

# HONG KONG LEGISLATIVE COUNCIL.

---

*10th January, 1935.*

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**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. 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. 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. SIR WILLIAM SHENTON, K.T.

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. C. G. S. MACKIE.

HON. MR. T. N. CHAU.

HON. MR. W. H. BELL.

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

**ABSENT.**

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

HON. SIR HENRY POLLOCK, K.T., K.C., LL.D.

**STANDING LAW COMMITTEE.**

H.E. THE GOVERNOR.—As this is the first meeting of the Council this year it is necessary to appoint the Standing Law Committee. I propose to appoint the following members:—The Hon. the Attorney General (Chairman), the Hon. the Secretary for Chinese Affairs, the Hon. Sir Henry Edward Pollock, KT, K.C., LL.D., the Hon. Sir W. E. L. Shenton, KT., and the Hon. Mr. S. W. Ts'o, O.B.E., LL.D.

**MINUTES.**

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

**PAPERS.**

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

Order under section 12 of the Rope Company's Tramway Ordinance, 1901.

Volunteer Ordinance, No. 10 of 1933, Amendments of First and Second Schedules.

Addition to regulation 30 of the Regulations under section 3 of the Post Office Ordinance, 1926, relating to the Singapore-Australia Air Mail Service Rates of Postage.

Order under section 2 of the Rating (Refunds) Ordinance, 1926.

Order under the Evidence Ordinance, 1889, relating to the Bank of Communications.

No. 464 Des Voeux Road, West, appointed a warehouse for the storing of dutiable liquors of Messrs. Ruttonjee & Son.

Regulations under section 4 of the Nurses Registration Ordinance, 1931, relating to the examination fee for the preliminary examination, etc., for nurses.

Regulation under section 3 of the Post Office Ordinance, 1926, relating to the Air Mail Service rates of postage.

Notification under section 2 (a) of the Evidence Ordinance, 1889, relating to the China and South Sea Bank Limited.

Amendments to the Police Pensions Regulations under section 9 (1) of the Police Force Ordinance, 1932, relating to the marking system and scale.

Report on a Proposed General Scheme for the Inauguration of a System of Technical Education in Hong Kong (Sessional Paper No. 6 of 1934).

THE COLONIAL SECRETARY.—I also lay on the table the statements and abstracts of reports of the following Companies which have been deposited with the Registrar under the Life Insurance Companies Ordinance, 1907, during the year 1934:—

**Statements under Section 12.**

The China Hong Nin Life Insurance Company Limited.

The Luk Hoi Tong Life Assurance Company Limited.

The Oi Kwan Life Assurance Company Limited.

The Sincere Life Assurance Company Limited.

The West Coast Life Insurance Company.

The Wing On Life Assurance Company Limited.

**Statements and Abstracts under Sections 14 & 16.**

The Tai Shan Insurance Company Limited.

**Statements and Abstracts under Sections 14 & 16.**

The Luk Hoi Tong Life Assurance Company Limited.

The Oi Kwan Life Assurance Company Limited.

**QUESTIONS.**

HON. MR. J. P. BRAGA asked:—

1.—Are sale and purchase contracts and/or debit notes for shares of all Companies operating outside the Colony but dealt in in this market treated alike for purposes of stamp duty? If the reply to this question be in the negative, what is the differentiation and on what grounds is the differentiation justified?

2.—Is the Colonial Treasurer in a position to state approximately the value in Hong Kong Currency of the business carried on, since 1st January, 1934 to the 30th June last, by brokers on exchanges outside the Colony whose contracts and/or debit notes are exempt from stamp duty?

3.—If the volume of the business referred to in Question 2 is ascertainable, will the Honourable Member inform the Council what would have been the estimated amount of stamp fees derivable therefrom if the transactions had been liable to payment of stamp fees on the scale chargeable to shares of Hong Kong Companies?

4.—Is it the opinion of Government that the operations by brokers in Hong Kong on exchanges outside the Colony do divert dealings in shares of local Companies; and if they do, does not the revenue of the Colony suffer by reason of the diversion from local to foreign exchanges through a diminution in stamp duty collections in respect of share contracts and/or debit notes?

5.—For the benefit of the revenue of the Colony has the attention of Government been directed to the necessity for rectifying an existing anomaly that while dealings in shares of local Joint Stock Companies are subject to stamp fees certain foreign Companies enjoy immunity from such taxation?

THE COLONIAL TREASURER replied:—

1.—The answer is in the affirmative.

2.—The answer is in the negative.

3.—In view of the answer to question 2, this question does not arise.

4.—Government is not in a position to say to what extent, if any, operations by brokers in Hong Kong on exchanges outside the Colony divert dealings in shares of local companies. Share dealings and investments are governed by the demand or requirements of each particular buyer or investor. A man with money to invest may choose as he pleases and buy local or other investments as his fancy dictates. The revenue of the Colony, however, does not suffer as all contract notes issued by brokers in Hong Kong must be stamped.

5.—If the Honourable Member means immunity from stamp duty on contract notes, there is no anomaly as such attract duty whether the company is registered locally or abroad. Transfer fees on shares of companies registered abroad are naturally not charged on transactions in Hong Kong.

It is assumed that in the Honourable Member's questions the expression "debit note" is used in its local sense, the term "debit note" being used locally for cash transactions whilst the term "contract note" is used for other than cash transactions. Legally the two terms have the same meaning.

HON. MR. R. H. KOTEWALL asked:—

1.—With reference to the disastrous explosion at West Point in May, 1934, will the Government state:—

- (a) Whether the gasometers are considered to be suitably placed in their present locations, in view of their proximity to tenement houses;
- (b) What steps have been, or will be, taken to ensure the proper maintenance and the regular examination of the gasometers; and
- (c) What other steps has the Government decided to take with a view to preventing similar disasters in the future.

THE COLONIAL SECRETARY replied:—

- 1—(a) Terms have been satisfactorily settled between the Government and the Gas Company for the purchase by the Company of another and more suitable site for the gasometers.
- (b) It is understood that no special legislation for the compulsory inspection of gasometers is in force in the United Kingdom; but the advice of the Home Authorities is being sought as to whether, in view of local conditions, such legislation is desirable here.
- (c) No further action has been taken in the mean-time pending the receipt of a reply to this enquiry.

HON. MR. R. H. KOTEWALL asked:—

- 2—(a) Has the Government under consideration, and, if not, will the Government consider, the question of making Hong Kong a port of call in connection with the reported air service between Canton and the United States of America?
- (b) What steps, if any, have been taken with a view to linking Hong Kong with the great air routes of the world; and, if the matter is under consideration, when are such connections expected to be effected?

THE COLONIAL SECRETARY replied:—

- 2—(a) The Government has no information regarding this proposal but the matter will not be overlooked

should it appear that the reported service is likely to materialize.

- (b) Negotiations are proceeding but the Government is not yet in a position to make a statement.

HON. MR. R. H. KOTEWALL asked:—

3.—Arising out of the remarks made by two unofficial members at a meeting of this Council on the 27th September, 1934, that the advantages of Hong Kong as a winter resort have not been sufficiently advertised, will the Government state:—

- (a) Whether and, if so, what consideration has been given by the Government to this matter since that meeting was held? and
- (b) Whether the Government will appoint a Committee for the purpose of suggesting means of giving greater publicity to such advantages?

THE COLONIAL SECRETARY replied:—

3.—Since the meeting of this Council to which the Honourable Member refers the Government has had the advantage of learning the views of the Economic Commission on this subject as expressed in an interim report. It is proposed shortly to appoint a Committee to investigate the possibility of increasing the Tourist Traffic of Hong Kong.

#### **FINANCE COMMITTEE'S REPORTS.**

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid upon the table the reports of the Finance Committee (Nos. 17 and 18), dated 22nd November, 1934, and 13th December, 1934 respectively, and moved that they be adopted.

THE COLONIAL TREASURER seconded, and this was agreed to.

#### **ASYLUMS AMENDMENT ORDINANCE.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Asylums Ordinance, 1906." He said: This Bill will remove certain defects in the principal Ordinance, and make it more easy to transfer prisoners showing signs of insanity from the gaol to the asylum.

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 15 (2) of the principal Ordinance (as enacted by section 8 of the Asylums Amendment Ordinance, 1927) provided only for the committal by order of the Governor to an asylum of prisoners under sentence who were certified by the prison Medical Officer to be of unsound mind.
2. Remand prisoners, detention prisoners and persons committed to the house of detention as vagrants were thus left outside the scope of this provision, as well as prisoners and persons detained who showed signs of insanity but could not be definitely certified as insane.
3. The present Bill remedies these defects.

### **PUBLIC HEALTH AND BUILDINGS AMENDMENT ORDINANCE.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Public Health and Buildings Ordinance, 1903." He said: The object of this Bill is explained in the short memorandum at its foot. It is not intended that this Bill should remain very long on the Statute Book because provisions of the same nature are made in certain Bills which have been published and which it is hoped will be passed during the course of the year. But some action has to be taken now, therefore this short Bill is proposed, and it will be included for repeal in one of the Bills which will be placed before the Council shortly.

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 purpose of the amendment effected by this Bill is to make possible the imposition of a charge on householders for the removal of night-soil and other excretal refuse from their premises where such removal is undertaken by the Sanitary Board. Such removal has been undertaken hitherto without charge in the Hill District only. In other districts householders make their own arrangements for night-soil removal.

### **BUILDINGS ORDINANCE.**

THE DIRECTOR OF PUBLIC WORKS moved the first reading of a Bill intituled "An Ordinance to amend and consolidate the law relating to the construction of Buildings." He said: The

present Public Health and Buildings Ordinance was enacted almost 32 years ago and at that time provided for substantial improvement in the matter of light and air and sanitation upon the hitherto existing Ordinance.

Since that date, and more particularly in recent years, in order to conform more nearly to accepted modern standards, it has been found necessary to make numerous amendments in relation to both sanitation and constructional matters.

The existing Ordinance, as the title indicates, deals both with Public Health and the construction of buildings. It has now been considered desirable that these services should be dealt with under a number of separate Ordinances.

In the Bill under consideration opportunity is taken to revise throughout the building laws of the Colony.

The proposals in draft form were submitted to a Body of Architects for comments. The criticisms of this Body were carefully considered and amendments were made, the individual members signifying their general approval of the final draft.

Particular regard is paid to the requirements of open space in the light of modern hygienic practice, and it will be appreciated that although sacrifices are required, these are not greater than are deemed essential to place the city on a basis comparable with the minimum requirements of other cities. The principle, recognised in the existing Ordinance No. 1 of 1903, of sympathetic treatment for lots purchased prior to that Ordinance, is retained. Sections Nos. 81 to 86 of the Bill deal with this subject.

In Sections 87 and 88 important revisions are proposed in the matter of heights of buildings. The principal feature of these sections is the general reduction in height of the wall plate level and the compensating increase in the maximum height of the roof line. These revisions permit of improved lighting to streets and open spaces without causing reduction in the cubical contents of buildings. As in the case of open space sympathetic consideration is given to buildings on lots leased prior to 1903.

The preservation of life from danger of fire is considered in the framing of Sections 43, 44 and 45, which call for the provision of fire resisting staircases, lift shafts and fire-escapes.

A revision has been made in the sections dealing with verandahs and balconies, Nos. 60 and 61.

A limiting angle has been introduced which will restrict the number of verandah storeys permissible and which will control the projections of balconies.

Generally speaking, the effect will be the elimination of verandahs on the upper storeys of high buildings hereafter erected, but balconies of greater projection than hitherto will be permissible.

The tendency will be to dispense with verandah piers from all new buildings erected on streets less than 75 feet wide. On these streets, balconies in the lower storeys will be permissible with a projection extending to the line of the kerb.

Although there are many other minor alterations, the remainder of the Bill substantially follows the existing Ordinance.

With these remarks, Your Excellency, I beg to move the first reading of this Bill.

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. One of the recommendations in the Report of the Director of Medical and Sanitary Services on the need for re-organization of the Medical and Sanitary Services is that Regulations regarding the construction of buildings should come under a Buildings Ordinance.

2. Hitherto this subject has been dealt with under the Public Health and Buildings Ordinance (No. 1 of 1903).

3. It is felt that there are disadvantages in mixing provisions as to the design and construction of buildings, which concern mainly the Public Works Department, with provisions relating to house-cleansing and the prevention of disease, which are the special concern of the Sanitary and Medical Departments.

4. This Ordinance extracts from Ordinance No. 1 of 1903 (which it is intended shortly to repeal and replace by another Ordinance or Ordinances dealing with Sanitation and the Prevention of Disease) those provisions which deal with the construction of buildings and concern the Public Works Department and amends them where amendment is considered necessary.

5. A Table of Correspondence attached to the Bill shews the origin of its various clauses and the nature of the amendments.

### **ST. JOHN AMBULANCE ORDINANCE.**

THE HON. SIR WILLIAM SHENTON moved the first reading of a Bill intituled "An Ordinance to further and protect the activities in Hong Kong of the St. John Ambulance Association and the St.

John Ambulance Brigade Overseas and to incorporate the Director for the time being of the Ambulance Department of the order of St. John in Hong Kong and the Treasurer and Secretary for the time being of the Hong Kong Branch of the St. John Ambulance Association as Custodian Trustees". He said: The St. John Ambulance Association is a foundation of an Order at present designated the Grand Priory in the British Realm of the Venerable Order of the Hospital of St. John Jerusalem and is incorporated by Royal Charter.

The St. John Ambulance Brigade Overseas is a subsidiary of that Order.

A Branch of the Association was established in Hong Kong in the year 1884, and a District of the Brigade in the year 1916.

The work of the Association is to train and certify pupils in the principles of first-aid and nursing and that of the Brigade to organise them on efficient lines when certified.

The success which the work of the Order in Hong Kong has met with is so well-known that it is unnecessary to enter into any details of it; the results speak for themselves.

The organisation has acquired property both movable and immovable in this Colony and will acquire more from time to time.

The object of the proposed Ordinance is threefold, first to prevent unauthorised persons from holding themselves out as qualified members of the Order, Association or Brigade; secondly to incorporate the Director, Treasurer and Secretary and so obtain greater uniformity of control and stability and to ensure perpetual succession; and thirdly to take over all movable and immovable property now belonging to the organisation in this Colony.

The proposed Bill has been drafted by the legal advisers of the Order in England and has been approved by the Honourable Attorney General of this Colony.

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

### **Objects and Reasons.**

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

This Bill follows the form usual in incorporation Ordinances of this nature, particularly that of the Boy Scouts Association Ordinance, No. 22 of 1927.

### **CHEERO CLUB INCORPORATION ORDINANCE, 1934.**

THE HON. SIR WILLIAM SHENTON moved the first reading of a Bill intituled "An Ordinance to provide for the Incorporation of

the Cheero Club of Hong Kong." He said: In the first place I would draw Honourable Members' attention to certain alterations which have been made in Clauses 1 and 3 of the Objects and Reasons.

In Clause 1, fourth line, the words "its head office in London" have been struck out and in place thereof the following words have been substituted "The English National Council of the Young Men's Christian Association."

In Clause 3, first line, the word "three" has been struck out, in the second line the words "three other" have been struck out and in place thereof the following words have been substituted "later were added." In the third line the words "appointed by" have been struck out and in place thereof the following word has been substituted "representing", and in the fourth line the words "assisted by" have been struck out and in place thereof the following words have been substituted "and the Chairman of the."

The Cheero Club had its origin in 1927 when the Young Men's Christian Association in Hong Kong was requested by the English National Council of the Young Men's Christian Association to provide additional facilities for the entertainment and recreation of His Majesty's Forces in the Colony of Hong Kong by reason of the Sha Force Expedition.

The original Committee consisted of Directors of the Young Men's Christian Association and later were added members representing the general public of Hong Kong together with the Chairman of the Ladies' Committee, a Ladies' Committee having been appointed.

The Cheero Club has from time to time been carried on in various premises in the Colony and in response to an appeal for funds initiated by Lady Peel, to which there was a generous response, it has been found possible to erect premises for the Club on a site which has been granted by Government at the corner of Murray Parade Ground which has been handed back to the Government by the Secretary of State for War.

The main idea for which the General Committee is to be incorporated is for the purpose of insuring perpetual succession. The purposes of the Club when incorporated will be to promote and carry out in the Colony of Hong Kong the following objects:—

- (a) To maintain and carry on the Cheero Club, Hong Kong.
- (b) To provide facilities for the entertainment and recreation of His Majesty's Forces in the Colony of Hong Kong; and
- (c) To provide the said facilities under the aegis of the Young Men's Christian Association of Hong Kong.

The draft Bill has been duly advertised in accordance with the Royal Instructions and the Standing Orders of the Legislative Council of Hong Kong.

Copies of the Bill have been forwarded to the Honourable the Attorney General and the Bill has been approved by him.

I move the first reading of the said Bill.

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

### **Objects and Reasons.**

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

1. As a result of the increase in the number of His Majesty's Naval and Military Forces in Hong Kong in 1927 the Young Men's Christian Association of Hong Kong was requested by its Head Office in London to provide additional facilities for the entertainment and recreation of His Majesty's Forces in the Colony of Hong Kong.

2. As a result of such request the Young Men's Christian Association of Hong Kong with the help of a Committee of local ladies issued an appeal for funds with the result that premises were obtained for the purpose of providing recreational facilities for His Majesty's Forces.

3. The original Committee consisted of three Directors of the Young Men's Christian Association and three other members appointed by the General Public of Hong Kong assisted by a Ladies' Advisory Committee.

4. The premises first obtained were at the corner of Queen's Building in the premises formerly occupied by the Banque Franco Chinoise. Later the City Hall Committee granted accommodation in the City Hall and from that date until the City Hall was condemned as unsafe, facilities for dancing, writing, whist drives and other amusements were carried on under the name of the Cheero Club and proved of the greatest service in providing recreation of the above description for members of His Majesty's Forces.

5. On the closing of the City Hall the Club fell into abeyance for lack of accommodation and in the Autumn of 1933 an appeal was made for sufficient funds to enable new premises to be erected to carry on the work so successfully inaugurated by the Old Cheero Club under the auspices of the Young Men's Christian Association.

6. The appeal was successful in raising over \$41,000 which was sufficient to pay for the erection and furnishing of a building on a site which had been granted by Government at the corner of

Murray Parade Ground which had been handed back to Government by the Secretary of State for War on the understanding that it was to be used for the benefit of men of His Majesty's Forces and such land is now vested in the Young Men's Christian Association.

7. As a result of meetings between representatives of the Young Men's Christian Association and of Subscribers to the fund and members of the Old Ladies' Advisory Committee it was decided that the premises should be used by the Cheero Club and that it was for the benefit of that Club that the Club should be incorporated under an Ordinance so as to give it perpetual succession.

8. This Bill follows the lines of other Incorporation Ordinances of the same kind.

### **ADJOURNMENT.**

H.E. THE GOVERNOR.—Council stands adjourned until January 24th.

### **FINANCE COMMITTEE.**

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

Votes totalling \$24,130, being \$6,130 under Estimates 1934, and \$18,000 under Estimates 1935, were considered.

Item 136.—32, Public Works Department.—Other Charges, 5.—Electric Fans and Light, \$900.00.

THE CHAIRMAN.—I understand Item No. 136 is not required.

Item 140.—20, Police Force.—32, Transport, \$2,400.00.

THE COLONIAL TREASURER.—I would like to propose that this vote be increased from \$2,400 to \$2,450 as since the Votes were made up small charges totalling \$50 have come in.

This was agreed to.

Item 144.—21, Prison Department.—15, Materials for Repairs and Renewals, \$200.00.

THE COLONIAL TREASURER.—Here again I would like to propose that this figure, \$200 be increased to \$242 as several small charges amounting to \$42 have come in since this vote was prepared.

This was agreed to.

The votes were passed as amended.