

22nd July, 1936.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR (SIR ANDREW CALDECOTT, Kt., C.M.G., C.B.E.).

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING THE TROOPS (MAJOR GENERAL A. W. BARTHOLOMEW, C.B., C.M.G., C.B.E., D.S.O.).

THE COLONIAL SECRETARY (HON. MR. R. A. C. NORTH, *Acting*).

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

THE SECRETARY FOR CHINESE AFFAIRS (HON. MR. W. J. CARRIE, *Acting*).

THE COLONIAL TREASURER (HON. MR. E. TAYLOR, C.M.G.).

HON. COMMANDER G. F. HOLE, R.N., (Retired) (Harbour Master).

HON. DR. A. R. WELLINGTON, C.M.G., (Director of Medical and Sanitary Services).

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

HON. MR. A. G. W. TICKLE, (Director of Public Works, *Acting*).

HON. MR. J. J. PATERSON.

HON. MR. M. K. LO.

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

HON. MR. T. N. CHAU.

HON. MR. W. H. BELL.

HON. MR. S. H. DODWELL.

HON. MR. A. F. B. SILVA-NETTO.

HON. MR. M. T. JOHNSON.

MR. D. M. MACDOUGALL (Deputy Clerk of Councils).

MINUTES.

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

RETIREMENT OF SIR SHOU-SON CHOW.

H.E. THE GOVERNOR.—On December 2nd 1921, there was appointed to this Council a Chinese gentleman who had already done good public service on Hong Kong's District Watch Committee and its Sanitary Board; a man who was destined to become a dominant personality in this Chamber and a pillar of the Colonial Administration. His name was Mr. Chow Shou-son, and he served as a member of the Legislature for ten years; receiving the honour of Knighthood in 1926, in which year he was also appointed to be the first Chinese member of our Executive Council.

A fortnight ago to-day Sir Shou-son Chow left these precincts for the last time as a Councillor in one spelling of that word, but with the generous promise that we might still rely and call upon him as a counsellor in the other spelling. I shall not forget that promise. He left, moreover, with the seal of Royal gratitude set upon all that he has done for the Government and people of Hong Kong on either Council, for His Majesty the King has been graciously pleased to approve the retention by him of the title "Honourable" within this Colony.

All of us here this afternoon will, I know, desire to congratulate him on that finely deserved honour, to wish him prolonged health and happiness in which to enjoy it, and to place on official record in the local *Hansard* an expression of our deep gratitude and admiration for his signal public service. With your permission, Gentlemen, I will ask the Clerk of Councils to forward a copy of these proceedings to Sir Shou-son Chow. (Applause).

HON. MR. J. J. PATERSON.—May I, Sir, on behalf of the Unofficial Members say how much we regret the departure of Sir Shou-son Chow. Regret is perhaps rather a selfish way of looking at it after he has carried out so fully those tasks which have fallen to his lot to perform. We think he ought to be allowed to enjoy a very long period of leisure. Sir Shou-son Chow is a man of very wide experience and the Colony has had the benefit of that experience. It is our earnest hope that the Colony will still further have the benefit of his knowledge. (Applause).

HON. MR. S. W. TS'O.—As Senior Chinese Member of this Council I should like to endorse every word Your Excellency has said concerning Sir Shou-son Chow. His vast experience of China he brought to bear on the local Chinese community for the benefit of all. I wish to associate myself with the remarks that have fallen from Your Excellency's lips. (Applause).

PAPERS.

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

Amendments made by the Governor in Council under sections 39 and 42 of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, to Table U in the Schedule to that Ordinance, dated 16th June, 1936.

Amendment made by the Governor in Council under section 15 of the Wild Birds Ordinance, 1922, Ordinance No. 15 of 1922, to the regulations in the Schedule to that Ordinance, dated 17th June, 1936.

Amendments made by the Governor in Council under sections 10 (6), 14 (7), 37 (2) and 42 (1) of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, to Table C in the Schedule to that Ordinance, dated 21st June, 1936.

Order made by the Governor in Council under section 2 of the Rating (Refunds) Ordinance, 1926, Ordinance No. 3 of 1926, dated 23rd June, 1936.

Resolution made and passed by the Legislative Council on the 24th June, 1936, under the provisions of section 7 of the Motor Spirit Ordinance, 1930, Ordinance No. 4 of 1930.

Rescission of By-law 1 contained in the Schedule of the Hawkers Ordinance, 1935, Ordinance No. 22 of 1935, under the heading "B. Licensed (itinerant) hawkers" dated 26th May, 1936.

Amendment made by the Governor in Council under section 3 of the Post Office Ordinance, 1926, Ordinance No. 7 of 1926, to paragraph (5) of Regulation 8 of the Post Office Regulations regarding the rate of postage on Small Packets, dated 2nd July, 1936.

Amendment to the Post Office Regulations made by the Governor in Council under section 3 (1) (n) of the Post Office Ordinance, 1926, Ordinance No. 7 of 1926, dated 3rd July, 1936.

Order made by the Governor in Council under section 122 of the Buildings Ordinance, 1935, Ordinance No. 18 of 1935, relating to blasting at the south side of Stanley Peninsula, dated 3rd July, 1936.

Amendments made by the Governor in Council under section 3 (1) (b) of the Motor Spirit Ordinance, 1930, Ordinance No. 4 of 1930, to the regulations in the First Schedule to that Ordinance, dated 12th July, 1936.

Order under section 75 (8) of the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, made by the Governor on the 15th day of July, 1936.

Administration Reports, 1935:—

Part I.—General Administration:

Report on the Assessment for the year 1936-1937.

Report of the Harbour Master and Director of Air Services.

Part II.—Law and Order:

Report of the Chief Officer, Fire Brigade.

QUESTIONS.

HON. MR. M. K. LO asked:—

With reference to the bathing beach known as Chek Sha, situate midway between Ban Sin Kok and Miu Sek at Junk Bay,—

I. Is Government aware:

- (a) That it is a popular bathing beach frequently resorted to by launch picnic parties?
- (b) That a fair sized cesspool was recently constructed and used within approximately 200 yards of high-water mark, and
- (c) That two sheds were built and inhabited within approximately 50 yards of the cesspool?

II. Will Government consider the question of having the cesspool and matsheds removed to some other place not adjacent to popular bathing beaches, so that the sea may not be polluted thereby?

THE COLONIAL SECRETARY replied:—

1. (a) It is understood that this is a small stony beach not particularly adapted to use by bathers, but that motor boats conveying bathers frequently anchor off the shore.

(b) Yes.

(c) Yes.

II. The cesspool and matsheds are necessary for the cultivation of private agricultural land adjoining the beach. I am informed that the cesspool does not drain on to the beach, and therefore does not pollute the sea. The cultivator might be required to remove the cesspool and the matsheds to within the boundary of his adjacent land but this would not improve the bathing amenities of the beach. In the circumstances Government does not propose to take any action.

HON. MR. M. K. LO asked:—

Will Government be good enough to furnish to this Council full information as to the supply from any Government depot or otherwise of duty-free petrol to civil servants—

- (a) setting out the terms and conditions and restrictions (if any) under which such supply is given; and
- (b) setting out the amount of duty-free petrol so supplied during the years 1934, 1935, and the first six months of 1936.

THE COLONIAL SECRETARY replied:—

Government does not supply, nor has it ever supplied, duty free petrol to Civil Servants. Civil Servants may obtain petrol for their personal use from Government Stores on payment of the contract price together with the duty.

HON. MR. M. K. LO asked:—

I. Is Government aware that in recent criminal proceedings it was proved in evidence by Crown witnesses that there were no less than 800 opium divans in the Colony, of the existence of which the Authorities had no knowledge and, if so, will Government state whether any explanation has been called for from the Departments concerned as to how such a large number of divans can exist without the knowledge of the Authorities?

II. Will Government state whether any steps have been taken to suppress these divans and, if so, with what result?

THE COLONIAL SECRETARY replied:—

Government has long been aware of the existence in the Colony of a large number of opium divans. The main difficulty in the suppression of these divans is that in many cases their locations change from day to day and it is not possible to do more than is being done at present without a very material increase in the Preventive Staff of the Imports and Exports Department.

The attention of the Honourable Member is invited to the Annual Administrative Reports of the Superintendent of Imports and Exports for the years 1933 and 1934. Steps are continually being taken to prosecute divan keepers and to check so far as possible the entry of illicit opium from which the divans draw their supplies. In 1935 the convictions obtained against divan keepers numbered 557.

URBAN COUNCIL BY-LAWS.

THE ATTORNEY GENERAL.—Sir,—I rise to move "That the amendment to the by-laws made by the Urban Council under section 3 of the Public Health (Animals and Birds) Ordinance, 1935, on the 26th day of May, 1936, be approved." The new by-law (39) replaces the old by-law of the same number and is to the same effect except that the fees charged for the housing and removal of cattle, pigs, sheep and goats be raised. In the case of cattle the fees are raised from 50 cents to 60 cents, for pigs from 10 cents to 40 cents, and for sheep and goats from 10 cents to 35 cents. Undoubtedly the Urban Council considers the higher fees are justified under present conditions.

THE COLONIAL SECRETARY seconded, and this was agreed to.

MOTIONS.

THE COLONIAL TREASURER.—Your Excellency,—The first resolution standing in my name deals with the rate of exchange at which sterling salaries for the third quarter of 1936 are to be paid. For the first quarter salaries were paid at 1s. 6d., for the second quarter at 1s. 5¼d. and the proposal now is to reduce the arbitrary rate of exchange by another ¾d. to 1s. 4½d. The Secretary of State has approved and I now move that "Resolved pursuant to section 2 (4) of the Hong Kong Government Service (Levy on Salaries) Ordinance, 1936, that after deduction of the levy, if any, and of the Widows' and Orphans' Pension Contribution, if any, or of either, the remainder of the salaries of all public officers in the Hong Kong Government Service, which are expressed in terms of sterling, whatever their amount, shall be converted at the rate of one shilling and four pence half-penny to the dollar for the months of July, August and September, 1936."

THE COLONIAL SECRETARY seconded, and this was agreed to.

THE COLONIAL TREASURER.—Your Excellency,—The next resolution is self explanatory. Council will remember that a similar concession was made in 1931 to officers who had one or two dependents in a sterling or gold standard country when salaries were paid half at 1s. 6d. and half at current rate. It is a fact that the imposition at short notice of arbitrary rates of exchange of 1s. 6d., 1s. 5¼d. and 1s. 4½d. for the first three quarters of the year has

pressed somewhat harshly on officers having to remit funds, as they were for the most part unable to adjust their expenditure immediately and have been obliged to buy sterling at the Bank's selling rate, which to-day is 1s. 3 $\frac{3}{4}$ d. It is, therefore, thought reasonable that some concession should be made to officers in this position. The scheme has been approved by the Secretary of State and has been accepted by members of the Finance Committee. Its adoption will reduce by \$25,000 the total savings under the Levy on Salaries Ordinance.

I now move "Resolved pursuant to section 6 of the Hong Kong Government Service (Levy on Salaries) Ordinance, 1936, that with effect from 1st January, 1936, until 30th September, 1936, both days included, that one sixth of the salary, if expressed in terms of sterling, of every officer of the Hong Kong Government Service, who shall have a wife or a child under the age of twenty-one years dependent on him and resident in a sterling or gold-standard country, shall be exempt (after deduction of the levy, if any, and of the Widows' and Orphans' Pension Contribution, if any, or of either) from the operation of the special conversion rate provided for in section 2 (4) of the said Ordinance during the period in which such wife or child is so resident.

"And Resolved further that in the case of such an officer, who has two or more such dependents so resident as aforesaid, the exemption (after the said deductions, if any) shall extend to one third of the salary."

THE COLONIAL SECRETARY seconded, and this was agreed to.

CROWN RIGHTS (RE-ENTRY) AMENDMENT ORDINANCE, 1936.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Crown Rights (Re-entry) Ordinance, 1870." He said: This Bill is explained in the Memorandum attached to it.

Objects and Reasons.

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

1. The object of clauses 2 and 4 of this Bill is to relieve the Governor from the obligation of personally attending to and signing memorials of re-entry under the principal Ordinance and also to dispense with the necessity for affixing the public seal to such memorials.

2. In future such memorials will be signed by the Colonial Secretary or by an Assistant Colonial Secretary authorised thereto by Command of the Governor.

3. Section 9 of the principal Ordinance, No. 4 of 1870, requires the signature of the Colonial Secretary to the memorandum of cancellation of memorials of re-entry whether such cancellation has been effected by Order of the Governor in Council or by Order of the Supreme Court under section 8. It is felt that the Clerk of Councils or the Registrar of the Supreme Court, as the case may be, are the appropriate officers to sign such memoranda. Clause 3 of this Bill amends section 9 of the principal Ordinance accordingly.

CANE FOR BIRCH SUBSTITUTION ORDINANCE, 1936.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the law relating to the instruments which may be used in flogging or whipping." He said: "It has been decided to abolish the birch which is used in England and this Colony but which is not used in other Far Eastern colonies and to substitute the cane. Birches have to come from England and are not suitable in this climate. They become either brittle and break or else wet and mouldy and do not last any length of time. It is considered desirable to bring our legislation in line with other Far Eastern colonies in this respect.

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. Three instruments are at present authorised for use in penal whippings or floggings. Under section 90 (c) of Ordinance No. 41 of 1932 boys under sixteen may be whipped within the court premises with a light cane or rattan. For floggings and whippings in prison the "cat" and the birch are the alternative instruments authorised by section 12A (c) of Ordinance No. 10 of 1886 and section 4 (1) (b) of Ordinance No. 3 of 1903. The birch only is the instrument authorised by sections 4 (2) (d) and 6 of Ordinance No. 3 of 1903. For offences punishable under Prison Rules the birch and the light cane are authorised under General Rule 317 (a) and all three instruments are authorised as alternatives under General Rule 321.

2. The object of this Bill is to abolish the birch and to substitute a light cane or rattan in all cases where the use of the birch has been authorised hitherto.

(1935 SUPPLEMENTARY) APPROPRIATION ORDINANCE, 1936.

THE COLONIAL TREASURER moved the second reading of a Bill intituled "An Ordinance to authorize the Appropriation of a Supplementary Sum of One hundred and twenty two thousand seven hundred and seventy one Dollars and fifteen Cents to defray the Charges of the year 1935."

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 COLONIAL TREASURER 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.

PLEASURE GROUNDS AND BATHING PLACES REGULATION ORDINANCE, 1936.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to regulate certain pleasure grounds, bathing places and places of public resort." He said: Since the first reading of this Bill, your Government has reconsidered its decision to ban private tents from Repulse Bay. It is decided instead to allocate an area of 150 feet in length about the centre of the beach near the central stream and in front of matsheds Nos. 27 to 32, but some distance away from them.

THE COLONIAL SECRETARY seconded.

HON. MR. M. K. LO.—Your Excellency,—When this Bill reaches the Committee Stage I propose to move the deletion of Regulation 2 (3) and (4) of the Regulations governing bathing places. But as my reasons for so doing involve a question of principle rather than a mere detail of the Bill, I feel that I should submit my reasons now. The principle involved is as to what the Legislature should do in regard to the conflicting claims and rights of bathing-shed owners and other members of the general public who desire to erect tents for their own use and convenience.

I am sure, Sir, that you desire to give a fair deal, both to the bathing-shed owners and to those who desire to use tents in connection with their bathing, and the only question is—What is a fair deal?

I concede at once that Government, having granted permits to bathing-shed holders for maintaining bathing sheds in consideration of an annual fee, should do nothing in derogation of its own grant. But as tents, to a greater or less extent, have been in use for a long time, bathing-shed holders must be presumed to hold their bathing sheds with the knowledge of the probability, or even certainty, of tents being erected near such sheds.

The number of bathing-shed owners in relation to the number of potential bathers in the Colony must be infinitesimally small.

The fact that bathing-sheds are on yearly permits may well give a false view as to the precariousness of their holding, with its equally misleading implication that members of the general public may, and do, get their turns of being bathing-shed owners. In point of fact, we know that bathing-sheds are held more or less in mortmain. Bathing-shed proprietors, either original owners or assignees from original owners, must of necessity belong to a class which can afford the capital outlay in the construction of the shed and the annual rent payable to Government—both fairly expensive items. No one begrudges the shed owners their sheds, or the amenities which such structures afford. But I submit that they are not the only persons entitled to consideration.

On the 1st July, which was a Bank holiday, I took the trouble to visit Repulse Bay and to seek the views of various shed owners. Before setting out such views I may mention that I did not see a single tent in that long stretch of beach which fronts the Lido. I do not know whether the Lido possesses all the foreshore rights, and I desire respectfully to be enlightened on this point. But I noticed that there is a stretch of beach of at least 50 yards between the stream marking what I presume to be the Lido property, and the first bathing-shed, on which no sheds have been built at all, and I should imagine that this portion could accommodate many tents.

I am happy, Sir, to report to this Council that the views of the shed owners whom I consulted were unanimous and emphatic: that they do not wish in any way to interfere unduly with the simple and innocent pleasure of tent users and that, provided certain restrictions, which I myself suggested, were to be imposed, they would welcome the presence of tents in their midst, which has the effect of adding to the gaiety and happy atmosphere of the place.

The restrictions which I suggested relate to the distance between the sheds and the tents, the distance between the tents themselves and the height of the tents, and are based more or less on the actual conditions at Repulse Bay as I found them that afternoon. I have embodied these restrictions in a suggested Regulation, which is to take the place of Regulation 2 (3), for which I will move in Committee.

I am glad, Sir, that Government has decided not to ban tents at Repulse Bay, and I know that the Government announcement in this regard was received with pleasure and a sense of relief by the public. But I still submit that, provided tents are subject to such restrictions as I have indicated, it is unnecessary to mark out any special areas and segregate tents therein as if they were unclean things.

I therefore respectfully commend my amendment to this Council, when it is put forward in the Committee Stage, as one which does fairly harmonise and reconcile the conflicting claims of the bathing-shed and tent owners.

THE ATTORNEY GENERAL.—Sir,—I am glad to hear that the honourable and learned member welcomes the Government's decision not to ban private tents at Repulse Bay. The Government's proposal is to allocate an area for the erection of these tents near the central stream which separates the matshed area from the Lido Area. It was one of the conditions of sale of Lot C of the Lido property that the Lessee should have the right of free and uninterrupted access to the sea covering the area running immediately parallel to the frontage of the Lot for the purpose of the use of that Lot as a public bathing pavilion and pleasure resort, but save as aforesaid the Lessee has acquired no rights whatever over the foreshore and sea bed in front of the said Lot. It is estimated that the area marked out for tents will permit of the erection of a row of a dozen tents or two rows of a dozen each. Further areas can be marked out if the number of tents increase. I submit, Sir, that the Government's proposals which fit in with the regulations as they stand are preferable to those contained in the regulation which the honourable and learned member intends to move in Committee. His proposals, as I understand them, would provide no special area but would limit the height of tents to seven feet and would segregate each tent so that it could not be erected within thirty feet of another tent or within sixty feet of a matshed. I see no reason under present conditions for limiting the height of the tents or for giving them the individual isolation which his proposals involve.

H.E. THE GOVERNOR.—There was one passage in my honourable friend Mr. Lo's speech which may cause misunderstanding, I think, because I have failed to grasp its meaning myself. He said that he thought it unnecessary to segregate tents as if they were unclean things. I know several English sea-side resorts very well and at each of them, if my memory is correct, there are places in which you may stick up a tent and places in which you may not. There is certainly no question there of tents being isolated as if they were unclean, a word which incidentally has inherited from Jewish law unpleasant associations with swine and leprosy and whose use I therefore deprecate in the present connection. (Laughter). There is a systematized sharing of the available area between permanent bathing shelters, tents and perhaps a few survivals of bathing machines, and as much of the shore as possible is kept clear for children to play and for grown-ups to sit or lie about in. The Regulations as drafted in the Schedule to this Bill seem to me to enable a similar sharing of amenities here, and I cannot at present see any reason for amending them on this point.

The Bill was then read a second time.

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

2nd Schedule: Bathing Places Regulations—Clause 1, Sub-section 2.

HON. MR. J. J. PATERSON.—May I talk about dogs here? My own belief is that dogs should not be allowed on bathing beaches at all. I like dogs, and I have always kept dogs. There are places for everything, but bathing beaches are no places for dogs. It is all very well to keep a dog on a lead, but it is obvious that a dog will do certain things whether it is on a lead or not. I do not know how to put this point nicely and not too crudely for the august ears of the members of this Council.

H.E. THE GOVERNOR.—You suggest, then, that the words "except on a lead" in Clause 1 Sub-clause 2, be deleted?

HON. MR. J. J. PATERSON.—Yes, Sir.

THE ATTORNEY GENERAL.—We put those words in the clause because there are certain people who have dogs and go to beaches for a whole day. They do not wish to leave their dogs at home. They take them in their cars and it is not unreasonable that they be allowed to take them out of their cars as long as they are kept on a lead. They can in that manner be kept away from bathers whom they are apt to scratch and from children whom they are apt to frighten. I would prefer to see the clause as it stands, but it is a matter of individual opinion.

HON. MR. W. H. BELL.—I would like to support Mr. Paterson.

HON. MR. M. K. LO.—I also would like to support the amendment.

The amendment was carried by 11 votes to 6.

2nd Schedule: Bathing Places Regulations—Regulation 2, Sub-section 3.

HON. MR. M. K. LO.—I move the deletion of Regulation 2, sub-section 3, namely "Tents, awnings or similar structures, in private ownership and not intended to be let for hire, may be erected and maintained without permit for periods not exceeding twelve hours in any one day on the beach at any bathing place at which no bathing sheds are maintained on areas held under permits issued by the Director of Public Works or the appropriate District Officer" and the substitution of the following regulation therefor: "Tents awnings or similar structures not exceeding 7 feet in height, in private ownership and not intended to be let, and not in fact let, for hire, may be erected and maintained without permit for periods not exceeding 12 hours in any one day on any beach: provided that no such structure shall be erected within 30 feet of another such structure, or within 60 feet in front of any bathing shed held under a permit issued by the Director of Public Works or the appropriate District Officer."

I would like to state shortly the principal reasons for not withdrawing this amendment in view of the remarks which have fallen from any honourable friend, the Attorney General. When I

visited Repulse Bay there were no tents at all in front of what is obviously an empty stretch—between the boundary of the Lido property and the first matshed. I estimated that stretch to be about 50 feet. There were practically no tents at all for quite a distance from there until you go towards the Hong Kong side. There must be something in the nature of the beach itself where people prefer to go to that particular part. From the Attorney General's statement, tents are to be forced to the very place where people do not want to go. No people have set up tents in that area and the reason which suggests itself is that it is too stony.

THE ATTORNEY GENERAL.—I have always seen tents there.

HON. MR. M. K. LO.—The tents I saw were further to the west of the end of the matsheds and not to the east of them. In any case the whole point is that matshed owners particularly informed me that they do not object to tents; but what they do object to is a line of tents obstructing their view of the sea from their matsheds.

Matshed owners, as far as I can make out, welcome the presence of tents as long as they are not too near them—at a distance of, say, 60 feet, as long as they are not jumbled together in one block.

H.E. THE GOVERNOR.—This regulation regarding allotted space is quite elastic. Next year the Director of Public Works may approve another area.

HON. MR. M. K. LO.—Then why have areas at all? Sixty feet from any matshed is sufficient to allow any tent to be erected. With due respect to my honourable friend the Attorney General I still think my amendment is preferable to his. I have no strong views on the matter, because I have no matshed of my own.

H.E. THE GOVERNOR.—It seems to me, Mr. Lo, that you envisage this matter rather as being a matter of dispute between the matshed owners and the tent owners. Personally, I am thinking of the ordinary citizens of Hong Kong.

HON. MR. M. K. LO.—So am I.

H.E. THE GOVERNOR.—We do not want our bathing beaches and our beautiful scenery to be spoiled by the unsystematic erection of tents or matsheds. I think your regulation is too specific a provision, and it does not provide, as the draft clause provides, for banning an area where the erection of tents would spoil the scenery. We should have an elastic regulation. We must think not only of the bather, but of the citizen who spends his week-ends admiring the scenery. We expect tents and matsheds at Repulse Bay, which is so popular as a bathing beach.

THE ATTORNEY GENERAL.—The Hon. Mr. Lo in his proposed amendment limits the height of tents to 7 feet. That gives very little head room especially in the case of centre pole tents.

HON. MR. M. K. LO.—An objection of the matched owners is that tents higher than seven feet will obstruct their view of the sea. They have no objection to tents up to seven feet. We should regulate between tent owners, matched owners and the public. I think seven feet is quite high enough.

H.E. THE GOVERNOR.—It appears to me that we have a more elastic instrument in the draft the Attorney General has prepared than in the one you have provided, Mr. Lo.

HON. MR. M. K. LO.—Can the regulation be reconsidered by the Governor in Council?

THE ATTORNEY GENERAL.—Yes.

H.E. THE GOVERNOR.—Does any member wish to second Mr. Lo's amendment?

HON. MR. M. K. LO.—If my amendment does not commend itself to the Council I will withdraw it.

The original Regulation was approved.

HON. MR. M. K. LO.—In view of Your Excellency's remarks regarding the historical association of the word "unclean" which I used just now, I gladly withdraw it.

H.E. THE GOVERNOR.—Thank you: I did not want this word to appear in the press without some comment.

2nd Schedule: Botanic Gardens Regulations—Regulation 9.

H.E. THE GOVERNOR.—I wish to suggest an amendment and that is that the words "Except on a lead" be inserted at the end of the Regulation. That is on Page 9. My reason is that I have a dog myself and take him out on a lead for a walk. Sometimes I like to come back through the Gardens. What is your view, Mr. Paterson, regarding dogs in the Botanic Gardens?

HON. MR. J. J. PATERSON.—People do not run around bare-footed in the Botanic Gardens. That seems to have a bearing on the case.

HON. MR. M. K. LO.—There is less temptation to let a dog off a lead in the Botanic Gardens.

THE ATTORNEY GENERAL.—Shall I move a formal amendment, Your Excellency?

H.E. THE GOVERNOR.—Yes, please.

THE ATTORNEY GENERAL.—I move that Regulation 9 on page 9 be amended by the substitution of a comma for the fullstop at the end of the clause after the word "dog" and that the words "except on a lead." 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 certain amendments. He said: The 2nd. Schedule was amended twice: the words "Except on a lead" were added to Regulation 9 in the Botanic Gardens Regulations, and deleted from Regulation 2 of the Bathing Places Regulations.

If Your Excellency rules that these amendments are immaterial the Bill can now be read a third time and passed. If Your Excellency rules that they are material amendments, the Bill, as amended must be published in the *Government Gazette* and the Third Reading taken at the next meeting of the Council.

H.E. THE GOVERNOR.—Both these amendments can be re-amended if necessary?

THE ATTORNEY GENERAL.—Yes, by the Governor-in-Council.

H.E. THE GOVERNOR.—I rule, therefore, that the amendments are not material.

THE ATTORNEY GENERAL.—I move then, that this Bill be read a third time and passed.

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

FACTORIES AND WORKSHOPS AMENDMENT ORDINANCE, 1936.

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

JURY AMENDMENT ORDINANCE, 1936.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Jury Ordinance, 1887."

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 GOVERNOR.—Council stands adjourned *sine die*.

FINANCE COMMITTEE.

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

Votes totalling \$12,395 under Estimates 1936, were considered.

All the votes were approved.
