

*3rd June, 1936.*

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**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. 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. T. H. KING, (Inspector General of Police).

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

HON. MR. J. J. PATERSON.

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.

HON. MR. A. F. B. SILVA-NETTO.

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

**MINUTES.**

The Minutes of the previous meeting were read and confirmed.

**PAPERS.**

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

Amendment to the Police Pensions Regulations made by the Governor in Council under section 9 (1) of the Police Force Ordinance, 1932, Ordinance No. 37 of 1932, dated 14th May, 1936.

Regulation made by the Governor in Council under section 6A (3) of the New Territories Regulation Ordinance, 1910, Ordinance No. 34 of 1910, relating to the prohibition of keeping cattle, etc., at Taipo New Market, Un Long New Market and Hang Hau, dated 14th May, 1936.

Amendment to Table M in the Schedule made by the Governor in Council under section 25 (4) of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, dated 18th May, 1936.

Amendment of the Radiocommunication Regulations in the Schedule made by the Governor in Council under section 32 of the Telecommunication Ordinance, 1936, Ordinance No. 18 of 1936, and section 9 of the Interpretation Ordinance, 1911, Ordinance No. 31 of 1911, dated 18th May, 1936.

Administration Reports, 1935:—

Part I.—General Administration:

Report on the Finances.

**ESTATE DUTY AMENDMENT ORDINANCE, 1936.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Estate Duty Ordinance, 1932." He said: This Bill adds a new schedule for Estate Duties for persons dying after July 1. The rates vary from one per cent. to twenty per cent., while existing rates are from one per cent. to twelve per cent. Even at twenty per cent. the new rates will be lower for the larger estates than those existing in Malaya.

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 Bill is to make an increase in the rates of Estate Duty payable in the case of persons dying on or after the 1st July, 1936. The estates of persons dying before that date are to be dealt with under the existing First and Second Schedules to the principal Ordinance.

2. To carry out this object, clause 2 of the Bill substitutes a new definition for "applicable Schedule" and clause 4 adds a new Third Schedule.

3. Clause 3 of the Bill will repeal the present Third Schedule, which provided a Table for use in the calculation of reversionary interests which is not required, as well as section 29 of the principal Ordinance which related to it.

### **PENSIONS (NO. 2) AMENDMENT ORDINANCE, 1936.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend further the law relating to Pensions." He said: This Bill effects certain minor alterations in the principal Ordinance which have been directed by the Secretary of State.

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. Clause 2 of this Bill when enacted will repeal sub-section (2) of section 5 of the principal Ordinance, No. 21 of 1932, which provided that no officer would be granted a pension, gratuity or other allowance without a certifice from an appropriate superior officer to the effect that he has discharged the duties of his office with such diligence and fidelity as to justify the grant.

2. That provision which is to be found in the majority of Colonial Pension laws was derived from section 8 of the Superannuation Act, 1859, (22 Vict. c. 26), which was repealed recently by section 5 of the Superannuation Act, 1935 (25 and 26 Geo. 5, c. 23). A corresponding repeal in Colonial legislation has been requested by the Secretary of State in paragraph 7 of his circular despatch of the 4th January, 1936.

3. The effect of the repeal will be that the position will then be governed by the further provision, which is contained in section 5 (3) of the principal Ordinance, that where it is established to the satisfaction of the Governor in Council that an officer has been guilty of negligence, irregularity or misconduct, the pension, gratuity or other allowance may be reduced or altogether withheld.

4. Clause 3 will delete from section 9 of the principal Ordinance the reference to the approval of the Secretary of State, which deletion was suggested in paragraph 8 of the circular despatch.

5. The Secretary of State wishes it to be understood that the practice of submitting such withholdings or reductions to him for approval shall be continued in the case of officers appointed by him or whose appointments are subject to his general or special approval but that it will be unnecessary to continue it in the case of sub-ordinate local officials who are appointed by the Colonial Government.

### **MARRIAGE AMENDMENT ORDINANCE, 1936.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Marriage Ordinance, 1875."

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.

### **PROTECTION OF WOMEN AND GIRLS AMENDMENT ORDINANCE, 1936.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Protection of Women and Girls Ordinance, 1897."

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 until Wednesday, June 24.