OFFICIAL REPORT OF PROCEEDINGS

Meeting of 24th June 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. RONALD RUSKIN TODD *(Acting).*

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. JOHN JAMES COWPERTHWAITE *(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 LO MAN WAI, O.B.E.

THE HONOURABLE CHARLES EDWARD MICHAEL TERRY.

THE HONOURABLE DHUN JEHANGIR RUTTONJEE.

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

THE HONOURABLE KWOK CHAN, O.B.E.

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

ABSENT:

THE HONOURABLE NGAN SHING-KWAN.

MINUTES.

The Minutes of the meeting of the Council held on l0th June, 1953, were confirmed.

PAPERS.

THE COLONIAL SECRETARY, by Command of His Excellency the Governor, laid upon the table the following papers:—

Subject.	*G.N. No.*
The Dogs and Cats Ordinance, 1950.	
Approved Observation Kennels and Quarantine Stations	A. 94
The Defence Regulations (Continuation and Modification) (No. 1) Order, 1948.	
Possession of Gold (Goldsmiths) (Amendment) (No. 6) Order, 1953	A. 95

LANDLORD AND TENANT (AMENDMENT) BILL, 1953.

THE COLONIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance further to amend the Landlord and Tenant Ordinance, Chapter 255."

He said:—Your Excellency: I rise to move the first reading of a Bill intituled an Ordinance further to amend the Landlord and Tenant Ordinance, Chapter 255.

To begin with I should like to thank and congratulate Mr. McNeill and his Committee for the excellence of their report. I am sure that if some of those who have criticized it had taken the trouble to study it, or even to read it, they would not have said or written much that they have done. Had they, for instance, read the Report they would not have overlooked the important statement in the Report—a statement that is based on evidence and inquiry by the Committee—that the great majority of sub-tenants occupying pre-war houses to which controls apply are already paying rent much in excess of that legally due and that many would be unaffected by the increases in rent recommended in the Report. That means that the majority of subtenants are not seeking, and so are not getting, the protection of the law that is rightfully theirs. If they were, they would not have been bled in the past and they would not be injuriously

affected by the increases proposed. That, as I say, is one of the most important thing in the Report. And if this state of affairs were remedied I am sure that much of the criticism against the suggested increases in rent would not be made. It is essential, therefore, really fundamental, that this state of affairs should be put right. It is evident that merely to have a provision in the law that a sub-tenant shall not be charged more than the permitted rent is not enough. Such a provision already exists but the sub-tenants do not in the main avail themselves of it. They have got to be helped to help themselves. It is therefore proposed that no principal tenant shall be required to pay increased rent until his landlord shall produce to him a certificate, signed by an officer of the Rating & Valuation Department, to the effect that the rent demanded is legally permitted, and that no subtenant shall be called upon by the principal tenant, that is, the sub-tenant's landlord, to pay increased rent until there is produced to him a certificate from the Secretariat for Chinese Affairs to the effect that the rent demanded is legally permitted. That is the purpose of clauses 28 and 29 of the Bill now before us. This I regard as one of the most important, if not the most important provision, in the Bill. Just think what it means. Instead of the sub-tenant meekly paying to the principal tenant whatever the principal tenant demands of him, as he does at present in the majority of cases, he will be fully protected by the provisions of clause 29. To make this provision effective it will of course be necessary to set up in the Secretariat for Chinese Affairs a special sub-department whose function will be to look after the interests of sub-tenants, and to make it as easy as possible for them. This special sub-department of the Secretariat for Chinese Affairs will not be an entirely new organization. For some years that Secretariat has been advising persons who applied to it on tenancy matters and several thousands of cases have been dealt with. But if this Bill is enacted a vast increase in the number of persons seeking advice is foreseen and the organization is accordingly being expanded. It will be necessary to have an office in Kowloon as well as in Hong Kong and this will be arranged. One of the first tasks of the sub-department will be to make known to the public—by which I mean landlords as well as tenants and subtenants of controlled premises—that they all have certain rights and obligations under the Landlord and Tenant Ordinance. It is proposed to issue pamphlets, setting out in the simplest possible manner and in the English and Chinese languages, exactly what these rights and obligations are. In short, as I said before, we are doing everything possible to help the public to help themselves in tenancy matters.

With this organization functioning, and preliminary steps have already been taken to set it up, I am convinced that the increases proposed by the Committee could be borne without hardship, for it will be found not only that the majority will not have to pay more than they are actually paying now, but that in not a few cases they may have to pay less. However, in order to cushion the increase, where an increase is legally permissible, it is proposed, for. domestic premises, to make the first increase one of 25% and then six months later a further 25%, instead of, as recommended in the Report, an immediate increase of 50%. It should be noted that these percentage increases are increases on the standard rent, that is the 1941 rent, and not on the present permitted rent. For example, if the standard rent is $100 the permitted rent to-day is $130. With the 25% increase now proposed, the permitted rent would become $155 and not $162.50. This is another little point that has been overlooked by those who have criticized but not studied the Report. Whilst we must be careful not to inflict hardship on the sub-tenant we must also be careful not to be unjust to the landlord, for I believe that all thinking people accept (he conclusion of the Rent Control Committee that the owners of property built before the war, are entitled to an increase in the return which they receive from their investment. Indeed it is difficult to see how the Rent Control Committee could have come to any other conclusion when one considers the greatly increased cost of maintenance of property which has occurred since the war. In fact I would say that fairer treatment for the property-owner is overdue. The increases provided for in the Bill in respect of domestic premises, namely 25% from the 1st of September and 25% more six months later, satisfy, in my opinion, the two criteria—no hardship on the tenant and justice for the landlord. As regards business premises, I see no reason why the increases recommended in the Report should not be adopted, namely 50% on to the standard rent on the 1st of September and a further 50% a year later. The Bill so provides.

Honourable Members may have noticed that whereas the Report recommended that two years hence there should be further increases, both in respect of domestic and business premises, I have made no mention of increases later than a year hence. This is deliberate. Government does not consider that it should legislate so far in advance. The position should be re-examined in a year’s time. In conformity also with this principle it is not proposed that we should legislate now for decontrol of business premises, as recommended by the Committee. Our ultimate aim still remains complete decontrol of both business and domestic

premises, but, until we are nearing the position where there is an adequacy of housing, it would be unwise to lay down a deadline when decontrol should take place.

That leads me to another aspect of' the matter—housing. Some people seem to think that all that is necessary is to say "Let there be houses", and houses will spring up overnight. The problem of housing, and I am referring primarily to housing for persons in the lower income groups, is both costly and complex. As Honourable Members are aware, this problem has been engaging the attention of Government for some time. It was at the Budget session in 1951 that Your Excellency announced that $15 millions of the Colony's development fund was being set aside to help finance low cost housing, and that the Secretary of Stale was being asked to agree—as in due course he did agree— to the cost of site preparation, etc., of such housing being borne by the Colony's allocation from the Colonial Development and Welfare Fund. Your Excellency further stated that consideration was also being given to setting up some sort of Housing Authority. In April of 1952 the first 100 flats of the Hong Kong Model Housing Society pilot scheme at North Point were completed. Since then the Hong Kong Housing Society (which is not to be confused with the Hong Kong Model Housing Society) has completed its first pilot scheme of 270 flats at Sheung Li Uk. This Society is now planning a further scheme of 1,000 flats, the land for which will be given by Government on special terms, the site formation, access roads, etc., estimated to cost $2 millions, paid for out of the Colonial Development and Welfare Fund, and the whole scheme, estimated to cost some $7½ millions, financed by a forty year loan from the Colony's development fund. The Hong Kong Model Housing Society has also stated that it proposes to proceed with the erection of a further 100 flats. Draft legislation is also being prepared to set up a Housing Authority.

I mention these facts regarding housing for three reasons*:* the first because housing, or rather the inadequacy of housing, is the fundamental cause of the need to control rents. The second because it is important to realize that it is not an easy matter. And the third to show that we, that is Government and non Government, have not been idle.

It is not necessary for me to deal with the other provisions in the Bill. These are explained in the Objects and Reasons.

To recapitulate.

This Bill applies only to controlled premises—that is pre-war buildings, the rents of which are controlled by the Landlord and Tenant Ordinance.

It is the owners of premises and the sub-tenants who need to have their positions improved; the first by being allowed to receive more rent, the second by being adequately protected from being squeezed by unscrupulous principal tenants.

The majority of sub-tenants are to-day paying much more than the permitted rent, that is the rent they should legally be paying.

The majority will be unaffected by the increases proposed by this Bill, provided they are given adequate protection.

They are to be given adequate protection by providing that they cannot be required to pay increased rent—and in some cases it will probably be a decreased rent—unless and until a certificate from the Secretariat for Chinese Affairs is produced to them setting out what the legally permissible rent is. It is in the interests of all that no tenant should pay more rent until official proof has been produced showing that he should. The increases are increases on "Standard Rent". "Standard Rent" is the 1941 rent or, if there was no 1941 rent, the rent fixed by a Tenancy Tribunal.

In the case of domestic premises there will be an increase on the 1st of September of 25% of the standard rent. Six months later there will be a further increase of 25%.

In the case of business premises there will be an increase on the 1st of September of 50% of the standard rent and a year later a further increase of 50%.

Thereafter the position will be re-examined, including the question of decontrol of business premises.

I trust that Honourable Members will agree that these provisions ensure that justice will be done to all, and hardship inflicted on none.

Your Excellency, I move that the Bill be read a first time.

THE ATTORNEY GENERAL 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. Broadly speaking, the object of this Bill is to amend the Landlord and Tenant Ordinance (Cap. 255: at page 65 of Vol. VI of the 1950 Revised Laws) so as to give legislative effect to those recommendations of the Report of the Rent Control Committee (hereinafter referred to as the McNeill Report) which have been accepted by Government and which require legislative, as opposed to administrative, action. This is not the proper place to explain the administrative action which the Government has planned as a result of the McNeill Report— that will be done in the Legislative Council—but the public should know that administrative steps have been decided upon, because otherwise they may look in vain for provision in this Bill.

2. Some two years ago a draft amending Bill was prepared with the objects of remedying certain defects in the principal Ordinance and of permitting certain increases in the rent of controlled premises*:* its provisions may be found in Appendix No. 14 to the McNeill Report. This draft was not proceeded with, but instead a Committee under the Chairmanship of Mr. John McNeill, Q.C., were appointed by His Excellency the Governor with the following terms of reference*:*—

(*a*) as to whether it is advisable to exempt from the control of the Landlord and Tenant Ordinance any class of business or domestic premises;

(*b*) as to whether further increases in standard rent of—

(i)business premises, and

(ii) domestic premises,

should be sanctioned and if so in what amounts or percentages and with what if any exceptions and limitations;

(*c*) on the proposed amendments to the existing law contained in the Landlord and Tenant (Amendment) Bill, 1952;

(*d*) on such other amendments to the Landlord and Tenant Ordinance which may appear to be desirable.

The Committee were so appointed on 8 February, 1952, and thereafter went through the great labour of studying the law and its application and also of hearing evidence and considering representations from persons showing sufficient interest to appear before or write to them. In November, 1952, they produced a Report based on evidence carefully weighed and considered. They had a difficult task which they discharged with impartiality and courage.

3. Much of the criticism levelled at the Report has been misinformed; in particular, that part of it regarding the basis on which increases in rent are to be made. The rent increases permitted by this Bill are not to be calculated by reference to the rent actually being paid for premises which is, in many cases, quite illegal as the law stands now: the rent increases must be calculated by reference to the "standard rent" (as defined in section 2 of the principal Ordinance) which in most cases is the 1941 rent, and the increase can only then be charged in addition to the rent *permitted by law.*

4. Many improvements of a somewhat technical nature have been made in this Bill, and with these it is not proposed to deal in this statement, save to say, by way of example, that the definitions of the expressions "business premises", and "domestic permises" (see clause 2) have been made mutually exclusive, and the position of agricultural land has been clarified.

5. Of the other alterations to the existing Ordinance the following are worthy of note:—

(1) All penalties have been doubled as recommended by the McNeill Report. It must be emphasized that this provision will be of no effect unless aggrieved persons are willing to come forward to assert the law in the Courts.

(2) Provision for the recovery by landlords from their tenants of premises subject to building covenants with the Crown is made in clause 4. Safeguards are given by way of appeal by petition to the Governor in Council and notices to quit.

(3) A landlord or tenant is enabled by clause 5 to obtain a certificate of standard rent of premises from the Rating and Valuation Department, and such certificate is declared to be *prima facie* evidence of the standard rent.

(4) *A most important provision for sub-tenants is contained in clause 7.* The new section 6A regulates the rent lawfully chargeable by a principal tenant. The principal tenant may only charge his sub-tenant by way of rent the aggregate of the following—

(*a*) the fair portion of the standard rent of the whole premises, attributable to the space occupied by the sub-tenant;

(b) a sum equal to thirty per cent of that portion; and

(*c*) any lawful increase of the standard rent.

(5) The new section 6B (also in clause 7) gives a landlord the right, with suitable safeguards for the tenant, to enter and do necessary repairs.

(6) Section 11(1) of the principal Ordinance obliges a principal tenant to keep affixed notice of the rent he pays to his landlord and to give each sub-tenant notice of the rent payable by him. Clause 10(*c*) of the Bill makes the immediate landlord of the principal tenant responsible to see that these duties are carried out under a penalty of two thousand dollars for each failure.

(7) Clause 11 makes further and better provision for the termination of principal tenancies where a landlord is willing to undertake the responsibilities himself.

(8) Clause 12 replaces section 15 of the principal Ordinance and enables a tenancy tribunal to authorize "contracting out" of the Ordinance but only in relation to the amount of the rent, where the bargain struck between landlord and tenant is not harsh on the tenant.

(9) A provision to enable a tenancy tribunal to revise standard rents having regard either to the fact that they are unreasonably low or to improved amenities, will be found in clause 13.

(10) Important provision for the protection of a tenant from eviction will be found in clause 14. Paragraph (*a*) enables a tenant to show cause against being evicted for failure to pay rent, and paragraph (*c*) provides that no eviction order shall be made unless the landlord establishes that his demand for payment of rent was for an amount lawfully due.

(11) Clause 15 is designed to introduce into the Ordinance three new sections. The first (new section 20A) deals with an apparent change in occupancy, the second (new section 20B) enables a tenant to sub-let under certain conditions while he temporarily leaves the Colony, and the third (new section 20C) relates to the effect of orders made in proceedings under section 20 of the principal Ordinance.

(12) Clause 20 contains *(inter alia)* two important provisions in relation to claims for exemption under section 31. Paragraph (*b*) relates to the composition of a tenancy tribunal hearing an exemption case. The other important provision is that conditions, not repugnant to the provisions of the Ordinance, may be imposed by the tribunal or the Governor in Council when recommending or granting (as the case may be) exemption.

(13) An appeal to the Governor in Council by way of petition and cross-petition in "exemption" proceedings under section 31 is given by clause 21.

(14) Clause 22 introduces an amendment making special provision for service of certain notices.

(15) Clause 32 repeals sections 34 and 35 of the principal Ordinance, so that it will be no longer subject to renewal from year to year.

(16) Clause 34 provides for an authentic reprint of the principal Ordinance as from time to time amended. This is of great advantage in the case of an Ordinance so subject to amendment and affecting the public to such an extent. The Government Printer is enabled to produce an up-to-date copy including all amendments, if the Governor requires him to do so.

6. There now remain those clauses of the Bill which relate to rent increases: they are clauses 24 to 31 inclusive, which should be read together with the forms in schedule A. The scheme of these provisions, which has received the most careful consideration, is as follows:—

(1) Clauses 24 and 25 enable rents of business and domestic premises respectively to be increased. It must again be emphasized that it is only rent chargeable by law at the date of the permitted increase which is affected and it is only a percentage of the standard rent which may be added. This Bill does NOT enable a landlord (and this

term includes a principal tenant) to increase an -illegal rent he is charging by the percentages mentioned in clause 24 or 25.

(2) *Business premises:* to the rent lawfully chargeable may be added a sum equal to fifty per cent of the standard rent as from 1st September, 1953, and once again as from 1st September, 1954.

(3) *Domestic premises:* to the rent lawfully chargeable may be added a sum equal to twenty-five per cent of the standard rent as from 1st September, 1953, and once again as from 1st March, 1954.

(4) The scheme in relation to a landlord (other than one who is also a principal tenant) is as follows—

(*a*) He has to give notice of the increase to his tenant.

(b) The increase will accrue as from the twenty-eighth day after the service of such notice.

(*c*) The first increase, *i.e.*, that permitted as from 1st September, 1953, will only be payable on demand made by the landlord after service on the tenant of a certificate of standard rent issued by the Department of Rating and Valuation.

(*d*) Provision is made for an adjustment where the standard rent stated in the notice of increase differs from that certified.

(*e*) An appeal to a tenancy tribunal against the assessment of the Rating and Valuation Department is provided, and the decision of the tribunal will be conclusive.

(f) Responsible officers of the Department of Rating and Valuation are given powers of inspection of premises and of compelling the attendance of parties and witnesses and the production of documents.

(5) The scheme in relation to a principal tenant (clause 29) is roughly the same as that indicated in sub-paragraph (4) with the difference that the Secretariat for Chinese Affairs apportions the rent of dependent premises. It is as follows—

(*a*) A principal tenant, who receives a notice of increase of rent from his landlord, and who, in consequence, desires to increase the rent of his sub-tenants, must give due notice of the appropriate increase to his sub-tenants.

(b) The increase will accrue as from the date that the principal tenant's increase takes effect.

(*c*) The first increase payable by sub-tenants will only be payable on demand made by the principal tenant after service on the sub-tenants of a copy of a-certificate of apportionment obtained by the principal tenant from the Secretariat for Chinese Affairs. Such certificate will be conclusive.

(*d*) Provision for adjustment is made as in the case of any other landlord, and the Secretary for Chinese Affairs and authorized officers of his department are given power to compel the attendance of parties and witnesses and the production of documents.

7. Finally, it may be observed that the subject of rent control provides many complex problems which can only be comprehended in all their facets by those who are prepared to study the principal Ordinance in conjunction with the McNeill Report and these proposed amendments.

BANK NOTES ISSUE ORDINANCE, CHAPTER 65.

THE FINANCIAL SECRETARY moved the following resolution*:*

Resolved pursuant to the proviso to section 5 of the Bank Notes Issue Ordinance that this Legislative Council hereby extends the powers of all the note-issuing banks to make, issue, re-issue and circulate notes until and including the 12th day of July, 1954.

He said:—Your Excellency: I rise to move the resolution standing in my name in the order of business.

By resolution passed on the 25th June 1952, these powers were extended to the 12th July 1953, and it is now necessary to extend them to the 12th July 1954, which is the maximum period of renewal within the Ordinance.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

LAND TRANSACTIONS (ENEMY OCCUPATION) (AMENDMENT) BILL, 1953.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance further to amend the Land Transactions (Enemy Occupation) Ordinance, Chapter 256."

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 Transactions (Enemy Occupation) (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.

SUPREME COURT (AMENDMENT) BILL, 1953.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Supreme Court Ordinance, Chapter 4."

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 4 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Supreme Court (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.

MERCHANT SHIPPING BILL, 1953.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to consolidate and amend the existing ordinances relating to merchant shipping, to remove anomalies and outmoded provisions therefrom, and incorporate therein amendments consequential upon the application to the Colony of the Merchant Shipping (Safety Convention) Act, 1949."

THE COLONIAL SECRETARY seconded.

MR. C. E. M. TERRY:—Sir: In introducing this Bill, the Honourable the Attorney General referred to the great importance of shipping legislation in a port of the standing of Hong Kong. It is perhaps unnecessary for me to underline that statement, but so great in fact is the importance of this Bill to everybody connected with ships or shipping that 1 make no excuse for doing so. Not only does the Bill make provision for bringing our present regulations into line with modern legislation, but it consolidates the mass of existing legislation and amendments into an Ordinance the outstanding characteristic of which is ease of reference, and from which much dead wood has been trimmed. I should like to congratulate the Marine Department and the Legal Department on the framing of this very workmanlike Ordinance.

There is one particular provision in the Bill to which I wish to make special reference, as I think it merits bringing publicly to the notice of those affected. Under existing legislation the Director of Marine, as the issuing authority, has the power to cancel or suspend for any period the Certificate of Competency of any Coxswain or Engineer of a harbour launch who is adjudged to have been negligent in his duties. That power is absolute and the holder of such a certificate has no right of appeal against the decision. I do not imply for one moment that that power has ever been arbitrarily exercised or exercised without due inquiry and investigation, but it is a fact that even experts have been known to differ as to the degree of culpability in cases of apparent negligence in the handling of such vessels. The livelihood of these men depends upon their Certificates, and the withdrawal of the Certificate for any cause and for any period jeopardizes that livelihood. The importance of his Certificate to the officer of a sea-going ship has always been recognized, and provision is made in Law for him to protect it; the same importance attaches to the Certificate of a Coxswain or Engineer of a Harbour Launch, and I am glad to say this fact has been fully appreciated both by the Director of Marine and the Honourable the Attorney General.

Section 97 (3) of the Bill now before Council therefore includes a proviso giving to these men the right of appeal to a Judge, District Judge, or Magistrate (as the Chief Justice may nominate) if they consider themselves aggrieved by any decision of the Director of Marine to cancel or suspend their licences. This, Sir, is obviously of the greatest importance to this very fine body of men who navigate with consistent high standards of seamanship and skill the large number of launches in our harbour. It is equally of importance to their employers, and I therefore take this opportunity publicly to give publicity to this provision, which, as it is embodied in a Bill which contains no less than 118 Sections and innumerable Sub-Sections, might otherwise escape the notice of those affected by it.

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 118 and the First, Second, and Third Schedules were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Merchant Shipping 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.

MEDICAL REGISTRATION (AMENDMENT) (No. 2) BILL, 1953.

DR. YEO KOK CHEANG moved the Second reading of a Bill intituled "An Ordinance to amend the Medical Registration Ordinance, Chapter 161."

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.

Clause 3.

DR. YEO KOK CHEANG:—Your Excellency: I rise to move that section 10A as enacted by this clause should be followed by a proviso, the text of which is in the amendment list before Hon. Members. The reason for this proviso is also set out in the paper referred to, and I feel 1 need add nothing to it.

Proviso:

Provided that if by virtue of a degree of medicine or surgery granted by the University of Hong Kong a person was before the 1st day of July, 1953, entitled to registration but in lieu of applying for the same such person left the Colony he shall upon application to the Medical Board at any time thereafter be entitled to full registration if the Medical Board is satisfied that he has had the experience required by section 10C.

Reason:

It has in the past often been the custom for Hong Kong graduates to go off to Malaya or elsewhere to practise. If they wish subsequently to go to the United Kingdom the General Medical Council there will for some reason only accept Hong Kong registration. Whether Hong Kong registration is required for local practice or for reciprocal recognition in the United Kingdom, it is equitable that practical experience elsewhere should be accepted in lieu of a further period of house-training here. The proviso would permit this.

Clause 3 as amended was agreed to.

Clause 4 was agreed to.

Clause 5.

DR. YEO KOK CHEANG:—Your Excellency: I rise to move that this clause be re-numbered as clause 7 and that two new clauses 5 and 6 as set out in the amendment list before Hon. Members be inserted in the Bill. The reasons for these clauses, which, I think, would be useful additions to this Ordinance, are also set out in the paper.

New clause 5:

Amendment of section 12.

5. Section 12 of the principal Ordinance is amended by the removal of the full stop at the end of subsection (7) and the addition thereto of the following—

, and section 10A shall not apply to such direction if the previous registration of such practitioner was full registration.

Reason:

A doctor's name may be removed from the register by D.M.H.S. under section 6(2) if he cannot be traced through the address which is on the register, and the Medical Board also may remove or strike off a name in certain circumstances. The Medical Board may direct under section 7 that a name so removed may be replaced, but it seems necessary as provided by this amendment that the new section 10A shall not, upon such a direction, require provisional registration when the earlier registration was full registration.

New clause 6:

Amendment of section 17.

6. Section 17 is amended by the deletion of paragraph (1) and the substitution therefor of the following paragraph—

(i) Government medical officers (other than those serving a prescribed period of employment under subsection (1) of section 10B).

Reason:

It is not proposed that training service as a house officer in a Government hospital shall exempt from registration, although apart from the proposed amendment such service might be regarded as employment as a Government medical officer.

Clause 5 was re-numbered as clause 7 and was agreed to.

The two new clauses 5 and 6 were inserted in the Bill and were agreed to.

Clause 6.

DR. YEO KOK CHEANG*:*—Your Excellency*:* Consequent upon insertion of new clauses 5 and 6, which Hon. Members have already agreed to, it is necessary to re-number this clause as clause 8. I now formally move that this be done.

Clause 6 was re-numbered as clause 8 and was agreed to.

Council then resumed.

DR. YEO KOK CHEANG reported that the Medical Registration (Amendment) (No. 2) Bill, 1953 had passed through Committee with three amendments and certain consequential amendments to the numbering of clauses 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 REGISTRATION (SPECIAL REGISTERS)

(AMENDMENT) BILL, 1953.

DR. YEO KOK CHEANG moved the Second reading of a Bill intituled "An Ordinance to amend the Births Registration (Special Registers) Ordinance, Chapter 175."

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.

DR. YEO KOK CHEANG reported that the Births Registration (Special Registers) (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.

DEATHS REGISTRATION (SPECIAL REGISTERS) (AMENDMENT) BILL, 1953.

DR. YEO KOK CHEANG moved the Second reading of a Bill intituled "An Ordinance to amend the Deaths Registration (Special Registers) Ordinance, Chapter 176."

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.

DR. YEO KOK CHEANG reported that the Deaths Registration (Special Registers) (Amendment) Bill, 1953 has 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:— That concludes the business, gentlemen. When is it your pleasure we shall meet again?

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

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