

20th October, 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. 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. MR. R. M. HENDERSON, (Director of Public Works).

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. T. N. CHAU.

HON. MR. W. H. BELL.

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

ABSENT:—

HON. MR. J. J. PATERSON.

MINUTES.

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

PAPERS.

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

Rescission of the Order of the 5th July, 1932, published in the Gazette of the 8th July, 1932, as Government Notification No. 446, declaring Swatow an infected place.

Order made by His Excellency the Officer Administering the Government under Section 2 of the Public Revenue Protection Ordinance, 1927, on 13th October, 1932.

Regulation made under Section 5 of the Ferries Ordinance, 1917.

Declaration under Section 5 (4) of the Dangerous Drugs Ordinance, 1923.

Amendments of the regulations made under Section 4 of the Dangerous Drugs Ordinance, 1923.

Rescission of the Order of the 8th June, 1932, published in the Gazette of the 10th June, 1932, as Government Notification No. 362, declaring Shanghai an infected place.

MOTIONS.

THE COLONIAL TREASURER.—The resolution I am about to move is one of the results of the Ottawa Conference. Empire Brandy will now be admitted at a preferential rate of duty of \$3 per gallon less than foreign brandy. Effect is given to this by the second item in Part I European Type Liquor. The remaining items are as before. I now move the resolution standing in my name—"Resolved pursuant to section 39 of the Liquors Ordinance, 1931, Ordinance No. 36 of 1931, that the Table to the Liquor Duties Resolution of the 30th June, 1932 (published by Notification No. 417 of the Gazette of the 30th June, 1932) be amended and that on and after the coming into operation of this Resolution Part I of the Table published in the said notification be rescinded and the following Part substituted:—

Part I.

European Type Liquor	<i>Per gallon.</i>
On all liqueurs, and on all champagnes and other sparkling wines	\$10.00
On all brandy consigned from and grown or produced in the British Empire	3.00
On all other brandy and on gin, whisky and other spirituous liquors .	6.00
On all port, sherry and madeira	4.00
On all other still wines	3.00
On beer, porter, cider, perry and stout	0.60
On all intoxicating liquors above the strength of 18 degrees under proof, for every degree above such strength in addition to the appropriate duty as above	0.07"

THE COLONIAL SECRETARY seconded and the resolution was approved.

EMPIRE PREFERENCE ORDINANCE, 1932.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to secure an increased trade between the Colony and other parts of the British Empire." He said.—This is the result of the agreements of the Ottawa Conference and it is proposed to charge a duty equal to 20 per cent. of the c.i.f. value of cars in the Colony, not on arrival but on registration, so as not to interfere with the normal trade of the Colony. From such value there is deducted the cost of tyres and also spare wheels and other spare parts.

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 Ottawa Conference has made it necessary for all parts of the Empire to support the conclusions there made as far as circumstances permit. The conditions of Hong Kong give few openings for reciprocating in the way of preference, but motor vehicles provide one such opening of which it is proposed to take

advantage. A general import duty is possible but it is considered that such duty might interfere with the entrepot trade in motor vehicles and it has therefore been decided to recommend that the principle of preference should apply only to motor vehicles registered for use in the Colony and to add 20% of the c.i.f. value to the licence fee of all foreign made motor vehicles on first registration.

**SUPREME COURT (ADMIRALTY PROCEDURE)
AMENDMENT ORDINANCE, 1932.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Supreme Court (Admiralty Procedure) Ordinance, 1896." He said.—When the amendments affected by this Bill are made the requirements for a preliminary act will be practically the same in the Colony as in the United Kingdom.

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:—

Rule 53 in the Schedule to Ordinance No. 6 of 1896, contains fourteen paragraphs of particulars required to be filed in preliminary acts in actions for damage by collision.

Though there are immaterial differences in phraseology the first thirteen of these paragraphs correspond with paragraphs (*a*) to (*n*) of Order 19 rule 28 of the English Rules of the Supreme Court.

The fourteenth paragraph required a statement of the fault or default, if any, attributed to the other ship. This is not required in England and has given rise to difficulties in the Courts of the Colony.

This amending Ordinance repeals the paragraph and substitutes two paragraphs, corresponding in effect with paragraphs (*o*) and (*p*) of the English rule, which deal with sound signals and which were added to the Order 19 rule 28 in 1898, about two years after the date of the principal Ordinance.

As the repealed paragraph in rule 53 was in the nature of a pleading, rule 54 has been redrafted so as to make it clearer that an application for pleadings, shall not be deemed abnormal.

A suspending clause is added to the Ordinance in accordance with the provisions of sections 4 and 7 of the Colonial Courts of Admiralty Act, 1890.

MARRIAGE AMENDMENT ORDINANCE, 1932.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Marriage Ordinance, 1875." He said.—The amendments effected by this Bill are indicated in the memorandum of objects and reasons. It is necessary to pass this Bill before proclaiming the Divorce Bill as the position with regard to Chinese customary marriages has to be safeguarded.

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 2 of this Ordinance repeals section 21 (1) of the principal Ordinance and re-enacts it, as amended by section 5 of Ordinance No. 14 of 1926; but with the addition of the words "or the grant of a special licence by the Governor."

Section 37 of the principal Ordinance permitted Chinese persons who had already contracted a customary marriage to contract a registered marriage under the Ordinance.

Section 38, whilst containing saving as to section 37, provided that the Ordinance should apply to all marriages where neither of the parties has living an undivorced husband or wife except marriages between persons neither of whom professes the Christian religion duly celebrated according to the personal law and religion of the parties.

This Ordinance repeals both sections and substitutes new sections which whilst not requiring the general registration of customary marriages yet permits the parties to such marriages to contract a marriage under the Ordinance without prejudice to the previous customary marriage and which declare that every marriage under the principal Ordinance shall be a Christian marriage or the equivalent of a Christian marriage. The definition in section 38 (2) is derived from Nachimson's case, 1930 P. 217 and other cases referred to therein.

DIVORCE ORDINANCE, 1932.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to confer on the Supreme Court Jurisdiction in Divorce and Matrimonial causes." He said.—I rise to move the first reading of a Bill to confer on the Supreme Court Jurisdiction in Divorce and Matrimonial causes. In June, 1931, Lord Passfield drew the attention of the Government of the Colony to the fact that its Courts had no powers to grant divorce and

stated that it was an anomaly which might cause serious hardship in individual cases. In January, 1932, his successor as Secretary of State, Sir Philip Cunliffe-Lister, again drew attention to the subject.

In this respect the Colony has lagged behind Shanghai, the Straits Settlements, and other British Jurisdictions. Inasmuch as jurisdiction with regard to divorce in general depends, according to English law, upon the domicile of the married persons, that is to say the domicile of the husband, peccant husbands domiciled in Hong Kong have found in their domicile an Alsatia which seems as hard to defend as the Alsatia which formerly obtained for debtors in Whitefriars. The Bill follows closely the precedent of Straits Settlements Ordinance No. 123. The differences are indicated in the Table of Correspondence. They are differences which have been carefully considered, and make, it is hoped, the Bill an improvement on the model. I should point out that it is expected that, after this Bill is approved by His Majesty and brought into operation by proclamation next year, it will be implemented, as the Straits Settlements Ordinance has been implemented, by an Order in Council under the Indian and Colonial Divorce Jurisdiction Act, 1926, which will enable the Supreme Court in Hong Kong to exercise a similar jurisdiction in cases in which the parties are British subjects domiciled in England or Scotland. I now, formally, 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:— This Ordinance is based on the precedent of Ordinance No. 123 of the Straits Settlements, the variations from which are indicated in the Table of Correspondence.

WATERWORKS AMENDMENT ORDINANCE, 1932.

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

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.

DANGEROUS DRUGS ORDINANCE, 1932.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend and consolidate the law relating to dangerous drugs."

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.

H.E. THE OFFICER ADMINISTERING THE GOVERNMENT.— Council stands adjourned till to-day week.

FINANCE COMMITTEE.

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

Votes totalling \$72,500, contained in Message No. 11 from H.E. the Officer Administering the Government, were considered.

Items 50 and 51.

THE COLONIAL SECRETARY.—The first two items on the agenda before you are items considered at a previous meeting of the Finance Committee and adjourned. I now bring them up again. They have been circulated to members with a very full minute explaining the position and the facts required that the Government should put them before you again.

HON. MR. SHENTON.—As regards the dump is it intended to have incinerators on the dumps?

THE COLONIAL SECRETARY.—The dump is uninhabited and is on a small bay on the Lyemun side of the Lyemun Pass.

HON. SIR HENRY POLLOCK.—Would it be part of Saiwan Bay?

THE COLONIAL SECRETARY.—It is on the north side of Junk Bay.

HON. MR. SHENTON.—A dump round the female gaol would be most unfortunate.

THE COLONIAL SECRETARY.—We have cured that.

HON. MR. BELL.—How long is it expected that we will be able to dump the refuse on this reclamation.

THE COLONIAL SECRETARY.—Until it was full or reasonably full.

HON. MR. BELL.—We are asked to provide \$16,000 and we hope it will be for a number of years.

THE COLONIAL SECRETARY.—Surely. There is plenty of room for a number of years.

HON. MR. SHENTON.—The refuse will not be washed back and forth in the Harbour?

THE COLONIAL SECRETARY.—If the refuse is washed backwards and forwards in the Harbour we shall protect it.

Item 79.

THE COLONIAL SECRETARY.—This was a mistake and is a transfer in appropriation only.

Item 83.

HON. SIR HENRY POLLOCK.—I should like to ask whether this contract was a lump sum contract and if so why we have to pay extra because there is more rock.

THE DIRECTOR OF PUBLIC WORKS.—The contract is similar to practically all P.W.D. contracts, which are priced at unit price and not in a lump sum.

HON. SIR HENRY POLLOCK.—Rock is separately priced?

THE DIRECTOR OF PUBLIC WORKS.—So much per cubic yard.

HON. SIR HENRY POLLOCK.—I suppose that this payment will finish the Chatham Road extension?

THE DIRECTOR OF PUBLIC WORKS.—Yes, and there is \$5,000 voted for next year. With this \$6,000 it will be carried all through.

All the votes were approved.