

25th May, 1939.

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. E. GRASETT, D.S.O., M.C.).

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

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

HON. MR. C. G. PERDUE (Acting Commissioner of Police).

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

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

HON. MR. S. H. DODWELL.

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

HON. MR. LO MAN-KAM.

HON. MR. T. E. PEARCE.

HON. MR. W. N. THOMAS TAM.

MR. C. B. BURGESS (Deputy Clerk of Councils).

ABSENT:—

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

HON. MR. A. L. SHIELDS.

MINUTES.

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

PAPERS.

THE COLONIAL SECRETARY.—By Your Excellency's command, I lay upon the table certain papers, copies of which are in the hands of Honourable Members.

The papers laid on the table were:—

Poisons Regulations made by the Governor in Council under section 3 of the Pharmacy and Poisons Ordinance, 1937, Ordinance No. 8 of 1937, dated 22nd December, 1938.

Amendment made by the Governor in Council under section 5 of the Ferries Ordinance, 1917, Ordinance No. 28 of 1917, rescinding the regulation relating to the exclusion from the operation of that Ordinance of the ferry of Tsang Hok Cheung between Kat O and Shataukok, dated 8th May, 1939.

Amendments made by the Governor in Council under Sections 21 and 42 of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, to Table W under the heading "Ports of the Colony" in the Regulations to the said Ordinance, dated 11th May, 1939.

Amendments made by the Governor in Council under Sections 28 and 42 of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, to Table U of the Regulations to the said Ordinance, dated 13th May, 1939.

Amendment made by the Governor in Council under Section 28 of the Births and Deaths Registration Ordinance, 1934, Ordinance No. 21 of 1934, to the first schedule to that Ordinance, dated 13th May, 1939.

Amendments made by the Governor in Council under Sections 10 (6) and (17), 37 (2) and 42 (1) of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, to Table C of the Regulations, dated 17th May, 1939.

Proclamation No. 3.—Crown Rents (Apportionment) Ordinance, 1936, Ordinance No. 4 of 1936, to come into operation as regards certain lots on 10th May, 1939.

Proclamation No. 4.—Confirmation of the Asiatic Emigration Amendment Ordinance, 1939, Ordinance No. 1 of 1939.

Proclamation No. 5.—Proposed construction of a Pier, etc., authorized under the Public Reclamations Validation and Clauses Ordinance, 1936, Ordinance No. 40 of 1936.

Sessional Papers, 1939:—

No. 2—Taxation Committee Report.

Administration Reports, 1938:—

Part II.—Law and Order:—

Report of the Registrar of the Supreme Court, Official Trustee, Official Administrator and Registrar of Companies.

Report of the Chief Officer, Hong Kong Fire Brigade.

TOWN PLANNING BILL, 1939.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance for the promotion of the health, safety, convenience and general welfare of the community by making provision for the systematic preparation and approval of plans for the future lay-out of existing and potential urban areas as well as for the types of building suitable for erection therein." He said:—

Under this Bill a Town Planning Board will be appointed to prepare draft plans which will be exhibited to the public for approval or objection. When the plans are finally approved they will be submitted to this Council for consideration.

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:—

This Bill, which provides for the appointment of a Town Planning Board and for the preparation by that Board of draft plans for the future lay-out of existing and potential urban areas, as well as for the types of building suitable for erection therein, and for the approval of such plans by the Governor in Council as standards for the guidance of all public officers and bodies in the exercise of powers vested in them, is intended as the first step taken to implement the Report, dated the 11th October, 1938, of the Housing Commission (Sessional Paper No. 12 of 1938). A Table of Correspondence showing the source of its various provisions is attached.

(1938 SUPPLEMENTARY) APPROPRIATION BILL, 1939.

THE FINANCIAL SECRETARY moved the second reading of a Bill intituled "An Ordinance to authorize the Appropriation of a Supplementary sum of three million four hundred and twenty-six thousand two hundred and forty-three dollars and forty-eight cents to defray the charges of the year 1938."

THE COLONIAL SECRETARY seconded.

HON. SIR HENRY POLLOCK.—On behalf of all the Unofficial Members, I desire to say a few words on the item relating to pensions.

In his speech on the Budget for 1939 (see Hansard 1938, at page 134) the Honourable Financial Secretary said: "Taking sterling payments alone, the pensions Bill has more than doubled since 1930. There is no sign that the increase is yet coming to an end."

I understand from the Honourable Member that the estimated amount required for pensions this year will be about two million nine hundred and seventy thousand dollars.

This large outlay for pensions compels one to consider whether some remedy cannot be found to stem this rising tide of expenditure upon pensions.

At the outset one is faced with the fact that it would be manifestly unfair to deprive Civil Servants of any rights in connection with pensions to which they are entitled by law.

In these circumstances, I submit for consideration this suggestion which has been made to me, namely, that this Council should restore the retiring age of 60, which was laid down by Ordinance 2 of 1928, and should repeal the provisions of the Pensions Ordinance of 1932, which reduced the normal age of retirement to 55, and which even gave a Civil Servant the option, provided that the consent of the Governor was obtained, of retiring at the age of 50.

All the Unofficial Members feel strongly that, with the present generous allowances for Home Leave, there is no reason why a Civil Servant should not serve the Colony until the age of 60.

The financial savings in pensions to the Colony, consequent on the restoration of the former retiring age of 60, are obvious.

Furthermore, I may point out that, by making the retiring age 60, it would be easier for the Home Expert, whom it is desired by the Unofficial Members that the Government should ask to make an actuarial estimate of our future liabilities for pensions, to make a reliable estimate of such future liabilities.

In regard to the employment of such a Home Expert, the Unofficial Members unanimously consider that, in view of the proposals for increased taxation which are now being mooted, it is desirable that such an actuarial estimate should be made even though it may cost the Colony a considerable sum.

In conclusion, I would add that, of course, I do not expect the Government to pronounce any decision to-day upon the points which I have raised in this speech.

THE FINANCIAL SECRETARY.—As the Senior Unofficial Member has said, it is not expected that any statement will be made to-day as to the decision on the points which he has raised. I think all I need say at present is that the suggestions put forward will be considered. As regards the first of them—retiring age—that is of course a matter concerning general conditions of service upon which it will be necessary to consult the Secretary of State. As regards the actuarial investigation, the Government will take note of the views of the Unofficial Members and their willingness that the Colony should bear the cost of such investigation.

The Bill was read a second time.

**PREVENTION OF CRUELTY TO ANIMALS AMENDMENT
BILL, 1939.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Prevention of Cruelty to Animals Ordinance, 1935."

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

TRUSTEE AMENDMENT BILL, 1939.

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

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

**ORDINANCES AND REGULATIONS OF HONG KONG
(1937 EDITION) AMENDMENT BILL, 1939.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Ordinances and Regulations of Hong Kong (1937 edition) Ordinance, 1936."

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

PREVENTION OF EVICTION (NO. 2) AMENDMENT BILL, 1939.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend further the Prevention of Eviction Ordinance, 1938, as amended by the Prevention of Eviction Amendment Ordinance, 1939." He said:

The Government has decided to pass this Bill without amendment to-day but as a number of representations have been received suggesting that the legislation, which this Bill will extend for another year, be amended in various directions—some desiring it should be modified

and relaxed and others that it should be strengthened—Government has decided that all these proposals be referred to a Committee of seven Members of this Council. They are the Secretary for Chinese Affairs, Hon. Sir Henry Pollock, Hon. Mr. S. H. Dodwell, Hon. Mr. T. N. Chau, Hon. Mr. M. K. Lo, and Hon. Mr. Leo D'Almada e Castro, Jnr., with myself as Chairman. This Committee which, I think, represents all interests which may be affected by the Bill, will consider all the representations.

THE COLONIAL SECRETARY seconded.

HON. MR. M. K. LO.—When the Bill which became the Prevention of Eviction Ordinance 1938 was before this Council on 1st June, 1938, the then Honourable Acting Attorney General emphasised the purely temporary character of the measure, and Your Excellency remarked:

"As the Honourable and Learned Member, the Attorney General, has pointed out, the Ordinance, if passed, is intended as a temporary measure to tide us over an emergency, and I very much hope that I shall be able to submit before long a Bill repealing these few clauses, thus bringing us back to normal conditions: but that will not be possible until more normal economic conditions prevail in Hong Kong."

Unhappily, we are still confronted with not a normal, but an exceptionally abnormal situation, and I agree that the circumstances which rendered the original measure imperative still operate, though possibly to a lesser extent.

Since this emergency law is to last for another year, (unless sooner repealed), I would have felt it my duty to suggest certain amendments which the result of the past year's working of the Ordinance has proved to be desirable. But in view of the statement which my Honourable friend, the Attorney General has just made to this Council, I agree that all suggested amendments should be considered by a special Committee after this Bill has passed. But I should like to say one word on the question of increase of rent, in the hope that I may be saved some of the telephone messages and letters on this question by which I have been inundated.

It is quite clear that in respect of any house to which this Ordinance applies, a tenant need not act on any notice to quit or any notice to increase his rent. If he considers that the increase asked for is unreasonable, he should so inform the landlord and intimate that he is willing that the question of what is a fair rent should be determined by the Court, and the Court can be relied upon to act fairly between the landlord and the tenant.

There can be no doubt that this Ordinance, whilst affording tenants a very necessary protection in these abnormal times, does act unjustly against property owners, because, owing to circumstances over which they have no control, they have been deprived of the chief incident

and characteristic of ownership, namely, that of possession. Its effect on the property market has been serious. I can only echo the hope which Your Excellency expressed in June last year, that before long more normal economic conditions may prevail in the Colony, so that, it being no longer required, the Ordinance can be repealed.

The Bill was read a second time.

On the motion of the Attorney General, seconded by the Colonial Secretary, Council then went into Committee to consider the following Bills clause by clause:—

(1938 SUPPLEMENTARY) APPROPRIATION BILL, 1939;

PREVENTION OF CRUELTY TO ANIMALS AMENDMENT
BILL, 1939;

TRUSTEE AMENDMENT BILL, 1939;

ORDINANCES AND REGULATIONS OF HONG KONG (1937
EDITION) AMENDMENT BILL, 1939;

PREVENTION OF EVICTION (No. 2) AMENDMENT BILL, 1939.

Upon Council resuming,

THE FINANCIAL SECRETARY reported that the (1938 Supplementary) Appropriation 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 Prevention of Cruelty to Animals 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 Trustee 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 Ordinances and Regulations of Hong Kong (1937 edition) 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 Prevention of Eviction (No. 2) 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.

At the invitation of the Committee, the Harbour Master attended the meeting.

Votes totalling \$318,523 under Estimates, 1939, contained in Message No. 4 from His Excellency the Governor, were approved.
