

13th April, 1938.

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. J. A. FRASER, M.C., *Acting*).

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

THE FINANCIAL SECRETARY (HON. MR. S. CAINE).

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

HON. MR. T. H. KING (Commissioner of Police).

HON. DR. P. S. SELWYN-CLARKE, M.C., (Director of Medical Services).

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

HON. MR. J. J. PATERSON.

HON. MR. CHAU TSUN-NIN, C.B.E.

HON. MR. LO MAN-KAM.

HON. MR. S. H. DODWELL.

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

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

ABSENT:—

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

HON. DR. LI SHU-FAN.

HON. MR. M. T. JOHNSON.

MINUTES.

The Minutes of the previous meeting of the Council were confirmed.

PAPERS.

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

Resolution adopted by the Legislative Council on 9th March, 1938, for the Hong Kong Tramways, Limited, to construct a new single tramway track in King's Road.

Amendments made by the Midwives Board under Section 4 of the Midwives Ordinance, 1910, Ordinance No. 22 of 1910, to the Regulations, dated 3rd March, 1938.

Alteration made by the Governor in Council under sections 33 (5) and 88 of the Liquors Ordinance, 1931, Ordinance No. 36 of 1931, to Form 9, Chinese Restaurant Licence, in the First Schedule to that Ordinance, dated 14th March, 1938.

Amendments made by the Governor in Council under section 3 of the Post Office Ordinance, 1926, Ordinance No. 7 of 1926, to the Post Office Regulations, dated 16th March, 1938.

Order made by the Governor in Council under section 8 (1) of the Jury Ordinance, 1887, Ordinance No. 6 of 1887, relating to the Jury Lists for 1938, dated 16th March, 1938.

New Stanley Cemetery authorized by the Governor in Council under section 73 of the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, as a place to be used as a cemetery, dated 2nd April, 1938.

Proclamation No. 2.—Appointing Commissioners to inquire into the prevalent charges for rent in Victoria and Kowloon.

Sessional Papers, 1938:

No. 3.—Jurors List for 1938.

No. 4.—Water Finances. Memorandum by Financial Secretary.

No. 5.—Report of the Commission appointed by His Excellency the Governor of Hong Kong

A. to inquire into and report upon

- (1) the prevalent charges for rent in the towns of Victoria and Kowloon, having regard to their rise and fall during the last ten years,

and

- (2) the extent to which and the manners in which tenants and landlords have been and are affected by the sudden growth of the population of Hong Kong since the beginning of Sino-Japanese hostilities last year:

B. to receive oral and written evidence upon the foregoing issues:

C. to make such relevant recommendations as may commend themselves to members.

No. 6.—Report of Committee on Rentals for Government Quarters.

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. 2), dated the 9th March, 1938, and moved that it be adopted.

THE FINANCIAL SECRETARY seconded, and this was agreed to.

URBAN COUNCIL BY-LAWS.

THE ATTORNEY GENERAL.—I rise to move that the by-laws under the heading "Reconstituted Milk and Reconstituted Cream" made by the Urban Council under sections 5 and 6 of the Public Health (Food) Ordinance, 1935, on the 29th day of March, 1938, be approved.

These by-laws prohibit the manufacture of reconstituted milk or reconstituted cream for sale or for use in the preparation of food for sale except in premises licensed as a food factory for that purpose, and also prohibit their sale except in properly licensed or registered premises. They require the approval of the Urban Council for the apparatus and constituents used in the manufacture of reconstituted milk or reconstituted cream and for the containers used in their sale. They forbid the addition of preservatives or colouring matter and insist on pasteurization, and in order that the public may know what it is getting they also prescribe that on containers in which reconstituted milk and cream are sold and in advertisements relating to their sale the word "reconstituted" shall be given equal prominence with the words "milk" or "cream."

THE COLONIAL SECRETARY seconded, and this was agreed to.

PROTECTION OF WOMEN AND GIRLS ORDINANCE, 1938.

THE ATTORNEY GENERAL moved the first reading a Bill intituled "An Ordinance to amend the law relating to the protection of Women and Girls." He said: The object of this Bill, as stated in the

memorandum of Objects and Reasons, is to repeal the Protection of Women and Girls Ordinance, 1897, with its amending Ordinances and Regulations, and to re-enact them, after a close scrutiny and revision of every clause in the light of the recommendations of the Report of the *Mui Tsai* Commission and in the light of experience of the working of these Ordinances. It aims at suppressing abuses without too great incursion into Chinese family life.

It will be noticed that, by Section 32, "every person who at the date of the passing of this Ordinance has in his custody or control any girl the legal guardianship of whom is vested in the Secretary for Chinese Affairs pursuant to section 32 (1) shall register in the manner prescribed by regulations within three months from a date to be appointed by His Excellency the Governor by notification in the *Gazette*. It is, of course, impossible to apply any system involving extensive registration immediately on the passing of the measure which authorizes or requires such registration. The machinery for registration, for example, could not be ready, and great hardship might be imposed on those members of the public who were not immediately aware of the duty to register if they were strictly limited to the time laid down in the section. The intention of Section 32, therefore, is to delay registration only for such short period as may be necessary to give the Secretary for Chinese Affairs time to prepare the forms required—it is impossible, of course, to anticipate the final form in which these may be laid down—and by propaganda to do whatever is necessary to bring the new law before the Chinese who are most affected by it. Honourable members may be assured that, should this provision be finally approved, there will be no delay whatever in making the necessary order and bringing registration into force.

Honourable members will remember that this Bill is the fruit of the labours of a Committee and of a Commission, both appointed to consider the *Mui-tsai* question. I understand from several sources that this Bill is being scrutinized, not only by members of the Committee I have referred to, but also by certain members of the legal profession and others who are interested in this question, and I have already received certain suggestions for amendment, the merits or demerits of which I have not yet had time to consider.

This draft represents the general policy of the Government, but it is hardly to be expected that a measure dealing with a matter which has been under discussion for 60 years will pass finally in the form in which it is first drafted, and the Government is considering, and is prepared still to consider proposals for further amendment, if these proposals are put forward without delay, as it is anxious to have this matter, which has been so long delayed, brought to a satisfactory conclusion as soon as possible. I shall therefore, at any time, but more particularly before the second reading, welcome any suggestions which may assist me in settling the final form and details of this Bill.

I move that the Bill be read a first time.

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 repeal the Protection of Women and Girls Ordinance, 1897, with its amending Ordinances and Regulations and to re-enact them after a close scrutiny and revision of every clause in the light of the recommendations of the Report of the Mui Tsai Commission and in the light of experience of the working of these Ordinances.

2. A Table of Correspondence is attached which explains the variations between the clauses of the Bill and the provisions they replace in greater detail.

VACCINATION AMENDMENT ORDINANCE, 1938.

THE ATTORNEY GENERAL rising to moved the first reading of a Bill intituled "An Ordinance to amend the Vaccination Ordinance, 1923," said: Your Excellency,—In relation to "An Ordinance to amend the Vaccination Ordinance, 1923," I should like to mention that notice of the introduction of this Bill was circulated immediately prior to this meeting and is now in the hands of Hon. members and I request Your Excellency's permission under Order 13 (2) of the Standing Orders for that notice to be valid for this meeting, in order that the Bill may be introduced at this meeting.

H.E. THE GOVERNOR.—The matter is one of grave social importance and I have instructed the Hon. and learned member, the Attorney General to bring it forward to-day, but I am prepared to listen if any member wishes to oppose my giving permission for the introduction to this Bill.

There being no comment,

H.E. THE GOVERNOR.—You have my permission to proceed.

THE ATTORNEY GENERAL.—The reasons for this Bill are set out in the memorandum attached to the Bill, but as Hon. members have only now got the Bill in their hands, I should like to read them.

The "Objects and Reasons" for the Bill were then read.

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. A virulent type of smallpox is endemic in Hong Kong and South China and results in many deaths each year.
2. Every effort has been made by means of posters, pamphlets, propaganda in the press and the local broadcasting service to induce persons exposed to the risk of infection to protect themselves by vaccination, which is carried out free of charge by public vaccinators, but many have failed to avail themselves of this protection and the number of deaths from smallpox this year already exceeds 1,400.
3. Section 16 (1) of the principal Ordinance empowers the Medical Officer of Health to require the vaccination of any person "who in his opinion has been subjected to the risk of infection from smallpox", but this measure is impracticable in many instances where the bodies of those who have died of smallpox have been dumped in the streets or the harbour, and in many others where smallpox cases are concealed in houses.
4. Section 2 of this Ordinance, by repealing the restrictive words quoted above in section 16 (1) of the principal Ordinance, empowers the Medical Officer of Health or any public vaccinator deputed for the purposes of section 16 to require the vaccination or re-vaccination, free of charge, of any person who in his opinion should be vaccinated or re-vaccinated.
5. This amendment is designed to enable the health authorities effectively to carry out vaccination campaigns, particularly in thickly-populated areas inhabited by the working classes, where infection is widespread but where it is often quite impossible to prove exposure to the risk of infection from any particular case.

GASHOLDERS EXAMINATION ORDINANCE, 1938.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to make provision for the periodical examination of gasholders."

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 that it be read a third time.

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

ASIATIC EMIGRATION AMENDMENT ORDINANCE, 1938.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Asiatic Emigration Ordinance, 1915."

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 that it be read a third time.

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

EMPIRE PREFERENCE AMENDMENT ORDINANCE, 1938.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Empire Preference 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 that it be read a third time.

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

ADJOURNMENT.

H.E. THE GOVERNOR.—Council stands adjourned until Wednesday, 20th April.

FINANCE COMMITTEE.

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

Votes totalling \$450,689 under Estimates, 1938, were considered.

Item 36.—33, Public Works Recurrent:—New Kowloon. 19, Typhoon and Rainstorm Damages. Item 1, Typhoon and Rainstorm Damages \$57,000.

THE CHAIRMAN.—Are these not the final typhoon bills?

THE DIRECTOR OF PUBLIC WORKS.—Yes.

All the votes were approved.
