
OFFICIAL REPORT OF PROCEEDINGS**Meeting of 8th September, 1954**

PRESENT:

HIS EXCELLENCY THE OFFICER ADMINISTERING
THE GOVERNMENT (*PRESIDENT*)

MR. ROBERT BROWN BLACK, C.M.G., O.B.E.

THE HONOURABLE THE COLONIAL SECRETARY
MR. CLAUDE BRAMALL BURGESS, O.B.E., *Acting*.

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, C.M.G.

THE HONOURABLE THEODORE LOUIS BOWRING, O.B.E.
(*Director of Public Works*).

DR. THE HONOURABLE YEO KOK CHEANG
(*Director of Medical and Health Services*).

THE HONOURABLE LEONARD GEOFFREY MORGAN
(*Acting Director of Education*).

THE HONOURABLE HAROLD GILES RICHARDS, O.B.E.
(*Director of Urban Services*).

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

THE HONOURABLE LAWRENCE KADOORIE.

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

THE HONOURABLE NGAN SHING-KWAN.

THE HONOURABLE DHUN JEHangIR RUTTONJEE.

THE HONOURABLE KWOK CHAN, O.B.E.

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

THE HONOURABLE JOHN ARTHUR BLACKWOOD.

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

ABSENT:

HIS EXCELLENCY THE COMMANDER BRITISH FORCES
MAJOR-GENERAL RALPH CYRIL CRUDDAS, C.B., D.S.O., *Acting*.

MINUTES.

The Minutes of meeting of the Council held on 25th august, 1954, were confirmed.

PAPERS.

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

<i>No.</i>	<i>Subject.</i>	<i>G.N.</i>
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Sessional Papers, 1954: —

No. 17—Annual Report by the Chairman, Urban Council and Director of Urban Services for the year 1953/54.

No. 18—Annual Report by the Director, Royal Observatory for the year 1953/54.

Midwives Ordinance, Chapter 162.

Midwives (Amendment) Regulations, 1954.....A. 105

Emergency Regulations Ordinance, Chapter 241.

Emergency (Special Constabulary) (Amendment)

Regulations, 1954.....A. 106

ADVERTISEMENT (AMENDMENT) BY-LAWS, 1954.

MR. H. G. RICHARDS moved the following Resolution: —

Resolved that the Advertisement (Amendment) By-laws, 1954, made by the Urban Council on the 17th day of August, 1954, under section of the Advertisements Regulation Ordinance, Chapter 52, be approved.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

PENSIONS (AMENDMENT) (No. 2) BILL, 1954.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled “An Ordinance to amend the Pensions Ordinance, Chapter 89”.

He said: —Sir: The amendment proposed by the Bill introduces more liberal provisions in relation to death gratuities under the Pensions Ordinance. The effect of these provisions is, I think, sufficiently explained in the statement of Objects and Reasons. There is nothing that I can usefully add at this stage.

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: —

The objects of this amending Bill are to increase in some instances the gratuities that may be paid where an officer dies in the service, and to enact a complementary provision to enable similar gratuities to be paid where an officer dies shortly after retirement.

2. Section 16 of the Pensions Ordinance provides for the payment of a gratuity to an officer who dies in the service of an amount not exceeding his annual pensionable emoluments. Clause 2 provides that this gratuity may now be such annual pensionable emoluments or the pension gratuities which the officer might have received if he had retired at the date of his death, whichever is the greater.

3. Clause 2 further provides that where a pension, gratuity or other allowance has been granted to an officer who dies after retirement and the amount paid of such pension, gratuity or other allowance is less than the annual pensionable emoluments enjoyed by him at the date of his retirement, he may be granted a gratuity equal to the difference.

INLAND REVENUE (AMENDMENT) BILL, 1954.

THE FINANCIAL SECRETARY moved the First reading of a Bill intituled “An Ordinance to amend the Inland Revenue Ordinance, Chapter 112”.

He said: —Under section 9 of the Inland Revenue Ordinance, it is provided that a person liable to Salaries Tax who occupies quarters provided by his employer is assessed to tax on the rental value of his quarter, or, if he is charged a nominal rent by his employer, on the difference between the rental value and the rent he pays. But it is also provided that the rental value shall not exceed either the rateable value or 7^{1/2} per cent of the emoluments derived from his employer, whichever figure is the less.

With the still acute housing problem in the Colony it has happened within the past few years that employers have been unable or have been reluctant to provide sufficient quarters to house all the members of their staffs. In such cases they have encouraged their employees to find quarters for themselves, and have re-imbursed to those employees the rents that they have paid to their landlords, either in full or in part. Under the Ordinance as it stands the actual amount of cash that is paid to the employee by his employer is liable to tax in full, and no account is taken either of the rateable value of the premises or of the 7½ per cent of his emoluments.

It is felt that this differential treatment is not justified and that the employee who finds his own quarters should not in effect be penalized for not having been lucky enough to have his quarters provided. Accordingly the Bill is drafted with a view to remedying the anomaly and to placing both types of employee on the same footing for taxation purposes.

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: —

The object of this Bill is to exclude from the definition of the word “income” the refunds paid to an employee by his employer in respect of the rent paid by that employee. The effect of this amendment is to place such an employee on an equal footing with one provided by his employer with a place of residence, either rent free or for a nominal rent.

**HOSEINEE SOCIETY OF HONG KONG INCORPORATION
BILL, 1954.**

MR. DHUN J. RUTTONJEE moved the Second reading of a Bill intituled "An Ordinance to provide for the incorporation for the Hoseinee Society of Hong Kong".

MR. KWOK CHAN 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 9 and the three Schedules were agreed to.

Council then resumed.

MR. DHUN J. RUTTONJEE reported that the Hoseinee Society of Hong Kong Incorporation Bill, 1954 had passed through Committee without amendment and moved the Third reading.

MR. KWOK CHAN seconded.

The question was put and agreed to.

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

ADJOURNMENT.

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT: —That concludes the business for to-day, gentlemen. Council will adjourn to this day fortnight.
