

13th June, 1935.

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PRESENT:—

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT (SIR THOMAS SOUTHORN, K.B.E., C.M.G.).

THE HONOURABLE THE OFFICER COMMANDING THE TROOPS (BRIGADIER H. G. SETH-SMITH, D.S.O.).

THE COLONIAL SECRETARY (HON. MR. D. W. TRATMAN, 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. W. H. BELL.

HON. MR. S. W. TSO, C.B.E., LL.D.

HON. MR. T. N. CHAU.

HON. MR. J. J. PATERSON.

MR. H. R. BUTTERS, (Deputy Clerk of Councils).

ABSENT:—

HON. MR. J. P. BRAGA, O.B.E.

MINUTES.

The Minutes of the previous meeting were read and confirmed.

NEW MEMBERS.

The Honourable the Officer Commanding the Troops (Brigadier H. G. Seth-Smith, D.S.O.) and the Colonial Secretary (Hon. Mr. D. W. Tratman, C.M.G.) took the Oath of Allegiance and assumed their seats as members of the Council.

PAPERS.

THE COLONIAL SECRETARY, by command of His Excellency the Officer Administering the Government, laid upon the table the following papers:—

Order under section 4 of the Importation and Exportation Ordinance, 1915, amending the regulations relating to Prohibited Exports.

Order under section 4 of the Nurses Registration Ordinance, 1931, amending the Syllabus of Subjects for Examination for Certificate of General Nursing.

Order under section 17 of the Prisons Ordinance, 1932, amending the rules relating to the use of mechanical restraints in the Prisons.

Regulations under section 54 of the New Territories Regulation Ordinance, 1910, amending the regulations relating to Land Office Fees.

Regulations under section 3 of the Miscellaneous Licences Ordinance, 1933, amending the regulations relating to Money-changers.

Amendments to the regulations under section 12 (1) of the Female Domestic Service Ordinance, 1923.

Regulation under section 4 of the Importation and Exportation Ordinance, 1915, relating to the exportation of Silver.

Financial Returns for the year 1934.

Report on the Finances for the year 1934.

Report of the Harbour Master and Director of Air Services for the year 1934.

Report of the General Post Office, Hong Kong, for the year 1934.

FINANCE COMMITTEE'S REPORT.

THE COLONIAL SECRETARY, by command of His Excellency the Officer Administering the Government, laid on the table the report of the Finance Committee, No. 8 of 16th May, 1935, and moved that it be adopted.

THE COLONIAL TREASURER seconded, and this was agreed to.

**LUNACY (PAYMENT OF PUBLIC ALLOWANCES)
ORDINANCE, 1935.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to regulate the payment of emoluments, pensions, gratuities or other allowances due to persons certified to be unable by reason of mental disability to manage their affairs." He said: This Bill will introduce into the Colony the provisions of a section of the Lunacy Act, 1890 at Home which it has been found necessary to introduce here."

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 335 of the Lunacy Act, 1890, provides that when any sum in respect of pay, pension, superannuation, or other allowance, or annuity under the control or management of any public department is payable to any person, in respect either of service as a civil servant or of military or naval service or of provision for a widow or child of a person employed in civil, military or naval service, and the person to whom the sum is payable is certified by a justice or minister of religion, and by a medical practitioner, to be unable by reason of mental disability to manage his or her affairs, the public department may pay so much of the said sum as the department may think fit to the institution or person having the care of the disabled person, and may pay the surplus, if any, or such part thereof as the department may think fit, for or towards the maintenance and benefit of the wife or husband and relatives of the disabled person and the department shall be discharged from all liability in respect of any sums so paid.

2. That section of the Lunacy Act, 1890, is not in force in the Colony under either section 8 of Ordinance No. 3 of 1873, or Ordinance No. 3 of 1906 which deal with the Jurisdiction of the Supreme Court with respect to lunatics.

3. This Ordinance therefore enacts a provision on the lines generally of section 335 of the Lunacy Act, 1890, but by section 2 it is limited to personal emoluments, pensions, gratuities or other allowances payable out of the revenues of the Colony to any public servant, his widow or child and certification of mental disability by two persons who are either Government Medical Officers or medical practitioners is required. Also the discretionary power is vested in the Governor in Council and not in any department.

4. "Public servant" and "Medical practitioner" are defined in the Interpretation Ordinance No. 31 of 1911.

MERCHANT SHIPPING AMENDMENT ORDINANCE, 1935.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend further the law relating to Merchant Shipping." He said: The Government has received information that it is the intention of His Majesty by an Order-in-Council to apply the provisions of Part I of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, to the Colony with certain adaptations on 1st July. It is therefore necessary to bring our Merchant Shipping Ordinance into line with the amendments which will be required by the application of the International Safety Convention to Hong Kong. Therefore this Bill has been drafted, with a clause at the end bringing it into force on the 1st July, making the necessary amendments each one of which is explained in detail 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. The extension to the Colony of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, by Orders in Council under sections 36 and 64 thereof makes it necessary to amend the local Merchant Shipping Ordinance, No. 10 of 1899.

2. As it is understood that Part II of the Act, dealing with Load Line and Loading, may be extended to the Colony by Order in Council before Part I, dealing with Safety of Life at Sea, is so extended, the Merchant Shipping (No. 2) Amendment Ordinance, 1934, has already been passed making the amendments in the principal Ordinance required by the extension of Part II of the Act to the Colony.

3. Further amendments will be required when Part I of the Act is extended, and this draft Bill has been prepared accordingly.

4. Clause 2 provides a definition of "Governor", derived from the Air Navigation (Colonies, Protectorates and Mandated Territories) Order in Council of 1927, which is necessary to enable the Governor to delegate any of his powers under the Ordinance. The clause also substitutes for the old definition of "passenger" the definition given in section 267 of the Merchant Shipping Act, 1894, as amended by s. 33 of the Act of 1932, and in the definition of "steamship" includes "steamer", a word which is used in the 1932 Act instead of steamship.

5. Clause 3 adds a proviso to section 10 (2) of the principal Ordinance modifying the provisions of that subsection in the case of Safety Convention passenger ships (see section 21 (3) of the Merchant Shipping (Safety and Load Line Conventions) Act 1932).

6. Clause 4 adds a sentence to section 10 (4) of the principal Ordinance which will make it clear that the Government Surveyors may be classified as ship, engineer and wireless telegraphy surveyors.

7. Clause 5 substitutes a new sub-section for section 10 (6) of the principal Ordinance. This amendment will enable the Governor in Council to make regulations and issue instructions similar to those made or issued by the Board of Trade under sections 724 (3) of the Act of 1894, as affected by section 1 (1) of the Act of 1932. Paragraphs (i) and (ii) of the new sub-section 10 (6) correspond with paragraphs (b) and (c) of section 1 (1) of the 1932 Act which deal with the powers of the Board of Trade as respects certain classes of ships; and paragraphs (a) and (b) of the new sub-section 10 (6) correspond with paragraphs (a) and (d) of the 1932 Act which deal with the powers of the Board of Trade as respects individual ships. In the notes to the First Schedule of the draft Merchant Shipping Safety Convention (Hong Kong) No. 1 Order, enclosed in the Board of Trade letter to the Colonial Office of the 25th August, 1933, and forwarded to Hong Kong with the Secretary of State's despatch of the 25th September, 1933, it is suggested that the Hong Kong Authorities should make their own Construction Regulations and it is pointed out that the application of the Safety Convention to Hong Kong will mean that passenger ships registered in the Colony, which require Safety Certificates, will have to comply with the Convention requirements and that the Hong Kong Regulations will, therefore, have to ensure that this standard is complied with. The Hong Kong Construction Regulations will naturally be based on the regulations and instructions issued by the Board of Trade, due regard being had to the position of ships engaged in short international voyages, unberthed passenger trades, and international coasting voyages.

8. Clause 6 substitutes for paragraphs (a) and (b) of section 10 (8) of the principal Ordinance three paragraphs on the lines of section 272 of the Merchant Shipping Act, 1894, as amended by sections 2 (1), 2 (2), 5 (4) and 9 (2) of the Act of 1932.

9. Clause 7 adds a new sub-section (8A) to section 10 of the principal Ordinance on the lines of section 2 (3) of the Act of 1932.

10. Clause 8 gives the name in local use (passenger certificate) to the certificate issued by the Governor under section 10 (10) of the principal Ordinance as enacted by section 5 of Ordinance No. 23 of 1932. This corresponds with the term "passenger steamer certificate" used in sections 276 to 282 of the Act of 1894. Sub-section 10 (3) is not altered in this respect because the expression "certificates as to survey" there used corresponds with a similar expression in section 271 (1) (b) of the Act of 1894.

11. Clause 9 adds a new sub-section (10A) to section 10 of the principal Ordinance on the lines of section 15 (4) of the Act of 1932.

12. Clause 10 redrafts section 10 (11) of the principal Ordinance. Such redrafting appears necessary if the office of the person authorised under section (10A) to sign the certificate is not the Colonial Secretariat.

13. Clause 11 increases the dollar penalties provided in sub-sections (5), (7), (9), (18), (20) and (21) of section 10 of the principal Ordinance so as to make them approximate more closely to the sterling penalties provided by the corresponding sections 725 (2), 724 (4), 273 (2), 280 (2), 281 (2) and 726 (3) of the Act of 1894.

14. Clause 12 amends section 11 of the principal Ordinance by repealing paragraph (c) of sub-section (1). That paragraph was derived from section 285 (2) of the Act of 1894 which is repealed by section 5 (4) of the Act of 1932. Clause 12 also doubles the penalties provided by sub-sections (2) and (4) of section 11 of the principal Ordinance so as to make them approximate more closely to the sterling penalties provided by the corresponding sections 285 (5) and 286 of the Act of 1932.

15. Clause 13 repeals sub-sections (1) to (7) of section 13 of the principal Ordinance and replaces them with seven revised sub-sections. Sub-section (1) applies the Board of Trade life saving appliances rules to the Colony in respect of certain steamships, with a proviso enabling the Governor in Council to make regulations with regard to ships to which those rules do not apply.

Sub-section (2) is derived from section 428 of the Act of 1894. Ships under sixty tons and ferry vessels are dealt with under sections 4 (3A), 10 (1) and 37 and Table E of the principal Ordinance as amended by Ordinance No. 28 of 1933. Sub-section (3) is derived from section 430 (1) of the Act of 1894 as amended by section 5 (2) of the Act of 1932. Sub-sections (4), (5) and (6) are derived from section 5 (3) of the Act of 1932. Sub-section (7) is derived from section 9 of the Act of 1906 as amended by section 5 (5) of the Act of 1932.

16. Clause 14 repeals the second proviso to section 13 of the principal Ordinance and substitutes a new proviso, on lines suggested by the Board of Trade, exempting from the operation of sub-sections (1) to (7) of section 13—

(a) ships of Convention countries armed with Safety Certificates, and

(b) ships of non-Convention countries which, despite non-adherence to the Convention, make proper provision for safety of life on board their ships at sea.

17. Clauses 15 and 16 amend sections 19 and 20 of the principal Ordinance by substituting references to the Magistrates Ordinance, 1932, for the references to the Magistrates Ordinance, 1890.

18. Clause 17 substitutes a revised section for section 38 of the principal Ordinance, the repealed section having authorised special licences for river steamers which were subject to the regulations in Table F. In practice, however, such licences are not issued; but Table F is used to determine the number of passengers which such steamers are authorised to carry by their passenger certificates.

19. Clause 18 adds a sub-section (3A) to section 41 of the principal Ordinance on the lines of section 69 of the Act of 1932.

20. Clause 19 increases the dollar penalties provided in sub-sections (7) and (8) of section 41 of the principal Ordinance so as to make them approximate more closely to the sterling penalties provided by the corresponding sub-sections (1) and (2) of section 692 of the Act of 1894.

21. Clause 20 adds a paragraph to section 42 (1) of the principal Ordinance giving the Governor in Council express power to amend, vary, rescind, revoke or suspend the Tables in the Schedule. Many of these Tables require revision and although the

power to deal with them is probably given in section 40 (1) of the Interpretation Ordinance, No. 31 of 1911, it is considered desirable to give an express power in the principal Ordinance.

22. Clause 21 makes an addition to section 46 of the principal Ordinance necessitated by the use of the word "steamer" in the Act, in the Ordinance and in this Bill.

23. Clause 22, which has been added in consequence of instructions received in the Secretary of State's telegram of the 27th May, 1935, amends section 4 of the principal Ordinance by the addition thereto of a new sub-section, numbered (1A), which provides that every officer on board a foreign passenger steamship who has received a certificate of competency granted by a competent authority of his country, which the Governor is satisfied is of corresponding value to any certificate of competency granted under the Ordinance, shall be deemed to be duly certificated under the Ordinance in respect of such foreign steamship, provided that his certificate is of a grade appropriate to his station in the foreign steamship or of a higher grade.

24. Clause 23 brings this amending Ordinance into force on the 1st July, 1935 on which date Part I of the Act of 1932 will be extended to the Colony by Order in Council.

PENSIONS AMENDMENT ORDINANCE, 1935.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Pensions Ordinance, 1932." He said: This Bill makes two small amendments in the principal Ordinance. The first will enable Indian subordinate officers in the Prison Department of not less than fifteen years' service to retire at the age of 45; and the second makes it clear that the attendants and nurses who are permitted to retire at 50 are female attendants and nurses."

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 purpose of this amending Ordinance is to allow Indian subordinate officers of the Prison Department who have not less than 15 years service to retire on pension at the age of forty five.

2. Under the existing law the ordinary retiring age for such officers is fifty, but it is considered that in this respect their conditions of service should be assimilated to those of Indian police officers who are allowed to retire at forty five.

3. The new Ordinance accordingly repeals paragraph (c) of section 8 of the principal Ordinance, in which Indian subordinate officers of the Prison Department were grouped with lady medical officers, ladies serving in the Education Department, European attendants at Government mental hospitals and nurses, other than European matrons or European nursing sisters referred to in paragraph (d), and substitutes two new paragraphs, (c) relating to Indian subordinate officers of the Prison Department, and (cc) relating to the others grouped with them in the repealed paragraph. In the new paragraph (cc) the words "being a woman, she" have been substituted for "he" to make it clear that the paragraph does not refer to male attendants or male nurses.

IMMIGRATION AND PASSPORTS AMENDMENT ORDINANCE, 1935.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Immigration and Passports Ordinance, 1934."

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.

COMPANIES AMENDMENT ORDINANCE, 1935.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Companies Ordinance, 1932."

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.

LEPERS ORDINANCE, 1935.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to provide for the segregation and the treatment of lepers."

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.

TOKENS ORDINANCE, 1935.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to prevent the making, issuing, and circulating of pieces of metal usually called tokens."

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.

ADJOURNMENT.

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT.—
Council stands adjourned until Thursday, June 27th.

FINANCE COMMITTEE.

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

Votes totalling \$24,822, contained in Message No. 9 from His Excellency the Governor, were considered.

All the votes were approved.
