

*25th September, 1941.*

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**PRESENT: —**

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

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING THE TROOPS, (MAJOR-GENERAL C. M. MALTBY, 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. P. PENNEFATHER-EVANS (Commissioner of Police).

HON. MR. J. J. PATERSON.

HON. MR. A. L. SHIELDS.

HON. MR. LO MAN-KAM, C.B.E.

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

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

HON. MR. T. E. PEARCE.

HON. MR. LI TSE-FONG.

HON. MR. E. DAVIDSON.

MR. R. EDWARDS (Deputy Clerk of Councils).

**MINUTES.**

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

**PAPERS.**

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

Order made by the Governor under section 2 of the Public Revenue Protection Ordinance, 1927, Ordinance No. 9 of 1927, giving full force and effect to the provisions of the proposed Legislative Council resolution regarding duties on Proprietary Medicines and Toilet Preparations, dated 17th September, 1941.

Amendment made by the Governor in Council under section 4 and section 12 (7) of the Stamp Ordinance, 1921, Ordinance No. 8 of 1921, dated 11th September, 1941.

Rules made by the Board of War Taxation under section 70 (1) of the War Revenue Ordinance, 1941, Ordinance No. 13 of 1941, on 11th August, 1941, and approved by the Legislative Council on 18th September, 1941.

Amendment made by the governor under the Emergency Powers (Defence) Acts, 1939 and 1940, as applied to this Colony by the Emergency Powers (Colonial Defence) Orders in Council, 1939 and 1940, to the Hong Kong Daylight-Saving Regulations, 1941, dated 18th September, 1941.

Order made by the Controller of Trade under regulation 50 of the Defence Regulations, 1940, with the consent of the Governor, amending the Order prohibiting the export and re-export of goods to certain countries, dated 18th September, 1941.

Order made by the Controller of Trade under regulation 50 of the Defence Regulations, 1940, with the consent of the Governor, amending the Order prohibiting the export, except by licence, of certain goods, dated 18th September, 1941.

**MOTIONS.**

THE ATTORNEY GENERAL. — I rise to move the following resolution: — Resolved pursuant to section 3 of the Public Officers (Changes of Style) Ordinance, 1937, that the style of the offices in the Police Force set out in the first column of the appended Table be changed respectively to those set out in the second column for all purposes, and that the following addition be made to the Schedule to the said Ordinance: —

<i>Old style of officer, office or department.</i>	<i>Now style of officer, office or department.</i>
Director, Criminal Investigation (Special Branch).	Director, Special Branch.
Assistant Director, Criminal Investigation (Special Branch).	Assistant Director, Special Branch.
Assistant Director, Criminal Investigation (Crime).	Director, Criminal Investigation.

This is a resolution under section 3 of the Public Officers (Changes of Style) Ordinance, 1937, which enables one to change the style of officers by resolution. The changes are that the office formerly known as Director, Criminal Investigation (Special Branch) be changed to Director, Special Branch; Assistant Director, Criminal Investigation (Special Branch) be changed to Assistant Director, Special Branch; and Assistant Director, Criminal Investigation (Crime) be changed to Director, Criminal Investigation.

THE COLONIAL SECRETARY seconded, and the motion was carried.

#### **URBAN COUNCIL BY-LAW.**

THE ATTORNEY GENERAL. —I rise to move that the amendment made by the Urban Council under section 3 of the Public Health (Sanitation) Ordinance, 1935, on the 26th day of August, 1941, to the by-laws under the heading "Dangerous and Offensive Trades" contained in Schedule A to that Ordinance be approved.

The by-law is a new by-law to be known as No. 3a, and which reads, "Except with the permission in writing of the Council no unsalted flesh meat shall be brought into the premises of a pig-roasting establishment or used therein other than that which has been slaughtered in the Government Slaughter-houses, or which has been imported from Canada, Australia or New Zealand or from such other localities as the Council may from time to time approve." The object of this is that no unsalted flesh meat can be roasted in these establishments unless the animals have been slaughtered under hygienic conditions.

THE COLONIAL SECRETARY seconded, and the motion was approved.

**PUBLIC HEALTH (SANITATION) AMENDMENT BILL, 1941.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Public Health (Sanitation) Ordinance, 1935."

THE COLONIAL SECRETARY seconded.

H.E. THE GOVERNOR. —I think it may be convenient if, after this Bill has been read a second time, we revert to the procedure which I understand was in force in this Council until recent years, that is, to take the Committee stage of the Bill immediately after the second reading and to proceed thereafter with the third reading instead of taking all the second readings together and then the Committee stages together. I take it Honourable Members are in agreement with this—to revert to the earlier procedure.

All members agreed, and after the Bill had been read a second time, Council went into Committee to consider the Bill clause by clause.

Upon Council resuming,

THE ATTORNEY GENERAL reported that the Public Health (Sanitation) Amendment Bill had pawed through Committee without amendment, and moved the third reading.

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

**MIDWIVES AMENDMENT BILL, 1941.**

THE ATTORNEY GENERAL moved the second residing of a Bill intituled "An Ordinance to amend the Midwives Ordinance, 1910."

THE COLONIAL SECRETARY seconded.

HON. MR. LO MAN-KAM. —A Bill for the purpose of amending Section 4 of the Midwives Ordinance, 1910, was gazetted in November, 1940. As the Hongkong Nurses and Midwives Association desired to make representations to Government regarding that Bill, my Chinese colleagues and I approached my Honourable friend the Attorney General, asking him to delay the introduction of that Bill to this Council pending the representations of the Association. To this the Attorney General readily agreed. Since then all the points which the Association raised have been thoroughly thrashed out between the Association and the Honourable the Director of Medical Services, with the invaluable assistance and advice of Professor Gordon King who, with the wholehearted approval of the Honourable the Director of Medical Services, was good enough to place his unrivalled knowledge and experience before the Association on the important question of the

training of midwives. The Bill now before the Council has embodied important amendments, which were the result of the discussions I have mentioned.

My Chinese colleagues and I desire to thank the Honourable the Attorney General, the Honourable the Director of Medical Services and Professor Gordon King for their good offices and assistance in meeting the Association on various points which so vitally affect all nurses and midwives in the Colony.

H.E. THE GOVERNOR. —It has been very gratifying to me to hear that this Bill is the result of the useful co-operation to which the Honourable Member has referred.

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 Midwives 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.

### **HONG KONG CORPS OF AIR RAID WARDENS (NO. 2) AMENDMENT BILL, 1941.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend further the Hong Kong Corps of Air Raid Wardens Ordinance, 1940."

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 Hong Kong Corps of Air Raid Wardens (No. 2) 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.

**POLICE (MILITIA STATUS) BILL, 1941.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to enable the Governor to confer by Proclamation on certain police forces in the Colony the status of militia in time of war."

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

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

Enacting Clause and Title.

THE ATTORNEY GENERAL. —The Enacting Clause and Title will be Improved if, after the word War, are added the words "or in other time of Emergency," so as to correspond with the first line of Section 2.

THE COLONIAL SECRETARY seconded, and this was agreed to.

Upon Council resuming,

THE ATTORNEY GENERAL reported that the Police (Militia Status) Bill had passed through Committee with an immaterial amendment to the Enacting Clause and Title, and moved the third reading.

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

**BETTING DUTY AMENDMENT BILL, 1941.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Betting Duty Ordinance, 1931, as amended by the Betting Duty Amendment Ordinance, 1940."

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

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

Clause 4.

HON. MR. T. E. PEARCE. —With your permission, Sir, I should like to make a few observations, and to move an amendment.

The Honourable the Colonial Secretary will confirm that during the discussions which led to the acceptance of the Stewards' recommendations in fixing the increase at 5 per cent. the only motive

in view was to avoid doing anything which might kill the "goose that lays the golden egg."

The phrase in Clause 1 of the "Objects and Reasons," "for the time being at any rate," is elastic, and I am glad to have the assurance that this increase will be promptly amended if it is found to have any detrimental effect on turnover.

Based on the figures disclosed in the Jockey Club's accounts for the year ending the 31st of March, 1941, the proposed increase will produce an additional \$150,000 in one year from that Club alone. For that same period, the Jockey Club actually paid Government \$492,000 in Rates, Betting Tax and War Taxation, so with this additional \$150,000, a sum approximately no less than \$650,000 will be paid to Government which, may I add, costs nothing in its collection.

I believe it is hardly necessary for me to remind Members of this Council that, in addition to this Government taxation, the Jockey Club has voluntarily contributed to British and Chinese War Funds and Charities in a very liberal manner. The amount so contributed during the last 24 months totals \$571,724, whilst local Charities have also benefited to a very much larger extent than in former years.

In his letter of the 15th of July, the Honourable the Colonial Secretary, when first bringing the matter before the Jockey Club, clearly indicated the increased income to be produced by the extra taxation would be diverted to the war effort, and under date July 28th, I replied: "I should be glad of your assurance that the extra tax is a war measure only and will be removed immediately peace is re-established."

I have been under the impression this condition had been accepted by Government, together with the other recommendations made in that letter. I was, therefore, extremely disappointed to receive a communication from the Honourable the Colonial Secretary, dated the 15th of September, reading as follows: —"It is regretted that at this stage it is not possible to give an assurance that the increase in duty now proposed will be abolished immediately peace is re-established. Your attention is, however, drawn to the wording of the first paragraph of the memorandum of 'Objects and Reasons' which is appended to the Bill."

I have already said and agree that the phrase, "for the time being at any rate," is elastic, but I shall be more satisfied if there is a definite date stated for the increase to be abolished.

Sir, I claim this Council should favourably consider and accept the following amendment: "That after the words 'October 1941,' in line 2 of Clause 4, there should be inserted the words: 'and shall continue in force until the war, which began on the 3rd September, 1939, is terminated, and no longer, unless otherwise provided by Ordinance'."

HON. MR. J. J. PATERSON seconded.

THE ATTORNEY GENERAL. —This amendment, which was courteously forwarded to me yesterday by the Honourable Member, has been considered by the Governor-in-Council and we regret that we cannot accept it. But I am very happy to give him the assurance that if at any time during the war or after it a change of circumstances occurs which, in the opinion of the Jockey Club, warrants an application for a review of this tax that application will be considered. We cannot give a definite date for this Ordinance to expire by lapse of time. It will have to be considered from time to time, but no definite date of termination, such as suggested in the proposed amendment, can be accepted by Government.

HON. MR. T. E. PEARCE. —I am extremely disappointed, Sir, that the Government cannot accept this amendment, but I have to thank the Honourable the Attorney General for putting on record that he will consider—favourably I hope—any amendment or alteration the Jockey Club sees fit to put forward, and with the permission of the Senior Unofficial Member I am prepared to withdraw the amendment.

HON. MR. J. J. PATERSON agreed.

Upon Council resuming,

THE ATTORNEY GENERAL reported that the Betting Duty 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.

#### ADJOURNMENT.

H.E. THE GOVERNOR. —Council is adjourned *sine die*.