

14th September, 1939.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR (SIR G. A. S. NORTHCOTE, K.C.M.G.).

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING THE TROOPS, (MAJOR GENERAL A. E. GRASETT, D.S.O., M.C.).

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 FINANCIAL SECRETARY (HON. MR. S. CAINE).

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

HON. DR. P. S. SELWYN-CLARKE, M.C., (Director of Medical Services).

HON. MR. C. G. PERDUE (Commissioner of Police, *Acting*).

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

HON. MR. S. H. DODWELL.

HON. MR. CHAU TSUN-NIN, C.B.E.

HON. MR. LO MAN-KAM.

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

HON. MR. T. E. PEARCE.

HON. MR. J. K. BOUSFIELD, M.C.

HON. MR. LI TSE-FONG.

MR. C. B. BURGESS (Deputy Clerk of Councils)

ABSENT:—

HON. MR. A. B. PURVES (Director of Public Works, *Acting*).

MINUTES.

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

ANNOUNCEMENT.

H.E. THE GOVERNOR.—Honourable Members,—Since last this Council met Great Britain with her Colonies, India and the British Dominions have entered upon a war with Germany in defence of the liberty of mankind.

The war was not of Great Britain's seeking: indeed she has striven for many years with all her energy to maintain peace in the world. But when war could only be avoided by the surrender of every honourable principle she and her ally France took up the challenge of the men whose aim is to dominate Europe by violence and fraud. We shall maintain the fight in the causes of freedom and of truth till victory crowns our arms.

The question that is in all our minds is "When will that day come?" His Majesty's Government has stated that the War Cabinet's policy is based on the assumption that the war will last three years or more. But I can say on the very best authority that it is not to be inferred from that that His Majesty's Government think that Germany can hold out for that length of time. The true significance of the decision is that it makes clear beyond all doubt that the Allies will fight and go on fighting with all the growing force at their command until victory is attained.

So far as Hong Kong is concerned the war has not taken us altogether by surprise. Many precautionary measures have been taken during the last two years of which I will mention only two which, as it happens were inter-connected. In November last, when the international barometer shewed that bad weather might be ahead, this Council legislated for the compulsory registration of European-born British subjects: I am glad to recall that at that early stage the Chinese community demanded the opportunity of shewing their willingness to defend this Colony in case of need and a very large number registered voluntarily with that purpose in view. Ample use is being made of that voluntary register. Secondly, in July last the Council passed the Compulsory Service Ordinance, the object of which—as I explained at the time—was to organize the defensive man-power of the Colony.

And this brings me to a point which I wish to make. There are, to my knowledge in this Colony today very many men who are eager to go home to fight in their country's cause and who chafe at the restraint put upon that desire. But what has to be clearly recognized is that in the organized defence scheme of this fortress each able-bodied man—and many a woman too—has now an allotted place and until His

Majesty's Government gives the word that place must remain filled. "They also serve who only stand and wait." This is cold comfort to men whose loyal aspiration and disappointment we honour and sympathise with, though they ask for no such tributes; but my duty is to state the facts. A relevant fact is that I have been informed officially that the military recruiting position in Great Britain is not such as to call hastily from abroad persons who are usefully employed there.

One word more. It would be less than just to the people of this Colony if I were to be silent regarding the way in which they have prepared themselves against this emergency and have faced and are facing it now that it has come. I could say a great deal on that score to their credit, but I will confine myself at this moment to brief, general terms. Their willing acceptance of each measure as Government has put it forward, the loyal confidence which has been shewn in the civil, Naval, Military administrations and the calmness with which the prospect and the reality of war have been met have been of the greatest possible assistance in a busy and difficult time.

It is unnecessary, Honourable Members, for me to ask for your full support in the measures which the safety of this Colony may from time to time demand: I am fully assured on that score. I now commend the business of the meeting to your consideration. (Applause).

HON. SIR HENRY POLLOCK.—Sir, I fully share in Your Excellency's confidence that the residents of Hong Kong of every race will do their utmost to help in the defence of this Colony.

Your Excellency may count upon the hearty support of the Unofficial Members of this Council in the passing of any measures which are necessary for the safety of this Colony. (Applause).

HON. MR. T. N. CHAU.—Sir, On behalf of the Chinese Members of this Council, I beg to reaffirm here the message already conveyed to Your Excellency by the Hon. Sir Robert Kotewall, pledging to the Government the loyal and wholehearted support of the Chinese community in whatever measures which the peace, good order and safety of this colony may demand. (Applause).

H.E. THE GOVERNOR.—I shall see to it that what has fallen from the Hon. Sir Henry Pollock and the Hon. Mr. T. N. Chau is sent Home to the proper quarter. I have not regarded it as necessary to put to this Council a formal resolution of its loyalty and the loyalty of the Colony to the British Crown, because in my view, His Majesty the King assumes, as he has every right to assume, that that loyalty is there and that there is no necessity for us to express it in so many words.

At the same time, the messages which have already gone forward from this Colony and those which will go forward will, I know, be of great happiness to His Majesty the King.

PAPERS.

THE COLONIAL SECRETARY.—By Your Excellency's command I lay on the table certain papers, a list of which is in the hands of Hon. Members. Copies of them are also in the hands of Hon. Members with one exception—the Regulations of Hong Kong (1937 Edition), Volume II, 1901-1914, and copies of this will be distributed after the meeting.

The papers laid on the table were:—

Regulations made by the Governor in Council under section 12 of the Education Ordinance, 1913, Ordinance No. 26 of 1913, dated 24th August, 1939.

Amendment made by the Governor in Council under section 42 of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, to Table C in the regulations, dated 25th August, 1939.

Amendment made by the Governor in Council under section 17 of the Prisons Ordinance, 1932, Ordinance No. 39 of 1932, to the Prison Rules, dated 30th August, 1939.

Resolution made and passed by the Legislative Council under section 3 of the Public Officers (Changes of Style) Ordinance, 1937, Ordinance No. 25 of 1937, on the 1st September, 1939.

Resolution made and passed by the Legislative Council under section 4 of the Law Revision Ordinance, 1937, Ordinance No. 27 of 1937, on the 1st September, 1939.

Amendments made by the Governor under the Emergency Powers (Colonial Defence) Order in Council, 1939, to the Defence Regulations, 1939.

Order made by the Governor under regulation 46 of the Defence Regulations, 1939, dated 2nd September, 1939.

Amendments made by the Governor under the Emergency Powers (Colonial Defence) Order in Council, 1939, to the Defence Regulations, 1939.

Navigation Order made by the Governor under regulation 37 of the Defence Regulations, 1939, dated 3rd September, 1939.

Order made by the Governor under regulation 6 of the Defence Regulations, 1939, dated 3rd September, 1939.

Order made by the Governor under regulation 2 (1) of the Defence Regulations, 1939, dated 4th September, 1939.

Amendments made by the Governor under the Emergency Powers (Colonial Defence) Order in Council, 1939, to the Defence Regulations, 1939.

Order made by the Governor under regulation 42 of the Defence Regulations, 1939, dated 4th September, 1939.

Amendments made by the Governor under section 10 of the Naval Volunteer Ordinance, 1933, Ordinance No. 30 of 1933, to the regulations, dated 3rd September, 1939.

Order made by the Controller of Trade under the Defence Regulations, 1939, with the consent of the Governor, dated 7th September, 1939.

Defence (Finance) Regulations made by the Governor under the Emergency Powers (Defence) Act, 1939, as extended to the Colony by the Emergency Powers (Colonial Defence) Order in Council, 1939, dated 8th September, 1939.

Order made by the Governor under regulation 2 (2) of the Defence (Finance) Regulations, 1939, dated 8th September, 1939.

Order made by the Governor under regulation 6 (1) of the Defence Regulations, 1939, dated 7th September, 1939.

Order made by the Controller of Food under the Defence Regulations, 1939, with the consent of the Governor, dated 8th September, 1939.

Proclamation No. 9.—Letters Patent passed under the Great Seal of the Realm, amending the Letters Patent of the 14th of February, 1917, constituting the office of Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies, dated 29th June, 1939.

Proclamation No. 10.—The Ordinances of Hong Kong (1937 Edition), Volume II, 1901-1914, and the Law Revision Ordinance, 1939, Ordinance No. 33 of 1939, to come into operation on the 2nd September, 1939.

Proclamation No. 11.—War broken out between His Majesty and Germany.

Proclamation No. 12.—Hong Kong Naval Volunteer Force called out for actual service.

Regulations of Hong Kong (1937 Edition), Volume II, 1901-1914.

QUESTION.

HON. SIR HENRY POLLOCK.—What steps does the Government propose to take and when in regard to the unanimous wish of the Unofficial Members of this Council, as announced by me in the Legislative Council, on the 25th May, 1939, to the effect that the retiring age of Civil Servants be raised to the age of sixty?

THE COLONIAL SECRETARY.—The present rule contemplating retirement normally at 55 was adopted in 1932 in the interests of economy and of the efficiency of the public service: it is in line with the pension rules in other parts of the Colonial Empire. The change to that age limit was made with the support of the then unofficial members of Legislative Council and in accordance with the recommendation of the Retrenchment Commission of 1932. After full consideration Government has reached the conclusion that there are not sufficient grounds to warrant seeking the Secretary of State's approval for a reversal of that decision.

MOTIONS.

THE ATTORNEY GENERAL moved: Resolved that the Second Volume of the new edition of the Regulations of the Colony which has been prepared under the authority of the Ordinances and Regulations of Hong Kong (1937 edition) Ordinance, 1936, as amended by Ordinance No. 18 of 1939, and which has this day been laid before this Council for approval, be approved.

He said: This Volume is a companion Volume of the one laid on the table last week and contains the regulations made under the Ordinances which appeared in that Volume.

THE COLONIAL SECRETARY seconded, and the motion was carried.

THE ATTORNEY GENERAL then moved: That the Order of the Chief Justice under section 74 of the Probates Ordinance, 1897, dated the 13th day of September, 1939, be approved.

He said: It is to be regretted that notice of this motion could not be given earlier. I only received it last evening and therefore it was not possible to give the usual two days' notice.

The Chief Justice is empowered under Section 74 of the Probates Ordinance, 1897, to make certain rules and orders and under that Section he has made the following rule which requires the approval of this Council. I will first read the Order and then the resolution. The Order is:

ORDER made pursuant to section 74 of the Probates Ordinance, 1897.

1. During the war no probate of a will or letters of administration of the estate of any German subject wherever resident shall be granted in respect of any assets in this Colony without the express licence of the Governor.

2. In all cases where probate or letters of administration are granted during the war to any person entitled thereto the grant shall be made upon the condition that no portion of the assets shall be distributed or paid during the war to any beneficiary or creditor who is a German subject, wherever resident, or to anyone on his behalf, or to or on behalf of any person resident in Germany, of whatever nationality, without the express sanction of the Governor; and if any distribution or payment is made contrary to this condition the grant of probate or letters of administration will be forthwith revoked.

3. Any applicant for probate or letters of administration during the war shall give such information as the Registrar may require in order to ascertain whether any of the assets would in time of peace be distributable or payable to any such subject, and if required shall make a statutory declaration as to the assets and their disposition in the event of probate or letters of administration being granted.

4. Upon an application to the Crown Solicitor there will be no difficulty in proper cases in obtaining the sanction of the Governor to the payment of a moderate sum out of assets to beneficiaries or creditors who are German subjects resident in this Colony at the commencement of the war and during the war.

Dated this 13th day of September, 1939.

A. D. A. MACGREGOR,
Chief Justice.

THE ATTORNEY GENERAL.—I now put forward the resolution on the agenda and move that it be approved.

THE COLONIAL SECRETARY seconded, and the motion was carried.

**BIRTHS AND DEATHS REGISTRATION AMENDMENT
BILL, 1939.**

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

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

URBAN COUNCIL AMENDMENT BILL, 1939.

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

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

KOWLOON UNION CHURCH INCORPORATION BILL, 1939.

HON. MR. T. E. PEARCE moved the second reading of a Bill intituled "An Ordinance to provide for the incorporation of the Kowloon Union Church."

HON. MR. S. H. DODWELL seconded, and the Bill was read a second time.

On the motion of the Attorney General, seconded by the Colonial Secretary, Council then went into committee to consider the following bills clause by clause:

Births and Deaths Registration Amendment Bill, 1939.

Urban Council Amendment Bill, 1939.

Kowloon Union Church Incorporation Bill, 1939.

Upon Council resuming,

THE ATTORNEY GENERAL reported that the Births and Deaths Registration Amendment 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.

THE ATTORNEY GENERAL reported that the Urban Council Amendment 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.

THE ATTORNEY GENERAL reported that the Kowloon Union Church Incorporation Bill had passed through committee without amendment.

HON. MR. T. E. PEARCE moved that the Bill be read a third time.

HON. MR. S. H. DODWELL 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 \$424,195, under Estimates, 1939, contained in Message No. 8 from His Excellency the Governor, were considered.

152.—5, Charitable Services:—22, Relief of Refugees, \$250,000.

HON. MR. PEARCE.—I see we are voting another \$250,000 for the relief of refugees. I made reference to it when the last vote came up and rather suggested that it would come to a very big sum before we are finished with it. I do think that Government should provide us with more details as to what is happening, how the money is being spent and whether or not pressure is being brought to bear on the refugees to return to their country. We are asked to vote \$250,000 every quarter without being informed of what is being done. I think we ought to have a more detailed account, if possible, and a report of what is going on in the camps.

THE FINANCIAL SECRETARY.—Details of the expenditure can be circulated.

THE CHAIRMAN.—We do not encourage these people to stay. If they want to go back we do our best to get them back. But there are certain difficulties, one of which is the lack of transport. I believe the few ships going to Canton are overcrowded and it is very difficult to get passage for these people. Another difficulty is that there are operations of some kind still going on across the Border, with the result that it is not so easy for the people to return to their homes there. I think the D.M.S. can tell us more about this matter.

THE DIRECTOR OF MEDICAL SERVICES.—As you say, Sir, every encouragement is being given to the refugees to return to China where they are in no danger of their lives. So far as the Urban Camps are concerned, a Subcommittee of the Camps Committee goes round to the camps every week to seek out those whom they consider could be persuaded to return to their homes. As regards the rural camps, I myself have spoken to the representatives, encouraging them to persuade the people in the huts to return to Chinese territory. Only last week or so, some 2,000 or more have been persuaded to return *via* Lokmachau, etc.

As you have stated, Sir, every effort is being made to get rid of the refugees. Government has approved of their passage being paid and grants made to assist them in their journey. A lot of them have

returned to China in that way. But just recently, apart from the disturbances across the Border, certain steps have been taken in Canton and Macao which have rather a serious effect on the refugees returning by these routes. I was officially informed only this morning that the Japanese authorities are requiring refugees to have \$20 (Hong Kong) before they can land in Canton. As from to-morrow, the same process will be enforced against refugees returning from Macao to Canton.

It has been our custom to send a large number of refugees *via* Macao. Now that it is necessary for them to have \$20 each before they can land at Canton and as the majority of the refugees have spent their all before going to the camps, this condition makes it extremely difficult for us to send them back *via* this route. But we shall continue to do our best to persuade them to return over the frontier and by various other routes, such as Waichow, etc.

I shall be happy at any time to let any member of the Finance Committee see the system of administration and we shall be grateful for any help or guidance in improving it.

When the camps were first opened in October, the Committee allowed me \$6 for each adult refugee for food. I have since reduced this sum, firstly to \$4.80 and, from the beginning of this month, to \$4. This is done in spite of the increase in prices resulting from the recent trouble.

HON. MR. PEARCE.—From what we have just heard, I think it is most interesting. I am not opposing this vote but I do maintain that, when asking for large sums like this every three months, this Council should be informed of what is happening.

THE CHAIRMAN.—We are trying to arrange to send these people back.

HON. MR. PEARCE.—Oh, yes. And I do realise some of the difficulties the authorities are meeting with.

HON. MR. BOUSFIELD.—Isn't it a fact that the Japanese on the frontier are trying to encourage people to go back there? I think most of the refugees came from the frontier.

THE DIRECTOR OF MEDICAL SERVICES.—Most of them came from Macao.

HON. MR. BOUSFIELD.—Have any steps been taken to prevent an increase in the number of refugees?

THE DIRECTOR OF MEDICAL SERVICES.—The restrictions on the arrival of refugees by boat have not been enforced recently. I have been inquiring from the Police about the restriction requiring

each refugee to have \$20, and I am doubtful whether this has been carried out very strictly recently.

THE CHAIRMAN.—The tendency at the moment is for people to go away. More people are going away than coming in. As to the people in the camps I think it is fairer to call them destitutes than refugees.

HON. MR. BOUSFIELD.—What I have in mind are the street sleepers. They are very well treated and people in Canton might have heard of this and came here.

HON. MR. LO.—I don't think that is quite right. I think the people came here because of their plight. Those in the camps are, I think, destitute refugees. I think we all agree we have every confidence in the D.M.S. that the people in the camps are not being given an easy time. But I am sorry to feel that this reduction in allowance will affect their health. The D.M.S. has done his best but I hope he will bear in mind the increase of prices on any question of further reduction. I don't think any of us will grudge them the bare maintenance of existence.

HON. MR. PEARCE.—I hope Mr. Lo does not mean that I grudge this expenditure. I am all for protecting these refugees but I do maintain that when we are asked to vote this large sum every quarter we should be informed as to how the money is being spent and what sort of supervision is provided. I have learned far more just now than I have ever learned before, and I am quite satisfied that the matter is being looked after. But we are going to be faced with increased expenditure for the next twelve months or two years and I rather consider that it is time that these refugees are asked to return to the country. I don't want to be harsh but this is my feeling. It is quite a lot of money we are spending—about a million a year.

HON. MR. LO.—That was not what I meant. What I meant was that I do not want the D.M.S. to get away with the impression that we are grudging the expenditure, when I say that consideration has to be taken of the increase of prices in the question of reduction. I do not want the D.M.S. to be discouraged in looking after the refugees.

THE DIRECTOR OF MEDICAL SERVICES.—These reductions were only carried out after very careful consideration.

HON. SIR HENRY POLLOCK.—I think I can assure Mr. Lo that the refugees are very well looked after.

HON. MR. BOUSFIELD.—We have to consider the view that we may have a thin time ahead, and I think the question of work for the refugees should be considered.

THE CHAIRMAN.—There are not many of them capable for work. Most of them are aged or infirmed.

THE DIRECTOR OF MEDICAL SERVICES.—May I say that the refugees have done the Colony some good too? They have brought a great deal of trade and a large number of factories and shops have been established.

THE CHAIRMAN.—Considering the number of people coming to Hong Kong, I imagine the number we have to maintain is comparatively small.

HON. MR. LO.—Very small. I think only a few thousand.

HON. MR. PEARCE.—I am quite satisfied with the arguments put forward, but at the same time I would like to suggest that we have a report as to how the last vote was spent.

THE CHAIRMAN.—We will make a note of that.

All the votes were approved.
