

OFFICIAL REPORT OF PROCEEDINGS.**Meeting of 29th April, 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. JOHN JAMES COWPERTHWAITTE (*Acting*).

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 ALEXANDER PROVAN WEIR

(Acting Director of Public Works).

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 CHARLES EDWARD MICHAEL TERRY.

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

THE HONOURABLE NGAN SHING-KWAN.

THE HONOURABLE DHUN JEHANGIR RUTTONJEE.

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

MINUTES.

The Minutes of the Meeting of the Council held on 15th April, 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. 15—Annual Report by the Registrar, Supreme Court for the year 1951/52.	
No. 16—Annual Report by the Commissioner of Prisons for the year 1951/52.	
No. 17—Annual Report by the Director of Medical and Health Services for the year 1951/52.	
No. 18—Chinese Law and Custom in Hong Kong. Report of a Committee appointed by the Governor in October, 1948 together with Comments on the Report by Hon. Sir Man Kam Lo, C.B.E. and Abridged Version in Chinese of the Report and Comments by Hon. Sir Man Kam Lo, C.B.E.	
The Magistrates Ordinance, Chapter 227.	
Magistrates (Administrative) (Amendment) Rules, 1953	A. 73.
The Prisons Ordinance, Chapter 234.	
Prison (Amendment) Rules, 1953	A. 74.

LAND REGISTRATION (AMENDMENT) BILL, 1953.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled “An Ordinance to amend the Land Registration Ordinance, Chapter 128.”

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Second time.

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

Clauses 1 to 3 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Land Registration (Amendment) Bill, 1953 had passed through Committee without amendment, and moved the Third reading.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Third time and passed into law.

PROBATE AND ADMINISTRATION (AMENDMENT) BILL, 1953.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Probate and Administration Ordinance, Chapter 10." He said: Sir, this Bill, and the next Bill on the Order Paper, are necessary to give legal effect to certain arrangements contained in a Convention entered into in 1951 by His late Majesty and the President of the United States of America. These arrangements are concerned with the procedure to be adopted on the death in the Colony of a citizen of the United States. The provisions of this Bill require the Official Administrator to inform the nearest consular officer of such a death, and enable the consular officer to intervene in any probate or administration proceedings in the interests of absent heirs or creditors.

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:—

Subsection (2) of section 14 of the Probate and Administration Ordinance, (Chapter 10), was repealed and replaced by subsection (4) of section 3 of the Consular Conventions Ordinance, 1951, which was enacted in consequence of a Convention made in 1949 between Her Majesty’s Government and that of the United States of America (Cmd. 7642, United States No. 1 (1949)). Prior to the repeal and replacement, it was provided that the Official Administrator had to inform the nearest American consular officer, who was also afforded certain privileges, immediately of the death in the Colony of any citizen of the United States.

2. In 1951 a further Consular Convention was made between the respective Governments (Cmd. 8289, United States No. 1 (1951)) which, in certain respects, differed from the 1949 Convention. In particular, Article 18 in the Section (Part VII) dealing with “Estates and Transfer of Property” was deleted and Article 29 (Article 28 in the 1951 Convention) was modified. The effect of these differences is to re-impose upon the Official Administrator the duty above-mentioned, and this necessitates re-enactment of the provisions repealed by subsection (4) of section 3 of the Consular Conventions Ordinance, 1951, though in a modified form because of an agreement reached by the two Governments by means of an exchange of notes. This Bill is designed to effect the necessary amendment of section 14 of Chapter 10.

BIRTHS AND DEATHS REGISTRATION**(AMENDMENT) BILL, 1953.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled “An Ordinance to amend the Births and Deaths Registration Ordinance, Chapter 174.” He said: Sir, this Bill is complementary to that which has just been read a First time, and its provisions require the Registrar of Births and Deaths to inform the Official Administrator of the death in the Colony of a United States’ citizen.

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:—

This Bill is complementary to the Probate and Administration (Amendment) Ordinance, 1953, which was enacted for the reasons set out in the statement of objects and reasons to the Bill intituled an Ordinance to amend the Probate and Administration Ordinance, Chapter 10, and makes provision for a registrar to inform the Official Administrator of the death in the Colony of a citizen of the United States of America.

ADJOURNMENT.

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