

OFFICIAL REPORT OF PROCEEDINGS.**Meeting of 11th February, 1953.****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, C.M.G., 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, C.B.E., 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

MR. ROBERT WILLIAM PRIMROSE *(Deputy Clerk of Councils).***ABSENT:**

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

MINUTES.

The Minutes of the Meeting of the Council held on 14th January, 1953, 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, 1953:—	
No. 6—Annual Report by the Accountant General for the year 1951-52.	
No. 7—Annual Report by the Registrar of Co-operatives Societies and Director of Marketing for the year 1951-52.	
Proclamation No. 1 of 1953.	
Appointment of Hay Ling Chau (Nun Island) to be a leper settlement	A. 7
The Police Force Ordinance, Chapter 232.	
The Police (Welfare Fund) Regulations, 1953	A. 8
The Emergency Regulations Ordinance, Chapter 241.	
The Emergency (Special Constabulary) (Amend- ment) Regulations, 1953	A. 9
The Police Reserve Ordinance, Chapter 233.	
The Police Reserve (Amendment) Regulations, 1953.	A. 10
The Trading with the Enemy Ordinance, Chapter 188.	
The Trading with the Enemy (Enemy Territory Cessation) (Japan) Order, 1953	A. 11
The Trading with the Enemy Ordinance, Chapter 188.	
The Trading with the Enemy (Enemy Territory Cessation) (Austria) Order, 1953	A. 12
The Defence Regulations (Continuation and Modifica- tion) (No. 1) Order, 1948.	
The Possession of Gold (Goldsmiths) (Amendment) Order, 1953	A. 13
The Ferries Ordinance, Chapter 104.	
The Excluded Ferries (No.1) (Rescission) Regu- lations, 1953	A. 16

<i>Subject</i>	<i>G.N. No.</i>
The Vehicle and Road Traffic Ordinance, Chapter 220.	
The Vehicle and Road Traffic (Amendment) Regulations, 1953	A. 17
The Pharmacy and Poisons Ordinance, Chapter 138.	
The Poisons (Amendment) Regulations, 1935	A. 18
The Pharmacy and Poisons Ordinance, Chapter 138.	
The Poisons List (Amendment) Regulations, 1953.....	A. 19
The Rating Ordinance, Chapter 116.	
Notification under section 8(b)	A. 20
The Unclaimed Balances Ordinance, Chapter 122.	
Order under section 3	A. 21
The Defence Regulations (Continuation and Modification) (No. 1) Order, 1948.	
The Possession of Gold (Goldsmiths) (Amendment) (No. 2) Order, 1953 .	A. 22
The Ferries Ordinance, Chapter 104.	
The Excluded Ferries (Rescission) (No. 2) Regulations, 1953	A. 25
The Stamp Ordinance, Chapter 117.	
The Stamp (Bank Authorization) Order, 1953	A. 26
The Defence Regulations, 1940.	
The Price Control Order, 1946—Amendments to the Schedule	A. 27
Proclamation No. 2 of 1953	
Date of coming into operation of the District Court Ordinance, 1953	A. 28
The Industrial and Reformatory Schools Ordinance, Chapter 225.	
The Industrial and Reformatory Schools (Establishment) Order, 1953	A. 29
The Essential Services Corps Ordinance, Chapter 197.	
The Essential Services Corps (Identity Cards) Regulations, 1953	A. 30
The Stamp Ordinance, Chapter 117.	
The Stamp (Bank Authorization) (No. 2) Order, 1953.....	A. 31

<i>Subject</i>	<i>G.N. No.</i>
The District Court Ordinance, 1953.	
The District Court Civil Procedure (Interim) Rules, 1953	A. 32
The Defence Regulations, 1940.	
The Price Control Order, 1946—Amendment to the Schedule	A. 35

TRAINING CENTRES BILL, 1953.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled “An Ordinance to provide for the establishment of Training Centres for the training and reformation of offenders who have attained the age of fourteen years and have not attained the age of eighteen years, and for purposes connected with the matters aforesaid.”

He said: Sir, the purpose of this Bill is to provide a further alternative to prison for offenders who are convicted between fourteen and eighteen years of age of offences punishable by imprisonment. These training centres will concentrate on reformation and training, and the emphasis will be upon the provision of work calculated to assist in finding employment on discharge. A more detailed explanation appears in the statement of Objects and Reasons, and I do not wish at this stage to add to that statement. I would mention though that the enactment of this legislation will be a source of great encouragement to the Commissioner of Prisons and the Officers of his Department who, I have reason to think, have the reformation and welfare of this class of offender very much at heart—not to the exclusion, I may say, of their consideration for the needs of their other wards.

THE COLONIAL SECRETARY seconded:

The question was put and agreed to.

The Bill was read a First time.

Objects and Reasons.

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

1. The main object of this Bill is to provide a suitable alternative to a prison sentence for persons between fourteen and eighteen years of age convicted of offences punishable with imprisonment.

2. At present such persons if under sixteen may be dealt with under section 16 of the Juvenile Offenders Ordinance (Cap. 226) or under the Industrial and Reformatory Schools Ordinance, (Cap. 225) but the period of detention which may be imposed under the former Ordinance is limited to 6 months, while only one Reformatory School is available for the purposes of the latter Ordinance. Because of the restricted term of detention under Cap. 226 and the limited accommodation available under Cap. 225, it is considered that the establishment of training centres will not only help to fill the gap created by the limitations on the use of Cap. 226 and Cap. 225, but also provide a fresh medium for the reform and rehabilitation of young offenders.

3. The Bill is based on section 20 of the Criminal Justice Act, 1948, and the provisions of the Second Schedule to that Act which relate to Borstal Training, but there are important differences. In the first place the ages of fourteen and eighteen have been substituted for the ages of sixteen and twenty-one. In the second place the Bill empowers magistrates to pass a sentence of detention in a training centre. It is considered that local conditions justify these differences in that—

- (a) the Chinese juvenile matures earlier than his European counterpart; and
- (b) magistrates in Hong Kong exercise a greater jurisdiction than Justices of the peace in England and it would be impracticable to require a District Court Judge or a Judge of the Supreme Court to consider in all cases whether a sentence of detention in a training centre should be passed.

4. As only one training centre will be established in the first instance it is considered that suitable offenders who or whose families are permanent residents of Hong Kong should have first claim on the available accommodation. Accordingly clause 4(1) of the Bill in requiring *inter alia* that the Court be satisfied that it is in the interest of the community that a sentence of detention in a training centre be passed; seeks to give the Court a discretion as to the application of the Ordinance in the case of those offenders whose connexions with the Colony are of a purely temporary nature.

5. Under clause 8 of the Bill certain sections of the Prisons Ordinance (Cap. 234) and the whole of the Prisons Rules have been imported by reference into this Ordinance but with the safeguards contained in the proviso to sub-clause (1) and sub-clause (2) of clause 8, and subject to the Governor in Council's power to modify their application by regulations under clause 10(1)(e). The regulations contained in the Schedule follow provisions applicable to Borstal training in England.

ADJOURNMENT.

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