

19th December, 1951.

PRESENT:

HIS EXCELLENCY THE GOVERNOR
SIR ALEXANDER WILLIAM GEOWGE HERDER GRANTHAM,
G.C.M.G.
HIS EXCELLENCY THE COMMANDER BRITISH FORCES
LIEUTENANT-GENERAL GEOFFREY CHARLES EVANS,
C.B., C.B.E., D.S.O.
THE HONOURABLE THE COLONIAL SECRETARY
MR. JOHN FEARNIS NICOLL, C.M.G.
THE HONOURABLE THE ATTORNEY GENERAL
MR. G. E. STRICKLAND, K.C. *Acting*.
THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS
MR. RONALD RUSKIN TODD.
THE HONOURABLE THE FINANCIAL SECRETARY
MR. ARTHUR GRENFELL CLARKS, *Acting*.
THE HONOURABLE THEODORE LOULS BOWRING, O.B.E.
(*Director of Public Works*).
THE HONOURABLE DOUGLAS JAMES SMYTH CROZIER.
(*Director of Education*).
DR. THE HONOURABLE YEO KOK CHEANG
(*Acting Director of Medical and Health Services*).
THE HONOURABLE KENNETH MYER ARTHUR BARNETT
(*Chairman, Urban Council*).
THE HONOURABLE CHAU TSUN-NIN, C.B.E.
DR. THE HONOURABLE CHAU SIK-NIN, C.B.E.
THE HONOURABLE PHILIP STANLEY CASSIDY.
THE HONOURABLE MAURICE MURRAY WATSON.
THE HONOURABLE CHARLES EDWARD MICHAEL TERRY.
THE HONOURABLE LO MAN WAI, O.B.E.
THE HONOURABLE NGAN SHING-KWAN
MR. RONALD THOMPSON (*Deputy Clerk of Councils*).

ABSENT:

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

MINUTES.

The Minutes of the meeting of the Council held on the 5th December, 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. 31—Annual Report by the Chairman, Urban Council for the year 1950-51.	
No. 32—Annual Report of the Supreme Court and Magistracies for the year 1950-51.	
No. 33—A Report on Government Expenditure on Education in Hong Kong 1950 by N. G. Fisher, M.A.	
The Public Health (Animals and Birds) Ordinance. (Chapter 139).	
The Public Health (Animals and Birds) (Amendment) By-laws, 1951	A.211
The Emergency (Control of Minerals) Regulations, 1951.	
The Emergency (Control of Minerals) Order, 1951	A.212
The Public Health (Sanitary Provisions) Regulations, 1948.	
Declaration under Regulation 2(10)(a)	A.213
The Quarantine and Prevention of Disease Ordinance. (Chapter 141).	
The Quarantine and Prevention of Disease (Scale of Charges) Regulations, 1951	A.215
The Emergency Regulations Ordinance. (Chapter 241).	
The Emergency (Special Constabulary) (Amendment) (No. 2) Regulations, 1951	A.216
The Motor Vehicles Insurances (Third Party Risks) Ordinance, 1951.	
The Motor Vehicles Insurance (Third Party Risks) (Commencement) Order, 1951	A.217

<i>Subject</i>	<i>G.N. No.</i>
The Stamp Ordinance. (Chapter 117).	
The Stamp (Bank Authorization) No. 4 Order, 1951	A.218
The Essential Services Corps (General) Regulations, 1950 and the Essential Services (Auxiliary Medical Services) Corps Regulations, 1950.	
The Essential Services (Auxiliary Medical Services) Corps (Instruction Periods) Order, 1951	A.219
The Essential Services Corps (General) Regulations, 1950 and the Essential Services (Auxiliary Fire Service) Regulations, 1950.	
The Essential Services (Auxiliary Fire Service) Corps (Instruction Periods) Order, 1951	A.220
Defence Regulations, 1940.	
Price Control Order, 1946—Amendments to the Schedule	A.221

QUESTIONS.

HON. CHAU TSUN-NIN, C.B.E. asked the following questions: —

- "1. Has Government considered the various possible methods of designing and constructing the City Hall?
2. If so, has a decision been taken on the method to be adopted?"

THE COLONIAL SECRETARY replied as follows: —

1. Although no final decision has yet been taken, various possible methods of planning and controlling the building of the City Hall have been considered. There are four possible courses: —

- (1) *To hold a competition open to all members of the R.I.B.A.*

One or three Assessors would be chosen in consultation with the President of the R.I.B.A. and a set scale of fees would have to be paid, as well as substantial cash prizes to the architects submitting the three best entries.

This method has the advantage that the winning design could be chosen, if all goes well, from a wide selection of designs, and that a high level of architectural

experience would probably be induced to enter the competition. It is, moreover, the method suggested to Government by the City Hall Committee.

By the rules of the R.I.B.A., however, the final selection of a design would not rest in the hands of Government but it would be necessary to accept the verdict of the Assessors, even if there were strong objections by local public opinion to the design which they favoured. Moreover, it would not be possible to choose the Assessors from among Hong Kong residents if the competition is to attract a wide field of entries. Not only is the selection of the winning design entirely out of Government's hands, but the architect submitting the winning entry must by the rules be awarded the contract within twelve months with payment of a fee, which is usually 6% of the total cost, or, if the hall is not built, be paid fees of 1½% up to £ 100,000 of the estimated cost, and ½% beyond that; the premia to the second and third designers would also have to be paid. If Government, after holding the competition, were to reject the winning design but continue with building the hall, it would not be possible to use one of the other designs submitted in the competition but would be necessary for Government to start afresh with another architect. Attractive though the idea of public competition is at first sight, therefore, there are serious objections inherent in the method and it should not, perhaps, be adopted if there is a satisfactory alternative.

Finally, the cost of the method is higher than that of any other, the details being as shown below.

Assessors fee—25 guineas plus
£ 2 per £ 1,000 of estimated
cost of building.

United King Assessor £ 1,526. 5. 0.

2 local Assessors 500. 0. 0.

£ 2,026. 5. 0. \$32,430

C/F \$32,430

	B/F	\$32,430
Travelling—U.K.		
Assessor (2 visits)		12,182
Accommodation and out-of-pocket expenses—		
(first visit— 5 days		
second visit— 10 days		
15		
at \$50 per day)		750
Competition premiums		
(First £ 2,000		
Second £ 750		
Third £ 500)		52,000
Advertising, etc.		—
Appointed Architect's fee		
(6% - 1% because of engagement of		
consultants= 5%—£ 2,000 premium)		768,000
Structural Engineer's fee (2½%)		400,000
Quantity Surveyor's fee		
(2½% on first £ 10,000 and 2% above		
the first £ 10,000 plus 25% variations)		401,000
Clerk of Works Salary		<u>48,000</u>
		<u>\$1,714,352</u>

- (2) *To appoint Professor Gordon Brown, the Professor of Architecture of the University of Hong Kong to undertake the full design.*

By this method Government would retain the services of a leading expert who has the great advantage of local experience. The Professor has, however, other commitments at the University and elsewhere and would prefer not to have the full commitment at this time.

The cost of this method is set out below:

Architect's fee (5%) (paid to the University)	\$800,000
Structural Engineer's fee	400,000
Quantity Surveyor	401,000
Clerk of Works salary	<u>48,000</u>
	<u>\$1,649,000</u>

- (3) *To employ the services of the Public Works Department in association with Professor Gordon Brown.*

The duties of Professor Gordon Brown would be, in particular, to produce the sketch plans and to supervise the preparation of working drawings, detailing and such supervision in carrying out the work as he might think necessary in order to ensure that the intention of his design was carried out in practice. It would be necessary to engage two or three additional architects on contract, but the cost of that additional staff would be very much less than the fees charged by private architects engaged either after a competition or elsewhere.

The method has the advantages of method (2) without its disadvantages; it provides moreover for control of the project by Government. Local experience and knowledge would be fully utilized. The only disadvantage seems to be the possible difficulty in recruiting extra staff required to replace Public Works Department architects with local knowledge who would be employed under the Professor's supervision on the design of the City Hall: but the difficulty of recruitment applies to all the suggested methods.

The cost of this method is set out below:

Architect's fee—2% (paid to the University)	\$320,000
P.W.D. Staff—3 architects (2 for 4 years)	
(1 for 2 years)	318,000
1 Structural Engineer (2 years)	63,600
1 Quantity Surveyor (3 years)	95,400
1 Assistant Quantity Surveyor (2 years)	38,400
1 Computer (2 years)	6,000
1 Clerk of Works (2 years)	48,000
6 Draughtsmen (2 years)	<u>144,000</u>
	<u>\$1,033,400</u>

- (4) *The appointment of a local firm of architects.*

To adopt this method would have the advantage of encouraging and supporting local professional enterprise and, in common with the two previous methods, would utilize local experience. The cost of the method would be \$1,649,000.

2. After consideration of the advantages and disadvantages of these various methods, Government is inclined to the view that it would be best to adopt the third method, and I give notice that a resolution will be introduced into the Legislative Council moving that the design and construction of the City Hall should be undertaken by the Public Works Department in association with Professor Gordon Brown on the conditions outlined above. This will give full opportunity for a debate on the matter.

THE COLONIAL SECRETARY also gave a further reply to the question asked by the Honourable C. E. M. Terry at the Legislative Council Meeting held on 5th December, 1951. He said: —

"In amplification of the reply given to the Honourable Member on 5th December, 1951, regarding a letter from the Foreign Office this Government has now been informed that correspondence on claims against the Japanese Government for injury sustained by persons who were not resident in Hong Kong at the time of the alleged injury is not the concern of the Hong Kong Government and should be addressed to the appropriate department of His Majesty's Government in London."

LANDLORD AND TENANT ORDINANCE (CHAPTER 255).

THE ACTING ATTORNEY GENERAL moved the following resolution: —

RESOLVED pursuant to section 34 of the Landlord and Tenant Ordinance that the duration of the said Ordinance be extended for the term of one year with effect from the 1st January, 1952.

He said, Sir, while the past year has seen an increase in accommodation of both business and domestic premises it is, I submit, incontrovertible that rents will have to be controlled for some time to come. That proposition is of course far truer in the case of domestic premises than it is of business premises and far truer of tenement premises and other premises for the lower income group than for premises of the better type. Nevertheless it can, I think, be accepted that there are premises to which the Ordinance will have to continue to apply and that, Sir, would be sufficient justification for moving this resolution.

It would not, however, be right for me, Sir, to move this resolution without giving some indication of Government's intentions not only with regard to the two Bills published in the *Gazette* a year ago but also as to the future policy of Government on this difficult and controversial subject of Landlord and Tenant.

The former of the Bills entitled the Tenancy (Prolonged Duration) Ordinance, 1950, sought to remedy abuse arising from notice to quit being given after substantial construction money or other premium had been extracted as consideration for a tenancy of premises not controlled by the Landlord and Tenant Ordinance.

The second Bill proposed certain amendments to the Landlord and Tenant Ordinance itself.

Since Government decided to publish the Bills I have mentioned for public information, Government has further considered this thorny problem and such consideration has shown that, although the measures incorporated in these Bills should be proceeded with, they require amendment in certain respects. Now, in the first place the Landlord and Tenant Amendment Ordinance made no provision either for decontrol or for the increase in standard rent either of domestic or business premises. In the second place the Tenancy (Prolonged Duration) Ordinance probably went too far in not being limited only to domestic premises.

To deal first with the Landlord and Tenant Amendment Ordinance, Government is giving serious consideration to the introduction of progressive decontrol. The economic reality seems to be that the rent in the open market of premises would be approximately five times the pre-war rent in the case of domestic premises and possibly as much as seven times in the case of business premises, and that although part of such increase might be attributed to inflationary tendencies we must unfortunately resign ourselves to considering that a great proportion of such increase is a normality.

If this be true can Government in conscience maintain the present controls indefinitely and expect landlords to accept indefinitely rentals far below the open market standard? To this is, I think, the answer must be "not indefinitely and therefore sooner or later a start must be made towards decontrol." Nevertheless,

Government cannot ignore the fact that despite the many building projects embarked upon and completed since the control was first imposed the population of the Colony has more than doubled itself within the same period. Nor can Government ignore the dangers which in the present circumstances too rapid decontrol might entail particularly if it were applied in the case of these domestic premises harbouring persons with a comparatively low standard of living.

Government, therefore, would prefer a compromise solution which would take the form of sanctioning further increases in standard rent while the problem of decontrol is further considered, coupled, however, with a statement of Government's intention that as at present advised decontrol in the case of certain classes of business premises and of domestic premises of the better classes would commence on or about the first July, 1952.

The phrase domestic premises of the better class is a wide one but a start would probably be made with premises which before the Pacific War fetched a rental unfurnished of \$200 a month or over. In the case of business premises it is proposed to start with places of public entertainment, hotels and boarding houses, restaurants, godowns, automobile service stations, banks, film studios and clubs.

After a survey of the effect of decontrol in these classes of premises Government will consider further decontrol. I need perhaps hardly emphasize that the phrase "as at present advised" is deliberate and that I must not be understood as pledging Government to any decontrol. Circumstances may alter.

The increases in rent visualized are in the case of domestic premises other than dependent domestic premises of the poorer type a further increase of 30 per cent of standard rent as from the enactment of the Landlord and Tenant Amendment Ordinance Bill and the giving of a month's notice of the prospective increase and a further increase of 40 per cent as from six months after the date last mentioned and the giving of the requisite notice and in the case of business premises the increase of a further 100 per cent after the enactment of the Bill in question and the giving of a month's notice of the prospective increase.

The effect of these increases after they have become operative will mean that standard rent of business premises will have been increased by 200 per cent in the aggregate over the pre-war figure whereas the standard rent of domestic premises will have been increased in the aggregate over the pre-war figure by a 100 per cent in the normal case. The exception made in the case of dependent domestic premises of the poorer type is difficult to justify on purely logical grounds.

It is, however, the case that sub-tenants of these premises are already in many cases paying more than the law requires them to and although this excess goes to the principal tenant and not to the landlord any increase in the rent paid by the principal tenant to the landlord would undoubtedly be passed on by the principal tenant to the sub-tenants.

While an increase could no doubt be justified economically from the landlord's viewpoint, Government does not consider that the time is appropriate. Apart from the factors I have already mentioned there is the factor of increasing unemployment coupled with a decrease in the number of temporary or semi-temporary dwellings due to the recent fire.

It is therefore proposed to defer indefinitely any increase in cases where there are dependent domestic premises and the pre-war monthly rent paid by the principal tenant to the landlord that is to say the standard rent was \$80 or less. This decision will be reviewed if and when conditions improve. The figure of \$80 may appear rather high. It is deliberately so, so as to include cases where the floor let to the principal tenant is a large one or where more than one floor has been let. It should also not be overlooked that if as a result some premises are included where there has been little sub-division the landlord can still serve notice to the principal tenant under section 12.

It has on previous occasions been explained that the control of business premises is more difficult to justify than the control of domestic premises. That is why Government proposes to examine forthwith decontrolling of business premises as well as sanctioning a greater increase above the standard rent in the case of business premises. It is, however, also true that the rent of business premises has risen in the open market by a greater proportion than is the case in the rent of domestic premises. These truths

are to some extent unpleasant truths but I would be failing in my duty if I did not utter a warning that there may well have to be further increases as well as decontrol until the time arrives when the discrepancy between controlled rent and open market rent is a great deal smaller than it is to-day. We do not wish to go too fast but it would be inequitable if on the other hand we went too slow.

While these factors have delayed the progress of the Landlord and Tenant Amendment Ordinance Bill, why, it might be asked, has not Government proceeded with the Tenancy Prolonged Duration Ordinance Bill? There are two main reasons. In the first place, the latter Bill will have retrospective effect from the date of its first publication in the *Gazette*. In the second place, although the Bill does not offer to subject the premises to which it applies to provisions of the Landlord and Tenant Ordinance its effect must nevertheless be correlated to decisions taken in connexion with the Landlord and Tenant Amendment Bill.

The delay, Sir, in both cases is regretted but I fear has been largely unavoidable. It is Government's intention to proceed with both Bills, amended in certain respects as a result of the discussions which have been proceeding, at the next meeting of the Legislative Council.

Now, Sir, before formally moving the resolution standing in my name it might be of assistance if I summarize shortly the proposed policy on decontrol and increase in rent.

1. It is proposed that no further increase in the standard rent should be authorized in respect of dependent domestic premises where the standard rent payable by the principal tenant to the landlord is \$80 per month or less;

2. As regards other domestic premises—(a) a further increase of 30 per cent of standard rent should be permitted provided that one month's notice is given as from the date of the enactment of the Landlord & Tenant (Amendment) Bill; (b) a further increase of 40 per cent making a total aggregate increase of 100 per cent in standard rent should be permitted provided that one month's notice is given as from six months after the date of enactment of the Bill;

3. The domestic premises in which the standard rent was \$200 or more should, as at present advised, be decontrolled on or about 1st July, 1952;

4. As regards business premises a further increase of 100 per cent of the standard rent making a total increase of 200 per cent should be permitted, provided that one month's notice is given after the enactment of the Landlord & Tenant (Amendment) Bill;

5. Places of public entertainment, hotels, boarding houses, restaurants, godowns, automobile service stations, banks, film studios and clubs should, as at present advised, be decontrolled on or about 1st July, 1952;

6. The question of decontrolling hospitals, schools, shops, offices, factories and workshops should be examined later after the results of decontrolling of other premises have been examined.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

ILLEGAL STRIKES AND LOCK-OUTS ORDINANCE, CHAPTER 61.

THE ACTING ATTORNEY GENERAL moved the following resolution: —

RESOLVED pursuant to section 8 of the Illegal Strikes and Lock-outs Ordinance, Chapter 61, that the duration of the said Ordinance be extended for the term of one year with effect from the 1st January, 1952.

He said: —Sir, under the Illegal Strikes and Lock-outs Ordinance strikes and lock-outs having an objective other than the furtherance of a trade dispute and being designed to coerce the Government are declared illegal and it is also an offence wilfully to break contracts of service resulting in the public being deprived of certain essential services.

Under section 8 of the Ordinance, the Ordinance ceases to have effect unless renewed by annual resolution of Legislative Council. It is more than ever important in view of the troubled and uncertain times through which we are passing that essential services should be maintained and strikes of the nature described prohibited.

I therefore formally move the second resolution standing in my name.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

SOCIETIES ORDINANCE, CHAPTER 151.

THE ACTING ATTORNEY GENERAL moved the following resolution: —

RESOLVED pursuant to section 26 of the Societies Ordinance, Chapter 151, that the duration of the said Ordinance be extended for the term of one year with effect from the 1st January, 1952.

He said: Sir, the Societies Ordinance in its present form was enacted in 1949, but it replaced a previous Ordinance of 1920 chiefly directed against Triad Societies. The present Ordinance gives a wide discretion to the Registrar of Societies in refusing to register societies. A society which is not registered is unlawful and action can be taken against it. For this reason the Ordinance contains a provision whereby its continuance in force is dependent upon a resolution of Legislative Council extending its duration from year to year. The Commissioner of Police, who is the Registrar of Societies, reports that the Ordinance is working well. We are still in times of emergency and Government considers that the continuance in force of the Ordinance is necessary in order to curb the activities of undesirable organizations of which many are of a political nature.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

SUPPLEMENTARY LOAN PROVISIONS, 1950/51.

THE ACTING FINANCIAL SECRETARY moved the following resolution: —

RESOLVED that the Supplementary Loan Provisions for the year ended 31st March, 1951, as set out in Schedule No. 1 of 1950/51, be approved.

He said: Sir, the Schedule now before Council comprises transfers made between sub-items of loan expenditure during the financial year 1950/51 and also provides for the carrying forward into that year of the funds which lapsed on 31st March, 1950. All the transfers and carry-overs have been approved by Finance Committee and now require the covering approval of this Council before submission to the Secretary of State.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

VENEREAL DISEASE ORDINANCE, 1951 BILL.

THE ACTING DIRECTOR OF MEDICAL AND HEALTH SERVICES moved the First reading of a Bill intituled "An Ordinance to control the spreading of venereal disease." He said: Sir, the incidence of venereal disease in the Colony has shown a marked increase in recent years. New cases receiving treatment in the Government Social Hygiene Clinics numbered 9,281 in 1949, 10,223 in 1950 and 14,433 in 1951 from 1st January to 30th November and from reports from general medical practitioners there is no doubt that the incidence of venereal disease in the Colony has reached high proportions. Venereal disease is responsible not only for a large percentage of mental and physical defects among the actual sufferers, but also for a large proportion of children being either born dead or dying in early infancy.

The successful control of venereal disease in countries which have achieved very marked results lies chiefly in tracing and treating hidden infectious cases which constitute the reservoirs of infection among the population. The tracing of these hidden cases, known as contact tracing, therefore, forms the most important factor in venereal disease control. With antibiotics such as penicillin, streptomycin and aureomycin and the sulpha drugs at the disposal of the medical profession, we now possess powerful weapons to fight the disease.

The main provisions of the Bill are explained in the Objects and Reasons. It will be seen that the Deputy Director of Health Services is given power to require a person reasonably suspected of having infected other persons with this disease to be examined and treated until cured. It will be noted that the Deputy Director can only make such a requirement if he receives two separate reports naming such person as the source of infection. The object of this is to prevent a person being subjected to compulsory examination without real cause.

It will be seen that this Bill generally follows the lines of regulation 33B of the Defence (General) Regulations 1939 in the United Kingdom and Proclamation 28 (The Venereal Diseases (Compulsory Treatment) Proclamation) of the British Military Administration in this Colony.

This Bill is intended to be a supplementary measure to other laws already upon the Statute Book which combat directly or indirectly this disease, namely, (a) The Protection of Women and Juveniles Ordinance 1951 (which repealed and replaced the

Protection of Women and Girls Ordinance, 1938) strikes at prostitution and brothels. This Ordinance includes a new and comprehensive definition of brothel (section 2) and has increased the penalty for keeping brothels to a fine of \$1,000 and imprisonment for three months for a first offence, \$2,000 and six months for a second offence and \$5,000 and one year for a subsequent offence (section 12). Provision is made for the termination of tenancies of premises used as brothels (sections 13 and 14).

Section 16 gives power of entry into suspected brothels and section 17 creates offences of living on earnings of prostitution and soliciting by males, for which two years imprisonment may be awarded and flogging if a male offender is convicted of a second offence. The offences of keeping a brothel, living on the earnings of prostitution and soliciting by males are scheduled offences under section 8 of the Deportation of Aliens Ordinance (Cap. 240). (b) The penalty for soliciting by females was increased on Law Revision to a fine of \$500 or imprisonment for three months (section 11 Summary Offences Ordinance, (Cap.228)). (c) Prostitutes and persons living on the earnings of prostitution and persons of known immoral character are undesirables within the meaning of the Expulsion of Undesirables Ordinance, (Cap. 242). (d) Prohibition of advertisements for cures of venereal disease is contained in section 4 of the Indecent Exhibitions Ordinance, (Cap. 150). (e) The practice of western medicine by unregistered persons is forbidden by section 14 of the Medical Registration Ordinance (Cap. 161).

Recently I have had my attention drawn to the publication of certain advertisements relating to venereal disease and sexual disorders in the Press. This is a matter of concern because treatment of this disease and such disorders can only be properly given with successful results by qualified medical practitioners. This Bill does not deal with this matter because, as already mentioned, provision is contained in the Indecent Exhibitions Ordinance (Cap. 150) section 4 of which provides as follows: (and I quote) "Any advertisement whatsoever relating to syphilis, gonorrhoea, nervous debility, or other complaint or infirmity arising from, or relating to sexual intercourse shall for the purpose of this ordinance be deemed to be a matter of indecent nature: Provided that this section shall not apply to any advertisement in any *bona fide* medical newspaper, medical book or other medical publication" (Unquote). Publication or distribution of such an advertisement is made a criminal offence punishable by imprisonment and fine.

I take this opportunity of drawing attention to this part of the law as it is intended strictly to enforce it if such advertisements are published in future.

Form 2 of the Schedule, made under clause 4, contains the form of examination notice to be served upon the contact, that is the person suspected to be the source of the infection. In its present form it must contain the names of certain medical practitioners by one of whom the contact must be examined. On reconsideration, however, I think it would be preferable that the contact should be free to select any medical practitioner for this purpose. I propose therefore to move amendments in committee at a later date to enable the contact on whom the examination notice is served to select any medical practitioner as the practitioner by whom he or she will be examined.

I formally move the First reading of the Bill.

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: —

There has recently occurred a marked increase in the incidence of venereal disease in the Colony. The object of this Bill is to reduce this incidence by giving powers to the Deputy Director of Health Services to compel persons reasonably suspected of infection to be examined and if necessary treated.

2. The Bill generally follows the lines of regulation 33B of the Defence (General) Regulations, 1939, in the United Kingdom and Proclamation 28 [The Venereal Diseases (Compulsory Treatment) Proclamation] of the British Military Administration in this Colony.

3. Clause 3 of the Bill places upon a "medical practitioner" (as defined by clause 2) the duty of reporting to the Deputy Director of Health Services information as to the person by whom any patient examined by him alleges he has been infected. If the Deputy Director of Health Services receives two separate reports naming any particular individual as the source of infection he must then generally serve on that individual an "examination notice" requiring him (or her) to submit for medical examination and if necessary treatment by a medical practitioner (clause 4). If the medical practitioner on such

examination finds that the person examined (the "contact") is not suffering from venereal disease he furnishes a clearance certificate in respect of the contact, if on the other hand the contact is so suffering the medical practitioner must serve upon him (or her) a "treatment notice" which requires the contact to submit to treatment until cured of the disease in a communicable form (clause 5). Contacts may, however, transfer to another medical practitioner if they so desire.

4. All notices to contacts must (except in special circumstances) be served personally (clause 8).

5. In order to minimise the possibility of unwarranted allegations that an individual has infected another with this disease it is made an offence for a person to make such allegation if he knows it to be false or if he makes it recklessly (clause 11).

6. Sanction for the compulsory examination and treatment of contacts is provided by clause 11 which makes it an offence punishable with fine or imprisonment (or both) for a contact to fail so to submit himself (or herself). It is not, however, thought desirable that it should be possible to commence private prosecutions for offences of this type, and therefore clause 12 has been included requiring the consent of the Attorney General to the institution of any prosecution.

PUBLIC ORDER (AMENDMENT) (No. 2) BILL, 1951.

THE ACTING ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Public Order Ordinance, Chapter 245."

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 ACTING ATTORNEY GENERAL reported that the Public Order (Amendment) (NO. 2) 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.

BY-LAWS UNDER PUBLIC HEALTH (FOOD) ORDINANCE.
CHAPTER 140.

HON. K. M. A. BARNETT moved: —

That the By-laws made by the Urban Council on the 15th day of December, 1951, under section 5 of the Public Health (Food) Ordinance (Chapter 140), be approved.

He said: Sir, it has been found necessary to define the rural or undeveloped areas under the Urban Council's control in order that there can be no doubt as to the correct fees payable under by-law 4 of Part I of the principal by-laws. This clarification is accomplished by by-laws 2 and 3 of the by-laws now submitted for approval.

By-law 4 clarifies the requirements of by-law 24 of Part I of the principal by-laws regarding the delegation of control. The new by-law makes it clear that the responsibility for due observance of the by-laws rests jointly and severally on the licensee himself and on the person to whom, with the Council's permission, he has delegated control of his business.

By-law 5 effects a number of improvements in the wording of by-law 2 of Part II of the principal by-laws.

By-law 6 inserts a new by-law 2A in Part II of the principal by-laws to clarify the circumstances under which the Urban Council will consider an application for a licence in cases which do not strictly comply with by-law 2.

By-law 7 finally makes an addition to by-law 6 of Part IV of the principal by-laws to prevent a method of contamination which has been detected in cafes. It has been found that many cafes prepare sandwiches and so forth in a separate out-house and convey them into the cafe across an open yard, during which they become contaminated by filth from upper floors.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

ADJOURNMENT.

H.E. THE GOVERNOR: —That concludes the business, Gentlemen. Council will adjourn to this day three weeks.