

December 20th, 1928.

PRESENT:—

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT (HON. MR. W. T. SOUTHORN, C.M.G.).

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING THE TROOPS (MAJOR-GENERAL C. C. LUARD, C.B., C.M.G.).

THE COLONIAL SECRETARY (HON. MR. E. R. HALLIFAX, C.M.G., C.B.E.).

THE ATTORNEY-GENERAL (HON. SIR JOSEPH HORSFORD KEMP, KT., K.C., C.B.E.).

THE COLONIAL TREASURER (HON. MR. C. McI. MESSER, O.B.E.).

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

HON. MR. R. A. C. NORTH (Secretary for Chinese Affairs).

HON. MR. E. D. C. WOLFE, C.M.G. (Captain Superintendent of Police).

HON. SIR HENRY EDWARD POLLOCK, KT., K.C.

HON. SIR SHOU-SON CHOW, KT.

HON. DR. R. H. KOTEWALL, C.M.G., LL.D.

HON. MR. A. C. HYNES.

HON. MR. J. OWEN HUGHES.

HON. MR. B. D. F. BEITH.

MR. H. R. BUTTERS (Deputy Clerk of Councils).

MINUTES.

The minutes of the previous meeting of the Council were confirmed.

THE KING'S ILLNESS.

H.E. THE OFFICER ADMINISTERING THE GOVERNMENT— Hon. Members of the Legislative Council,—Before we take up the business on the agenda, I should like to make reference to that matter which has during the past fortnight been uppermost in the minds, not only of Hon. Members, but of all His loyal subjects, namely, the serious illness of His Majesty the King. It is too early to say that our anxiety is allayed, but I am sure that the Council will have received with feelings of the keenest relief the welcome news that His Majesty continues to make progress and that there are now surer grounds for the hope of His Majesty's recovery. We respectfully tender our sincerest sympathy to Her Majesty the Queen and the Royal Family in the anxious period through which they have been and still are passing.

SIR HENRY POLLOCK.

HIS EXCELLENCY continued—There is one other matter which I wish to mention. I feel sure that Hon. Members will wish me to offer to Sir Henry Pollock our congratulations on his recovery and to extend to him a very hearty welcome on his return to a participation in our deliberations.

HON. SIR HENRY POLLOCK—I thank you, Sir, very much for your very kind remarks.

PAPERS.

THE COLONIAL SECRETARY, by command of H.E. the Officer Administering the Government, laid upon the table the following papers:—

Order under section 7 of the Rating Ordinance, 1901, on October 4th, 1928.

Rule under section 18 of the Prisons Ordinance, 1899, on October 4th, 1928.

Order under section 92 (8) of the Public Health and Buildings Ordinance, 1903, on October 13th, 1928.

Order under section 92 (8) of the Public Health and Buildings Ordinance, 1903, on October 13th, 1928.

Order under section 92 (8) of the Public Health and Buildings Ordinance, 1903, on October 16th, 1928.

Order under section 4 of the Tobacco Ordinance, 1916, on October 25th, 1928.

Regulations under section 3 of the Licensing Ordinance, 1887, on October 25th, 1928.

Regulation under section 5 of the Ferries Ordinance, 1917, on October 25th, 1928.

Regulation under section 5 of the Ferries Ordinance, 1917, on October 25th, 1928.

Regulations under section 3 of the Vehicles and Traffic Regulation Ordinance, 1912, on October 25th, 1928.

Regulation under section 3 of the Wireless Telegraphy Ordinance, 1926, on November 3rd, 1928.

Regulation under section 48 of the Rating Ordinance, 1901, on November 6th, 1928.

Regulation under section 3 of the Licensing Ordinance, 1887, on November 10th, 1928.

Order under section 4 of the Societies Ordinance, 1920, on November 21st, 1928.

Regulations under section 29 (3) of the Merchant Shipping Ordinance, 1899, on December 1st, 1928.

The Pension Minute Amendment.

Order under section 12 of the Rope Company's Tramway Ordinance, 1901, on December 14th, 1928.

Belgium (Extradition) Order in Council, 1928.

Colonial Auxiliary Forces Long Service Medal.

Vehicular Ferry, Hong Kong-Kowloon (Sessional Paper No. 6 of 1928).

FINANCE COMMITTEE'S REPORTS.

THE COLONIAL SECRETARY, by command of H.E. The Officer Administering the Government, laid upon the table the reports of the Finance Committee Nos. 11 and 12 of 4th October, 1928, and 29th November, 1928, respectively and moved that they be adopted.

THE COLONIAL TREASURER seconded, and this was agreed to.

RESOLUTIONS.

THE COLONIAL SECRETARY moved the following resolution:—

That whereas by the provisions of section 7 of the Tramway Ordinance, 1902, it is *inter alia* provided that subject to the approval of the Government in Council after timely and adequate notification by public advertisement or otherwise of the intention of the company, in the said Ordinance mentioned, to apply for such approval, and after such approval has been confirmed by a resolution of the Legislative Council, the company may construct and maintain, subject to the provisions of the said Ordinance, and in accordance with plans to be previously deposited in the office of the Director of Public Works, all such lines, crossings, passing places, sidings, junctions, turn-tables and other works in addition to or as extensions of those particularly specified in and authorised by the said Ordinance as may be approved of by the Governor in Council, and may work and use the same:

And whereas timely and adequate notification, has been given by public advertisement of the intention of the company to apply for the approval of the Governor in Council to the construction, in accordance with plans deposited in the office of the Director of Public Works, of:—

- (a) about 240 yards of single track tramway connecting the existing single track at the south end of Percival Street with the existing single track in Wong Nei Chong Road opposite tramway standard No. 665;
- (b) an additional crossover near the junction of Praya East and Percival Street;
- (c) a single track tramway, approximately 330 yards in length, along Bowrington Canal Road East between Praya East and Leighton Hill Road;
- (d) a single track tramway of approximately 50 yards in length connecting the tramway depot in Russell Street with Bowrington Canal Road East.

And whereas the company has duly applied for the approval of the Governor in Council to the construction and maintenance of the said three single track tramways and the said crossover:

And whereas the Governor in Council did on the 28th day of September, 1928, approve of the construction and maintenance of the said single track tramway, item (a) and did on the 10th day of October, 1928, approve of the construction and maintenance of the said crossover, item (b), and did on the 3rd day of November, 1928, approve of the construction and maintenance of the said single track tramways, items (c) and (d):

Now it is hereby resolved that the approval of the Governor in Council, so given as aforesaid, be confirmed.

THE ATTORNEY-GENERAL seconded, and the resolution was passed.

THE COLONIAL SECRETARY also moved the following resolution:—

Resolved by the Legislative Council that the percentage on the valuation of tenements payable as rates for tenements in Aplichau shall be altered and that the same shall be $10\frac{1}{2}$ per cent. on and from the date to be fixed by His Excellency the Governor for the coming into effect of the resolution.

He said—Public water and public lighting have been introduced into Aplichau and the increase in rates is in accordance with the usual scale.

THE COLONIAL TREASURER seconded, and the resolution was passed.

LARCENY (AMENDMENT) ORDINANCE, 1928.

THE ATTORNEY-GENERAL moved the first reading of an Ordinance to amend the Larceny Ordinance, 1865. He said—The object of the Bill is to bring the law on the subject of larceny in Hong Kong into line with the later English law on that subject.

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

OBJECTS AND REASONS.

The "Objects and Reasons" of the Bill state:—

1. The object of this Ordinance is to effect certain desirable amendments in the Larceny Ordinance, No. 5 of 1865.

2. A new section 39 is substituted for the old section 39 of the Larceny Ordinance, 1865, such new section being based upon the language of section 25 of the English Larceny Act, 1916, which includes the offence of burglary at common law as well as the previous offence of burglary by statute law.—It is convenient to make both kinds of burglary statutory offences.

3. Section 3 of this Ordinance substitutes the provisions of sections 26 and 27 of the English Larceny Act of 1916, for the provisions of sections 44 and 45 of the present Larceny Ordinance, 1865, which latter sections are founded on the provisions of the English Larceny Act of 1861.—The advantages of the new sections 44 and 45, which are enacted by section 4 of this Ordinance, over the present sections 44 and 45, are that they include after the word "counting-house" the additional new words "office, store, garage, pavilion, factory, or workshop, or building belonging to His Majesty, or any Government Department or to any public authority." —In this way section 4 of this Ordinance materially and usefully extends the scope of the law as to housebreaking and brings our Legislation on this subject abreast of English statute law.

4. Section 4 of this Ordinance makes Larceny of goods in process of manufacture an offence.—This seems desirable and is in accordance with English statute law; see section 62 of the English Larceny Act of 1861, which was re-enacted in section 9 of the English Larceny Act of 1916, 6 and 7 Geo. 5, c. 50.

MAGISTRATES (AMENDMENT) ORDINANCE, 1928.

THE ATTORNEY-GENERAL moved the first reading of an Ordinance to amend the Magistrates Ordinance, 1890. He said—The principal object of this Bill is to restore to the Magistrates the power of reviewing their own decisions on their own initiative. They possessed that power in the original Magistrates' Ordinance, No. 3 of 1890, but it was taken away from them in the Amending Ordinance of last year. It is considered desirable to restore that power to them. A further section of the Bill deals with a technical matter which is explained in the "Objects and Reasons" of the Bill.

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

OBJECTS AND REASONS.

The "Objects and Reasons" of the Bill state:—

1. Clause 2 of this Bill amends the present section 96 of Ordinance No. 3 of 1890, which was enacted by Ordinance No. 23 of 1927, section 13, by restoring to a magistrate the power to review his decision on his own initiative, which power existed in the original section 96 of Ordinance No. 3 of 1890.

2. It seems obviously desirable that a magistrate should retain such power of reviewing his own decision.—This power of review is limited to a period of seven clear days from the date of his original decision.

3. Clause 3 (a) of this Bill amends paragraph 10 of the Third Schedule to the Magistrates Ordinance, 1890, by drawing attention to the fact that in the case of a criminal charge for libel, which the magistrate considers to be of a trivial character, there is power, with the assent of the party charged, for the magistrate to deal with such libel charge summarily.

4. The other amendment effected by clause 3 of this Bill is to delete paragraph 11 from the Third Schedule of the Magistrates Ordinance for the reasons that defamatory libels are specifically included in paragraph 10 of that Schedule and that verbal defamation cannot be made the subject of a criminal charge.

CARRIAGE OF GOODS BY SEA ORDINANCE, 1928.

THE ATTORNEY-GENERAL moved the first reading of an Ordinance to amend the law with respect to the carriage of goods by sea.

He said—This Bill when it becomes law will form part of what is intended to be an Empire-wide, and indeed world-wide, body of legislation dealing with the question of Bills of Lading. The reason for this body of legislation has arisen in this way. Take the case of English law as an example. The ship-owner was under very heavy obligations in common law with regard to the goods which he carried. He was liable for loss or damage in every case unless the loss or damage was incurred by Act of God, the King's enemies, an act or omission of the shipper or through some inherent defect in the thing carried. He was liable even if the goods were damaged by reason of the improper navigation of another ship, or if they were destroyed by fire or were taken from him by force. The ship-owner, however, was able to protect himself from these heavy liabilities by special terms in the contract of carriage. Accordingly the custom grew up of inserting exceptions in Bills of Lading. These terms, relieving the ship-owner of his ordinary legal liability, became very numerous and the diversity and forms of Bills of Lading became very great. It was felt increasingly that more uniformity was desirable. There was also another consideration. Bills of Lading are documents of title and they pass from hand to hand of persons acquiring under them the rights and liabilities of the original parties, and these later holders— banks, consignees and others had no control over the formation of the original contract and therefore they had no means of ascertaining whether the contract in question sufficiently guarded their interests. It was, therefore, felt that some rule should be laid down under which ship-owners should not be allowed to contract themselves out of their common law liabilities beyond a certain point.

The first proposal for dealing with this problem was that it should be dealt with by legislation. But it was felt by a large body of persons that legislation dealing with, or interfering with, commerce was undesirable and to be avoided if possible, and an attempt was made, first of all, to reach the desired result by means of agreement.

A body of experts met at the Hague and in 1921 formulated a set of rules known as the Hague rules. It was hoped that these rules would be adopted voluntarily, but although some ship-owners did adopt them and embody them in their Bills of Lading, the adoption was by no means universal. Then arose again the question of express legislation on the subject, and an international conference held at Brussels decided to recommend to the respective governments represented legislation in each country to apply certain rules to outward Bills of Lading from the country in question. The legislation has been passed in England and in a great many Colonies and Protectorates and in Australia. The legislation was also introduced in the legislature of the United States, but I am not in a position to say whether it was passed or not. Australia is the only Dominion which has passed the English Act but Canada had adopted a somewhat similar Act restricting the rights of the ship-owner and New Zealand has adopted somewhat similar legislation.

This Ordinance, Sir, is a copy—almost an exact copy—of the English Act. There are certain differences, but they are all either differences which are suggested by the form of the English Act, or are expressly authorised or are obviously necessary. For example, Clause 5 of the Bill gives greater freedom to the ship-owner in regard to goods carried by sea from the Colony to places in the provinces of Kwangtung, Kwangsi or Macao. That is suggested by a similar provision in the English Act which removes from the strict operation of the rules goods carried by sea from a port in Great Britain or Northern Ireland to another port in Great Britain or North Ireland or to a port in the Irish Free State. Again, article 10 of the Rules, gives the debtor the right to discharge his debt in Hong Kong currency in accordance with the rate of exchange prevailing on the day of arrival of the ship at the port of discharge of the goods concerned. This has been inserted under the right of local legislatures to insert such a rule, which right was given in the draft Convention agreed to at the Conference at Brussels.

The third substantial difference from the English Act is that junk, launch and motor-boat traffic is excluded from the operation of the Rules. It is obviously necessary to exclude this traffic because in the trade carried on by these vessels it is not the practice to issue Bills of Lading at all and the incidents of the trade are different.

This seemed to make desirable any attempt to secure uniformity with trade carried on by ocean-going ships.

There are two other slight differences, a technical reference to certain local legislation and the necessary alteration of date—other-wise the Bill is a copy of the English Act, and it is desirable that it should be because one of the objects of the Bill is that the body of legislation should be uniform on this subject throughout the Empire.

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

OBJECTS AND REASONS.

The "Objects and Reasons" of the Bill state:—

1. The object of this Bill is to give effect, as regards outward Bills of Lading from Hong Kong, to the proposal of the draft Convention on Bills of Lading agreed to at the meetings of the International Maritime Conference held at Brussels in October, 1922. So far as the British Empire is concerned, the Imperial Economic Conference, in November, 1923, recommended that the various governments of the Empire should adopt the rules embodied in the Convention. The necessary legislation has now been passed in the United Kingdom, Australia, and most of the Colonies and Protectorates. The present Bill is practically a copy of the English Act.

2. The object of this body of legislation and proposed legislation is twofold. In the first place it aims at securing Empire-wide and international uniformity in the law relating to Bills of Lading. In the second place it is intended to restrict the right of shipowners to contract themselves out of their common law liability in respect of carriers' risks.

3. The principles of this legislation, and more recently the actual rules, have been subjected to exhaustive examination by the various interests concerned.

4. The Bill differs from the English Act in the following particulars:—

- (a) Section 5 gives a general right of contracting out of the Rules in respect of the carriage of goods by sea from Hong Kong to any place in Kwangtung or Kwangsi or to Macao. In the English Act the right is given in respect of the carriage of goods by sea from any port in Great Britain or Northern Ireland to any other port in Great Britain or Northern Ireland or to a port in the Irish Free State.
- (b) Junk and launch traffic is excluded by definition (*d*) in Article I. of the Rules. In this trade it is not the practice to issue Bills of Lading, and, further, the incidents of the trade preclude and make undesirable any attempt to secure uniformity with the conditions of the trade carried on by ocean-going steamships.
- (c) Article X. of the Rules, which does not appear in the English Act, gives the debtor the right to discharge his debt in Hong Kong currency at the rate of exchange prevailing on the day of arrival of the ship at the port of discharge of the goods concerned. This is in order to avoid troublesome disputes about exchange. The right to insert such a rate is reserved in the draft Convention.
- (d) In section 7 (1) a technical reference to certain local legislation is inserted.
- (e) In section 7 (2) a date is necessarily altered.

UNITED KINGDOM DESIGNS (PROTECTION) ORDINANCE, 1928.

THE ATTORNEY-GENERAL moved the first reading of an Ordinance to protect the registered proprietor of any design registered in the United Kingdom. He said—This Bill was suggested by the Secretary of State for the Colonies who sent out certain drafts of Bills which might be adopted to effect the desired purpose. The form which appears in this Bill received the approval of the Committee of the Hong Kong General Chamber of Commerce. The scheme of it is to give in Hong Kong to a registered proprietor of a design in England under the Patents and Designs Acts, the same rights with regard to the registered design as if his rights in the United Kingdom had been expressly extended to Hong Kong. It does not provide for any registration of designs out here, but gives the proprietor the same rights out here as in England with respect to designs registered there.

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

OBJECTS AND REASONS.

The "Objects and Reasons" of the Bill state:—

1. This Ordinance is one of three alternative drafts of Ordinances, which have been suggested for adoption in this Colony by the Right Honourable the Secretary of State for the Colonies, and is the one of the three forms of suggested Ordinances which has been approved by the Hong Kong General Chamber of Commerce.

2. The object of this Ordinance, as appears from section 2 thereof, is to ensure to the registered proprietor of any design registered in the United Kingdom under the Patents and Designs Acts, 1907, and 1919, or any Act amending or substituted for those Acts, the like privileges and rights as though the certificate of registration in the United Kingdom has been issued with an extension to this Colony.

3. By section 3 of this Ordinance, whilst an injunction is obtainable in every case not falling within section 4 where any infringement of copyright in a design is proved, no *damages* are recoverable against an innocent infringer of any design.

4. By section 4 the Supreme Court is empowered to make a declaration that exclusive privileges and rights in a design have not been acquired in the Colony, under the provisions of this Ordinance, by reason of the existence of grounds which would justify the United Kingdom registration being cancelled under the law for the time being in force in the United Kingdom.

PUBLIC HEALTH AND BUILDINGS (AMENDMENT) ORDINANCE, 1928.

THE ATTORNEY-GENERAL moved the first reading of an Ordinance to amend further the Public Health and Buildings Ordinance, 1903.

He said: The clauses of this Bill fall into certain broad classifications. Clauses 2 to 6, and 8 and 9 and 13 relate to what I may call departmental or technical matters. As an instance of a departmental matter I might mention the provisions which are inserted in order to give effect to the transference to the Sanitary Board of the Licensing of Eating Houses. As an instance of what I call technical matters I might refer to clause 8 which is intended to tighten up and improve the procedure for the seizure and condemnation of unwholesome food. That is the first class.

One clause stands in a class by itself; that is clause 7. It has been found on enquiry that the sale of food in the Hill District, in places kept for the purpose of the sale of food, is a matter which might be a source of danger unless the places in question were properly controlled and supervised. Clause 7, therefore, proposes to make the sale of food in the Hill District, in any special place kept for that purpose, illegal except under licence and in accordance with the terms of such licence.

There are two clauses which deal with the question of penalties, clauses 11 and 12. Clause 11 proposes to increase from \$100 to \$500 the penalty for blasting during improper hours or without taking proper precautions. Clause 12 proposes to increase either from \$100 or \$200 to \$1,000 the penalties for material misrepresentations in building plans and material divergencies from building plans which have been approved by the Building Authority. In three at least of these cases the offence is a matter which might very well endanger human life, and I think Hon. Members will agree that the new penalties are not excessive in view of that consideration.

In the last class or group are two clauses, 10 and 14, which deal with the liabilities of building owners, architects and the officers of the Government who are concerned with passing building plans, Clause 10 amends Section 204 of the principal Ordinance. That section provides that no new building may be occupied until the authorised architect has reported to the Building Authority that the building complies with the Building Ordinance and the owner has received from the Building Authority a certificate that the Ordinance has been complied with. It seems unreasonable that the Building Authority should have to give a certificate that the Ordinance has been complied with when it is the business of the owner and architect to see that the requirements are complied with. Therefore, it is proposed to require the architect to certify that the provisions of the Ordinance have been complied with and to certify that the building is structurally safe. On receiving that certificate the Building Authority may issue a certificate for the occupation of the building.

Clause 14 proposes to insert in the principal Ordinance a new section providing that no legal liability shall rest on the Government or any officer of the Government by reason of the fact that buildings or works, other than Government buildings or works, have been or may be erected and carried out upon designs or plans approved by the Government officer. In many cases building plans have to be

approved by the Building Authority. In many cases the Building Authority must give his approval to particular materials and forms of construction. It is intended to make it quite clear that his consent and approval does not lay on him or the Government any legal liability regarding the carrying out of the work so approved.

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

The "Objects and Reasons" of the Bill state:

1. The general object of this Ordinance is to make certain further amendments in the principal Ordinance, *i.e.* the Public Health and Buildings Ordinance, 1903, which seem desirable.

2. Section 2 amends the definition of Colonial Veterinary Surgeon so as to include any Assistant Veterinary Surgeon.

3. Section 3 (*a*) which refers to the removal of Architects from the register for good cause shown is intended to take away the ambiguity which exists from the use of the words "and remove any such names" in section 7 of the principal Ordinance.—The amendment makes it clear that any architect may be removed from the list.— Section 3 (*b*) authorizes the name of an Architect, who has ceased to practise in the Colony, to be removed from the Register.

4. The licensing of eating houses is now undertaken by the Sanitary Department and it is convenient that the Board should be given the power to make by-laws with respect to them. Hence the small amendments effected by sections 2 (2) and section 4.

5. The amendment effected by section 5 (*b*) of this Ordinance is rendered necessary by the fact that a new Officer has recently been appointed with the title of Second Medical Officer of Health; provision is also made for the appointment of a Deputy Medical Officer of Health; whilst section 5 (*a*) provides for the appointment of Assistant Colonial Veterinary Surgeons and meat and food Inspectors.

6. Section 6 deletes the words "in any market" from section 70 as it is found that these words cause a troublesome limitation on the operation of the section.

7. The object of section 7 is to prevent places for sale of food being maintained in the Hill District unless they are licensed and properly controlled. Experience has shown the danger of the establishment at the Peak of shops in which the sale of food is not kept under proper sanitary conditions. Such shops tend also to attract rats and might possibly become centres of infection if plague were to return to the Colony.

8. Section 8 of this Ordinance repeals sections 82, 83 and 83A of the principal Ordinance the language and arrangement of the repealed sections 82 and 83 being unsatisfactory. The new section 82, enacted by section 6 of this Ordinance, is based, subject to differences hereafter mentioned, upon the language of sub-sections (1) to (3) of section 47 of the Public Health (London) Act, 1891.—Accordingly the fine under

sub-section (2) of the new section 82, *i.e.* \$500, is the equivalent of the £50 in the Home Act, instead of the \$100 in 83A of Ordinance 1 of 1903 which seems to be a wholly inadequate fine for a serious offence. Moreover the same sub-section, following the English Act, confers upon a Magistrate power to inflict imprisonment, without the option of a fine, for a term not exceeding six months.

The differences between section 47 of the English Act of 1891, and the new section 82 of 1 of 1903 (enacted by section 8 of this Ordinance) are as follows:—

(1) That the power of entry is made exercisable "at any time" for the reason that the illegal slaughtering and dressing of dead pigs usually takes place at night, and consequently this relaxation as to time has been asked for by the Head of the Sanitary Department in place of the previous 6 a.m. to 6 p.m. limit.—The English Act says "at all reasonable times."

There is a precedent for the words "at any time" in section 24 of the principal Ordinance.

(2) The new section 82 (like the sections of the principal Ordinance, namely 82, 83 and 83A, which it replaces) makes it an offence to sell food which is unwholesome for animals as well as food which is unwholesome for man.

(3) The power of ordering the destruction of unwholesome food continues vested in the Head of the Sanitary Department, acting upon the recommendation of certain expert Officers, instead of being vested as under the English Act in the Magistrate.—In view of local conditions of climate, etc., it seems desirable to retain the power of ordering destruction of unwholesome food in the hands of the Head of the Sanitary Department.

9. The amendment made by section 9 is verbal.

10. Section 10 of this Ordinance is intended to make the responsibility of Architects in regard to new buildings more definite than it is at present and not to enable them to shelter behind any certificate or permit of the Building Authority.—With this object in view paragraphs (a) and (b) place upon the Architect the responsibility of certifying that a new building is structurally safe, which is much the same principle as is laid down in section 225 of the principal Ordinance with regard to alterations or additions to existing buildings.— Sub-section (c) of section 9 of this Ordinance relieves the Building Authority of any duty to certify that the requirements of the principal Ordinance have been complied with, because it is obvious that the Building Authority could not conscientiously give any such certificate for the reason that it is impossible for him, with his present staff, to ensure that such requirements are complied with.—Moreover such responsibility ought to rest exclusively upon the party for whom the new building is being erected and his Architects and Contractors.— Sub-section (d) of section 10 is merely a consequential amendment upon that effected by sub-section (a).

11. Section 11 raises the penalty for dangerous blasting from a maximum fine of \$100, which is inadequate, to a maximum fine of \$500.

12. Section 12 also deals with the question of inadequate maximum penalties; it being of the utmost importance that all plans sent in to the Building Authority shall be absolutely correct.

13. Section 13 contains a purely drafting amendment for the purpose of preventing any confusion between the nuisances under Part III of the principal Ordinance which are referred to in section 229 thereof and other kinds of nuisances under Part II which are specified in section 26 thereof.

14. Section 14 of this Ordinance relieves the Government and any Officer of the Government from legal liability in respect of requiring buildings or works, *other than Government buildings or works*, to be erected or carried out upon designs or plans, or of type, construction or material approved of by the Government or by any Government officer or in respect of the fact that any such works or buildings are subject to the approval or inspection of any Government officer.—The idea underlying this section is that owners of buildings or works and their architects and contractors should be responsible for the erection and carrying out of non-government buildings and works as regards all the aforesaid matters of detail.

PHARMACY AND POISONS (AMENDMENT) ORDINANCE, 1929.

THE ATTORNEY-GENERAL moved the first reading of an Ordinance to amend the Pharmacy and Poisons Ordinance, 1916. He said— The chief object of this Bill is to bring our law into line with the English law on the subject of the sale of poisons. It also contains certain other provisions which may be described as technical.

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

OBJECTS AND REASONS.

The "Objects and Reasons" of the Bill state:—

1. Clause 2 of this Bill transfers, for the sake of convenience of administration, from the Colonial Secretary to the Director of Medical and Sanitary Services the custody and keeping of the Register kept under the Pharmacy and Poisons Ordinance, 1916, and amends sections 3, 5 and 19 of that Ordinance accordingly.

Clause 2 also amends the Regulations made under that Ordinance in similar fashion: three of such regulations effected by such amendments will be found on pages 732 and 733 of the Regulations of Hong Kong, 1844-1925.

2. Clause 3 enables the Governor in Council to make regulations for the issue of licences to persons other than wholesale dealers and auctioneers to whom the issue of licences is at present limited.

3. The amendment effected by Clause 4 of this Ordinance is necessary, because some persons are Pharmaceutical Chemists whilst others

are Chemists and Druggists, which latter is a lower qualification. Chemists and Druggists, therefore, have no right to be registered as Pharmaceutical Chemists.

4. Clause 5 amends section 10 of the principal Ordinance so as to prevent the use by an unregistered person of the title of chemist, druggist, pharmaceutical chemist, pharmacist or pharmacist in any language whatever.

5. Clause 6 amends section 11 of the principal Ordinance so as to make its provisions with regard to the labelling of poison correspond with the provisions of the English Act, 13 and 14 Geo. 5, c. 5, s. 4 (2).

6. Clause 7 of the Bill amends section 13 of the principal Ordinance by the addition of a sub-section (4) for the purpose of enabling registered medical practitioners and registered dental surgeons to buy poisons specified in section 12 subject to certain conditions.

7. Clause 8 of the Bill amends section 19 of the principal Ordinance by the addition of a sub-section for the purpose of imposing a penalty on the Chairman and every Director and officer concerned in the management of the Company where the Company is convicted of an offence, unless such Chairman, Director or Officer proves that the act constituting the offence took place without his knowledge or consent.

8. Clause 9 of the Bill amends the principal Ordinance by the addition of the section, to be numbered 29, which provides for the calculation of percentages in the case of a liquid.

9. Clause 10 of the Bill is introduced because it has been found that many poisons are being sold under newly invented trade names.

CHRISTMAS.

H.E. THE OFFICER ADMINISTERING THE GOVERNMENT— The Council stands adjourned until next Thursday, December 27th, at 2.30 p.m. Before we separate I should like to take the opportunity of wishing members a very happy Christmas. I would also inform members of Council that this is the last occasion that we shall have the pleasure of the assistance of Mr. Breakspear who has been the official reporter of this Council for a good many years. I wish him a very pleasant and successful time at Home.

FINANCE COMMITTEE.

A meeting of the Finance Committee followed, the COLONIAL SECRETARY presiding.

Supplementary votes totalling \$78,286, contained in Message No. 13 from H.E. The Officer Administering the Government, were considered. All the votes were approved.

Item 140: Miscellaneous Services, Transport of Government Servants..... \$60,000

Provision of \$200,000 was made for this service in the estimates and it was explained that the cost had been under estimated. The vote to 31st October had been over-spent by approximately \$9,000, and it was expected that a further sum of \$51,000 would be required to meet Crown Agents' account for the months of September to December and local expenditure for November and December. The period qualifying for leave has been reduced and heavy recruitment of 1923-4 has resulted in an increase in the number of officers proceeding on leave during the current year. The vote for 1929 has been increased to \$230,000.

HON. SIR HENRY EDWARD POLLOCK—With respect to the statement that the period qualifying for leave has been reduced, I should like to ask first of all when that period was reduced, and, secondly, whether the reduction of the period was approved by the Finance Committee of this Council.

THE CHAIRMAN—The qualifying period for leave was reduced very shortly after Sir Cecil Clementi came to the Colony. I cannot give the exact date off hand.

HON. SIR HENRY EDWARD POLLOCK—Was it brought before the Finance Committee of the Council? My point is that if a man qualifies for leave after five years' service and then has that qualifying period reduced by a half, he receives in the passage money paid something in the nature of a bonus.

THE CHAIRMAN—The reduction in the qualifying period is not as much as that. A man is now entitled to leave after four years, and in very senior cases possibly leave may be granted, with the special approval of H.E. the Governor after three years during the last few years of service. These rules have been incorporated in our General Orders for some time.

HON. MR. A. C. HYNES—Is this the first year showing increases under this scheme?

THE CHAIRMAN—The passages have been paid under the scheme for more than a year but it so happens that during this year more men have qualified for leave.

HON. SIR HENRY EDWARD POLLOCK—I think the matter should have been brought before the Finance Committee because obviously it does amount to something like a bonus to those who receive it.

THE CHAIRMAN—The changes were made in order to bring the conditions of services in Hong Kong into line with those obtaining in other parts of the Empire. Are you satisfied with the explanations given?

HON. SIR HENRY EDWARD POLLOCK—I am not satisfied unless the matter was brought before the Legislative Council or the Finance Committee in some shape or form. The Finance Committee is now asked to vote \$60,000 at a time when it cannot be said that there is great financial prosperity.

THE CHAIRMAN—The time for such comment was when the \$200,000 for this service was brought before the Council last year. The amount was included in the estimates and the amount was based on the current rules regarding leave.

HON. SIR HENRY EDWARD POLLOCK—Yes, Sir, but we were told, or given to understand—no doubt it was perfectly *bonà fide*—that passages would require only \$200,000. Now we are asked for another \$60,000.

THE CHAIRMAN—But in passing the \$200,000 you accepted the Rules upon which that estimate was based; \$200,000 is a larger estimate than in the previous years but a further increase is necessary because more men have become due for leave this year.

HON. SIR HENRY EDWARD POLLOCK—I would suggest that the matter be held over until information is forthcoming regarding the date the change was made and whether explanation was given to the Finance Committee.

THE CHAIRMAN—The matter was brought before the Finance Committee and the Legislative Council in the estimates.

HON. MR. A. C. HYNES—But I do not think special attention was drawn to it.

HON. SIR HENRY EDWARD POLLOCK—That is the point. It might have been stated that \$200,000 was required for leave without any mention being made of any alteration in the system of granting leave.

A copy of the estimates for 1928 was then produced showing that attention had been drawn in a footnote to the change in system.

The vote was thereupon passed.

Item 146: Sanitary Department—Bonuses to Dispensary Licentiates and Clerks for vaccination of children and registration of births.....	\$450
--	-------

HON. SIR HENRY EDWARD POLLOCK—What provision has been made for free vaccination?

THE CHAIRMAN—Free vaccination is done at all the public Chinese hospitals, and at all the public Chinese dispensaries. The St. John's Ambulance Brigade and the Red Cross also conduct vaccination campaigns.

HON. SIR HENRY EDWARD POLLOCK—Do the people make ready use of these facilities?

THE CHAIRMAN—The figures run into some tens of thousands.

HON. DR. KOTEWALL—The St. John's Ambulance Brigade is doing splendid work.

Item 147: Sanitary Department—Transport expenses for gangs employed in special anti-malaria measures in outlying areas.....	\$150
---	-------

HON. SIR HENRY EDWARD POLLOCK—What areas are these?

THE CHAIRMAN—In the New Territories in some of the larger villages.

Item 156: Kowloon-Canton Railway—Power consumed on account of repairs of Chinese Section Rolling Stock undertaken by the British section.....	\$600
---	-------

HON. SIR HENRY EDWARD POLLOCK—Are these charges being paid by the Chinese Administration of the railway?

THE CHAIRMAN—They are all paid up to date.
