addition of the proviso is proposed to make clear the application of the Companies Ordinance restriction which I have described.

This was agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Law Revision (Miscellaneous Amendments) (No. 2) Bill, 1950 had passed through Committee with two amendments, and moved the Third reading.

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

DEPORTATION OF ALIENS (AMENDMENT)

BILL, 1950.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance further to amend the Deportation of Aliens Ordinance, 1935."

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 Deportation of Aliens (Amendment) Bill, 1950 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 OFFICER ADMINISTERING THE GOVERNMENT: — That concludes the business to-day. When would Honourable Members wish to meet again?

THE ATTORNEY GENERAL: —I propose adjournment to Thursday, 24th August.

H.E. THE OFFICER ADMINISTERING THE GOVERNMENT: —Council adjourns to Thursday, 24th August.
