

25th April, 1940.

PRESENT:—

THE COLONIAL SECRETARY (HON. MR. N. L. SMITH, C.M.G.), (President).

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

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

THE SECRETARY FOR CHINESE AFFAIRS (HON. MR. R. A. C. NORTH).

THE FINANCIAL SECRETARY (HON. MR. H. R. BUTTERS, *Acting*).

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

HON. MR. T. H. KING (Commissioner of Police).

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

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

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

HON. MR. J. J. PATERSON.

HON. MR. LO MAN-KAM.

HON. MR. S. H. DODWELL.

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

HON. DR. LI SHU-FAN.

HON. MR. A. L. SHIELDS.

HON. MR. W. N. T. TAM.

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

ABSENT:—

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

ANNOUNCEMENT.

THE PRESIDENT.—Gentlemen,—I have to announce that His Excellency the Governor is unfortunately indisposed to-day and has appointed me, in accordance with Article XXI of the Royal Instructions, to preside at this meeting.

MINUTES.

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

PAPERS.

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

Amendments made by the Governor in Council under section 5 of the Dangerous Goods Ordinance, 1873, Ordinance No. 1 of 1873, to Part IV of the regulations, dated 9th April, 1940.

Amendments made by the Governor in Council under the Post Office Ordinance, 1926, Ordinance No. 7 of 1926, to Class A rates of postage, dated 12th April, 1940.

Order made by the Governor under section 2 of the Emergency Powers (Defence) Act, 1939, as applied to this Colony by the Emergency Powers (Colonial Defence) Order in Council, 1939, revoking the order relating to rates of postage, dated 12th April, 1940.

Order made by the Controller of Food under the Defence Regulations, 1939, with the consent of the Governor, fixing the standard price for Margarine and Vegetable Lard, dated 11th April, 1940.

Amendments made by the Governor in Council under section 7 (2) (a) of the Telecommunication Ordinance, 1936, Ordinance No. 18 of 1936, dated 13th April, 1940.

The Trade Marks (Emergency) Rules, 1940, made by the Chief Justice pursuant to the Trade Marks (Emergency) Ordinance, 1940, section 8, and approved by the Legislative Council on 18th April, 1940.

Amendments made by the Governor with the approval of the Secretary of State for the Colonies pursuant to Royal Warrants dated 23rd March, 1934, and 1st November, 1935, respectively, to the Regulations as to the grant, forfeiture, restoration and other matters concerning the Colonial Police and Fire Brigades Long Service Medal, dated 17th April, 1940.

Order made by the Controller of Food under the Defence Regulations, 1939, with the consent of the Governor, fixing the standard price for Margarine and Vegetable Lard, dated 19th April, 1940.

Administration Reports, 1939:—

Part II.—Law and Order:—

Report of the Registrar of the Supreme Court, Official Trustee, Official Administrator and Registrar of Companies.

Part VII.—Undertakings of Government:—

Report of the Kowloon-Canton Railway (British Section).

FINANCE COMMITTEE'S REPORT.

THE ATTORNEY GENERAL, by command of H.E. The Governor, laid upon the table the Report of the Finance Committee (No. 3) dated 18th April, 1940, and moved that it be adopted.

THE FINANCIAL SECRETARY seconded, and this was agreed to.

SUMMARY OFFENCES AMENDMENT BILL, 1940.

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

HON. MR. M. K. LO.—The gravity of the problem of Tuberculosis in Hong Kong has been fully appreciated by many people for many years. I recall that when I had the honour of serving on the Sanitary Board, now the Urban Council, I initiated a motion on the subject in the course of which I urged the necessity of having a sanatorium built for the purpose not only of segregation but of treatment and cure. But, as usual with difficult problems, this particular problem has had to wait for the advent of a Director of Medical Services with the fervour and zeal, the indomitable spirit of persistence and insistence which characterise my honourable friend, Dr. Selwyn-Clarke, before any real or substantial progress could be made.

As to how far indiscriminate spitting is a direct cause of the prevalence of Tuberculosis in the Colony, I am not competent to speak. But that it is an important contributory cause, and that it is a thoroughly disgusting habit which should be eradicated, must be obvious to all. Intensive propaganda against this deplorable habit has been taken from time to time, in the belief, which I consider to be sound, that no practical legislative measure can effectively be taken for its suppression without the necessary background of popular knowledge as to its ill effects, and of public co-operation. But it has become increasingly apparent that by propaganda by itself, by popular education by itself, and without some legal sanction behind these efforts, satisfactory progress cannot be achieved. If, for instance, a policeman or a sanitary inspector were politely to draw the attention of an offender to his unsocial act of indiscriminate spitting, and if a rude retort were made to the speaker "to mind his own business," the value of legal sanction in dealing with such a case is obvious.

I understand that it is the intention of Government to continue and to intensify the existing programme of popular propaganda and education, rather than to resort to the penal powers under this Bill, and that such powers will be made use of only in cases of wilful disobedience.

Sir, I desire to say that I am in full agreement with the policy indicated above. Indeed, if the law were to be administered otherwise and people were to be arrested merely because a police officer felt he had to make up for his quota of arrests within a certain period, then this law would fail in its object and would create instead nothing but irritation and annoyance.

Lack of progress in public health matters has sometimes been ascribed by a section of the local Press to the so-called "reactionary" attitude on the part of the Chinese. May I, Sir, say that I have the permission of my honourable friend, the Secretary for Chinese Affairs, to disclose that at the meeting of the District Watch Committee held on January 11, that Board unanimously approved of this measure on the understanding that it is the intention of the authorities to administer it in the way I have ventured to describe.

My colleagues and I heartily approve of this Bill and hope that it will speedily achieve the result which we all have in view. (Applause).

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

INTERPRETATION AMENDMENT BILL, 1940.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Interpretation Ordinance, 1911."

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

FIRE INVESTIGATION AMENDMENT BILL, 1940.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Fire Investigation Ordinance, 1895."

On the motion of the Attorney General, seconded by the Financial Secretary, Council then went into Committee to consider the following Bills clause by clause:—

SUMMARY OFFENCES AMENDMENT BILL, 1940.

INTERPRETATION AMENDMENT BILL, 1940.

FIRE INVESTIGATION AMENDMENT BILL, 1940.

SUMMARY OFFENCES AMENDMENT BILL, 1940.

Clause 2.

HON. MR. J. J. PATERSON.—I would like to know if ferries are included under this Bill?

THE ATTORNEY GENERAL.—Spitting on ferries is covered under the ferries by-laws.

HON. MR. J. J. PATERSON.—I think it would make it stronger if it was inserted in this Bill. People have a habit of spitting up wind over the sides of ferries, and if you happen to be down wind then it is very unpleasant.

THE PRESIDENT.—Will you move that amendment, Mr. Paterson?

HON. MR. J. J. PATERSON.—Yes, Sir. I move that the words "or ferries" be inserted after the word "vehicle".

HON. SIR HENRY POLLOCK.—I will second the motion.

The amendment was agreed to.

Council then resumed.

THE ATTORNEY GENERAL.—I have to report that the Summary Offences Amendment Bill has passed through Committee with one amendment, the inclusion of the words "or ferries" after the word "vehicle" in Clause 2. If the President will rule that the amendment is not material I can move the third reading of the Bill at this meeting.

THE PRESIDENT.—I rule that the amendment is not material.

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

THE ATTORNEY GENERAL reported that the Interpretation Amendment Bill had passed through Committee without amendment, and moved the third reading.

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

THE ATTORNEY GENERAL reported that the Fire Investigation Amendment Bill had passed through Committee without amendment, and moved the third reading.

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

WAR REVENUE BILL, 1940.

THE FINANCIAL SECRETARY moved the third reading of a Bill intituled "An Ordinance to impose war taxes and to regulate the collection thereof."

THE ATTORNEY GENERAL seconded, and the Bill was read a third time and passed.

ADJOURNMENT.

THE PRESIDENT.—Council stands adjourned *sine die*.
