

*24th November, 1938.*

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**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. W. J. CARRIE, *Acting*).

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

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

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

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

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

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.

HON. DR. LI SHU-FAN.

HON. MR. A. L. SHIELDS.

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

**ABSENT:—**

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

HON. MR. J. J. PATERSON.

**MINUTES.**

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

**NEW MEMBER.**

The Hon. Mr. W. J. Carrie, (Secretary for Chinese Affairs, *Acting*), took the Oath of Allegiance and assumed his seat as a member of the Council.

**PAPERS.**

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

Resolution made and passed by the Legislative Council on the 10th November, 1938, under the Tramway Ordinance, 1902, Ordinance No. 10 of 1902.

Amendment made by the General Officer Commanding the Troops, under section 10 of the Volunteer Ordinance, 1933, Ordinance No. 10 of 1933, with the approval of the Governor after consultation with the Commandant of the Hong Kong Volunteer Defence Corps, on 5th November, 1938, to the First Schedule to that Ordinance.

Order made by the Governor in Council under section 2 of the Rating (Refunds) Ordinance, 1926, Ordinance No. 3 of 1926, dated 10th November, 1938.

Sessional Papers, 1938:—

No. 15—Abstract showing the Differences between the Approved Estimates of Expenditure for 1938 and the Approved Estimates of Expenditure for 1939.

Administration Reports, 1937:—

Part II.—Law and Order:—

Report of the Commissioner of Police.

Part III.—Public Health:—

Report of the Director of Medical Services.

**THE BUDGET.**

THE FINANCIAL SECRETARY moved the second reading of a Bill intituled "An Ordinance to apply a sum not exceeding Twenty-nine

million three hundred and twenty-seven thousand two hundred and ninety-four Dollars to the Public Service of the year 1939."

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

On the motion of the Financial Secretary, seconded by the Colonial Secretary, the Council resolved itself into Committee and considered the Bill clause by clause.

Upon Council resuming,

THE FINANCIAL SECRETARY 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.

### **SEDITION AMENDMENT ORDINANCE, 1938.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Sedition Ordinance, 1938." He said: The object of this Bill is to amend Section 3 of the principal Ordinance by repealing a proviso and substituting certain words in its place. The proviso in effect was a proviso on a proviso. Since this Bill was published other difficulties have been brought to my notice, and it may be necessary, after due consideration, to add further amendments to this clause when it reaches the Committee stage.

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. Doubts have been expressed as to the effect of the proviso in section 3 (1) of the principal Ordinance, on the ground that it may be understood as nullifying to a large extent the provisions of the second part of the definition "seditious intention" which state what is not a seditious intention.

2. In order to remove these doubts, clause 2 of this Bill repeals the proviso and amends the second part of the definition accordingly.

### **LAND REGISTRATION AMENDMENT ORDINANCE, 1938.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Land Registration Ordinance, 1844, and to confer certain powers on assistant land officers."

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

**PHARMACY AND POISONS AMENDMENT ORDINANCE, 1938.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Pharmacy and Poisons Ordinance, 1937."

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

**DOLLAR CURRENCY NOTES AMENDMENT ORDINANCE, 1938.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Dollar Currency Notes Ordinance, 1935."

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

**REGISTRATION OF PERSONS (NO. 2) AMENDMENT  
ORDINANCE, 1938.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Registration of Persons Ordinance, 1934."

THE COLONIAL SECRETARY seconded.

HON. MR. T. N. CHAU.—On behalf of my Chinese colleagues and myself, I desire to say a few words on the question of exclusion of Chinese British subjects from Part II of this Bill.

All Chinese born in the Colony are, of course, British subjects. But it has to be realised that an ordinance applicable to such persons would be difficult to enforce because it is an impossibility to trace such British subjects from the Register of Births. Moreover, it is a well known fact that many births have not been registered at all.

The experience gained in the European War of 1914-1918, and in the strikes of 1922 and 1925, was such as to convince everyone in the Colony of the loyalty of Chinese British subjects and of the loyalty of Chinese permanent residents to their local allegiance. In these circumstances, I understand that instead of resorting to legislation which it would be impracticable to enforce, Chinese British subjects and Chinese permanent residents will be given the opportunity to register voluntarily, and steps have been taken with this end in view. That, my colleagues and I feel, is the best solution of the difficulty.

In making this statement, which I hope will remove any misapprehension which may exist on this matter, I can assure you, Sir, that the Chinese British subjects and Chinese permanent residents will yield to none in their eagerness and desire to serve to the best of their ability the interests of the Colony in her hour of need. (Applause).

THE COLONIAL SECRETARY.—Sir, I rise by Your Excellency's instructions to say that the arrangement which has just been adumbrated by the Hon. Member is accepted by the Government and steps are being taken to start the voluntary register for Chinese British subjects who are willing to help.

The Bill was then read a second time.

**POLICE FORCE AND PEACE PRESERVATION AMENDMENT  
ORDINANCE, 1938.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Police Force Ordinance, 1932, and the Peace Preservation Ordinance, 1886."

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

On the motion of the Attorney General, seconded by the Colonial Secretary, Council resolved itself into Committee and considered each of the five Bills clause by clause.

Upon Council resuming,

THE ATTORNEY GENERAL reported that the Land Registration Amendment 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.

THE ATTORNEY GENERAL reported that the Pharmacy and Poisons Amendment 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.

THE ATTORNEY GENERAL reported that the Dollar Currency Notes Amendment 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.

THE ATTORNEY GENERAL moved the third reading of the Registration of Persons Amendment Bill. He said: This Bill has passed through Committee without amendment to its text and, subject to the insertion of a marginal note which appears to have been dropped out and may be duly re-inserted with your Excellency's permission, I move that the Bill be read a third time and passed.

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

THE ATTORNEY GENERAL reported that the Police Force and Peace Preservation Amendment 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*.

### FINANCE COMMITTEE.

Following the Council, a meeting of the Finance Committee was held, the Colonial Secretary presiding. Votes totalling \$341,722, contained in Message No. 10 from H.E. The Governor, were considered.

205.—7, District Office, South:—1, Personal Emoluments, \$21,093.

THE CHAIRMAN.—I suppose there will be an equivalent saving somewhere.

211.—12, Fire Brigade:—7, Incidental Expenses, \$200.

HON. DR. LI.—About these blankets, I quite agree with the necessity of washing them frequently, but can we have an idea how frequently they are sterilised?

THE CHAIRMAN.—I am afraid I cannot say off-hand.

HON. MR. LO.—I suppose they should be washed every time.

HON. DR. LI.—It seems to me that sterilisation is more important than mere washing in the case of infectious diseases.

THE CHAIRMAN.—The only minute I have got is the amount expended on the washing of ambulance blankets, and it shows normally \$25 a month. This year, owing to the cholera epidemic, it has averaged \$28. I will get the information for the Committee.

236.—28, Miscellaneous Services:—48, Transport of Government Servants, \$115,000.

HON. MR. DODWELL.—Surely this is a heavy under-estimate?

THE CHAIRMAN.—My recollection is that we always under-estimate this item.

THE FINANCIAL SECRETARY.—The year's estimate was put at considerably higher in sterling figures than actually expended in any of the previous three years.

HON. MR. SHIELDS.—What are the increases in the last four years?

THE FINANCIAL SECRETARY.—More than £22,000 in 1935, more than £23,000 in 1936, and more than £27,000 in 1937. The estimate for this year was put at £30,000. We have far more people going on leave this year than any of the previous years, and more transfers of officers.

HON. MR. SHIELDS.—Is the increase likely to go on in the same ratio?

THE FINANCIAL SECRETARY.—No, we hope in the next year there is going to be a reduction. As far as I can see the number going on leave next year is much smaller.

238.—29, Charitable Services:—Tung Wah Hospital Relief of Chinese Refugees, \$50,000.

THE CHAIRMAN.—Has this been approved?

THE FINANCIAL SECRETARY.—The general principle of re-paying the Tung Wah for their expenses for refugees passing through the Colony has been approved.

241.—32, Public Works Department:—Other Charges. Firewood (all departments), \$5,000.

THE CHAIRMAN.—There will be savings on various departments' fuel charges?

THE FINANCIAL SECRETARY.—Yes.

All the votes were approved.

THE CHAIRMAN.—With reference to the Hon. Mr. Paterson's questions at the last meeting, I can say that the Bren Light Machine Guns were not purchased as there were none available. The Lyon Light, as I thought, is a light searchlight for beach defence.

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