

22nd December, 1937.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR (SIR G. A. S. NORTHCOTE, K.C.M.G.).

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. N. L. SMITH, C.M.G.).

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

THE SECRETARY FOR CHINESE AFFAIRS (HON. MR. R. A. C. NORTH).

THE FINANCIAL SECRETARY AND COLONIAL TREASURER (HON. MR. S. CAINE).

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

HON. COMMANDER J. B. NEWILL, D.S.O., R.N. (Retired) (Harbour Master, *Acting*).

HON. DR. D. J. VALENTINE, (Director of Medical Services, *Acting*).

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

HON. MR. J. J. PATERSON.

HON. MR. CHAU TSUN-NIN.

HON. MR. LO MAN-KAM.

HON. MR. LEO D'ALMADA E CASTRO, JNR.

HON. DR. LI SHU-FAN.

HON. MR. M. T. JOHNSON.

HON. MR. E. DAVIDSON.

MR. B. C. K. HAWKINS (Deputy Clerk of Councils).

ABSENT:—

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

MINUTES.

The minutes of the previous meeting were confirmed.

PAPERS.

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

Notice to Aircraft Owners and Ground Engineers, No. 16 of the year 1937, dated 6th December, 1937.

Resolution of the Legislative Council under section 6 (1) of the Betting Duty Ordinance, 1931, Ordinance No. 40 of 1931, as amended by the Betting Duty Amendment Ordinance, 1934, Ordinance No. 26 of 1934, dated 15th December, 1937.

Amendment made by the Urban Council under section 4 (xv) of the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, to the by-laws under the heading "Scavenging" contained in Schedule A to that Ordinance, dated 9th November, 1937.

Amendments made by the Midwives Board under section 4 of the Midwives Ordinance, 1910, Ordinance No. 22 of 1910, to the Regulations, dated 8th December, 1937.

Notice to Aircraft Owners and Ground Engineers, No. 17 of the year 1937, dated 14th December, 1937.

Administration Reports, 1936:—

Part IV.—Education:—

Report of the Director of Education.

QUESTIONS.

HON. SIR HENRY POLLOCK asked:—

With reference to the report of the Prisons Committee (published as Sessional Paper No. 7 of 1937) will the Government state—

1.—On what date was that report sent in by that Committee to the Government?

2.—Is the Government, in regard to the supply of food to prisoners during the year 1938, following the recommendations of that Committee? If not will the Government state in what respects it is not following the recommendations of that Committee and for what reasons?

3.—What Officer of the Gaol is responsible for recommending to the Tender Board the acceptance of a particular tender for the the supply of food to prisoners?

4.—Who is the proprietor of or who are the partners in the Hop Kee which is referred to in that part of the said Committee's report which relates to food? Are not the Hop Kee also the present contractors for the supply of food to the Queen Mary Hospital?

THE COLONIAL SECRETARY replied:—

1.—On 3rd November, 1937.

2.—The existing contract does not expire until 31st January, 1938, and it may be necessary to extend it on a month to month basis thereafter pending the outcome of current investigations. None of the Committee's recommendations in regard to the prisoners' food supply have been rejected by the Government and all are under examination.

3.—In accordance with General Orders all tenders are sent to the Head of the Department concerned who then submits his recommendation to the Tender Board.

4.—The Manager of the Hop Kee firm is named Wong Kam Fun. The names of the partners are not known. This firm holds the current tender for the supply of food to the Queen Mary Hospital.

STERLING SALARIES CONVERSION ORDINANCE, 1937.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to fix the rate at which sterling salaries of public officers shall be paid in this Colony."

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.

**PUBLIC OFFICERS (CHANGES OF STYLE)
ORDINANCE, 1937.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to provide for changes in the style of public officers, offices and departments."

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.

INTERPRETATION AMENDMENT ORDINANCE, 1937.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Interpretation Ordinance, 1911." He said: When this Bill is in its Committee stage I shall move an amendment.

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

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

Clause 2.

THE ATTORNEY GENERAL.—I move that the words "enclosed by the line" in the sixth line be deleted.

THE COLONIAL SECRETARY seconded, and this was agreed to.

Upon Council resuming,

THE ATTORNEY GENERAL reported that the Bill had passed through Committee with an immaterial amendment and moved the third reading.

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

LAW REVISION ORDINANCE, 1937.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance for promoting the revision of the Ordinances of Hong Kong." He said: When this Bill is in Committee stage I shall move five small amendments.

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

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

Clause 5.

THE ATTORNEY GENERAL.—I move that in the 7th line of the paragraph marked (2) the words "or Deputy Superintendent of Police" be deleted.

THE COLONIAL SECRETARY seconded, and this was agreed to.

Schedule.

THE ATTORNEY GENERAL.—The first amendment to the Schedule is on page 15, Paragraph 49, where I wish to delete the words "the slaves" and substitute the word "slaves."

The second amendment is on page 18, Paragraph 55 of the Schedule, by adding a new sub-paragraph (2A) as follows:—

"(2A) Section 78C, as enacted by Ordinance No. 5 of 1933, is amended by the repeal of all the words in the last three lines of sub-section (1) thereof, and the substitution therefor of the words "by any rules made under any Ordinance relating to prisons for the treatment of prisoners committed for trial for any indictable offence."

The third amendment is in paragraph 56 of the Schedule, sub-paragraph (4) on page 20, by adding a new sub-sub-paragraph (1) as follows:—

"(1) by the repeal in the proviso to sub-section (2) thereof, enacted by Ordinance No. 28 of 1935, of the words 'on the expiration of twelve months from the coming into operation of any order of His Majesty in Council, under section 36 of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, extending the provisions of Part I of that Act to the Colony.' and the insertion immediately after the word 'shall' in the second line thereof of the words 'as from the 16th day of July, 1936,' and by renumbering the other sub-sub-paragraphs (ii), (iii), (iv) and (v)."

The last amendment is in Paragraph 60 of the Schedule, the adding of a new sub-paragraph (3A) as follows:—

"(3A) Section 412 is amended:—

(i) by the repeal of the words 'By a subsequent order' in the first line of sub-section (2) thereof, and by the substitution therefor of the words 'By the same or any subsequent order'; and

(ii) by the addition of the following sub-section at the end thereof:—

"(3) At least three days before the day of hearing the order *nisi* shall be served on the garnishee and, unless otherwise ordered, on the judgment debtor or his solicitor, at least three days before the day of hearing."

THE COLONIAL SECRETARY seconded, and the amendments were approved.

Upon Council resuming,

THE ATTORNEY GENERAL.—This Bill has passed through Committee with five amendments. If Your Excellency rule them as immaterial I will move the third reading.

H.E. THE GOVERNOR.—I see no reason why the third reading should not be proceeded with.

THE ATTORNEY GENERAL then moved the third reading of the Bill.

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

IRISH PROVINCE OF THE ORDER OF FRANCISCANS

MINOR INCORPORATION ORDINANCE, 1937.

HON. MR. LEO D'ALMADA E CASTRO moved the second reading of a Bill intituled "An Ordinance to provide for the incorporation of the Procurator in Hong Kong of the Irish Province of the Order of Franciscans Minor."

HON. MR. M. K. LO seconded, and the Bill was read a second time.

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

Upon Council resuming,

HON. MR. LEO D'ALMADA E CASTRO reported that the Bill had passed through Committee without amendment, and moved the third reading.

HON. MR. M. K. LO seconded, and the Bill was read a third time and passed.

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 \$491,274 under Estimates 1937, contained in Message No. 10 from H.E. The Governor, were considered.

Item 112.—28, Miscellaneous Services:—45, Telegrams, \$13,000.

HON. MR. PATERSON.—What sort of code does Government use? Is it a fairly satisfactory one?

THE CHAIRMAN.—I think it is quite satisfactory.

THE FINANCIAL SECRETARY.—They are remarkably economical.

HON. MR. PATERSON.— I asked because it is one of the things I have gone into lately.

THE FINANCIAL SECRETARY.—It is one of the codes of the Colony, and is used by all Government departments at Home with a view to economy.

Item 113.—22, Medical Department:—23, Transport, \$600.

HON. DR. LI.—What was the outcome of the investigation? Was it yellow fever?

HON. MR. PATERSON.—I do not think it was yellow fever. It was jaundice.

THE CHAIRMAN.—I do not think there was a single case of yellow fever.

HON. MR. PATERSON.—Yellow fever is one of the most frightful things which could happen in this place.

THE CHAIRMAN.—We have that particular kind of mosquito here.

Item 141.—15, Crown Solicitor:—4, Other Charges. Legal Expenses, \$6,509.

HON. SIR HENRY POLLOCK.—What is meant by Burchells' Bill of Costs?

THE FINANCIAL SECRETARY.—Burchells are the solicitors normally employed by the Government in London.

Item 145.—33, Public Works Recurrent:—Hong Kong. 6, Water Works, Item 1, Maintenance of City and Hill District, \$15,000.

HON. SIR HENRY POLLOCK.—In connection with the increased water consumption, does that entail increased cost of pumping?

THE DIRECTOR OF PUBLIC WORKS.—That is for filtering and pumping.

THE CHAIRMAN.—Increased consumption is due to longer periods of constant supply.

Item 146.—10, B.—Air Services:—9, Upkeep of Aerodrome, \$1,072.

HON. MR. PATERSON.—What is the crash room? Is it where they lay out people who crash?

HON. MR. D'ALMADA E CASTRO.—The Medical Department should know that.

THE CHAIRMAN.—May I give you an answer in due course?

HON. MR. PATERSON.—It is not really important.

Item 147.—20, Police Force:—23, Rations for Indian Police, \$6,320.

HON. SIR HENRY POLLOCK.—In connection with the increase in the price of rations, when did the increase take place?

THE FINANCIAL SECRETARY.—It is an increase in the contract price for 1937.

HON. SIR HENRY POLLOCK.—When was the contract made?

THE FINANCIAL SECRETARY.—About this time last year. The estimate was passed on the 1936 contract price, and the contract was made after the estimates were finished. There was an increase from 21¾ to 22 cents.

Item 150.—6, District Officer, North:—5, Local Public Works, \$2,000.

HON. MR. PATERSON.—Is there much more to come for typhoon damage?

THE DIRECTOR OF PUBLIC WORKS.—There is more than half to come next year.

HON. MR. PATERSON.—Talking of repairs to bunds, the bund still needs repairing near Shatin.

THE DIRECTOR OF PUBLIC WORKS.—It will take us the best part of a year to do all the work.

All the votes were approved.
