

17th December, 1952.

PRESENT:

HIS EXCELLENCY THE GOVERNOR
SIR ALEXANDER WILLIAM GEORGE HERDER GRANTHAM,
G.C.M.G.
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. RONALD RUSKIN TODD.
THE HONOURABLE THE FINANCIAL SECRETARY
MR. ARTHUR GRENFELL 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 LEO D'ALMADA E CASTRO, Q.C.
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. ROBERT WILLIAM PRIMROSE *(Deputy clerk of Councils).*

ABSENT:—

HIS EXCELLENCY THE COMMANDER BRITISH FORCES
LIEUTENANT-GENERAL SIR TERENCE AIREY, K.C.M.G., C.B., C.B.E.,

MINUTES.

The Minutes of the meeting of the Council held on 3rd December, 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.18—Annual Report by the Secretary for Chinese Affairs for the year 1951-52.	
No. 19—Annual Report by the Director of Agriculture, Fisheries and Forestry for the year 1951-52.	
The Merchant Shipping Ordinance, 1899.	
The Merchant Shipping (Embarkation, Disembarkation, Loading and Off-loading) Regulations, 1952	A. 209

ILLEGAL STRIKES AND LOCK-OUTS ORDINANCE,**CHAPTER 61.**

THE 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, 1953.

He said: Your Excellency, the purpose of this Resolution is to extend the life of the Illegal Strikes and Lock-Outs Ordinance for a further year, that is to say until 31st December, 1953. As Honourable Members are aware this Ordinance has no effect in relation to any strike or lock-out resulting from a genuine trade dispute, but it is a measure designed to prevent strikes and lock-outs calculated to coerce the Government, either directly or by inflicting hardship upon the community, and to punish those who instigate, incite others to take part in, or otherwise act in furtherance of any such strike or lock-out. The Government

considers it essential to have adequate power to deal with any such attempts to hold it to ransom, and therefore invites this Council to pass this Resolution.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

LANDLORD AND TENANT ORDINANCE, CHAPTER 255.

THE 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 1st January, 1953.

He said: Your Excellency, the purpose of this resolution is to extend the life of the Landlord and Tenant Ordinance for a further year, that is to say until 31st December, 1953. It will be within the recollection of Honourable Members that on the 8th February last, His Excellency appointed a Committee with Mr. John McNeill, Q.C. as Chairman to inquire into and make recommendations touching rent control and to examine the working of this Ordinance. The Rent Control Committee has very recently furnished His Excellency with its Report. This Report, which is inevitably a detailed document, will obviously take some little time to examine. It is, however, under consideration and its examination is being treated as a matter of importance and urgency. In these circumstances this Council is invited to extend for a further period the life of the Landlord and Tenant Ordinance by passing this Resolution.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

PENSIONS ORDINANCE (CHAPTER 89).

THE ATTORNEY GENERAL moved the following Resolution:—

WHEREAS annual pensions have been granted under section 17 of the Pensions Ordinance (Chapter 89) in respect of the deaths of the persons mentioned in the first column of the Schedule hereto at the rates mentioned in the second column of the said Schedule:

AND WHEREAS it is considered that each of the said pensions is inadequate and should be increased by an *ex-gratia* addition thereto;

NOW, THEREFORE, BE IT RESOLVED that—

- (1) the pensions mentioned in the second column of the Schedule each be increased by an *ex-gratia* addition of such an amount as will make it payable at the rate of \$780 per annum; and
- (2) the said additions be payable from the respective dates specified in the third column of the Schedule.

—————

SCHEDULE.

First column	Second column	Third column
Name of deceased	Amount of pension	Date from which <i>ex-gratia</i> Payment to be payable.
Pun Cheuk Ying	\$480	20.5.51
Cheung Kwan	\$480	16.2.52
Ma Chi Sang	\$525	4.6.51
Hung Shui Loi	\$495	29.5.51
Leung Ping Hon	\$480	23.12.51

He said: Your Excellency, the five deceased persons whose names appear in the first column of the Schedule to this Resolution were all Police Officers who died as the result of injuries sustained whilst on duty. Two of them were murdered. Their dependants received pensions of the amount shown in the second column of the Schedule. The Pensions (Amendment) Ordinance No. 17 of 1952 raised the minimum dependant's pension from \$480 to \$780 a year. These figures are comparable with the lowest salary paid by Government before and after the consolidation of salaries which operated from 1st April, 1951. The higher figure only came into force on 16th May, 1952, the date of commencement of the amending Ordinance, and the result is that in the five cases referred to which all arose after consolidation, no benefit accrued to the widows or orphans. The dependants of these five officers are living in indigent circumstances and are deserving of every consideration on the part of the Government.

The purpose of this Resolution therefore is to grant such additional sums *ex gratia* as will make the total amount payable in each case \$780 a year. These *ex gratia* additions will be payable with retrospective effect, -that is to say from the day following the date of death.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

HONG KONG AND YAUMATI FERRY COMPANY
(SERVICES) ORDINANCE, 1951.

THE ATTORNEY GENERAL L moved the following Resolution:—

Resolved pursuant to section 5 of the Hong Kong and Yaumati Ferry Company (Services) Ordinance, 1951, and with the consent of the Hong Kong & Yaumati Ferry Company Limited, that the Schedule to the said Ordinance shall until a date to be decided upon by the Governor and notified by him in writing to the said company be varied by the addition immediately after paragraph 20 of the following—

“21. The Company shall until a date to be notified to them in writing by the Governor operate daily a temporary ferry service subject to all the terms and conditions of the Ordinance and this Schedule between Jubilee Street Ferry Pier and Tonnochy Road Ferry Pier at ten-minute intervals between the hours of 8 a.m. and 9.30 a.m. and the hours of 4 p.m. and 6 p.m. at the fares and charges specified in Appendix II: Provided that the Company may in their discretion withdraw or restrict such service upon any Sunday or each Sunday with such prior notification to the public as is reasonable.”

He said: Your Excellency, the present reconstruction of Queen's Road East is causing delays in the movement of traffic in that area particularly of public transport and some inconvenience is being caused to the public. The Police are making every effort to relieve the congestion and as a further means to this end it is proposed that a temporary ferry service should be operated from the Vehicular Ferry pier at Jubilee Street to Tonnochy Road pier, that is to say from the Central to the Eastern waterfront of Hong Kong. The Hong Kong & Yaumati Ferry Company has agreed to run a service every ten minutes

between these two points, charging 20 cents and 10 cents for first and second class fares respectively. These fares are the same as those charged over the same distance by the China Motor Bus Company and the Tramway Company, neither of whom raise any objection to the proposed scheme. It is hoped to start this temporary service on Friday and continue until the repairs to Queen's Road are completed. This Resolution makes legal provision of a temporary character under which the service will be operated.

THE COLONIAL SECRETARY seconded, and the Motion was carried.

JURY (AMENDMENT) BILL, 1952.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Jury Ordinance".

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

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

Clauses 1 to 5 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Jury (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.

EDUCATION BILL, 1952.

THE DIRECTOR OF EDUCATION moved the Second reading of a Bill intituled "An Ordinance to promote education in the Colony, and to consolidate and amend the law relating to the supervision and control of schools and the teaching therein, and for purposes connected therewith".

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

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

HIS EXCELLENCY THE GOVERNOR:— I would suggest, Gentlemen, that since this Bill has rather a lot of clauses we take it in blocks of five and then if any member wishes to speak on any particular clause, he can do so if he would get up at the appropriate moment.

This was agreed to.

Clauses 1 to 42 were agreed to.

Clause 43.

THE DIRECTOR OF EDUCATION:— Sir, I rise to move as an amendment to clause 43 that the word “teachers” occurring in the third line, paragraph (*s*) of this clause be omitted and the word “subjects” inserted in its place.

This would cure an error in phraseology.

The clause, as amended, was agreed to.

Clauses 44 to 46 were agreed to.

Clause 47.

THE DIRECTOR OF EDUCATION:— Sir, I rise to move as an amendment to clause 47 that the words “section 14 or 50” in the third line of paragraph (*h*) of this clause be omitted and replaced by the words “section 14, 15 or 50”.

It is necessary, Sir, to include clause 15 in the provision for penalty as in the cases of clauses 14 and 50.

The clause, as amended, was agreed to.

Clauses 48 to 50 were agreed to.

First Schedule.

THE DIRECTOR OF EDUCATION:— Sir, I rise to move as an amendment to the First Schedule that the words “I have never been convicted of a criminal offence” occurring in Form 3, paragraph 4; Form 4, paragraph 5; and Form 6, paragraph 13, in each case be left out and replaced by the words “I am a person of good character”. Further, that the words “affecting his character” should be added immediately after the words “criminal offence” where these words occur in Form 3 Note 2, Form 4 Note 4, and Form 6 Note 3.

The purpose of these amendments is to confine an applicant's declaration in the application form for registration in respect of offences which he may have committed to the fact of his character and to require disclosure of offences only to the extent that they affect his character.

The schedule, as amended, was agreed to.

Second Schedule.

THE DIRECTOR OF EDUCATION:—Sir, I rise to move an amendment to the Second Schedule of this Bill, namely that the figure “53” appearing in the First column of Regulation 91 be left out and “53(1)” inserted and that an additional line be added thereunder “53(2) Principal”.

This amendment will assign with greater accuracy the penalty on persons responsible respectively for excluding a person suffering from an infectious disease and reporting a case of such disease.

The schedule, as amended, was agreed to.

The third schedule was agreed to.

Fourth Schedule.

THE DIRECTOR OF EDUCATION:— Sir, I rise to move that Sub-Rule (2) of Rule 5 of the Fourth Schedule should have added to it the words “For the purpose of calculating this annual grant, the capital value of the grant school premises on which a grant is payable and the depreciation rate shall be settled by Government and such capital value shall be reduced by the sum of any capital grants and the outstanding portion of any interest free loans paid by Government for the erection of the buildings and further reduced each year by the building depreciation grant made for the previous year.”

It is now considered that the method of calculating grant school building depreciation fund grants should be included in this Bill and the reasons for this have already been tabled.

The schedule, as amended, was agreed to.

Council then resumed.

THE DIRECTOR OF EDUCATION reported that the Education Bill, 1952 had passed through Committee without material 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:— Sir, I would suggest this day fortnight.

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