

11th May, 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. 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. 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 (Acting Commissioner of Police).

HON. MR. A. G. W. TICKLE (Director of Public Works, *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. W. N. THOMAS TAM.

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

ABSENT:—

HON. MR. A. L. SHIELDS.

MINUTES.

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

NEW MEMBER.

The Hon. Mr. A. G. W. Tickle took the Oath of Allegiance and assumed his seat as a member of the Council.

PAPERS.

THE COLONIAL SECRETARY.—By command of Your Excellency, I lay upon the table certain papers, copies of which are in the hands of Honourable Members.

The papers laid on the table were as follows:—

Order made by the Governor in Council under section 8 (1) of the Jury Ordinance, 1887, Ordinance No. 6 of 1887, relating to the Jury Lists for 1939, dated 23rd March, 1939.

Regulations made by the Governor in Council under section 7 (2) (a) of the Telecommunication Ordinance, 1936, Ordinance No. 18 of 1936, relating to the rates for the transmission of wireless messages to ships or aircraft, dated 30th March, 1939.

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 the Ferry Li Kwok Kin and Keung Hung from the operation of that Ordinance, dated 30th March, 1939.

Amendment made by the Governor in Council under section 2 of the Emergency Regulations Ordinance, 1922, Ordinance No. 5 of 1922, to the regulations, dated 11th April, 1939.

Amendment made by the Governor in Council under section 3 of the British Nationality and Status of Aliens (Fees) Ordinance, 1915, Ordinance No. 33 of 1915, to the Schedule to that Ordinance, dated 18th April, 1939.

Amendment made by the Governor in Council under the Post Office Ordinance, 1926, Ordinance No. 7 of 1926, relating to rates of postage on parcels, dated 12th April, 1939.

Amendment made by the Governor in Council under section 5 of the Ferries Ordinance, 1917, Ordinance No. 28 of 1917, rescinding the regulation relating to the exclusion from the operation of that Ordinance of the ferry of Li Yung-pan between Sai Kung and Nam Tau Sha, dated 18th April, 1939.

Rules made by the Governor under Emergency Regulation No. 34 (3) of the Emergency Regulations Ordinance, 1922, Ordinance No. 5 of 1922, relating to Camps for Aliens, dated 21st April, 1939.

Proviso made by the Governor in Council under the Buildings Ordinance, 1935, Ordinance No. 18 of 1935, relating to the order applying section 122 of that Ordinance to the New Territories, dated 22nd April, 1939.

Amendment made by the General Officer Commanding the Troops, with the approval of the Governor after consultation with the Commandant of the Hong Kong Volunteer Defence Corps, under section 10 of the Volunteer Ordinance, 1933, Ordinance No. 10 of 1933, to the First Schedule to that Ordinance, dated 27th April, 1939.

Regulation made by the Governor in Council under section 3 of the Pensions Ordinance, 1932, Ordinance No. 21 of 1932, relating to the payment of a pension to Mr. T. Dallin, dated 1st May, 1939.

Amendment made by the General Officer Commanding the Troops, with the approval of the Governor after consultation with the Commandant of the Hong Kong Volunteer Defence Corps, under section 10 of the Volunteer Ordinance, 1933, Ordinance No. 10 of 1933, to the First Schedule to that Ordinance, dated 3rd May, 1939.

Proclamation No. 2.—Section A of Inland Lot No. 1082, Kennedy Town, appointed a leper settlement.

Administration Reports, 1938:—

Part I.—General Administration:—

Reports on the Finances.

Report of the Harbour Master and Director of Air Services.

Part II.—Law and Order:—

Report of the Land Officer and Registrar of Marriages.

Part VII.—Undertakings of Government:—

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

Sessional Papers, 1939:—

No. 1.—Jurors List for 1939.

FINANCE COMMITTEE'S REPORT.

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid upon the table the report of the Finance Committee No. 3 of 27th April, 1939, and moved that it be adopted.

THE FINANCIAL SECRETARY seconded, and this was agreed to.

(1938 SUPPLEMENTARY) APPROPRIATION BILL, 1939.

THE FINANCIAL SECRETARY moved the first reading of a Bill intituled "An Ordinance to authorize the Appropriation of a Supplementary sum of three million four hundred and twenty-six thousand two hundred and forty-three dollars and forty-eight cents to defray the charges of the year 1938." He said:

I rise to move the first reading of a Bill entitled "The (1938 Supplementary) Appropriation Bill, 1939". Copies of a detailed statement of expenditure and of a Report on the Finances of the Colony for the year 1938 are now before Honourable members. The various excesses over the estimated and appropriated sums are explained in the detailed statement of expenditure and these extra appropriations have all received the approval of the Finance Committee and of this Council in the usual way.

The total of the excesses shown in Clause 2 of the Bill, that is, \$3,426,243.48, is a substantial increase on the originally estimated expenditure of 1938, but as Honourable members are aware, expenditure last year was swollen by a number of exceptional causes. There will be found in paragraph 4 of the Annual Financial Report an analysis of the individual supplementary votes approved by Council, which shows how large a proportion was due to emergency expenses arising directly or indirectly out of the hostilities in China and other contingencies which could not be foreseen when the 1938 estimates were drawn up. Expenditure was also swollen by a sum of over \$1,200,000 by adjustments of a purely accounting nature arising out of the new system of dealing with Unallocated Stores and Building Loans.

In spite of these large increases in actual and nominal expenditure the net result of the year was less unfavourable than was anticipated when the estimates were drawn up, the net deficit being only \$440,043 as against an estimate of \$3,124,629.

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

**PREVENTION OF CRUELTY TO ANIMALS AMENDMENT
BILL, 1939.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Prevention of Cruelty to Animals Ordinance, 1935." He said: Already provisions have been made to enable the proper authorities to make bye-laws for the licencing, construction and proper maintenance of premises where animals, which are to be used as food, are kept alive, but this Bill will extend those powers by enabling the proper authorities to make similar restrictions in respect of pet shops.

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. Provision for the construction, licencing and proper sanitary maintenance of places in which animals are kept in private premises is made by section 4 (1) (xxi) of the Public Health (Sanitation) Ordinance, No. 15 of 1935; but in that Ordinance by section 3 the word "animals" is given a restricted meaning.

2. Similar provision is made in sections 3 (1) (c), 3 (5) and 3 (6) of the Public Health (Animals and Birds) Ordinance, No. 16 of 1935, where by section 2 "animals" and "birds" are also given a restricted meaning.

3. The object of this Bill is to make similar provision for licencing, construction and proper sanitary maintenance under the Prevention of Cruelty to Animals Ordinance, No. 44 of 1935, by the addition of appropriate words to section 8 thereof.

4. Under section 2 of that Ordinance "animal" is given a very wide interpretation so as to cover any bird, beast, fish, reptile or insect whether wild or tame.

5. It is intended, when this Bill is enacted, to make regulations for the licencing, construction and proper sanitary maintenance of the "pet-shops" where a miscellaneous collection of dogs, cats, monkeys, reptiles and gold-fish are sometimes kept for sale to the public under conditions against which the object of the Prevention of Cruelty to Animals Ordinance is directed.

TRUSTEE AMENDMENT BILL, 1939.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Trustee Ordinance, 1934." He said: This is explained in the Memorandum of Objects and Reasons. When the Bill is passed it will enable certain banks, which are authorized by their constitution to do so, to act as trustees without the intervention of the Court provided they comply with certain provisions.

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. Certain banking corporations carrying on business in this Colony and authorized by their constitution to undertake trust business are, unless appointed to be trustees in a particular case by the Court, precluded from doing such business by sections 77 and 82 of the Trustee Ordinance, No. 18 of 1934, which limit the objects of a Trust Company to those set out in section 82.

2. Clause 2 of this Bill, by adding three new sections 106A, 106B and 106C to the principal Ordinance, enables any corporation lawfully carrying on banking business in this Colony and having the prescribed capital qualification, to be registered, with the consent of the Governor in Council, as a Trust Company notwithstanding that its objects are not restricted to those set out in section 82, and exempts, except in the case of section 82 (1) (l), such a corporation from the provisions of sections 77, 81, 82, 92, 93, 94, 97 and 101 in Part VIII of the principal Ordinance, which are appropriate only to companies whose objects are so restricted.

3. In addition to the capital qualification (\$4,000,000 issued and \$1,600,000 paid-up capital), which is based upon a similar qualification (£250,000 and £100,000 respectively) in the Public Trustee Rules in England, the Governor in Council is required, before consenting to registration, to satisfy himself that the extent and nature of the corporation's business in the Colony is sufficient to justify such special registration.

4. New section 106B limits the powers of an inspector appointed under section 96 of the principal Ordinance to the investigation of the trust business of a corporation registered as a Trust Company under new section 106A.

5. New section 106C provides for the removal from the register of Trust Companies of any corporation registered under new section 106A if the corporation ceases to be qualified for registration as a

Trust Company or if on the report of an inspector appointed under section 96 it appears that the corporation has committed a breach of trust.

ORDINANCES AND REGULATIONS OF HONG KONG (1937 EDITION) AMENDMENT BILL, 1939.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Ordinances and Regulations of Hong Kong (1937 edition) Ordinance, 1936." He said:

Honourable Members will remember that the principal Ordinance provides for a new edition of the Ordinances and Regulations up to the end of 1937. There has been some delay in producing the volumes and we are already in 1939. It is not intended that the edition should be brought entirely up to date. That is quite impossible, but where an enactment of considerable proportion which would otherwise appear in the edition ending December 31, 1937, has been entirely replaced by a new Ordinance enacted in 1938 or 1939, it would be waste of paper and printing to reproduce it in the edition about to be issued. The object of this Bill is to enable the Editor to omit such repealed enactments so that, for example, the Waterworks Ordinance of 1903 will not appear in the new volume, but there will be a note that it has been replaced by the Waterworks Ordinance of 1938.

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

Objects and Reasons.

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

1. Section 7 (1) of the Ordinances and Regulations of Hong Kong (1937 edition) Ordinance, No. 51 of 1936, provides *inter alia* that—

The Ordinances of Hong Kong (1937 edition) shall include all the Ordinances in force on the 1st day of January, 1938, and also any unrepealed Ordinance passed before but not brought into force on or before that date

and section 8 that—

The editor shall further prepare and issue a collection of the regulations in force in the Colony on the 1st day of January, 1938,

2. Since 1st January, 1938, new legislation has been enacted involving the repeal of certain Ordinances and regulations to which the foregoing sections apply and which, since they are now no longer effective, it is unnecessary and undesirable to include in the volumes of the revised edition still to be issued.

3. Clause 2 of this Bill adds to section 7 of the principal Ordinance a proviso enabling the editor in his discretion, on making an

appropriate note, to omit from any such volume any Ordinance to which sub-section (1) of that section applies but which has been repealed and replaced by an Ordinance of later date before the issue of that volume.

4. Clause 3 of this Bill, by an addition to section 8 of the principal Ordinance, makes a similar provision in the case of regulations in force on 1st January, 1938, but since repealed and replaced by others.

5. Clause 5 provides that a copy of the Ordinance of which this is a Bill shall be printed at the beginning of every volume of the new edition of the Ordinances and the Regulations in which the editor exercises the powers conferred by clause 2 or 3.

PREVENTION OF EVICTION (NO. 2) AMENDMENT BILL, 1939.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend further the Prevention of Eviction Ordinance, 1938, as amended by the Prevention of Eviction Amendment Ordinance, 1939." He said:

Unless these Ordinances are amended they will expire by the terms laid down at the end of this month. Government has decided that the pressure of the population arising from the recent disturbances is so great that it is necessary to continue an Ordinance of this kind for a further period. This Ordinance will enable those Ordinances to remain in the Statute Book for another year. But this does not mean that they must remain in force for a year because conditions may change and another Ordinance may have to be passed to repeal them. If the conditions change or are shown to have already changed sufficiently to justify that course, another Ordinance could be passed amending them.

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 8 of the Prevention of Eviction Ordinance, 1938, as renumbered by section 3 of the Prevention of Eviction Amendment Ordinance, 1939, provided that the Ordinance should continue in force until the first day of June, 1939, and no longer, unless otherwise provided by Ordinance.

2. The object of this Bill is to extend the period of operation of the Ordinance for a further year.

ADJOURNMENT.

H.E. THE GOVERNOR.—This concludes the business of the meeting. Council stands adjourned until 2.30 p.m. on May 25th.