

5th November, 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 TERENCE AIREY, K.C.M.G., C.B., C.B.E.

THE HONOURABLE THE COLONIAL SECRETARY

MR. ROBERT BROWN BLACK, O.B.E.

THE HONOURABLE THE ATTORNEY GENERAL

MR. ARTHUR RIDEHALGH, Q.C.

THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS

MR. BRIAN CHARLES KEITH HAWKINS, C.M.G., O.B.E., *Acting*.

THE HONOURABLE THE FINANCIAL SECRETARY

MR. ARTHUR GREPELL CLARKE.

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, E.D.

(Chairman, Urban Council).

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

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

THE HONOURABLE MAURICE MURRAY WATSON

THE HONOURABLE CHARLES EDWARD MICHAEL TERRY.

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

THE HONOURABLE NGAN SHING-KWAN.

THE HONOURABLE HUBERT JOHN COLLAR, C.B.E.

MR. DAVID RONALD HOLMES, M.B.E., M.C. *(Clerk of Councils).*

ABSENT:

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

MINUTES.

The Minutes of the Meeting of the Council held on 22nd October, 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>
Sessional Papers, 1952 :-	
No. 17—Annual Report, by the Commissioner of Inland Revenue for the year 1951-52.	
The Consular Conventions Ordinance, 1951.	
The Consular Conventions (United States of America) Order, 1952	A. 183
The Defence Regulations, 1940.	
The Price Control Order, 1946—Amendments to the Schedule	A. 184
The Consular Conventions Ordinance, 1951.	
The Consular Conventions (Kingdom of Sweden) Order, 1952	A. 185

ADDITIONAL SUPPLEMENTARY PROVISIONS, 1951/52.

THE FINANCIAL SECRETARY moved the following resolution:—

Resolved that the Additional Supplementary Provisions for the fourth quarter ended 31st March, 1952, as set out in Schedule No. 6 of 1951/52, be approved.

He said: Sir, this schedule is the sixth and final one for the year 1951/52, the accounts for which have now been closed.

The items, I think, are self-explanatory, but it will be observed that increased steamship and air fares have necessitated an increase in the vote for transport, and that the consolidation of salaries is already being reflected in increased allowances and gratuities on retirement.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

THE WIDOWS AND ORPHANS PENSION ORDINANCE, CHAPTER 94.

THE ATTORNEY GENERAL moved the following resolution:—

Resolved that, pursuant to the power conferred by section 3 of the Widows and Orphans Pension Ordinance, Chapter 94, the Widows and Orphans Pension (Application) Regulations, 1952, be approved.

He said: Sir, the effect of section 8 of the Widows and Orphans Pension Ordinance is to make every Government officer, with the exception of an officer who is exempted by reason of his being a contributor to an approved scheme elsewhere, a contributor for the purposes of pension under the Ordinance, and section 3 of the Ordinance enables the Governor in Council to say who shall be regarded as officers. Regulations made under section 3 do not take effect until they have been approved by this Council, and on the 3rd September last this Council by resolution approved certain draft regulations then before it. Unfortunately after approval it was found that the draft regulations were not entirely satisfactory. They were therefore redrafted and in the redrafted form were made by the Governor in Council on the 21st October. The regulations so made are now submitted to this Council for approval.

Honourable Members will doubtless observe that these regulations are somewhat complicated, and I am sure they will not expect me to give more than a brief outline of what they are intended to accomplish. In fact, Sir, I should have great difficulty in giving a short and lucid explanation, for they are essentially detailed measures which are perhaps easier to understand than to explain.

Honourable Members will observe that Regulation 3 prescribes the persons who shall be contributors under the Ordinance by reference to their status and, except in the case of His Excellency, his secretaries and aides-de-camp, by reference to age and salary. This regulation also makes special provision for certain police officers who were not contributors under the Ordinance before it was amended in January, 1948: their position as non-contributors is preserved, unless they elect to become contributors or, after these regulations come into effect, receive

promotion. Furthermore, regulation 3 makes provision whereby an officer on agreement is enabled to opt out of the regulation, and the necessity for this particular provision was fully explained to this Council on the 3rd September.

The remainder of the regulations are merely provisions of the former draft clothed in different form. They are complicated because section 3 of the Ordinance, as it now stands, came into operation as long ago as 30th January, 1948, and no previous regulations have been made thereunder. There is therefore a gap to be filled by making provision for retroactive operation, but that gap has to be filled in such a way that a person is not affected to his prejudice. For example, certain officers have not been contributing either because they were not contributing before the amendment in 1948, or because of uncertainty about the application of the Ordinance to them in the absence of regulations under section 3: these officers are not to be compelled to contribute as from the 30th January, 1948, but the regulations will allow them to do so if they wish.

I would only add that by signifying its approval of these regulations this Council will of course withdraw its approval of the draft regulations previously submitted.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

CRIMINAL PROCEDURE (AMENDMENT) BILL, 1952.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Criminal Procedure Ordinance and to make consequential amendment to the Juvenile Offenders Ordinance."

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 13 of the Juvenile Offenders Ordinance provides that sentence of death shall not be pronounced on or recorded against a person under sixteen years of age. Section 16 of the Criminal Justice Act, 1948, sets the age at 18 years and provides

that the material date for the Court to take into account is to be the date when the offence was committed, and not that on which sentence is pronounced. The principal object of this Bill therefore is to amend the Criminal Procedure Ordinance and the Juvenile Offenders Ordinance to bring the law of the Colony in this matter into conformity with that of the United Kingdom.

2. The Second Schedule to the Criminal Procedure Ordinance specifies the offences in relating to which a husband is a competent witness against his wife and a wife against her husband, and the opportunity is being taken to add to the fourth item of that Schedule a reference to section 45 of the Offences Against the Person Ordinance (Cap. 212) which relates to the offence of bigamy. Clause 4 of this Bill deletes the fourth item and reproduces it with a reference to section 45 of Cap. 212 added.

PUBLIC RECLAMATIONS AND WORKS

(KENNEDY TOWN) BILL, 1952.

HON. T. L. BOWRING, O.B.E., moved the First reading of a Bill intituled "An Ordinance to authorize, provisionally and subject to the definitive approval of the Governor in Council, an undertaking for reclamation and other works of a public nature over and upon unleased Crown foreshore and sea bed situate at Kennedy Town." He said: Sir, the object of this Bill is to authorize the extension of the existing reclamation for which provision has already been made under the Public Reclamation Validation and Clauses Ordinance No. 40 of 1936.

No objections are anticipated from any but the owners of four properties situated at the western end of the proposed reclamation. In order therefore to avoid delaying the whole project while these are being considered. Government has decided to divide the Bill into two parts; the four properties referred to being entirely within the area covered by the second part referred to in the Schedule as Reclamation 2.

Reclamation 1, which covers an area of sea bed and foreshore extending some 600 feet beyond the end of the existing sea wall, will provide sufficient land to accommodate a new abattoir and the necessary facilities for the landing of livestock, and it is not at present proposed to reclaim more land than is required for this purpose.

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:—

It is planned to proceed with a reclamation at Kennedy Town which was to some extent authorized by Part I of the Public Reclamations Validation and Clauses Ordinance, 1936.

2. Records are incomplete, and the object sought to be achieved by this Bill is to give the Director of Public Works fresh provisional authority to perform the works necessary to carry out the reclamation and works in the form it is now reposed they shall take.

3. The two reclamations described in the Schedule relate to adjoining areas and will upon completion form a connected undertaking. The purpose of the division into two stages is in order that the work itself may be done in two stages and that the Governor in Council for that purpose may if it is thought desirable give definitive approval for the first stage before consideration of the second stage has been concluded.

4. The standard provisions of Part II of the Public Reclamations Validation and Clauses Ordinance, 1936, which relate to objections, claims and compensation, are deemed to be incorporated in this Ordinance and will apply to these projects.

PENSIONS (AMENDMENT) (NO. 2) BILL, 1952.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled “An Ordinance to amend the Pensions Ordinance, Chapter 89.”

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 2.

THE ATTORNEY GENERAL:—Sir, there is an amendment I have propose. It is purely a drafting amendment and the amendment is to substitute for the word “principal” at the end of the first line of clause 2 the word “Pensions” spelt with a capital initial letter.

This was agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Pensions (Amendment) (No. 2) Bill, 1952 had passed through Committee with amendment, and moved the Third reading.

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

**PUBLIC RECLAMATIONS AND WORKS (CAUSEWAY
BAY EXTENSION) BILL, 1952.**

HON. T. L. BOWRING, O.B.E., moved the Second reading of a Bill intituled "An Ordinance to authorize an undertaking for reclamation and other works over and upon unleased Crown foreshore and sea bed situate at Causeway Bay, being an extension to the undertaking authorized by Ordinance 14 of 1951."

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.

HON. T. L. BOWRING, O.B.E., reported that the Public Reclamations and Works (Causeway Bay Extension) 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.

ADJOURNMENT.

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

THE ATTORNEY GENERAL:—I would suggest this day fortnight, Sir.

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