

9th January, 1952

PRESENT:

HIS EXCELLENCY THE GOVERNOR

SIR ALEXANDER WILLIAM GEORGE HERDER GRANTHAM,

G. C. M. G.

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

LIEUTENANT-GENERAL SIR 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, *Acting*.

THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS

MR. RONALD RUSKIN TODD.

THE HONOURABLE THE FINANCIAL SECRETARY

MR. ARTHUR GRENFELL CLARKE, *Acting*.

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

(Director of Public Works).

THE HONOURABLE DOUGLAS JAMES SMYTH CROZIER.

(Director of Education).

DR. THE HONOURABLE YEO KOK CHEANG

(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 LEO D'ALMADA E CASTRO, k. c.

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)*,

MINUTES.

The Minutes of the meeting of the Council held on 19th December, 1951 were confirmed.

ANNOUNCEMENTS.

THE COLONIAL SECRETARY:—By Your Excellency's direction I rise to announce the appointment of the Standing Law Committee for 1952. The following members have been appointed and have agreed to serve:—

The Attorney General (*Chairman*)

Mr. CHAU Tsun-nin

Mr. Leo D'Almada e Castro

Mr. Maurice Murray Watson, and

Mr. Lo Man-wai.

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, 1952:—		
No. 1—	Annual Report by the Commissioner of Police for the year 1950-51.	
No. 2—	Annual Report by the Director of Medical and Health Services for the year 1950-51.	
The Registration of Imports and Exports Ordinance.		
(Chapter 51).		
	The Registration (Imports and Exports) (Amendment) Regulations, 1951 . . .	A. 223
The Colonial Air Navigation (Application of Acts) Order, 1937.		
	The Hong Kong Air Navigation (Investigation of Accidents)	
	Regulations, 1951.....	A. 228
The Prisons Ordinance. (Chapter 234).		
	The Stanley Prison Extension Order, 1951	A. 229

	<i>Subject.</i>	<i>G.N. No.</i>
The Emergency (Defended Areas) Regulations, 1951.		
The Emergency (Defended Areas in Particular		
Localities) Declaration, 1951		
		A. 230
The Public Order Ordinance. (Chapter 245).		
The Military Installations Closed Areas		
(Amendment) (No. 2) Order, 1951		
		A. 231

TENANCY (PROLONGED DURATION) BILL, 1952.

THE ATTORNEY GENERAL:—Sir, my name is down on the Order of Business to move the First reading of a Bill shortly intituled the Tenancy (Prolonged Duration) Ordinance, 1952. I propose, however, to move that this item be withdrawn from the Order of Business.

It will be recollected, Sir, that at the last meeting of Council I made certain statements with regard to the progress of this Bill and also of a Bill shortly intituled the Landlord and Tenant Amendment Ordinance, 1952. But it does not appear to have been appreciated by the public that this latter Bill, the Landlord and Tenant Amendment Ordinance, 1952, contained no proposals for decontrol. Nevertheless, the announcement that decontrol was being considered and rent increases actually proposed has caused great public interest, and Government has accordingly decided that this Bill should not be proceeded with until at all events these two important matters have been re-examined by a committee which Government proposes to appoint for the purpose. The terms of reference will, of course, have to be carefully considered. Now, while, Sir, I have deemed it pertinent to say what I have said in order to explain the absence of the Landlord and Tenant Amendment Ordinance from the Order of Business, I wish to make it clear that Government does intend in the interim to proceed with the Tenancy (Prolonged Duration) Bill. Certain information has, however, reached me which indicates the necessity for giving further consideration to the precise form which the Tenancy (Prolonged Duration) Bill should take, and I accordingly crave the indulgence of Council and move that the First reading of this Bill may, by leave, be withdrawn from the Order of Business so that 'the matter may be further considered.

H.E. THE GOVERNOR:—Is that acceptable, Gentlemen, that this Bill is withdrawn?

This was agreed to.

SOCIETIES (AMENDMENT) BILL, 1952.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Societies Ordinance (Chapter 151). He said: Sir, this is a short amending Bill which is fully explained in the Objects and Reasons to which I have nothing to add except to remind Council that at its last meeting the duration of the principal Ordinance was prolonged another year.

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 object of this Bill is to amend the Societies Ordinance, Cap. 151, which repealed and replaced the Societies Ordinance, 1920, by re-enacting certain provisions of the Ordinance of 1920 the retention of which the practical working of the principal Ordinance has shown to be necessary for the efficient control of unlawful societies.

2. The definition of an unlawful society in the principal Ordinance confines the control exercised by the Ordinance to associations of 10 or more persons. The amendment made by clause 2 of the Bill enables the provisions of the Ordinance to apply to an association of any number of persons as had been the case in the older Ordinance.

3. Subsection (7) of section 5 of the principal Ordinance, which provides for an appeal to the Governor in Council from the Registrar's refusal to register a society or his decision to rescind the exemption from registration granted to a society, contained no time limit within which appeal must be made. It is considered that such appeal should be limited to 30 days from the refusal or decision of the Registrar and clause 3 of the Bill so provides.

4. The principal Ordinance omitted from its provisions the following offences which had been constituted under the Ordinance of 1920—

- (a) paying money or giving any aid to or for the purposes of an unlawful society;
- (b) inciting a person to become a member or assist in the management of an unlawful society; and

(c) procuring subscriptions or aid for an unlawful society. The first of these by clause 4 and the two latter by clause 5 are again made offences under the principal Ordinance.

5. It has also been considered desirable to re-enact section 7(2) of the Ordinance of 1920 (clause 6 of the Bill) by amending section 14 of the principal Ordinance to provide that where any persons are found in or escaping from premises, entered under powers given by the principal Ordinance, which a magistrate has reasonable cause to suspect was, at the time or immediately before such entry, being used by or for the purposes of an unlawful society, it shall be presumed until the contrary is proved that such persons are members of an unlawful society.

VENEREAL DISEASE BILL, 1952.

THE DIRECTOR OF MEDICAL AND HEALTH SERVICES moved the Second reading of a Bill intituled "An Ordinance to control the spreading of venereal disease".

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

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

Clause 1.

THE DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, I rise to move that Clause I be amended by the deletion of the figures "1951" and the substitution therefor of the figures "1952".

This was agreed to.

Clause 4.

THE DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, I rise to move that clause 4 be amended as set out on the paper before Honourable Members.

This was agreed to.

Clause 11.

THE DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, I rise to move that clause 11 be amended as set out on the paper before Honourable Members.

This was agreed to.

Schedule.

THE DIRECTOR OF MEDICAL AND HEALTH SERVICES:—Sir, I rise to move that the Schedule be amended as set out on the paper before Honourable Members.

This was agreed to.

Council then resumed.

THE DIRECTOR OF MEDICAL AND HEALTH SERVICES reported that the Venereal Disease Bill, 1952 had passed through Committee with amendments and moved the Third reading.

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

**CHURCH OF CHRIST IN CHINA, WANCHAI CHURCH,
INCORPORATION BILL, 1952.**

DR. CHAU SIK-NIN moved the First reading of a Bill intituled “An Ordinance to provide for the incorporation of the Trustees of the Church of Christ in China, Wanchai Church”. He said: Your Excellency, this Bill is modelled following the lines of legislation of a similar character and the contents are usual in bills of incorporation of religious and charitable organizations already enacted in the Colony. The Objects and Reasons clearly set forth the reasons for the Bill and I think that there is nothing I can usefully add. I therefore beg to move the First reading of the Bill.

MR. NGAN SHING-KWAN seconded, and the Bill was read a First time.

Objects and Reasons.

The “Objects and Reasons” for the Bill were stated as follows:—

The primary object of this Bill is to provide for the incorporation by Ordinance of the Trustees of the Church of Christ in China, Wanchai Church as a corporation to ensure perpetual succession in the holding and management of the property of the said Church.

2. The Bill follows the model of legislation of similar character already enacted in the Colony for the incorporation of religious and charitable organizations, in particular a previous Ordinance relating to the incorporation of a Church, namely Chapter 294 of the Revised Edition, 1950.

3. The Bill (clause 16) contains provision saving the rights of the Crown as required, in the case of private Bills, by Article XXVII of the Royal Instructions.

ADJOURNMENT.

H.E. THE GOVERNOR:—That concludes the business, Gentlemen. When is it your pleasure that we should meet again?

THE ATTORNEY GENERAL:—Today fortnight, Sir.

H.E. THE GOVERNOR:—Council will adjourn to this day fortnight.
