

14th March, 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, O.B.E., K.C.).

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

HON. MR. M. J. BREEN, (Postmaster General).

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.

NEW MEMBER.

The Hon. Mr. M. J. Breen (Postmaster General) took the oath of allegiance and assumed his seat as member of the Council.

PAPERS.

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

Order under section 7 of the Maintenance Orders (Facilities Enforcement) Ordinance, 1921, restoring former regulation (or rule) 3.

Prison Rules—Amendment of Rule No. 113.

Order under section 4 (a) of the Importation and Exportation Ordinance, 1915.

The Air Navigation Directions (Hong Kong), 1932—Additional Direction.

The Chinese Baptist Church, situate at No. 50, Caine Road, Victoria, Hong Kong, licensed for the celebration of marriages.

Jurors List for 1935, (Sessional Paper No. 2 of 1935).

Amendment to Rule 13 of the Hong Kong Divorce Ordinance Rules, 1933.

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. 3 of 28th February, 1935, and moved that it be adopted.

THE COLONIAL TREASURER seconded, and this was agreed to.

SANITARY BY-LAWS.

THE ATTORNEY GENERAL.—I rise to move that the By-law made by the Sanitary Board under Section 16 of the Public Health and Buildings Ordinance, 1903, on 12th February, 1935, be adopted. Section 17 of the Public Health and Buildings Ordinance requires the approval of this Council to all By-laws made by the Sanitary Board. This By-law adds the storing, dressing and preparing of shark's fins to the list of Offensive Trades.

THE COLONIAL SECRETARY seconded, and this was agreed to.

TELEPHONE AMENDMENT ORDINANCE, 1935.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "A Bill to amend further the Telephone Ordinance, 1925." He said: The effect of this Bill is explained 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. Section 2 of this Ordinance repeals sub-section (1) of section 3 of the principal Ordinance, No. 9 of 1925, as amended by section 3 of Ordinance No. 9 of 1930, and re-enacts it with the addition of the words "Such trunk line telephonic communication shall include a right to establish and maintain inter-communication with any commercial Radio Telephony Station outside the Colony but this right shall be limited to the period during which inter-communication of the same or like kind or nature is not provided through or by some undertaking or service carried on or authorised by the Government of the Colony or by His Majesty's Government in the United Kingdom."

2. These additional words give effect to an understanding arrived at between the Government and the Company last year which it is considered desirable to embody in the Telephone Ordinance.

3. Section 3 is the usual section saving rights required by Article XXVII of the Royal Instructions in every Bill intended to affect or benefit some particular person, association or corporate body.

RATING AMENDMENT ORDINANCE, 1935.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Rating Ordinance, 1901."

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.

LIQUORS AMENDMENT ORDINANCE, 1935.

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

Clause 2 (1):

THE ATTORNEY GENERAL.—I move that Clause 2 (1) be amended by the addition of the words "there for consumption elsewhere," after the words "spirits" in the last line. This amendment will make it clear that the right to sell spirits under a distillery licence is limited to sales on the licensed premises for consumption off such premises. It will not alter the existing practice.

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 (QUARANTINE AND PREVENTION OF DISEASE) ORDINANCE, 1935.

THE ATTORNEY GENERAL laid upon the table the report of the Standing Law Committee on "A Bill to amend and consolidate the law relating to Quarantine and the Prevention of Disease amongst human beings," and moved that the Bill, as amended by the Standing Law Committee and published in the *Gazette* of March 1st, 1935, be substituted for the Bill as read a second time, and 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 Public Health (Quarantine and
Prevention of Disease) Bill.**

This Bill was considered by the Standing Law Committee at a meeting on the 22nd February and as the result of such consideration the following recommendations are made by the Committee:—

1. Clause 41 page 13
insert "the" before "Government" in penultimate line.
2. Clause 53 (ii) page 15
 - (a) substitute "sick" for "patients"
 - (b) substitute "disembarked" for "landed".
3. Clause 53 (viii) page 16
delete "into the port" in line 2.
4. Clause 64 (1) page 18
insert a hyphen after "chicken" in line 2.
5. Clause 98 page 26
substitute "88" for "91" in line 2.
6. Schedule A page 29
add "examining officer to whom the undertaker must report" after "address of the" in third column line 9.
7. Print the Bill with these amendments, publish it in the *Gazette*, and ask the Council's permission for its substitution for the Bill as read a second time in accordance with Standing Order 27 (14).

(Sd.) C. G. ALABASTER,

Chairman of the Standing Law Committee.

27th 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.

**PUBLIC HEALTH (SANITATION)
ORDINANCE, 1935.**

THE ATTORNEY GENERAL laid upon the table the report of the Standing Law Committee on "A Bill to amend the law relating to Town Cleansing, Nuisances, Domestic Sanitation, the licensing of

certain premises and trades, and the disposal of the dead," and moved that the Bill, as amended by the Standing Law Committee and published in the *Gazette* of March 1st, 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 Public Health (Sanitation) Bill.

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

1. Clause 3 page 1
add as first definition
Animals. "Animals" means cattle, sheep, goats and all other ruminating animals, and swine and equines.
2. Clause 3 page 2
delete "or medical practitioner" in definition of Colonial Veterinary Surgeon.
3. Clause 3 page 3
after "gut-scraping" in lines 5 and 6 of definition "Offensive trade" paragraph (a) add "storing, dressing and preparing sharks' fins".
4. Clause 4 page 7
delete "existing" in third line of (xix)
5. Clause 4 page 7
substitute "animals" for "cattle, swine, sheep and goats" in (xxi).
6. Clause 4 page 7
substitute "interments, embalmings and storage of corpses," for "and interments" in (xxiv).
7. Clause 4 (2) page 7
substitute "prescribe" for "impose" in line 1.
8. Clause 11 page 8
substitute "condition" for "conditions" in line 2.
9. Clause 20 page 12
substitute "and" for "or" in fourth line.
10. Clause 25 page 13
insert "of" after "making" in penultimate line.
11. Clause 26 page 13
add "or for animal habitation," after "human habitation" in line 3 and also at the end of the marginal note.
12. Clause 42 page 19
substitute "fourteen days" for "three months" in third line of (4).

13. Clause 49 (1) page 21
 - (a) substitute "No kitchen shall be used" for "any room in a tenement house used as a kitchen shall not be used" in first two lines.
 - (b) substitute "the" for "such" in the third line.
14. Clause 49 (2) page 21
delete and substitute "No latrine accommodation shall be constructed or maintained in any kitchen or other place where food is prepared".
15. Clause 73 page 25
 - (a) insert "cemeteries" after "closed" in sub-section (3) line 2.
 - (b) add ", West." after "The Kai Lung Wan Cemetery".
 - (c) delete "The Stanley Cemetery"
"The Sookunpoo Urn Cemetery"
"The Telegraph Hill Urn Cemetery"
"The Christian Chinese Cemetery, Stanley".
16. Clause 73 page 26
 - (a) delete "The Kowloon Cemetery No. 1"
 - (b) at end of list of Authorised Cemeteries add
The New Kowloon Cemetery No. 6.
The New Stanley Cemetery.
 - (c) substitute "Closed Cemeteries" for "Closed".
 - (d) add at end of list of "Closed" Cemeteries
The Western portion of the Aberdeen (Sham Wan) Cemetery.
The Section D Mount Caroline Cemetery.
The Stanley Cemetery.
The Christian Chinese Cemetery Stanley.
The Sookunpoo Urn Cemetery.
The Telegraph Hill Urn Cemetery.
The Kowloon Cemetery No. 1.
17. Clause 78 page 29
substitute "before a Magistrate on complaint by the Secretary or" for "at the suit of the Secretary or of".
18. Cattle, Swine, etc. by-laws page 34
substitute "may" for "shall" in second line of 1.
19. Page 35 by-law 15
add "from the Council" after "permit" in the third line.
20. Page 36
add at the end of by-law 3
"Every entry in such register, and every copy of an entry certified by the Secretary, shall be *prima facie* evidence of the facts therein appearing."

21. Page 40
in last line of by-law 3 after "effluvia" add "or the spread of vermin."
22. At the end of by-law 10 add
"He shall also provide drainage by open channels, where it is in the opinion of the Council necessary so to do".
23. Page 42
delete ", or part of such building" and "which is occupied by members of more than one family" in the first three lines of by-law 4.
24. Page 43
delete "since the 1st day of January, 1934, or shall hereafter be directed" at the end of by-law 8.
25. Page 44 by-law 1 (b)
add "of a thickness of at least half an inch." after "impervious material" in the fourth line.
26. Page 44 by-law 1 (d)
substitute "18 inches long" for "one foot long".
27. Page 46 by-law 1 (a)
substitute "matter" for "matters" in the third line.
28. Page 47 by-law 5 (i)
delete all words after "Council," in the ninth line and substitute "make due provision for the daily removal from his premises of all refuse and other objectionable matter to the refuse-lorries, dust-bins or dust-boats provided by the Council."
29. Page 48 by-law 6 (2) (a)
substitute "9 a.m." for "6 a.m." in the second line.
30. Print the Bill as amended in accordance with the above recommendations, publish it in the *Gazette* and ask the Legislature to substitute it for the Bill as read a second time. See Standing Order 27 (14).

(Sd.) C. G. ALABASTER,

Chairman of the Standing Law Committee.

28th February, 1935.

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

Clause 42.

THE ATTORNEY GENERAL.—I move that Clause 42 be amended as follows:

(a) by the addition of the following words after the word "hospital" at the end of subsection (1):—

"; nor shall any person maintain or allow to remain on any premises owned or occupied by him any water closet or urinal constructed since the 23rd day of June, 1927, and before the commencement of this Ordinance, unless such water closet or urinal was constructed with the permission of the Sanitary Board and of the Colonial Secretary and in accordance with the terms of such permission."

(b) By the substitution of the following for sub-section (2):—

"(2) Except with the permission of the Building Authority and in accordance with the terms of such permission no person shall construct any water closet or urinal: Provided that any person aggrieved by the grant or refusal of such permission or by the terms thereof may refer to the Council, whose decision, subject to the right of appeal given by section 84, shall determine the matter."

The object of this amendment is to prevent delay in dealing with applications to instal sanitary conveniences. The Government has been approached by a number of architects with a view to having such applications dealt with by the Building Authority. At the same time the Government is aware that the Sanitary Board desires to retain its control over such installations. The amendment meets both views by providing that whilst the Building Authority shall deal with the applications, any person aggrieved by his decision, either to grant or refuse or by any terms he may impose, shall have the right to refer the matter to the Urban Council who can over-rule him, subject of course to the ultimate right of appeal to the Governor in Council given by section 84.

THE COLONIAL SECRETARY seconded, and this was agreed to.

Upon Council resuming,

THE ATTORNEY GENERAL.—I have to report that in Committee Clause 42 of this Bill was materially amended. Before it can be read a third time it will have to be published in the *Gazette* under Standing Order 28.

H.E. THE GOVERNOR.—The third reading will be taken at the next meeting of the Council.

PUBLIC HEALTH (FOOD) ORDINANCE, 1935.

THE ATTORNEY GENERAL laid upon the table the report of the Standing Law Committee on "A Bill to make better provision for the maintenance of Public Health in relation to Food," and moved that the Bill as amended by the Standing Law Committee, and published in the *Gazette* of March 8th, 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 Public Health (Food) 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:—

1. Hawkers should be dealt with under a separate Ordinance.
We therefore suggest
 - (a) in the long title
delete "and Hawkers"
 - (b) Clause 5
delete para. (8) and renumber subsequent paragraphs accordingly.
 - (c) delete clause 12 and renumber the following clause accordingly.
 - (d) delete the Hawkers Regulations on pages 16 to 23 and transfer them to the Hawkers Bill.
2. Clause 2 page 1
 - (a) definition of "Colonial Veterinary Surgeon" insert "Colonial" after "Assistant" in line 4.
 - (b) definition of "Health Officer" insert "any Colonial Veterinary Surgeon" after "Governor," in line 3.
3. Clause 4 (1) (2) (3) page 2
insert "Health Officer or" after "Any" in first line of each sub-section.
4. Clause 5 (6) page 3
delete "human" in line 2.
5. Clause 8 (2) page 4
add "or on breach of any condition of the licence" after "subject" in the last line.
6. Clause 11 page 4
substitute "any enactment" for "any Ordinance" in line 6.
7.
 - (a) By-law 13 page 6
substitute "exempted by the Council" for "tiled" in line 1.
 - (b) By-law 14 (ii) page 6
delete "dung and other".
8. By-law 19 page 7
substitute "may call upon" for ", if accompanied by".
9. By-law 3 page 8
add "Ceilings shall be rendered and kept dust proof".
10. By-law 5 page 8
delete the by-law as printed and substitute "5. Every food factory shall have an ample

- supply of good notable water, and, except with the special permission of the Council, the water shall be laid on to the premises from the public water mains."
11. Page 9
add as a new by-law
"17. Every food factory shall be provided with adequate kitchen, ablution, urinal and latrine accommodation to the satisfaction of the Council."
 12. By-law 6 page 9
insert "premises," after "All" in line 1.
 13. By-law 13 page 9
add "Ceilings shall be rendered and kept dust proof."
 14. By-law 2 page 10
add "The walls shall be rendered to the height of seven feet with cement-mortar or other non-absorbent material or be otherwise constructed and maintained to the satisfaction of the Council."
 15. Page 10
add as an additional by-law
"11. Where any part of a floor of a bakehouse is used for sleeping purposes, such part shall be partitioned off from the remainder of the floor to the satisfaction of the Council; 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."
 16. By-law 1 page 11
 - (a) substitute "such as" for "that is to say," in line 4.
 - (b) delete "in tins, pots, bottles, jars, barrels, drums and similar receptacles;" in lines 8 and 9.
 17. By-law 3 (1) page 11
insert "business in" after "commence" in line 1.
 18. By-law 4 (8) page 12
add "Ceilings shall be rendered and kept dust proof".
 19. By-law 4 (12) page 12
substitute "this by-law" for "by-law 3" in line 2.
 20. By-law 1 page 13
 - (a) substitute "Whitfield" for "Whitfied" in line 4.
 - (b) substitute "or Aplichau" for "and Aplichau".
 21. By-law 3 (2) page 13
substitute "conditions" for "terms" in line 2.
 22. By-law 4 page 13
substitute "any breach of these by-laws or of any prescribed condition of a licence shall render the licence" for the first line.

23. By-law 5 page 13
substitute "Secretary" for "Chairman" in line 2.
24. By-law 8 page 14
substitute "Any Health Officer or Food Officer" for "The Inspector of Markets".
25. Page 14
Combine by-laws 11 and 12 as by-law 11 and add the following by-law
"12. Every food shop shall have an ample supply of good potable water, and, except with the special permission of the Council, this water shall be laid on to the premises from the public water mains."
26. By-law 35 page 15
delete ", etc. of the goods" in line 5 and substitute "of the goods and such other details respecting them".
27. By-law 37 page 15
insert "rendered and kept" before "dust proof" in line 8.
28. By-law 40 (a) page 26
add "The Council may require that such imported meat shall be inspected by a Food Officer before being exposed for sale."
29. By-law 41 page 26
insert ", goats' flesh" after "mutton" in line 2.
30. By-law 7 page 28
 - (a) insert "(1)" after "7." in line 1.
 - (b) add the following paragraph:—
"(2) Those parts of the premises in which cooking, preparation or storage of food is carried out shall have walls imperviously surfaced to a minimum height of eight feet."
31. By-law 9 page 28
 - (a) insert "(1)" after "9" in line 1.
 - (b) add the following paragraph:—
"(2) Where such permission has been given, no part of a floor to which the licence relates is to be used for sleeping purposes unless it has been partitioned off from the remainder of the floor to the satisfaction of the Council; and no part of the trade shall be carried on and no storage of food or utensils shall be permitted in the part so partitioned off for sleeping purposes."
32. By-law 16 page 28
 - (a) insert "(1)" after "16" in line 1.
 - (b) add the following paragraph:—
"(2) All receptacles used for the storage of food shall be made of, or lined with, impervious material, and shall have insect-proof lids or covers."
33. Page 28
After by-law 20 insert the following
"21.—(1) Every licensee, and every person

desirous of obtaining a licence to use as a restaurant or eating-house premises which include the upper floors, or any portion thereof, of any building, shall give or cause to be given to the Chief Officer of the Fire Brigade, or any officer of the Fire Brigade deputed by him, all reasonable facilities to inspect, from time to time during the hours between 8 a.m. and 6 p.m., such premises with a view to ascertaining the precautions taken and available against fire, and the suitability of such premises for use as a restaurant or eating-house touching matters with which the Fire Brigade is concerned, and reporting thereon to the Council.

(2) Every licensee, and person aforesaid, shall comply with the requirements considered and notified by the Council to be necessary as regards precautions and steps to be taken to prevent or mitigate danger or accident from fire, if a licence in respect of such premises is to be continued or granted, as the case may be.

22. Every restaurant and eating-house shall have an ample supply of good potable water, and except with the special permission of the Council, the water shall be laid on to the premises from the public water mains."

34. Page 28
renumber by-law 21 as 23.
35. Page 32 by-law 37 (2)
delete "officer in charge and used by him alone" in lines 3 and 4 and substitute "Food Officer on duty and shall be used only by an officer authorised by the Colonial Veterinary Surgeon."
36. Page 33
Substitute "Sai Wan Ho" for "Shamshuipo, Shaukiwan" in the heading and also in line 2 of by-law 46.
37. Print the Bill with these amendments, publish it in the *Gazette*, and ask the Council's permission for its substitution for the Bill as read a second time in accordance with Standing Order 27 (14).

(Sd.) C. G. ALABASTER,

Chairman of the Standing Law Committee.

4th March, 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 21st.

FINANCE COMMITTEE.

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

Votes totalling \$76,482 were considered.

Item 10.—34, Public Works Extraordinary:—Kowloon. Buildings. 42—Furniture Workshop and Store \$12,000.00.

HON. SIR HENRY POLLOCK.—I notice in Item 10 that the contractor failed to complete the work. Has the Government suffered any damage by the contractor's failure and has the Government taken any steps to recover that damage from the contractor?

THE DIRECTOR OF PUBLIC WORKS.—The work will not suffer any loss because there was money in hand when he finished. A new contract has been signed and the work is going on quite well.

All the votes were approved.
