

*11th October, 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).

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: —**

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

**MINUTES.**

The Minutes of the meeting of the Council held on 11th October, 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. 15. —Annual Report by the Controller of Stores for the year 1949-50.

No. 16. —Annual Report by the Commissioner, Rating and Valuation Department for the year 1949-50.

No. 17. —Annual Report by the Commissioner of Inland Revenue for the year 1949-50.

No. 18. —Annual Report by the Public Relations Officer for the year 1949-50.

The Colonial Air Navigation (Amendment) Order, 1950. (G.N. No. A. 205 of 1950).

The Price Control Order, 1946, —Amendments to the Schedule. (G.N. No. A. 206 of 1950).

The Ferries Ord., 1917, —Excluded Ferry. (G.N. No. A. 207 of 1950).

The Landlord and Tenant Ord., 1947, —Notification under S. 32(1). (G.N. No. A. 208 of 1950).

The Public Services Commission Regulations, 1950. (G.N. No. A. 209 of 1950).

The Public Health (Sanitary Provisions) Regulations, 1948, —Declaration under Regulation 2(10)(a). (G.N. No. A. 210 of 1950).

The Marketing (Marine Fish) Amendment Order, 1950. (G.N. No. A. 211 of 1950).

The Marketing (Marine Fish) Authorized Officers Order, 1950. (G.N. No. A. 212 of 1950).

The Emergency (Small Change) Regulations, 1950. (G.N. No. A. 213 of 1950).

The Prohibited Exports Order, 1946, —Amendments to the Schedule. (G.N. No. A. 214 of 1950).

The Public Health (Sanitary Provisions) Regulations, 1948, —Declaration under Regulation 2(10)(a). (G.N. No. A. 215 of 1950).

The Quarantine and Prevention of Disease Ord., 1936, —Order declaring Djakarta infected on account of plague. (G.N. No. A. 216 of 1950).

Removal of quarantine restrictions imposed against Rangoon on account of plague. (G.N. No. A. 217 of 1950).

The Possession of Gold (Goldsmiths) (Amendment) (No. 3) Order, 1950. (G.N. No. A. 218 of 1950).

The Price Control Order, 1946, —Amendments to the Schedule. (G.N. No. A. 219 of 1950).

### QUESTIONS.

HON. P. S. CASSIDY asked the following question: —

In view of the statement of Lord Trefgarne, Chairman of the Colonial Development Corporation, that the Corporation is to place its representatives in all Colonies where the stage of its development work justifies individual representation, and as separate representation has been established or is about to be established in Borneo, Malaya, Kenya, Tanyayika, Nyasaland, Northern Rhodesia, Swaziland, Nigeria, Gambia, Jamaica, Bahamas, British Honduras, Trinidad, and British Guiana, has any intimation been received by the Hong Kong Government that the Colonial Development Corporation desires to be represented in this Colony, and if not whether Government will invite the Colonial Development Corporation to send a representative to Hong Kong to investigate the economic state of this Colony.

THE COLONIAL SECRETARY replied as follows: —

No intimation has been received by this Government that the Colonial Development Corporation intends to station a representative in this Colony. Preliminary enquiries regarding the possibility of the extension of the Corporation's activities to Hong Kong were made in May, 1949, and April this year when the Singapore representative of the Corporation visited Hong Kong. This Government has recently initiated an enquiry as to whether the Corporation would be interested in particular in the financing of housing projects for the lower middle income classes.

2. The question of permanent representation in the Colony is, of course, one for the Corporation itself to decide and presumably the decision would turn upon the number and importance of the local projects in which the Corporation had an interest.

### MOTIONS.

THE ATTORNEY GENERAL moved: —

"That the Report of the Select Committee on the Bill intituled "An Ordinance to amend the Jury Ordinance, 1887", be adopted."

He said: Sir, by your direction, a Bill shortly intituled the "Jury Amendment Bill, 1950", after being read a second time was referred to a Select Committee of this Council at its meeting of the 29th August. It will be remembered that the Select Committee has reported and that its report was laid on the table of this Council at its meeting of the 20th September. The report having been available to Honourable Members for a considerable time, it is perhaps unnecessary that I should elaborate upon the contents of the report. It suffices to say that as stated at paragraph 4 of the report, the Select Committee did find that a weakness to the Bill existed which required remedy before the Bill be enacted by this Council.

Sir, the weakness which was discerned was that whilst seeking to place obligation upon persons probably liable to jury service and upon employers of such persons, the Bill failed to afford any machinery whereby persons could satisfy themselves as to their qualification for jury service in so far as possession of sufficient knowledge of English was concerned, and this was the position, Sir, despite the fact that the Bill provided, upon enactment, for penalty upon prosecution for failure to make a return to the Registrar of the Supreme Court.

A completely satisfactory solution to the problem I have described is not probably to be found at all. It is perhaps impossible so to do. But a recommendation which appears to afford an acceptable solution is summarized in paragraph 5 of the Report. For the rest, the report recommends amendment to the Bill originally before Council which is largely consequential on the proposals summarized in paragraph 5 of the report.

Now, Sir, all proposals for amendment have been embodied in a separate Bill which amounts to a recasting of the Bill as originally introduced into this Council. As so re-cast, and because the Bill as recast contains material amendment, it has been reprinted and published in the *Gazette* of 22nd September. Thus the procedure of Standing Order 27(14) of this Council

has been applied. In the circumstances I now formally move the adoption of the Select Committee's report on the Jury Amendment Bill.

THE COLONIAL SECRETARY seconded and the Motion was carried.

THE ATTORNEY GENERAL moved the following resolution: —

Resolved that under the power conferred by section 3 (3) of the Pensions Ordinance, 1949, the retrospective effect as expressed therein of the proposed regulations in the Schedule hereto be approved.

#### SCHEDULE.

#### PENSIONS ORDINANCE, 1949.

—————  
*Regulations by the Governor in Council  
under section 3.*  
—————

In exercise of the powers conferred by section 3 of the Pensions Ordinance, 1949, the Governor in Council, with the sanction of the Secretary of State and the prior approval of Legislative Council makes the following regulations—

#### REGULATIONS.

Citation.           **1.** These regulations may be cited as the Pensions (Amendment) Regulations, 1950, and shall be read as one with the Pensions Regulations, 1949, hereinafter referred to as the principal regulations.

Amendment  
of  
regulation  
15 of the  
principal  
regulations.

**2.** Regulation 15 of the principal regulations is hereby amended by the addition of a further paragraph at the end thereof as follows—

"(3) (a) A break in the service of an officer occurring wholly between the 12th day of July, 1946, and the 23rd day of July, 1946, or between the 16th day of August, 1947, and the 23rd day of September, 1947, as a result of the voluntary absence from the place of employment of such officer shall be disregarded for the purpose of computing the length of service qualifying for pension, annual allowance or gratuity: Provided that any such break in service shall not be disregarded in computing the length of service for the purpose of determining the amount of such pension, annual allowance or gratuity.

(b) Paragraph (3) of this regulation shall be deemed to have had effect from 1st January, 1947, in relation to officers to whom Part V of these regulations do not apply and from the 9th December, 1949, in relation to officers to whom Part V of these regulations apply."

He said: Sir, certain officers of the Fire Brigade took part in a strike from the 12th to the 23rd July, 1946, and certain members of the Public Works Department and the Kowloon Canton Railway took part in a strike from the 16th August to the 11th September, 1947. In the case of both strikes Government had not warned the officers concerned before they went on strike that absence from duty would constitute a break in service.

Sir, this omission to warn Government officers of the possible effect of a strike on continuity of service for pension and other purposes has now been remedied in that Government has taken steps to ensure that its servants will be adequately warned in the future. By reason of the fact that, as regards the particular strikes which I have mentioned, prior warning was not given of the effect of striking upon continuity of service, it was implicit in the terms arranged for the return to duty of those who took part in those strikes that they would not be penalized as regards continuity of service for pension and other purposes.

While, as I have said, such were the terms upon which Government servants returned to duty, and while such was the policy decided to be applied in regard to such servants, it does not suffice to leave matters at that since legislative action must be taken to give effect to those terms and to that policy. Among those who participated in the strikes were monthly paid staff and daily paid staff. As regards daily paid staff who were still serving on 9th December, 1949 when the Pensions Ordinance, 1949 came into force, special provision is not necessitated. As to that, continuity of service has been preserved by decision which the Governor in Council was empowered to take under Regulation 27 of the Pensions Regulations, 1949.

It is, Sir, in regard to monthly paid staff that legislative provision must be made to give effect to the policy I have described and to the terms which I have mentioned. To meet this requirement regulations are proposed to be made by the Governor in Council entitled The Pensions (Amendment) Regulations, 1950. These Regulations, as to the text, appear appended to the resolution as set out on the Order of Business. They provide for suitable amendments to Regulation 15 of the Pensions Regulations, 1949.

But, Sir, it will be seen that the Regulations are drafted so as to have retrospective effect. As to this requirement Section 3(3) of the Pensions Ordinance, 1949 has provided that retrospective effect may be given to Pensions Regulations if the Governor in Council be satisfied that it is equitable so to do in order to confer a benefit or to remove a disability from any person. But the section which I have quoted also requires that any regulations which are designed to have retrospective effect may not come into force unless the prior approval of this Council by resolution has been obtained.

I therefore, Sir, formally move the resolution standing in my name to the effect that, under the powers conferred by Section 3(3) of the Pensions Ordinance, 1949, retrospective effect, as expressed therein, of the proposed Regulations be approved.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

THE ATTORNEY GENERAL moved the following resolution: —

Resolved that annual allowances and gratuities should be granted, *ex gratia*, in respect of the officers set out in the Schedules hereto, computed according to the provisions of the Pensions Ordinance, 1932, and the regulations made thereunder (now repealed or revoked) as though such Ordinance and regulations had not been repealed or revoked:

Except that a break in service shall be disregarded in computing the length of service for the purpose of qualifying for such annual allowance or gratuity when such break occurred: —

- (a) in respect of the service of officers named in the First Schedule between the 16th August, 1947, and 11th September, 1947; or
- (b) in respect of the service of the officer named in the Second Schedule between the 12th July, 1946, and the 23rd July, 1946.

Provided that any such break in service shall not be disregarded in computing the length of service for the purpose of determining the amount of such annual allowance or gratuity.

*First Schedule.*

Wong Wu	Kowloon-Canton Railway
Tang O	”
Fan Tam	”
Ho Sam (deceased)	”
Lai Wan (deceased)	”
Pang Shing (deceased)	”
Chow Sang	”
Huen Sing	Public Works Department
Lee Fuk	”
Mak Pui	”
Leung Sun	”
Tang Lam	”
Lau Kang	”
Chan Kim	”
Yung In	”
Lau Kin	”
Chan Sau (deceased)	”
U Fat (deceased)	”
Chan Loi (deceased)	”

*Second Schedule.*

Tsui Hoi    Fire Brigade.

He said: Sir, in speaking upon the Resolution regarding the Pensions (Amendment) Regulations, 1950, I referred to strikes taking place in July, 1946, and in August to September, 1947, involving Government servants of the Departments of the Fire Brigade, Public Works and Railways. I explained, Sir, that two classes of Government servants were affected, that is to say, monthly paid staff and daily paid staff.

As regards both classes of staff, I mentioned that a policy was being followed consistent with the terms upon which the Government servants would return to duty whereby absence from duty would not affect their continuity of service for pension purposes.

But, Sir, the legislative arrangements which I then described for giving effect to the policy have application only to those members of such staffs who were still in service on the 9th December, 1949, being the date upon which the Pensions Ordinance, 1949 was enacted upon publication in the *Gazette*.

But, Sir, it is necessary to have regard to the cases of some 18 daily paid employees and 2 monthly paid employees who retired from the service or died before that part of the Pensions



Ordinance, 1949, which was applicable to them came into force. So as regards this category of staff, it is proposed, and the Resolution which I am moving is designed, to give effect to the proposal, that staff in that category be granted annual allowances and gratuities *ex gratia*, the allowances and gratuities to be computed according to the provisions of the Pensions Ordinance, 1932, and Regulations embodied therein, but disregarding the requirement contained in that legislation regarding continuity of service, and this as if the 1932 Ordinance and Regulations made thereunder had not been repealed as in fact they were upon the coming into force of the Pension Ordinance 1949.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

THE CHAIRMAN, URBAN COUNCIL, moved: —

That the By-laws made by the Urban Council on the 27th day of September, 1950, under Section 2 of the Hawkers Ordinance, 1935 (Ordinance No. 22 of 1935) be approved.

He said: Sir, under the Marine Hawkers' Ordinance, 1950, which came into operation on 1st October, the Director of Marine became the licensing authority for marine hawkers. As the Urban Council is no longer responsible for the licensing and control of steamship and native craft hawkers, the by-laws in the Schedule to the Hawkers Ordinance have to be revised accordingly.

Advantage has been taken of this opportunity to rescind Appendix III of the Schedule. This Appendix contains a list of streets in which Stall-holder and Fixed Pitch Hawkers may trade, but as the streets have to be changed from time to time for various reasons, mainly for traffic considerations, it is considered advisable to delete this particular Appendix from the Schedule.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

THE ATTORNEY GENERAL moved the following resolution: —

Resolved that the Emergency (Principal) Amendment (No. 2) Regulations, 1950, made on 3rd October, 1950, by the Governor in Council under section 2 of the Emergency Regulations Ordinance, No. 5 of 1922, be approved under sub-section (3) of section 3 of the said Ordinance and come into operation on the 20th October, 1950.

He said: Sir, all countries have long found it essential to maintain control enforceable as part of the criminal law to guard against unlawful possession of arms and ammunition and explosives such as bombs, grenades or mines. In Hong Kong the necessary substantive legislation is embodied in the Arms and Ammunition Ordinance, which was enacted in 1933 in repeal and replacement of a similar Ordinance of 1900. The maximum penalty for offences against that Ordinance when tried upon indictment before the Supreme Court is 10 years imprisonment; and by reason of the Flogging Ordinance, 1903, corporal punishment may in addition be imposed. Furthermore, Sir, by regulation 116 of the Emergency (Principal) Regulations, which was enacted in December, 1949, on conviction on indictment for carrying or possession of arms or explosive substance, imprisonment for life may be imposed.

Sir, it is general experience that as an aftermath of war the offence of unlawful possession of arms and explosives becomes more common. This position has been aggravated in Hong Kong by the fact that in the past 5 years a state of war and unrest has unfortunately persisted in Far Eastern countries and thus offences of the type under discussion have been to some extent endemic in the Colony.

But, Sir, it is the case that in recent months offences of this class have increased. For instance, in the last 4 months, that is, June, July, August and September of this year, 42 persons were indicted before the Supreme Court for the offence of robbery with aggravation wherein possession of arms and ammunition was named in the charge. Again, during the same period 46 persons were indicted before the Supreme Court for possession of arms and ammunition. These statistics serve to show that the class of offence under discussion is of serious proportions because it will be realized that while the standard of detection and arrest for these offences is commendably high, yet the number of cases which on the evidence can be brought to trial does not tell the full story since offences of this class, for instance, possession of arms, may go undetected or may be incapable of being brought to trial for insufficiency of evidence, though strong suspicion against persons may be present.

Now, Sir, it is also of course common knowledge that over the past few years, and perhaps more particularly in this year, there have been many cases of persons threatened, injured or killed by the use of arms in furtherance of robbery. Furthermore, there have been incidents wherein the public as a whole have been put in fear or danger by the employment of grenades. Again, recent casualties, some of them fatal, occurring among police officers engaged in execution of their duty in arresting armed robbers, are fully in the memory of all.

It is, of course, the case that offences relating to the unlawful possession and use of arms or explosives have upon conviction after full and careful trial before the Supreme Court, received heavy sentences under the existing law. But despite this deterrent factor, continuance, and in fact some increase of such offences, has led to decision that punishment having greater deterrent effect should be provided by the law of the Colony. In similar situation other countries have by law imposed liability for sentence of death for any unlawful possession of arms. It is proposed for this Colony to enact an emergency regulation adding regulation 116A to the Principal Regulations and the text of the amending regulations made by the Governor in Council is annexed to the Order of Business now before Honourable Members. Honourable Members will see that the proposed regulation 116A does not go so far as to make any unlawful possession of arms punishable with death. But the regulations do provide that the carrying or possession of any bomb, grenade, mine or other similar apparatus shall on conviction on indictment be punishable with death, and the regulations also provide that any unlawful use or attempt to use arms, ammunition or explosive substances shall be punished with death. In addition the regulation stipulates that a prosecution for an offence under the regulation shall not be instituted except with the consent of the Attorney General. The requirement of consent implies that, should the facts of any particular case so warrant, a prosecution for unlawful possession of a grenade or unlawful use of arms can proceed as hitherto under the Arms and Ammunition Ordinance under which, as described, the penalty of imprisonment and corporal punishment, but not the death penalty, can result.

Now, Sir, Honourable Members are aware that by Section 2 of the Emergency Regulations Ordinance, 1922, the Governor in Council is empowered to make any regulations whatsoever on the occasion of public danger which the Governor in Council may consider desirable in the public interest. But while such is the case, Section 3(3) of the Ordinance I have quoted, contains a special stipulation that where by emergency regulation an offence is made punishable with death, such provision shall require the approval of this Council.

Therefore, Sir, in conformity with this requirement the resolution now before Council is moved, as I now do, to the effect that the Emergency Principal (Amendment) (No. 2) Regulations, 1950, be approved. Furthermore, the same section, section 3(3), requires that this Council by its resolution shall specify the date upon which the regulations should come into force. The terms of the resolution propose that the Regulations come into force on the 20th October. If the resolution be passed then I emphasize that on or after the 20th October the unlawful possession of a grenade or the unlawful use, or attempt to use, arms, notwithstanding that death or injury to the person or injury to property does not occur, can

result in a sentence of death being imposed upon an offender upon his conviction after trial by jury before the Supreme Court.

I have indicated that the date of commencement, that is to say, the 20th October, is provided for by the resolution before this Council. It will be seen that the regulations provide no provision for the duration of the Regulations including Regulation 116A. Thus it will be that the regulation, if this resolution be acceptable to this Council as I urge, will continue in force indefinitely. But it is of course the case that the necessity for continuance of regulation 116A in so far as it imposes a death penalty for conviction of an offence against the regulation will be the subject of periodical review.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

**SUPREME COURT (SUMMARY JURISDICTION)  
AMENDMENT BILL, 1950.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Supreme Court (Summary Jurisdiction) Ordinance, 1873, and to make provision consequential upon such amendment." He said: Sir, the Supreme Court (Summary Jurisdiction) Ordinance, 1873 provides for a less costly and more expeditious procedure where the subject matter of litigation does not exceed \$1,000. This limitation of \$1,000 has existed since the enactment of the Ordinance in 1873, that is to say for some 77 years. Having regard to the change in the value of money, consideration has been given to the desirability of increasing the limit so that a wider range of cases may be dealt with in the Summary Jurisdiction of the Supreme Court, and the less costly and more expeditious procedure, to which I have referred, accordingly made applicable to that wider range.

The proposal is now made that the Summary Jurisdiction limit be raised from \$1,000 to \$5,000. The object of this Bill is therefore to give effect to this change and it does so notably by clause 2 of the Bill which alters from \$1,000 to \$5,000 the money figure mentioned in the relevant sections of the Principal Ordinance.

Sir, the alteration which the Bill primarily proposes necessarily requires that provision be made, as it is by clause 3, for transitional provision governing actions commenced before the Bill upon enactment comes into force. Furthermore, Sir, by clause 4, amendment is proposed to other Ordinances specified in that clause wherein reference occurs to the existing Summary Jurisdiction limit of \$1,000.

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 limit of \$1,000 above which sum actions may not be commenced in the summary jurisdiction of the Supreme Court has existed since 1873. It is proposed that the limit shall be raised to the amount of \$5,000.

2. This Bill therefore seeks to amend the Supreme Court (Summary Jurisdiction) Ordinance, 1873, the principal Ordinance. The Bill provides (clause 2) that the figure of \$5,000 be substituted for \$1,000 where such limit appears in the principal Ordinance.

3. Upon such amendment, however, transitional provision requires to be made. Clause 3 therefore provides as follows—

*By sub-clause (1)* —That pending actions in the original jurisdiction concerning amounts under \$5,000 may be transferred to the summary jurisdiction if the court so orders.

*By sub-clause (2)* —That by analogy with section 31 of the principal Ordinance, no costs shall be allowed a successful plaintiff in such a pending action if no steps have been taken to effect such transfer, unless the court considers the action a proper one to have continued in the original jurisdiction.

*By sub-clause (3)* —That the period of limitation of three years imposed on summary actions by section 8 of the principal Ordinance shall not apply wholly to the extended jurisdiction until three years from the commencement of the amending Bill upon its enactment.

*By sub-clause (4)* —That in certain circumstances counsel's fees incurred before the commencement of the amending Bill upon enactment may still be allowed on taxation in respect of matters within the extended jurisdiction.

4. Clause 4 provides for consequential amendments to other enactments which make reference to the existing summary jurisdiction limit of \$1,000.

## PHARMACY AND POISONS (AMENDMENT) BILL, 1950.

THE DIRECTOR OF MEDICAL AND HEALTH SERVICES moved the First reading of a Bill intituled "An Ordinance to amend the Pharmacy and Poisons Ordinance, 1933." He said: Sir, the object of this Bill is to establish a Pharmacy Board and to give it a fair measure of control over the practice of pharmacy in the Colony. In order to achieve this, it is proposed to amend the Pharmacy and Poisons Ordinance to enable the Board to control admissions to the Register

and removals therefrom. But all decisions made by them in this connection would be subject to appeal to the Governor in Council. It is also proposed that the Board should control examination for admissions to the Register and should appoint examiners from time to time as required. At present the Director of Medical and Health Services keeps the Register of Pharmacists and in certain cases he is advised by a Board of Examiners as to whether an examination, and if so, what examination should be held before an individual is admitted to the Register. He is also advised whether after the examination, if one is held, the candidate has acquired sufficient knowledge to be admitted.

These advisory duties, it is now proposed should be undertaken by the Pharmacy Board. It is further proposed that the Board should make regulations and that these regulations should be subject to approval by the Governor in Council.

In general, the powers of the Pharmacy Board will be similar to those of the Nurses Board, which, as Honourable Members are aware, is responsible for disciplinary measures in the profession of nursing, and for examinations for admission to the Nurses Register. The establishment of this Board, if this Bill is approved, will be a further step in the policy of giving more control over their affairs to the professions concerned. In this connection, Honourable Members will be interested to learn that in June last year there was established a Pharmaceutical Society of Hong Kong which now comprises the great majority of pharmacists practising in the Colony, and which will enable the Board, if they deem it advisable, to consult with the profession of pharmacists.

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 Registrar under the Pharmacy and Poisons Ordinance, 1937, is the Director of Medical and Health Services. His principal duties are the keeping of a register of persons entitled to practise as pharmacists and also of persons authorized to sell poisons. In the discharge of his duties he is assisted by an advisory committee which, however, has no legal

standing and he is supervised by the Governor in Council in whom also is vested the power to make regulations in connexion (*inter alia*) with the qualifications and registration of pharmacists and to control the manufacture sale and dispensing of poisons.

2. It is proposed by this Bill (clause 3) to amend the Pharmacy and Poisons Ordinance, 1937, the principal Ordinance, so as to establish a Pharmacy Board and to vest in such Board certain powers and discretions now vested in the Governor in Council including the power to make regulations. Such regulations will still, however, require the approval of the Governor in Council and in every case where a power or discretion is vested in the Board there will be a right to appeal to the Governor in Council.

3. The proposals harmonize with the tendency of legislation both here and in other Colonies to give a large measure of control over the exercise of a profession to a Board mainly constituted by members of such profession. Examples in Hong Kong are the Medical Registration Ordinance, 1935, and the Nurses Registration Ordinance, 1931. The provisions of clause 2 and clause 6 of the Bill are to some extent modelled on sections 10 and 12 respectively of the Medical Registration Ordinance, 1935.

4. Under the Revised Edition of the Laws Ordinance, 1948, as amended by the Revised Edition of Laws (Amendment) (No. 2) Ordinance, 1950, the Revised Edition of Ordinances is to include only Ordinances enacted until and including the 1st of September, 1950. The extensive amendments proposed by this Bill would not therefore, upon enactment, be embodied in the principal Ordinance as appearing in the Revised Edition of Ordinances unless express provision be made. Clause 15 of the Bill makes such provision.

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

THE ATTORNEY GENERAL moved: —

That in accordance with Order 27(14) of the Standing Orders of this Council, the Bill intituled “An Ordinance to amend the Jury Ordinance, 1887” as reported by the Select Committee and as published in the *Gazette* of 22nd September, 1950, be substituted for the Bill as read a Second time and that Council resolve itself into Committee to consider the Bill as substituted.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

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

Clause 5.

THE ATTORNEY GENERAL: —Sir, I rise to move that in subsection (2) of section 6 as proposed to be enacted by this clause 5 of the Bill the words "shall in addition notify the fact" be inserted between the words "and" and "of" which appeared in the eighth line of subsection (2).

Sir, the words proposed to be added are so proposed to make the meaning and intention of the particular requirement more clear.

This was agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Jury (Amendment) Bill, 1950, had passed through Committee with one amendment, and moved the Third reading.

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

## CIVIL AVIATION

### **(BIRTHS, DEATHS AND MISSING PERSONS) BILL, 1950.**

THE ATTORNEY GENERAL moved the Second 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."

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 Civil Aviation (Births, Deaths and Missing Persons) 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.

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

HON. P. S. CASSIDY moved the Second 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".

HON. CHAU TSUN-NIN seconded, and the Bill was read a Second time.

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

Clause 3.

HON. P. S. CASSIDY: —Sir, the promoters of the Bill feel that there might be some ambiguity about section 3 as it stands in the Bill, and while it was intended to retain the usual restrictions on the purchase and sale of immovable property, it was not, of course, intended that these restrictions should apply to the acquisition and disposal of other goods and chattels.

I therefore move in place of subsection (1) of section 3 the following subsections, namely: —

“(1) —Subject to the provisions of subsection (2), the corporation shall have power to acquire, accept leases of, purchase, take, hold and enjoy any lands, buildings, messuages or tenements of what nature or kind soever and wheresoever situated, and also to invest moneys upon mortgage of any lands, buildings, messuages or tenements, or upon the mortgages, debentures, stocks, funds, shares or securities of any government, municipality, corporation or company, and also to purchase, acquire and possess goods and chattels of what nature and kind soever.

(2) —Notwithstanding the provisions of subsection (1), the corporation shall not acquire any immovable property in the Colony unless it has previously obtained the special consent of the Governor in Council in each case.”

And the substitution of the figure “3” for the figure “2” in the present subsection (2).

These were agreed to.

Council then resumed.

HON. P. S. CASSIDY reported that the Norwegian Seamen's Mission, Incorporation Bill, 1950, had passed through Committee with one amendment, and moved the Third reading.

HON. CHAU TSUN-NIN 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 for to-day. When would members wish to meet again?

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

H.E. THE OFFICER ADMINISTERING THE GOVERNMENT: —Council will adjourn to this day three weeks.

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