

19th December, 1929.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR (SIR CECIL CLEMENTI, K.C.M.G.).

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING THE TROOPS (MAJOR GENERAL J. W. SANDILANDS, C.B., C.M.G., D.S.O.).

THE COLONIAL SECRETARY (HON. MR. W. T. SOUTHORN, C.M.G.).

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

THE SECRETARY FOR CHINESE AFFAIRS (HON. MR. E. R. HALLIFAX, C.M.G., C.B.E.).

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

HON. MR. H. T. CREASY, C.B.E., (Director of Public Works).

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

HON. COMMANDER G. F. HOLE, R.N., (Retired) (Harbour Master).

HON. DR. A. R. WELLINGTON, (Director of Medical and Sanitary Services).

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

HON. SIR SHOU-SON CHOW, KT.

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

HON. MR. A. C. HYNES.

HON. MR. J. OWEN HUGHES.

HON. MR. W. E. L. SHENTON.

HON. MR. J. P. BRAGA.

HON. MR. S. W. TS'O, O.B.E., LL.D.

MR. E. I. WYNNE-JONES, (Deputy Clerk of Councils).

MINUTES.

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

PAPERS.

THE COLONIAL SECRETARY, by command of H.E. The Governor, laid upon the table the following papers:—

Regulation under section 3 (1) of the Wireless Telegraphy Ordinance, 1926, on 29th November, 1929.

Order under section 43 of the Distress for Rent Ordinance, 1883, on 5th December, 1929.

Regulations under section 3 of the Industrial Employment of Women, Young Persons and Children Ordinance, 1922, on 3rd December, 1929.

Resolution under section 31 (1) of the Rating Ordinance, 1901, on 28th November, 1929.

Valuation of tenements.

QUESTIONS.

HON. SIR HENRY POLLOCK asked:—

In view of recent discussions, will the Government state whether its policy is:

- (a) To impose rent restriction; or
- (b) To appoint a Fair Rents Board; or
- (c) To increase the length of notice to quit on a monthly tenancy to a longer period than one month; or
- (d) To leave the above matters to the action of economic laws and to the terms of the contracts entered into between the parties.

THE COLONIAL SECRETARY replied:—

- (a), (b) and (c). The answer is in the negative.
- (d). The answer is in the affirmative.

The "Haiching" Piracy.

HON. MR. J. OWEN HUGHES asked:—

1.—Will the Government favourably consider suitable recognition being accorded to the Captain, Officers and Crew of the steamer Haiching?

2.—Does the Government propose making a compassionate grant to the dependents of the 3rd Officer and Guard killed and to the Officers and Crew who were injured or have otherwise suffered at the hands of the pirates?

3.—Will the Government contradict (or otherwise) the report in the Press that Military Guards on merchant vessels trading in these waters are shortly to be withdrawn?

4.—If the report is correct, and in view of this latest piratical attack on the steamer Haiching, will the Government make strong representations to the Military or other Authorities to reconsider their decision?

THE COLONIAL SECRETARY replied:—

1 & 2.—These matters will receive sympathetic consideration at the hands of the Government as soon as the enquiry into the circumstances of the piracy has been completed.

3.—It is understood to be the policy of His Majesty's Government that the Guards should be withdrawn on the 1st of April next.

4.—The Hong Kong Government will give careful consideration to such representations on this point as may be made by the Hong Kong General Chamber of Commerce or by British shipping firms.

STANDING ORDERS.

THE ATTORNEY GENERAL moved the following resolution:—

"Resolved that the Standing Rules and Orders of the Legislative Council of Hong Kong made by the Legislative Council on the 7th day of March, 1912, in pursuance of clause XIX of the Royal Instructions of the 19th day of January, 1888, and amended by the Legislative Council on the 29th day of January, 1920, be repealed, and that the Standing Orders, a draft of which was laid on the table of the Council on the 5th day of December, 1929, and a copy of which has been signed by the Clerk of Councils, be substituted therefor."

He said: It has long been recognised that the present Standing Rules and Orders of this Council are defective in many respects and some years ago a revision of these Standing Rules and Orders was decided upon. The revision was begun, but before its completion the subject of the Standing Orders of Legislative Council and Assemblies in the Crown Colonies generally was considered by the Colonial Office Conference of 1927. It was decided then that a draft code should be prepared and circulated to the various colonies who could then adapt that code to their own special requirements. The code was prepared

by a committee which included Sir Lonsdale Webster, the Clerk of the House of Commons, and other officials of the House of Commons. The draft code was received here in the early part of this year and you appointed, Sir, a committee to consider the adaptation of that draft code to the special circumstances of this Colony. The committee consisted of the Hon. Sir Henry Pollock, the Hon. Dr. Kotewall, the Hon. Mr. Shenton and myself. We considered the draft code, made various alterations which were considered by you, Sir, in Executive Council, and the resulting draft has been circulated to hon. members. One advantage of adopting the draft code prepared by the Committee appointed as the result of the Colonial Office Conference of 1927, is that a large degree of uniformity in the procedure of the Legislative Councils and Assemblies of the Crown Colonies generally will be achieved. The draft code and our draft Standing Orders which are now on the table, contain also a very useful provision that in case of any doubt as to the application of the Standing Orders, and in any case where the Standing Orders make no provision, the practice of the House of Commons will be followed. That again, of course, tends towards uniformity. It also gives a carefully worked out and easily ascertained body of practice by which we may be guided in doubtful cases. I may say, Sir, that the procedure proposed in connexion with these draft Standing Orders is as follows. When the resolution has been seconded, if no members wish to discuss the matter generally, I propose then to move that the Council resolve itself into a committee of the whole Council to consider the Standing Orders clause by clause. In committee, if members wish to hear, I propose to explain and point out the points on which the new draft Standing Orders differ from our present Standing Rules and Orders. I also propose to move two amendments which are set out in a paper which has been placed on the table. I regret it was not found possible to circulate these amendments in time but they have been placed on the table, and I may say that the other members of the committee appointed to draft these Standing Orders all approve of the amendments proposed. I beg, Sir, to move this resolution.

THE COLONIAL SECRETARY seconded.

H.E. THE GOVERNOR.—If no member wishes to raise any point of principle, the Attorney General will move that the Council go into committee.

Council went into committee to consider the Standing Orders clause by clause.

H.E. THE GOVERNOR.—If any member wishes an explanation from the Government on any clause will he please intimate this when the clause is read?

THE ATTORNEY GENERAL.—I beg to move that the following paragraph be added to Standing Order 31:— "(5) The President, or

the Chairman as the case may be, may require any proposed amendment to be handed to the Clerk in writing."

THE COLONIAL SECRETARY seconded and the amendment was approved.

THE ATTORNEY GENERAL.—I beg to move that the following words be inserted at the beginning of Standing Order 33:—"Subject to the provisions of paragraph (7) of Standing Order 27."

THE COLONIAL SECRETARY seconded and the amendment was approved.

THE ATTORNEY GENERAL reported that the draft Standing Orders had passed through committee with two minor amendments and asked that the motion be put.

The resolution was adopted.

PRINTERS AND PUBLISHERS AMENDMENT ORDINANCE.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Printers and Publishers Ordinance, 1927." He said: The object of this Bill is to re-enact with certain variations a provision which was contained in the original Printers and Publishers Ordinance but which was not reenacted when the present Ordinance was passed. The provision was one which for many years appeared to be unnecessary and that was the main reason why it was not included in the present Ordinance. In recent years a number of newspapers, which can hardly be dignified by the name newspaper, have made their appearance, papers of no standing, making their way largely by means of unsavoury news and veiled blackmail. The provision to which I refer was one which required, before the publication of any newspaper, the provision of certain security, the money secured to be available to pay any fine imposed or damages awarded for any libel contained in the newspaper. The papers to which I have just referred, which have not inaptly been called the "mosquito Press," are not really open to any legal action at present because at the first hint of trouble, the first mention of any proceedings, the paper disappears and no redress can be obtained. It is considered that if security is required before the publication of any newspaper, undesirable newspapers of this kind will be prevented from ever appearing. At the same time it is thought that this provision will place no real burden upon reputable journalism. The difference between the original requirements of the old Ordinance and the requirements of this Ordinance, are, first of all, the amount of security is increased from \$1,200 to \$3,000. \$1,200 seemed obviously too small for a sum which was intended to be available for the purpose of meeting damages and costs in a libel action. It is also rather small even for the purpose of the payment of a fine and the amount is therefore being increased to \$3,000.

Secondly, under the old Ordinance the requirement was one simply of a bond. Under this Ordinance a cash deposit will be required unless the Registrar in his discretion is prepared to accept a bond or other security instead. Thirdly, the security under the present Ordinance will be available not only to pay the damages and costs of any libel action and a fine in any proceedings for criminal libel, but also to pay any fine imposed on the publishers, proprietors, printers, and editors of newspapers either under the Printers and Publishers Ordinance or in respect of any matter appearing in the newspaper. I beg to move the first reading.

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

Objects and Reasons.

The "Objects and Reasons" for the Bill were stated as follows:—

1. Section 13 of the printers and Publishers Ordinance, 1886, Ordinance No. 4 of 1886, required that the printer or publisher of every newspaper should enter into a bond in the sum of twelve hundred dollars, conditioned for the payment of any fine or penalty imposed on any conviction for libel, and further conditioned for the payment of any damages and costs in any action for libel published in the newspaper. This provision was not reproduced in the Printers and Publishers Ordinance, 1927, Ordinance No. 25 of 1927, because no actual recourse to the provisions of the section had been made for very many years, and it was thought that the section was unnecessary. Recently, however, a number of irresponsible newspapers with libellous and blackmailing tendencies have appeared, disappearing again upon the sign of any trouble. Prosecutions and actions for libel are no real remedy in such a case because the newspaper ceases and the promoters disappear when any action is threatened. It is thought that the requirement of security from every newspaper will check the rise of such undesirable newspapers, while placing no burden on reputable journalism.

2. The present Ordinance therefore requires a security from every newspaper, existing or future. The cash security to be required is three thousand dollars, but the Registrar of Newspapers is given discretion to accept instead of the cash deposit a bond with one or two sureties. The deposit, or the money secured by the bond, will be available for the payment of the following:—

- (a) any fine imposed on the proprietor, printer, publisher or editor of the newspaper, either under the Printers and Publishers Ordinance or in respect of any matter appearing in the newspaper; and
- (b) any damages awarded in any action for libel published in the newspaper, and the costs of any such action.

THE CHURCH OF ENGLAND TRUST ORDINANCE.

HON SIR HENRY POLLOCK moved the first reading of a Bill intituled "An Ordinance to incorporate a Body of Trustees capable of holding property for the purposes of the Church of England and to provide for the performance of divine worship according to the rites and ceremonies of the Church of England, and, for certain objects ancillary to the aforesaid objects." He said: In the year 1927 the principle of the abolition of pew rents in the Cathedral was approved. As under the constitution as it at present stands apart from this Bill, the seat-holders and subscribers form important parts of the old constitution, having amongst other duties the duty of electing a Church Body, it became necessary to consider the question of having a new electorate to deal with matters appertaining to the Church of England. In searching round for a new electorate it was decided to establish for the future, as is done by the provisions of this Bill and the schedule, a more democratic body of electors than hitherto existed. As hon. members will see, if they will kindly turn to page 13 of the Bill, it is provided now in lieu of the electors being seat-holders and subscribers as they are at the present moment, that qualified electors are persons of either sex of 18 years and upwards who are baptised and are members of the Church of England or a Church in communion therewith and do not belong to any religious body which is not in communion with the Church of England, and are not entered upon the electoral roll of any other Church in the Diocese and have signed a declaration to the above effect. Now, Sir, this electoral body have certain important functions to perform as hon. members will see if they will turn over to page 14, Regulation No. 17, which provides that there shall be held annually in connexion with each Church in the month of January, the annual Church meeting of qualified and duly enrolled electors (a) for electing representatives to the Board of the Trustees of the Church of England in the Diocese of Victoria, Hong Kong; (b) for electing the Church Council; (c) for electing representatives to the Diocesan Conference; (d) for electing sidesmen; (e) for electing an auditor; (f) for receiving from the Church Council and considering a copy or copies of the electoral roll, an annual report on their proceedings and a statement of the financial affairs of the Church.

It will therefore thus be seen that this wider body of electors proposed to be established by this Bill, a body that has been widened in the hope that an increasing number of Church-goers in this Colony will take an interest in the affairs of the Church of England, have very important duties to perform. With regard to the Church Council who are to be elected by these electors at the next annual general meeting which will take place next month, hon. members will see, on referring to pages 11, 12 and 13, regulations in the second schedule with regard to the constitution of the Church Council, the election of lay representatives and various powers which are entrusted to the Church Council by this Bill. Amongst other things the Church Council will have power to frame an annual budget of moneys

required for the maintenance of the work of the Church; power jointly with the incumbent to determine the objects to which all moneys to be given or collected in the Church shall be allocated, and the disposal of money given at the offertory; power jointly with the incumbent to appoint and dismiss and (if so authorised by the Trustees in their letters of delegation) to pay the salaries of assistant chaplains, organists, and subordinate officials, and to determine the conditions of the tenure of their offices, provided that no appointment or dismissal of a clergyman shall be valid unless approved in writing by the Bishop; power to make regulations regarding all or any of the following matters—holding of meetings of the Church Council, keeping of accounts of moneys received and expended by the Church Council and all other matters relating to the affairs of the Church Council.

With regard to the rules of procedure of Church Councils, they will be found in the appendix on pages 16 and 17. Another matter which is dealt with by this Bill is the bringing in under one central incorporated body all the principal business functions which are at present vested in the Church Body for all the Churches of England in this Colony and also to provide for each Church of England in this Colony a Church Council to manage its domestic affairs. This Bill, by clause 3, appoints a body of Trustees who consist of the parties there named, and by clause 6 of this Bill there is vested in these Trustees various properties, funds and endowments belonging to the Church of England in this Colony. By clause 5 of this Bill these Trustees are incorporated by the name of the Trustees of the Church of England in the Diocese of Victoria, Hong Kong, and by that same clause they are given the usual powers of incorporated bodies to acquire property, to dispose of property and to use a common seal.

I do not think, Sir, that I need say anything further with regard to the general principles of this Bill. As regards the details of the Bill, I think they are sufficiently explained in the Objects and Reasons attached to the Bill and at the end of these Objects and Reasons, hon. members will see a table of correspondence between these sections of this 1929 Ordinance and the Ordinance of 1899 and 1904. I beg to move the first reading.

HON. MR. J. OWEN HUGHES seconded and the Bill was read a first time.

Objects and Reasons.

The "Objects and Reasons" for the Bill were stated as follows:—

1. This Ordinance repeals the Saint John's Cathedral Church Ordinance, 1899, and The Church Property Vesting Ordinance, 1904, and constitutes one central incorporated authority to hold and administer all the property of the Church of England in Hong Kong. This is explained in the preambles which also give a short account of the origin of the Cathedral in Hong Kong and of Saint Andrew's Church in Kowloon.

2. Section 1 gives the short title.
3. Section 2 is the interpretation clause.
4. Section 3 provides for the constitution of a body of Trustees, and for their qualifications.
5. Section 4 provides for the notification of changes in the constitution of that body.
6. Section 5 incorporates the Trustees and defines their powers.
7. Section 6 vests sundry properties in the Trustees.
8. Section 7 authorises the delegation of the care and maintenance of Church property to the Church Councils established under the provisions of the Ordinance.
9. Section 8 makes provision for patronage boards.
10. Section 9 provides for the making of regulations.
11. Section 10 establishes Church Councils for the existing churches to co-operate with the incumbents in church work.
12. Section 11 makes provision for the establishment of Councils for future Churches.
13. Section 12 provides for the right of visitation of the Bishop and Archdeacon.
14. Section 13 recognises the Bishop's right to use the Cathedral.
15. Section 14 provides for the user of the Cathedral by the troops of the Garrison.
16. Section 15 makes provision for the holding of services at the prisons and Government hospitals.
17. Section 16 deals with the erection, alteration and removal of memorials in the churches.
18. Section 17 preserves the two Charter Endowment Funds as they were created by their donor on the express condition that they should be perpetually known by their respective names.
19. Section 18 contains the usual saving of the rights of the Crown.
20. Section 19 effects the necessary repeals. The attached table of correspondence shows where the sections of the repealed Ordinances are repeated, with or without modification, in the sections of the new

Ordinance. It will be noticed that certain sections of Ordinance No. 5 of 1899 have been omitted. Thus sections 9 and 10 of that Ordinance are not considered necessary in view of the constitution and powers of the new bodies established by the new Ordinance. The same remark applies to section 14 which is however to some extent re-enacted in a proviso to regulation 8 in the Second Schedule. Sections 15 and 16 of the Ordinance of 1899 related to pew rents. These have been already abolished in Saint Andrew's Church and it is proposed to abolish them in the Cathedral also. Section 17 relating to brawling is considered sufficiently covered by section 32 of Ordinance No. 2 of 1865 and section 18 relating to burials by sections 90, 91 and 92 of Ordinance No. 1 of 1903.

21. Section 20 fixes the 18th January, 1930, for the commencement of the Ordinance so as to permit the existing Church Body and Vestry to function until immediately before the date of the regular annual meetings.

22. The first Schedule contains a form of Letter of Delegation referred to in section 7 of the Ordinance.

23. The second Schedule contains a set of regulations for the direction of Church Councils which are founded on regulations in force in England and adapted to local conditions.

PUBLIC HEALTH AND BUILDINGS ORDINANCE.

THE ATTORNEY GENERAL moved the second reading of the Bill intituled "An Ordinance to amend further the Public Health and Buildings Ordinance, 1903."

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

Council went into committee to consider the Bill clause by clause. No amendment was made in committee and upon Council resuming,

THE ATTORNEY GENERAL moved the third reading.

THE COLONIAL SECRETARY seconded and the Bill was read a third time and passed.

COMPANIES ORDINANCE.

THE ATTONREY GENERAL moved the second reading of the Bill intituled "An Ordinance to amend further the Companies Ordinance, 1911."

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

Council went into committee to consider the Bill clause by clause. No amendment was made in committee, and upon Council resuming,

THE ATTORNEY GENERAL moved the third reading.

THE COLONIAL SECRETARY seconded and the Bill was read a third time and passed.

The Arms Ordinance.

THE ATTORNEY GENERAL moved the second reading of "An Ordinance to amend the Arms and Ammunition Ordinance, 1900." He said: It has been suggested, Sir, that it might be useful to draw attention again to the fact that when this Bill comes into force the class of exempted persons entitled to carry and possess arms and ammunition will be very much reduced in numbers. Under this Bill, exempted persons, to put it shortly, means persons in the Naval and Military and Air Forces, Volunteers, Police and District Watch Forces, and Police Reserve, in respect of arms and ammunition used by them in connexion with their duties, commissioned officers in the Army, Navy and Air Forces, consular representatives *de carrière*, and certain public officers whose names are approved by the Governor, and any person to whom the Inspector General of Police shall have issued, in his discretion, a written letter of exemption. The present class of exempted persons is much larger. It includes, in addition to those persons to which I have just referred, any public officer appointed by the Crown, or by letter from the Governor, any Justice of the Peace, any special juror, members of the Executive and Legislative Council, barristers, solicitors, medical practitioners, clergymen of the Church of England, Roman Catholic priests, and any minister of any congregation of Protestant Dissenters or of Jews. A number of persons, when this Bill becomes law, will cease to be exempted and will have to take steps to give up their arms if they have any or obtain exemption under the law if they can. I thought I should mention it and draw the attention of the public to the fact that the status of many persons will change in this respect upon this Bill becoming law. I beg to move the second reading.

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

Council went into committee to consider the Bill clause by clause. No amendment was made in committee, and upon Council resuming,

THE ATTORNEY GENERAL moved the third reading.

THE COLONIAL SECRETARY seconded and the Bill was read a third time and passed.

CROWN LANDS RESUMPTION ORDINANCE.

THE ATTORNEY GENERAL moved the second reading of the Bill intituled "An Ordinance to amend the Crown Lands Resumption Ordinance, 1900."

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

Council went into committee to consider the Bill clause by clause. No amendment was made in committee and upon Council resuming,

THE ATTORNEY GENERAL moved the third reading.

THE COLONIAL SECRETARY seconded and the Bill was read a third time and passed.

DEPORTATION ORDINANCE.

THE ATTORNEY GENERAL moved the second reading of the Bill intituled "An Ordinance to amend the Deportation Ordinance, 1917."

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

Council went into committee to consider the Bill clause by clause. No amendment was made in committee, and upon Council resuming,

THE ATTORNEY GENERAL moved the third reading.

THE COLONIAL SECRETARY seconded and the Bill was read a third time and passed.

THE LIQUORS ORDINANCE.

THE ATTORNEY GENERAL reported that the Bill intituled "An Ordinance to amend the law relating to intoxicating liquors" had passed through committee with minor amendments and moved that it be read a third time.

THE COLONIAL SECRETARY seconded and the Bill was read a third time and passed.

ADJOURNMENT.

H.E. THE GOVERNOR.—The Council will adjourn until Thursday, the 2nd of January.

FINANCE COMMITTEE.

Following the Council, a meeting of the Finance Committee was held, the Colonial Secretary presiding.

Votes totalling \$140,888, contained in message No. 18 from H.E. The Governor, were considered.

Item 113: Harbour Department:— Special expenditure, Training expenses of Government Marine Surveyors in England, \$5,058.

HON. SIR HENRY POLLOCK.—I would like to ask a question under item 113 although the information I require does not strictly come within this vote. You will remember, Sir, that in the debate on the Budget, I raised certain questions in connection with Marine Surveyors and the number of launches in the Harbour Department. The matter was to be brought to the notice of the Harbour Board. Can you tell me whether that matter has been brought before the Harbour Board?

THE CHAIRMAN.—I do not know whether the Harbour Board has met yet, but the matter has been referred to the Board and will be considered by it.

THE DIRECTOR OF PUBLIC WORKS.—The Harbour Board meets on the 23rd inst.

THE CHAIRMAN.—You will remember, Sir Henry, that the Harbour Master has unfortunately been ill.

Item 117: Public Works, Extraordinary:—Furniture, \$4,500.

HON. SIR HENRY POLLOCK.—In item 117 it is stated that owing to the shortage of Government quarters necessitating the provision of extra furniture, the sum provided in the Estimates has been found to be insufficient. I should have thought that if there was a shortage of Government quarters, then there would have been less furniture to provide.

THE DIRECTOR OF PUBLIC WORKS.—We furnish other than Government quarters.

THE CHAIRMAN.—There is also additional expenditure for the six Cadet officers.

All the votes were approved.

It was decided to hold the next Finance Committee meeting on Monday, 30th of December.
