

14th June, 1934.

PRESENT:—

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

HIS EXCELLENCY THE 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. R. E. LINDSELL).

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

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, C.M.G., (Director of Medical and Sanitary Services).

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

HON. SIR WILLIAM SHENTON, KT.

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. W. H. BELL.

HON. MR. J. OWEN HUGHES.

MR. R. A. C. NORTH, (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:—

Regulation under section 3 of the Post Office Ordinance, 1926.

Regulation under section 37 (2) of the Merchant Shipping Ordinance, 1899, relating to launches, etc., leaving Hong Kong by night.

Order under section 90 of the Public Health and Buildings Ordinance, 1903, relating to New Stanley Cemetery.

Regulations under section 39 (1) of the Merchant Shipping Ordinance, 1899, amending Table T.

Regulations under section 39 (1) of the Merchant Shipping Ordinance, 1899, amending Table U.

Regulation under sections 25 (4) and 33 (2) of the Merchant Shipping Ordinance, 1899, amending Table M.

Order under section 5 of the Ferries Ordinance, 1917, relating to the ferry operating between Tap Mun Village and Tai Po.

Order under the Public Revenue Protection Ordinance.

Report of the Head of the Sanitary Department for the year 1933.

Report of the Superintendent of Prisons for the year 1933.

Report on the Finances for the year 1933.

MOTIONS.

THE COLONIAL TREASURER.—I rise to move the following resolution.—

Resolved, pursuant to section 39 of the Liquors Ordinance, 1931, that the item

"On beer, porter, cider, perry and stout 0.60"

in Part I of the Table to the Liquor Duties Resolution of the 30th June, 1932 (published by Notification No. 417 in the Gazette of the 30th June, 1932), which Part, as substituted, is set forth in the Liquor Duties Resolution of the 20th October, 1932 (published by Notification No. 655 in the Gazette of the 21st October, 1932), be rescinded and the following items substituted:—

On cider and perry 0.60

On beer (as defined in the Ordinance but exclusive of cider and perry) not exceeding 1055 degrees original gravity, that is to say, the specific gravity of the worts thereof before fermentation 0.60

On all other beer (as defined in the Ordinance but exclusive of cider and perry) imported in a concentrated form, or as ale basis, or malt and hops concentrate 0.60

with the addition of one cent per gallon for every degree by which the original gravity exceeds 1045° .

This resolution is necessary on account of the proposed importation of what is called heavy gravity beer, that is beer in a concentrated form. Hitherto the duty on all imported beers has been at the rate of 60 cents per gallon, no regard being made to the original gravity as no beer was imported above 1,055 degrees, generally nearer 1,045 degrees. It is evident, therefore, that if heavy ale of 1,105 degrees gravity is imported under the present scale of duties and watered down, the revenue will suffer. This resolution adds beers imported in a concentrated form or as ale basis or malt and hops concentrate to the scale of duties. The new duty will be levied at the rate of 60 cents per gallon with the addition of one cent per gallon for every degree by which the original gravity exceeds 1,045 degrees.

THE COLONIAL SECRETARY seconded, and the resolution was agreed to.

PENSIONS AMENDMENT ORDINANCE, 1934.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Pensions Ordinance, 1932." He said: The purpose of this Bill is to make certain clarifying amendments to the Pensions Ordinance, 1932.

In section 2 (b) (i) of that Ordinance the definition of "pensionable officer" was such that it might have been deemed to make pensionable the holder of an office declared pensionable who was not himself a member of the pensionable establishment.

The further proviso added to that sub-section by Clause 1 gets rid of this anomaly.

The amendment proposed by Clause 4 empowers the Governor-in-Council to make regulations for the granting of pensions, gratuities, etc., to the dependants of persons who have died in the public service of the Colony, as well as to persons who have retired from the Service.

The other two minor amendments are purely formal.

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 second proviso to section 2 (b) (i) of the principal Ordinance, so as to make it clear that officers who are on probation or who are for any reason temporarily employed shall not be pensionable merely because they hold one of the offices which has been declared pensionable by notification.

2. Section 3 of this Ordinance corrects the title of the Kenya and Uganda Railways and Harbours Administration and specifies more clearly the educational service set out in section 2 (d) of the principal Ordinance to comply with instructions contained in the Secretary of State's despatches of the 8th November, 1932, and 6th June, 1933.

3. Section 4 substitutes for section 3 of the principal Ordinance a re-enactment of the same in which at the end of sub-section (1) the words "and to the dependants of such persons where such service is terminated by death" have been added. Section 16 of the principal Ordinance provides for death gratuities to the estates of officers holding pensionable office who are not serving on probation or agreement. It is proposed to provide by Regulations under section 3 for death gratuities to dependants of non-pensionable officers.

4. Section 5 corrects an erroneous typographical reference in section 17 of the principal Ordinance.

MARRIAGE AMENDMENT ORDINANCE, 1934.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Marriage Ordinance, 1875." He said: The Marriage Ordinance, 1875, nowhere lays down any minimum age of marriage which is thus the same in Hong Kong as it was in England up to 1929—14 for males and 12 for females. The Age of Marriage Act of 1929 avoided any marriage either party to which is under 16, and the present Bill (Clause 4) amends section 26 (2) of the Ordinance to secure the same effect.

Further the new section 12 (a) enacted by Clause 2 forbids the issue of a marriage licence or certificate where either party is under 16, and the effect of the amendment of section 13 by Clause 3 is to nullify the consent of a parent, etc., to the marriage of a child who is under 16.

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 Marriage Ordinance, 1875, (as since amended), provides by section 13 that if either party to a marriage, not being a widow or widower, is under 21 the written consent of the father (or in certain cases of the mother, guardian or registrar of marriages) is necessary. Subject to such vicarious consent the age of personal consent in the case of "Christian" marriages in the Colony is the same as it was in England until 1929, that is to say, 14 in the case of males and 12 in the case of females. The Age of Marriage Act, 1929, (19 & 20 Geo. 5, c. 36), avoided marriages either party to which is under sixteen.

2. The Secretary of State desires the same age limit to be prescribed in Hong Kong.

PROTECTION OF WOMEN AND GIRLS AMENDMENT ORDINANCE, 1934.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the law relating to the protection of Women and Girls". He said: The effect of this Bill, introduced at the direction of the Secretary of State, is as follows:—

(1) By Clauses 2 and 3, it raises the age of a girl below which, even though she consents, actual carnal knowledge of her is a felony, and attempted carnal knowledge a misdemeanour, and at and above which either offence is a misdemeanour, from 12 to 13.

Further the new Section 5 (enacted by Clause 2) omits the proviso that appeared in old Section 5 making reasonable belief that she was 16 or more sufficient defence to a charge of actual or attempted carnal knowledge of a girl under 16, and extends the time within which a prosecution for this offence must be instituted to twelve months (instead of three) from the date of the offence.

(2) By Clause 4, it raises from 13 to 16 the age at which the consent of the girl is a defence on a charge of indecent assault upon her.

(3) By Clause 5, it raises from 12 to 13 the age of a girl below which allowing her defilement is a felony, and at or above which up to 16 a misdemeanour. At the same time the old proviso making reasonable belief that the girl was 16 or over a good defence to any charge under the Section is omitted.

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 Bill is introduced by direction of the Secretary of State in order to secure uniformity between local legislation and the law in England.

2. Under section 5 of the Protection of Women and Girls Ordinance, 1897, carnal knowledge, actual or attempted, of an unmarried girl who is over twelve but under sixteen is a misdemeanour; and by section 6 carnal knowledge by a male of any girl under 12 (whether she is married to him or not) is a felony, and attempted carnal knowledge of such girl a misdemeanour.

Similarly by section 11 a householder, etc., permitting the defilement of a girl on his premises,

(a) if the girl is under 12, is guilty of felony; and

(b) if the girl is 12 or over and under 16, is guilty of a misdemeanour.

In each case the corresponding provision of the Criminal Law Amendment Acts in England and of legislation in other parts of the Empire has now fixed the lower age of 13.

The proposed amendments which substitute "thirteen" for "twelve" in the above three sections thus secure uniformity.

3. The new section 5 is otherwise a re-enactment of the old section, but omitting the second proviso, and allowing prosecution for an offence against the section to be instituted up to twelve (instead of three) months from the date of such offence. These amendments to the law at Home were made by the Criminal Law Amendment Act, 1922, and other similar Acts.

4. Similarly the effect of the amendment of section 7 is to raise the age of consent in indecent assault cases from thirteen to sixteen, as was also the effect of a provision of the Criminal Law Amendment Act, 1922.

5. In section 11 also the final proviso is repealed, the corresponding proviso in the Criminal Law Amendment Act of 1885 having been repealed by the Act of 1922.

**COLONIAL (BAHAMAS AND LEEWARD ISLANDS)
LIGHT DUES ORDINANCE, 1934.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to provide for levying in Hong Kong Colonial light dues in respect of certain lighthouses and a buoy on or near the coasts of the Bahamas and Leeward Islands". He said: The purpose of this Ordinance is sufficiently set out in the Objects and Reasons thereto.

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 enable the colonial light dues prescribed by the Order in Council set out in the Appendix to be collected in Hong Kong.

2. The twelve lighthouses and the buoy mentioned in the Schedule to the Order in Council are administered by the Board of Trade and have been maintained by the General Lighthouse Fund which derives its revenues mainly from light dues collected in Great Britain, Northern Ireland and the Irish Free State.

3. They have been maintained and improved, at considerable expense, in the interests of shipping of all nations deriving benefit from the lights, and it has become necessary to reconsider the incidence of the cost of the service. To this end His Majesty has been pleased to make an Order in Council on the 17th December, 1931, under section 670 of the Merchant Shipping Act, 1894, providing for the levy of a due of one penny per ton on all ships passing and deriving benefit from the lighthouses and buoy in the Bahamas, and of a half-penny per ton on ships passing and deriving benefit from the light at Sombrero.

4. As stated in the preamble to the Order in Council section 670 of the Merchant Shipping Act, 1894, also provides that colonial light dues shall not be levied in any British possession unless the legislature of that possession has signified its opinion that the dues ought to be levied. Section 2 of this Ordinance therefore expresses the statutory opinion. Section 3 makes provision for the collection locally.

HONG KONG DOLLAR LOAN ORDINANCE, 1934.

THE COLONIAL TREASURER moved the second reading of a Bill intituled "An Ordinance to make provision for a loan of twenty-five million dollars for the carrying out of certain Public works, for the redemption of certain inscribed stock, and for other purposes." He said: During the Committee stage of the Bill I shall move three small amendments adding the name of the Hong Kong

and Shanghai Banking Corporation to Clauses 5 (7), 9 and 11. By arrangement with the two banks they will both manage the loan. I should like to add that the prospectus is now in the press and copies will be available to-morrow morning at my office or at the Banks, and copies of application forms will also be available. Applications will be received on the 21st.

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

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

Clause 5 (7).

THE COLONIAL TREASURER.—I move an amendment in Clause 5 (7) in the 4th line after the word "payable"—the insertion of the words "either at the head office of the Hongkong and Shanghai Banking Corporation or".

THE COLONIAL SECRETARY seconded, and this was agreed to.

Clause 9.

THE COLONIAL TREASURER.—In Clause 9, 4th line, after the word "yearly" insert the words "either at the head office of the Hongkong and Shanghai Banking Corporation or".

THE COLONIAL SECRETARY seconded, and this was agreed to.

Clause 11.

THE COLONIAL TREASURER.—In this Clause in the 6th line after the word "cancellation" insert the words "either at the head office of the Hongkong and Shanghai Banking Corporation or".

THE COLONIAL SECRETARY seconded, and this was agreed to.

H.E. THE GOVERNOR.—I rule that these amendments are not material.

Upon Council resuming,

THE COLONIAL TREASURER reported that the Bill had passed through Committee with immaterial amendments 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 June 28th.

FINANCE COMMITTEE.

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

Votes totalling \$79,222, contained in Message No. 7 from H.E. the Governor, were considered.

Item 46.—Attorney General:—1, Personal Emoluments, \$16,267.

HON. SIR WILLIAM SHENTON.—I would like to know the position in this case. Why is there an increase in the salary of a first class Cadet Officer by \$16,000?

THE COLONIAL SECRETARY.—We are not paying any more. It is merely an accounting transaction due to the introduction of a new system desired by members of the Council and supported by the Secretary of State that individual officers' salaries shall be shown in the department with which they are, for the time being, working. It gives a great deal of additional work because the officers have to change from time to time owing to others going on leave, but it does not result in any further expenditure.

HON. SIR WILLIAM SHENTON.—The grand total at the end of the year is the same?

THE COLONIAL SECRETARY.—It looks more but there are additional savings on the other side.

Item 48.—10, Harbour Department and Air Services, B.—Air Services. Special Expenditure:—One Motor Roller \$6,288.

HON. SIR WILLIAM SHENTON.—I should like to know whether the Government is taking any steps to improve the surface of Kai Tak Aerodrome.

THE COLONIAL SECRETARY.—The Department has ordered this roller. The P.W.D. is endeavouring to lend a roller for the time being. The matter is receiving the careful attention of the Engineer of the Air Force and our Engineers with a view to improving the surface of the Aerodrome.

HON. SIR WILLIAM SHENTON.—What is the trouble? One of drainage?

THE COLONIAL SECRETARY.—It is want of a roller.

HON. SIR WILLIAM SHENTON.—You are not considering the question of getting some sort of composition for the surface?

THE COLONIAL SECRETARY.—It is being very carefully considered by Major Evans.

All the votes were approved.