

31st October, 1929.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR (SIR CECIL CLEMENTI, K.C.M.G.).

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING THE TROOPS (MAJOR GENERAL J. W. SANDILANDS, C.B., C.M.G., D.S.O.).

THE COLONIAL SECRETARY (HON. MR. W. T. SOUTHORN, C.M.G.).

THE ATTORNEY GENERAL (HON. SIR JOSEPH KEMP, KT, K.C., C.B.E.).

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

THE COLONIAL TREASURER (HON. MR. M. J. BREEN).

HON. MR. H. T. CREASY, C.B.E. (Director of Public Works).

HON. DR. A. R. WELLINGTON (Director of Medical and Sanitary Services).

HON. MR. T. H. KING (Captain Superintendent of Police).

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

HON. MR. R. H. KOTEWALL, C.M.G., LL.D.

HON. MR. W. E. L. SHENTON.

HON. MR. J. P. BRAGA.

HON. MR. S. W. TS'O, C.B.E., LL.D.

HON. MR. B. D. F. BEITH.

MR. E. I. WYNNE-JONES, (Deputy Clerk of Councils).

ABSENT:—

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

HON. SIR SHOU-SON CHOW, KT.

HON. MR. A. C. HYNES.

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:—

Notification under section 90 of the Public Health and Buildings Ordinance, 1903—re
Authorization of Kowloon Inland Lot No. 2148 as a place to be used as a
Cemetery on 11th October, 1929.

International Radiotelegraph Convention of Washington, 1927.

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. 14, of 24th October, 1929, and moved that it be adopted.

THE COLONIAL TREASURER seconded and this was agreed to.

BRITISH MERCANTILE MARINE UNIFORM ORDINANCE, 1929.

THE ATTORNEY GENERAL moved the second reading of the Bill intituled "An Ordinance to make provisions with respect to the British Mercantile Marine Uniform."

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

Council went into Committee to consider the Bill clause by clause. No amendment was made in Committee, and upon Council resuming,

THE ATTORNEY GENERAL moved the third reading.

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

UNIFORMS AMENDMENT ORDINANCE, 1929.

THE ATTORNEY GENERAL moved the second reading of the Bill intituled "An Ordinance to amend the Uniforms Ordinance, 1895."

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

Council went into Committee to consider the Bill clause by clause. No amendment was made in Committee, and upon Council resuming,

THE ATTORNEY GENERAL moved the third reading.

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

PROTECTION OF WOMEN AND GIRLS AMENDMENT ORDINANCE, 1929.

THE ATTORNEY GENERAL moved the second reading of the Bill intituled "An Ordinance to amend the Protection of Women and Girls Ordinance, 1897."

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

Council went into Committee to consider the Bill clause by clause. No amendment was made in Committee, and upon Council resuming,

THE ATTORNEY GENERAL moved the third reading.

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

DOMESTIC SERVICE AMENDMENT ORDINANCE, 1929.

THE ATTORNEY GENERAL moved the second reading of the Bill intituled "An Ordinance to amend the Female Domestic Service Ordinance, 1923."

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

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

THE ATTORNEY GENERAL.—In clause 2 I have to move as an amendment the insertion after the word "bring" in the first line of the proposed new section 4A, the words "or cause to be brought." The first line of the new section will then be, "No person will hereafter bring or cause to be brought any unregistered *mui tsai* into the Colony." It is possible that the person bringing the girl in might not bring her in himself but might cause her to be brought in by someone else.

THE COLONIAL SECRETARY seconded:

HON. MR. J. P. BRAGA.—As regards this clause, is it the intention of the Government that a master of a river boat should be made liable to the penalties under this Ordinance if he were to bring a *mui tsai* into the Colony without knowledge that he was bringing in a *mui tsai*?

THE ATTORNEY GENERAL.—No, Sir, the presumption is that any prohibition contains an assumption that the offender has guilty knowledge. In other words, in order to obtain a conviction under this clause we shall have to show that the person charged had guilty knowledge. The master of a ship would probably have no guilty knowledge and would therefore not be liable to any penalty.

HON. MR. J. P. BRAGA.—As at present provided, the amending clause may be construed as meaning any person bringing a *mui tsai* into the Colony, and to remove that ambiguity I would suggest that the Hon. Attorney General should so word the section as to exclude any master of a river boat bringing a *mui tsai* into the Colony without the knowledge that such *mui tsai* was travelling in his boat to Hong Kong.

H.E. THE GOVERNOR.—Would it not in that case be equally necessary to put in some proviso covering, say, the case of a driver of a train, or the driver of a motor car or the master of a junk? I think that what the Attorney General has said on the subject is quite clear. No one can be convicted under the section unless it is shown that he has guilty knowledge. Of course, if the master of a ship or the driver of a train or the driver of a motor car, or whoever he may be, had guilty knowledge, he would quite properly be convicted. I cannot myself believe that a prosecution would be brought against the master of a ship unless there was very good ground for believing that he had guilty knowledge.

The amendment was approved.

THE ATTORNEY GENERAL.—I beg to move that the following words be inserted at the end of Clause 6: "And the following sub-section is substituted therefor:—

"(2) No person shall without lawful authority or excuse have in his employment, custody or control any unregistered *mui tsai*."

The effect of that, Sir, will be to put in the principal Ordinance a sub-section saying that no person must have an unregistered *mui tsai* in his employment, custody or control. The object of the amendment is this: without that amendment the Ordinance would contain two provisions, firstly, that every employer of a *mui tsai* who is in the Colony when Part III comes into force must register that *mui tsai*, and secondly, that no person must hereafter bring in any *mui tsai* to the Colony. If we should, say, a year hence find in someone's employment an

unregistered *mui tsai* we should not be able to prove if she was here at the commencement of Part III or if she was imported after the commencement of the Ordinance. We should therefore not know under which of those two provisions to prosecute. I think it is advisable to have in the Ordinance a simple prohibition with regard to the finding of an unregistered *mui tsai* in anyone's possession. The prosecution could then be taken under this new proposed subsection.

THE COLONIAL SECRETARY seconded and the amendment was approved.

No further amendments being made in Committee, upon Council resuming,

THE ATTORNEY GENERAL moved the third reading.

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

WATCHMEN AMENDMENT ORDINANCE, 1928.

THE ATTORNEY GENERAL moved the second reading of the Bill intituled "An Ordinance to amend the Watchmen Ordinance, 1928."

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

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

HON. SIR HENRY POLLOCK.—Is there not something wrong in clause 1 of the Bill? It appears to me that the year should be 1929 not 1928.

THE ATTORNEY GENERAL moved the insertion of "1929" for "1928."

THE COLONIAL SECRETARY seconded and amendment was approved.

No further amendments being made in Committee, upon Council resuming,

THE ATTORNEY GENERAL moved the third reading.

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

**INDUSTRIAL EMPLOYMENT OF WOMEN, YOUNG PERSONS AND
CHILDREN AMENDMENT ORDINANCE, 1929.**

THE ATTORNEY GENERAL moved the second reading of the Bill intituled "An Ordinance to amend the Industrial Employment of Children Ordinance, 1922."

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

Council went into Committee to consider the Bill clause by clause. No amendment was made in Committee, and upon Council resuming,

THE ATTORNEY GENERAL moved the third reading.

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

**CHATER MASONIC SCHOLARSHIP FUND
ORDINANCE, 1929.**

HON. MR. W. E. L. SHENTON moved the second reading of the Bill intituled "An Ordinance to provide for the incorporation of the Trustees of the Chater Masonic Scholarship Fund."

HON. SIR HENRY POLLOCK seconded and the Bill was read a second time.

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

HON. MR. W. E. L. SHENTON.—As regards the Schedule, I move in By-law No. 3 of the Schedule that the word "Benevolent", in the last line but one, be changed to "Benevolence." It will then read "the Hong Kong and South China Masonic Benevolence Fund Corporation."

HON. SIR HENRY POLLOCK seconded and the amendment was approved. No further amendment being made in Committee, upon Council resuming,

HON. MR. W. E. L. SHENTON moved the third reading.

HON. SIR HENRY POLLOCK seconded and the Bill was read a third time and passed.

ADJOURNMENT.

H.E. THE GOVERNOR.—The Council will adjourn *sine die*.

FINANCE COMMITTEE.

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

Votes totalling \$23,173, contained in Message No. 15, from H.E. The Governor, were considered.

Item No. 84: Miscellaneous Services:—Office International D'Hygiene Publique, Paris, \$302.

HON. MR. W. E. L. SHENTON.—I should like to ask what the Office International D'Hygiene Publique, Paris, is?

THE CHAIRMAN.—It is a very old-established body and works in connexion with the League of Nations.

HON. SIR HENRY POLLOCK.—Is this an annual contribution?

THE CHAIRMAN.—I can let you have all the information about it.

HON. MR. W. E. L. SHENTON.—Your explanation that it is an old institution and that we have subscribed previously, is, I think, sufficient.

THE CHAIRMAN.—It was established in 1903. The Committee is recognised as an advisory health council to the League of Nations. It is a larger and a more representative body than the League's health organisation. At present there is only one British member on the Health Committee of the League of Nations while on the Committee of the Office International, whether acting independently or as an advisory health council of the League the absence of representatives with experience of British colonial medicine and tropical diseases, tends to make the representation of the British Empire one-sided and deficient. There are strong arguments in favour of British representation. Its original object as described in the resolution was briefly to collect and collate information as to the progress of infectious diseases and to publish periodical reports of its work. Representation would involve the payment of fifteen units equivalent to 9,375 gold francs, which may be roughly estimated at £375. It was thought that the best arrangement would be to invite some of the larger colonies and those which are most likely to be interested in the work of the Office to contribute an equal share of the subscription. Promises of contributions of approximately £25 per annum have already been obtained from Ceylon, Nigeria, Straits Settlements and Kenya and the Secretary of State desires to know whether the Hong Kong Government will be prepared to contribute this sum or slightly more. If this arrangement can be completed it is contemplated that the representation of the colonies on the permanent committee should be undertaken in the first instance by Sir William Prout.

HON. MR. W. E. L. SHENTON.—That is from the Secretary of State?

THE CHAIRMAN.—Yes. We did not subscribe before. I think it is well worth it.

All the votes were approved.
