

*17th October, 1940.*

**PRESENT:—**

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT (LIEUT.-GENERAL E. F. NORTON, C.B., D.S.O., M.C.).

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING THE TROOPS, (MAJOR-GENERAL A. E. GRASETT, C.B., 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. R. A. C. NORTH).

THE FINANCIAL SECRETARY (HON. MR. H. R. BUTTERS).

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

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

HON. MR. H. J. PEARCE, M.C. (Director of Public Works, *Acting*).

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

HON. MR. J. J. PATERSON.

HON. MR. S. H. DODWELL.

HON. MR. LO MAN-KAM.

HON. DR. LI SHU-FAN.

HON. MR. A. L. SHIELDS.

HON. MR. W. N. T. TAM.

HON. MR. T. E. PEARCE.

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

**ABSENT:—**

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

### MINUTES.

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

### NEW MEMBERS.

The Hon. Mr. C. G. Perdue (Commissioner of Police, *Acting*) and the Hon. Mr. T. E. Pearce took the Oath of Allegiance and assumed their seats as Members of the Council.

### TRIBUTE TO THE HON. MR. T. H. KING.

H.E. THE OFFICER ADMINISTERING THE GOVERNMENT.— Before the meeting of the day, I should like to express the regret of this Council at the loss of one of its members, the Hon. Mr. T. H. King, who, as you know, has left the Colony. His appearance in the Legislative Council in a temporary capacity dates back to 1929, and he sat regularly since his appointment as Commissioner of Police in 1935.

In 1938, Mr. King was awarded the King's Police Medal which, as you know, is a decoration awarded only for great distinction in the Police service. He was for 36 years a member of this Colony, and I know that his presence will be missed, not only in this Council but in many departments of the Colony. We shall be poorer by the loss of his great experience and his many fine qualities. (Applause).

HON. MR. J. J. PATERSON.— May I, on behalf of the Unofficial Members, associate ourselves with what Your Excellency has said.

### PAPERS.

THE COLONIAL SECRETARY, by command of H.E. the Officer Administering the Government, laid upon the table the following papers:—

Order made by the Officer Administering the Government under section 2 of the Public Revenue Protection Ordinance, 1927, Ordinance No. 9 of 1927, giving full force and effect to the provisions of altering the duties on tobacco appearing in the resolution, dated 11th September, 1940.

Rule III made by the Board of War Taxation under section 58 (1) of the War Revenue Ordinance, 1940, Ordinance No. 13 of 1940, on the 3rd day of September, 1940, and approved by the Legislative Council on the 12th day of September, 1940.

Order made by the Controller of Food under the Defence Regulations, 1940, with the consent of the Officer Administering the Government, fixing the standard price for certain articles of food, dated 13th September, 1940.

Regulations made by the Governor in Council under the Pleasure Grounds and Bathing Places Regulation Ordinance, 1936, Ordinance No. 29 of 1936, dated 14th September, 1940.

Order made by the Officer Administering the Government under regulation 32 of the Defence Regulations, 1940, declaring certain premises to be protected places, dated 18th September, 1940.

The Trading with the Enemy (Specified Persons) (Amendment) (No. 9) Order, 1940, made by the Officer Administering the Government with the prior approval of the Secretary of State under section 3(2) of the Trading with the Enemy Ordinance, 1914, Ordinance No. 25 of 1914, as amended by regulation 2 of the Trading with the Enemy Ordinance, 1914, Amendment Regulations, 1939, dated 9th September, 1940.

Amendment made by the Officer Administering the Government under the Emergency Powers (Colonial Defence) Orders in Council, 1939 and 1940, to the Defence Regulations, 1940, dated 27th September, 1940.

Order made by the Officer Administering the Government under regulation 5 of the Defence (Finance) Regulations, 1940, designating certain foreign currencies as currencies to which regulation 5 of the said Regulations applies, dated 27th September, 1940.

Order made by the Officer Administering the Government under regulation 4 of the Defence (Finance) Regulations, 1940, dated 27th September, 1940.

Order made by the Stores Controller under regulation 50 of the Defence Regulations, 1940, with the consent of the Officer Administering the Government, regulating the possession, etc., of firewood for the purpose of sale, dated 27th September, 1940.

Order made by the Controller of Food under the Defence Regulations, 1940, with the consent of the Officer Administering the Government, fixing the maximum prices for certain articles of food, dated 27th September, 1940.

Amendment made by the Superintendent of Imports and Exports under section 20 of the Dutiable Commodities Ordinance, 1931, Ordinance No. 36 of 1931, to the scale for payment of drawback on non-Empire tobacco, dated 26th September, 1940.

The Trading with the Enemy Ordinance, 1914, Third Amendment Regulations, 1940, made by the Officer Administering the Government under the Emergency Powers (Defence) Acts,

1939 and 1940, as applied to the Colony by the Emergency Powers (Colonial Defence) Orders in Council, 1939 and 1940, dated 2nd October, 1940.

Amendment made by the Officer Administering the Government under the Emergency Powers (Colonial Defence) Orders in Council, 1939 and 1940, to the Defence Regulations, 1940, dated 4th October, 1940.

Amendment made by the Officer Administering the Government under section 1 (2) (d) of the Emergency Powers (Defence) Act, 1939, as applied to the Colony by the Emergency Powers (Colonial Defence) Order in Council, 1939, to section 17 (1) of the Volunteer Ordinance, 1933, Ordinance No. 10 of 1933, dated 30th September, 1940.

Order made by the Controller of Food under the Defence Regulations, 1940, with the consent of the Officer Administering the Government, fixing the standard price for Lighthouse sweetened condensed milk, dated 4th October, 1940.

Proclamation No. 10.—Calling out certain members of the Hong Kong Corps of Air Raid Wardens.

### **TOBACCO DUTIES RESOLUTION.**

THE FINANCIAL SECRETARY moved:—

Resolved pursuant to section 4 of the Dutiable Commodities Ordinance, 1931, as follows:—

That the Duties on tobacco set forth in the Resolution of the Legislative Council published as Government Notification No. 841 in the Gazette of the 26th July, 1940, be revoked with effect from 9 o'clock a.m. on Wednesday, the 11th day of September, 1940, and that thereafter duty shall be payable on tobacco at the following rates per lb.:—

#### **Duties on Tobacco.**

Duty shall be payable on tobacco at the following rates per lb.—

	\$
A.— <i>on unmanufactured tobacco</i> —	
(1) unstripped tobacco containing—	
(a) 10 per cent. or more of moisture by weight:—	
(i) Tobacco of Empire origin .....	1.30
(ii) other tobacco .....	1.50

	\$
(b) less than 10 per cent. of moisture by weight:—	
(i) tobacco of Empire origin.....	1.35
(ii) other tobacco .....	1.55
(2) stripped tobacco containing—	
(a) 10 per cent. or more of moisture by weight:—	
(i) tobacco of Empire origin.....	1.40
(ii) other tobacco .....	1.60
(b) less than 10 per cent. of moisture by weight:—	
(i) tobacco of Empire origin.....	1.50
(ii) other tobacco .....	1.70
B.— <i>on manufactured tobacco</i> —	
(1) cigars—	
(i) of Empire origin and manufacture.....	3.00
(ii) of Empire manufacture only .....	3.50
(iii) other cigars .....	4.00
(2) cigarettes—	
(i) of Empire origin and manufacture.....	2.20
(ii) of Empire manufacture only .....	2.60
(iii) other cigarettes .....	3.20
(3) other manufactured tobacco including snuff and cigar cuttings—	
(i) of Empire origin and manufacture.....	2.20
(ii) of Empire manufacture only .....	2.60
(iii) Chinese prepared tobacco .....	2.00
(iv) other varieties .....	3.20

??aid: The object of the revised duties on tobacco is to secure revenue, and while they should not bear heavily on the individual smoker it is anticipated that in the aggregate they will bring in from a million and a half to two million dollars per annum extra.

As Honourable Members are aware, increased expenditure, chiefly on defence, has recently had to be incurred for which no provision is made in the printed Estimates or in the original allocation of war revenue.

Although ordinary revenue has come in well, being in excess of the estimate to the extent of some three and a half million dollars in respect of the first seven months of the year, total expenditure has exceeded total revenue inclusive of war revenue and was in fact greater than that of the corresponding period of last year by six and a half million dollars.

In the circumstances further taxation appears essential and the increased tobacco duties will bring in a substantial amount without additional cost of collection or, it is submitted, hardship to the public.

THE COLONIAL SECRETARY seconded, and the resolution was approved.

#### **URBAN COUNCIL BY-LAWS.**

THE ATTORNEY GENERAL moved: That the amendment made by the Urban Council under sections 5 and 6 of the Public Health (Food) Ordinance, 1935, on the 27th day of August, 1940, to the by-laws under the heading "Sale of Milk generally and Dairies and Milk Shops" in the Schedule to that Ordinance be approved. He said: The effect of the amendment proposed by the Urban Council is to give that Council control over the containers in which milk is sold in bulk. It requires the approval of this Council.

THE COLONIAL SECRETARY seconded, and the resolution was approved.

THE ATTORNEY GENERAL moved: That the amendment made by the Urban Council under section 5 of the Public Health (Food) Ordinance, 1935, on the 27th day of August, 1940, to the by-laws under the heading "Restaurants, Eating Houses and Food Stalls" in the Schedule to that Ordinance be approved. He said: The effect of the amendment will be to enable the Urban Council to suspend licences in cases where the licencees have committed a breach of the by-laws. At present their power is limited to only cancellation of the licences, but there may be cases in which this penalty appears to be too drastic. They therefore wish to have additional powers to give a lighter penalty.

THE COLONIAL SECRETARY seconded, and the resolution was approved.

THE ATTORNEY GENERAL moved: That the amendment made by the Urban Council under section 2 of the Hawkers Ordinance, 1935, on the 10th day of September, 1940, to the by-laws under the heading "A. General and Licensing" in the Schedule to that Ordinance be approved. He said: The by-law reads, "Every hawker licensed for the sale of food shall at all times provide a sufficient quantity of boiling water and he shall wash every chop stick and utensil in boiling water after their use by one customer and before their use by another." The object of the by-law is to promote cleanliness in the sale of food, thus preventing the spread of cholera and other diseases.

THE COLONIAL SECRETARY seconded, and the resolution was approved.

### **FACTORIES AND WORKSHOPS AMENDMENT BILL, 1940.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Factories and Workshops Ordinance, 1937." He said: The Object of this Bill is fully explained in the memorandum attached to it.

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. Section 8 of the principal Ordinance is as follows:—

8.—(1) Every person who contravenes or attempts to contravene or fails to comply with any provision of this Ordinance or of any by-law made thereunder shall be guilty of an offence against this Ordinance.

(2) The proprietor of every factory, workshop or industrial undertaking in respect of which any offence against this Ordinance has been committed shall on summary conviction be liable to a fine not exceeding two hundred and fifty dollars.

(3) It shall be no defence to a prosecution of the proprietor of a factory, workshop or industrial undertaking for an offence under this section that the offence was committed without his knowledge or consent or that the actual offender has not been convicted of the offence.

2. It appears therefore that whilst sub-sections (2) and (3) provide for a summary fine in the case of a proprietor even where he is not the actual offender no express provision is made in sub-section (1) for a summary fine on offenders who are not proprietors nor is any special provision made for offences knowingly and wilfully persisted in over a considerable period.

3. Clause 2 of this Bill recasts the first two sub-sections of section 8 of the principal Ordinance in order to remedy these defects.

### **PENSIONS (WAR SERVICE) BILL, 1940.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to regulate the pension rights of officers in the public service released for service with His Majesty's Forces in time of war."

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 OFFICER ADMINISTERING THE GOVERNMENT.—Council stands adjourned *sine die*.

### FINANCE COMMITTEE.

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

Votes totalling \$2,089,616, contained in Message No. 9 from H.E. The Officer Administering The Government, were considered.

Item 152.—16, Medical Department—4, Attendance of medical practitioners, \$6,000.

HON. MR. LO.—I should like to know something about this matter. As far as I know, it has never come before anybody. I have looked up the original Estimate and it contains no more information than this. Can these papers be circulated? One often hears of discrimination....

THE CHAIRMAN.—I will certainly let you have a statement on the whole thing. It is not a question of discrimination. It is simply an economy. Instead of having a special medical officer to look after certain officials in certain areas, it has been found easier and cheaper that they should be attended by a panel of private practitioners.

HON. MR. LO.—The complaint relates to the areas. Why not extend the areas instead of restricting them?

HON. DR. LI.—Are Chinese practitioners eligible on the panel service?

THE CHAIRMAN.—I can't say off-hand. I think the Director of Medical Services put up certain firms with practices in these areas, but I will have a full statement circularised.

HON. DR. LI.—About the special treatment mentioned here, what is it?

THE FINANCIAL SECRETARY.—Speaking without the book, I think that covers cases where a patient who enters the War Memorial Nursing Home has to undergo an operation performed by his panel

doctor, which is not covered by the doctor's contract fee. It is not desirable, on medical grounds, that someone else should be called in unless it is a special case. The panel doctor concerned operates and is paid from Government funds the same sum as would be charged a private patient in a Government hospital, should he be operated on by a Government doctor.

HON. DR. LI.—I suppose the scheme is similar to the panel practice in Great Britain?

THE FINANCIAL SECRETARY.—I cannot say. You know more about that than I do, Dr. Li.

Item 158.— 17, Miscellaneous Services:— Entertainment of Distinguished Visitors, \$231.

HON. MR. LO.—I don't know whether it is a matter of secrecy, but who was the last distinguished visitor?

THE CHAIRMAN.—There is no secrecy. It was a certain party of journalists we were asked to look after.

HON. MR. PATERSON.—Great is the power of the Press. It made Zaccheus climb a tree.

THE CHAIRMAN.—I think it is proposed in next year's Estimates to put in a proper vote as is done in most Colonies.

Item 161.—19, Police Force:—12, Emergency Expenses arising from the Sino-Japanese Conflict, \$57,500.

HON. MR. SHIELDS.—I note that in these estimates hard-lying allowances for the Police are included. I challenged that once before, and I still think it is quite unnecessary. There are many people with harder tasks than the Police. Take the Naval Volunteers who are out on patrol sometimes in north-east monsoon weather—they don't get anything for hard-lying, nor do the soldiers. The Police are perhaps higher-paid than anyone else.

THE CHAIRMAN.—I speak subject to correction, but my recollection is that it is not so much hard-lying allowances as allowances for those Police officers who are posted away from their normal barracks and have to support themselves. It is more field allowances than hard-lying.

HON. MR. PATERSON.—Extra charges for food.

HON. MR. SHIELDS.—If we pass such allowances I am afraid we may be asked for hot water bottles next. The Police, rank for rank, are probably better paid than the men in any other Service manning the same outposts.

THE CHAIRMAN.—I will have a statement circularised. I remember this has been

debated before and I will have it gone into.

Item 176.—30, Public Works Extraordinary:—Miscellaneous: Rifle Range for Hong Kong Volunteer Defence Corps, \$3,730.

HON. DR. LI.—In view of the proximity of this range to a residential district and the Canossa Hospital, can we have an assurance that it will be a temporary measure only?

THE CHAIRMAN.—I cannot give any personal assurance but it looks so obvious that every precaution will be taken. It was put up as a very urgent requirement three months ago by the General Officer Commanding.

HON. MR. PATERSON.—It seems to me to be reasonably safe.

THE CHAIRMAN.—I can give an assurance that, when peace returns it will not be a public rifle range.

Item 183.—31, Fisheries Research Station:—Field Station at Aberdeen, \$400.

HON. MR. PATERSON.—I wonder whether anything can be done to stop the dynamiting of fish and the poisoning of fresh water fish in the New Territories with derris. There has been a lot of correspondence on the subject in the newspapers recently.

THE CHAIRMAN.—I cannot say off-hand, but will go into the matter.

All the votes were approved.

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