

OFFICIAL REPORT OF PROCEEDINGS.**Meeting of 9th January, 1957.**

PRESENT:HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

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

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

LIEUTENANT-GENERAL WILLIAM HENRY STRATTON, K.C.B., C.V.O., C.B.E., D.S.O.

THE HONOURABLE THE COLONIAL SECRETARY

MR. EDGEWORTH BERESFORD DAVID, C.M.G.

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.

THE HONOURABLE THE FINANCIAL SECRETARY

MR. ARTHUR GRENFELL CLARKE, C.M.G.

THE HONOURABLE THEODORE LOUIS BOWRING, C.M.G., O.B.E.

(Director of Public Works).

DR. THE HONOURABLE YEO KOK CHEANG, C.M.G.

(Director of Medical and Health Services).

THE HONOURABLE DAVID RONALD HOLMES, M.B.E., M.C., E.D.

(Director of Urban Services).

THE HONOURABLE PATRICK CARDINALL MASON SEDGWICK

(Commissioner of Labour).

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

THE HONOURABLE CHARLES EDWARD MICHAEL TERRY, O.B.E.

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

THE HONOURABLE NGAN SHING-KWAN, O.B.E.

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. RONALD THOMPSON (*Deputy Clerk of Councils*).

MINUTES.

The Minutes of the meeting of the Council held on 19th December, 1956, were confirmed.

ANNOUNCEMENT.

THE COLONIAL SECRETARY: —By Your Excellency's direction I rise to announce the appointment of the Standing Law Committee for 1957. The following members have been appointed and have agreed to serve: —

The Honourable the Attorney General (*Chairman*)

The Honourable Lo Man Wai

The Honourable Dhun Ruttonjee

The Honourable C. Blaker

Dr. the Honourable A. M. Rodrigues

PAPERS.

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

Subject.

G. N. No.

Sessional Papers, 1957: —

No. 1—Annual Report by the Public Relations Officer
for the years 1954/56.

No. 2—Annual Report by the Commissioner of Inland
Revenue for the year 1955/56.

No. 3—Annual Summary of the Education Department
for the year 1955/56.

Merchant Shipping Ordinance, 1953.

Special Report in accordance with section 115(1).

Judgments (Facilities for Enforcement) Ordinance.

Judgments (Facilities for Enforcement) (The Australian
Capital Territory) Order, 1956 A. 122.

<i>Subject.</i>	<i>G. N. No.</i>
Judgments (Facilities for Enforcement) Ordinance.	
Judgments (Facilities for Enforcement) (The Northern Territory of Australia) Order, 1956	A. 123.
Dangerous Goods Ordinance, 1956.	
Dangerous Goods (Classification) Regulations, 1956	A. 124.
Dangerous Goods Ordinance, 1956.	
Dangerous Goods (Shipping) Regulations, 1956	A. 125.
Dangerous Goods Ordinance, 1956.	
Dangerous Goods (Amendment) Regulations, 1956	A. 126.
Administration of Justice (Summary Offences) Ordinance, 1955.	
Administration of Justice (Summary Offences) (Amendment of First Schedule) (No. 2) Order, 1956	A. 127.
Pensions Ordinance.	
Pensions (Amendment) Regulations, 1956	A. 131.

SUPREME COURT (AMENDMENT) BILL, 1957.

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

He said: Sir, this measure is sufficiently explained in the statement of Objects and Reasons and I have nothing that I can usefully add thereto.

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: —

After the enactment of the Ireland Act in 1949 whereunder the Republic of Ireland ceased to be part of Her Majesty's dominions, members of the Bar of the Republic remained eligible for appointment as judges of the Supreme Court of Hong Kong, until the enactment of certain amendments to the Interpretation and Supreme Court Ordinances in 1950. They so remained by virtue of a saving contained in section 3(2) of the Ireland Act, the effect of which was to construe references to Her Majesty's dominions in enactments passed before the Act so as to include references to the Republic of Ireland as though it had remained part of Her Majesty's dominions, and this was expressed to be the case until provision to the contrary was made by some authority having power in that behalf.

2. In 1950 the Interpretation Ordinance, Chapter 1, was amended to include a definition of the expression "Commonwealth", a definition which does not include the Republic of Ireland. The Supreme Court Ordinance, Chapter 4, was also amended, and the relevant part of section 14 thereof now reads "qualified to practise as an advocate in a court in England, Scotland, Northern Ireland or some other part of the Commonwealth" . These amendments are "provisions to the contrary" within the meaning of section 3(2) of the Ireland Act, and as the legislation now stands Irish barristers cannot be appointed to the Supreme Court Bench. It does not appear that these amendments were made deliberately to this end, and the purpose of clause 2 is to restore the status *quo ante*. When the District Court Ordinance was enacted in 1953, express provision was made in section 5(1)(a) for the eligibility of Irish barristers for appointment as judges of that Court.

3. It is to be observed that there are many Irish barristers employed in Her Majesty's Overseas Service, and that it is expressly provided by section 2 of the Act that although the Republic has ceased to be part of Her Majesty's dominions, it is not to be treated as a foreign country for the purposes of any United Kingdom or colonial law.

4. In view of the increased number of puisne judges, clause 3 makes a consequential amendment to paragraph (a) of subsection (6) of section 37 of the Supreme Court Ordinance.

ADDRESS BY THE GOVERNOR.

Honourable Members, this is the last meeting of this Council which will be attended by Mr. Bowring. Mr. Bowring arrived in this Colony as Director of Public Works just about six years ago, and during these six years the programme of Public Works has been greater than it has ever been before in the history of the Colony and never has greater efficiency been shown in the execution of those Public Works. The credit for that mainly goes to Mr. Bowring.

Officially therefore he will be sorely missed, but unofficially, or at any rate not so officially—personally, I might say, he will be equally missed as will his wife because they have taken a great interest in Colony affairs generally. They have both of them proved to be true and worthy citizens of Hong Kong. Perhaps it is not inappropriate that his last attendance as a Member of this Council should be the first time we meet in this very handsome Chamber with which Mr. Bowring has had so much to do.

I feel that I am voicing the sentiments of all of you Gentlemen as well as I myself when I say to Mr. Bowring, and ask him also to convey to Mrs. Bowring, our very best wishes for their future happiness. (*Applause*).

MR. BOWRING: —Your Excellency, thank you very much indeed, Sir, for your very kind remarks. For many reasons I am sorry to be retiring from the Service and particularly from my job here which I have enjoyed so much, but I think the time has come when less exacting duties than those of a Director of Public Works suit me much better.

My wife and I have made many good friends in Hong Kong and we will miss them very much but as we expect to live somewhere near London we do hope that they will come and see us when they visit England from time to time.

May I take this opportunity, Sir, to thank my colleagues on this Council and particularly the unofficial members of Finance Committee for the help and encouragement which they have at all times given to me and which has contributed so greatly to

making my term of office as Director of Public Works in this Colony such a very happy one. Once again, Sir, I do thank you very much for your kind remarks. (*Applause*).

ADJOURNMENT.

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