

29th March, 1934.

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 O. C. BORRETT, C.B., C.M.G., C.B.E., D.S.O.).

THE COLONIAL SECRETARY (HON. SIR THOMAS SOUTHORN, K.B.E., C.M.G.).

THE ATTORNEY GENERAL (HON. MR. C. G. ALABASTER, K.C., O.B.E.).

THE SECRETARY FOR CHINESE AFFAIRS (HON. MR. N. L. SMITH).

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

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. A. R. WELLINGTON, C.M.G., (Director of Medical and Sanitary Services).

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

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

HON. SIR WILLIAM SHENTON, KT.

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

HON. MR. J. P. BRAGA.

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

HON. MR. J. J. PATERSON.

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

HON. MR. T. N. CHAU.

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

MINUTES.

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

NEW MEMBER.

The Secretary for Chinese Affairs (Hon. Mr. N. L. Smith) 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 paper:—

Jurors List for 1934 (Sessional Paper No. 2 of 1934).

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. 3 of 22nd. March, 1934, and moved that it be adopted.

THE COLONIAL TREASURER seconded and this was agreed to.

SUNDAY CARGO WORKING AMENDMENT ORDINANCE, 1934.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Sunday Cargo Working Ordinance, 1929." He said: This Bill will enable ships to take on bunker coal, water and other necessaries and to load or unload mails, luggage, livestock or perishable goods on Sundays without having to pay the fees for a Sunday permit.

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 2 (a) of the principal Ordinance excluded mails, personal luggage, live stock, ice, and other articles of food of a perishable nature required for immediate consumption from the definition of "cargo" for the working of which Sunday permits were required.
2. It has not been the practice, however, strictly to enforce the provisions of the Ordinance with respect to coal for the ship's bunkers, water and other necessaries for the use of the ship.
3. At the suggestion of the Hong Kong General Chamber of Commerce the practice of excluding such necessaries from the operation of the principal Ordinance is regularised by this Ordinance. The last sixteen words of the new definition are from the Second Schedule to the Shops Act, 1912 (2 Geo. 5. c. 3).

RAILWAYS AMENDMENT ORDINANCE, 1934.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend further the Railways Ordinance, 1909." He said: This Bill will strengthen the hands of the administrator of the railway in dealing with goods found on trains without apparent owners or which have been placed there without proper authority.

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. Sections 2, 3 and 4 of this Ordinance make certain corrections in grammar and references in sections 9, 30 and 68 of the principal Ordinance (No. 21 of 1909) which are consequential on the amendments to that Ordinance effected by the Railways Amendment Ordinance, 1927 (No. 28 of 1927).
2. Section 5 adds a new section to the principal Ordinance making further provision for detention and forfeiture of goods found on trains in certain circumstances.

MERCHANT SHIPPING AMENDMENT ORDINANCE, 1934.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Merchant Shipping Ordinance, 1899." He said: As stated in the Memorandum of Objects and Reasons this Bill changes the local police call signals so that they shall not be confused with other signals laid down in the International Code.

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 2 of this Ordinance is rendered necessary owing to changes in the day and night signals. The present local police day call S is to be abandoned as it conflicts with the S in the International Code meaning "My engines are going full speed astern." The signal ST meaning "I require a police boat" is to be substituted. The present night signal, three vertical lights, red, white, red, conflicts with the signal prescribed for a cable ship at work. It is to be changed to three vertical lights, white, red, white. The signal NM for "I am on fire" is to be changed to NQ and the signal YF "Want assistance—mutiny" is to be changed to RX.

2. Section 3 is the suspending clause usual in Ordinance relating to Merchant Shipping.

COMMISSIONERS POWERS AMENDMENT ORDINANCE, 1934.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Commissioners Powers Ordinance, 1886."

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.

MERCHANDISE MARKS AMENDMENT ORDINANCE, 1934.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Merchandise Marks Amendment Ordinance, 1890."

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.

REGISTRATION OF PERSONS ORDINANCE, 1934.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance for the registration of Certain Persons." He said: Sections 2 and 3 of this Bill impose an obligation on non-Chinese aliens to register at Police Headquarters and, if required, to furnish certain particulars regarding themselves which are set out in the Schedule. They are also required to report their arrivals,

departures and changes of residential or business address. This obligation will not apply, however, in the case of Foreign Consular officers, or their families, or in the case of persons residing whether as passengers or crew on board ships, or in case of children.

A power is given to the Inspector General of Police to exempt any person from this obligation.

I intend to propose certain amendments in sub-section (3) of clause 2 in Committee. The intention of the sub-section is to put the burden of proof of British nationality upon the person claiming the same only when such nationality is doubted. As it stands at present it would appear to impose that burden even where British nationality is undoubted.

Clause 4 of the Bill requires keepers of hotels, boarding houses and lodging houses and the secretaries of clubs to keep proper registers of non-Chinese persons staying in such establishments.

Clause 5 imposes a duty on the masters, owners and agents of ships to furnish lists of passengers arriving and departing.

The Bill will not be brought into force until a date has been fixed by Proclamation of the Governor.

As explained in the memorandum of Objects and Reasons, the Bill is to a very considerable extent a re-enactment of existing legislation which has not been enforced in recent years but which is now considered necessary.

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

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

THE ATTORNEY GENERAL.—I move that in place of sub-section 3 of Clause 2 the following sub-section be inserted:—

(3) In any case of doubt a person shall be deemed to be an alien unless and until he produces a certificate, passport or other evidence, to the satisfaction of the Inspector General of Police or of a Magistrate, to the effect that he is a natural born or naturalized British Subject.

THE COLONIAL SECRETARY seconded, and this was agreed to.

H.E. THE GOVERNOR:—I do not consider this a material alteration. It is merely an alteration in wording to make clear the intention of the Bill.

Upon Council resuming,

THE ATTORNEY GENERAL reported that the Bill had passed through Committee with an immaterial amendment and moved that the Bill be read a third time.

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

ADJOURNMENT

H.E. THE GOVERNOR:—Council stands adjourned until April 5.

FINANCE COMMITTEE.

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

Votes totalling \$31,957, contained in Message No. 4 from H.E. the Governor, being \$20,057 under Estimates, 1933, and \$11,900 under Estimates, 1934, were considered.

All the votes were approved.
