

*5th September, 1935.*

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**PRESENT:—**

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

HIS EXCELLENCY THE OFFICER COMMANDING THE TROOPS (LIEUTENANT-GENERAL O. C. BORRETT, C.B., C.M.G., C.B.E., D.S.O.).

THE COLONIAL SECRETARY (HON. MR. N. L. SMITH, *Acting*).

THE ATTORNEY GENERAL (HON. MR. C. G. ALABASTER, O.B.E., K.C.).

THE SECRETARY FOR CHINESE AFFAIRS (HON. MR. E. H. WILLIAMS, *Acting*).

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, O.B.E.

HON. MR. S. W. TS'O, C.B.E., LL.D.

HON. MR. T. N. CHAU.

HON. MR. J. J. PATERSON.

HON. MR. W. H. BELL.

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

**MINUTES.**

The Minutes of the previous meeting of the Council were read and confirmed.

**NEW MEMBERS.**

The Secretary for Chinese Affairs (Hon. Mr. E. H. Williams) took the oath of allegiance and assumed his seat as a member of the Council.

**PAPERS.**

THE COLONIAL SECRETARY, by command of H.E. the Officer Administering the Government, laid upon the table the following papers:

Regulations under sections 37(2) and 42(1) of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, regarding the anchoring, etc., of launches, ferry vessels and motor boats at Repulse Bay.

Amendment to the Scavenging and Conservancy By-laws made under section 16(7) of the Public Health and Buildings Ordinance, 1903.

Order under section 12 of the Rope Company's Tramway Ordinance, 1901.

Administration Report, 1934:—

Part II.—Law and Order:—

Police Magistrates' Courts.

Part IV.—Education:—

Education.

**FINANCE COMMITTEE'S REPORT.**

THE COLONIAL SECRETARY, by command of H.E. the Officer Administering the Government, laid upon the table the report of the Finance Committee, No. 12 of August 22nd, 1935, and moved that it be adopted.

THE COLONIAL TREASURER seconded, and this was agreed to.

**MOTIONS.**

THE COLONIAL TREASURER.—The Resolutions standing in my name are in connection with approved loan works.

Expenditure on loan works in 1935 was originally estimated at \$4,727,679.69 and of this amount the sum of \$2,152,984 (excluding Crown Agents' charges for June and July) had been expended by the end of July.

Ordinance 11 of 1934 authorises the Governor to borrow up to a sum not exceeding 25 million dollars. \$13,860,000 has already been borrowed—and an additional \$2,217,067.30 has already been advanced, with the consent of Council, from surplus balances, \$217,067.30 having been approved for 1934 and \$2,000,000 for the first half of 1935.

The revised estimate for loan works during 1935 is \$4,771,371, and as our cash resources at present will permit the payment of this sum from surplus balances, with the economies attendant on such payment, I ask that in addition to the sum of \$2,000,000 already approved a further sum of \$2,771,371 may be advanced this year.

I now move:—

That this Council approves the further sum of \$2,771,371 on account of loan works being met from surplus balances during the financial year 1935, pending the issue of a further loan.

THE COLONIAL SECRETARY seconded, and the motion was

THE COLONIAL TREASURER.—

The second resolution deals with the Vehicular Ferry. Honourable Members will remember that when the Schedule to the Hong Kong Dollar Loan Ordinance was amended by Resolution of Council on 16th May, 1935, the total allocation of Item No. 3, Vehicular Ferry, was increased from \$1,900,000 to \$1,930,000. In the schedule of loan works annexed to the Estimates for 1935 only \$25,000 is allotted to the Vehicular Ferry as it was estimated that \$1,875,000 would be required by the end of 1934 whereas only \$1,850,418 was spent. It is now desired to increase the allotment for 1935 from \$25,000 to \$78,000 as it is considered necessary after the recent inspection by Mr. A. T. Coode to construct two new caissons, one at the end of the East arm of Jubilee Street pier and the other at the end of the West arm of the Jordan Road pier, and certain other works costing in all \$65,000. It is possible that the full \$78,000 will not be required this year, and in that case it will again be necessary for me to ask for further approval in 1936 for the unspent balance.

I now move:—

That this Council approves the expenditure of \$78,000 on the Vehicular Ferry during the year 1935.

THE COLONIAL SECRETARY seconded, and the motion was agreed to.

### **DEPORTATION OF ALIENS ORDINANCE, 1935.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to consolidate and amend the law relating to the deportation of undesirable aliens". He said: The reasons for this bill are fully set out in the memorandum of Objects and Reasons and the Table of Correspondence attached.

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. This Ordinance repeals the Deportation Ordinances of 1917, 1929 and 1931 and replaces them by an Ordinance which consolidates with certain amendments those of their provisions which related to the deportation of Aliens.

2. A Table of Correspondence is attached which sets out in detail the variations between the new Ordinance and the Ordinances it replaces.

3. The principal new provisions are:—

(1) Deportation Orders under this Ordinance will only be made against undesirables who are found by the Governor in Council to be aliens. This involves slight changes in the long and short titles, the disappearance of section 4 of Ordinance No. 25 of 1917, as enacted by Ordinance No. 7 of 1931, and of the special form of Deportation Order applicable to British subjects with consequential omissions in the sections now re-enacted as sections 2, 12, 16(5) and 18.

(2) In section 2 an alien is defined as a person who is not a British subject, a definition which has been taken from section 27 (1) of the British Nationality and Status of Aliens Act, 1914. A further provision in section 2 defines a British subject as a person of British nationality. This new definition though short is comprehensive. It replaces the provision in Ordinance No. 25 of 1917, which defined a British subject as including a natural-born British subject and a person naturalized under an Imperial Act or

under an Ordinance of the Colony. That definition is considered unsatisfactory because it appeared to throw doubt on the status of the wives of British subjects or aliens, whose nationality is determined by section 10 of the British Nationality and Status of Aliens Act, 1914 (4 & 5 Geo. 5, c. 17) as enacted by the Act of 1933 (23 & 24 Geo. 5, s. 49), and because it apparently included former British subjects who had lost their British nationality.

(3) Section 9, which replaces section 5 of the 1917 Ordinance has been revised so as to give the Inspector General of Police a discretion to release from custody persons on whom deportation orders have been served and an addition has been made to section 11 (*a*) (which replaces section 6 (*a*) of the 1917 Ordinance). These two amendments were approved by the Secretary of State in a despatch of the 9th April, 1934.

(4) Section 15 (which replaces section 11 of the 1917 Ordinance) has been revised to include other prisons besides Victoria Gaol.

(5) An eighth question has been added to form No. 2 in the Schedule, asking if the person concerned is willing to be questioned about the matter, and a new sub-section 4 (5) relating thereto has been added. This seems necessary in order to enable the person to give a full statement, if he so desires, the Full Court having held in the Sung Man Cho case, that section 3A (4) enacted in Ordinance No. 7 of 1931 (now replaced by section 4 (4) of the new Ordinance) only authorised supplementary questions confined to the particulars in the statutory questions or allegations and did not authorise the taking of a full statement.

### **LARCENY ORDINANCE, 1935.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to consolidate, amend and simplify the law relating to larceny and kindred offences."

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 24.

THE ATTORNEY GENERAL.—There is the figure "6" to be inserted before the figure "7" in the marginal note. I move that it be inserted.

THE COLONIAL SECRETARY seconded, and this was agreed to.

Schedule.

THE ATTORNEY GENERAL.—With regard to the Schedule certain blanks have to be filled in. On Page 23 I move that the figure "32," be inserted in the two blank spaces, and on Page 25 that the same figures be inserted in the three blank spaces appearing there.

THE COLONIAL SECRETARY seconded, and this was agreed to.

Upon Council resuming,

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

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

#### **FALSIFICATION OF DOCUMENTS ORDINANCE, 1935.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the law relating to the falsification of documents and to amend the Forgery Ordinance, 1922."

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.

THE ATTORNEY GENERAL.—Here again the figures "32" should be inserted in the blank space appearing in the lower marginal note. I move that this be done.

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.

**FALSE PERSONATIONS ORDINANCE, 1935.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the law relating to false personation."

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.

THE ATTORNEY GENERAL.—Here again the insertion of the figures "32" in the marginal note is necessary. I move that they be inserted.

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.

**DANGEROUS DRUGS ORDINANCE, 1935.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend and consolidate the law relating to dangerous drugs."

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.

**SUMMARY OFFENCES AMENDMENT ORDINANCE, 1935.**

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

**OFFICIAL SIGNATURES FEES ORDINANCE, 1935.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to regulate certain official signatures and to provide for the payment therefor."

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.

**ESTATE DUTY AND NEW TERRITORIES REGULATION  
AMENDMENT ORDINANCE, 1935.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the law relating to Estate Duty and to provide for the payment of any such duty, which may be due before a successor is registered without probate or administration."

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.

H.E. THE OFFICER ADMINISTERING THE GOVERNMENT.—Council stands adjourned until Thursday, 12th September.

### FINANCE COMMITTEE.

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

Votes totalling \$34,571 contained in Message No. 13 from H.E. the Officer Administering the Government, were considered.

Item 63.—Harbour Department:—Training Expenses of Assistant Government Marine Surveyors in England, \$1,256.00.

HON. SIR WILLIAM SHENTON.—What is this extra training?

THE CHAIRMAN.—It is a course in electric welding.

HON. SIR WILLIAM SHENTON.—Something outside his usual duties?

THE CHAIRMAN.—Yes.

Item 64.—Public Works Extraordinary:—New Kowloon. Miscellaneous—Kowloon Tsai Development, \$24,000.00.

HON. MR. R. H. KOTEWALL.—When is it expected that this work will be completed?

HON. DIRECTOR OF PUBLIC WORKS.—I expect about April next year. There is only one section being carried out at present.

HON. MR. R. H. KOTEWALL.—And when will some of the land be available for sale?

HON. DIRECTOR OF PUBLIC WORKS.—Some is available now but we have to put in some drains. That is covered by this expenditure.

All the votes were approved.