

18th October, 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. W. B. A. MOORE, (Acting 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. 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. H. R. BUTTERS, (Deputy Clerk of Councils).

ABSENT:—

HON. MR. J. P. BRAGA.

MINUTES.

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

SILVER STATEMENT.

H.E. THE GOVERNOR.—As I believe that there may be some feeling of uncertainty in the Colony as to what, if any, steps this Government proposes to take in view of the action of China in regard to silver, I wish to say that the Government is keeping a close watch on the situation, and, as at present advised, sees no reason to take any special steps.

PAPERS.

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

Notification under section 6A (2) (a) of the New Territories Regulation Ordinance, 1910, relating to the Chinese Catholic Cemetery at Sai Kung.

Regulations under section 3 (1) of the Wireless Telegraphy Ordinance, 1926, relating to distribution licences.

Order under section 7 of the Rating Ordinance, 1901.

Regulations under section 3 (1) of the Pensions Ordinance, 1932.

Addition to Regulation 18 of the Post Office Regulations under section 3 of the Post Office Ordinance, 1926.

Medical and Sanitary Report for the year 1933.

FINANCE COMMITTEE'S REPORT.

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid upon the table the report of the Finance Committee, No. 13 of 27th September, 1934, and moved that it be adopted.

THE COLONIAL TREASURER seconded, and this was agreed to.

DANGEROUS GOODS AMENDMENT ORDINANCE, 1934.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend further the Dangerous Goods Ordinance, 1873". He said: The amendments of the principal Ordinance effected by this Bill are explained in the Objects and Reasons.

By Clause 2 the words "an order of" are omitted from section 2 as surplusage.

Clause 3 introduces into section 5 (1) a redrafted paragraph (f) extending tests to petroleum containers, and a new paragraph (ff) providing for the prescription of labels, labelling being a feature of the new regulations which will be submitted to the Executive Council as soon as this Bill becomes law. Clause 4 provides a new and more up to date version of section 9 and Clause 5 makes good two defects in section 10.

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 amendments to be enacted by this Ordinance are necessitated in the main by the recent drafting of a new and complete code of "dangerous goods" regulations to which the Chamber of Commerce has agreed and which are to be made by the Governor in Council under section 5 of the principal Ordinance.

2. Clause 2 omits as redundant the words "an order of" from section 2 of the principal Ordinance. It is quite sufficient to require no more than a declaration by the Governor in Council to make any goods "dangerous".

Cf. the amendment to section 40 (2) of the Interpretation Ordinance, 1911, effected by the Interpretation Amendment Ordinance, 1927.

3. Clause 3 substitutes for paragraph (f) of section 3 (1) a new paragraph enabling regulations to be made for the testing of dangerous goods and petroleum containers, and inserts in the same sub-section a new paragraph (ff) allowing provision by regulation for the labelling or otherwise marking of dangerous goods. Such labelling is a feature of the new regulations which are already in print.

4. Clause 4 substitutes a new section 9, since some of the old provisions will be no longer necessary when the new regulations come into force.

5. By clause 5 sub-sections (1) and (5) of section 10 have been redrafted.

The effect of the additional words added at the beginning of sub-section (1) is to exempt the masters of ships that enter the harbour carrying dangerous goods from the licensing provisions of this section.

In both sub-sections the words "or warehouse owner" have been inserted after "servant or agent" in order to make it quite clear that the owner of dangerous goods who deposits them in another's godown is not thereby relieved from personal liability to take out a licence in respect of such goods.

One or two slight alterations of wording have also been made.

RAILWAYS (NO. 2) AMENDMENT ORDINANCE, 1934.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Railways Ordinance, 1909". He said: The scope of the amendment effected by this Bill is fully 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. Section 35 of the principal Ordinance, as amended by the amending Ordinance of 1927, gives the Manager of the Railway a limited power to dismiss, suspend and punish for misconduct railway servants in receipt of salaries of less than £100 or \$1,000 per year who are not on the permanent establishment or serving under written agreements; and also empowers him to fine for breach of a rule made under section 32 any railway servants whose salary does reach either of these figures.
2. It has been found desirable to increase this salary limit, and the main purpose of the proposed amendment is to enable the Manager of the Railway, with a view to ensuring stricter discipline, to exercise the power to fine against any employee who receives not more than £200 or \$2,000 per annum as salary.

POLICE FORCE AMENDMENT ORDINANCE, 1934.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Police Force Ordinance, 1932". He said: The object of this amending Bill is to get rid of a difficulty in respect of the probationary period for a Police interpreter or telephone clerk, which, by section 6 (2) of the principal Ordinance, is limited to six months. It has been found in practice that this period is often insufficient, and further it is considered desirable that such officers should properly remain on probation for the same period as other Government employees of the same type.

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:

Under section 10 of the principal Ordinance the interpreters and telephone clerks employed by the Police Department fall for pension purposes under the ordinary civil pensions law, and it is considered that the conditions for such officers in respect of probation and confirmation should be assimilated to those in force for similar officers in the ordinary civil service, namely a minimum probation of two years. An amendment of section 6 (2) of the principal Ordinance is therefore necessary confining the limitation to six months for probation to the disciplined staff of the Force.

CRIMINAL PROCEDURE AMENDMENT ORDINANCE, 1934.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Criminal Procedure Ordinance, 1899". He said: This amending Bill is introduced at the direction of the Secretary of State. Its purpose is, with the necessary modifications, to make part of the law of the Colony the provisions of the law in England in respect of the proceedings and sentence in a case where an expectant mother is convicted on a capital charge, and in respect of infanticide.

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 substituted section 77 and the new section 77A to be incorporated by this Bill in the Criminal Procedure Ordinance, 1899, introduce in Hong Kong, on directions from the Secretary of State, the main provisions of the Infanticide Act, 1922, and the Sentence of Death (Expectant Mothers) Act, 1931. The former of these Acts established infanticide in certain circumstances as a special form of homicide, punishable as manslaughter, while the latter prohibits sentence of death on any pregnant woman convicted of a capital offence, substitutes therefor a sentence of imprisonment for life, and lays down the special procedure by which the question of alleged or suspected pregnancy is to be inquired into and determined.

2. Thus clause 2 of this Bill substitutes for section 77 of the principal Ordinance a new section of which sub-sections (1), (4) and (5) are reproductions with the necessary modifications of section 1 and sub-sections (4) and (5) of section 2 respectively of the Act of 1931.

Sub-clause (2) retains the provisions of old section 77 regarding the examination of a convicted woman, who claims to be pregnant, by two or more medical practitioners sworn for the purpose, instead of, as in England, by a jury *de ventre inspiciendo*; but includes also the provisions of the 1931 Act to the effect that (a) the procedure for determination of the question of pregnancy is to be carried out before sentence instead of on a motion, after sentence, in arrest of execution, and (b) the Court may order the examination *ex-proprio motu*.

3. Similarly clause 3 reproduces with the necessary modifications sub-sections (1), (2), (3) and (4) of section 1 of the Infanticide Act, 1922.

MERCHANDISE MARKS AMENDMENT (NO. 2) ORDINANCE, 1934.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend further the Merchandise Marks Ordinance, 1890". He said: This amending Bill is also introduced at the direction of the Secretary of State, and its scope is fully explained 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. The purpose of this amending Bill, which is introduced at the direction of the Secretary of State, is to incorporate into the principal Ordinance the provisions of the Merchandise Marks Act, 1911 (1 and 2 Geo. 5, c. 31).

2. Additional power is given accordingly to the Superintendent of Imports and Exports, if he is satisfied that imported goods which bear a mark purporting to be that of a manufacturer, etc., in the United Kingdom have been fraudulently marked, to require full information of the importer. If the information required is not forthcoming within 14 days, the importer renders himself liable to a heavy fine.

Furthermore, the Superintendent of Imports and Exports is empowered to communicate any information which he acquires to any person whose name or trade mark is alleged to have been fraudulently used or infringed in connection with such goods.

SAND ORDINANCE, 1934.

H.E. THE GOVERNOR.—There are certain amendments to be made in the draft Bill, and I propose to cut this Bill out of the Orders for to-day and take it at a later date.

**MORRISON SCHOLARSHIPS FUND INCORPORATION
ORDINANCE, 1934.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to incorporate a Body of Trustees capable of holding property and empowered to administer a trust fund known as the Morrison Scholarships Trust Fund for the purpose of providing scholarships at Queen's College in this Colony." He said: The purpose and scope of this Bill are, I think fully set out in the preamble and 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:

These are sufficiently set out in the preamble.

The Bill follows the lines of other Incorporation Ordinances, in particular the Chater Masonic Scholarship Fund Ordinance, 1929, and the Church of England Trust Ordinance, 1930.

ESTATE DUTY AMENDMENT ORDINANCE, 1934.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Estate Duty Ordinance, 1932".

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

Council then 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.

EVIDENCE AMENDMENT ORDINANCE, 1934.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Evidence Ordinance, 1889".

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

Council then 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.

LIQUORS AMENDMENT ORDINANCE, 1934.

THE ATTORNEY GENERAL.—As regards the Liquors Ordinance there are further amendments under consideration, and I desire, with the approval of the Council, to withdraw it for the time being from the second reading.

H.E. THE GOVERNOR.—You mean postpone the second reading?

THE ATTORNEY GENERAL.—Yes, Sir.

THE COLONIAL SECRETARY seconded, and this was agreed to.

ADJOURNMENT.

H.E. THE GOVERNOR.—Council stands adjourned *sine die*.

FINANCE COMMITTEE.

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

Votes totalling \$63,720 were considered.

Item 89.—22, Medical Department:—Expenses in connection with fumigation and disinfection of shipping \$35,000.

HON. MR. KOTEWALL.—I presume this is a productive undertaking and if so would you be good enough, Sir, to let us know what the annual estimated revenue is?

THE CHAIRMAN.—Dr. Moore, can you give any figures as to the estimated revenue?

HON. DR. MOORE.—I can only give the figures which came out before. The estimated cost is about \$20,000 and the revenue is estimated to be about the same. Our running expenses are less.

THE CHAIRMAN.—You estimate then that the cost of running the concern will average about \$20,000 and that the revenue will cover that?

HON. DR. MOORE.—Probably not the first year, owing to the expense in repairs.

HON. MR. KOTEWALL.—Has the Government hitherto paid the Bureau for work done for the Government?

THE CHAIRMAN.—Not as far as I know.

All the Votes were approved.
