

23rd 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 GEOFFREY CHARLES EVANS,

C. B., C. B. E., D. S. O.

THE HONOURABLE THE COLONIAL SECRETARY

MR. JOHN PEARNS 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 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

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

THE HONOURABLE PHILIP STANLEY CASSIDY.

THE HONOURABLE MAURICE MURRAY WATSON.

THE HONOURABLE CHARLES EDWARD MICHAEL TERRY.

MR. RONALD THOMPSON *(Deputy, Clerk of Councils).*

ABSENT:

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

THE HONOURABLE NGAN SHING-KWAN.

MINUTES.

The Minutes of meeting of the Council held on 9th January, 1952, 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>
The Essential Services Corps Ordinance. (Chapter 197). The Essential Services (Civil Aid Services) Corps Regulations, 1952	A. 1
The Supreme Court Ordinance. (Chapter 4). Rules made by the Rules Committee under section 37.	A. 2
The Defence Regulations, 1940. The Price Control Order, 1946—Amendments to the Schedule	A. 3
The Deportation of Aliens Ordinance. (Chapter 240). The Deportation of Aliens (Amendment) Regulations, 1952	A. 4
The Emergency Regulations Ordinance. (Chapter 241). The Emergency (Immediate Resumption) Regulations, 1952	A. 5
The Emergency Regulations Ordinance. (Chapter 241). The Emergency (Resettlement Areas) Regulations, 1952	A. 6
The Public Health (Sanitary Provisions) Regulations, 1948. Declaration under Regulation 2(10)(a)	A. 7
The Defence (Finance) Regulations, 1940. The Possession of Gold (Goldsmiths) (Amendment) Order, 1952	A. 8
The Defence Regulations, 1940. The Price Control Order, 1946—Amendments to the Schedule	A. 9

MOTIONS.**SUPPLEMENTARY PROVISIONS, 1951/52.**

THE ACTING FINANCIAL SECRETARY moved the following resolution:—

Resolved that the Supplementary Provisions for the quarter ended 30th September, 1951, as set out in Schedule No. 2 of 1951/52, be approved.

All the items in the schedule have been approved by Finance Committee and now require the covering approval of Council. A number of them are revotes of funds which lapsed on the 31st March, 1951, or are occasioned by staff adjustments, but a few items are of some interest.

As I forecast at an earlier meeting of this Council, further heavy bills totalling \$400,000 have come in as a result of damage occasioned by the heavy rains which occurred in the early part of last summer. There is on page 2 of the schedule a vote for \$260,000 for the construction of piers at Tai O and at Cheung Chau, the money for which has been provided by His Majesty's Government from Colonial Development and Welfare Funds. There is also a provision of \$237,000 for the resettlement of a village in the New Territories. This village is unfortunately too close to the Port Shelter Artillery Range and it has been thought best that the whole village should be moved. A considerable part of the cost of this reprovisioning has also been met by His Majesty's Government. There is a vote of \$400,000 for materials for Prison industries. It is Government's policy to provide useful work for the prisoners, and hitherto the raw materials required for such work have been provided from the ordinary vote for stores and equipment. It is thought that as prison industries develop, this mode of payment is not really appropriate, and accordingly a separate sub-head of expenditure has been opened from which payment for raw materials will be made. Examples of the sort of things that have been made in the Prison are brooms and brushes for the Sanitary Department, for which paid staff had formerly to be employed, and it is hoped that the use of Prison labour for this type of work will result in an over-all saving to Government funds. There is another vote of \$300,000 for the rehabilitation of a reservoir at Kowloon Tong. For the last two years there has been a steady increase in the volume of complaints from residents in the Shamshuipo area about the irregular water supply. Long investigation of the problem has produced a solution in the rehabilitation of an old

tank that was leaking so badly in 1941 that it was abandoned. It has now been found that rehabilitation of this tank is possible, and when the work has been completed the water supply in Shamshuipo should be greatly improved.

There are also a number of supplementary provisions which are necessitated by Government's education policy. Provision has had to be made for staff for Grantham Training College and for additional clerical help in the Education Department, as well as for further allowances to teachers in training; in addition the vote for grants to non-Government schools has had to be increased because of the increase in cost of living allowances paid to teachers. The total involved for education is \$321,108 after allowing for savings.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

**RESOLUTION REGARDING ABANDONMENT OF CLAIMS
AND WRITE-OFFS OF LOSSES AND DEFICIENCIES
FOR THE FINANCIAL YEAR 1951/52.**

THE ACTING FINANCIAL SECRETARY moved the following resolution:—

Resolved that the abandonment of claims and write-offs of losses and deficiencies as specified and explained in Schedule No. 2 of 1951-52, be approved.

He said: Sir, the schedule of write-offs and abandonments of claims is in four parts. The items set out in parts (a) and (c) have already received the approval of Finance Committee and those in (b) and (d) have been authorized by me under the authority delegated by Finance Committee.

The item of \$238,000 in respect of Earnings and Profits Tax in part (a) may seem rather excessive, but the total amount of tax uncollectable is not large when one considers that it covers four years of assessment. It must be moreover remembered that in many cases assessments are provisionally made on such indirect information as is available, in the absence of direct evidence. Such provisional assessments appear in the books and when subsequent investigation discloses that they have to be revised downwards, the excess must be written off.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

REGULATIONS UNDER LEGAL PRACTITIONERS**ORDINANCE, CAP. 159.**

THE ACTING ATTORNEY GENERAL moved:—

That the Regulations made by the Chief Justice on the 21st day of January, 1952, under section 18 of the Legal Practitioners Ordinance, Chapter 159, be approved.

He said: Sir, since my name was set down on the Order of Business to move this resolution it has come to my notice that the regulations require certain minor amendments and I ask therefore that by leave this resolution be treated as a resolution that the regulations be approved with such amendments as are indicated on the paper placed before Honourable Members. Honourable Members will find these amendments on the next annexure of the paper placed before them. The changes made by the regulations are indicated by the parts underlined. The principal object of the new regulations is to substitute shorter periods of notice in lieu of the six months notice of the intention to sit for the final examination for solicitors. The regulations have been made at the request of the Hong Kong Law Society and I may be perhaps excused therefore for quoting verbatim from the President's letter. He states—

“In practice it has been found that the regulations as to examination set out in the third schedule of the Legal Practitioners Ordinance are not entirely satisfactory, in particular as to the length of notice required before final examination. Most examinees prefer to take the regular examination in England and are sometimes not aware six months in advance of the date that they wish to sit, such depending frequently on the advice of legal tutors and coaches who cannot advise as long as six months in advance, many of the courses in England not lasting more than six months anyway. Furthermore, many examinees have complained that it is unfair to make them wait for six months before they sit a second time and the examination regulations prevailing in England, which are more advantageous from an examinee's point of view, are quoted. It is pointed out that under such circumstances it is unfair to make an articled clerk from Hong Kong incur extra expenditure in staying another six months in England. In England if a candidate fails in March he can sit again as soon as June the same year”.

There are, I am informed, several law students now in England anxiously hoping that these regulations will come into force soon

so as to enable them to sit for the examinations to be held in London next March. It is for this reason that I ask for leave to substitute a resolution that the regulations be approved with the amendments indicated in lieu of the resolution included in the Order of Business and I move accordingly.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

NURSING AND MATERNITY HOMES REGISTRATION

(AMENDMENT) BILL, 1952.

THE ACTING ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Nursing and Maternity Homes Registration Ordinance, Chapter 165." He said: Sir, this Bill is a short amending Bill the object of which is explained in the Objects and Reasons to which I have nothing to add.

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. Section 8 of the principal Ordinance as enacted by Ordinance No. 9 of 1950 has by oversight introduced the complication of a "resolution" by the Executive Council, *i.e.* the form of signifying a decision appropriate to the Legislative Council. The word "order" should instead have been employed.
2. The amendment took place as part of the endeavour to effect, in the course of law revision, an improvement in sections occurring throughout the Ordinances, such as the original section 8, which were defective, in that, they did not state how the decision of the Governor, the Governor in Council or other authority was to be conveyed.
3. Accordingly, the object of this Bill is to remedy the anomaly created by item 37 of the Schedule to Ordinance No. 9 of 1950 and clause 2 so provides.

SOCIETIES (AMENDMENT) BILL, 1952.

THE ACTING ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Societies Ordinance, Chapter 151."

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 Societies (Amendment) Bill, 1952 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.

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

DR. THE HON. CHAU SIK-NIN, C. B. E. moved the Second reading of a Bill intituled "An Ordinance to provide for the incorporation of the Trustees of the Church of Christ in China, Wanchai Church."

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

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

Council then resumed.

DR. THE HON. CHAU SIK-NIN, C.B.E., reported that the Church of Christ in China, Wanchai Church, Incorporation Bill, 1952 had passed through Committee without amendment, and moved the Third reading.

HON. CHAU TSUN-NIN, C.B.E., seconded, and the Bill was read a Third time and passed into law.

ADDRESS BY THE GOVERNOR.

Honourble Members, when next we meet in this Council both General Evans and Mr. Nicoll will have left us and their departure will be a real loss to the Colony. General Evans is succeeding General Festing under General Eisenhower, and Mr. Nicoll is going as Governor of Singapore.

General Evans came to Hong Kong first about two and a half years ago. He came with a high reputation and a very fine record. During his time here both as General Officer Commanding Land Forces and later as Commander, British Forces, he has enhanced that reputation as we all know, and speaking for myself I have always had implicit confidence in him and believe me, Gentlemen, that it is extremely important to a Governor that he should have absolute confidence in the Commander of the British Forces. That is what I might term the official or military side. But there is another side to General Evans as we all know from that merry twinkle in his eye. He is a very human being and he and his charming wife have identified themselves with life in this Colony. They have done that spontaneously and naturally, but none the less we appreciate it very much and we like them the more for it.

Mr. Nicoll preceded General Evans by about two months in May, 1949. As a Colonial Secretary he has been outstanding and some months ago an Unofficial Member told me—and he did not then know that Mr. Nicoll was going to be promoted as Governor—that Mr. Nicoll was the finest Colonial Secretary Hong Kong has ever had, and that I heartily endorse.

Among his many attributes I would put two qualities first and foremost. First, as in the case of General Evans he inspires confidence—confidence that is justified—and the next attribute is that he has moral courage which is a quality that in this world is unfortunately all too rare. Mr. Nicoll has proved himself not only as Colonial Secretary but also as Acting Governor. He was Acting Governor at the time of the outbreak of the Korean War. I was then on leave in London and the Secretary of State for the Colonies asked me if I thought I should return to Hong Kong. I told him that I was perfectly prepared to do so, but I considered it quite unnecessary for Mr. Nicoll was fully competent to carry on and I had the utmost faith in him.

I can assure Singapore that they are getting an absolutely first-rate man and I certainly envy their Colony. I am sure I am speaking on behalf of you all here, Gentlemen, and also on behalf of the whole of the Colony of Hong Kong when I say to General Evans and Mr. Nicoll we thank you for what you have done for this Colony of ours and wish you and your families every happiness and success in the future. (Applause).

ADJOURNMENT.

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