

*30th January, 1936.*

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**PRESENT:—**

HIS EXCELLENCY THE GOVERNOR (SIR ANDREW CALDECOTT, Kt., C.M.G., C.B.E.)

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING THE TROOPS (MAJOR GENERAL A. W. BARTHOLOMEW, C.B., C.M.G., C.B.E., D.S.O.).

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

THE ATTORNEY GENERAL (HON. MR. C. G. ALABASTER, O.B.E., K.C.).

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

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

HON. DR. W. B. A. MOORE, O.B.E., (Director of Medical and Sanitary Services, *Acting*).

HON. SIR HENRY POLLOCK, Kt., K.C., LL.D.

HON. SIR WILLIAM SHENTON, Kt.

HON. MR. S. W. TS'O, C.B.E., LL.D.

HON. MR. T. N. CHAU.

HON. MR. J. J. PATERSON.

HON. MR. W. H. BELL.

HON. MR. M. K. LO.

MR. H. R. BUTTERS, (Deputy Clerk of Councils).

**ABSENT:—**

HON. MR. J. P. BRAGA, O.B.E.

**MINUTES.**

The Minutes of the previous meetings were read and confirmed.

**PAPERS.**

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

Amendments to the Regulations made by the Governor in Council under section 44 (1) of the Asiatic Emigration Ordinance, 1915, Ordinance No. 30 of 1915 and section 3 of the Boarding-house Ordinance, 1917, Ordinance No. 23 of 1917, dated 12th January, 1936.

Regulation made by the Governor in Council under section 52 of the Liquors Ordinance, 1931, Ordinance No. 36 of 1931, appointing Nos. 3, 5, 5a, 7 and 9, Duddell Street, to be a ware-house for the storing of dutiable liquors of Messrs. Ruttonjee & Son, dated 12th January, 1936.

Amendments to the Statutes of the University of Hong Kong made under section 14 of the University Ordinance, 1911, Ordinance No. 10 of 1911, dated 14th January, 1936.

Valuation made in 1935 of the tenements in those parts of the New Territories comprised in the urban areas of Tai Po Market and Yuen Long wholly adopted by the Governor in Council under section 8 (2) of the Rating Ordinance, 1901, Ordinance No. 6 of 1901, dated 15th January, 1936.

Order made by the Governor in Council under section 75 (8) of the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, for the removal of six urns situated approximately 300 yards southwest of the sexton's quarters, Tung Wah Hospital Cemetery at Chai Wan, dated 7th January, 1936.

Amendment to the Regulations made by the Governor in Council under section 47 of the Protection of Women and Girls Ordinance, 1897, Ordinance No. 4 of 1897, relating to places of refuge, dated 17th January, 1936.

Amendments to the Pension Regulations A and B made by the Governor in Council under section 3 (1) of the Pensions Ordinance, 1932, Ordinance No. 21 of 1932, relating to the deletion of Malta from regulation 29 and its inclusion in the Schedule to the Regulations, dated 20th January 1936.

Amendments to the Regulations made by the Governor in Council under section 3 of the Vehicles and Traffic Regulation Ordinance, 1912, Ordinance No. 40 of 1912, dated 21st January, 1936.

Proclamation No. 1.—Accession of His Majesty King Edward VIII.

List of statements and abstracts of reports of the following Companies which have been deposited with the Registrar of Companies under the Life Insurance Companies Ordinance, 1907, during the year 1935:—

**Statements Under Section 12.**

The China Hong Nin Life Insurance Company, Limited.

The Sincere Life Assurance Company, Limited.

The Wing On Life Assurance Company, Limited.

The West Coast Life Assurance Company.

The Luk Hoi Tung Life Assurance Company, Limited.

The Oi Kwan Life Assurance Company, Limited.

**Statements Under Sections 14 and 15.**

The Wing On Life Assurance Company, Limited.

**RESOLUTION OF LOYALTY.**

H.E. THE GOVERNOR.—The Resolution of condolence on the death of His late beloved Majesty King George, passed at our recent specially convened session, was telegraphed by me to the Secretary of State for the Colonies immediately afterwards; and His Majesty the King's gracious appreciation and expression of gratitude has been published in a Gazette Extraordinary yesterday.

I wish to say here how very much impressed I have been (and all whom I have since met have expressed themselves as similarly impressed) by the manner in which the sad days of our public mourning have been observed in this Colony. The coincidence of the Chinese New Year ceremonies had led some to apprehend features in their observance incompatible with our common feelings of pain and sorrow. All such anticipations however, were inspiringly belied by the event. No restrictions of any kind were imposed; all that was done was to post at the Secretariat for Chinese Affairs a notice suggesting the exercise of moderation in the use of fire-crackers. The degree to which such moderation was exercised far exceeded the possible results of any notice and manifestly proceeded from the hearts of His late Majesty's affectionate Chinese subjects. I know that I express the feelings of all other races in Hong Kong when I say that we were deeply touched by this bowing of ancient Chinese custom to our common grief.

The tribute that has been paid here to the memory of King George has indeed transcended all differences and peculiarities of race, custom, and religion, and with this proof before us of our people's unity in the bonds of loving fealty to the British Throne, I ask you, Gentlemen, now to pass on their and our behalf the following Resolution of loyalty and devotion to His Majesty King Edward VIII:

"We, the members of the Legislative Council of Hong Kong, assembled for the first time since the proclamation of the accession of our King Edward VIII, desire on behalf of ourselves and of the whole people of this Colony to tender our humble duty, loyal devotion and affectionate homage to His Most Gracious Majesty and pray with one heart and voice that his reign over us may be long, happy, peaceful and glorious. God save the King."

HON. SIR HENRY POLLOCK.—Sir, as Senior Unofficial Member, I beg leave to second the resolution.

THE HON. MR. S. W. TS'O.—Your Excellency,—As the Senior Chinese Member of this Council, I wish respectfully to support, on behalf of the Chinese community, the resolution of loyalty and devotion to His Majesty King Edward VIII which has just been proposed by Your Excellency and seconded by the Senior Unofficial Member of this Council, the Hon. Sir Henry Pollock. I and my Chinese colleagues deeply appreciate the kind reference you made, in introducing the resolution, of the loyalty and devotion of His late Majesty's Chinese subjects, and on their behalf, I humbly tender our continual and unfailing loyalty and devotion to His Gracious Majesty the King who has already won the love and affection of his Chinese subjects by the great interest he has taken in the welfare of his people.

The resolution was unanimously agreed to.

#### **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. 1 of 16th January, 1936, and moved that it be adopted.

THE COLONIAL TREASURER seconded, and this was agreed to.

#### **MARRIED WOMEN ORDINANCE, 1936.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the law relating to the capacity, property and liabilities of married women and the liabilities of husbands." he said: Last year, in England, the Committee which had been considering anomalies existing in the Common Law, made certain recommendations which resulted in the passing, amongst other Acts, of an Act intituled "The Law Reform (Married Women

and Tortfeasors) Act, 1935." The effect of this is to place married women as nearly as possible in the position of widows and spinsters with regard to their capacity to hold property and to sue and be sued. At the same time under Clause 4, which corresponds to Section 3 of the Act, it relieves husbands of their Common Law liability for their wives' torts and wives' ante-nuptial contracts.

The Table of Correspondence shows how closely we have taken note of the Act.

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 enact in the Colony provisions relating to the capacity, property, and liabilities of married women and the liabilities of husbands, similar to those enacted in England by Part I of the Law Reform (Married Women and Tortfeasors) Act, 1935.

2. A Table of Correspondence showing the variations between the Act and the Ordinance is attached.

### **TORTFEASORS ORDINANCE, 1936.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the law relating to proceedings against, and contribution between, tortfeasors." He said: This Bill is founded on other provisions of the Act I mentioned moving the last Bill. Our own instructions are not to mix this with the foregoing Bill and I have, therefore, separated them. The main effect of this Bill will be to abolish the principle of Common Law which has been definitely established in England since 1799 and which is expressed in the maxim "there is no contribution between joint-tortfeasors", which means that if a plaintiff brought an action against two persons for joint tort, claiming damages against both of them, and levies execution from one for the whole amount, that one cannot sue the other tortfeasor to contribute one half. In future he will be able to do so.

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:—

The objects of this Ordinance is to enact in the Colony the provisions of section 6 of the Law Reform (Married Women and

Tortfeasors) Act, 1935, the language of which has been followed in section 2 of the Ordinance except that in sub-section 3 (a) a reference to the Fatal Accidents Ordinance, 1889, is substituted for the reference to the Fatal Accidents Acts, 1846 to 1908, and that in sub-section (4) (a) the words "commencement of this Ordinance" are substituted for the words "commencement of this Part of this Act."

### **LIQUORS AMENDMENT ORDINANCE, 1936.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the law relating to alcoholic liquors." He said: This Bill is fully explained in the Memorandum of 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. Sub-section (3) of section 6 of the Liquors Consolidation Ordinance, 1911 (Ordinance No. 9 of 1911) was as follows:—

(3) No person shall for and on behalf of any other person, who is not the holder of a dealer's licence, accept or receive orders for, or import on commission or act as agent for the import of, any intoxicating liquor in quantities exceeding two gallons at one time without an appropriate licence under which the licensee is permitted to sell such liquor as a dealer.

2. That sub-section was not re-enacted in the later consolidation Ordinance, No. 36 of 1931, which repealed Ordinance No. 9 of 1911.

3. The sub-section was however restored by the amending Ordinance No. 11 of 1935, with the important difference however that the words, "who is not the holder of a dealer's licence," were omitted.

4. It has been found that the omission of these protective words inflicts hardship on certain commission agents who place orders for licensed dealers but who do not themselves clear or handle the liquor ordered.

5. The object of this new amending Ordinance is to restore the nine omitted words and thus to bring the position back to what it was under the 1911 Ordinance.

**PUBLIC RECLAMATION VALIDATION AND  
CLAUSES ORDINANCE, 1936.**

THE ATTORNEY GENERAL.—I would like to postpone the second reading of this Bill as the Honourable Member representing the Chamber of Commerce has asked for a few further days in which to consider the Bill.

THE COLONIAL SECRETARY seconded, and this was agreed to.

**DEFENCES (FIRING AREAS) ORDINANCE, 1936.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to regulate Practice Firing from Hong Kong Defences and for clearing of certain Sea Areas in connection therewith."

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.

**POLICE FORCE AMENDMENT ORDINANCE, 1936.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Police Force 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.

**PENSIONS AMENDMENT ORDINANCE, 1936.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend further the Pensions 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.

**CROWN RENTS (APPORTIONMENT) ORDINANCE, 1936.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to make provision for the apportionment of Crown Rents."

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.

**GAMBLING AMENDMENT ORDINANCE, 1936.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Gambling Ordinance, 1891."

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.

#### **COINAGE OFFENCES AMENDMENT ORDINANCE, 1936.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Coinage Offences Ordinance 1865."

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.

#### **QUARANTINE AND PREVENTION OF DISEASES ORDINANCE, 1936.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend and consolidate the law relating to Quarantine and the Prevention of Disease among Human Beings."

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.

#### **TELECOMMUNICATION ORDINANCE, 1936.**

THE ATTORNEY GENERAL.—With regard to this Bill I would like postponement of the second reading as a letter was received yesterday from the Naval Authorities raising certain points which I will bring up later.

THE COLONIAL SECRETARY seconded, and this was agreed to.

**MAGISTRATES AMENDMENT ORDINANCE, 1936.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend further the Magistrates 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.

**BILLS OF EXCHANGE AND FALSIFICATION OF DOCUMENTS AMENDMENT ORDINANCE, 1936.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Bills of Exchange Ordinance, 1885 and the Falsification of Documents Ordinance, 1935."

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.

**ADJOURNMENT.**

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

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