

3rd September, 1931.

PRESENT:—

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

HIS EXCELLENCY THE 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. MR. C. G. ALABASTER, K.C., O.B.E.).

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

THE COLONIAL TREASURER (HON. MR. E. TAYLOR.).

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. W. B. A. MOORE (Director of Medical and Sanitary Services).

HON. SIR SHOU-SON CHOW, K.T.

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

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

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

HON. MR. J. P. BRAGA.

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

HON. MR. J. J. PATERSON.

MR. R. A. C. NORTH (Deputy Clerk of Councils).

ABSENT:—

HON. MR. W. H. BELL.

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:—

Regulations made by the Governor in Council under section 6 (1) of the places of Public Entertainment Regulation Ordinance, 1919, on 9th July, 1931.

Regulations made by the Governor in Council under section 6 (1) of the Places of Public Entertainment Regulation Ordinance, 1919, on 9th July, 1931.

The Merchant Shipping Ordinance, 1899, Table L, Quarantine Regulations—Swatow declared an infected place.

The Merchant Shipping Ordinance, 1899, Table L, Quarantine Regulations—Pakhoi declared an infected place.

Regulations made by the Governor in Council under section 6 (1) of the Places of Public Entertainment Regulation Ordinance, 1919, on 16th July, 1931.

Order for regulating the fees to be payable in the Supreme Court in its Original and Summary Jurisdictions, made by the Chief Justice under section 32 of the Supreme Court Ordinance, 1873, on 10th July, 1931.

Order made by the Chief Justice under section 26 of the Bills of Sale Ordinance, 1886, on 10th July, 1931.

Rule of Court made under section 63 of the Bankruptcy Ordinance, 1891, on 10th July, 1931.

Order for regulating the fees to be taken by the officers of the Supreme Court in the exercise of its jurisdiction under the Probates Ordinance, 1897, made by the Chief Justice under section 74 of the said Ordinance on 10th July, 1931.

Notification under section 4 of the Births and Deaths Registration Ordinance, 1896, approving the establishment of the Chinese Public Dispensary, Aberdeen as a District Registry Office, for registration of births of Chinese.

Amendment to Government Notification No. 571 of 28th December, 1923.

Appointment of the Health Officer of the Port etc., under section 24 of the Asiatic Emigration Ordinance, 1915 to be Medical Officer in this Colony for the purposes of the Chinese Passengers Act, 1855, and of the said Ordinance.

Order made by the Governor in Council under section 3 of the Dogs Ordinance, 1927, on 6th August, 1931.

Notification under section 90 of the Public Health and Buildings Ordinance, 1903,—
New Kowloon Cemetery No. 5

Rule made by the Governor in Council under section 18 of the Prisons Ordinance, 1899, on 1st August, 1931.

Rescission of the Order of the 15th May, 1931, published in the Gazette of the 22nd May, 1931, as Government Notification No. 322, declaring Saigon to be an infected place.

Regulations made by the Governor in Council under section 3 of the Licensing Ordinance, 1887, on 6th August, 1931.

Notification under section 6A (2) (a) of the New Territories Regulation Ordinance, 1910 —Cemetery for Chinese Christians known as the Sung Him Tong Sung Chan Wui Kei Tuk Kau Fan Cheung.

Rescission of the Order of the 15th July, 1931, published in the Gazette of the 17th July, 1931, as Government Notification No. 445, declaring Swatow to be an infected place.

Rescission of the Order of the 16th July, 1931, published in the Gazette of the 17th July, 1931, as Government Notification No. 446, declaring Pakhoi to be an infected place.

Regulations made by the Governor in Council under section 3 of the Vehicles and Traffic Regulation Ordinance, 1912, on 16th July, 1931.

Fees notified under section 57 of the Trade Marks Ordinance, 1909, as from 1st day of September, 1931.

Rule made by the Governor in Council under section 6 of the New Territories Regulation Ordinance, 1910, on 18th August, 1931.

Regulation made by the Governor in Council under section 2 of the Public Places Regulation Ordinance, 1870, on 18th August, 1931.

Regulation made by the Governor in Council under section 3 of the Licensing Ordinance, 1887, on 18th August, 1931.

Additions to Part I of the list of auditors published under the Companies Ordinance, 1911.

Regulations made by the Governor in Council under the Public Places Regulation Ordinance, 1870, for the maintenance of good order and for the preservation and better enjoyment of the various Recreation Grounds, on 26th August, 1931.

Report of the Inspector General of Police for the year 1930.

Report of the Chief Officer Hong Kong Fire Brigade for the year 1930.

Medical and Sanitary Report for the year 1930.

Report of the Director of Public Works for the year 1930.

QUESTIONS.

THE HON. MR. W. E. L. SHENTON asked:—

1.—What is the Government's policy in connexion with persons suffering from leprosy in this Colony in respect of persons (a) entitled to British nationality and (b) those not so entitled?

2.—Has the Government any facilities for the treatment of leprosy in this Colony and/or outside the Colony?

3.—Does the Government pay the cost of transporting lepers out of the Colony?

4.—Does the Government pay for or otherwise arrange for the maintenance in leper asylums of such lepers as may be transported out of the Colony?

5.—Has the Government any data to show the number of lepers in the Colony in the course of this year?

6.—Will the Government inform this Honourable Council to what extent (if any) the powers and directions contained in Ordinance No. 24 of 1910 have been exercised and enforced in the Colony?

THE COLONIAL SECRETARY replied:—

1.—(a) Non-Chinese are repatriated. British Chinese are treated in hospital or as out-patients according to the state of the disease. (b) Chinese subjects are sent to Canton at Government expense and are given a small sum of money to enable them to find their way to a leper settlement.

2.—There are no special facilities inside the Colony other than those afforded by the general and infectious diseases hospitals. An institution exists at Shek-lung to which cases may be sent on payment.

3.—The answer is in the affirmative.

4.—Not as a rule. Payment has been made in the case of one Hong Kong Government employee. A grant of \$5,000 to the Shek-lung Leper Asylum was included in the Estimates for 1931 but payment has not been made owing to retrenchment. It is felt that no actual liability rests on this Colony for non-British lepers.

5.—There is no definite information. Forty lepers have been sent away by the police during the first six months of the present year.

6.—No steps have been taken to enforce the provisions of Ordinance No. 24 of 1910 in the matter of providing leper asylums or of making regulations under section 13.

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. 8 of 16th July, 1931, and moved that it be adopted.

THE COLONIAL TREASURER seconded and this was agreed to.

MOTIONS.

THE COLONIAL SECRETARY.—I rise, Sir, to move "That this Council approves the payment from the funds of the Colony of a sum of \$2,000,000 to the Lords Commissioners of the Admiralty in return for the surrender to the Hong Kong Government of the Naval Arsenal Yard and Kellet Island, payment of the said sum being regulated as follows:

In 1931.—\$500,000 of which \$236,259 is chargeable to Praya East Reclamation Funds.

In 1932.—\$1,000,000.

In 1933.—\$500,000."

It will probably be within the knowledge of Hon. Members that the Praya East Reclamation scheme involves certain town planning operations in the neighbourhood of Arsenal Street. These operations, in their turn, involved the resumption of a corner of the Naval Arsenal Yard, and the reprovisioning of certain naval buildings.

As the Praya East Reclamation progressed, it became evident that valuable buildings would be erected in close proximity to the Naval Arsenal, and the Naval Authorities became concerned for the protection of their Arsenal on the one hand, and the safety of the public on the other, and early in 1928 they suggested that a safety zone 130 feet wide should be left unoccupied on the East of the Arsenal Yard.

This proposal did not commend itself to the local Government, and negotiations were set on foot which have culminated in a scheme approved by all the Authorities concerned, with the exception of this Council, whereby in return for a sum of \$2,000,000 the Admiralty will hand over to this Government the whole of the Naval Arsenal Yard and Kellet Island. The sum of \$2,000,000 is required to build Naval magazines elsewhere in the Colony.

The proposal offers considerable advantages to the Colony which will secure the removal of a serious danger from a thickly populated area, and will obtain a very valuable site which will be developed in accordance with the latest town planning scheme. The Colony hopes to recover the whole of the \$2,000,000 from the sale of the valuable sites which will be made available.

I now ask that this Council will set the seal of its approval on the transaction by approving the motion standing in my name.

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

Sanitary Board By-Law.

THE COLONIAL SECRETARY.—I rise, Sir, to move "That the By-law made by the Sanitary Board under section 16 of the Public Health and Buildings Ordinance, 1903, on the 4th day of August, be adopted." The object of this motion is to correct a verbal error in the original regulation.

THE ATTORNEY GENERAL seconded, and the resolution was agreed to.

Rule by Registrar.

THE ATTORNEY GENERAL.—I rise to move "That the rule dated 23rd day of July, 1931, made by the Registrar of Patents under section 11 of the Registration of United Kingdom Patents Ordinance, 1925, be approved." The effect of the new rule is to double all registration fees excepting the fee of \$1 for a search of the register which remains the same.

THE COLONIAL SECRETARY seconded, and the resolution was agreed to.

MAGISTRATE'S AMENDMENT ORDINANCE, 1931.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Magistrate's Ordinance 1890." He said.—The object of this Bill is to clarify the procedure under which an accused person on an indictable offence before a Magistrate is informed of his right to give evidence.

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:

The object of this Ordinance is to amend sections 73 and 74 of the principal Ordinance so as to make it clear that the accused shall be informed that he has the right, similar to the provision in section 12 (2) of the Criminal Justice Act, 1925, (15 & 16 Geo. 5, ch. 86), to give evidence on his own behalf, if he so desires.

OFFICIAL SIGNATURES FEES AMENDMENT ORDINANCE, 1931.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Official Signatures Fees Ordinance 1888." He said.—Under this Bill the fee for the Governor's signature is raised to \$10, and the fees for other official signatures are raised to \$5.

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:

The Ordinance raises to \$10 the fee for the signature of the Governor, except as provided by the Land Registration Ordinance, 1844, where, however, the fee is also \$10 at present. This Ordinance further raises to \$5 the fee for the respective signatures of the Colonial Secretary, Secretary for Chinese Affairs, Colonial Treasurer, Director of Public Works, Inspector General of Police, Harbour Master, Director of Medical and Sanitary Services, Superintendent of Imports and Exports, and Clerk of Councils.

SUPREME COURT AMENDMENT ORDINANCE, 1931.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Supreme Court Ordinance, 1873."

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

Council went into Committee to consider the Bill clause by clause.

Upon Council resuming,

THE ATTORNEY GENERAL reported that the Bill had passed through Committee without amendment and moved the third reading.

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

**BIRTHS AND DEATHS REGISTRATION AMENDMENT
INCORPORATION ORDINANCE, 1931.**

THE ATTORNEY GENERAL.—I rise to move that this item, the third reading of a Bill to amend the law relating to the Registration of Births and Deaths be withdrawn. Amendments to the Bill have been suggested, and these amendments are of such a nature, that it would not be proper to take them into committee after the second reading, as they involve points of principle as are properly discussed in the second reading. It has been decided to withdraw this Bill, and to start again on a Bill containing these amendments, to be read a first time at some subsequent meeting of this Council. I beg to move that this item on the agenda be withdrawn.

THE COLONIAL SECRETARY seconded, and this was agreed to.

ADJOURNMENT.

H.E. THE GOVERNOR.—Council stands adjourned *sine die*.

FINANCE COMMITTEE.

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

Votes totalling \$278,410.74 contained in Message No. 9 from H.E. the Governor, were considered.

Item No. 45:

THE HON. MR. J. P. BRAGA.—I am curious to know whether this change from a dollar basis to a sterling basis has been referred to the Retrenchment Committee.

THE CHAIRMAN (after examining the file).—I cannot see that it was, but the officer who put it forward was the Chairman of the Retrenchment Committee, Mr. Breen.

MR. BRAGA.—It seems to be unfortunate that at a time when the Colony is talking of retrenchment, and there are suggestions for further retrenchment in the estimates, as to which not all members of the Council may agree with the Government, that here we have a very flagrant case of a change from economy to greater expenditure on the part of this Council. That is one point. The next point is that, if my memory serves me rightly, His Excellency made it very clear in his budget speech before the Council last year, that the policy of the Government would be to employ a larger number of officers, not necessarily in the highest grades of the public service, on a dollar basis. Obviously the holder of the office, until his retirement from the public service was on a dollar basis, and this change which we are called upon to-day to provide for to the extent of \$6,880, is not one in the direction of economy, but rather of the reverse of economy, and as such I do not think it is fair that the Colony should incur this larger expenditure, when it has been so efficiently served by men engaged locally and paid on the basis of a dollar salary.

THE CHAIRMAN.—Do you understand that this is for the same two men?

MR. BRAGA.—For the same two men?

THE CHAIRMAN.—Yes.

MR. BRAGA.—Well it is not so clearly stated.

THE CHAIRMAN.—It is for Mr. Reed and Mr. Dixon.

MR. BRAGA.—I did not understand that.

THE CHAIRMAN.—The whole point is that it is to give Mr. Reed and Mr. Dixon what the Government considers to be a fair deal in connexion with the question of the conversion of salaries, from sterling to dollar, and from dollar to sterling.

MR. BRAGA.—So it is not the intention of the Government at any time to place those appointments as such on a sterling basis, is it?

THE CHAIRMAN.—Mr. Reed and Mr. Dixon come on a sterling basis by this change, which has been done in order to do justice in the eyes of the Postmaster General, who recommended it to the Government, to these two officers.

MR. BRAGA.—In the case of these two men there may not be the same objection because they happen to be very old and efficient members of the public service, but the point I would like to make as a matter of principle is that we should keep as much as possible to the dollar basis, since the revenue of the Colony is entirely in dollars and cents, rather than incur larger expenditure.

THE CHAIRMAN.—I think the Government will take careful note of your suggestions, but the particular money with which we are concerned at the moment is the salary of Mr. Reed and Mr. Dixon. Do you agree?

MR. BRAGA.—Yes.

All the votes were approved.
