

22nd May, 1941.

**PRESENT:** —

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

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

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. R. R. TODD, *Acting*).

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

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

HON. MR. W. J. CARRIE (Chairman of the Urban Council).

HON. MR. J. J. PATERSON.

HON. MR. S. H. DODWELL.

HON. MR. LO MAN-KAM.

HON. MR. A. L. SHIELDS.

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

HON. MR. T. E. PEARCE.

HON. MR. LI TSE-FONG.

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

**ABSENT:** —

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

HON. MR. J. P. PENNEFATHER-EVANS (Commissioner of Police).

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

**ANNOUNCEMENT.**

THE PRESIDENT. —Gentlemen, —I regret to announce that His Excellency the Governor is unfortunately indisposed 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: —

Order made by the Governor in Council under section 73 of the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, authorizing in extension to the New Kowloon No. 7 cemetery, dated 8th May, 1941.

Resolution made under sections 3 and 4 of the Dutiable Commodities Ordinance, 1931, Ordinance No. 36 of 1931, and approved by the Legislative Council on 8th May, 1941, relating to the application of the said Ordinance to toilet preparations and certain other substances.

The Radiocommunication Amendment Regulations, 1941, made by the Governor under the Emergency Powers (Defence) Acts, 1939 and 1940, as applied to the Colony by the Emergency Powers (Colonial Defence) Orders in Council, 1939 and 1940, dated 8th May, 1941.

List of Authorized Architects under Section 5 of the Buildings Ordinance, 1935, Ordinance No. 18 of 1935, revised to 31st March, 1941.

Register of Medical and Surgical Practitioners qualified to practise Medicine and Surgery published in accordance with Section 5 of the Medical Registration Ordinance, 1935, Ordinance No. 41 of 1935, dated 9th May, 1941.

**QUESTIONS.**

HON. MR. LO MAN-KAM asked: —

Arising from the replies of the Honourable the Director of Public Works to my questions at the Legislative Council Meeting held on the 8th May, 1941, relating to the recent demolition of matsheds at Tai Hang, will Government state in what way the destruction of such huts was considered by Government to be necessary as an emergency matter under regulations made under

the Emergency Regulations Ordinance, 1922? In particular will Government state: —

- (1) Was the destruction ordered as a matter of defence?
- (2) If so, were the Military Authorities consulted and was the action taken with their knowledge and approval and, if not, why not?
- (3) Why did Government not avail itself of the non-emergency laws of the Colony by obtaining magisterial orders for the removal of encroachments on Crown Land instead of resorting to emergency laws in this case?

THE DIRECTOR OF PUBLIC WORKS replied: —

1. No. Action was not taken under Defence Regulations. As indicated in the replies given on 8th May, action was taken under Regulation 37 of the Emergency Regulations under Ordinance No. 5 of 1922, published in the Gazette of the 25th November, 1938.

2. No. Action taken was on the grounds of Public Health.

3. It has been found that procedure under the Summary Offences Ordinance, 1932 is too cumbersome to cope with the increasing number of squatters on Crown Land. In this case, the vast majority of the encroachments consisted of unnumbered matsheds upon which summons could not be served and to obtain a magisterial order it would have been necessary with the cooperation of the Police to arrest and charge the occupants. The present Emergency Regulations obviated such action and enabled the area to be cleared more expeditiously.

### MOTIONS.

THE FINANCIAL SECRETARY. —I rise to move the following resolution: —

Resolved pursuant to the proviso to section 3 of the Note-Issuing Banks Extension of Powers Ordinance, 1939, that this Legislative Council hereby extends the powers of all the note-issuing banks to make, issue, re-issue and circulate notes until and including the 12th day of July, 1942.

The note-issuing powers of the Chartered Bank of India, Australia and China, the Hong Kong and Shanghai Banking Corporation and the Mercantile Bank of India Limited expired on the 12th of July, 1939, but were extended by the Note-Issuing Banks Extension of Powers Ordinance, 1939, until the 12th of July, 1940. That extension was subject to the proviso that this Council may by Resolution further

extend the powers of any or all of the note-issuing banks for a period or periods not exceeding twelve months at any one time. On the 30th of May, 1940, this Council extended those powers for a period of twelve months ending on the 12th of July, 1941, and the time has now come to make a further extension for the period of twelve months ending on the 12th of July, 1942.

I would point out that this Resolution is concerned only with the machinery for the issue of notes and enables the three banks to carry on as at present for a further year in accordance with the terms of the Ordinance.

THE ATTORNEY GENERAL seconded, and the resolution was carried.

### **PREVENTION OF EVICTION AMENDMENT BILL, 1941.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Prevention of Eviction Consolidation and Amendment Ordinance, 1939." He said: The object of this Bill is to extend for a further year the principal Ordinance. We extended it last year for one year and it will automatically expire at the end of this month unless it is extended as this Bill provides.

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

#### Objects and Reasons.

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

The Prevention of Eviction Consolidation and Amendment Ordinance, 1939, which was due to expire on the 1st June, 1940, was continued by virtue of the Prevention of Eviction Amendment Ordinance, 1940, until 1st June, 1941. It is considered desirable to extend the Ordinance for another year and clause 2 of the bill makes such provision.

### **POST OFFICE AMENDMENT BILL, 1941.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Post Office Ordinance, 1926."

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

### ADJOURNMENT.

THE PRESIDENT. —Council stands adjourned to this day week, at 2.30 p.m.

### FINANCE COMMITTEE.

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

Votes totalling \$586,339, being \$102,727 under Estimates, 1940-41, and \$483,612 under Estimates, 1941-42, were considered.

THE CHAIRMAN. —Before we proceed with business of the Finance Committee meeting, I should like to give notice that this day week it is proposed, if approval is meanwhile received from the Secretary of State, to take through all its stages a Bill which will authorise the issue of paper currency for one cent. There is a great lack of copper coins at the moment—they are disappearing rapidly—and the legislation will allow these small notes, if approved, to be legal tender up to one dollar. I just want to give notice to save a second meeting of the Council to pass this Bill. The Bill will be published in the *Gazette* tomorrow. As I said just now, it depends on the approval of the Secretary of State, which has been sought by telegram yesterday.

Estimates 1940-41.

Item 378. —17, Miscellaneous Services. —Immigration Department Commission of Inquiry, \$168.

HON. MR. LO. —I have noticed in the public Press that this report will not be published until we receive instructions from the Secretary of State. Is there any indication when that will be?

THE CHAIRMAN. —It went home very soon after it was received by the Governor. I can't give you the exact date.

HON. MR. LO. —I feel that as the members of the Council have concerned themselves on this question of immigration administration and as the Commission was set up in answer to that, I feel that the members of this Council should not be kept indefinitely waiting for the results of that Commission. We made representations to Government that an enquiry be instituted and I don't think we should be kept waiting in this indefinite way.

THE CHAIRMAN. —I quite see that point. I will take that up with His Excellency. It may possibly be circulated to members as confidential information.

HON. MR. SHIELDS. —The public are interested in it too. A public inquiry was held and the public were asked to come forward and give evidence. Some did so and I think it is only fair that the report should be made public.

THE CHAIRMAN. —The facts are that a long summary of the Commission's report was telegraphed home to the Secretary of State and it was suggested that we ask whether the whole text should be published before he had seen it. He said he would sooner see it before it was made public. We are bound by those instructions. But I will certainly take it up.

Estimates 1941-42.

Item 1. —4, Botanical and Forestry Department. A. —Botanical and Forestry: —5, Extraction of Timber, \$40,000.

HON. MR. SHIELDS. —Can you give any indication of the value of the timber cut down as compared with the expenditure?

THE CHAIRMAN. —It will show a profit, of course, when the time comes, but we have to pay the expenses of the cutting. I don't think it is giving away any secret when I say that this wood is being put in reserve for emergency. As you know, there was a shortage of firewood and this New Territories wood is being saved.

HON. MR. PEARCE. —Is it proposed to continue cutting elsewhere, apart from this area, now that supplies are coming in?

THE CHAIRMAN. —There is only one area and at present it is being considered whether we are cutting enough.

HON. MR. LO. —This was originally referred to the Finance Committee.

THE CHAIRMAN. —Yes.

Item 13. —17, Miscellaneous Services: —Transport of Printing Machinery, \$9,374.

HON. MR. LO. —It sounds rather a large sum—that over \$9,000 should have been spent for the cost of removal and minor repairs.

THE ACTING FINANCIAL SECRETARY. —There was a lot of machinery and extensive repairs were made.

HON. MR. PATERSON. —What is the machinery worth?

THE ACTING FINANCIAL SECRETARY. —\$400,000 I think, but I have to look up the file for the exact figure.

HON. MR. LO. —Here it says minor repairs.

THE CHAIRMAN. —The effect of the agreement with Noronha and Co. is that the Prison plant and machinery valued at \$140,000, be transferred to Noronha and Co. I can easily get you the details of that large sum. I will circulate them to members. I do agree that the word "minor" is rather misleading.

Item 14. —20, Post Office, Wireless and Broadcasting. C. — Broadcasting: —Special Expenditure: Alterations to Studios and Offices, \$4,580.

HON. MR. LO. —Was there any urgency to put these new programmes on at once? What is the point of incurring this expenditure and then afterwards coming to this Finance Committee? Don't you think the Committee should consider first whether the expenditure is worth while incurring?

THE ACTING FINANCIAL SECRETARY. —I am responsible for giving authority to go ahead with the work. It was in connection with propaganda in connection with the war. The matter came up several months ago and the accommodation was urgently required.

HON. MR. LO. —Yes, but I think to give this a semblance, if not reality, of financial control by the Finance Committee, we might have been asked first.

THE CHAIRMAN. —By rapid circular?

THE ACTING FINANCIAL SECRETARY. —I did not think it was a controversial matter.

HON. MR. LO. —I quite agree and I have no doubt we would have granted it.

THE CHAIRMAN. —I will have the matter gone into.

HON. MR. LO. —I accent Mr. Todd's assurance.

Item 19. —30, Public Works Extraordinary: —Miscellaneous: Alterations to Four Godowns for use as an Immigration Dépôt, \$2,000.

Item 20. —30, Public Works Extraordinary: —Buildings: Immigration Office at Taipo, \$400.

HON. MR. LO. —I take it that these two items, as a matter of accounting, will eventually be debited against the expenditure

of the Immigration Department? I want to know how far the immigration Department is self-supporting.

THE ACTING FINANCIAL SECRETARY. —I can assure you that it is self-supporting at the moment. If at any time, a statement of the revenue and expenditure of the Immigration Department is needed, these items would be taken into account. They are Public Works Extraordinary and not under the Immigration Department.

THE CHAIRMAN. —I think Mr. Lo means that it is not to be a profit-making undertaking.

HON. MR. LO. —Yes, and in order to get a clear picture I should have thought that you must put all expenditure on one side and all income on the other, otherwise you wouldn't know. It was indicated that you would review the question of fees after an experimental period of time.

HON. MR. PATERSON. —What is the definition of extraordinary payments?

THE CHAIRMAN. —There are three heads of public works—departmental, recurrent and extraordinary. The Public Works Department has special expenditure votes, like any other department. If you want some new lorries that comes under Special expenditure. Public Works Extraordinary consists of buildings, reclamations and so forth, and they are all specially budgetted for. They are the last things to go into the Budget. If revenue is coming in well you can expand on Public Works Extraordinary.

HON. MR. LO. —I don't mind how you keep your accounts. I think I have indicated my attitude that, if necessary, I shall give notice calling for details of this.

THE ACTING FINANCIAL SECRETARY. —If any Honourable Member at any time wants details of the revenue and expenditure of the Immigration Department and gives a few hours' notice he can have them.

All the votes were approved.