

15th October, 1931.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR (SIR WILLIAM PEEL, K.C.M.G., K.B.E.).

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. MR. C. G. ALABASTER, K.C., O.B.E.).

THE SECRETARY FOR CHINESE AFFAIRS (HON. MR. A. E. WOOD).

THE COLONIAL TREASURER (HON. MR. E. TAYLOR).

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

HON. MR. E. D. C. WOLFE, C.M.G., (Inspector General of Police).

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

HON. DR. W. B. A. MOORE (Director of Medical and Sanitary Services).

HON. SIR SHOU-SON CHOW, K.T.

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

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

HON. MR. C. G. S. MACKIE.

HON. MR. J. P. BRAGA.

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

HON. MR. J. J. PATERSON.

HON. MR. W. H. BELL.

MR. R. A. C. NORTH (Deputy Clerk of Councils).

MINUTES.

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

PAPERS.

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

Order made by the Governor in Council under Regulation No. 2 of the Emergency Regulations published in the Hong Kong Government Gazette of the 1st April, 1927, by Government Notification No. 186.

The Companies Ordinance, 1911—addition to Part II of the List of Authorised Auditors.

Order made by the Governor in Council under section 44 of the Merchant Shipping Ordinance, 1899, on 28th September, 1931.

Regulation made by the Governor in Council under section 7 of the Entertainments Tax Ordinance, 1930, on 30th September, 1931.

Regulations made by the Governor in Council under section 2 of the Emergency Regulations Ordinance, 1922, on 1st October, 1931.

Order made by the Governor in Council under section 39 (1) of the Merchant Shipping Ordinance, 1899, on 2nd October, 1931.

By-law made under section 16 of the Public Health and Buildings Ordinance, 1903, on 1st October, 1931.

Liquor and Tobacco Duties—selling rates for the month of September, 1931.

Order made by the Governor in Council under section 7 of the Rating Ordinance, 1901, on 3rd October, 1931.

Regulation made by the Governor in Council under section 3 (1) of the Opium Ordinance, 1923, on 5th October, 1931.

The Companies Ordinance, 1911—addition to Part I of the List of Authorised Auditors.

Order made by the Governor in Council on the 9th day of October, 1931, under regulation 16 of the Emergency Regulations published by Notification No. 621 in the Hong Kong Government Gazette of the 2nd October, 1931.

QUESTIONS.

THE HON. MR. W. E. L. SHENTON asked:—

1.—Is Government aware that British subjects proceeding from Hong Kong to Shanghai are called upon to have their passports vised on entering Shanghai, and that considerable inconvenience is caused to them thereby?

2.—In the event of this practice being insisted upon will Government provide facilities for British subjects obtaining a Chinese vise in Hong Kong?

3.—Is any distinction made between the Hong Kong born British subjects and other British subjects?

THE COLONIAL SECRETARY replied:—

1.—Government is aware that British subjects who are not British residents of Hong Kong are required to have Chinese visas on their passports in order to enter Shanghai. This was announced in a Press Communique in April last. Only one complaint has been received that any inconvenience has been caused thereby. By a local reciprocal arrangement British residents of Hong Kong are allowed to enter Shanghai without a Chinese visa. The passports of local British residents will be endorsed if desired with a certificate of residence.

2.—This is considered unnecessary. Transit passengers have ample opportunity of obtaining visas before reaching Hong Kong.

3.—So far as is known no such distinction is made. The distinction made is between British residents and British nonresidents of Hong Kong.

THE HON. MR. SHENTON.—Arising out of these questions, may I ask how one is to indicate that one is a resident of Hong Kong?

H.E. THE GOVERNOR.—The Colonial Secretary has stated that passports will be endorsed, if required, with a certificate of residence.

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. 10 of 1st October, 1931, and moved that it be adopted.

THE COLONIAL TREASURER seconded and this was agreed to.

CODE OF CIVIL PROCEDURE AMENDMENT ORDINANCE, 1931.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Code of Civil Procedure." He said.—The object of this Bill is to raise the fee for the subsistence of debtors, which creditors have to pay, up to a maximum of \$2 a day. The present maximum, which has been in existence for more than half a century, is only 25 cents a day, and is quite inadequate.

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:

Under section 439 of the principal Ordinance, when a judgment debtor is committed to prison in execution of a judgment, the Court fixes whatever monthly allowance it may think sufficient for his subsistence, not exceeding twenty-five cents *per diem*, which is to be paid by the person at whose instance the judgment has been executed to the Superintendent of Prisons by monthly payments in advance. This maximum was the rate fixed by section 79 of the Hong Kong Code of Civil Procedure (Ordinance No. 13 of 1873) which has been replaced by the present Code of Civil Procedure (Ordinance No. 3 of 1901). The maximum is insufficient to meet the cost of maintenance; the average cost per prisoner in 1930 having been in excess of \$1.25 *per diem*. In 1931 it is expected to cost more. This Ordinance raises the maximum to \$2.00 and substitutes the word "support and maintenance," which in relation to prisoners have been held to include the salaries of officers and the expense of keeping up the prison as well as houseroom, food, clothing, bedding and fuel (*The Queen v. Gravesend Borough Council* 5 E. and B. 459), for the word "subsistence" which does not appear to have been the subject of judicial interpretation.

ARMS AND AMMUNITION AMENDMENT ORDINANCE, 1932.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend further the Arms and Ammunition Ordinance, 1930." He said.—The object of this Bill is to enable the Governor in Council to fix the fees of Arms licences in the future, and to provide that for the present, an annual fee of \$10 shall be payable for each licence.

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 Ordinance establishes a fee of \$10 for the issue of Arms licences under section 3 of the principal Ordinance from the beginning of 1932. It has not been the practice hitherto to charge any fee, even under the Official Signatures Fees Ordinance, 1888, for such licences. Section 27 of the principal Ordinance is amended so as to enable the Governor in Council to revoke, alter or add to the Table of Fees in the Second Schedule. The Governor in Council fixes fees in the case of many other Ordinances. Compare No. 1 of 1873, s. 5; No. 8 of 1887, s. 3; No. 7 of 1906, s. 5; No. 40 of 1912, s. 3; No. 22 of 1919, s. 6; No. 15 of 1922, s. 15; No. 30 of 1923, s. 3; No. 21 of 1927, s. 3; and No. 11 of 1930, s. 4.

PEACE PRESERVATION AMENDMENT ORDINANCE, 1931.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Peace Preservation Ordinance, 1886." He said.—The object of this Bill is to add at the end of the indemnity clause—clause 14 of the principal ordinance—words which will strengthen the effect of that section. After this Bill has been passed its first reading I propose to move, on His Excellency's direction, that the Standing Orders of this Council be suspended in order that it should pass through all its stages at this meeting, on His Excellency declaring that an emergency exists and that it is desirable in the interests of the public, that the Standing Orders being suspended.

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

THE ATTORNEY GENERAL moved the suspension of the Standing Orders.

THE COLONIAL SECRETARY seconded.

H.E. THE GOVERNOR.—In my opinion a state of emergency exists.

The motion was put and agreed to.

THE ATTORNEY GENERAL moved the second reading of the Bill.

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

Council 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 he moved the third reading.

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

Objects and Reasons.

The "Objects and Reasons" for the Bill were stated as follows:

This Ordinance strengthens the indemnity provision, section 14, of the principal Ordinance by the addition of words taken mainly from section 3 of the Indemnity Ordinance No. 18 of 1922.

SUITORS' FUNDS AMENDMENT ORDINANCE, 1931.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Suitors' Funds Ordinance, 1896." He said.—This Bill makes two amendments to the principal ordinance which has been approved by the Secretary of State.

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:

The principal Ordinance was passed at the request of the Secretary of State, the Marquis of Ripon, in his despatch of the 10th August, 1894, somewhat on the lines of the Suitors' Funds Ordinance, 1891, of the Straits Settlements, under which Court moneys were placed on deposit with the Colonial Treasurer and the Government was made liable to make good all monies so placed on deposit together with interest at the rate of two per cent. per annum. The Straits Settlements procedure is now regulated by appropriate provisions of their Civil Procedure Code.

Sections 2 and 3 of the Suitors' Funds Ordinance, 1896, require that all moneys paid into court should be placed on deposit with the Treasurer and should be paid out by the Treasurer only on the requisition of the Registrar.

Under the existing practice moneys paid into court are paid by the Registrar into the account of the Government at such bank as the Treasurer may indicate and the Treasurer is informed daily of the amount paid in.

When payment out is required the Registrar issues to the intended payee a "Direction" (Form 4 prescribed by the Suitors' Funds Rules, 1928) requiring the Treasurer to pay to the person named therein a specified sum. The payee then takes the "Direction" to the Treasury where payment is made in accordance with the tenor thereof.

Individual ledger accounts for actions in connection with which payments are made into court are kept only by the Registrar, the Treasurer keeping merely an account dealing with the total amounts paid into and out of the bank as Suitors' Funds.

The keeping by the Treasurer of individual ledger accounts would, by reason of the multiplicity of items (largely small in amount), involve much labour and would be reduplication of work done in the Registry; but without the keeping of such accounts the present system affords no effective safeguard, as the Treasurer has no means of determining whether the sum which he is directed to pay is in fact payable to the person named in the "Direction."

The present system is cumbrous and involves labour in the Treasury and delay and inconvenience for litigants without affording any commensurate safeguard.

It is considered desirable that payments into court should be dealt with in the manner in which they now are, but that payments out of court should be made by the Registrar direct to the persons entitled thereto, the Treasurer being duly informed by the Registrar of all payments into and out of court. The Colonial Treasurer, the Auditor and the Registrar of the Supreme Court are desirous of making this change in this procedure, which is in accord with that which prevails in the County Courts in England.

The Ordinance has been submitted to the Secretary of State, Lord Passfield, and is in the form approved by him in his despatch of the 1st August, 1931.

LIQUORS AMENDMENT ORDINANCE, 1931.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Liquors Consolidation Ordinance, 1911."

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

Council 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.

**GUNPOWDER AND FIREWORKS AMENDMENT
ORDINANCE, 1931.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Gun-powder and Fireworks Ordinance, 1901."

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

Council 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 he moved the third reading.

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

**BIRTHS AND DEATHS REGISTRATION AMENDMENT
ORDINANCE, 1931.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Law relating to the Registration of Births and Deaths."

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

Council 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.

MONEY LENDERS AMENDMENT ORDINANCE, 1931.

The Attorney General moved the second reading of a Bill intituled "An Ordinance to amend the Money-lenders Ordinance, 1911."

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

Council 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 he moved the third reading.

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

LAND REGISTRATION AMENDMENT ORDINANCE, 1931.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Land Registration Ordinance, 1844."

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

Council 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 he moved the third reading.

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

STAMPS AMENDMENT ORDINANCE, 1931.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend further the Stamps Ordinance, 1921."

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

Council 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 GOVERNOR.—Council stands adjourned until the 22nd October.

FINANCE COMMITTEE.

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

Votes totalling \$103,138, contained in Message No. 11 from H.E. the Governor, were considered.

All the votes were approved.
