

Meeting of 20th October, 1954

PRESENT:

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

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

HIS EXCELLENCY THE COMMANDER BRITISH FORCES
LIEUTENANT-GENERAL CECIL STANWAY SUGDEN, C.B., C.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 CEDRIC BLAKER, M.C., E.D.

THE HONOURABLE KWOK CHAN, O.B.E.

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

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

MINUTES.

The Minutes of the meeting of the Council held on 6th October, 1954, were confirmed.

PAPERS.

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

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

No. 21—Annual Report by the Secretary for Chinese Affairs for the year 1953/54.

No. 22—Annual Report by the Commissioner of Prisons for the year 1953/54.

No. 23—Annual Report by the General Manager, Railway for the year 1953/54.

Rating Ordinance, Chapter 116.

Rating (Parts of the Colony) Regulations, 1954.....A. 122

Mining Ordinance, 1954.

Mining (General) Regulations, 1954.....A. 124

Mining Ordinance 1954.

Mines (Safety) Regulation, 1954..... A. 125

LEGAL PRACTITIONERS (AMENDMENT)**REGULATIONS, 1954.**

THE ATTORNEY GENERAL moved the following resolution: —

“Resolved that the Legal Practitioners (Amendment) Regulations, 1954, made by the Acting Chief justice on the 18th day of October, 1954, under section 18 of the Legal Practitioners Ordinance, Chapter 159, be approved.”

He said: Sir, I rise to move the Resolution standing in my name, whereby the approval of this Council is sought to an amendment made by the Acting Chief justice to the regulations governing the solicitors' final examination. A candidate for that examination has to give the Law Society and the Registrar of the Supreme Court notice of his intention to sit for the examination, and the length of notice varies with circumstances. A candidate has recently by inadvertence failed to give the requisite notice, and the Law Society approached the Acting Chief Justice with the suggestion that there should be power to abridge the length of notice in case of accident, mistake, inadvertence or other sufficient cause. That is the purpose of this amendment which I now invite this Council to approve by passing, this Resolution.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

MARKETS (AMENDMENT) (No. 5) BY-LAWS, 1954.

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

“Resolved that the Markets (Amendment) (No. 5) Bylaws, 1954, made by the Urban Council on the 28th day of September, 1954, under section 5 of the Public Health (Food) Ordinance, Chapter 140, be approved.”

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

RESTAURANTS AND FOOD STALLS (AMENDMENT) (No. 2) BY-LAWS, 1954.

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

“Resolved that the Restaurants and Food Stalls (Amendment) (No. 2) By-laws, 1954, made by the Urban Council on the 28th day of September, 1954, under section 5 of the Public Health (Food) Ordinance, Chapter 140, be approved.”

He said: Sir, the existing by-law 19 of Part 1 of the Restaurant and Food Stalls By-laws, which attempts to ensure that utensils used in restaurants are properly cleansed has proved difficult to apply in practice and almost impossible to enforce through the Courts by reason of its wording. What constitutes “ample and suitable facilities” is clearly a matter of opinion, and it is difficult for a proprietor to know therefore when he has satisfied the law. Moreover sterilisation, which is not explained, is required, and complete sterilisation in the medical sense is almost impossible to achieve in the circumstances of a restaurant or food stall. The by-law, as amended by the Urban Council is simpler yet more precise than the old, and clarifies what is meant, for the purposes of the by-law, by sterilisation.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

CONSERVANCY (AMENDMENT) BY-LAWS, 1954.

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

“Resolved that the Conservancy (Amendment) By-laws, 1954, made by the Urban Council on the 28th day of September, 1954, under section 4 of the Public Health (Sanitation) Ordinance, 1935, be approved.”

He said: Sir, schools are very properly required to provide latrine and lavatory accommodation on a more generous scale than is in fact provided in most other buildings in Hong Kong. The by-law to allow certain schools to pay conservancy fees quarterly has therefore been made following representations to the Urban Council that the payment of conservancy charges annually in advance, when school fees are collected in advance for each term at best, has caused some degree of hardship. The institutions affected will number only a few hundreds and the increased work of collection will be slight, and will be more than offset if the provision for a surcharge on late payments, which applies to other conservancy fees and not only to schools, results, as is expected, in earlier payment.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

SUPPLEMENTARY APPROPRIATION (1953-54) BILL, 1954.

THE FINANCIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance to authorise a supplementary appropriation to defray the charges of the financial year ended the 31st clay of March, 1954." He said: Sir, this bill represents the final and formal stage in disposing of the accounts of the last financial year. Its purpose is in effect to give legal sanction to all the supplementary appropriations which have been approved by this Council.

It will be observed that the gross excess on expenditure was over \$64 millions. The net excess much less, as the figure I have mentioned has been offset by savings of over \$37 millions, the net figure therefore being approximately \$27 millions.

I feel, Sir, that I need hardly into details of the totals which have already been explained on various occasions in this Council. The greater part of the excess is accounted for by \$25 millions for the Revenue Equalization Fund; \$14 millions for the Development Fund; \$8 millions as an additional contribution to the cost of reinforcing the garrison; and almost \$7 millions for the Shek Kip Mei Fire disaster.

THE COLONIAL SECRETARY Seconded.

The question was put and agreed to.

The Bill was read a First time.

CORPORAL PUNISHMENT BILL, 1954.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend and consolidate the law touching corporal punishment."

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 9 were agreed to.

First Schedule.

THE ATTORNEY GENERAL: —First Schedule, paragraphs 1 and 4. I beg to move the amendments standing in my name. Copies of these amendments have been circulated with a written explanation of the purpose for which they are required.

Proposed Amendments.

Remarks.

First Schedule

Paragraph 1	Delete the whole Paragraph.	Paragraph 1 was based on section 3(a) of the Flogging Ordinance, Cap. 222, which was originally passed in 1903.
Paragraph 4	After the word “section” add the figures “17”.	It is now felt that it would be more in accordance with the recommendations of the committee on Corporal Punishment and with changed conditions in the Colony if the power to order corporal punishment were restricted to specific offences. Paragraph 4 has accordingly been amended to include the two offences for which corporal punishment would have been most likely to have been awarded under paragraph 1 viz. — (a) wounding with intent; (b) shooting with intent. Any other offences at present covered by paragraph 1 are likely to be covered by paragraph 2.

The First Schedule, as amended, was agreed to.

The Second Schedule was agreed to,

Council then resumed.

THE ATTORNEY GENERAL reported that the Corporal Punishment Bill, 1954 had passed through Committee with amendments 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.

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

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Magistrates Ordinance, Chapter 227."

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read 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 Magistrates (Amendment) (No. 2) Bill, 1954 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.

NURSES REGISTRATION (AMENDMENT) BILL, 195-1.

DR. YEO KOK CHEANG moved the Second reading of a Bill intituled "An Ordinance to amend the Nurses Registration Ordinance, Chapter 164,"

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 5 were agreed to.

Council then resumed.

DR. YEO KOK CHEANG reported that the Nurses Registration (Amendment) Bill, 1954 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 OFFICER ADMINISTERING THE GOVERNMENT: —That concludes the business for to-day, gentlemen. Council will adjourn until this day fortnight, 3rd November.
