

3rd February, 1937.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR (SIR ANDREW CALDECOTT, KT., K.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. N. L. SMITH).

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

THE SECRETARY FOR CHINESE AFFAIRS (HON. MR. B. C. K. HAWKINS, *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 Services).

HON. MR. R. M. HENDERSON, (Director of Public Works).

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

HON. SIR HENRY POLLOCK, KT., K.C., LL.D.

HON. MR. J. J. PATERSON.

HON. MR. T. N. CHAU.

HON. MR. M. K. LO.

HON. MR. S. H. DODWELL.

HON. MR. A. W. HUGHES.

HON. MR. L. D'ALMADA E CASTRO, JNR.

HON. DR. LI SHU-FAN.

MR. T. MEGARRY, (Deputy Clerk of Councils).

MINUTES.

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

NEW MEMBERS.

The Hon. Mr. B. C. K. Hawkins, the Hon. Mr. Leo D'Almada e Castro Jr., and the Hon. Dr. Li Shu-fan took the oath of allegiance and assumed their seats as members of the Council.

**RETIREMENT OF HON. MR. J. P. BRAGA AND
HON. MR. S. W. TS'O.**

H.E. THE GOVERNOR.—Before we proceed to our order of business this afternoon I want to express on my own and on your behalf, indeed on behalf of the whole Colony, our deep sense of gratitude for the services rendered on this Council by Mr. J. P. Braga and Dr. T'so Seen-wan, whose membership expired on the 16th of last month. Such expressions of gratitude and loss may appear a matter of rather cold and formal routine to the future reader of our Hansard, but we sitting round this table know how warm and real our feelings are and how difficult it is to put them into words. Happily in the case of Mr. Braga and Dr. T'so their public service is in no wise terminated by the expiry of their appointments on the Legislature, and I was very glad to see this point emphasised in a recent newspaper appreciation of what they have done for Hong Kong. Indeed Mr. Braga is already busy with the organization of our local Coronation festivities and Dr. T'so will shortly sail for England to represent us at the Abbey Ceremony. Looking back over the past twenty-nine years I can remember several cases in which public-spirited gentlemen accomplished even more valuable work for the community and exerted an even greater influence on public opinion after their retirement from the Legislature than they did during membership of it. The truth is that the successful Legislative Councillor is never really *functus officio*, because he has become the proved friend and trusted confidant of the Administration and the people. I am certain therefore that the names of Mr. Braga and Dr. T'so will continue to be writ large in the annals of public service to this Colony and graven deep in the public affection and esteem.

STANDING LAW COMMITTEE.

H.E. THE GOVERNOR.—Dr. Ts'o's term of office on the Council having expired, a vacancy has occurred on the Standing Law Committee. The Hon. Mr. T. N. Chau has agreed to serve in his place.

PAPERS.

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid upon the table the following papers, saying; I wish to say that Item Nos. 17 and 18 on the list are too bulky to print but they are available for Honourable Members to scrutinise if they so desire:—

The Companies (Winding-up) Rules, 1936, made by the Chief Justice pursuant to the Companies Ordinance, 1932, Ordinance No. 39 of 1932, section 282, and approved by the Legislative Council on the 30th day of December, 1936.

The Companies (Fees) Order (No. 3), 1936, made by the Chief Justice pursuant to section 282 of the companies Ordinance, 1932, Ordinance No. 39 of 1932, and section 32 of the Supreme Court Ordinance, 1873, Ordinance No. 3 of 1873, and approved, concurred in and sanctioned by the Legislative Council on the 30th day of December, 1936.

Declaration under the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, Table L, Quarantine Regulations, dated 4th January, 1937.

Notice to Aircraft Owners and Ground Engineers—No. 1 of 1937.

Notice to Aircraft Owners and Ground Engineers—No. 2 of 1937.

Amendments to the regulations made by the Governor in Council under section 3 of the Adulterated Food and Drugs Ordinance, 1935, Ordinance No. 8 of 1935, dated 8th January, 1937.

Additional regulation made by the Governor in Council under section 3 of the Post Office Ordinance, 1926, Ordinance No. 7 of 1926, regarding the delivery of telegrams and postal articles, dated 12th January, 1937.

Amendment to the Post Office Regulations made by the Governor in Council under section 3 of the Post Office Ordinance, 1926, Ordinance No. 7 of 1926, regarding postage on Samples, dated 12th January, 1937.

Regulation made by the Governor in Council under section 5 of the Ferries Ordinance, 1917, Ordinance No. 28 of 1917, relating to the exclusion of Ferry Tsang Hon from the operation of that Ordinance, dated 12th January, 1937.

Amendment made by the Governor under Article 30 of the Air Navigation (Colonies, Protectorates and Mandated Territories) Order, 1927, as amended by the Air Navigation (Colonies, Protectorates and Mandated Territories) (Amendment) Orders, 1929, 1931, 1932 and 1935, to Direction 97 of the Air Navigation Directions (Hong Kong), 1932, (No. 1), dated 6th January, 1937.

Amendments to Government Notifications Nos. 1002 of 1936 and 1 of 1937.

Approval of the setting apart as a Cemetery for Buddhists by the Governor in Council under section 6A (2) (a) of the New Territories Regulation Ordinance, 1910, Ordinance No. 34 of 1910, of the area in Demarcation District No. 399 near Ting Kaw in the Southern District of the New Territories of Hong Kong, dated 12th January, 1937.

Declaration under section 18 of the Quarantine and Prevention of Disease Ordinance, 1936, Ordinance No. 7 of 1936, dated 20th January, 1937.

Notice to Aircraft Owners and Ground Engineers—No. 3 of 1937.

Notice to Aircraft Owners and Ground Engineers—No. 4 of 1937.

Proclamation No. 1—The Hong Kong (Coinage) Order, 1936.

Annual Abstract Account for 1935, with report of Director of Colonial Audit.

List of statements and abstracts of reports of the following Companies which have been deposited with the Registrar of Companies under the Life Insurance Companies Ordinance, 1907, during the year 1936:—

Statements under Section 12.

The China Hong Nin Life Insurance Company, Limited.

The Sincere Life Assurance Company, Limited.

The Wing On Life Assurance Company, Limited.

West Coast Life Assurance Company.

The Luk Hoi Tong Life Assurance Company, Limited.

The Oi Kwan Life Assurance Company, Limited.

Statements under Section 13.

The Tai Shan Insurance Company, Limited.

(The statement for 1934 is also attached).

Statements under Sections 14 and 15.

The China Hong Nin Life Insurance Company, Limited.

QUESTIONS.

HON. MR. M. K. LO asked:—

With reference to the request I made to Government in the course of my remarks on the Budget in this Council on the 7th October, 1936, for a statement showing the cost per capita of the education of children in Government schools, and to the Honourable the Colonial Secretary's reply to me, in which he referred me to page 311 of the Blue Book for 1935—

1.—Will Government be good enough to say whether or not the following is a correct analysis of the figures supplied by the Blue Book in question:—

(a) *As regards the 8 Provided Secondary Schools.*

(1)	Total Government expenditure	\$1,009,199.47
(2)	Total School fees	\$184,503.82
(3)	Total Government expenditure less fees received	\$824,695.65
(4)	Total Roll	3,198
(5)	Total Government cost per capita	\$257.88
(6)	Total Average Attendance	2,906
(7)	Total Government cost per student	\$297.55

(b) *As regards the 18 Grant-in-Aid Secondary Schools.*

(1)	Total expenditure	\$805,025.94
(2)	Total School fees	\$517,060.03
(3)	Total Government Grant	\$226,613.50
(4)	Total Roll	7,360
(5)	Total Government cost per capita	\$30.79
(6)	Total Average Attendance	6,499
(7)	Total Government cost per student	\$32.28

2.—Is Government aware that based on roll, the average per capita cost per boy at the Central British School is \$451.61, and that this sum is 37.87% higher than the average per capita cost of the next most expensive Government School (Queen's College), and 155.36% higher than the least expensive Government School (Wanchai District School)?

3.—Is Government aware that based on average attendance the average cost per student at the Central British School is \$530.15 and that this figure is 49.61% higher than Queen's College and 191.16% higher than Wanchai District School?

4.—Does Government appreciate that on the above figures, based on roll, it costs Government over 8 times more to educate a student at Government provided Secondary Schools than that at Grant-in-Aid Schools, and that based on average attendance, the cost is over 9 times?

5.—And with reference to the statement of the Honourable the Acting Colonial Secretary in this Council on the 7th October, 1936, in regard to the reduction of 10% in the capitation grants to English Grant Schools, (Hansard, page 266), and to the statement of the Honourable the Attorney General in this Council on the 30th December, 1936, to the effect that revenue during 1936 would exceed expenditure by about \$80,000, will Government consider utilising part of such surplus in restoring such 10% reduction?

THE COLONIAL SECRETARY replied:—

1.—The analysis of the figures is substantially correct.

2 and 3.—The Government recognizes that the local cost of educating a Chinese child is very much less than the local cost of educating a child of European race.

4.—It is also recognized that the provided schools are very much more expensive to Government than the aided schools, which are largely staffed and financed by missions and charitable institutions.

5.—The answer is in the affirmative; reference will shortly be made to the Finance Committee of this Council and, if they agree, to the Secretary of State for the Colonies.

MOTIONS.

THE COLONIAL TREASURER.—Mr. D. M. MacDougall, Cadet Officer, is being seconded to the Colonial Office for a period of about two years from 1st February, 1937, at an initial salary of £720 per annum, half of which will be paid by this Government and half by the Home Government. This salary represents a considerable reduction on his present rate of pay and in the circumstances it is considered that the salary levy should not operate.

I, therefore, move the following:—

Resolved pursuant to section 6 (1) of the Hong Kong Government Service (Levy on Salaries) Ordinance No. 2 of 1937, that with effect from the 1st day of February, 1937, the salary of Mr. David Mercer MacDougall, Cadet Officer, shall be exempt from the operation of section 2 of the said Ordinance.

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

URBAN COUNCIL BY-LAWS.

THE ATTORNEY GENERAL moved "That the amendments made by the Urban Council under section 2 of the Hawkers Ordinance, 1935, to the by-laws under the heading "C.—Licensed (stallholders) hawkers," on the 5th day of January, 1937, be approved." He said: The first of these amendments, in addition to By-Law 2, states that no material other than wood or metal shall be used for the roofs of the stalls and the second amendment is a new By-Law which states that every licensed stall-holder must keep his stall at all times in a clean and sanitary condition and shall not allow any refuse or dirt to accumulate therein. Both have the same objects in view. The first requires an impervious roof as it is impossible to keep a stall clean with a sagging awning above it through which water may percolate.

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

PENSIONS AMENDMENT ORDINANCE, 1937.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Pensions Ordinance, 1932". He said: The effect of this amendment which has been suggested by the Secretary of State is that death gratuities will be payable in the fourth and fifth years of service as well as after the fifth year because officers are usually confirmed after three years probation.

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 16 of the principal Ordinance enabled the Governor in Council to grant a death gratuity free of estate duty to the representative of an officer holding a pensionable office and not serving on probation or agreement, who has died while in the service of this colony; but only if during the five years preceding his death he had continuously held pensionable office in this Colony or offices in other public service which were, when he held them, pensionable under the law or regulations in force relating to such service.

2. In his despatch No. 82 of the 12th March, 1936, the Secretary of State considered it desirable for Hong Kong to conform to what is now the usual practice of the Colonial Service to make death gratuities payable in the case of all confirmed officers.

3. Clause 2 of this Bill accordingly deletes from section 16 of the principal Ordinance the requirement as to five years continuous pensionable public service.

WATCHMEN AMENDMENT ORDINANCE, 1937.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Watchmen Ordinance, 1928." He said: The object of this Bill is not to increase power to make regulations but to remove doubts which have been expressed as to whether the existing ordinance contains powers sufficient to justify the regulations which have been made under it. It is not intended to make the regulations more drastic, rather the other way about. But as doubts have been expressed it was thought better to pass this amendment Ordinance before amending the regulations.

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 principal Ordinance, as indicated by its long title, was an Ordinance to provide for the registration and regulation of watchmen.

2. Sub-section (1) of section 3 enabled the Governor in Council to make regulations for certain purposes. The first four of such purposes concern only police watchmen and their employers. Other watchmen and their employers are dealt with under the last three paragraphs, which are to the effect that regulations may be made imposing duties and obligations on employers of watchmen, prescribing fees, and generally for the purpose of carrying out the provisions of the Ordinance.

3. Although the general provision at the end of the sub-section coupled with the long title may be considered as justifying the imposition of duties and obligations on watchmen it is considered better to make express provision therefor in paragraph (e) of the sub-section. Clause 2 of this Bill amends the paragraph accordingly.

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 \$29,334, being \$11,323 under Estimates 1936 and \$18,011 under Estimates 1937 were considered.

All the votes were approved.