

8th November, 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. MR. D. W. TRATMAN, 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. 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. MR. T. H. KING, (Acting Inspector General of Police).

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

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

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

HON. MR. T. N. CHAU.

HON. MR. S. H. DODWELL.

HON. MR. J. OWEN HUGHES.

MR. H. R. BUTTERS (Deputy Clerk of Councils).

ABSENT:—

HON SIR WILLIAM SHENTON, KT.

HON. MR. J. P. BRAGA.

MINUTES.

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

NEW MEMBERS.

Hon. Mr. T. H. King, acting Inspector General of Police, and Hon. Mr. S. H. Dodwell took the oath of allegiance, and assumed their seats as members of the Council.

PAPERS.

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

Regulations under section 3 (1) of the Printers and Publishers Ordinance, 1927.

Regulation under section 4 of the Sunday Cargo Working Ordinance, 1929.

Amendment to the First Schedule to the Births and Deaths Registration Ordinance, 1934.

FINANCE COMMITTEE'S REPORT.

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid upon the table the reports of the Finance Committee, No. 14 and No. 15 of October 18th and November 1st, 1934 respectively, and moved that they be adopted.

THE COLONIAL TREASURER seconded, and this was agreed to.

SANITARY BY-LAWS.

THE ATTORNEY GENERAL moved "That the By-Laws made by the Sanitary Board under Section 16 of the Public Health and Buildings Ordinance, 1903, on October 9th, 1934, be adopted." He said: The by-laws referred to are in fact one and the same by-law to be inserted in the By-Laws and Schedule of the Public Health and Buildings Ordinance 1903, governing respectively aerated water factories, eating houses, food preserving establishments, bake-houses and premises on which offensive trades are carried on. The By-Law reads as follows:—Where any part of a floor to which the licence relates is used for sleeping purposes, such part shall be partitioned off from the remainder of the floor to the satisfaction of the Board; and no part of the trade shall be carried on and no storage of raw materials or finished products shall be permitted in the part so partitioned off for sleeping purposes.

THE COLONIAL SECRETARY seconded, and this was agreed to.

CREMATION ORDINANCE, 1934.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to make provision for the cremation of the dead." He said: The necessity for controlling cremation in the Colony is recognised by this Bill, the scope of which is, I think, quite obvious from the text and from the Objects and Reasons.

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. The purpose of this Bill, as the title shows, is to regulate in the Colony the cremation of dead bodies by the establishment of crematoria and by the enactment of more exact and up to date provisions governing cremation than were made by the Cremation Ordinance, 1914.
2. Clause 3 empowers the Governor by order to set apart any place as a Government crematorium, to discontinue the use of any such place for cremation, and to assign any such place to the control of any person, board or institution.
3. Clause 4 recognises certain premises as crematoria and prohibits cremation elsewhere, but by paragraph (4) makes a special exception in favour of such places as certain monasteries and nunneries in the New Territories, allowing cremation therein with the special permission of the Director of Medical and Sanitary Services.
4. Save as regards places in which cremation is allowed with the special permission of the Director of Medical and Sanitary Services, clause 5 lays down the conditions to be observed before any place will be approved for use as a crematorium.
5. By clause 6 the building of crematoria is in general forbidden in certain neighbourhoods.
6. Clause 7 empowers the Governor in Council to make regulations for the control of crematoria and cremation, and applies to crematoria registers the provisions of other Ordinances as to the destruction or falsification of burial registers, and the admissibility as evidence of extracts therefrom.
7. Clause 8 is penal, and clause 9 makes cremation fees and expenses part of the funeral expenses of the deceased.

8. Clause 10 makes it clear that nothing in this enactment affects the power of a magistrate under section 17 of the Births and Deaths Registration Ordinance, 1934, to order any body to be cremated.

9. Clause 11 repeals the Cremation Ordinance, 1914, from which many of the provisions of this Bill are derived.

SAND ORDINANCE, 1934.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to protect the sand supplies of the Colony and to regulate the sale of sand". He said: The purpose of this Ordinance is not to secure revenue, though it is expected that the monopoly will bring in a small return, but to safeguard the Colony's sand supplies which have of late become much depleted. The establishment of a monopoly and the employment of specially marked sand junks will facilitate the detection of sand thieves.

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. Th main purpose of this Ordinance is to conserve the Colony's sand deposits which have recently become depleted chiefly through unauthorised removal, it being extremely difficult to exercise effective control over junks engaged in the sand trade.

2. Clause 3 therefore vests in the Governor the exclusive privilege of collecting, storing and selling sand from beaches or unleased land in the Colony.

Clause 4 empowers the Governor to prescribe the measures necessary for the working of the monopoly.

By Clause 5 the Director of Public Works is authorised to issue permits for the collection and removal of sand, it being intended that a small fleet of junks shall be engaged, given distinctive marks and employed solely in sand carrying for the Government.

Clause 6 prohibits the carriage of sand by water except by ocean going steamers even although the sand may have come from outside the Colony.

Clause 7 is penal, Clause 8 requires all proceeds from the sale of sand to be paid into revenue and Clause 9 suspends the commencement of the Ordinance.

**FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT)
ORDINANCE, 1934.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to facilitate the reciprocal enforcement of judgments in the Colony of Hong Kong, in other parts of His Majesty's dominions, and in certain foreign countries." He said: The Judgments (Facilities for Enforcement) Ordinance, 1921, which was based on Part II of the Administration of Justice Act, 1920, laid down the procedure for the reciprocal enforcement of judgments within the British Empire. The Secretary of State has now announced the likelihood of the extension of this principle to certain foreign countries, who are inclined to accede to an international convention for such reciprocal enforcement, and to meet the new situation the Foreign Judgments (Reciprocal Enforcement) Act, 1933 was passed in England last year. The latter Act lays down new procedure for the registration in the United Kingdom of foreign and Colonial judgments and its provisions have been incorporated, with the necessary modifications, into the present Bill, which will thus take the place of the 1921 Ordinance.

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. Part II of the Administration of Justice Act, 1920, (10 and 11 Geo. 5, c. 81) provided *inter alia* for the registration in England, Scotland and Ireland of judgments of the superior courts of any part of His Majesty's dominions in which reciprocal provisions might be enacted for the same purpose.

2. In Hong Kong such reciprocal provisions were made by the Judgments (Facilities for Enforcement) Ordinance, 1921, and by an Order of His Majesty in Council, dated the 1st March, 1922, Part II of the Act of 1920 was extended to this Colony accordingly.

3. The Secretary of State in his despatch of the 21st March, 1934, has now announced the possibility of Conventions being made with certain foreign countries for the reciprocal enforcement of judgments, and has asked that, if Hong Kong desires to accede to such Conventions, the necessary legislation should be passed to allow of the registration and enforcement here of judgments of the superior courts of such foreign countries as also accede thereto.

4. In England the Foreign Judgments (Reciprocal Enforcement) Act, 1933, (23 Geo. 5, c. 15), was passed last year, and, as suggested by the Secretary of State, the present Bill follows almost word for word, but *mutatis mutandis*, the provisions of that Act.

5. Section 10 empowers the Governor in Council to extend the operation of the Ordinance to cover the registration and enforcement of judgments obtained in the superior courts of other British dominions and also applies the provisions of the Ordinance to such of those dominions (*e.g.* Ceylon and Malaya) as have already entered into arrangements with Hong Kong for the reciprocal enforcement of judgments.

Section 11 further applies the provisions of the Ordinance to judgments obtained in the United Kingdom.

The need for the Judgments (Facilities for Enforcement) Ordinance, 1921, Ordinance No. 32 of 1921, which has hitherto provided the machinery for the registration, etc., of such judgments, thus disappears, and that Ordinance is therefore repealed by section 14.

DANGEROUS GOODS AMENDMENT ORDINANCE, 1934.

THE ATTORNEY GENERAL moved the second reading a Bill intituled "An Ordinance to amend further the Dangerous Goods Ordinance, 1873."

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.

RAILWAYS (NO. 2) AMENDMENT ORDINANCE, 1934.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Railways Ordinance, 1909."

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.

POLICE FORCE AMENDMENT ORDINANCE, 1934.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Police Force Ordinance, 1932."

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.

CRIMINAL PROCEDURE AMENDMENT ORDINANCE, 1934.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Criminal Procedure Ordinance, 1899."

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 (NO. 2)
ORDINANCE, 1934.**

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

MORRISON SCHOLARSHIPS FUND INCORPORATION ORDINANCE, 1934.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to incorporate a Body of Trustees capable of holding property and empowered to administer a trust fund known as the Morrison Scholarships Trust Fund for the purpose of providing scholarships at Queen's College in this Colony."

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

Council then went into Committee 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 Thursday, 22nd November.

FINANCE COMMITTEE.

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

Votes totalling \$7,600, contained in Message No. 16 from H.E. the Governor, were approved.
