

29th August, 1950.

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PRESENT: —

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

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).

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. 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: —

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

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

MINUTES.

The Minutes of the Meeting of the Council held on 24th 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: —

The Holidays Ord., 1947, —Notification under S. 7. (G.N. No. A. 185 of 1950).

The Air Transport (Licensing of Air Services) Regulations, 1949, — Amendments to. (G.N. No. A. 187 of 1950).

The Price Control Order, 1946, —Addition to the Schedule. (G.N. No. A. 188 of 1950).

MOTIONS.**JURY (AMENDMENT) BILL, 1950.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled “An Ordinance to amend the Jury Ordinance, 1887.”

THE COLONIAL SECRETARY seconded.

HON. LO MAN WAI: —Your Excellency, may I be permitted to make a few remarks on clause 4 of this Bill. As stated in the Objects and Reasons, this clause is intended to repeal section 6 of the Jury Ordinance, 1887. There is no doubt that this section does not afford sufficient machinery to enable the Registrar of the Supreme Court to obtain for the purposes of the Jury List the names and particulars of all persons within the Colony liable and qualified to serve on juries, and by so doing to ensure that the duty of jury service is equally shared.

It is desirable therefore that this section should be repealed and be replaced by provision imposing a duty on persons liable to jury service and employers of such persons to furnish particulars to the Registrar. It seems to me, however, that this new clause 4 places such persons in a difficult position by imposing a duty based on qualifications specified under section 3 of the principal Ordinance, because under section 3 one of the qualifications for liability to serve as a juror is a sufficient knowledge of the English language to the satisfaction of the Court. I should imagine that in many cases it will be difficult for a person or employer of such a person to decide whether he has a sufficient knowledge of the English language which will satisfy the Court, and to tell therefore whether he comes within this new clause.

Sir, I venture to suggest that for this reason this new clause 4 should require further consideration.

THE ATTORNEY GENERAL: —Sir, the Honourable Member was good enough to make known to me his doubts about clause 4 of this Bill which is now before Council. As a result, I was afforded opportunity to consider the criticism which the Honourable Member has just voiced. I feel that by suitable amendment I have provided a solution to meet the undoubted difficulty to which the Honourable Member has drawn attention. But the amendment I have in mind would be difficult to effect at the committee stage of this Bill, while furthermore, it seems to me most desirable that on a matter of this kind, every care should be taken to produce the best possible solution of an undoubtedly rather difficult problem.

I therefore, Sir, venture to suggest that paragraph 27(13) of the Standing Orders of this Council be applied so that, with Your Excellency's permission, this Bill be referred to a Select Committee for consideration of the point raised by my Honourable Friend and any other points of difficulty which occur in the course of further consideration of the Bill.

H.E. THE OFFICER ADMINISTERING THE GOVERNMENT: —After the Bill has passed its Second reading, I shall refer it to a Select Committee.

The Bill was read a Second time.

H.E. THE OFFICER ADMINISTERING THE GOVERNMENT: —This Bill is now referred to a Select Committee with the Attorney General as Chairman and if the following Honourable Members are willing to serve: Mr. Cassidy, Mr. Lo and Mr. Kadoorie, as members.

INTERPRETATION (LAW REVISION AMENDMENT)

BILL, 1950.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance further to amend the Interpretation Ordinance, 1950."

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 Interpretation (Law Revision 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.

POLICE FORCE (AMENDMENT) BILL, 1950.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Police Force Ordinance, 1948." He said: Sir, in so doing I wish to forecast that if that stage be reached, I would wish to move certain minor amendments at that stage.

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

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

Clause 10.

THE ATTORNEY GENERAL: —Sir, I rise to move that in this clause, clause 10, in line 2 of subsection (3) of section 31 as proposed upon repeal and replacement of section 31 of the principal Ordinance, the word "thirty" be deleted and be replaced by the word "fourteen".

Sir, the provision deals with the period of time which is given for the lodging of appeal following upon disciplinary action in relation to N.C.O.'s or Constables in the Police Force. On consideration it is now thought that a period of thirty days is unduly long and that fourteen days would be sufficient as the time within which an appeal may be lodged.

This was agreed to.

Clause 11.

THE ATTORNEY GENERAL: —Sir, I move that in this clause, clause 11, line 2 of subsection (2) and line 22 of subsection (3) of section 32 as proposed upon repeal and replacement of section 32 of the principal Ordinance, the word "thirty" be deleted and replaced by the word "fourteen".

That clause, Sir, relates to disciplinary provisions *vis-à-vis* Inspectors and the change proposed as in the other case, clause 10, relates to a reduction of the time allowed in which an appeal may be lodged from thirty to fourteen days.

This was agreed to.

Clause 14.

THE ATTORNEY GENERAL: —Sir, in this clause 14 I propose that paragraph (i) of the proposed amendment to section 43 of the principal Ordinance be deleted and replaced as follows: —

" (i) by the addition of the following paragraph in subsection (1) thereof—

"(a) conditions of service excluding salaries pensions and gratuities;"

(ii) by the deletion of the word "pay" from paragraph (c) in subsection (1) thereof and by the substitution therefor of the words "the award of allowances"."

and consequentially, paragraph (ii) of the proposed amendment to be renumbered as paragraph (iii).

Sir, the amendments proposed reflect more accurately the position whereunder matters concerning salaries as well as those concerning pensions and gratuities other than the award of allowances do not fall to be dealt with by regulations under the Ordinance, but by other legislation.

This was agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Police Force (Amendment) Bill, 1950, had passed through Committee with three amendments and moved the Third reading.

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

INLAND REVENUE (LAW REVISION AMENDMENTS) BILL, 1950.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Inland Revenue Ordinance, 1947." He said: Sir, in this case also I forecast two minor amendments at Committee stage if that stage be reached.

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

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

Clause 2.

THE ATTORNEY GENERAL: —Sir, I rise to move that clause 2 be deleted and replaced by two clauses as follows: —

"Amend-
ments
to the
principal
Ordinance.
Schedule.
Schedule.
2. The principal Ordinance is hereby amended in the manner specified in the Schedule hereto, the section or part amended, added, repealed or replaced being specified in the first column of such Schedule, and the amendment, addition, repeal or replacement being specified in the second column thereof.

Commence-
ment.
3. This Ordinance shall come into force on such date as the Governor shall notify by proclamation in the *Gazette*."

Sir, in a Bill such as this comprising 31 amendments, no one of which is of any very great length, it is convenient to set out such amendments in a Schedule. It is necessary to ensure, however, that the operative clause of the Bill is wide enough in its terms to cover the various forms and types of amendments treated in the Schedule. Sir, it is considered on reflection that clause 2 as it is now framed does not meet such need sufficiently. It is consequently proposed to replace clause 2 by a clause the terms of which I read out. Furthermore, opportunity is taken to provide, as is more customary, for the commencement provision to be dealt with in a separate clause.

This was agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Inland Revenue (Law Revision Amendments) 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.

GAMBLING (AMENDMENT) BILL, 1950.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance further to amend the Gambling Ordinance, 1891."

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 Gambling (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, on the agenda for to-day. When would Members wish to meet again?

THE ATTORNEY GENERAL: —Sir, I propose that Council adjourns to Wednesday, 13th September.

H.E. THE OFFICER ADMINISTERING THE GOVERNMENT: —Council is adjourned to Wednesday, 13th September.
