

*21st March, 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, 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.

**PAPERS.**

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

By-law under section 16 of the Public Health and Buildings Ordinance, 1903, relating to Offensive trades.

Report of the Registrar of the Supreme Court, Official Trustee, Official Administrator and Registrar of Companies for the year 1934.

**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. 4 of 14th March, 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 26th February, 1935, be adopted. This By-law authorises the Board to fix the charges for conservancy during the year.

THE COLONIAL SECRETARY seconded, and this was agreed to.

**MOTIONS.**

THE ATTORNEY GENERAL.—I move that the amendment to Rule 13 of the Hong Kong Divorce Ordinance Rules, 1933, made on the 26th day of February, 1935, by the Chief Justice under Section 48 of the Divorce Ordinance, 1932, be approved. The new Divorce Rule amends Rule 13 of the Rules published by notification No. 678 in the *Gazette* of the 13th October, 1933, by adding a "not" which had been accidentally omitted from the last line of the rule.

The Rule as amended provides that a Petitioner cannot proceed to trial unless an appearance has been entered by or on behalf of the Respondents or it has been shown by affidavit filed in the Registry that they have been duly served with the Petition and by certificate of the Registrar filed in the Registry that they have not appeared.

THE COLONIAL SECRETARY seconded, and this was agreed to.

**PEAK TRAMWAY AMENDMENT ORDINANCE, 1935.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Peak Tramway Ordinance, 1883". He said: The object of this Bill is explained in the Objects and Reasons. The Bill is correctly titled in the draft but the wrong year is given in the motion paper. The motion as it appears in the orders of the day gives the date of the original Ordinance as 1926. It should read 1883.

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 12 (1) of the principal Ordinance, No. 2 of 1883, enables the Government in certain events to purchase all lands, buildings, works, materials and plant of the Peak Tramways Company Limited suitable to and used for the purpose of its undertaking. The word "undertaking" is defined in section 2 (c).

2. The Company contemplates erecting, on part of its land over the Lower Tram Station, certain residential flats and the object of this amending Ordinance is to include such flats in any sale under section 12 unless the Governor in Council by notice in writing declares that the land and the building are to be excluded from the sale. This object is effected by section 2 of this Ordinance which adds a proviso to section 12 of the principal Ordinance.

3. Section 3 of this Ordinance enacts the usual saving clause required by Article XXVII of the Royal Instructions in the case of every Bill intended to affect or benefit some particular person, association or corporate body.

**TELEPHONE AMENDMENT ORDINANCE, 1935.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "A Bill to amend further the Telephone Ordinance, 1925."

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 3.

H.E. THE GOVERNOR.—There is no marginal note to this Clause.

THE ATTORNEY GENERAL.—The "3" ought to be a smaller figure than it appears in print and the next clause should be marked "3" instead of "4." I move that this alteration be made.

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 (SANITATION) ORDINANCE, 1935.**

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

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

### **PUBLIC HEALTH (ANIMALS AND BIRDS) ORDINANCE, 1935.**

THE ATTORNEY GENERAL laid upon the table the report of the Standing Law Committee on "A Bill to consolidate and amend the law relating to Quarantine and the Prevention of Disease among animals and birds", and moved that the Bill as amended by the Standing Law Committee, and published in the *Gazette* of 15th March, 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 (Animals and Birds) Bill.**

This Bill was considered by the Standing Law Committee at meetings held on the 22nd February and the 8th March and as the result of such consideration the following recommendations are made by the Committee:—

1. Clause 2  
(a) insert the following after paragraph (e):—

- (f) "Colonial Veterinary Surgeon" includes any Veterinary Surgeon authorised by the Governor to perform the duties of a Colonial Veterinary Surgeon under this Ordinance and also any Assistant Colonial Veterinary Surgeon.
        - (b) re-letter the subsequent paragraphs accordingly as (g) to (n).
- 2. Clause 4
  - (a) renumber the clause as sub-section (1).
  - (b) add as sub-section (2) the following:—
    - (2) The by-laws in the Schedule shall be in force except as they may be rescinded, suspended, amended or added to by by-laws made by the Council under section 3.
  - (c) delete marginal note and substitute "By-laws subject to approval of Legislative Council. Schedule."
- 3. Delete the heading to clause 5.
- 4. Clause 5
  - (a) delete sub-section (1).
  - (b) renumber the subsequent sub-section as (1), (2) and (3).
- 5. Clauses 6 and 10
  - delete the whole of these clauses.
- 6. Renumber clause 29 as clause 6.
- 7. Transfer the heading to clause 66 to follow the new clause 6.
- 8. Delete clause 65.
- 9. Clause 66
  - (a) renumber the clause as clause 7.
  - (b) insert "or bird" after "animal" in line 4.
  - (c) add "or of any by-law thereunder" after "Ordinance" in line 5.
  - (d) insert "or birds" after "animals" in the marginal note.
- 10. Clause 67
  - Renumber the clause as clause 8.
- 11. Clause 68
  - (a) renumber the clause as clause 9.
  - (b) insert "or of any by-law thereunder" after "Ordinance" in line 3.
- 12. Clause 69
  - (a) Renumber as clause 10.
  - (b) Insert "or of any by-law thereunder" after "Ordinance" in line 2.
  - (c) add "or any by-law" after "Ordinance" in line 4.

13. Clause 70  
Delete this clause which is not within the title to the Ordinance and is sufficiently covered by clause 72 of the Public Health (Sanitation) Bill.
14. Insert the following heading and clause as clause 11.

Penalties.

Penalties. 11.—(1) Every person who contravenes any of the provisions of this Ordinance or of any by-law made thereunder shall be liable on summary conviction to a fine not exceeding one hundred dollars, as well as to suffer any forfeiture that may be prescribed therein.

(2) Any licence or permit issued under any by-law made under this Ordinance shall be liable to cancellation by the Council for breach of any by-law to which the holder of such licence is subject, or for breach of any condition of such licence or permit.
15. Clause 71  
Re-number as clause 12.
16. Clause 72  
Re-number as clause 13.
17. Clauses 7 to 9, 11 to 28, 30 to 56
  - (a) All these clauses shall be transferred to a Schedule of by-laws.
  - (b) Clauses 7 and 9  
Re-number as by-laws 1 to 3.
  - (c) Clause 11  
Re-number as by-law 4 under the heading "Special Permits".
  - (d) Clause 12  
Re-number as by-law 5.
  - (e) Clauses 13 and 14  
Re-number as by-laws 7 and 6 and transpose them.
  - (f) Clause 15  
Re-number as by-law 8 under a new heading "Destruction".
  - (g) Clauses 16 to 18  
Re-number as by-laws 9 to 11.
  - (h) Clause 19
    - (a) delete the comma after "contact" in line 2.
    - (b) Re-number as by-law 12.
  - (i) Clause 20  
Re-number as by-law 13.
  - (j) Clause 21.
    - (a) Re-number as by-law 14

- (b) substitute "Appendix" for "Schedule" in the last line of paragraph (a) and also in the marginal note.
  - (k) Clause 22 to 26  
Renumber as by-laws 15 to 19.
  - (l) Clause 27
    - (a) Renumber as by-law 20.
    - (b) substitute "by-law 21" for "section 28".
  - (m) Clause 28  
Renumber as by-law 21.
  - (n) Clauses 30 to 32  
Renumber as by-laws 22 to 24.
  - (o) Clause 33
    - (a) Renumber as by-law 25.
    - (b) substitute "by-law 24" for "section 32" in line 3.
  - (p) Clause 34
    - (a) Renumber as by-law 26.
    - (b) substitute "by-laws 31, 32 and 33" for "sections 39, 40 and 41" in line 2.
  - (q) Clauses 35 to 37  
Renumber as by-laws 27 to 29.
  - (r) Clause 38
    - (a) Renumber as by-law 30.
    - (b) substitute "by-law 27" for "section 35" in line 3.
  - (s) Clauses 39 to 44  
Renumber as by-laws 31 to 36.
  - (t) Clause 45
    - (a) Renumber as by-law 37.
    - (b) substitute "by-law 9" for "section 16".
  - (u) Clauses 46 to 58  
Renumber as by-laws 38 to 50.
  - (v) Clause 59
    - (a) Renumber as by-law 51.
    - (b) substitute "by-laws 41 and 44" for "sections 49 to 52".
  - (w) Clauses 60 to 64  
Renumber as by-laws 52 to 56.
  - (x) On page 12
    - (a) Substitute "Appendix (by-law 14)" for "Schedule. (s. 21)".
    - (b) substitute "cattle" for "bovine animals" in the heading of Form A.
18. Publish the Bill, amended as above, in the *Gazette* and ask the Council to permit its substitution for the Bill as read a second time under Standing Order 27 (14).

(Sd.) C. G. Alabaster,

Chairman of Standing Law Committee.

9th 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 second time and passed.

#### **ADJOURNMENT.**

H.E. THE GOVERNOR: Council stands adjourned until Thursday, March 28th.

#### **FINANCE COMMITTEE.**

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

Votes totalling \$71,387 were approved.

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