

11TH OCTOBER, 1923.

**PRESENT:—**

HIS EXCELLENCY THE GOVERNOR, SIR REGINALD EDWARD STUBBS, K.C.M.G.

HIS EXCELLENCY THE GENERAL OFFICER IN COMMAND OF THE TROOPS, MAJOR-GENERAL SIR JOHN FOWLER, K.C.M.G., C.B., D.S.O.

HON. MR. A. G. M. FLETCHER, C.M.G., C.B.E. (Colonial Secretary).

HON. MR. J. H. KEMP, K.C., C.B.E. (Attorney-General).

HON. MR. C. McI. MESSER, O.B.E. (Colonial Treasurer).

HON. MR. E. R. HALLIFAX, C.B.E. (Secretary for Chinese Affairs).

HON. MR. E. A. IRVING (Director of Education).

HON. MR. H. T. CREASY (Director of Public Works).

HON. MR. H. E. POLLOCK, K.C.

HON. MR. P. H. HOLYOAK.

HON. MR. CHOW SHOU-SON.

HON. MR. A. R. LOWE.

HON. MR. R. H. KOTEWALL.

MR. S. B. B. MCELDERRY (Clerk of Councils).

**ABSENT**

HON. MR. A. O. LANG.

**Minutes**

The minutes of the last meeting were approved and signed.

**Finance**

THE COLONIAL SECRETARY, by command of H.E. The Governor, laid on the table the Report of the Finance Committee (No. 12) and moved that it be adopted.

THE COLONIAL TREASURER seconded, and the motion was agreed to.

**Papers**

THE COLONIAL SECRETARY, by command of H.E. The Governor, laid on the table a regulation in Council under the Waterworks Ordinance, 1903; and regulations made by the Governor-in-Council under the Dangerous Drugs Ordinance, 1923. The regulations had been published in the *Government Gazette* of October 5th.

**Births and Deaths Registration  
Amendment Ordinance**

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to amend the Births and Deaths Registration Ordinance, 1896.

He said—This Bill proposes to amend and simplify the law relating to the registration of births and deaths, which is contained in Ordinance No. 7 of 1896. That Ordinance is not well drafted, and in some parts it is very difficult to ascertain its meaning with certainty. It in some respects followed the English Births and Deaths Registration Act, 1874, but some of the provisions taken from that Act were adopted without proper consideration, apparently, of the conditions of this Colony, and there are other provisions in that Act which were not adopted and which would be useful here. Further, the present practice is not in accordance in all respects with the Ordinance but it has been found convenient, and the Bill proposes, besides making the amendments and alterations to which I have just referred, to bring the law into agreement with the procedure which has been worked out in practice in the course of years. Most of the provisions of the Bill are

very technical and I do not think that I need refer to them in detail. I beg to move Regulation Ordinance, 1910.

THE COLONIAL SECRETARY seconded, and the Bill was read a first time.

### **New Territories Regulation Amendment Ordinance**

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to amend further the New Territories Regulation Ordinance, 1910.

He said—The provisions of this short Bill fall into three classes. In the first place, it is proposed to give the Governor-in-Council power to make rules, to take effect within the New Territories, other than New Kowloon, with regard to what I may call public health and sanitary matters. The Governor-in-Council is given the same power to make rules in the New Territories, other than New Kowloon, as the Sanitary Board has to make by-laws in respect of the old Colony and New Kowloon. It seems desirable in view of the growth and development of the New Territories to extend this power to that area. It has been found that the absence of any power of this kind is inconvenient. The second class of provisions is contained in the new paragraph (3) proposed to be added by clause 2 to section 6 of the principal Ordinance, which gives the Governor in Council power to set apart cemeteries in the New Territories other than Kowloon and power to prohibit the burial or depositing of remains in any specified places. For example, it is intended to make, under this power, a rule setting apart a cemetery in Cheung Chau and providing that no burials shall take place in Cheung Chau, except in that cemetery. This setting apart of cemeteries could be done under the Public Health Ordinance but there is no proper provision for making by-laws for the government of any cemeteries set apart, and, of course, the executive authority under the Public Health Ordinance is the Sanitary Board which does not in fact function in the New Territories. The third provision is contained in clauses 3 and 5. Clause 3 deals with the procedure on satisfaction of mortgage. The present section—46—requires that the receipt of satisfaction endorsed on the mortgage must be signed in the presence of the Land Officer.

That is very inconvenient because the Land Officer may be away from his office in another part of his district and, if that provision were strictly adhered to the parties might have to wait all day or even go away and come back next day. As a matter of fact, I understand the provision is not followed strictly, and the section proposes to repeal the provision making signature in the presence of the Land Officer necessary. It makes the receipt endorsed on the mortgage effective on registration by the Land Officer. That gives the Land Officer the opportunity of making any necessary enquiries if he has any reason to think that the transaction is suspicious. Clause 5 contains a consequential amendment and clause 4 corrects an obvious mistake in the principal Ordinance.

THE COLONIAL SECRETARY seconded, and the Bill was read a first time.

### **Fraudulent Transfers of Businesses**

THE ATTORNEY-GENERAL proposed the second reading of the Bill intituled, An Ordinance to Prevent certain Fraudulent Transfers of Businesses.

THE COLONIAL SECRETARY seconded, and the Bill was read a second time.

On the motion of the ATTORNEY GENERAL, the Council went into Committee to consider the Bill clause by clause. On Clause 3,

HON. MR. A. R. LOWE said—May I ask whether "business" means the sale of one bale of goods?

H.E. THE GOVERNOR — "Business" means: "any trade or occupation, other than a profession, carried on with a view to profit."

THE ATTORNEY-GENERAL—I think it must be an occupation; not a single transaction.

HON. MR. A. R. LOWE—There is nothing to explain that.

THE ATTORNEY GENERAL—The term is very difficult to define and always will be. But it must be something more than a single transaction, something in the nature of a continuous occupation.

H.E. THE GOVERNOR—I may explain that this law does not originate with the Government but represents the joint wishes of the General Chamber of Commerce and the Chinese Chamber of Commerce, who have discussed it very thoroughly, and this is the form on which they have both agreed.

Clause 3 was then approved and the Bill passed the Committee stage without amendment.

On the Council being resumed,

THE ATTORNEY-GENERAL moved the third reading of the Bill.

THE COLONIAL SECRETARY seconded, the third reading was carried and the Bill passed into law accordingly.

### **The Adjournment**

H.E. THE GOVERNOR—The Council will adjourn until Thursday next at 2.30 p.m.

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