

28th February, 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. MR. R. M. HENDERSON, (Director of Public Works).

HON. MR. T. H. KING, (Acting Inspector General of Police).

HON. DR. W. B. A. MOORE, (Acting Director of Medical and Sanitary Services).

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.

HON. MR. J. J. PATERSON.

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 the Crown Fees Ordinance, 1870, reducing the fee for the signature of the Superintendent of Imports and Exports on Certificates of Origin.

Amendment under section 4 of the Nurses Registration Ordinance, 1931.

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. 2 of 14th February, 1935, and moved that it be adopted.

THE COLONIAL TREASURER seconded, and this was agreed to.

RATING AMENDMENT ORDINANCE, 1935.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Rating Ordinance, 1901." He said: The object of this Bill is to provide a different rating in urban districts in the New Territories other than New Kowloon. The rates will be collected on the value of buildings as a whole, the buildings to be classified and divided into four classes. The rates, which are provided for in sub-section 4 of the new clause 49 will be valued from \$2 to \$16 in the first three classes and \$2 per \$1,000 of the valuation in the special class. The rates will be doubled for houses which are provided with a Government water supply.

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

Objects and Reasons.

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

1. Despite the fact that there is no provision in the Rating Ordinance, 1901, excluding the New Territories from the operation of that Ordinance, no assessment or collection of rates has hitherto been made outside the boundaries of the island of Hong Kong and of Kowloon and New Kowloon.

2. With the granting of certain benefits in the way of street lighting, street maintenance, drainage, water supply, scavenging,

etc., to such areas as Taipo Market, Yuen Long, and Tsuen Wan, it is considered that some form of rating should be applied in the case of such urban areas in the New Territories.

3. Accordingly, the present Bill adds to the Rating Ordinance, 1901, a new section (Section 49) in eight sub-sections establishing in the New Territories (other than New Kowloon) a modified system of rating of which the salient features are as follows:—

- (a) The District Officers in their respective districts are given the powers and duties of the Assessor of Rates and the Colonial Treasurer under the Ordinance (s.s. 1);
- (b) Rates are to be imposed upon such parts of the Territories as are declared by the Governor in Council to be urban areas and in respect of buildings only (s.s. 2);
- (c) Buildings are to be classified according to their value as assessed from year to year by the District Officers (s.s. 3);
- (d) S.S. 4 imposes an annual rate on buildings, graded according to the classification thereof, the rate for a building that enjoys the benefit of a Government water supply being double the rate for one which does not. This annual rate may be altered, as under section 31 (1) of the principal Ordinance, by resolution of the Legislative Council.
- (e) S.S. 5 requires all rates to be paid quarterly in advance to the District Officer. The times appointed for payment will be notified in the districts and not in the Gazette as provided by section 32 of the principal Ordinance;
- (f) In the event of default in the payment of rates the District Officers are given by s.s. 6 the same power in order to recover the same as the Collector of Crown Rent is given in respect of such rent by the Crown Rent regulations made under the New Territories Regulation Ordinance, 1910. See Regulations of Hong Kong, 1844-1925, p. 410;
- (g) S.S. 7 makes special provision for the refund of rates in respect of non-occupation of part of a building;
- (h) By s.s. 8 such modifications may be made in the Schedule forms as the District Officers deem necessary.

LIQUORS AMENDMENT ORDINANCE, 1935.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Liquors Ordinance, 1931".

He said: The object and effect of the Bill are fully set out in the memorandum of "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. When the Liquors Ordinance, 1931, was submitted to the Secretary of State, he suggested in his dispatch of the 1st April, 1932, that certain minor amendments were desirable when a suitable opportunity of amending the Ordinance occurred. These are dealt with in Clauses 2, 4, 5 and 9 of this Bill.

2. Clause 2 inserts in section 2 of the principal Ordinance a definition of "distillery licence" which has been drafted after consultation with the Superintendent of Imports and Exports. Clause 2 also amends the definition of "Hotel Keeper's adjunct licence" to conform more closely with the definition of "Restaurant adjunct licence" and to enable holders of Hotel Keeper's adjunct licences to sell liquor to non-residents in conjunction with any *bona fide* meal, and not merely, as hitherto, in conjunction with the regular meals of the establishment.

3. Clause 4 provides for meetings of the Board, annually in November and on other occasions when necessary.

4. Clause 5 by adding the words "address and" in section 15 of the principal Ordinance gives persons living in the vicinity of premises in respect of which application for a licence is made a better opportunity of identifying the premises in case they wish to oppose the application or to appeal to the Governor in Council against a decision of the Licensing Board under section 13.

5. The effect of the words added by clause 9 to section 61 of the principal Ordinance is to remove a conflict between that section and section 4.

6. Clause 3 re-introduces, with a slight modification, into section 6 of the principal Ordinance the provisions of section 6 (3) of the old Liquors Ordinance (No. 9 of 1911) which were considered unnecessary when the Liquors Ordinance of 1931 was framed but the inclusion of which has since been found desirable.

7. Clause 6 inserts in the principal Ordinance a new provision (section 17A) for the issue by the Secretary of the Licensing Board of special permits enabling the control and management of licensed premises to be taken over temporarily by another person during the illness or temporary absence of the licensee. A fee of \$10 is

prescribed for every such permit, and during the currency of a permit the holder is deemed to be the person licensed in respect of those premises.

8. Clause 7 substitutes for section 18 of the principal Ordinance a new section the provisions of which have been found by experience to be necessary.

The law as it stands precludes the transfer of a licence without the consent of the original licensee, and hence the licensed nominee of a firm or company owning licensed premises could, if dismissed, bring the whole business to a standstill by refusing his consent to any transfer of the licence. Again, if a licensee leaves the Colony in breach of a condition of his licence the same impasse arises, since the Ordinance makes no provision for forfeiture of a licence except under section 85 on a second or subsequent conviction of the licensee by a magistrate.

The new section by sub-section (1) empowers the Board on good cause shewn to direct the transfer of a licence; by sub-section (2) further empowers the Board, on the breach of a term or condition thereof, to order the cancellation of a licence; and by sub-section (3) the right of appeal to the Governor in Council against a decision of the Board under this section is given to

- (a) an aggrieved applicant for transfer under sub-section (1);
- (b) a licensee whose licence is directed to be cancelled under sub-section (2);
and
- (c) in either case, to twenty interested householders living near the licensed premises affected.

9. Clause 8 substitutes a new paragraph for paragraph (a) of section 22 (1) of the principal Ordinance, which will enable the Governor in Council, by the exercise of his powers under section 88 (7) of the principal Ordinance, to prescribe the hours between which liquor may be sold or drunk on licensed premises.

TOBACCO AMENDMENT ORDINANCE, 1935.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Tobacco Ordinance, 1931".

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.

TUNG WAH HOSPITAL AMENDMENT ORDINANCE, 1935.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Tung Wah Hospital Ordinance, 1930".

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.

URBAN COUNCIL ORDINANCE, 1935.

THE ATTORNEY GENERAL laid on the table the report of the Standing Law Committee on "A Bill to make provision for the substitution of an Urban Council for the Sanitary Board, and to repeal the Public Health and Building Ordinances" and moved that the Bill, as amended by the Standing Law Committee and published in the *Gazette* of February 22nd, 1935, be substituted for the Bill as read a second time, and that it be considered in the Committee of the whole Council.

THE COLONIAL SECRETARY seconded, and this was agreed to.

Report of the Standing Law Committee

on

The Urban Council Bill.

This Bill was considered by the Standing Law Committee at a meeting on the 14th February and as the result of such consideration the following recommendations are made by the Committee:—

1. Clause 3 (2):
Substitute "Two" for "Three" in the first line.
2. Clause 3 (4) (i):
Delete and substitute "(i) certificated officers of the British Mercantile Marine;
and"

3. Clause 3 (9):

Substitute "six" for "five" in the first line.

4. Clause 6:

Delete the comma after "candidate" in the fifth line.

5. Clause 8 marginal note:

Insert "2" after "No." in the penultimate line.

(Sd.) C. G. ALABASTER,

Chairman of the Standing Law Committee.

22nd February, 1935.

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.

ADULTERATED FOOD AND DRUGS ORDINANCE, 1935.

THE ATTORNEY GENERAL laid on the table the report of the Standing Law Committee on "A Bill to make better provision for the Sale of Food and Drugs in an unadulterated state", and moved that the Bill, as amended by the Standing Law Committee and published in the *Gazette* of February 22nd, 1935, be substituted for the Bill as read a second time, and that it be considered in the Committee of the whole Council.

THE COLONIAL SECRETARY seconded, and this was agreed to.

Report of the Standing Law Committee

on

The Adulterated Food and Drugs Bill.

This Bill was considered by the Standing Law Committee at a meeting on the 21st February and as the result of such consideration the following recommendations are made by the Committee:—

Clause 23:

(a) insert a comma after "shall" in line 2.

(b) insert a comma after "request" in line 4.

(Sd.) C. G. ALABASTER,

Chairman of the Standing Law Committee.

22nd February, 1935.

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.

BOARDING HOUSE AMENDMENT ORDINANCE, 1935.

THE ATTORNEY GENERAL laid on the table the report of the Standing Law Committee on "A Bill to amend the Boarding-house Ordinance, 1917". He said: As there are no changes in this Bill, I move that the Bill as read a second time be considered in the Committee of the whole Council.

THE COLONIAL SECRETARY seconded, and this was agreed to.

Report of the Standing Law Committee

on

The Boarding-House Amendment Bill.

This Bill was considered by the Standing Law Committee at a meeting on the 22nd February with the result that the Committee recommends that it be passed without amendment.

(Sd.) C. G. ALABASTER,

Chairman of the Standing Law Committee.

22nd February, 1935.

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.

ADJOURNMENT.

H.E. THE GOVERNOR.—Council stands adjourned until Thursday, March 14th.

FINANCE COMMITTEE.

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

Votes totalling \$11,710 were considered.

Item 8.—27, B.—Hong Kong Naval Volunteer Force:—Rent of Office, etc. \$770.00.

HON. SIR WILLIAM SHENTON.—I would like to ask the necessity for this office for the Hong Kong Naval Volunteer Force. They already have a ship.

THE CHAIRMAN.—The Naval Volunteer Commandant has satisfied the Government that an office on the ship moored in the stream is quite impossible. They must have an office on land, and preferably near the business centre of the town. The Government has accepted the view of the Commandant.

All the votes were approved.
