

24th November, 1936.

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. 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, C.M.G.).

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

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

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

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

HON. MR. J. J. PATERSON.

HON. MR. S. H. DODWELL.

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

HON. MR. T. N. CHAU.

HON. MR. M. T. JOHNSON

HON. MR. A. W. HUGHES.

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

ABSENT:—

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

HON. MR. M. K. LO.

MINUTES.

The minutes of the previous meeting of the Council were read and confirmed.

PAPERS.

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

Amendment made under section 39 (18) of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, relating to the prohibition of vessels from mooring between the Dust boat station opposite Wilmer Street and the Eastern boundary of the Stone steps situated opposite Eastern Street, dated 24th September, 1936.

Additional by-law made by the Urban Council under section 3 of the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, under the heading "Dangerous and Offensive Trades" set forth in Schedule A to that Ordinance, dated 18th August, 1936.

Order made under section 7 of the Rating Ordinance, 1901, Ordinance No. 6 of 1901, relating to the general valuation of the Colony for 1937-1938, dated 8th October, 1936.

Amendment made by the Governor in Council under sections 25 (4) and 42 (1) of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, to Table M in the Schedule to that Ordinance, dated 9th October, 1936.

Amendment made by the Governor in Council under section 39 of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, to Table T in the Schedule to that Ordinance, dated 10th October, 1936.

Amendment to the Prison Rules made by the Governor in Council under section 17 of the Prisons Ordinance, 1932, Ordinance No. 38 of 1932, rescinding Rule 311, dated 14th October, 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, as enacted by section 4 of the Pensions Amendment Ordinance, 1934, Ordinance No. 12 of 1934, and with the sanction of the Secretary of State, dated 23rd October, 1936.

Amendment made by the Governor in Council under section 4 of the Midwives Ordinance, 1910, Ordinance No. 22 of 1910, dated 24th October, 1936.

Amendments to the Merchant Shipping (Life-Saving Appliances) Regulations, 1935, made by the Governor in Council under section 10 (6) and section 13 (1) of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, as amended by the Merchant Shipping Amendment Ordinance, 1935, and of all other powers thereunto enabling, dated 31st October, 1936.

Amendment to Regulation 30 of the Post Office Regulations made by the Governor in Council under section 3 of the Post Office Ordinance, 1926, Ordinance No. 7 of 1926, dated 4th November, 1936.

Amendment made by the Governor in Council under paragraphs (f) and (g) of subsection (1) of section 32 of the Telecommunication Ordinance, 1936, Ordinance No. 18 of 1936, to the Radiocommunication Regulations in the Schedule to that Ordinance, dated 11th November, 1936.

Amendment made by the Governor in Council under section 32 of the Telecommunication Ordinance, 1936, Ordinance No. 18 of 1936, to the Radiocommunication Regulations in the Schedule to that Ordinance, dated 11th November, 1936.

Amendments made by the General Officer Commanding the Troops, with the approval of the Governor after consultation with the Commandant of the Hong Kong Volunteer Defence Corps, to the Schedules and Appendices to that Ordinance, dated 7th November, 1936.

Report on an epidemic of Dysentery caused by the shiga bacillus by the Director of Medical Services.

DEPARTURE OF MR. W. H. BELL.

H.E. THE GOVERNOR.—Before proceeding with our order of business for to-day's session I desire to express and to place on record our sense of the deep loss which this Colony and its Government have sustained in the departure of Mr. W. H. Bell.

Although impending retirement dictated his resignation from this Council in July last, Mr. Bell continued to serve on the Executive Council until he left us last month. It was a great disappointment to him, and to me, that the date of his sailing preceded the recent visit of our distinguished friends from Canton because the achievement and maintenance of friendliest business relations and closest personal touch between Hongkong and Canton was a matter always very near to his heart.

Nobody can have had an adviser with greater alacrity to help, more common sense to bring to bear on a problem, better humour or a more lively and cheerful sense of duty than Government so happily possessed in Mr. Bell.

I miss him more than I can say; so, I am sure, Gentlemen, do you, and so I request your permission to direct the Clerk of Council to send him, with our warmest remembrances and gratitude, a record of our proceedings this afternoon.

HON. MR. J. J. PATERSON.—Sir, may I on behalf of the Unofficial Members associate myself with all Your Excellency has said. Mr. Bell had a great capacity for friendship and we are all very sorry, perhaps selfishly, that he has gone Home.

DYSENTERY EPIDEMIC.

H.E. THE GOVERNOR.—I have caused to be laid on this table (a copy will be found in the portfolio of each Honourable Member and there are a number of copies on the Press Table) a report by the Director of Medical Services on an epidemic of dysentery caused by the Shiga bacillus. That epidemic has resulted, as we all know to our sorrow and consternation, in the deaths of eight little children; and our sympathy with the parents who have suffered this inconsolable loss is deeper than any words of mine can express.

A number of the bereaved have sent me a request, which has been published in the Press, for the appointment of a Commission of Inquiry with the object of ascertaining the answer to four questions. It is because I feel myself in a position to answer those four questions as well as could any Commission of Inquiry, and without the inherent delay, that I have decided to make a statement supplementary to the Report of the Director of Medical Services.

The first of the question is "What was the source of the infection?" Inasmuch as the food and drink consumed by the patients prior to their illness was not analysed, and was not subsequently available for analysis, the source can never be proved. Those who are conversant with the limitations of inductive logic and with scientific method will recognise that from obtainable data there can emerge nothing more than reasonable inference. From the data on which the Director of Medical Services has based paragraph 14 of his Report I have inferred, exercising my reason to the best of my care and conscience, that the main immediate source of infection lay in milk (probably in a single batch of milk) supplied from the Farm Depot of the Dairy Farm, Ice and Cold Storage Co., Ltd.

What may have infected the milk seems to me a problem incapable of solution by a Commission of Inquiry; it requires rather active professional and technical investigation; and this is already being prosecuted along three main lines, (*a*) search for a human carrier of the disease among those who manipulate the milk, (*b*) search for possible contamination by water, and (*c*) search for possible opportunities for contamination by flies.

The second question is: "Whether the Dairy Farm Company's 'Nursery Milk' was pasteurised prior to the epidemic." The answer is in the negative. Since the 15th November, however, the Company has pasteurised all its deliveries.

The third question is: "Whether any or all of the deaths could have been prevented had the authorities taken immediate precautions when the epidemic was first notified on or about the 7th November, 1936." The answer is again in the negative. The epidemic was not in fact notified, because dysentery is not a notifiable disease; but, even if it had been, such notification could not have prevented fatalities which have been confined to children who were taken ill on the 8th November and to one connected case.

The fourth and last question is as to "whether any action is contemplated by Government to prevent a recurrence of this or any other type of epidemic." I am not prepared at this juncture to state that any particular measure is *contemplated*, for that would imply that a decision has already been taken. I do state, however, that certain measures are under consideration and will form the subject of early reference to my Executive Council. One is the compulsory pasteurisation of milk. I am aware that there is some medical opinion against it, and the pros and cons will need to be carefully weighed; and they will be carefully weighed. In the meantime, the only pasteurisation plant known to me in this Colony, that of the Dairy Farm Company is, as I have already stated, being applied to all their deliveries.

Another measure under my consideration is for the statutory notifiability of dysentery. Arguments against it emerge from the Report now on the table; nevertheless the question must be thrashed out before a definite conclusion is reached.

Thirdly, I am determined to prosecute any line of precaution, compatible with common sense and with our financial resources, which may be indicated by the results of the threefold investigation which I have already adumbrated, and which may be summed up in the three words carriers, water and flies.

In conclusion, I feel it my duty to utter a few words of caution, Public analysis of all food and drink is impossible; it can only be an analysis of samples and, whatever the method and frequency of selection employed, the samples can never be representative of the whole supply.

Secondly, the results of analysis, and still more of bacteriological examination, do not come to hand until after the substances, of which samples are analysed and examined, have been consumed.

Thirdly, however comprehensive and drastic sanitary regulations may be, and however great the vigilance of the Sanitary Authority, there will always be those who break the regulations and go undiscovered. When there is discovery it may often be after harm has been done.

Local methods of agriculture are known; the conditions obtaining in our, now happily doomed, Central Market are known.

From personal inspection and collaboration I am satisfied that our Medical and Sanitary Service is an efficient machine manned by an able and untiring crew. But however great their efficiency and perseverance, and however many statutory or other implements and equipment we may add to their armoury, honesty compels me to confess that I cannot foresee the day when the principle of *caveat emptor* can be safely abrogated in its application to the purchaser of comestibles in this Colony.

HON. MR. S. H. DODWELL.—As Chairman of the Dairy Farm, this matter is of such grave concern to my Board and myself that I trust your Excellency will permit me to say a few words.

The Dairy Farm have always taken the most rigorous precautions to ensure cleanliness and prevent contamination of any kind, and their record in this respect over a period of more than 30 years has, I feel, been such as to entitle them to a fair hearing before blame is attached for the recent epidemic.

I am given to understand that the investigation made by the Government disclosed that in some of the cases of dysentery reported, the milk came from other sources than that of the Dairy Farm. Am I in order, Sir, in enquiring whether this is a fact?

Just as the Dairy Farm have always welcomed inspection by the public of the Farm and the Dairy, they now court the fullest inquiry and are prepared to co-operate with the Government in every possible way in whatever steps may be found necessary and desirable in the public interest.

H.E. THE GOVERNOR.—I wish to thank Mr. Dodwell for his offer to co-operate. I was quite certain that it would be made, and I may say that I sympathise with the Dairy Farm, in that I believe that they have throughout done their best to ensure that the milk supply was without infection and without blemish.

The last remarks of my statement just now referred to the fact, for it is a fact, however lamentable it may be, that whatever precautions are taken, nevertheless there is room left, such is the human frailty of employees, for the invader death to creep through the ramparts.

The answer to your particular question I think, Mr. Dodwell, will be found in the report of the Director of Medical Services which has been laid before this Council this afternoon. It is in Paragraph 14, sub-paragraph 5: "Of the 23 cases taken ill on November 8 and 9, all had consumed milk derived from one dairy."

HON. MR. S. H. DODWELL.—Could you say whether in any other cases apart from those on November 8 and 9, the milk came from any other sources?

THE DIRECTOR OF MEDICAL SERVICES.—Some 50 cases of dysentery altogether were recorded, and in some of these, milk had been received from another dairy.

It does not mean that the 50 cases got the infection from milk. It is only that the milk seemed to be the common medium of infection, in a number of cases.

I think everybody knows that the majority of people drink Dairy Farm milk, and they have not got dysentery. Is that a reply to your answer, Mr. Dodwell?

HON. MR. S. H. DODWELL.—Yes.

FINANCE COMMITTEE'S REPORTS.

THE COLONIAL SECRETARY, by command of H.E. The Governor, laid upon the table the reports of the Finance Committee, Nos. 8 and 9 of 7th October, 1936, and 9th November, 1936, respectively, and moved that they be adopted.

THE COLONIAL TREASURER seconded, and this was agreed to.

MOTIONS.

THE ATTORNEY GENERAL.—I rise to move "That the rules dated the 4th day of November, 1936, made by the Chief Justice under section 32 of the Supreme Court Ordinance, 1873, Ordinance No. 3 of 1873, be approved." These new regulations set a scale of fees for original actions where the amount in dispute is less than \$5,000, the scale being less than what was normally allowed in original jurisdiction cases.

THE COLONIAL SECRETARY seconded, and this was agreed to.

ARBITRARY RATE OF EXCHANGE.

THE COLONIAL TREASURER.—I 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 all 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 1s. 3³/₄d. to the dollar for the months of October, November and December, 1936."

This reduces the Arbitrary Rate of Exchange for the last quarter of the year by ³/₄d., from 1s. 4¹/₂d. to 1s. 3³/₄d.

THE COLONIAL SECRETARY seconded, and this was agreed to.

PHYSICAL TRAINING INSTRUCTOR.

THE COLONIAL TREASURER.—The post of Physical Training Instructor which was created this year to meet certain requirements of the Burney Report, is temporary and non-pensionable, and the present holder was offered and accepted a net salary to include all allowances which, he was given to understand, also included the amount of the salary levy. The necessity of obtaining the consent of this Council to the exemption from salary levy was unfortunately overlooked, and the resolution which I now ask you to accept is designed to implement the offer made to this officer before engagement.

I therefore move the following.—

"Resolved pursuant to section 6 of the Hong Kong Government Service (Levy on Salaries) Ordinance, 1936, that with effect from the 1st day of September, 1936, the salary of John Williams Walkden, Temporary Gymnastic Instructor, shall be exempt from the operation of section 3 of the said Ordinance."

THE COLONIAL SECRETARY seconded, and this was agreed to.

DIRECTOR OF MEDICAL AND SANITARY SERVICES (CHANGE OF NAME) ORDINANCE, 1936.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to give effect to the change in name and style of the officers heretofore known as those of Director of Medical and Sanitary Services and Deputy Director of Medical and Sanitary Services." He said: The objects of this Bill are clearly set out in the preamble as well as in the Objects and Reasons. This is a change of title only. It does not affect the duties, obligations and responsibilities of the officers concerned.

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 clause 2 of this Bill is to give effect to the change of name of the offices of Director of Medical and Sanitary Services and of Deputy Director of Medical and Sanitary Services, which, as stated in the preamble, has been suggested by the Secretary of State in order to preserve uniformity in the nomenclature of Scheduled posts in the Colonial Medical Service.

2. The clause is based generally on the lines of Ordinances Nos. 5 of 1897 and 5 of 1928, which are to be repealed by clause 4.

3. Clause 3 is to make it clear that the Ordinance will not be deemed to involve an abolition of office or to affect the powers, duties or responsibilities attached to any office the title whereof has been changed.

MERCHANT SHIPPING AMENDMENT ORDINANCE, 1936.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Merchant Shipping Ordinance, 1899." He said: This makes a small amendment in the original Ordinance which will permit of the movement at night of junks with the permission of the Harbour master. It is specially necessary to facilitate the movements of sand junks.

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. Under section 39 (14) of Ordinance No. 10 of 1899 no junk except a licensed fishing junk may leave any anchorage or attempt to leave any port at night.

2. The object of clause 2 of this Bill is to enable the Harbour Master to give written permission to other junks to leave at night. This is considered necessary especially in order to facilitate the movements of authorised sand junks.

3. Clause 3 is the suspending clause usual in Ordinances relating to Merchant Shipping.

NURSING AND MATERNITY HOMES REGISTRATION ORDINANCE, 1936.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to provide for the Registration and Inspection of Nursing Homes and Maternity Homes and for purposes connected therewith." He said: This Bill provides for the annual registration of nursing homes except those which are Government Institutions under the definition in Clause 2 and those which are in the Schedule at the end of the Bill.

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 provide for the Registration of Nursing Homes and Maternity Homes, on the lines generally of the

Nursing Homes Registration Act, 1927, but maternity homes are defined separately and not included in the definition of "nursing home".

2. Variations between the clauses of the Bill and the sections of the Act are shown in the Table of Correspondence.

3. Legislation on these lines is desired by the Director of Medical and Sanitary Services, the Nursing Board and the Midwives Board.

MIDWIVES (NO. 2) AMENDMENT ORDINANCE, 1936.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend further the Midwives Ordinance, 1910." He said: The object of this Bill is to see that the registration of Midwives is an annual one. In order to get on the Roll they have to pay a fee each year.

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. Qualified nurses desiring to be or to remain registered under the Nurses Registration Ordinance, No. 1 of 1931, are required, by Regulations 5 and 6 of the Regulations made under that Ordinance and published by Government Notification No. 321 in the *Gazette* of the 22nd May, 1931, to pay an admission fee of ten dollars and an annual retention fee of two dollars.

2. The Midwives Board has recommended that similar fees, but of half the amount, should be charged in the case of practising midwives.

3. It is considered that this recommendation necessitates the various amendments in the Midwives Ordinance which are made by this Bill.

DEFENCES (FIRING AREAS) AMENDMENT ORDINANCE, 1936.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Defences (Firing Areas) Ordinance, 1936." He said: The object of this Bill is set out fully in the Memorandum at the end."

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 Bill are to amend the principal Ordinance, No. 1 of 1936, in the light of suggestions contained in the Secretary of State's despatch No. 234 of the 8th July, 1936, with its enclosures, to effect certain changes in the Firing Areas at the request of the local Military Authorities, and to give the Governor in Council power to amend the Schedules.

ORDINANCES AND REGULATIONS OF HONGKONG (1937 EDITION) ORDINANCE, 1936.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to provide for a revised edition of the Ordinances and for a revised editions of the Regulations of the Colony." He said: It is the practice in this Colony, as in most Colonies, to bring out a new and revised edition of their Ordinances and Regulations every 10 or 12 years or so. The last edition of the Ordinances came out in 1924 (up to the end of 1923), and the last edition of the Regulations came out a year later. It is proposed in the new edition to bring out the Ordinances and Regulations in force as on January 1, next, and it is hoped that the whole edition will be produced in the course of next year.

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 provision for a new edition of the Ordinances of the Colony, to be known as "The Ordinances of Hong Kong (1937 edition)", and a collection of the Regulations of the Colony, to be contained in companion volumes to the Ordinances and published contemporaneously with them, under the title "The Regulations of Hong Kong (1937 edition)".

The need for new editions of both Ordinances and Regulations has been apparent for some time and it is considered desirable that these should now be prepared.

2. Clause 7 provides that the new edition of the Ordinances shall include all the Ordinances in force on the 1st day of January, 1937, and also any unrepealed Ordinance passed before, but not brought into force on or before that date. The same clause also provides for a chronological table of Ordinances and an index to the Ordinances.

3. Clause 9 provides for the approval by proclamation of each volume of the Ordinances and Regulations after it is printed.

4. This Bill is based on the Ordinances of Hong Kong, 1844-1923, Ordinance No. 18 of 1923, and incorporates, in clauses 8 and 11 (2), provisions relating to the Regulations adapted from sections 5 and 6 of the Regulations Ordinance, No. 1 of 1926. The Bill repeals both Ordinance No. 18 of 1923 and No. 1 of 1926, and contains, so far as can now be foreseen, all the powers necessary to enable the new editions of Ordinances and Regulations to be prepared, and to secure their validity in due course.

5. A Table of Correspondence is attached showing in detail the variations between the clauses of this Bill and the corresponding sections of Ordinance No. 18 of 1923.

COINAGE OFFENCES (NO.2) AMENDMENT ORDINANCE, 1936.

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

CURRENCY AMENDMENT ORDINANCE, 1936.

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

**STAMP DUTIES MANAGEMENT AMENDMENT
ORDINANCE, 1936.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Stamp Duties Management Ordinance, 1911."

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*. It will possibly reassemble on December 9.

FINANCE COMMITTEE.

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

Votes totalling \$510,109 contained in Message No. 10 from H.E. the Governor were considered.

All the votes were approved.
