

24th January, 1935.

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. 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. SIR HENRY POLLOCK, KT., K.C., LL.D.

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. C. G. S. MACKIE

HON. MR. T. N. CHAU.

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

ABSENT:—

HON. MR. W. H. BELL.

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 210 of the Public Health and Buildings Ordinance, 1903, relating to blasting at low tide on the foreshore to the north-east of Inland Lot 3507.

Regulations under section 3 of the Electricity Supply Ordinance, 1911, relating to examination of fittings, installations, etc., of the Hong Kong Government, Naval, Military or Air Force Authorities.

Notification under section 72 of the Public Health and Buildings Ordinance, 1903, relating to the opening of Arsenal Street, Bowrington, Fa Yuen and Tong Mei Markets.

Regulations under section 7 of the Cremation Ordinance, 1934, entitled Cremation Regulations.

British Nationality and Status of Aliens (Fees) Ordinance, 1915—Amendment of Schedule.

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. 1), dated 10th January, 1935, and moved that it be adopted.

THE COLONIAL TREASURER seconded, and this was agreed to.

URBAN COUNCIL ORDINANCE, 1935.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to make provision for the substitution of an Urban Council for the Sanitary Board, and to repeal the Public Health and Buildings Ordinances". He said: Sir,—I rise to move the first reading of the Urban Council Bill which, as stated in the long title, is a Bill to make provision for the substitution of an Urban Council for the Sanitary Board and to repeal the Public Health and Buildings Ordinances. This is one of a series of Bills which are the result of the recommendations of the Director of Medical and Sanitary Services in his scheme for the reorganization of those services.

It will be seen from clause 3 that it is proposed that the Urban Council should consist of not more than 13 members, that is to say, a Chairman appointed by the Governor, the Director of Medical and Sanitary Services as ex-officio vice-Chairman, the Secretary for Chinese Affairs, the Director of Public Works, and the Inspector General of Police as ex-officio members and not more than eight additional members. The Sanitary Board, as members probably know, consists of the Head of the Sanitary Department, the Secretary for Chinese Affairs, the Director of Public Works, the Medical Officer of Health and not more than six additional members, making a maximum of ten.

Sub-clause (10) of clause 3 automatically converts the six additional members of the Sanitary Board into additional members of the Urban Council until the three years period of their original election or appointment runs out. This makes for continuity and will ensure that vacancies in the new Council will not occur simultaneously. Consequently only two new additional members will be required for the first Council, one of whom will be elected and the other nominated for a period of three years. The electorate proposed is much the same as the existing Sanitary Board electorate. It consists primarily of persons on the Jurors Lists who will be placed on the first part of the electorate register. There will be a second part to the register in which will be placed the names of applicants belonging to certain groups of persons who it is considered would have been included in the Jurors Lists but for the nature of their occupations. These groups, numbered (a) to (j) in clause 3 (4), correspond roughly with the groups (a) to (j) of the Sanitary Board electorate, but persons exempted from jury service by the Governor in Council have been added to group (b), and reporters, unless they happen also to be sub-editors, have been omitted from group (e). The reason for this omission calls, I think, for some explanation. Under the Jury Ordinance, No. 6 of 1887, the entire staff of every daily newspaper in the Colony is exempt from jury service. When part 2 of the electoral register was established by Ordinance No. 6 of 1927 it was realised that, if every member of the staff of every newspaper in the Colony was included in the register, a large number of persons ineligible on other grounds for jury service would get a vote under the general exemption given by 4 (6) of the Jury Ordinance, 1887. Consequently the Legislature in 1927 limited group (e) to editors, sub-editors and reporters. When, however, the Registrar of the Supreme Court came to make up his register for the Sanitary Board electorate he found that a large number of persons who would never have been considered for jury service claimed the right to be included in the register under the somewhat elastic title of "reporter" to one or other of the local vernacular papers. That is why it is now suggested that group (e) should be limited to editors and sub-editors, the latter title being generally wide enough to include those members of the local press who, but for their occupation, would be required to render jury service.

One other group namely "(i) masters of steamers and local pilots" (which comes from section 4 (11) of Ordinance No. 6 of 1887 and from section 5 (4) (i) of Ordinance No. 6 of 1927) is somewhat vague and I shall welcome, when this Bill goes into Committee, any suggestions for its improvement. Honourable members will see at the end of the Bill a Table of Correspondence between the various clauses of the Bill and the sections of the Public Health and Buildings Ordinance which it will replace. There is also a printed page of notes on the various clauses. These I think I may amplify by drawing attention to clauses 10 and 11 (2) which are new and which make the Director of Medical and Sanitary Services the professional adviser to the Urban Council on all medical matters including matters of public health and sanitation. He is to assist and advise the Council on these matters and to superintend and direct the enforcement, by officers under his control, of all Ordinances, regulations and by-laws relating to public health. He is in fact to be, what his title implies, the Director of Medical and Sanitary Services. I now move the first reading of the 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. In his Report on the need for the reorganisation of the Medical and Sanitary Services of the Colony the Director of those Services recommends that the Public Health and Buildings Ordinance, (No. 1 of 1903) which deals with building construction, sanitation, infectious diseases control, food control, etc., should be broken up into a number of Ordinances, each dealing with its particular branch of the Public Health Complex.
2. This Bill provides for the replacement of the Sanitary Board by an Urban Council and also repeals the various Public Health and Buildings Ordinances.
3. The Sanitary Board had four official and six unofficial members, two of whom were elected. It is proposed in the Urban Council to have five official members and also to increase the number of unofficial members to eight. Of these, three are to be elected, and five, of whom three must be Chinese, nominated by the Governor.

PUBLIC HEALTH (SANITATION) ORDINANCE, 1935.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the law relating to town cleansing, domestic sanitation, the licensing of certain premises and trades and

the disposal of the dead." He said: Sir,—I rise to move the first reading of the Public Health (Sanitation) Bill. This is one of the series of enactments into which, to carry out the recommendations of the Director of Medical and Sanitary Services, the Public Health and Buildings Ordinance, 1903, has been split up. It will be seen from the Table of Correspondence attached to the Bill that although its provisions are taken mainly from corresponding provisions in the 1903 Ordinance some are adapted from the legislation of the United Kingdom and Malaya. Clauses 6 and 7 are new. They provide for the grouping of Sanitary Inspectors under Health Officers who will be under the general direction of the Director of Medical and Sanitary Services who becomes the professional adviser of the Urban Council, which, under another Bill in the series, will replace the Sanitary Board. I move the first reading.

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. In his report on the need for reorganisation of the Medical and Sanitary Services of the Colony the Director of those Services recommends that the Public Health and Buildings Ordinance (No. 1 of 1903) which deals with building construction, sanitation, infectious diseases control, food control, etc., etc., should be broken up into a number of Ordinances each dealing with its particular branch of the Public Health Complex.
2. This Ordinance contains all the provisions of No. 1 of 1903, together with certain provisions of other legislation, which it is considered suitable to group under sanitation.
3. A Table of Correspondence attached to the Ordinance shows the origin of the various sections.

PUBLIC HEALTH (FOOD) ORDINANCE, 1935.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to make better provision for the maintenance of Public Health in relation to Food and Hawkers." He said: Sir,—I rise to move the first reading of the Public Health (Food) Bill. It is one of the new series of enactments which will replace the Public Health and Buildings Ordinance, 1903, and its objects are to prohibit and prevent the sale of tainted, diseased or unwholesome food, to give Food Officers powers of inspection and seizure, and to give the Urban Council power to make by-laws regulating

slaughter houses, markets, dairies, food factories, eating-houses, food shops, street stalls and hawkers of all kinds except tobacco hawkers. I have some doubts whether newspaper hawkers ought to be included in a Bill of this nature. Members will see that they come in under the long title and in clauses 5 (8) and 12 of the Bill, in the Hawkers by-laws A 4 and F in the Schedule, and in Form No. 5 in the Appendix. If it is considered that newspaper hawkers should not be included under a Food Ordinance the matter can be dealt with when the Bill goes into Committee. I now move the first reading.

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 is one of the series of Bills prepared to give effect to the recommendations of the Director of Medical and Sanitary Services.

It is designed to replace the food provisions of Ordinance No. 1 of 1903 and the by-laws made thereunder. The said Ordinance and by-laws are to be repealed by another Bill in the same series which will come into force simultaneously by Proclamation of the Governor.

ADULTERATED FOOD AND DRUGS ORDINANCE, 1935.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to make better provision for the Sale of Food and Drugs in an unadulterated state." He said: Sir, —I rise to move the first reading of the Adulterated Food and Drugs Bill. This enactment will replace the Sale of Food and Drugs Ordinance, 1896. It is based, with small variations set out in the Table of Correspondence, on the Federated Malay States Enactment No. 9 of 1913 and is more particularly described in the memorandum of Objects and Reasons attached to it. I now move the first reading.

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 object of this Ordinance, which follows very closely the provisions of the Sale of Food and Drugs Enactment, No. 9 of 1913, of the Federated Malay States, is more effectively to safeguard the public with regard to articles of food. A table of correspondence explaining the difference between the Ordinance and the Enactment is attached.

2. Purity, cleanliness of manufacture, freedom from adulteration and contamination, correct labelling and proper constituents of food are to be obtained by conformation with regulations made for that purpose (s. 3).

3. The enforcement of the provisions of the proposed Ordinance is to be placed in the hands of persons specially authorized for the purpose by the Urban Council on the recommendation of the Director of Medical and Sanitary Services.

4. These persons are given special powers to inspect food wherever it may be if the persons so authorized have reason to believe it is intended for sale. They have also power to seize food which appears to be unwholesome and to destroy decayed or putrid food (s. 4).

5. The person claiming any food seized has 48 hours to complain to a magistrate who shall hear and determine the complaint.

6. The taking of samples of food or drugs and the analysis of the same is provided for.

7. Power is given to call for documents and information dealing with the purchase and possession of food (s. 9).

8. The sale of adulterated food, unless the nature of the adulteration is fully disclosed, is an offence.

9. A list of offences is set out in s. 10.

10. Adulteration is deemed to have taken place under certain circumstances (s. 15).

11. The liability of importers is dealt with in s. 16.

12. An agent or servant selling is liable as the seller, and his principal is also liable (s. 17).

13. Food or drugs exposed for sale are deemed until the contrary is proved to be for human consumption (s. 18).

14. Legal procedure and evidence are dealt with in the latter part of the Ordinance.

15. The Ordinance repeals the Food and Drugs Ordinance, 1896, (Ordinance No. 8 of 1896).

**PUBLIC HEALTH (QUARANTINE AND PREVENTION OF
DISEASE) ORDINANCE, 1935.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend and consolidate the law relating to

Quarantine and the Prevention of Disease among human beings." He said: Sir,—I rise to move the first reading of the Public Health (Quarantine and Prevention of Disease) Bill.

This enactment will not only replace the inadequate provisions for Quarantine and Prevention of Disease which have been contained hitherto in the Merchant Shipping Ordinance, 1899, and in the Public Health and Buildings Ordinance, 1903, but it will also provide an up to date code for Quarantine and Prevention of Disease among human beings on lines considered necessary by the Director of Medical and Sanitary Services. It will be seen from the Table of Correspondence that its provisions are based in part on the existing enactments and in part also on those of Malaya as well as on certain International Conventions.

Part I is general and includes definitions, periods of incubation, conditions of release from quarantine, substitution of quarantine or observation for surveillance, escape or evasion, power of the Governor in Council to make Regulations, offences and penalties. Part II deals with the prevention of the Introduction of Disease and Part III with the prevention of the spread of Disease. I now move the first reading.

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 is a new Ordinance, drafted in the main by the Director of Medical and Sanitary Services to provide an up to date code for Quarantine and Prevention of Disease among human beings which has been inadequately dealt with hitherto under the Public Health and Buildings Ordinance, 1903, and the Merchant Shipping Ordinance, 1899. It is one of a series of Bills which have been drafted to replace the former Ordinance.

PUBLIC HEALTH (ANIMALS AND BIRDS) ORDINANCE, 1935.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to consolidate and amend the law relating to Quarantine and the Prevention of Disease among animals and birds." He said: Sir,—I rise to move the first reading of the Public Health (Animals and Birds) Bill.

This Bill is complementary to the last and provides an up to date code for the quarantine and prevention of disease among animals and birds. It is based, as shown in the Table of Correspondence, partly on existing provisions of the Public Health and Buildings Ordinance, 1903, and partly on Malayan precedents. It is divided into various headings dealing with the prevention of the introduction of infectious

disease, special permits, segregation, depots, compensation for animals slaughtered by order of the Urban Council, the prevention of suffering and the limitation of liability for acts done in good faith under it. I now move the first reading.

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 is a new Ordinance drafted in the main by the Director of Medical and Sanitary Services to provide an up to date code for the control and prevention of disease among animals and birds, for which local legislation has hitherto made no adequate provision. It is one of the series of Bills that have been drafted to deal with public health.

BOARDING HOUSE AMENDMENT ORDINANCE, 1935.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Boarding-house Ordinance, 1917." He said: Sir,—I rise to move the first reading of the Boarding House Amendment Bill, a short Bill to which is attached a schedule containing rules for the type of common lodging houses known as Ku Li Kun and generally occupied as bachelor quarters by persons of the labouring, artizan or mechanical classes. The purpose of this Bill is explained in the memorandum of Objects and Reasons. I now move the first reading.

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. Up to the present the control of common lodging-houses has been divided, the Governor in Council being empowered by the Boarding-house Ordinance, 1917, to make regulations, and the Sanitary Board by the Public Health & Buildings Ordinance, 1903, to make by-laws, for their governance.

2. The purpose of this amending Bill is to provide under the former Ordinance a complete and separate group of rules governing such houses which are known to the Chinese as "ku li kun." The enforcement of the licensing provisions of these rules will remain in the hands of the Secretary for Chinese Affairs, while the Health Officers will see to the enforcement of the provisions for sanitation.

3. The Bill forms part of the new Sanitation Code.

ASYLUMS AMENDMENT ORDINANCE, 1935.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Asylums Ordinance, 1906". He said: When the Council goes into Committee it will be necessary to alter the date in Clause I.

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

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

Clause 1.

THE ATTORNEY GENERAL.—I move that the date 1934 be altered to 1935.

THE COLONIAL SECRETARY seconded, and this was agreed to.

Upon Council resuming,

THE ATTORNEY GENERAL reported that the Bill had passed through Committee with an immaterial amendment, and moved the third reading.

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

**PUBLIC HEALTH AND BUILDINGS AMENDMENT
ORDINANCE, 1935.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Public Health and Buildings 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.

BUILDINGS ORDINANCE, 1935.

H.E. THE GOVERNOR.—With regard to the next item, dealing with amending and consolidating the law relating to the construction of Buildings, it is proposed to postpone the second reading until three weeks from to-day.

ST. JOHN AMBULANCE ORDINANCE, 1935.

THE HON. SIR WILLIAM SHENTON moved the second 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: When this Bill is in Committee I shall move in Clause 1 that the date be changed from 1934 to 1935.

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.

HON. SIR HENRY POLLOCK.—Is St. John correct or should it be St. John's.

HON. SIR WILLIAM SHENTON.—St. John is correct.

Clause 1.

HON. SIR WILLIAM SHENTON.—I move that the date be changed from 1934 to 1935.

HON. MR. R. H. KOTEWALL seconded, and this was agreed to.

Clause 12.

HON. SIR HENRY POLLOCK.—In the marginal note would it not be correct to say "Savings of rights of the Crown and of other rights" instead of "for other rights".

The amendment was agreed to.

Upon Council resuming,

HON. SIR WILLIAM SHENTON reported that the Bill had passed through Committee with immaterial amendments, and moved the third reading.

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

CHEERO CLUB INCORPORATION ORDINANCE, 1935.

THE HON. SIR WILLIAM SHENTON moved the second reading of a Bill intituled "An Ordinance to provide for the Incorporation of the Cheero Club of Hong Kong". He said: When this Ordinance is proceeded with in Committee I shall move in Clause 1 that the date 1934 be changed to 1935; and I shall also move that in the "Objects and Reasons", in the last clause but one, Clause 7, third line, that the word "old" be changed to "former".

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.

Clause 1.

HON. SIR WILLIAM SHENTON.—I move that the date 1934 be altered to 1935.

HON. MR. R. H. KOTEWALL seconded, and this was agreed to.

Clause 7.

HON. SIR HENRY POLLOCK.—In the first line of clause 7, I suggest it would be more regular to use the word "may" instead of "shall".

HON. SIR WILLIAM SHENTON.—I have no objection to that amendment.

THE ATTORNEY GENERAL.—I agree.

Before the Bill left its Committee stage the ATTORNEY GENERAL said: With regard to Clause 7, I am not sure that the word "may" would be a better word to use than "shall". The object of the delegation is stated in the latter part of the clause, namely, "in order, subject to the directions of the General Committee, to vest in the Ladies' Advisory Committee the control and management of the Cheero Club". It looks as if it was intended they shall do it for that purpose.

HON. SIR WILLIAM SHENTON.—I may say that the Committee are particularly anxious that the General Committee should exercise these powers.

HON. SIR HENRY POLLOCK.—It ought not to be compulsory on the General Committee. I do not agree with that.

H.E. THE GOVERNOR.—If the object is to vest in the Ladies' Advisory Committee the control and management of the Cheero Club, surely there must be action required so that they can do as they like. It is therefore a definite purpose. You will notice, however, that it is qualified by "as the General Committee shall consider expedient".

HON. SIR HENRY POLLOCK.—As a matter of fact the property is vested by the Government in the Y.M.C.A. That surely means that supreme control shall rest with the Y.M.C.A. That is why they retain some power "such as may be expedient".

THE ATTORNEY GENERAL.—The object is there and they must carry out that object.

H.E. THE GENERAL OFFICER COMMANDING THE TROOPS IN CHINA.—"Shall" is, I think, the better word.

HON. SIR WILLIAM SHENTON.—It doesn't matter which it is because it is qualified.

HON. SIR HENRY POLLOCK.—As President of the Y.M.C.A. for many years I am quite clear that we have the responsibility because the property is vested in us.

H.E. THE GOVERNOR.—You get discretionary power in the next two lines "such power as the General Committee shall consider expedient".

Voting was 8 votes to 2 against the amendment.

Upon Council resuming,

HON. SIR WILLIAM SHENTON reported that the Bill had passed through Committee with immaterial amendments, and moved the third reading.

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

DEATH OF MR. J. D. LLOYD.

H.E. THE GOVERNOR.—Honourable Members,—Before moving the adjournment of this Council I wish to refer to the very serious loss which has just been sustained by the Government of this Colony in the sad death of Mr. J. D. Lloyd, Superintendent of Import and Exports.

I need hardly say that everything possible was done to save his life and that he made a great fight himself, but unfortunately he has finally succumbed. I have just had notice of the fact.

Mr. Lloyd was only 51 years of age and had only recently completed 27 honourable years service in this Colony. I myself have been associated with him for slightly under five years and during that period I formed a great opinion of his ability and devotion to duty. He held a post which was full of great difficulties and called for those special qualities which Mr. Lloyd possessed in a high degree, and his death will leave a vacancy which it will be very difficult to fill.

I move that this Council express its deep sense of the loss sustained to the Colony by the passing of Mr. Lloyd and record appreciation of the great service rendered by him during his long term of service, and that further we tender to the widow and relatives of the deceased our sincere sympathy in their bereavement.

HON. SIR HENRY POLLOCK seconded, the Members stood in silence.

ADJOURNMENT.

H.E. THE GOVERNOR.—Council stands adjourned until February 14.
