

19th March, 1931.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR (SIR WILLIAM PEEL, K.C.M.G., K.B.E.).

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. E. R. HALLIFAX, C.M.G., C.B.E.).

THE ATTORNEY GENERAL (HON. MR. C. G. ALABASTER, K.C., O.B.E.).

THE SECRETARY FOR CHINESE AFFAIRS (HON. MR. A. E. WOOD).

THE COLONIAL TREASURER (HON. MR. C. McI. 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. (Inspector General 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 SHOU-SON CHOW, K.T.

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

HON. MR. J. OWEN HUGHES.

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

HON. MR. J. P. BRAGA.

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

HON. MR. C. G. S. MACKIE.

HON. MR. J. J. PATERSON.

MR. N. L. SMITH (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.

Information as to the publication of an Order altering the duties on tobacco and liquor.

Order under section 2 of the Public Revenue Protection Ordinance, 1927, on 19th February, 1931.

Regulation under section 3 (i) (b) of the Tobacco Ordinance, 1916, on 19th February, 1931.

Rule under section 6 of the New Territories Regulation Ordinance, 1910, on 25th February, 1931.

Resolution under section 41 of the Liquors Consolidation Ordinance, 1911, on 26th February, 1931.

Resolution under section 7 of the Tobacco Ordinance, 1916, on 26th February, 1931.

Regulation under section 3 of the Post Office Ordinance, 1926, on 28th February, 1931.

Rule under section 4 of the Suitors' Funds Ordinance, 1896, on 2nd March, 1931.

Notice given in accordance with the Resolution passed by the Legislative Council on the 26th day of February, 1931.

Dangerous Drugs Ordinance to apply to dihydromorphinone and its salts.

Regulation under section 4 of the Dangerous Drugs Ordinance, 1923, on 11th March, 1931.

Jurors List for 1931 (Sessional Paper No. 2 of 1931).

FINANCE COMMITTEE'S REPORT.

THE COLONIAL SECRETARY, by command of H.E. The Governor, laid upon the table the report of the Finance Committee, No. 3 of February 26th, 1931, and moved that it be adopted.

THE COLONIAL TREASURER seconded and this was agreed to.

DEPORTATION AMENDMENT ORDINANCE, 1931.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the law relating to Deportation." He said: The Memorandum of Objects and Reasons attached to the Bill is already in the hands of honourable members. The Bill is an amending Bill and it amends in several particulars the principal Ordinance which was passed in 1917. In one respect it reverts to the provisions of the Ordinance of 1912 in separating the provisions relating to the deportation of Chinese and those relating to the deportation of British subjects and it introduces special safeguards in the case of the latter. 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. The object of this Ordinance is to amend the principal Ordinance (No. 25 of 1917) by reverting to the arrangement adopted in the case of the previous principal Ordinance (No. 9 of 1912), under which the provisions relating to deportation orders against British subjects were dealt with in a section separate from that which dealt with the deportation of aliens and to introduce special safeguards in the case of British deportations. This Ordinance also amends the procedure in certain details as the result of experience acquired in practice.

2. Section 2 of this Ordinance repeals sections 3 and 4 of the principal Ordinance and substitutes new sections 3, 3A, 4, 4A, 4B and 4C. Of these the new section 3 (1) (a) authorises the issue of summary orders against alien banishees from other parts of the Empire. Sections 8, 9, 10 and 12 (3) of the principal Ordinance prohibited the residence here of banishees from the Straits Settlements, and Malay States and Borneo, and dealt with the penalties to be imposed and the evidence to be adduced if they were found here. For some years it has been found impracticable to impose these penalties. It is, moreover, illogical to limit the exclusion of alien deportees to those deported only from the places named. It seems desirable therefore to abolish altogether the automatic exclusion and to make provision for the issue of local summary orders if and whenever it is considered desirable to get rid of the alien deportees from other parts of the Empire.

3. The new sections 3 (1) (b) and (c) are derived respectively from the old sections 3 (1) (a) and (b) and (2). Provision similar to the latter is also to be found in section 12 (6) (c) of the Aliens Order, 1920, made under the Aliens Restriction Acts, 1914 and 1919. The new section 3 (1) (c) applies only to special cases which must be reported to the Secretary of State under section 14 of the principal Ordinance as amended by section 7 of this Ordinance.

4. The new section 3 (2) is practically a re-enactment of section 4 (1) and (11) of the principal Ordinance but limits it to aliens. The new section 3 (3) provides for the use in the case of alien deportations of the form of order authorised by section 3 of the amending Ordinance No. 34 of 1929.

5. The new section 3A (1) (2) (3) (5) (7) (8) and (9) is practically a re-enactment of section 4 (4) (5) (6) (7) (8) (10) and (12) of the principal Ordinance save that it has been found necessary to extend the time authorised by the Detention Warrant to fourteen days.

6. The provisions of the new section 3A (4) and (6), though not re-enactments of any express provisions of the principal Ordinance, merely enact the practice which obtains and which seems to be required by the language of sub-section 4 (10) (3A (8) in this Ordinance) and of Form No. 3 in the Schedule to the principal Ordinance.

7. The new section 3B (1) authorises detention where necessary in cases where the summary procedure is adopted. The new section 3B (2) is derived from the old section 4 (9) and authorises the further detention of persons already in custody for periods of seven days at a time where such detention is necessary to complete the inquiry or proceedings. The period of four days hitherto authorised has been found insufficient.

8. The new section 4 (1) is practically a re-enactment of section 4 (13) and (14) of the principal Ordinance. Paragraph (e) of the sub-section has been extended so as to include mandated territory.

9. Sub-sections (2) and (3) of the new section 4 insist on long procedure in the presence of a judge in chambers and a report from the judge as to whether or not the allegations are in his opinion well founded in the case of the deportation of British subjects.

10. The new sections 4A and 4B are with slight verbal changes re-enactments of section 4 (2) and (3) of the principal Ordinance. The new section 4C is suggested by section 12 (6) of the Aliens Order and authorises courts and magistrates to recommend aliens for banishment.

11. Sections 3, 4, 5 and 6 of this Ordinance effect the repeals of the provisions relating to the exclusion of banishees from certain parts of the Empire referred to in paragraph 2 of this Memorandum.

12. Section 7 of this Ordinance makes section 14 of the principal Ordinance applicable to the new sections introduced by this Ordinance and provides for the transmission of full particulars to the Secretary of State in certain cases.

13. Section 8 of this Ordinance amends the forms of detention warrant so as to extend the period of detention to correspond with the periods authorised by the new section 3 (3) and 3A (1) and amends Form No. 1 so as to correspond with the terms of the sub-section under which it is made. It amends the condition on the recognizance of bail so as to provide for surrender into police custody instead of surrender at the House of Detention. It also amends the method of completing the period which is to elapse before a deportee must leave the Colony.

14. Section 9 of this Ordinance makes a reference in section 7 of the principal Ordinance as amended by Ordinance No. 34 of 1929 applicable to a new section introduced by this Ordinance.

15. Section 10 of this Ordinance repeals a sub-section of section 85 of the Magistrates Ordinance, 1890, which authorised the flogging of returned banishees, as this punishment is not considered suitable.

LARCENY AMENDMENT ORDINANCE, 1931.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend further the law relating to Larceny." He said: The object of this Bill is to transfer to the Larceny Ordinance, where they properly belong, certain offences which hitherto have been dealt with under Section 82 of the Bankruptcy Ordinance, where they were improperly placed, and it is proposed to do so now as the Bankruptcy Ordinance will shortly be repealed and consolidated in an amending Ordinance which will omit these provisions. At the same time, a new offence, taken from the Bankruptcy Amending Act, 1926, but not limited to bankruptcy offences, is also added to the section transferred to the Larceny Ordinance. I 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:—

Section 82 (5) (a), (b) and (c) of the Bankruptcy Ordinance, 1891, Ordinance No. 7 of 1891, create three offences, which were adopted from the Debtors Act, 1869, 32 and 33 Vict. c. 62, s. 13. Though these provisions appear in the Bankruptcy Ordinance, the offences, unlike many other offences referred to in the Bankruptcy Ordinance, can be committed by persons who have neither been adjudicated bankrupt nor had a receiving order made against them. A new Bankruptcy Ordinance, based on the English Bankruptcy Acts of 1914 and 1926, is in course of preparation, and the offences referred to in that Ordinance will be confined to
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proceedings are taken. It is therefore necessary to provide elsewhere for the continuance of the general provisions of section 82 (5) (a), (b) and (c) of the present Bankruptcy Ordinance. This is done accordingly by the repeal of the misplaced paragraphs and by the insertion of a new section in the Larceny Ordinance, 1865. Paragraph (d) in the new section is derived from section 6 of the Bankruptcy (Amendment) Act, 1926; but is not limited, as that section is, to the case of persons who have been adjudged bankrupt or in respect of whose estates receiving orders have been made.

SALESIAN SOCIETY INCORPORATION ORDINANCE, 1931.

THE HON. MR. W. E. L. SHENTON moved the first reading of a Bill intituled "An Ordinance to provide for the incorporation of the Procurator in Hong Kong of the Salesian Society." He said: Your Excellency, I rise to move the first reading of an Ordinance intituled "An Ordinance to provide for the Incorporation of the Procurator in Hong Kong of the Salesian Society."

The Salesian Society was founded in 1872 by the Blessed Dom Bosco for the primary purpose of educating poor children and now comprises 870 priests and brothers carrying on the work throughout the world. The control of the Society is vested in a General Council the meetings of which are held in Turin, Italy, and the operations of the Society are managed by some 50 provincial Councils, the control of the operations in South China being managed by a provincial Council operating from Hong Kong. The Procurator of the Society in Hong Kong is the President of the local Council and is assisted by four members of the provincial Council. The Society manages and controls an Industrial School for poor Chinese boys at 179, Third Street, West Point. In addition to this, the Society also manages and controls a number of theological and vernacular schools in Hong Kong and South China the principal of which is at Shiu Chow, Kwangtung. The Society is in negotiations with the Government of Hong Kong with a view to obtaining a lease of the buildings and ground known as The Aberdeen Paper Mills for an extension of their work, such as is now carried on at West Point and it is also contemplating acquiring property in Shaukiwan for the purpose of forming a School for the instruction of priests to enable them to carry on the work of the Society. In order to secure perpetual succession and the other advantages of incorporation it is proposed that the Procurator in Hong Kong of the Salesian Society be incorporated as a Corporation Sole and the Bill now proposed follows in its main lines other incorporation Ordinances which have been passed from time to time.

THE 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. The Salesian Society controls and manages a number of Schools and Missionary Stations in South China. The Society directs and maintains in the Colony the Saint Louis Industrial Schools at No. 179, Third Street, West Point.

2. The Society is in negotiation with the Government of Hong Kong with a view to obtaining a Lease of the buildings and ground known as the Aberdeen Paper-mills for an extension of their work, such as is now carried on at West Point.

3. In order to secure perpetual succession and the other advantages of incorporation it is proposed that the Procurator in Hong Kong of the Salesian Society be incorporated as a Corporation Sole and the Bill now proposed follows in its main lines other incorporation Ordinances which have been passed from time to time.

ADJOURNMENT.

H.E. THE GOVERNOR:—Council is adjourned until Thursday, the 2nd April.

FINANCE COMMITTEE.

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

Votes totalling \$15,170, contained in Message No. 4 from H.E. the Governor, were considered.

Item No. 9: Education. Expenses of Course of Study.

THE COLONIAL SECRETARY.—This particular question has been informally discussed by the Committee and I think it needs, perhaps, a little explanation now. I should say that these courses of study at Home have been very strongly recommended by Colonial Office Conference, which reports:

"We entirely support these views and consider it to be most important that every encouragement should be given to officers to improve their equipment and to bring their knowledge up to date by such opportunities. The extended prospects of inter-colonial promotion, which we advocate in Part III and elsewhere in this Report, will provide a stimulus to the best officers to improve their qualifications. Moreover the knowledge that this is the policy of the Colonial Services is a matter of considerable value as an attraction for the best type of candidate also.

"We recommend that the scheme for study leave should not be confined to opportunities for special work at Home, but should also provide for visiting other Colonial territories, whether British or foreign, in which developments or researches in subjects of interest to any particular Dependency are being carried out. Study leave has certain obvious application in the case of professional and technical officers, if they are to keep up with the rapid expansion of scientific knowledge. But we hope that it will be appreciated also that, for officers of the Administrative Branch, opportunities no less valuable exist to acquire for the service of their Colony a knowledge of particular branches of public administration which call for specialisation in fully developed States, and already, too, in the more advanced Dependencies. The special Studies of Administrative officers are, as a rule, devoted at present to quite a small range of subjects, such as law and anthropology. We would suggest that matters such as co-operative systems, local government organisation, etc., are well worth the attention of selected officers who show an inclination for such work."

As far as we know, the recommendations made by the Colonial Conference in this report have been accepted by all the Colonies, and the matter is now one of Imperial interest. We in Hong Kong have also, for some time back, accepted the principle generally, but perhaps not quite so widely as it is now intended to adopt it. The wider application as here defined is definitely accepted by H.E. the Governor, and it just becomes a question as to how far we can apply the principle in other cases that arise. Some departments already have a vote which covers expenditure of this kind—for instance the Medical Department—but it so happens that there is no vote in the Education Department to cover it. This particular application, therefore, requires a special vote of the Finance Committee before we can approve it.

The application, as I see it, and, I think, as His Excellency sees it, is entirely in keeping with the spirit of the recommendations of the Colonial Conference, and the applicant himself is recommended by his own head of department as one to whom the facilities might properly be afforded. Before the meeting of this Committee I circulated a certain report to members, which is interesting in showing that he is a candidate to whom it is well worth while granting these facilities. That report is not for publication, purely because it is part of a thesis which he will later have to write up in full, and publication now would not be fair to him. That, I think, will support the case for granting this particular allowance. I should point out that one half of his leave which is normally due, will go towards a prosecution of the studies which he will be required to go through in the course contemplated.

THE HON. MR. J. J. PATERSON.—A point which occurs to me, not in the particular instance you have mentioned, but in the wider application you have indicated, and that is that
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confront Hong Kong, as I see them, excepting education, are very largely municipal. It seems to me, therefore, that in the case of an engineer or some such similar officer going on leave, it would be better for him not to go to the Colonial Office who have given up all municipalities of any size, with the exception of this one, to be run by local people, as in Singapore, Penang and Colombo. It would be better if he went to some up-to-date municipality where he could learn municipal procedure.

THE CHAIRMAN—That is contemplated, if the opportunity arose and circumstances suited. You will notice that is distinctly contemplated by the recommendations of the Colonial Conference. We do not consider ourselves precluded from sending an officer anywhere. It says here..... "to acquire for the service of their Colony a knowledge of particular branches of public administration which call for specialisation." We can send a man to study anywhere, if it is worth our while. It is a very wide recommendation, and, broadly speaking, all that remains is to provide the money, which I ask for in this case.

All the votes were approved.
