

*26th July, 1934.*

**PRESENT:—**

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

HIS EXCELLENCY THE 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. R. E. LINDSELL).

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 WILLIAM SHENTON, KT.

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

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. T. N. CHAU.

HON. MR. W. H. BELL.

HON. MR. J. OWEN HUGHES.

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 upon the table the following papers:—

Order under section 36 of the Tramway Ordinance, 1902, relating to stopping places for trams.

Report of the Hong Kong and Kowloon Magistracies for the year 1933.

Report of the Inspector General of Police for the year 1933.

Proclamation No. 2—Appointment of a Commission to enquire into the causes and effects of the present trade depression in Hong Kong.

**QUESTIONS.**

HON. MR. R. H. KOTEWALL asked:—

1.—How many public crematoria are there in the Colony, and where are they situated?

2.—Is it proposed to have more public crematoria established and, if so, at what places?

3.—What is the scale of charges for the cremation of dead bodies sent by private individuals?

4.—Do the Government have dead bodies cremated free of charge, and, if so, in what circumstances is this done?

THE COLONIAL SECRETARY replied:—

1.—The Government has erected a Crematorium near Kai Lung Wan Cemetery on the Pokfulam Road, which it is proposed to use in the first instance for the cremation of unclaimed bodies of unidentified children under six years of age. It has not yet been brought into use pending consideration of certain difficulties which have arisen in connection with administration and legal procedure.

2.—It is not proposed to provide further facilities for cremation at present.

3. and 4.—No decision has yet been reached on the question of extending the use of the Crematorium for the cremation of dead bodies sent by private individuals. No scale of charges has therefore been prepared.

### 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. 9 of 12th July, 1934, and moved that it be adopted.

THE COLONIAL TREASURER seconded, and this was agreed to.

### MOTIONS.

THE COLONIAL TREASURER.—Your Excellency,—When the Estimates for 1934 were prepared in September last it was anticipated that the surplus for the year 1933 would be \$462,739; actually it amounted to \$976,563. At the end of June this year the surplus had grown still further, and although this will diminish as the year goes by, yet, owing to exchange having remained higher than was expected, it is considered possible to place further funds at the disposal of the Public Works Department for the current year in order to effect greater progress on certain essential works.

The list of works proposed which are enumerated on the schedule before Honourable Members, was unofficially laid before the Finance Committee of this Council last month and approved by them and has now been sanctioned by the Secretary of State subject to the expenditure being approved by this Council.

In certain cases it is proposed to increase the supply in 1934 in respect of works already approved on which greater progress can be made if funds are rendered available, but there are certain new items.

The chief of these is the item "Shaukiwan Road Widening, 2nd Section." This road is an extension of the "New 100-foot road between Causeway Bay and Ming Yuen," Head 34 Sub-head 17 (page 101) of the Estimates for 1934 and is an essential part of the whole scheme. It is considered more economical to proceed with the two sections of this road simultaneously, and the stone from the necessary excavations will be utilised for the item "North Point Reclamation." All the works are considered essential.

I, therefore, move:—"That this Council approves the recommendations made by the Director of Public Works and laid before Council and resolves that a sum of \$772,000 distributed as follows:—Head 32, Public Works Department, \$20,000; Head 34, Public Works Extraordinary, \$752,000, be charged upon the Revenue and other funds of the Colony in addition to the sums already provided in the Estimates for 1934 for the purpose of carrying out these recommendations."

THE COLONIAL SECRETARY seconded, and this was agreed to.

## **BIRTHS AND DEATHS REGISTRATION ORDINANCE, 1934.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to consolidate and amend the law relating to the Registration of Births and Deaths." He said: The main object of this Ordinance is to consolidate and bring up to date the law governing the Registration of Births and Deaths in the Colony. No very radical changes in the law have been introduced, those effected being detailed in the Objects and Reasons. The principal changes are as follows:

The period within which a birth must be notified for registration is to be 14 days in all cases, instead of 7 days in the case of a child born in its home or in normal circumstances, and 42 days in the case of a birth in or admission of a new-born child to a charitable institution (sections 7 and 8);

No fee whatever is to be charged for registration of a birth, whether in or out of time, or for the issue of birth certificate. It is hoped by this means to encourage registration, especially in the New Territories;

Registrations more than 14 days after birth and 48 hours after death are to be made, in order to facilitate searches, in special post-registers. (sections 4, 9 and 13);

Magistrates are empowered to issue cremation orders (section 17) in addition to burial orders in the usual form.

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. This Ordinance repeals the Ordinances relating to the Registration of Births and Deaths and re-enacts them in a consolidated form with certain amendments more particularly set out in the Table of Correspondence.

2. The principal changes in the law effected by this Ordinance are:—

(1) Appointments of deputy and assistant registrars will be made by the Governor instead of by the Registrar of Births and Deaths (section 3 (3)).

(2) Any birth or death and not merely, as heretofore, only the births or deaths of Chinese, may be registered in a district register office (section 4).

(3) Certified copies of entries in the district registers will be sent once a month to the General Register Office where they will be preserved for record (sections 3 (1) and 5).

(4) The title of the Registrar of Births and Deaths is changed to Registrar General of Births and Deaths (section 2).

(5) Information as to births must be given within 14 days instead of within 7 days or 42 days under the corresponding sections of the repealed Ordinance (sections 7 and 8).

(6) No fee is charged for registration (section 9).

(7) As hitherto births are not to be registered after the expiration of twelve months except with consent of the Registrar General. Under the repealed Ordinances (No. 7 of 1896, s. 10, as amended by No. 26 of 1931) the fee for such late registration was five dollars. Under the new Ordinance no fee will be charged (section 9 (3)).

(8) Any person obtaining registration of the birth of a child will be entitled to a free certificate of the birth (section 9 (4)). It is hoped that this provision as well as the others mentioned above will encourage the registration of Births especially in the New Territories.

(9) Registrations more than 14 days after birth are made in a special Post Register book (sections 4 (3) and 9 (2) and (3)). This will facilitate searches.

(10) Deaths reported after 48 hours are also to be registered in post register books (sections 4 (3) and 14 (4)).

(11) Magistrates may issue cremation orders as well as burial orders (sections 16 (1) and 17 (1)).

3. The sections transferred from the old to the new Ordinance have been revised and in many instances redrafted.

#### **TRUSTEE ORDINANCE, 1934.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the law relating to Trustees."

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.

#### **CROWN COUNSEL'S FEES AMENDMENT ORDINANCE, 1934.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Crown Counsel's Fees Ordinance, 1903."

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.

#### **"FOREIGN MISSION SISTERS OF ST. DOMINIC" INCORPORATION ORDINANCE.**

HON. SIR WILLIAM SHENTON moved the second reading of a Bill intituled "An Ordinance to provide for the Incorporation of the Regional Superior in Hongkong of the Foreign Sisters of St. Dominic commonly known as Maryknoll Sisters."

HON. MR. R. H. KOTEWALL seconded, and the Bill was read a second time.

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

Upon Council resuming,

HON. SIR WILLIAM SHENTON reported that the Bill had passed through Committee without amendment and moved the third reading.

HON. MR. R. H. KOTEWALL seconded, and the Bill was read a third time and passed.

#### **ADJOURNMENT.**

H.E. THE GOVERNOR.—Council stands adjourned until August 9th.

**FINANCE COMMITTEE.**

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

Votes totalling \$41,903, contained in Message No. 10 from H.E. the Governor, were considered.

Item 66.—28, Miscellaneous Services:—Defalcation at Green Island Gun-powder Depot, \$31,553.

HON. MR. KOTEWALL.—Could you kindly give us some more particulars with regard to this defalcation?

THE CHAIRMAN.—The loss was discovered following the disappearance on November 18 of Angel Julian, a locally engaged officer, who had been in charge of the depot since July 1926. A letter left by this officer was found in which he admitted complicity in the theft, but he has not yet been traced. If I remember rightly he said he was going to commit suicide.

Referring to the file dealing with the matter, the Chairman read the following extract from the letter in question: "I was terrified out of life and have walked away, and will commit suicide elsewhere. Some day you will read it in the papers."

THE CHAIRMAN.—These stores are not Government stores. They were stores belonging to companies which import explosives and under the Ordinance are compelled to store them in the Government Gunpowder Depot. The store-keeper was a man in whom the Government had great trust. He had been in Government employ for many years and he betrayed the trust in a way which made discovery very difficult. When the shortage was discovered after his disappearance and possible suicide we did not know the extent of the actual defalcation. The stores were very carefully scrutinised and it was then found that stores to the estimated value of the sum asked for were missing.

HON. MR. KOTEWALL.—Before the theft was discovered was the depot inspected regularly?

THE CHAIRMAN.—It was inspected, but I would not like to say it was inspected regularly. The depot, which is under the control of the Harbour Master, has been in existence for over 40 years, and the system of entry and withdrawal has been the same all the time, that is, by removal permit by the Police Department and receiving order counter-signed by the Harbour Master. Owing to the dangerous nature of the goods stored it is necessary to have the depot in a place outside the City limits and to restrict the visits of unauthorised persons. As these were not Government stores there was no detailed

arrangement in force for a periodical check and no check had been undertaken for some time past. In this way considerable responsibility devolved on the officer in charge of the depot, and the fact that he had betrayed the trust placed in him did not come to light until he had disposed of a large quantity of the explosives. In the circumstances it is difficult to regard any one other than the absconding officer as responsible for the loss.

HON. SIR WILLIAM SHENTON.—What steps will be taken for the future?

THE CHAIRMAN.—We have employed a European officer on a very much higher rate of pay to be permanently in charge of the depot. We have arranged with the Audit Department to make periodical surprise checks. As these were not Government stores it had not been considered necessary for that Department to audit the stores in the past.

HON. SIR WILLIAM SHENTON.—There is no security then. You are still relying on the *bona fides* of the officer?

THE COLONIAL TREASURER.—You would have to secure him in the sum of \$100,000, and that is impossible.

HON. MR. KOTEWALL.—I think a better system of check should be introduced.

THE CHAIRMAN.—It is the first defalcation which has taken place for over 40 years.

HON. SIR WILLIAM SHENTON.—This officer I suppose had been a long time in the Government service?

THE CHAIRMAN.—Since 1921.

HON. SIR WILLIAM SHENTON.—Is there any definite check made? This is not the first occasion on which stores have been missed.

THE CHAIRMAN.—There is a very definite system of checking, but it is not possible to adopt any ordinary system in a case like this as only specially authorised persons are allowed to enter the depot. We have arranged for a half yearly check as well as surprise checks by the Audit Department.

HON. SIR WILLIAM SHENTON.—That applies to all harbour goods I take it?

THE CHAIRMAN.—They come under the usual Government regulations.



HON. MR. OWEN HUGHES.—May I ask if the Government has any idea as to the receivers of these stolen goods?

THE CHAIRMAN.—Yes, but we can't get at them. The man himself gives the names, but we are unable to bring any evidence against them. I need hardly say they were the first people we tried to get.

HON. MR. OWEN HUGHES.—That is unfortunate.

THE CHAIRMAN.—Had Mr. Julian remained we might have been able to get them.

All the votes were approved.

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