

18th April, 1951.

PRESENT:

HIS EXCELLENCY THE GOVERNOR

SIR ALEXANDER WILLIAM GEORGE HERDER GRANTHAM, K.C.M.G

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

LIEUTENANT GENERAL SIR ERIC CARDEN ROBERT

MANSERGH, K.B.E., C.B., M.C.

THE HONOURABLE THE COLONIAL SECRETARY

MR. JOHN FEARNs NICOLL, C.M.G.

THE HONOURABLE THE ATTORNEY GENERAL

MR. JOHN BOWES GRIFFIN, K.C.

THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS

MR. RONALD RUSKIN TODD.

THE HONOURABLE THE FINANCIAL SECRETARY

SIR CHARLES GEOFFREY SHIELD FOLLOWS, C.M.G.

DR. THE HONOURABLE ISAAC NEWTON

(Director of Medical and Health Services).

THE HONOURABLE PATRICK CARDINALL MASON SEDGWICK

(Acting Chairman, Urban Council).

THE HONOURABLE THEODORE LOUIS BOWRING, O.B.E.

(Director of Public Works).

THE HONOURABLE CHAU TSUN-NIN, C.B.E.

DR. THE HONOURABLE CHAU SIK-NIN, C.B.E.

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

THE HONOURABLE PHILIP STANLEY CASSIDY.

THE HONOURABLE LO MAN WAI, O.B.E.

THE HONOURABLE LAWRENCE KADOORIE.

MR. ROBERT WILLIAM PRIMROSE *(Deputy Clerk of Councils).*

ABSENT:

THE HONOURABLE CHARLES EDWARD MICHAEL TERRY.

MINUTES.

The Minutes of the meeting of the Council held on 28t March, 1951, were confirmed.

PAPERS.

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

<i>Subject</i>	<i>G.N. No.</i>
Sessional Papers, 1951: —	
No. 8—Annual Report by the Development Officer on the Vegetable Marketing Organization for the year 1949-50.	
Revised Edition of the Laws Ordinance, 1948.	
Notification under section 9	A. 58
Quarantine and Prevention of Disease Ordinance, 1936.	
Declaration under section 18	A. 59
Rating Ordinance, 1901.	
Notification under section 8(2)	A. 60
Emergency (Principal) Regulations, 1949.	
Emergency Regulations (Commencement) Order, 1951	A. 61
Quarantine and Prevention of Disease Ordinance, 1936.	
Declaration under section 18	A. 62
Removal of quarantine restrictions imposed against Kobe on account of smallpox	
	A. 63
Dangerous Drugs Ordinance, 1935.	
Notification under regulation 20	A. 64
Defence Regulations, 1940.	
Price Control Order, 1946—Amendments to the Schedule	A. 65
Proclamation No. 3 of 1951.	
Amendment of the First Schedule to the Revised Edition of the Laws Ordinance, 1948	A. 66
Ferries Ordinance, 1917.	
Amendment of regulations under the heading "Excluded Ferries"	A. 67
Trading with the Enemy Ordinance, 1914.	
Trading with the Enemy (Custodian) Order, 1951	A. 68
Defence Regulations, 1940.	
Price Control Order, 1946—Amendments to the Schedule	A. 69

PUBLIC WORKS (CAUSEWAY BAY) BILL, 1951.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to authorize the construction of a breakwater over and upon the sea bed in Causeway Bay." He said: Sir, a plan has been made for the reclamation of the area comprising the existing typhoon shelter at Causeway Bay and providing for the replacement of the typhoon shelter by a new one situated to the North of the existing Shelter. It is necessary that authority by legislation be given to the Director of Public Works to give effect to such a plan involving, as it does, the reclamation of an area of seabed. It is the case that legislation governing reclamation or other works of a public nature over and upon foreshore and seabed exists. That legislation, which is Ordinance No. 40 of 1936, entitled the Public Reclamations Validation and Clauses Ordinance, 1936, as to Part II, provides that in any future Ordinance authorizing any undertaking for reclamation the provisions of Part II of the Ordinance I have mentioned shall be deemed to be incorporated unless expressly varied or excepted by any such future Ordinance. That Part requires that notification of an undertaking shall be published for a period of two months before work commences and shall call upon persons having objections or claims of private right to make them before the expiration of the two months. That legislation further provides for giving to objectors and claimants an opportunity to be heard, after which, but only after which, the Governor in Council may give definitive approval to an undertaking contemplated. However, the Causeway Bay project is capable of being undertaken in two stages. First of all by the construction of a breakwater. It is considered unlikely that any private rights will be infringed by the construction of that breakwater. Therefore this Bill as permitted by section 4 of the existing Ordinance which I have quoted, provides for direct authorization to the Director of Public Works to construct the breakwater while providing, as in the second Schedule to the Bill, for variation of certain sections of Ordinance No. 40 of 1936 so as to enable the work to commence without the necessity for waiting for a period of at least two months before the giving of definitive approval after hearing possible objectors and claimants. But it will be observed that the variations provided for in the Second Schedule to the Bill will, nevertheless, not exclude provision for the consideration of any claims should any in fact be advanced or for the payment of compensation.

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: —

A plan has been made for the reclamation of the existing typhoon shelter at Causeway Bay and to replace it by a new typhoon shelter of an area of approximately sixty-five acres to the north.

2. The Bill seeks to give authority to the Director of Public Works to commence a portion of the work required for constructing the new shelter, namely a breakwater which will form its northern boundary.

3. In view of the desirability of commencing work at an early date and in view of the unlikelihood of any private rights being infringed by the construction of the breakwater, the normal lengthy procedure of considering objections prior to giving final approval for the work is not being followed. Provision is however retained for consideration of such claims (if any) and for the payment of compensation.

**PUBLIC RECLAMATION AND TYPHOON SHELTER
(CAUSEWAY BAY) BILL, 1951.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to authorize an undertaking for the reclamation of an area of sea bed and foreshore and for the construction of a typhoon shelter at Causeway Bay". He said: Sir, this Bill is a companion measure to the Bill, the First reading of which I have just moved.

In introducing that other Bill I remarked that the plan for reclamation of the present area comprising the typhoon shelter at Causeway Bay was capable of being put into effect in two parts, the first part to consist of the construction of a breakwater, as to which that other Bill refers, and the second part relating to the main reclamation work and concerned with the actual reclamation of the present typhoon shelter area.

As I have said, Sir, the Bill which I am now moving, concerns that section or greater part of the plan. The Bill, as will be seen from clause 2, provides that the Director of Public Works be authorized provisionally and subject to the definitive approval of the Governor in Council, to construct the undertakings set out in the Schedule. Honourable Members will observe that in

this Bill no provision has been introduced to provide for any variation or exception from the application of Part II of the Standing Ordinance of 1936, namely, the Public Reclamations Validation and Clauses Ordinance of that year. Thus, upon the enactment of this Bill, a delay of at least 2 months is imposed before the definitive approval of the Governor in Council may be given. During that period notification of the undertaking will be published calling upon persons having objections to the undertaking or any claims of private right to make them known to the Director of Public Works. Thereafter such objections or claims are required to be considered by Your Excellency in Council and so considered in relation to any entitlement to compensation consequent upon the establishment of claims. Thereafter, if definitive approval to the undertaking be given by the Governor in Council the work, that is the main work of the reclamation, can then proceed.

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. It is planned to reclaim the existing typhoon shelter at Causeway Bay and to construct a new shelter to the North of the land so reclaimed.

2. The object sought to be achieved by this Bill is to give the Director of Public Works provisional authority to perform the works necessary to carry out that plan. Final authority is contingent upon definitive approval by the Governor in Council which, in accordance with the Public Reclamations Validation and Clauses Ordinance, 1936, can only be given after consideration of objections to the plan. The provisions of Part II of the Public Reclamations Validation and Clauses Ordinance, 1936, which relate to objections, claims and compensation apply to this project.

BY-LAWS UNDER PUBLIC HEALTH (FOOD) ORDINANCE

No. 13 OF 1935.

THE HON. P. C. M. SEDGWICK moved: —

That the by-laws made by the Urban Council on the 27th day of March, 1951, under Section 5 of the Public Health (Food) Ordinance, 1935 (Ordinance No. 13 of 1935) be approved.

He said: Your Excellency, it is the policy of the Urban Council to ensure that animals are killed in the two urban slaughterhouses in the most humane manner possible and that all unnecessary suffering is avoided. The erection of the new abattoir with its up to date mechanical equipment will greatly assist the Veterinary Officer and the slaughterhouse staff in carrying out this policy by removing many of the difficulties which arise at present owing to the unsatisfactory layout of the present antiquated slaughterhouses. It has, however, been possible to effect a very considerable improvement in the method of slaughtering pigs by the use of electric stunners, which have recently been installed at Kennedy Town and Ma Tau Kok. These stunners when applied to a pig's head below the ears instantly render the animal unconscious for some ten minutes. The unconscious pig is then dispatched in the normal manner. The introduction of these new appliances has been an unqualified success, and the experience gained in their use will be of great value in the complicated task of planning the layout of the new abattoir. The public can be assured that the large number of pigs which are dealt with daily in our slaughterhouses are dispatched in the most humane manner possible.

The amendment to paragraph 3 of the by-law of the Slaughterhouse By-laws made under the Public Health (Food) Ordinance, 1935, is designed to legalize the use of these humane instruments and at the same time the opportunity has been taken to amend an anachronism in paragraph 1 of the same by-law by removing the reference to pole axes which have not for many years been used in the slaughter of cattle.

I accordingly move the approval of these by-laws.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

SUPPLEMENTARY PROVISIONS FOR THE YEAR 1950-51.

THE FINANCIAL SECRETARY moved: —

Resolved that the Supplementary provisions for the quarter ended 31st December, 1950, as set out in Schedule No. 3 of 1950-51, be approved.

He said: Your Excellency, the Special Warrants set out in the schedule have all been approved by Finance Committee. Most do not call for any special explanation but in a few cases some comment appears to be desirable.

In connection with the Civil Aid Scheme, there are four special warrants totalling \$1,7149,000 which represents the cost of fire-fighting equipment and appliances and the construction of salt-water storage tanks and water mains. It was also necessary to make supplementary provision for a further \$153,400 in respect of security measures.

The Camp at Rennie's Mill, in which some 6,800 destitute Nationalist Ex-soldiers are accommodated is costing rather more than \$6,000 a day. Three special warrants totalling nearly \$1½ million were approved during the quarter, bringing the estimated expenditure for the year 1950/51 to \$1,775,000. Fortunately, however, the numbers in this Camp have recently been somewhat reduced by the departure of a few small groups.

It was hoped that the Registration of Persons scheme could have been reduced to a maintenance basis by November of last year, but this has not proved possible, owing to an underestimation of the number of small firms in the Colony and the decision to make the registration total. It has therefore been necessary to maintain the registration staff at full strength and special warrants totalling \$154,000 have been approved to provide for staff salaries.

\$1,065,000 has been provided by special warrant to cover the cost of replacing with modern steel craft some out-moded and unseaworthy conservancy and refuse barges acquired in 1946 and 1947 from military sources. The ordering of these craft could not be delayed as the cost of maintenance of the present craft, which being designed for war time use were not built to last, had become prohibitive.

A sum of \$270,000 was provided by special warrant to enable a start to be made on new wards for Kowloon Hospital. Actually very little of this money was used as it did not prove possible to start work until almost the end of the financial year and an appropriate re-vote was provided for in the current estimates. Re-votes amounting to \$235,209 were also necessary in 1950/51 to enable work to be continued on the maintenance and relaying of the track of the Kowloon-Canton Railway, as contracts which should have been completed before the 31st March, 1950, had to be carried over into the next financial year.

There is also a large special warrant for \$2 million under the Post Office Head. This represents the additional costs incurred in handling and despatching the increasing volume of mails passing through Hong Kong in transit. This expenditure is of course offset by receipts under the corresponding revenue Head.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

CONSULAR CONVENTIONS BILL, 1951.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to confer upon the consular officers of foreign States with which consular conventions are concluded by His Majesty certain powers relating to the administration of the estates and property of deceased persons, to restrict the powers of police officers and other persons to enter the consular offices of such States; to make consequential amendments to the Probates Ordinance, 1897, and the Births and Deaths Registration Ordinance, 1934, and to make amendments in the Merchant Shipping Ordinance, 1899, so as to enable such consular officers to exercise certain powers in relation to the property of deceased seamen and to wrecked foreign ships and to property thereon."

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 the Consular Conventions Bill, 1951 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 GOVERNOR: —That concludes the business, Gentlemen. When is it your pleasure that we should meet again?

THE ATTORNEY GENERAL: —I propose adjournment to Wednesday, the 2nd May, 1951.

H.E. THE GOVERNOR: —That is two weeks hence, is it not? Council will adjourn to this day fortnight.