

*14th December, 1933.*

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**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. SIR THOMAS SOUTHORN, K.B.E., C.M.G.).

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. M. J. BREEN).

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. C. G. S. MACKIE.

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. PAUL LAUDER.

MR. H. R. BUTTERS, (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:—

By-law under section 16 of the Public Health and Buildings Ordinance, 1903,—  
Amendment to the Food-preserving Establishment by-laws.

Regulations under section 128 (1) of the Magistrates Ordinance, 1932, relating to the scale of fees at the Magistrates' Court.

Regulation under section 28 of the Arms and Ammunition Ordinance, 1933, relating to the Third Schedule to the Ordinance.

Amendment to regulation 3 (2) (c) under section 4 of the Midwives Ordinance, 1910.

Amendments to regulations under section 3 of the Vehicles and Traffic Regulation Ordinance, 1912.

Regulation under section 25 (4) of the Merchant Shipping Ordinance, 1899, relating to the Harbour speed limit for vessels exceeding sixty tons.

Regulation under section 6 (1) of the Places of Public Entertainment Regulation Ordinance, 1919, relating to the fee for censoring films.

List of Juvenile Courts under section 3 (5) of the Juvenile Offenders Ordinance, 1932.

Regulation under section 44 (1) of the Asiatic Emigration Ordinance, 1915, and under section 3 of the Boarding-House Ordinance, 1917, relating to the expiry of boarding-houses licences, etc.

Regulation under section 2 of the Public Places Regulation Ordinance, 1870, relating to Children's Playgrounds in Kowloon.

Regulation under section 6a (3) of the New Territories Regulation Ordinance, 1910, relating to the prohibition of keeping certain cattle at Taiipo New Market (Tai Wo Shi), Un Long Market and Hang Hau.

Closing of the Sookunpoo Urn Cemetery.

Closing of the Telegraph Hill Urn Cemetery.

Proclamation No. 5.—Industrial and Reformatory Schools Ordinance, 1932, and Industrial and Reformatory Schools Amendment Ordinance, 1933, to come into operation on the 20th November, 1933.

Proclamation No. 6.—Juvenile Offenders Ordinance, 1932, and Juvenile Offenders Amendment Ordinance, 1933, to come into operation on the 20th November, 1933.

### **FINANCE COMMITTEE'S REPORTS.**

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table the reports of the Finance Committee, Nos. 11 and 12, dated 26th October, 1933, and 7th December, 1933, respectively and moved that they be adopted.

THE COLONIAL TREASURER seconded and this was agreed to.

### **MOTIONS.**

THE COLONIAL SECRETARY.—I rise to move the next two resolutions standing in my name and with the permission of Council I should like to take them together.

The first refers to the additional funds required for the expenditure of the Vehicular Ferry Piers during the current year and the second to the additional expenditure on the same service in 1934.

It will be recalled that in 1932 additional works costing \$179,000 were authorised by a Resolution of the Council bringing the revised estimated total cost to \$1,679,000. Actually these additional works cost \$185,200, that is \$6,200 more than the amount then asked for. When the Piers came into use it was considered necessary to provide various offices and fittings—rickshaw shelters, latrines, clocks, book-stalls, money-changers shops, telephone booths, etc., the cost of which amounts to \$16,800.

It has also been found necessary, as the result of experience in working, to make changes in the winding gear for ramps and to strengthen the fendering of the piers at a cost of \$26,000. Repairs to the piers caused by damage in the early stages of the service before the coxswains became proficient in the handling of the new vessels cost a further \$12,000.

As Honourable Members are aware, doubts have been expressed as to the suitability of the piers for the work for which they are intended and in consequence the Government, with the concurrence of the Naval Authorities, invited Mr. O. A. G. St. John Kneller, Superintending Civil Engineer of H.M. Naval Yard, Hong Kong, to report on the piers. Mr. Kneller has furnished the Government

with a valuable report which, while it offers no serious criticisms of the general principles of the structures, recommends certain improvements with a view to increasing the ability of the piers to resist the shocks which are inevitable in the working of a rapid ferry system in waters liable to periods of rough weather. The improvements recommended are:—

- (a) The provision of a "round head" at the end of the West Arm,
- (b) The completion of the strengthening of the fendering now in progress,
- (c) The provision of additional timber fendering,
- (d) Improved and strengthened fendering at the ends of the ordinary ferry berths,
- (e) The deposit of additional rubble round the piles.

The cost of these improvements is estimated at \$124,000.

The total cost of the new work, including the \$6,200 excess cost of the additional works authorised at the end of 1932, amounts in round figures to \$185,000, of which \$46,000 falls to be expended in 1933 and \$139,000 in 1934. The difference between the former sum and the sum of \$139,000 asked for in the Resolution relating to 1933 is a revote of a portion of the sums authorised in previous resolutions but not expended in the years to which the Resolutions applied.

The total cost of the piers including the new works now proposed is estimated at \$1,864,000.

I understand that during the last few months alarmist reports have been circulated in the Colony regarding the stability of the Ferry Piers. Honourable members will be glad to know that there is no basis for those rumours.

The Government took the precaution to send one of its Engineers to America to study the latest designs for the working of vehicular ferries before embarking upon the present works and the piers have been designed with a full knowledge of ferry piers elsewhere. Admittedly we had no local experience of the berthing of vehicular ferries of the size of those now in use, and the design of the fendering had to be to some extent experimental. It would appear from experience that the provision of stronger buffers and fendering would have been advisable in the first instance, but this would of course have resulted in a more expensive structure involving the additional works now suggested. It is anticipated that the expenditure of the sums now asked for will obviate all causes of complaint in the future provided the vessels are handled with average skill.

I now move, Sir, "that this Council approves of the further expenditure of \$139,000 on the Vehicular Ferry during the financial year 1933, which sum shall be met from a future loan and shall meanwhile be charged as an advance from the Surplus Balances of the Colony."

THE COLONIAL TREASURER seconded and this was agreed to.

THE COLONIAL SECRETARY.—I now move, Sir, "that this Council approves of the expenditure of \$139,000 on the Vehicular Ferry during the financial year 1934, which sum shall be met from a future loan and shall meanwhile be charged as an advance from the Surplus Balances of the Colony."

THE COLONIAL TREASURER seconded and this was agreed to.

### **SANITARY BOARD BY-LAWS.**

THE ATTORNEY GENERAL moved "that the Additional by-law made by the Sanitary Board under section 16 of the Public Health and Buildings Ordinance, 1903, on the 7th day of November, 1933, be adopted". He said: This by-law is to be 5 (a) and will insist that licencees of eating houses, which will include upper floors of premises, will give every facility for inspection of the premises by officers of the Fire Brigade. The by-law was made by the Sanitary Board and confirmation by this Council is necessary under Section 17 of the Public Health and Buildings Ordinance, 1903.

THE COLONIAL SECRETARY seconded and this was agreed to.

### **TELEPHONE AMENDMENT ORDINANCE, 1933.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend further the Telephone Ordinance, 1925". He said: As stated in the memorandum of Objects and Reasons, this Bill is necessary in order to enable the annual appropriation to reserve by the Company to be increased in proportion to the increase of capital which has recently been sanctioned.

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. Under section 35 (3) of the principal Ordinance the Company was entitled to appropriate annually to Reserve a sum not exceeding fifty thousand dollars.

2. The Legislative Council has recently consented, under section 6 (1) of the principal Ordinance, to the increase of the capital of the Company to \$7,500,000.

3. The annual appropriations, including that for the year 1933 will amount to \$425,000. This sum with annual additions of \$50,000 is inadequate to amortise the capital over the period of the Company's franchise which, under section 3 of the principal Ordinance, is for a period of 50 years from the 1st July, 1925.

4. The sub-section of section 35 of the principal Ordinance substituted by section 2 of this amending Ordinance will permit annual appropriations to reserve of sums not exceeding \$170,482, which is considered reasonable.

5. Section 3 of this amending Ordinance is the usual saving section required by Article XXVII of the Royal Instructions.

### **MERCHANT SHIPPING AMENDMENT ORDINANCE, 1933.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the law relating to Merchant Shipping". He said: The object of this amendment is to enable ferries, whatever their size, to be dealt with under "Table E" of the schedule of the principal Ordinance which relates to launches.

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 proviso added to section 4 (2) of Ordinance No. 10 of 1899 by section 2 of Ordinance No. 11 of 1931 permitted the Governor in Council to grant special exemption from the requirements of that section in the case of ships which regularly ply between the Colony and certain neighbouring non-treaty ports. Those vessels were virtually ferry vessels.

2. The ferry vessels which regularly ply between two or more points within the Colony and do not proceed beyond its waters have hitherto been vessels not exceeding sixty tons register and have therefore been treated as launches under section 37 of Ordinance No. 10 of 1899.

3. Now that a ferry for the carriage of motor cars and other vehicles as well as passengers has been established, vessels exceeding sixty tons register are necessary. Indeed even the capacity of the ordinary passenger ferry vessels is becoming increasingly taxed by the growth of the population in outlying residential districts which are separated by water from the city of Victoria.

4. This Ordinance therefore amends sections 4, 10, and 37 of the Merchant Shipping Ordinance, 1899, so as to subject all local ferry vessels to the launch regulations contained in Table E of the Schedule as amended by the Governor in Council for the time being in force.

5. These regulations in Table E have been amended from time to time by the Governor in Council under sections 37 (2) and 43 (3) of the principal Ordinance. If this amending Ordinance is approved it is proposed to consolidate them in a new Table in which ferry vessels will be mentioned expressly in the heading and in the regulations applicable to them and licence fees for ferry vessels exceeding sixty tons will be included in regulation 12 as enacted by Government Notification No. 77 of the Hong Kong Government Gazette of the 5th February, 1924.

### **COMPANIES AMENDMENT ORDINANCE, 1933.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Companies Ordinance, 1932." He said: This Bill will effect a number of amendments in the principal Ordinance, and they are set out in the memorandum of Objects and Reasons. The principal one is the repeal of Section 144 which related to the names of Directors and their nationality, if not British born, on all trade catalogues, trade circulars, showcards and business letters on or in which the company's name appears.

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 of this Ordinance corrects a misprint in section 94 (11) of the principal Ordinance.
2. Section 3 makes a grammatical correction in section 134 (1) of the principal Ordinance.
3. Section 4 repeals section 144 of the principal Ordinance. The section was derived from section 145 of the Companies Act, 1929, an onerous section which is considered unnecessary in Hong Kong where there is but one Registry, at which any person may search the file of a company for the sum of \$1 and obtain all the information as to directors and other matters that he reasonably may require. The Hong Kong General Chamber of Commerce, which was consulted, supports the repeal.
4. Section 5 substitutes for paragraphs (a), (b) and (c) of section 251 (1) three new paragraphs so as to make the priorities

of debts in the case of companies in liquidation coincide with those provided, by section 38 (1) of Ordinance No. 10 of 1931, for ordinary bankruptcies.

5. Section 6 adds a sub-section to section 263 of the principal Ordinance on the lines of section 277 (8) of the Companies Act, 1929.

6. Section 7 repeals section 319 of the principal Ordinance and substitutes a section in which the first half of sub-section (1) and sub-section (2) are re-enacted. The second half of sub-section (1) and sub-sections (3), (4), (5), (6) and (7) are considered redundant as their provisions are sufficiently covered by those of sections 321 to 327 and the 9th Schedule of the principal Ordinance.

7. Section 8 amends section 352 of the principal Ordinance by providing for the payment of the annual fee to the registrars of companies at Hong Kong or Shanghai instead of to the Colonial Treasurer of Hong Kong and by providing a method of calculating the fee where the paid up capital of the Company is not in the local currency of the place of payment.

8. Section 9 corrects a typographic error in Regulation 68 of Table A in the First Schedule to the principal Ordinance which was copied from the corresponding regulation in the Companies Act, 1929, which contained the same error.

9. Section 10 brings the Ordinance into operation on the 1st January, 1934, as it is considered desirable to fix a date for the system of payment effected by section 8.

### **NAVAL VOLUNTEER ORDINANCE, 1933.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to Provide for the Establishment of a Volunteer Naval Defence Force." He said: This Bill, or rather the first 16 Sections, are from a model which is to be enacted, not only in this Colony, but in all Colonies where similar Naval Forces are established.

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 first 16 sections of this Ordinance, the object of which is to provide for the establishment of Volunteer Naval Defence Force, are from a model prepared at Home for enactment by the legislatures of this and other Colonies.

2. Section 17 is to make it clear that offences under the Ordinance, some of which are not confined to members of the Force, may be dealt with summarily by a Magistrate under the Magistrates Ordinance, 1932.

3. Section 18, which is derived from section 25 of Ordinance No. 10 of 1933, makes special provision for the storage of dangerous goods belonging to the Force.

4. Section 19 amends certain existing Ordinances.

**SUMMARY OFFENCES AMENDMENT (NO. 2)  
ORDINANCE, 1933.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Summary Offences Ordinance, 1932." He said: When the Bill is in Committee I shall move that the word "further" be added to the word "amend" in the long title, because that title has already been used for another Ordinance this year.

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

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

THE ATTORNEY GENERAL.—I move that the word "further" be inserted after the word "amend" in the long title for the reason I gave before.

THE COLONIAL SECRETARY seconded and the amendment was agreed to.

Upon Council resuming,

THE ATTORNEY GENERAL reported that the Bill had passed through Committee with an immaterial amendment and moved the third reading.

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

**ADJOURNMENT.**

H.E. THE GOVERNOR.—Council stands adjourned until the 21st inst.