

10th May, 1934.

PRESENT:—

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

HIS EXCELLENCY THE OFFICER COMMANDING THE TROOPS (BRIGADIER G. B. ROWAN-HAMILTON, D.S.O., M.C.)

THE COLONIAL SECRETARY (HON. SIR THOMAS SOUTHORN, K.B.E., C.M.G.).

THE ATTORNEY GENERAL (HON. MR. R. E. LINDSELL).

THE SECRETARY FOR CHINESE AFFAIRS (HON. MR. N. L. SMITH).

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

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

HON. DR. A. R. WELLINGTON, C.M.G., (Director of Medical and Sanitary Services).

HON. MR. R. M. HENDERSON, (Director of Public Works).

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

HON. SIR WILLIAM SHENTON,

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. T. N. CHAU.

HON. MR. J. OWEN HUGHES.

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.

NEW MEMBERS.

His Excellency the Officer Commanding the Troops (Brigadier G. B. Rowan-Hamilton, D.S.O., M.C.), the Attorney General (Hon. Mr. R. E. Lindsell), the Acting Inspector General of Police (Hon. Mr. T. H. King) and Hon. Mr. J. Owen Hughes took the oath of allegiance and assumed their seats as members of the Council.

PAPERS.

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

Regulations under section 19 of the Merchandise Marks Ordinance, 1890.

Regulations under section 3 of the British Nationality and Status of Aliens (Fees) Ordinance, 1915, amending the Schedule to the Ordinance.

Regulations under sections 3 and 5 of the Tobacco Ordinance, 1931, relating to Drawbacks in the First Schedule to the said Ordinance.

Regulations under section 23 of the Waterworks Ordinance, 1903, relating to charges for excess water consumption.

Regulations under section 3 of the Post Office Ordinance, 1926, relating to the posting of insured boxes to Great Britain, etc.

Rescission of the Order declaring Haiphong an infected place.

Regulation under section 210 of the Public Health and Buildings Ordinance, 1903, relating to additional hours for blasting.

Regulations under section 3 of the Miscellaneous Licences Ordinance, 1933, relating to hawkers on board ships.

Regulations under section 23 of the Waterworks Ordinance, 1903.

Regulation under section 36 (12) of the Merchant Shipping Ordinance, 1899.

Order under the third sub-section of section 30 of the Tobacco Ordinance, 1931.

Report of the Official Receiver and Registrar of Trade Marks and Letters Patent for the year 1933.

Report of the Land Officer for the year 1933.

Report on the Botanical and Forestry Department for the year 1933.

Report of the General Post Office, Hong Kong, for the year 1933.

Kowloon-Canton Railway (British Section) Annual Report for 1933.

Report on the Organization, Operation, Cost, and Equipment of the Trade Schools, etc., of Malaya with reference to the Institution of a Trade School in Hong Kong (Sessional Paper No. 3 of 1934).

QUESTIONS.

HON. MR. J. P. BRAGA asked:—In view of the widespread interest which exists in the Colony to see the New Territories made more productive in raising footstuffs, will the Government undertake to consider this matter with the object of:—

1—allocating a sum of money in the Draft Estimates for 1935 for the purpose of assisting the attainment of this desirable object;

2—apportioning any such vote that may be budgetted for the specific purpose of establishing and maintaining an Experimental Farm for agriculture and live-stock;

3—associating such proposed Experimental Farm in some way with the University of Hong Kong;

4—adopting any other measures which, in the opinion of the Government, might be conducive to increasing the agricultural production of the New Territories and particularly in the direction of pig-breeding and poultry farming.

THE COLONIAL SECRETARY replied:—

The Botanical and Forestry Department maintains an Experimental Garden at Sheung Shui where advice and assistance are available for agriculturists.

Intensive vegetable and fruit cultivation in the New Territories has spread steadily and successfully during recent years and further extension by Government of its Experimental Station is not considered necessary at present.

Government has considered from time to time during past years the question of
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live-stock but regretfully came to the conclusion that the results to be obtained therefrom would not justify the very large expenditure which would have to be incurred. It proposes, however, to explore the matter further.

The Government is at all times prepared to give consideration to practical suggestions for the improvement of New Territories production.

OPIUM AMENDMENT ORDINANCE, 1934.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the law relating to Opium." He said: The main purpose of this Amending Ordinance is to penalise tenants, etc., of houses or floors, who have sub-let, or consented to the use of these premises so sub-let, as opium divans. Such consent being difficult to prove, proof of knowledge of use is now made sufficient to throw on the tenant, etc., the onus of disproof.

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 3 of the Opium Amendment Ordinance, 1933, amended section 15 of the principal Ordinance by "bringing within the scope of the section owners, occupiers and managers of premises who knowingly suffer them to be used as divans" (see the Objects and Reasons annexed to the draft Ordinance No. 16 of 1933).

2. In a recent case the Full Court decided that the tenant of a floor of a Chinese tenement house who had sub-let a portion of that floor was not an occupier of the portion so sub-let within the meaning of the amendment section.

3. The present amendment substitutes for section 15 of the principal Ordinance an amended section on the lines of section 13 of the Criminal Law Amendment Act, 1885, (48 and 49 Vict. c. 69), re-enacting in different terms the provisions of old section 15 relating to persons who smoke in, keep or occupy an opium divan, and, in new paragraph 1 (*d*), extending those provisions to include a lessor or landlord who knowingly lets, or having let wilfully consents to the use of, his holding or any part thereof for the purposes of an opium divan.

4. Sub-section (2) of new section 15 indicates the scope of the terms "lessee", "tenant", "lessor" and "landlord" used in the

section, and the steps which a lessor or landlord who becomes aware that the premises let by him are used as an opium divan should take in order to discharge the liability imposed on him by sub-section (1).

IMMIGRATION AND PASSPORTS ORDINANCE, 1934.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to regulate the entry and departure of persons into and out of the Colony, to prohibit the entry of undesirable immigrants, and to confer various powers in connection therewith." He said: In connection with this Bill, I need only say that the purpose and form thereof are clearly set out in the "Objects and Reasons."

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 the Passports Ordinance, 1923, which delegated to the Governor-in-Council the power of regulating the admission of persons into the Colony and substitutes new provisions enacted by the legislature which are derived mainly, as to Part I, from the Travellers Restriction Ordinance, 1915, which is to be repealed by another Ordinance, and from the Straits Settlements Passengers Restriction Ordinance No. 169 as amended by the Straits Settlement Ordinance No. 1 of 1932, and as to Part II, from the existing Passport Regulations which were published by Government Notification No. 361 in the Hong Kong Government Gazette of the 10th June, 1932.

2. A Table of Correspondence is attached, which shows in greater detail the sources of the various sections and sub-sections.

MISCELLANEOUS LICENCES AMENDMENT ORDINANCE, 1934.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Miscellaneous Licences Ordinance 1933." He said: The definition of hawker under Section 2 of the Miscellaneous Licences Ordinance, 1933, Ordinance 25 of 1933, has been found not sufficiently wide since it does not include a pedlar who boards only one particular ship in the harbour to hawk. Although under the same section a ship may be a place, a harbour pedlar has to move from place to place before he brings himself within the definition.

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 a hawker in section 2 of the principal Ordinance does not include persons who sell only on board one vessel. The amended definition extends the definition by the addition of the words "or goes on board any vessel" to include such persons.

**THE CHINA FLEET CLUB INCORPORATION
ORDINANCE, 1934.**

HON. SIR WILLIAM SHENTON moved the first reading of a Bill intituled "An Ordinance for the Incorporation of the Trustees of the China Fleet Club." He said: Your Excellency, I rise to move the first reading of a Bill intituled "An Ordinance for the Incorporation of the Trustees of the China Fleet Club." The object of the Ordinance is to incorporate the Trustees of the China Fleet Club and to give them perpetual succession. It gives them power to hold landed property in this Colony, to deal with it, to dispose of it and to acquire other property.

The proposed Ordinance is in the usual form for incorporating associations such as the China Fleet Club, and has had the approval of the Hon. Attorney General.

The China Fleet Club is the successor of the Naval Canteen, which was formerly carried on on Marine Lot No. 65, now known as Inland Lot No. 3287, and for that purpose was vested in Trustees and necessitated new appointments from time to time and consequent expense and trouble. This property was disposed by the Trustees to the Government and the present site on which the Club now stands was acquired.

The power of appointing new Trustees is now vested in the Commodore or other officer in charge of His Majesty's Naval establishments in Hong Kong, and will in future be exercised in pursuance of the terms of the proposed ordinance.

I have the honour to move the first reading of a Bill for the Incorporation of the Trustees of the China Fleet Club.

HON. MR. C. G. S. MACKIE 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 is a private Bill for the incorporation of the Trustees of the China Fleet Club.
2. Its clauses are based on those of similar Incorporation Ordinances.

H.E. THE GOVERNOR.—Council stands adjourned until next Thursday, May 17th.

FINANCE COMMITTEE.

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

Votes totalling \$183,509 contained in Message No. 5 from H.E. the Governor, being \$55,856 under Estimates 1933, and \$127,653 under Estimates 1934, were considered.

Item No. 165 (1933): Public Works Extraordinary:—Hong Kong. Buildings. Junior Technical School, \$2,375.

Item No. 21 (1934): Public Works Extraordinary:—Hong Kong. Communications. 23, New Road from Island Road to Stanley, \$27,000.

Item No. 27 (1934): Public Works Extraordinary:—Hong Kong. Miscellaneous. Chai Wan Cemetery—Sexton's Quarters, \$5,000.

Item No. 28 (1934): Public Works Extraordinary:—Hong Kong. Communication. 22, 10-foot Path, Shek O Gap to Cape D'Aguiar Wireless Station, \$7,000.

HON. SIR WILLIAM SHENTON.—I would like to ask for information in respect of items 165, 21, 27, and 28, in which it states that progress has been slower than expected and only a certain amount of work could possibly be done. I do not know whether you can give us any information why progress has been so slow in regard to these items. We all know that the Public Works Department have a lot of work on hand and a number of big schemes. Would it not be possible to hand out some of these smaller matters to outside firms in this Colony as has been done in past years, for instance, such as the Post Office? Has slow progress been due to the fact that the Public Works Department are so much over-worked?

THE DIRECTOR OF PUBLIC WORKS.—The slow progress in most cases is due to the contractor being slow, and not through the delay of plans or that kind of thing. From time to time contractors have struck more rock than was anticipated. In the case of Item 165, I think this is the case in which the contractor failed. We had to get a new tender and that takes up a lot of time.

With regard to Item 21, the contractor's progress was so slow that we had to get another contractor and it took a considerable amount of time changing over.

With regard to Item 27, that I think was owing to a change in the site. We had everything ready and the site was changed and we had to change the plans, which meant a considerable delay in the work.

As regards 28, there was considerably more rock than was anticipated and the work is completed now.

HON. SIR WILLIAM SHENTON.—Then these items are really not due to the fact that you are very over-worked?

THE DIRECTOR OF PUBLIC WORKS.—Not these items.

HON. MR. J. P. BRAGA.—In that connection it rather lends colour to the view that the lowest tender is not always the cheapest and best tender for the Government to accept.

HON. SIR WILLIAM SHENTON.—Well, not altogether. If there was delay...

HON. MR. J. P. BRAGA.—The principle is there all the same. These tenders nowadays, I know from experience, are apt to be so competitive that you cannot hope to have the work carried out for the figures accepted, so it might be wise to consider this as a matter of policy by the Tender Board. I throw this out as a suggestion.

THE COLONIAL SECRETARY.—I think the Tender Board does all it can to see that the contractor accepted is able to carry out the work as far as they can foresee.

THE COLONIAL TREASURER.—As far as we can foresee that he is an able man.

HON. MR. C. G. S. MACKIE.—The Hon. Director of Public Works mentioned just now that one of his contractors failed.

THE DIRECTOR OF PUBLIC WORKS.—The point is time is lost. We have to push these people on. You cannot stay your hand after you have sent them one letter. You must send them dozens of letters before you feel you are justified in changing over from one contractor to another. In putting up our tenders, we always compare with our own estimates, and if they are much lower than our own, we state so, but if there are two or three contractors who have all got together considerable below our estimates, we say 'Go on with the work.' Sometimes we recommend a higher tender than the lowest tender—which has to be carefully handled.

HON. MR. J. P. BRAGA.—This practical suggestion might be worth consideration by the Director of Public Works—that in certain tenders contractors be asked to itemize the various items forming the tender, in which case that would be more helpful to your Department.

THE DIRECTOR OF PUBLIC WORKS.—Our tenders are itemized.

HON. MR. J. P. BRAGA.—If these contractors itemized their tenders you would be in a better position to know that they were not taking a gamble.

THE DIRECTOR OF PUBLIC WORKS.—All our tenders are itemized and if a contractor's tender is ridiculously low, we send for him and point out to him if we do not think that the work can be done at this rate. We always go through each individual price.

HON. MR. J. P. BRAGA.—You do not as a rule accept lump sum tenders?

THE DIRECTOR OF PUBLIC WORKS.—It is rarely that we have lump sum tenders. We only accept such tenders for small brick buildings. Anything else is itemized almost to the last cent.

Item 30 (1934): Public Works Extraordinary:—New Kowloon. Miscellaneous, Refuse Dump at Kun Tong, \$5,000.

HON. SIR WILLIAM SHENTON.—Is there any reason why the Cheung Sha Wan Sanitary Department Refuse Dump has now been closed?

THE COLONIAL SECRETARY.—I do not think I can give you an exact reason without reference to the papers beyond the fact that the Sanitary Department did not require it. They have other means for the disposal of refuse.

THE DIRECTOR OF PUBLIC WORKS.—The reason is possibly due to a change in Harbour development.

Item 32 (1934): Miscellaneous Services:—Grants in Aid of Institutions. Hong Kong Naturalist, \$255.

THE COLONIAL TREASURER.—In Item 32 may the figure \$255 be changed to \$288 as \$255 will not cover the cost at the present rate of exchange.

This was agreed to.

All the votes were approved.