

20th September, 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. 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. E. C. R. MANSERGH, K.B.E., C.B., M.C.).

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

MINUTES.

The Minutes of the meeting of the Council held on 29th 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. 10. —Annual Report by the Director of Commerce and Industry for the year 1949-50.

No. 11. —Annual Report by the Director of Civil Aviation for the year 1949-50.

No. 12. —Annual Report by the Commissioner of Prisons for the year 1949-50.

No. 13. —Annual Report by the Superintendent of Gardens for the year 1949-50.

No. 14. —Annual Report by the Director of Marine for the year 1949-50.

Report of the Director General of Colonial Audit on the Accounts of Hong Kong for the period 1st May, 1946 to 31st March, 1947.

Report of the Director General of Colonial Audit on the Accounts of Hong Kong for the year ended 31st March, 1948.

The Registration of United Kingdom Patents Ord., 1932, —Notification under S. 3. (G.N. No. A. 189 of 1950).

Removal of quarantine restrictions imposed against Amoy on account of plague. (G.N. No. A. 190 of 1950).

Removal of quarantine restrictions imposed against Bassein on account of cholera. (G.N. No. A. 191 of 1950).

Removal of quarantine restrictions imposed against Bassein on account of smallpox. (G.N. No. A. 192 of 1950).

Removal of quarantine restrictions imposed against Keelung on account of smallpox. (G.N. No. A. 193 of 1950).

Removal of quarantine restrictions imposed against Sung Shan on account of smallpox. (G.N. No. A. 194 of 1950).

The Emergency (Arms & Ammunition Ord., 1933) (Amendment) Regulations, 1950. (G.N. No. A. 195 of 1950).

The Possession of Gold (Goldsmiths) (Amendment) (No. 2) Order, 1950. (G.N. No. A. 196 of 1950).

The Reserved Commodities (Re-export) Amendment Order, 1950. (G.N. No. A. 197 of 1950).

The Hong Kong Air Navigation (General) Regulations, 1950. (G.N. No. A. 198 of 1950).

The Price Control Order, 1946, —Addition to the Schedule. (G.N. No. A. 199 of 1950).

The Summer Time Ord., 1946, —Order under S. 2(1) (b). (G.N. No. A. 200 of 1950).

The Ferries Ord., 1917, —Amendment to list of Excluded ferries under S. 5. (G.N. No. A. 201 of 1950).

The Public Health (Sanitary Provisions) Regulations, 1948, —Declaration under Regulation 2(10)(a). (G.N. No. A. 202 of 1950).

THE ATTORNEY GENERAL, by Command of His Excellency the Officer Administering the Government, laid upon the table the following paper: —

Report of the Select Committee appointed to consider a Bill intituled “An Ordinance to amend the Jury Ordinance, 1887.”

MOTIONS.

DUTIABLE COMMODITIES ORDINANCE, 1931.

THE ATTORNEY GENERAL moved that—

WHEREAS by Resolution made and passed by this Honourable Council on the 3rd December, 1947, pursuant to section 3 of the Dutiable Commodities Ordinance, 1931, it is provided that the provisions of the said Ordinance except Parts II, III and IV thereof shall apply to proprietary medicines and toilet preparations;

AND WHEREAS by paragraph 3 of Resolution made and passed by this Honourable Council on the date aforesaid pursuant to section 4 of the Ordinance aforesaid as amended by Resolution made and passed as aforesaid on the 20th July, 1949, provision was made for the calculation of the Hong Kong dollar equivalent of certain foreign currencies;

AND WHEREAS by section 4 of the said Ordinance it is provided that this Council may from time to time by resolution impose any duty on any dutiable goods or any class of dutiable goods, and lower, increase, decrease or vary any such duty to any extent whatever;

AND WHEREAS the Hong Kong dollar equivalents aforesaid have in fact varied from time to time since the said dates;

NOW THEREFORE IT IS HEREBY RESOLVED under section 4 of the Ordinance aforesaid that in respect of importation of proprietary medicines and toilet preparations after the date hereof the rate for the purpose of calculating the Hong Kong dollar equivalent of foreign currencies in connection with the duty payable on toilet preparations and proprietary medicines shall in all cases be the official rate of exchange prevailing at the date of paying duty on any such importation the said rate for the purpose of calculating the Hong Kong dollar equivalent of foreign currencies being substituted for the provision made as aforesaid in paragraph 3 of the Resolution of this Council of the 3rd December, 1947, amended as aforesaid.

He said: Sir, Honourable Members are aware that the duty on toilet preparations and on proprietary medicines authorized to be levied under the Dutiable Commodities Ordinance 1931, is calculated in respect of commodities at the rate of 25 per cent. of the f.o.b. value.

Sir, f.o.b. value is, of course, stated in the currency of the country of origin. Accordingly, by resolution passed by this Council on 3rd December, 1947, rates of exchange were specified which should be adopted for the purpose of assessment of duty in Hong Kong dollars.

Further, consequent on devaluation of the French franc amendment was made by further resolution of this Council on the 20th July, 1949. But, Sir, as at this date it is considered that convenience is better served if attempt to lay down constant equivalent between the Hong Kong dollar and other currency be abandoned so that instead calculation be made in relation to the official rate of exchange prevailing as between Hong Kong and other currency at the time of paying duty.

The purpose of this resolution now before Council which I now formally move, is to authorize under section 4 of the Dutiable Commodities Ordinance, the application of the more convenient procedure which I have described.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

THE ATTORNEY GENERAL moved the following resolution: —

RESOLVED that where an officer who was in the service of this Colony and was detained in the Far Eastern area during the period of the Japanese invasion and who retired from the public service—

(a) on or after the first day of January, 1947, not having been in receipt of salary according to a scale of pay operative in this Colony in consequence of the Salaries Revision, 1947; or

(b) prior to the first day of January, 1947, and has died or dies before the first day of August, 1952, it shall be lawful for the Governor in Council, when death was directly attributable to, or the condition resulting in death aggravated by, the circumstances of such detention and without his own default, to grant a pension *ex gratia* to the widow and children of such officer, calculated in accordance with the Provisions of section 18 of the Pensions Ordinance, 1932 (now repealed), or if such officer was a police officer in accordance with regulation 14 made under the Police Force Ordinance, 1932 (now repealed), as though such officer had died at the date of his retirement, but to be payable from the date of the death of such officer.

RESOLVED FURTHER that any pension granted hereunder shall be subject to the same conditions as those to which it would have been subject had it been granted under the provisions of the section of the Ordinance or regulation in accordance with the provisions of which it was calculated.

He said: Sir, on the 8th March of this year, this Council passed a resolution in the following terms which I will quote: —

"RESOLVED that *ex gratia* pensions should be granted in cases where the grant of such pensions would have been permissible under section 17 of the Pensions Ordinance, 1949, if the words

“an officer who was in the service of this Colony and was detained in the Far Eastern area during the period of the Japanese invasion and occupation dies before the 31st day of August, 1952, when death was directly attributable to or aggravated by the circumstances of such detention and without his own default, or where”

appeared between the words "Where" and "any" in the first line of subsection (1) of section 17 of the said Ordinance".

It will be noted, Sir, that the resolution which I have quoted referred to section 17 of the Pensions Ordinance, 1949. But that section relates only to officers in receipt of revised salaries derived from the Salaries Commission of 1947. Thus no provision such as that authorized by the resolution of March of this year has been made in respect of the widow and children of

officers who retired from the service on the unrevised salaries, but who die before 31st August, 1952. Award in such cases would be considered under the Pensions Ordinance, 1932 and in the case of Police officers under the Pensions Regulations made under the Police Force Ordinance, 1932.

But, Sir, neither of these two Ordinances of 1932 made provision for any award to the widow and children of an officer who dies as a result of injuries sustained during internment unless he has died whilst still in the service.

It is for this reason, Sir, that the resolution in the terms stated on the Order paper comes before this Council so that pension as authorized in the case of officers to whom the Pensions Ordinance, 1949 is applicable may similarly be awarded *ex gratia* in the case of officers affected, being officers to whom the Ordinances of 1932 apply.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

CIVIL AVIATION (BIRTHS, DEATHS AND MISSING PERSONS) BILL, 1950.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to provide for the keeping of records of births and deaths, and records of persons missing and believed to have died in consequence of an accident, occurring in any part of the world in, or during a journey in any aircraft registered in Hong Kong; and to provide for the preservation of such records by the Registrar of Births and Deaths."

He said: Sir, Honourable Members will appreciate that this short Bill is a Bill of an enabling nature, that is, it is a Bill designed to empower the making of regulations for the purpose of registration of births and deaths occurring in relation to aircraft registered in Hong Kong. The objects and reasons of this Bill are otherwise fully described in the Objects and Reasons as they appear published with the Bill. I do not think any useful purpose would be served were I to attempt further to elaborate it.

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 Bill is based on section 55 of the Civil Aviation Act, 1949. Its object is to enable the Governor to make regulations providing for the keeping of records of births and deaths, and

records of persons missing and believed to have died in consequence of an accident occurring in any part of the world in, or during a journey in any aircraft registered in Hong Kong. The Bill will also enable the Governor to make regulations providing for the preservation of such records by the Registrar of Births and Deaths in a book to be known as the Air Register Book of Births and Deaths.

**NORWEGLAN SEAMEN'S MISSION,
INCORPORATION BILL, 1950.**

HON. P. S. CASSIDY moved the First reading of a Bill intituled "An Ordinance to provide for the incorporation of the Pastor in this Colony of the "Norwegian Seamen's Mission, Bergen, Norway". "

He said: Sir, the business community of this Colony has always felt a sense of responsibility towards the seamen whose services in ocean-going vessels are indispensable to the trade of this great port. It is for this reason that various institutions have been started here with the support of commercial firms and the aid and encouragement of Government.

Of recent years the number of Scandinavian steamers visiting this port has grown steadily and in 1949 there were about 600 calls made by Scandinavian ships, 400 of them being by Norwegian steamers. As a consequence, the Norwegian Seamen's Mission, which was transferred here from Shanghai in 1937 has found its opportunity for work amongst Scandinavian steamers expanding considerably. At present, the Mission is housed in rented premises which are at present up for sale with the possibility of the tenants having to leave. Steps have therefore been taken to build a permanent home and headquarters and Government have been good enough to provide a site in Cox's Road, Kowloon.

To enable the Mission to function as lessees of the Crown and for administrative purposes it seems desirable that the Mission should be incorporated with perpetual succession.

For this reason this Bill has been drawn up to effect incorporation and I move that it be read a First time.

HON. CHAU TSUN NIN 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 Norwegian Seamen's Mission, whose Head Office is in Bergen, Norway, has functioned in Hong Kong for many years through its Pastor, duly appointed to act on the Mission's behalf in this Colony. A grant of land has now been made by the Government of Hong Kong to the Mission which thereupon will become Crown Lessees and it is both desirable and convenient that the Mission should now be a body with perpetual succession.

2. The Incorporation of the Mission is desirable also for the purpose of the administration of the funds and other assets which it will hold in connection with its work in this Colony. It is the object of this Bill to affect such incorporation.

ADJOURNMENT.

H.E. THE OFFICER ADMINISTERING THE GOVERNMENT: —That concludes the business, Gentlemen. When would Honourable Members wish to meet again?

THE ATTORNEY GENERAL: —I propose adjournment to this day fortnight.

H.E. THE OFFICER ADMINISTERING THE GOVERNMENT: —Council adjourns to this day fortnight.
