

HONG KONG LEGISLATIVE COUNCIL.

2nd February, 1933.

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 O. C. BORRETT, C.B., C.M.G., C.B.E., 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. 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, K.T., K.C.

HON. SIR WILLIAM SHENTON, K.T.

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.

NEW MEMBER.

His Excellency, The General Officer Commanding the Troops (Major-General O. C. Borrett, C.B., C.M.G., C.B.E., D.S.O.) took the oath of allegiance and his seat as a member of the Council.

CONGRATULATIONS TO SIR WILLIAM SHENTON.

H.E. THE GOVERNOR.—Before proceeding with the orders of the day I should like, on behalf of the members of this Council, to tender our sincere congratulations to one of our members, Sir William Shenton, on the honour which was conferred upon him by His Majesty the King on the occasion of the New Year, in recognition of his services to this Colony. I will not attempt to recite the list of such services as they are all well-known to you and such a recital would take a long time. It is sufficient to say that I know of no public service which he has been called upon to perform which he has not performed with zest and energy. His advice and help have been of great assistance to myself and my predecessors and also to many Government servants, and on my own behalf and their behalf I tender to him our sincere thanks.

I understand Sir William contemplates going Home on leave in the near future and I hope he will return to us for I am sure you will agree that his retirement would be a great loss, not only to me but to the Colony. (Applause).

THE HON. SIR HENRY POLLOCK.—On behalf of the Unofficial members I desire to associate myself entirely with the words of His Excellency.

THE HON. SIR WILLIAM SHENTON.—I thank you.

STANDING LAW COMMITTEE.

H.E. THE GOVERNOR.—There is one item not on the Agenda. As this is the first meeting of the Council this year, it is necessary to appoint the Standing Law Committee. I propose to appoint the following members who have agreed to serve:—The Hon. the Attorney General (Chairman), the Hon. the Secretary for Chinese Affairs, The Hon. Sir Henry Pollock, The Hon. Sir William Shenton and the Hon. Mr. S. W. Ts'o.

PAPERS.

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

Rules made under section 114 of the Bankruptcy Ordinance, 1931, Ordinance No. 10 of 1931, on 15th October, 1932.

Scale of fees and percentages prescribed under section 115 of the Bankruptcy Ordinance, 1931, Ordinance No. 10 of 1931, on 15th October, 1932.

Rescission and substitution made under section 12 of the Education Ordinance, 1913, on 1st December, 1932.

Order made under section 4A of the Importation and Exportation Ordinance, 1915, as amended by the Importation and Exportation Amendment Ordinance, 1932, Ordinance No. 14 of 1932, on 5th December, 1932.

Regulations made under section 3 of the Pensions Ordinance, 1932, Ordinance No. 21 of 1932, on 9th December, 1932, (Pensions Regulations A.)

Regulations made under section 3 of the Pensions Ordinance, 1932, Ordinance No. 21 of 1932, on 9th December, 1932, (Pensions Regulations B.)

Amendments to the regulations made under section 4 of the Nurses Registration Ordinance, 1931, on 16th December, 1932.

Additional regulation made under section 3 of the Post Office Ordinance, 1926, on 23rd December, 1932.

Order made under the Empire Preference Ordinance, 1932, and the Crown Fees Ordinance, 1870, on 29th December, 1932.

Rescission and substitution of regulations made under section 17 of the Prisons Ordinance, 1932, on 3rd January, 1933.

Amendments to the Prison Rules made under section 17 of the Prisons Ordinance, 1932, on 4th January, 1933.

Declaration under the Merchant Shipping Ordinance, 1899, on 9th January, 1933, declaring Swatow an infected place on account of smallpox.

Amendment made under section 12 of the Education Ordinance, 1913, on 10th January, 1933.

Amendment to Opium Regulations made under section 3 (1) (a) of the Opium Ordinance, 1932, on 19th January, 1933.

Order made by the Chief Justice under section 709 (2) of the Code of Civil Procedure on 20th January, 1933.

Notification made under section 3 of the Marriage Ordinance, 1875, on 20th January, 1933.

QUESTIONS.

THE HON. SIR WILLIAM SHENTON.—I rise to ask the question standing in my name.—Will Government inform this Council whether it intends to re-enact in this Colony the Criminal Appeal Act, 1907, or any of the provisions thereof, and if so, when steps will be taken for that purpose.

THE COLONIAL SECRETARY.—A Bill to amend the Criminal Procedure Ordinance, 1899, the principal object of which is to make provision for criminal appeals in this Colony on the lines of the Criminal Appeal Act, 1907, has been drafted, and was forwarded to the Secretary of State for the Colonies for consideration in June 1932. The Secretary of State returned the draft in September with certain queries and an amended draft was sent to the Colonial Office on November 4th, 1932. A reply is now being awaited.

FINANCE COMMITTEE'S REPORT.

THE COLONIAL SECRETARY, by command of H.E. The Governor, laid upon the table the reports of the Finance Committee, Nos. 14 and 15 of 8th and 29th December, 1932 respectively, and moved that they be adopted.

THE COLONIAL TREASURER seconded and this was agreed to.

DAIRIES BY-LAWS.

THE ATTORNEY GENERAL.—Sir, I rise to move "That the amendments of and additions to the Dairies By-laws made by the Sanitary Board under section 16 of the Public Health and Buildings Ordinance, 1903, on the 6th day of December, 1932, be approved." The approval of the Council is required by section 17 of the Ordinance. The effect of the by-laws is to repeal the existing Dairies By-laws, Number Three and re-enact it with the addition of words which will prevent dairies from being used for other purposes than those of a dairy, unless with permission in writing of the Sanitary Board. Additional by-laws are for the control of carriers of disease and sources of milk supply.

THE COLONIAL SECRETARY seconded and this was agreed to.

CODE OF CIVIL PROCEDURE AMENDMENT ORDINANCE, 1933.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend further the Code of Civil Procedure." He said: The present code has provision for the service of process on behalf of Tribunals of countries with which

no special Civil Procedure Convention has been concluded. In England, the rules provide for both classes of country and this Bill is to enact in the Colony provision for service for the Tribunal of foreign countries with which a Civil Procedure Convention has been concluded. It also makes amendments in other clauses of the code, which appear consequential on the amendments made in the Ordinance passed in 1931.

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 2 adds a new section 42B to the Code of Civil Procedure. It corresponds with necessary adaptations (such as "Registrar" for "Senior Master" and "Taxing Master" and "Bailiff" for "Official Process Server") with Order XI, Rule 13 of the Supreme Court in England. Section 42A of the Code, corresponding to Order XI rules 9 and 10, applies only to service of process for foreign courts in countries with which no Civil Procedure Convention has been concluded. Provision for cases where documents to be served emanate from a country with which there is such a Convention is made in England by Order XI, Rule 13. Conventions extended to Hong Kong have been made between the United Kingdom, Austria, Belgium, Czechoslovakia, France, Germany, Norway, Spain, and Sweden. Other Conventions which will probably be similarly extended have been made with Italy, Portugal and Poland. In consequence it becomes necessary to make provision in the Code of Civil Procedure for such cases.

2. Section 3 of this Ordinance makes, in sections 440, 441, 442 and 569 of the Code, small amendments which appear necessary in consequence of the amendment of section 439 by Ordinance No. 32 of 1931.

ARMS AND AMMUNITION ORDINANCE, 1933.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to consolidate and amend the law relating to Arms and Ammunition." He said: The main object of this Bill is to consolidate the Ordinances relating to Arms and Ammunition. It will be noticed that the special \$10 licence for the retail of sporting arms and ammunition has been abolished. Such dealers are required in future to take out an importers' licence. I understand only one special \$10 licence has been issued.

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 repeals Ordinances No. 2 of 1900, No. 32 of 1929, and No. 33 of 1931, and re-enacts them with minor amendments and with a new section added which is taken from the Fire Arms Act, 1920. In the First Schedule the forms relating to Export Permits are omitted. Such Permits are not issued by the Police under the Arms and Ammunition Ordinances. In the Second Schedule the special ten-dollar licence for retail of sporting arms and ammunition is omitted, only one such licence having been issued. All other retailers have hitherto held the twelve-hundred-dollar licences as importers, dealers or vendors. A Third Schedule containing conditions of annual licences of retailers of arms and ammunition has been added.

2. A Table of Correspondence is attached showing the origin of the various sections of this Consolidation Ordinance and also the nature of the amendments.

PRINTERS AND PUBLISHERS AMENDMENT ORDINANCE, 1933.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend further the Printers and Publishers Ordinance, 1927." He said: The objects of the Bill are explained in the memorandum at the foot.

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 definition of newspaper in section 2 of the principal Ordinance limiting it to periodicals which are printed or published in the Colony at intervals not exceeding one month has proved too restrictive. The amended definition substitutes "three months" for "one month."

2. Section 4A. (1) of the principal Ordinance of 1927, as enacted by the amending Ordinance of 1930 provided that the deposits with the Registrar should bear interest at the rate of four per cent. per annum while under the control of the Registrar. As this is a rate in excess of any that can be obtained by the Registrar at the present time the amendment provides that the interest shall be at the like rate as shall for the time being be allowed by the Treasurer in respect of sums deposited with him bearing interest. This amendment brings the provision into line with the rate provided for in section 7 of Ordinance No. 5 of 1929.

**SUPREME COURT (VACATIONS) AMENDMENT
ORDINANCE, 1933.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Supreme Court (Vacations) Ordinance, 1898. He said: The effect of this amendment is to make clear that time will run during vacations, in case of appearance to any specially indorsed writ.

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

Objects and Reasons.

1. By section 5 of the principal Ordinance, No. 5 of 1898, the Supreme Court and the offices connected therewith shall be open during vacation for the purpose, *inter alia*, of issuing writs and of transacting any business under the provisions of section 6.

2. Section 6 provides that the Court shall hear and determine during vacation all such applications as may require to be immediately or promptly heard and all applications for summary judgment.

3. By section 9 where any limited time, not exceeding one month, is appointed or allowed for the doing of any act, no days included in a vacation shall be reckoned in the computation of such time, unless the Court otherwise directs.

4. It has been pointed out by the Incorporated Law Society of Hong Kong that if the time for appearance to a specially indorsed writ is not allowed to run during vacation the provisions of section 6 in regard to applications for summary judgment may be seriously curtailed by the provisions of section 9.

5. This amending Ordinance meets the difficulty by adding a proviso to section 9 to the effect that nothing in the section shall be deemed to extend the time for entering appearance to any specially indorsed writ.

H.E. THE GOVERNOR.—Council stands adjourned to February 16th.

FINANCE COMMITTEE.

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

Votes totalling \$2,614, contained in Message No. 1 from H. E. The Governor, were considered.

Item 155: Defence.—16, Transport.

THE COLONIAL TREASURER.—Item 155, with your permission, I should like to alter the sum required from \$686 to \$778 as yesterday I had a further request from the Commandant of the Hong Kong Volunteer Corps for a little more money for transportation.

All the votes were approved.
