

OFFICIAL REPORT OF PROCEEDINGS.**Meeting of 20th May, 1953.****PRESENT.**

HIS EXCELLENCY THE GOVERNOR

SIR ALEXANDER WILLIAM GEORGE HERDER GRANTHAM, G.C.M.G.

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.

(Director of Urban Services).

THE HONOURABLE ALEXANDER PROVAN WEIR

(Acting Director of Public Works).

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

THE HONOURABLE CEDRIC BLAKER, M.C., E.D.

THE HONOURABLE CHARLES EDWARD MICHAEL TERRY.

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

THE HONOURABLE NGAN SHING-KWAN.

THE HONOURABLE DHUN JEHangIR RUTTONJEE.

THE HONOURABLE KWOK CHAN.

DR. THE HONOURABLE ALBERTO MARIA RODRIGUES, M.B.E.

MR. DAVID CLIVE CROSBIE TRENCH, M.C.

(Clerk of Councils).

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 29th April, 1953 were confirmed.

OATH.

Dr. Alberto Maria Rodrigues, M.B.E., took and subscribed the Oath of Allegiance and assumed his seat as a Member of the Council.

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 Paper, 1953:—		
No. 19—First Report on the Work of the Public Services Commission for the period August 1950—December 1952.		
The Interpretation Ordinance, Chapter 1.		
Notice of Change of Style by the Governor under		
	section 3(10)	A. 77
The Defence Regulations (Continuation and Modification) (No. i) Order, 1948.		
Possession of Gold (Goldsmiths) (Amendment)		
	(No. 5) Order, 1953	A. 78
The Public Reclamations and Works (Kennedy Town) Ordinance, 1952.		
Definitive Approval for Reclamation I (In Modified		
	Form)	A. 79
The Defence Regulations, 1940.		
Reserved Commodities (Re-export) (Amendment)		
	Order, 1953	A. 80
The Public Order Ordinance, Chapter 245.		
Public Order Curfew (Consolidation) (Amendment)		
	Order, 1953	A. 84

RESOLUTION REGARDING THE REVENUE**REWARD FUND.**

THE ACTING FINANCIAL SECRETARY moved the following resolution:

WHEREAS on the 20th day of July, 1949, this Honourable Council by Resolution made certain provision regarding the retention and operation of the Revenue Reward Fund, hereinafter called the Fund:

AND WHEREAS it has now become expedient to make further or better provision regarding the continuance and operation of the Fund:

NOW THEREFORE IT IS HEREBY RESOLVED as follows—

A. THAT the Fund shall continue in existence and shall be operated in accordance with the following provisions—

1. (a) In this Resolution, unless the context otherwise requires, “contraband” means any goods liable to forfeiture under the provisions of—

(i) the Importation and Exportation Ordinance, Chapter 50;

(ii) the Dutiable Commodities Ordinance, Chapter 109;

(iii) the Emergency Regulations Ordinance, Chapter 241; or

(iv) the Defence Regulations, 1940,

or any subsidiary legislation made thereunder.

(b) All proceeds of sale of contraband ordered to be forfeited and all fines inflicted for offences under the Dutiable Commodities Ordinance, Chapter 109, or any subsidiary legislation made thereunder shall continue to be paid as heretofore into the Fund.

(c) Rewards for information leading to the seizure of contraband may be paid to informers who have given such information in cases where—

(i) such contraband has been ordered to be forfeited ; or

(ii) any person has been convicted of an offence in relation to such contraband.

2. Rewards paid under sub-paragraph (c) of paragraph 1 of clause A shall not in any one case exceed—
 - (a) the sum of \$250.00 without the consent of the Financial Secretary;
 - (b) the sum of \$10,000.00 without the consent of the Standing Finance Committee of this Honourable Council:

PROVIDED HOWEVER that in any application to the Financial Secretary or to such Standing Finance Committee under this paragraph it shall not be necessary to disclose the name of any informer.

3. In cases where forfeited contraband is issued to a Government department for use or consumption the estimated value of such contraband shall be debited to the appropriate departmental vote and credited to the Fund, and that the annual audited statement of the Fund shall be so drawn up as to distinguish clearly between the proceeds of sales and the credits arising from issues to such departments.

B. THAT the aforesaid Resolution of the 20th day of July, 1949, shall be superseded.

He said: This Resolution seeks to repeal and replace the existing resolution governing the working of the Revenue Reward Fund which was passed by this Council on the 20th July, 1949. There are two changes of consequence. Firstly, in the original resolution there was a reference to “contraband”, but contraband was not denned, and in practice there has been a considerable amount of difficulty in the interpretation of the term. In the resolution which is before Honourable Members to-day this deficiency is remedied and it is laid down that contraband shall be denned as any goods liable to confiscation under the provisions of the extended trade legislation. Secondly, the old resolution provided that an informer could only obtain a reward if the contraband were confiscated to the Crown by order of the Court. There have been a number of cases where a conviction has been recorded in Court in respect of contraband, but where the Court for one reason or other has not seen fit to make a confiscation order, in such cases the informer has been unable to obtain any reward for the information which he supplied. In view of local conditions, where the enforcement of rules and regulations of this sort depends to a considerable degree on

accurate information being furnished, and where such information is rarely forthcoming unless it is paid for, it is proposed to make it possible to reward an informer, if a conviction has been recorded, even if no confiscation order is made in respect of the contraband.

The opportunity is being taken at the same time to lay down the method of accounting when confiscated goods are distributed to Government departments for their use. It is clearly desirable in order to control expenditure that departments should not be able to draw on these goods freely, as they already have their departmental votes for stores and equipment. Accordingly it is proposed that when a department takes over any confiscated goods it shall have to pay for them, just as it would have to pay for goods purchased normally. This procedure in some respects runs counter to the normal practice whereby Government does not charge itself and the specific approval of this Council is therefore felt to be necessary. The statement of the Revenue Reward Fund which is produced annually and laid before this Council will differentiate clearly between issues to Government departments and outside sales.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

RESOLUTION REGARDING GIFTS OF STORES

EXCEEDING \$1,600 IN VALUE.

THE ACTING FINANCIAL SECRETARY moved the following resolution:

Whereas the Governor is empowered in his discretion to authorize that serviceable Government stores not required for Government purposes may be given to institutions or organizations in the Colony, but in instances where the value exceeds \$1,600 the approval of this Council is necessary,

Now therefore it is resolved—

- (a) that the authority of this Council to approve such gifts is hereby delegated to the Finance Committee of this Council;
- (b) that the Financial Secretary shall present to this Council in the month of January in each year a schedule of stores disposed of during the previous twelve months under the authority of this resolution.

He said: Under Colonial Regulations gifts of surplus Government stores to institutions and organizations in the Colony require the approval of this Council which is given by formal resolution in each individual case. As gifts in kind are in the nature of expenditure of Government funds, it would seem to be both proper and expedient that this Council should delegate its authority in the matter to its Finance Committee. The Resolution seeks to do this.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

**RESOLUTION REGARDING ABANDONMENT OF CLAIMS
AND WRITE-OFFS FOR THE QUARTER ENDED
31ST MARCH, 1953.**

THE ACTING FINANCIAL SECRETARY moved the following resolution:

Resolved that the Abandonment of Claims and Write-offs for the quarter ended 31st March, 1953, as set out in Schedule No. 4 of 1952/53, be approved.

He said: The Schedule of Abandonment of claims and write-offs for the quarter ending 31st March, 1953 is much reduced in comparison with previous quarters in consequence of the Resolution passed in October last year delegating this Council's authority in the matter in cases where the amount does not exceed \$5,000. The two items listed have already been authorized by Finance Committee and now require this Council's covering approval.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

**RESOLUTION REGARDING MARKETS (AMENDMENT)
BY-LAWS, 1953.**

MR. K. M. A. BARNETT, E.D. moved the following resolution:

Resolved that the Markets (Amendment) By-Laws, 1953, made by the Urban Council on 22nd day of April, 1953, under section 5 of the Public Health (Food) Ordinance, Chapter 140, be approved.

He said: The effect of this resolution is merely to add to the schedule of markets the two new retail markets which were opened for business on the first of this month.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

POLICE FORCE (AMENDMENT) BILL, 1953.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Police Force Ordinance, Chapter 232".

He said: Sir, with the exception of clause 2, this Bill is concerned with disciplinary matters within the Police Force, and either makes further and better provision in relation thereto or remedies existing defects. The detail is, I think, sufficiently explained in the statement of objects and reasons attached to the Bill.

Clause 2 broadens the definition of the expression "Commissioner" so as to include a deputy Commissioner. This will enable such deputy to act in the absence or inability to act of the Commissioner, and also by delegation from the Commissioner when he is present and unable to act.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

PROBATE AND ADMINISTRATION (AMENDMENT) BILL, 1953.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Probate and Administration Ordinance, Chapter 10".

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.

Clause 1 and 2 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Probate and Administration (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.

BIRTHS AND DEATHS REGISTRATION

(AMENDMENT) BILL, 1953.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Births and Deaths Registration Ordinance, Chapter 174".

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 and 2 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Births and Deaths 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.

ADJOURNMENT.

H. E. THE GOVERNOR: Council will adjourn until 10 a.m. on the 2nd June.