

13th May, 1936.

PRESENT:—

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

THE HONOURABLE THE OFFICER COMMANDING THE TROOPS (BRIGADIER H. G. SETH-SMITH, D.S.O.).

THE COLONIAL SECRETARY (HON. MR. R. A. C. NORTH, *Acting*).

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

THE SECRETARY FOR CHINESE AFFAIRS (HON. MR. W. J. CARRIE, *Acting*).

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

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

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

HON. MR. A. G. W. TICKLE, (Director of Public Works, *Acting*).

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

HON. MR. J. J. PATERSON.

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

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

HON. MR. T. N. CHAU.

HON. MR. W. H. BELL.

HON. MR. M. K. LO.

HON. MR. S. H. DODWELL.

MR. D. M. MACDOUGALL (Deputy Clerk of Councils).

ABSENT:—

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

MINUTES.

The Minutes of the previous meeting were read and confirmed.

NEW MEMBER.

Brigadier H. G. Seth-Smith, D.S.O., (Officer Commanding the Troops in China), took the Oath of Allegiance and assumed his seat as a member of the Council.

TRIBUTE TO SIR THOMAS SOUTHORN.

H.E. THE GOVERNOR.—Gentlemen,—It is again my misfortune to preface the proceedings of this Council with the mention of a deep loss recently sustained. Our last session followed the departure of an Unofficial colleague who had devoted to the public interest as much time and labour as we demand of an Official member: to-day we deplore the loss of our Colonial Secretary whose work, aided and supplemented by that of his wife, achieved and maintained an influence with, and on, the people of this Colony far beyond the ordinary confines of officialdom. I little thought, when Sir Thomas Southorn welcomed me on board ship last December or during the weeks that followed (when he so generously gave to me not merely of his official collaboration but of his personal counsel and friendship), that I was so soon to be deprived of my good fortune. I make no excuse for introducing this personal note here, for at none of the valedictory functions had I the opportunity of adding my individual tribute to the general chorus of gratitude and affection. I suppose that seldom, if ever, have a man and his wife (for it is impossible to speak or think of the one without the other, so signal and effective was the merging of their two personalities in public and social service) received such an eloquent and inspiring send-off as Sir Thomas and Lady Southorn. My words this afternoon must indeed be in the nature of an anticlimax, for the people of Hong Kong have spoken for themselves, and need neither orator nor interpreter. Nevertheless our local Hansard must not be left without a confirming record, however inadequate, of that great popular acclamation. Our warmest wishes go out to Sir Thomas for the success and happiness of his administration of the Gambia, and I ask your permission to direct the Clerk of Council to forward him a copy of these proceedings. (Applause).

HON. SIR HENRY POLLOCK.—Your Excellency, I beg leave to second. I feel confident that the Unofficial Members desire to concur in what Your Excellency has just said and to join in wishing success, health and happiness to Sir Thomas and Lady Southorn in the Gambia.

HON. MR. S. W. TS'O.—As Senior Chinese Member of the Council and on behalf of my Chinese colleagues, I wish to say that we heartily endorse the expression of Your Excellency in appreciation

of the splendid services rendered by Sir Thomas Southorn to the Colony. Before Sir Thomas and Lady Southorn departed from Hong Kong, the Chinese community presented them with an address in which the admiration and respect of the Chinese community for them was fully expressed. I need not therefore repeat them here. However we wish to join the Honourable Members of this Council in wishing Sir Thomas and Lady Southorn every prosperity and success in the Gambia.

PAPERS.

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

Additional by-law made under section 3 of the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, under the heading "Dangerous and Offensive Trades," dated 18th February, 1936.

Amendment made under section 4 of the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, to by-law 1 under the heading "Cattle, Swine, etc.," dated 17th March, 1936.

Amendment made under section 5 of the Public Health (Food) Ordinance, 1935, Ordinance No. 13 of 1935, to the by-laws under the heading "Markets" and sub-heading "Market Stalls," dated 31st March, 1936.

Amendment made under section 4 (xvi) of the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, to the by-laws under the heading "Conservancy," dated 31st March, 1936.

Resolution made and passed by the Legislative Council under section 39 of the Liquors Ordinance, 1931, Ordinance No. 36 of 1931, on the 22nd April, 1936.

Resolution made and passed by the Legislative Council under section 7 of the Tobacco Ordinance, 1931, Ordinance No. 39 of 1931, on the 22nd April, 1936.

Amendment made by the Governor in Council under section 3 of the Post Office Ordinance, 1926, Ordinance No. 7 of 1926, to Regulation 30, relating to air mail postage rates, dated 27th April, 1936.

Addition made by the Governor in Council under section 3 of the Post Office Ordinance, 1926, Ordinance No. 7 of 1926, to the Schedule, relating to air mail postage to Netherlands India, dated 27th April, 1936.

Kiu Kong Lei Fat Tung Yip Wui declared an unlawful society by the Governor in Council under section 4 of the Societies Ordinance, 1920, Ordinance No. 8 of 1920, dated 22nd April, 1936.

Administration Reports, 1935:—

Part II.—Law and Order:—

Report of the Land Officer and Registrar of Marriages.

Part III.—Public Health:—

Report of the Head of the Sanitary Department.

Report of the Botanical and Forestry Department.

Part VII.—Undertakings of Government:—

Report on the Kowloon-Canton Railway (British Section).

QUESTIONS.

HON. MR. J. P. BRAGA asked:—

- 1.—Will the Government state what steps it has taken to implement the recommendations of the Pig and Poultry Committee which reported on 19th September, 1934, (Sessional Paper No. 5 of 1934), since the reply it gave to a similar question asked on 16th May, 1935?
- 2.—Having regard to the economic position of this Colony and in the interests thereof, will the Government push forward this matter with more speed?

THE COLONIAL SECRETARY replied:—

1.—The recommendations of the Pig and Poultry Committee and those of Mr. C. F. Strickland whose report was printed as Sessional Paper No. 5 of 1935, have not been overlooked. But as these proposals involve an increase in Establishment, the Government is not prepared to proceed with the matter at present in view of the pressing need for economy. Meanwhile a pamphlet, compiled by the Colonial Veterinary Surgeon, and dealing with the housing, feeding and general care of pigs, has been printed by Government and distributed in the New Territories, to the number of 600 copies, for the guidance of New Territory farmers.

2.—The reply to this question is included in the reply to question one, but the matter will be considered again in connection with the 1937 budget.

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. 3 of 22nd April, 1936, and moved that it be adopted.

THE COLONIAL TREASURER seconded, and this was agreed to.

MOTIONS.

THE COLONIAL TREASURER.—Your Excellency,—As foreshadowed in the speech of the Hon. Attorney General when introducing the first reading of the Salary Levy bill, the Government proposed reducing the arbitrary rate of exchange of 1s. 6d. to the dollar for the first quarter to 1s. 5¼d. to the dollar for the second quarter of the year subject to the approval of the Secretary of State. This approval has now been received and I now move the following resolution:—

Resolved pursuant to Section 2 (4) of the Hong Kong Government Service (Levy on Salaries) Ordinance, 1936, that after deduction of the levy, if any, and of the Widows' and Orphans' Pension Contribution, if any or of either, the remainder of the salaries of public officers in the Hong Kong Government Service, which are expressed in terms of sterling, whatever their amount, shall be converted at the rate of one shilling and five pence farthing to the dollar for the months of April, May and June.

THE COLONIAL SECRETARY seconded, and this was agreed to.

THE COLONIAL TREASURER.—Your Excellency,—The next resolution is self explanatory. It would not be proper to impose a levy on the salaries of officers engaged solely for such a specific purpose as the construction of a dam. These officers are purely temporary and when the work is completed their agreements terminate. I now move the following resolution:—

Resolved pursuant to Section 6 of the Hong Kong Government Service (Levy on Salaries) Ordinance, 1936, that with effect on and from the 1st January, 1936, the salaries of all public officers in the Hong Kong Government Service who are employed on the construction of the Dam and Reservoir Works at Shing Mun, with the exception of those officers who but for the said Works would be employed in some other work in the Hong Kong Government Service, shall be wholly exempted from the operation of Sections 2 and 3 of the said Ordinance.

THE COLONIAL SECRETARY seconded, and this was agreed to.

THE COLONIAL TREASURER.—Your Excellency,—Under Item 6 Airport (b) Airport and Seaplane Slipway the sum of \$860,000 has been approved for the total cost of these works. See Appendix VI (b) page 115 of Estimates 1936.

Up to December 31st, 1935, \$583,931.92 only had been expended owing to delay in arrival of materials although when the 1936 Estimates were framed it had been thought that the larger sum of \$708,695.86 might have been expended up to the end of last year. The actual balance remaining on the 1st of January, 1936, was therefore \$276,068.08 against an estimated balance of \$151,304.14. A resolution has already been taken for the expenditure during 1936 of the latter sum and I am now asking that the difference between \$276,068.08 and \$151,304.14, namely, \$124,763.94 be also made available in order to complete the works this year. I move:—

That this Council approves the expenditure during the financial year 1936 of the further sum of \$124,763.94 on Item 6 Airport (b) Airport and Seaplane Slipway which sum shall be met from surplus balances pending the issue of a further loan.

HON. SIR HENRY POLLOCK.—I would like to ask why this expenditure is more than originally anticipated?

THE COLONIAL TREASURER.—This expenditure is not more than was anticipated. It is merely carrying forward the balance not expended from last year to this year, and is in the original estimate of \$860,000.

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

URBAN COUNCIL BY-LAW.

THE ATTORNEY GENERAL.—I rise to move:—

That the amendment to the Slaughter-houses by-laws made by the Urban Council under section 5 of the Public Health (Food) Ordinance, 1935, on the 28th day of April, 1936, be approved.

This amendment requires the approval of this Council. A copy of the amendment is before all Members. It raises the Slaughter-house fees to 55 cents for cattle, which is actually a rise of 15 cents; to 30 cents for sheep and goats, a rise of 10 cents; and 40 cents for swine, a rise on the present rates of 30 cents. The Urban Council has passed this and I am informed that even at the higher rate the charges for slaughtering are considerably less than those in Canton and Macao.

THE COLONIAL SECRETARY seconded, and this was agreed to.

FEMALE DOMESTIC SERVICE AMENDMENT ORDINANCE, 1936.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Female Domestic Service

Ordinance of 1923." He said: The object of this Bill, as explained in the Memorandum of Objects and Reasons, is to provide the penalty of imprisonment for all offences against the principal Ordinance and the regulations in addition to a fine. A magistrate may thereunder after the passing of this Bill, inflict imprisonment in any case where he thinks imprisonment meets the justice of the case. The Ordinance does not affect the sale of children, for which imprisonment can already be imposed as the sale of children is dealt with in another Ordinance, the Offences Against Persons Ordinance, 1865, and subsequent amending Ordinances."

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. By sub-sections (1) and (2) of section 18 of Ordinance No. 1 of 1923, as enacted by section 7 of Ordinance No. 22 of 1929, the maximum penalty for contravention of section 6 of the 1923 Ordinance, which dealt with illtreatment of a *mui tsai*, was a fine of H.K.\$500 *and* imprisonment for six months, unless gross cruelty was proved, in which case the maximum penalty was one year's imprisonment without the option of paying a fine.

2. By sub-section (3) the maximum penalty for other contraventions of the Ordinance or of any regulation made thereunder was a fine of H.K.\$250.

3. In the Straits Settlements by section 14 of S.S. Ordinance No. 5 of 1932 the maximum penalty for contravention of their section 7, which is equivalent in effect to our section 6, is a fine of S.S. \$500 *and* imprisonment for two years. For other contraventions of their Ordinance or of any rule made thereunder the Straits Settlements maximum penalty is a fine of S.S.\$200 *or* six months imprisonment.

4. In the House of Commons on the 19th February, 1936, the Secretary of State, referring to *mui tsai* cases in Hong Kong, said "I have looked into the prosecutions and I find there are too many fines. I would like to see imprisonment as a deterrent."

7. The object of this amending Bill is to provide a maximum penalty of six months imprisonment in addition to the fine of H.K.\$250 for contraventions of the provisions of the Ordinance or regulations other than those dealt with in section 7 which are already punishable with imprisonment.

8. By section 11 (2) of Ordinance No. 30 of 1911 the use of the word "and" signifies that the penalties of fine *and* imprisonment may be inflicted alternatively or cumulatively.

BUILDINGS AMENDMENT ORDINANCE, 1936.

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

**COUNTERFEIT CURRENCY (CONVENTION)
ORDINANCE, 1936.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to enable effect to be given to an International Convention for the Suppression of Counterfeiting Currency, signed on behalf of His late Majesty at Geneva on the 20th day of April, 1929, to apply to foreign coin certain enactments relating to British Coin, to assimilate the penalties for importing and exporting counterfeit coin and to amend certain enactments relating to forgery, coinage and extradition."

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.

MIDWIVES AMENDMENT ORDINANCE, 1936.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Midwives Ordinance, 1910."

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.

ASYLUMS ORDINANCE, 1936.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to consolidate and amend the law relating to the establishment of asylums for the detention, custody and care of persons of unsound mind, and others."

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

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

Clause 7.

H.E. THE GOVERNOR.—I would like to ask the Director of Medical and Sanitary Services whether there is any objection to the use of the word "asylum" in connection with the Mental Hospital? I see the word is used in the marginal note.

THE ATTORNEY GENERAL.—The word "asylum" includes the Mental Hospital and it is explained in Clause 2 that "In this Ordinance, 'asylum' means any institution or place which the Governor may declare to be an asylum for the detention, custody and care of persons of unsound mind, and includes the Mental Hospital." There is no objection to using the word "asylum." If we had inserted the words "Mental Hospital" in every clause it would have meant considerable changing. There is no objection to it now as by the definition in clause 2 all patients will be sent to the Mental Hospital which is the present name of the institution previously known as the Lunatic Asylum.

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 until Wednesday, May 27th.

FINANCE COMMITTEE.

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

Votes totalling \$187,234.00 were considered.

Item 6.—34, Public Works Extraordinary:—Hong Kong, Buildings. 3, Wanchai Market, \$75,000.

Provision made in Estimates (page 102 sub-head 3), \$90,000.

HON. SIR HENRY POLLOCK.—What is steel-grillage?

THE DIRECTOR OF PUBLIC WORKS.—It is part of the foundations.

Item 10.—27, Defence. "A" Volunteer Defence Corps:—Special Expenditure. Armament Vehicles, \$1,650.

HON. MR. S. H. DODWELL.—Is this an American van?

THE COLONIAL TREASURER.—No, it is Canadian.

HON. MR. S. H. DODWELL.—This is an extraordinarily cheap one.

THE COLONIAL TREASURER.—I think it is second hand.

Item 13.—34, Public Works Extraordinary:—Hong Kong, Buildings. 4.—Trade School, Wood Road, Wanchai, \$32,000.

HON. SIR HENRY POLLOCK.—Does that complete the work?

THE DIRECTOR OF PUBLIC WORKS.—The contract date for completion is sometime in September.

HON. SIR HENRY POLLOCK.—Then this does not complete the work.

THE DIRECTOR OF PUBLIC WORKS.—With the exception of a few extras.

Item 14.—27, Defence. "A" Volunteer Defence Corps:—11, Equipment and Upkeep of Arms, \$3,000.

HON. MR. S. H. DODWELL.—Is this in excess of the original vote?

THE COLONIAL SECRETARY.—This is in excess of that particular vote. The money will be found by a saving under another head. That is to say fewer men will be sent to camp this year.

All the votes were approved.