

23rd June, 1932.

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 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. E. TAYLOR).

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

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

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

HON. MR. T. H. KING, (Inspector General of Police).

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

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

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. J. J. PATERSON.

HON. MR. T. N. CHAU.

HON. MR. W. H. BELL.

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

MINUTES.

The Minutes of the previous meeting of Council were confirmed.

SHING MUN SCHEME.

THE DIRECTOR OF PUBLIC WORKS.—

Sir, on Your Excellency's instructions a reply to the telegram from the Secretary of State for the Colonies has been sent, pointing out that it is the urgent wish of this Government to take advantage of the next dry season to make a commencement with the second section of the Shing Mun Scheme and enquiring as to the amount of the expenditure which Messrs. Sir Alex. Binnie Son & Deacon estimate will be incurred during the current year. The telegram also asked that they be requested to state the date by which their Chief Resident Engineer may be expected to arrive in Hong Kong, and instructions were asked for as to what preliminary works might be carried out departmentally such as the approach road, pending his arrival.

On receipt of this information it will be possible to ask this Council for a supplementary vote to cover the expenditure during 1932.

With your permission, Sir, I shall give a brief statement of the present position of the Shing Mun Scheme, Second Section, and of the work to be undertaken by Messrs. Sir Alex. Binnie Son & Deacon.

The Second Section of the Shing Mun Scheme as first proposed in 1922 consisted of three reservoirs known as the Gorge Dam, Shing Mun Village Dam and Middle Hill Dam with an approximate total capacity of 2,000 million gallons.

On later investigation at the site it was found that the foundations of the Shing Mun Village Dam were not favourable and it was decided to abandon this site and raise the Gorge Dam to give the additional storage. The raising of the Gorge Dam will flood out a portion of the Middle Hill Dam site making it uneconomical and it has therefore also been abandoned.

The Gorge Dam therefore after further investigation was moved slightly upstream and raised to give a depth of water of 175 feet and the project was submitted to Government.

As this structure would have been of very considerable magnitude, exceeding in height almost any existing dam in England, the Secretary of State for the Colonies before approving the scheme advised that it should be examined by the Consulting Engineers, Messrs. Sir Alex. Binnie Son & Deacon. Consequently, the site was visited by representatives of the Consulting Engineers in January 1931 and October 1931.

The Consulting Engineers reported favourably on the whole scheme and on the works already completed but suggested that the dam should be raised a further twenty five feet should borings on the site prove favourable. A series of core drill borings on the site have since been completed and the cores have been shipped home to the Consulting Engineers.

The site chosen for the dam is that originally selected by the P.W.D., the centre line being pushed some fifty feet upstream to allow for the extra width at the base.

The actual second section of the Shing Mun Scheme as now projected is the construction of a masonry dam giving an approximate depth of water of 200 feet on a site immediately upstream of the Shing Mun Gorge, giving a storage capacity of approximately 3,000 million gallons, and also of a subsidiary cut off masonry dam at Pineapple Pass approximately sixty feet high.

The direct catchment area of this reservoir is 2,900 acres which includes the 2,400 acres now partially tapped by the existing Shing Mun intake.

It is estimated that this reservoir will yield a supply of 9.25 million gallons per day over our driest known period, which means an addition of 6.25 million gallons per day to the Colony's supply, the difference of 3 million gallons per day being the supply now available from the existing intake and 1st Section Works.

The Dam is estimated to take five years to construct at an inclusive cost of \$9,300,000, but it will of course be possible to utilize the water from the reservoir as the work proceeds.

This does not exhaust the gravity section of the Shing Mun Scheme as by means of catchwaters along the slopes of the surrounding hills at least another 6,000 acres can be tapped producing a further 9 million gallons approximately per day without further reservoirs. The catchwaters constitute what is known as the 3rd Section of the Shing Mun Scheme, and will be carried out when found necessary.

PAPERS.

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

Passport Regulations.

Declaration under the Merchant Shipping Ordinance, 1899, declaring Shanghai an infected place.

Regulations made by the Governor in Council under section 3 of the Post Office Ordinance, 1926, on 28th May, 1932.

Amendment of the regulations made under the Nurses Registration Ordinance, 1931.

Cancellation of Proclamation No. 3 of 27th September, 1931, under section 6 of the Peace Preservation Ordinance, 1886.

Order made by His Excellency the Officer Administering the Government under section 12 (4) of Ordinance No. 2 of 1920, on 17th June, 1932.

Report of the Official Receiver and Registrar of Trade Marks and Letters Patent for the year 1931.

Report of the General Post Office, Hong Kong, for the year 1931.

Report on the Botanical and Forestry Department for the year 1931.

Report of the Director of Education for the year 1931.

Hong Kong Police Annual Report for 1931.

Report of the Harbour Master and Director of Air Services for the year 1931.

QUESTIONS.

HON. SIR HENRY POLLOCK.—I rise, Sir, to ask the questions standing in my name, as follows:—

1. What measures do you recommend should be adopted by the Government for the prevention of the spread of cholera from Canton to Hong Kong?
2. Is there a sufficiency, in this Colony, of
 - (i) Anti-cholera serum,
 - (ii) Other anti-cholera remedies and medicines?

If not, what steps do you recommend should be taken by the Government for remedying such deficiencies, if any?

THE DIRECTOR OF MEDICAL AND SANITARY SERVICES replied:—

The Government does not consider that the situation as it stands at present calls for the drastic interference with the daily life of the Colony which must result from the formal declaration of Canton as an infected port, and the imposition

of full quarantine. Instead, it will endeavour to secure a reasonable degree of protection against the introduction of the disease into the Colony by the following means:

(a) The owners of steamers plying between Canton and Hong Kong will be notified that they should warn their ships officers and staff to keep a careful watch against the embarkation of sick persons and if a case of cholera or suspected cholera occurs during the voyage to take the ship to the quarantine anchorage and hoist the yellow flag instead of proceeding to the wharf and generally to assist the Health Authorities by all means in their power.

The owners will also be asked to endeavour to place a doctor on each ship during the continuance of the epidemic.

(b) The Medical Department will have the Canton steamers met on arrival and the Police will receive special instructions to regulate the debarkation of passengers in such a way as to permit inspection by the officers of the medical department.

(c) The Medical Department will also take steps to ensure that the passenger decks, kitchens and lavatories of the ships are thoroughly cleansed after the passengers have landed.

(d) In addition I have been instructed to proceed to Canton and get into touch with the Chinese Health authorities there with a view to investigating any other methods by which infected persons and merchandise may be excluded from vessels sailing for Hong Kong.

If these steps fail to prevent or at least keep within reasonable bounds the introduction of the disease into Hong Kong the Government will have to take more drastic measures.

For preventing the dissemination of the disease within the Colony the following measures will be taken:

(e) The dormant by-laws for the Prevention and Mitigation of Epidemic, Endemic, Contagious or Infectious disease made by the Sanitary Board on the 14th December, 1926, and approved by the Legislative Council on the following 31st December, will be brought into force by declaration of the Governor in Council. These by-laws are as follows:

1.—The Governor in Council may at any time, and from time to time declare an occasion to exist in any district or districts, which, for the prevention as far as possible, or mitigation of any epidemic, endemic, contagious or infectious

disease, necessitates the coming into force of the following by-laws, and thereupon and on the application of such declaration in the Gazette, and so long as any such declaration shall subsist, the said by-laws shall be in force in the district or districts to which the same are or may be applied. Subject as aforesaid, the said by-laws shall be in abeyance.

2.—No person shall sell or offer for sale any fresh fruit, unless the same is whole, that is to say, uncut and unpeeled.

3.—No person shall sell or offer for sale ice cream or any frozen or chilled preparation commonly known as "ice-cream" unless the seller holds a permit in writing in that behalf signed by the head of the Sanitary Department and by the Medical Officer of Health.

(f) The Sanitary Board has already issued a notice in the Press advising the public to avoid uncooked fruit and vegetables. The Secretary for Chinese Affairs will consult with the District Watch Committee with a view to advising the Sanitary Board as to the desirability of including other articles, such as cooling drinks, lettuce etc., under these by-laws, *i.e.* prohibiting their sale either totally or without a permit from the head of the Sanitary Department and the Medical Officer of Health.

2.—With regard to anti-cholera serum, this is not now a recognised remedy. With regard to anti-cholera vaccine there is a sufficiency of this material in the Colony to meet immediate needs and more is being prepared.

3.—Concerning anti-cholera remedies and medicines, there is sufficient stock in the Colony to meet all requirements.

FINANCE COMMITTEE'S REPORT.

THE COLONIAL SECRETARY, by command of H.E. The Officer Administering the Government, laid upon the table the report of the Finance Committee, No. 7 of 9th June, and moved that it be adopted.

THE COLONIAL TREASURER seconded and this was agreed to.

MERCHANT SHIPPING AMENDMENT ORDINANCE, 1932.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Merchant Shipping Ordinance, 1899." He said.—The memorandum attached to the end of this Bill explains in great detail, the effect of the 25 clauses.

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 make such amendments in the Merchant Shipping Ordinances of the Colony as are considered desirable before the Ordinances are consolidated.

2. Section 2 substitutes the words "a marine magistrate" for the words "the marine magistrate" in section (2) (f) of the principal Ordinance.

3. Section 3 amends section 3 (8) of the principal Ordinance so as to enable the Governor in Council to prescribe the fee for certified copies. A similar amendment in section 44 was enacted by Ordinance No. 11 of 1931.

4. Section 4 adds provisoes to section 5 (3) of the principal Ordinance which are derived from section 38 (e) and (f) of Straits Settlements Ordinance No. 125.

5. There is reason to believe that in some cases the certificated master, who must be provided under section 4 (2) of the principal Ordinance, in the case of every British ship and every foreign ship holding a passenger certificate under section 10, is carried because the Ordinance requires it, but is either encouraged by the owners, charterers, agents or compradores to leave the control of the ship to uncertificated persons or is liable to dismissal if he interferes with such control. Sections 5 and 6 of this Ordinance therefore amend section 10 of the principal Ordinance by making the issue of passenger certificates discretionary and also by making such certificates revocable in any case where the Governor has reason to believe that the certificated master of the ship is not exercising, or is not permitted to exercise, proper control of the ship.

6. Section 10 (23) of the principal Ordinance is transferred, as section 19A, to part V of the principal Ordinance by section 11 of this Ordinance with the substitution of the words "steamship or motor ship" for the words "passenger ship." The position in section 10 of the principal Ordinance of the sub-section so transferred is filled by a new sub-section (23) enacted by section 7 of this Ordinance which requires the owners, agents, charterers and master to report structural alterations in passenger ships.

7. Section 8 of this Ordinance re-enacts section 10 (25) of the principal Ordinance with the substitution of the words "owner, agent, charterer, master or compradore" for the words "owner or master."

8. Section 9 of this Ordinance amends section 14 (3) of the principal Ordinance by the substitution of the words "owner, agent, charterer, master or compradore" for the word "owner or master."

9. Section 10 of this Ordinance revises paragraph (a) of section 17 (5) of the principal Ordinance by enabling the Harbour Master, in the first instance, to order the temporary detention of a British ship which he has reason to believe is unsafe.

10. As stated, section 11 of this Ordinance transfers a sub-section from section 10 to Part V of the principal Ordinance.

11. Section 12 amends section 21 of the principal Ordinance so as to enable the Harbour Master to give written permission to vessels to anchor outside the normal anchorages.

12. Section 13 amends section 22 (3) of the principal Ordinance by the substitution of the words "properly to the satisfaction of the Harbour Master" for the word "properly" to prevent disputes as to what constitutes proper mooring.

13. Section 14 adds a sub-section to section 22 of the principal Ordinance providing that the obligations as to proper mooring shall fall upon owners, agents and charterers in cases where the ship is without a master.

14. Section 15 adds oil to the list of substances which may not be cast upon the waters.

15. Section 16 substitutes a new sub-section for section 26 (2) of the principal Ordinance. That sub-section dealt with obstruction to wharves and other landing places and with vessels moored or at anchor at night near the shore and permitted mooring at night alongside any private wharf with the consent of the owner thereof. It contained no other provision for the issue of night permits for lying in-shore. It has been the practice, however, to issue such permits and the new sub-section regularises the practice. The new sub-section provides for obstruction by rafts and floating logs as well as by vessels.

16. Section 17 adds the Deputy Harbour Master to the list of officers who may board and inspect vessels under section 30 (1) of the principal Ordinance.

17. Section 18 increases the penalty under section 30 (3) of the principal Ordinance from \$200 to \$500.

18. Section 19 redrafts section 32 (4) of the principal Ordinance by enabling instead of compelling the Harbour Master to refuse clearance when a receipt for light and other dues, to which fees payable in respect of moorings or buoys have been added, is not produced to him.

19. Section 20 amends section 36 (5) of the principal Ordinance by requiring the written permission of the Harbour Master for the removal, except for the purpose of going to sea, from the Gunpowder Anchorage of vessels with explosives on board.

20. Section 21 adds to section 37 of the principal Ordinance a sub-section similar to section 39 (2) (c) as to the provision of anchorages for small craft.

21. Section 22 redrafts section 37 (7) of the principal Ordinance. Agents and charterers are added. The sub-section is no longer restricted to unseaworthiness by reason of over-loading or similar causes and the penalties are doubled.

22. Section 23 redrafts section 37 (15) of the principal Ordinance so as to bring all launches and motor boats under the collision regulations and so as to enable the Harbour Master to deal with all local certificates of competency issued to masters and engineers of launches and motor boats.

23. Section 24 substitutes retrospectively a revised Table for Table I of the principal Ordinance as enacted by Ordinance No. 5 of 1931. The revision regularises the practice of charging the visit fees in paragraph 2 of the Table as additions to the engagement and discharge fees. This practice, which has obtained since the Table enacted in 1931 came into force on the 31st July, 1931 (Proclamation No. 1 of 1931), is in accordance with Board of Trade Regulations (*c.f.* Board of Trade List of Fees and Expenses payable in connection with Board of Trade Surveys and other Mercantile Marine Services published by H. M. Stationery Office, 1930, page 28).

24. Section 25 is the suspending clause usual in Ordinances relating to Merchant Shipping.

CROWN SOLICITORS AMENDMENT ORDINANCE, 1932.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend further the Crown Solicitors Ordinance, 1912." He said.—This is a short amending Bill, the object of which is explained in the memorandum attached to it.

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. This Ordinance amends section 3 (2) of Ordinance No. 35 of 1912, as enacted by Ordinance No. 9 of 1924, by the substitution

of the words "shall be entitled to appear to prosecute persons at the Criminal Sessions and also to appear before the Full Court on any appeal or question reserved arising out of any such prosecution" for the words "shall be entitled to appear on behalf of the Attorney General and prosecute persons at the Criminal Sessions."

2. The amendment will enable the Crown Solicitor and his qualified assistants to appear with, as well as on behalf of, the Attorney General; and it will also enable them to have audience before the full Court on Criminal appeals and cases reserved.

CITY HALL RESUMPTION ORDINANCE, 1932.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance for the resumption of the City Hall Property."

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 the Committee without amendment and moved the third reading.

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

LIQUORS AMENDMENT ORDINANCE, 1932.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Liquors Ordinance, 1931."

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.

THE PENSIONS ORDINANCE, 1932.

THE ATTORNEY GENERAL moved the third reading of a Bill intituled "An Ordinance to consolidate and amend the law regulating the granting of pensions, gratuities and other allowances in respect of public service." He said.—I think it will be desirable to consider the amendment which has been suggested in Clause 19 of this Bill. Under the Standing Orders of this Council the third reading has to be proposed and seconded, and if any amendment is desired, the Council is to refer it to committee before actually taking the third reading. I formally move the third reading.

THE COLONIAL SECRETARY seconded.

HON. SIR HENRY POLLOCK.—I move that the Bill be referred to committee for re-consideration.

HON. MR. SHENTON seconded.

Council then went into committee to re-consider Clause 19.

THE ATTORNEY GENERAL moved that after the word "thereunder" in the tenth line, be inserted: "or the rights and obligations conferred or imposed by sections 3 and 3A of the Pensions Ordinance, 1862, on or in respect of any judge or other public officer in the service of this Colony at the commencement of this Ordinance."

He said.—The object of this amendment is to make it clear that officers now in the service of the Colony will continue to be governed by the same machinery of retirement for age as now exists under the two clauses of the Ordinance of 1862. Officers joining the service hereafter will be automatically retired under the provisions of Clause 10.

The amendment was approved.

Upon Council resuming,

THE ATTORNEY GENERAL.—I have to report that Clause 19 has been amended to carry out the intentions of the Bill. If your Excellency deems the amendment not material, the motion for the third reading can be taken.

H.E. THE OFFICER ADMINISTERING THE GOVERNMENT.— I hold that the amendment is not material.

THE ATTORNEY GENERAL moved the third reading of the Bill.

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

ADJOURNMENT.

H.E. THE OFFICER ADMINISTERING THE GOVERNMENT.— Council stands adjourned to June 30.