

## LEGISLATIVE COUNCIL.

No. 442.

## LEGISLATIVE COUNCIL, No. 5.

Wednesday, 22nd April, 1936, at 2.30 p.m.

## PRESENT:

- HIS EXCELLENCY THE GOVERNOR  
(Sir ANDREW CALDECOTT, Kt., C.M.G., C.B.E.).
- His Excellency the General Officer Commanding the Troops, (Major-General ARTHUR WOLLASTON BARTHOLOMEW, C.B., C.M.G., C.B.E., D.S.O.).
- The Honourable the Colonial Secretary, (Mr. ROLAND ARTHUR CHARLES NORTH, *Acting*).  
 „ the Attorney General, (Mr. CHALONER GRENVILLE ALABASTER, O.B.E., K.C.).  
 „ the Secretary for Chinese Affairs, (Mr. WILLIAM JAMES CARRIE, *Acting*).  
 „ the Colonial Treasurer, (Mr. EDWIN TAYLOR).  
 „ Commander GEORGE FRANCIS HOLE, R.N. (Retired), (Harbour Master).  
 „ Dr. ARTHUR ROBERTES WELLINGTON, C.M.G., (Director of Medical and Sanitary Services).  
 „ Mr. THOMAS HENRY KING, (Inspector General of Police).  
 „ Mr. ARTHUR GEORGE WARNHAM TICKLE, (Acting Director of Public Works).  
 „ Sir HENRY EDWARD POLLOCK, Kt., K.C., LL.D.  
 „ Mr. JOHN JOHNSTONE PATERSON.  
 „ Mr. JOSÉ PEDRO BRAGA, O.B.E.  
 „ Mr. TS'Ō SEEN-WAN, C.B.E., LL.D.  
 „ Mr. CHAU TSUN-NIN.  
 „ Mr. WILLIAM HENRY BELL.  
 „ Mr. LO MAN-KAM.  
 „ Mr. STANLEY HUDSON DODWELL.  
 „ Mr. DAVID MERCER MACDOUGALL, (Deputy Clerk of Councils).

1. The Council met pursuant to adjournment. His Excellency the Governor occupied the Chair.

## ANNOUNCEMENTS.

2. His Excellency the Governor addressed the Council expressing regret at the retirement of Sir WILLIAM SHENTON, Kt., from the Legislative Council and paid high tribute to his services on the Executive and Legislative Councils. It was unanimously agreed that the Deputy Clerk of Councils should be instructed to send to Sir WILLIAM SHENTON a copy of these proceedings and an expression of the Members' earnest wishes for the health and happiness of himself and family.

Hon. Sir HENRY POLLOCK addressed the Council and said that he was quite sure that all his Unofficial Colleagues would desire to be associated with the remarks of His Excellency the Governor regarding Sir WILLIAM SHENTON.

Hon. Dr. S. W. Ts'o said that Sir WILLIAM SHENTON had done a great deal towards the association of the Chinese and the European Communities in Hong Kong and that as the Senior Chinese Member of the Council he had much pleasure in endorsing His Excellency's remarks.

## MINUTES.

3. The Minutes of the Meeting held on the 19th March, 1936, were confirmed.

## OATHS.

4. The Honourable the Secretary for Chinese Affairs, (Mr. WILLIAM JAMES CARRIE), and the Honourable Mr. STANLEY HUDSON DODWELL took the Oath of Allegiance and assumed their seats as Members of the Council.

## PAPERS.

5. The following papers were laid on the table:—

Amendment made by the Governor in Council under section 25 (4) of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, to Table M in the Schedule to that Ordinance, dated 14th March, 1936.

Order made by the Governor in Council under section 6 of the New Territories Regulation Ordinance, 1910, Ordinance No. 34 of 1910, declaring certain area of Crown Land situate at Tsun Wan to be Tsun Wan Market, dated 16th March, 1936.

Rules made by the Governor in Council under section 6 of the New Territories Regulation Ordinance, 1910, Ordinance No. 34 of 1910, regarding Tsun Wan Market, dated 16th March, 1936.

Addition to Regulation 30 of the Post Office Regulations made by the Governor in Council under section 3 of the Post Office Ordinance, 1926, Ordinance No. 7 of 1926, relating to charges for letters and postcards for transmission by the Imperial Airways *via* Penang Service, dated 18th March, 1936.

Amendment of by-laws under section 5 of the Public Health (Food) Ordinance, 1935, Ordinance No. 13 of 1935, under the heading "Markets" and sub-heading "Market Stalls", in the Schedule to that Ordinance, dated 7th January, 1936.

Amendment to by-laws under section 4 (xv) of the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, under the heading "Scavenging", in Schedule A to that Ordinance, dated 7th January, 1936.

Amendment to by-laws under sections 2 and 4 of the Hawkers Ordinance, 1935, Ordinance No. 22 of 1935, under the heading "A.—General and Licensing", in the Schedule to that Ordinance, dated 7th January, 1936.

The Air Navigation Directions, (Hong Kong), 1932, —Notification relating to Landing, Alighting and Housing Fees for flying machines at Kai Tak Airport, dated 20th March, 1936.

Amendment made by the Governor in Council under section 15 of the Wild Birds Ordinance, 1922, Ordinance No. 15 of 1922, to the Regulations in the Schedule to that Ordinance, dated 12th March, 1936.

Notice to Airmen No. 1 of 1936, relating to housing fees, dated 27th March, 1936.

Notice to Airmen No. 2 of 1936, relating to landing or alighting fees, dated 27th March, 1936.

Order made by the Governor in Council under section 3 (1) (a) of the Opium Ordinance, 1932, Ordinance No. 7 of 1932, relating to the price of Grade 2 opium, dated 21st March, 1936.

Notification under section 6A (2) (a) of the New Territories Regulation Ordinance, 1910, Ordinance No. 34 of 1910, relating to the Tao Fong Shan Christian Cemetery, dated 7th April, 1936.

Amendment to the Watchmen Regulations 3 (c), made by the Governor in Council under section 3 of the Watchmen Ordinance, 1928, Ordinance No. 6 of 1928, dated 8th April, 1936.

Regulations under section 10 of the Naval Volunteer Ordinance, 1933, Ordinance No. 30 of 1933, substituting Table A 1, dated 14th April, 1936.

Proclamation No. 2.—Sittings of the Police Court (Kowloon Magistracy) to be held in the building at King's Park, Gascoigne Road.

Sessional Papers, 1936 :—

No. 1.—Jurors List for 1936.

Administration Reports, 1935 :—

Part II.—Law and Order :—

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

Report on the New Territories: District Office, North.

#### QUESTIONS.

6. The Hon. Mr. LO MAN-KAM, pursuant to notice, asked the following questions :—

- (a) How many graduates of the Hong Kong University are at present employed in the Hong Kong Government and what are their salaries?
- (b) Have representations been made to Government by the University authorities or other bodies as to the salaries which graduates of the University expect to receive from the Government of Hong Kong?
- (c) What are the facts and materials on which the statement that "University trained Chinese expect salaries equal to those drawn by European Officers" is based?

The Colonial Secretary replied as follows :—

- (a) The number of University Graduates employed in the Government Service is :—

*Public Works Department.*

One Assistant Engineer .....	\$ 3,800—\$ 5,600.
Two Apprentice Engineers .....	1,800.

*Medical Department.*

One Health Officer .....	\$ 5,700—\$ 8,400.
Eighteen Medical Officers .....	4,500— 7,500.
Six House Surgeons, etc. ....	2,400 per annum.

*Education Department.*

One Head Master .....	£ 500 —£ 950.
Fifty-two University Trained Master .....	\$ 1,800—\$ 6,000.
Four University Trained Mistresses .....	1,320— 3,000.

*Railway.*

One Assistant Engineer .....	\$ 4,000—\$ 6,000.
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- (b) No.

- (c) The statement has since been reviewed and found to rest on undue generalisation. His Excellency therefore authorises me, very gladly in view of his comments on it at the last session, to announce its withdrawal.

## REPORT OF THE FINANCE COMMITTEE.

7. The Colonial Secretary laid on the table the Report of the Finance Committee (No. 2), dated 19th March, 1936, and moved its adoption.

The Colonial Treasurer seconded.

Question—put and agreed to.

## MOTIONS.

8. The Colonial Treasurer addressed the Council and said that the question of extra revenue to be expected from the new liquor duties was one that could not be answered as consumption was such a variable factor. Assuming as a basic figure the amount of duty paid during the first quarter, that is on a total gallonage of \$299,392, the increase per quarter would amount to \$24,781 or, say, \$100,000 for a full year. There had been, however, very heavy withdrawals of European liquors during the first quarter, and it was not probable that such a figure would be realised this year. He then moved the following resolution:—

## LIQUORS DUTIES RESOLUTION.

Resolved pursuant to section 39 of the Liquors Ordinance, 1931, Ordinance No. 36 of 1931, that the Liquors Duties Resolution of the 28th March, 1935, published in the Gazette by Notification No. 255 of the 29th March, 1935, be rescinded and that on and after the coming into operation of this Resolution the duties to be paid upon intoxicating or spirituous liquors imported into, or distilled, made or prepared in, the Colony shall be assessed in Hong Kong currency as in the following Table.

## TABLE.

## Part I.

## EUROPEAN TYPE LIQUOR.

	<i>Per gallon.</i>
On all liqueurs, and on all champagnes and other sparkling wines .....	\$13.00
On all brandy consigned from and grown or produced in the British Empire .....	5.00
On all other brandy and on gin, whisky and other spirituous liquors .....	10.00
On all port, sherry and madeira .....	6.00
On all other still wines .....	5.00
On cider and perry .....	0.80
On beer (as defined in the Ordinance, but exclusive of cider and perry) not exceeding 1055 degrees original gravity, that is to say the specific gravity of the worts before fermentation .....	0.80
with the addition of \$0.02 per gallon for every degree by which the original gravity of the worts for such beer exceeds 1055 degrees as measured by the "Bates" standard saccharometer.	

*Per gallon.*

On all other beer (as defined in the Ordinance, but exclusive of cider and perry) whether in concentrated form, or as ale basis, or malt and hops concentrate, or otherwise .....	0.80
with the addition of \$0.02 per gallon for every degree by which the original gravity exceeds 1045 degrees as measured by the "Bates" standard saccharometer.	
On all intoxicating liquors above the strength of 20 degrees under proof, for every degree above such strength in addition to the appropriate duty as above .....	0.12

**Part II.****CHINESE TYPE LIQUOR.***Per gallon.*

On all Chinese type spirits distilled in the Colony and containing not more than 25 per cent of alcohol by weight .....	\$1.50
On all Chinese type spirits not distilled in the Colony and containing not more than 25 per cent alcohol by weight .....	1.75
On all Chinese type spirits containing more than 25 per cent alcohol by weight, for every one per cent of additional alcoholic strength by weight .....	0.06

**Part III.****JAPANESE TYPE LIQUOR.***Per gallon.*

On all sake containing not more than 25 per cent of alcohol by weight .....	\$1.50
For every one per cent of additional alcoholic strength by weight .....	0.06

**Part IV.****OTHER LIQUORS.***Per gallon.*

On all spirituous liquors other than intoxicating liquors, but including spirits of wine or arrack, containing not more than 25 per cent of alcohol by weight .....	\$1.50
For every one per cent of additional alcoholic strength by weight .....	0.06

Provided that it shall be lawful for the Superintendent of Imports and Exports, in his discretion, to assess the duty on any intoxicating liquor not specifically mentioned in Part I, II and III above at such rate as is provided in any such Part for the liquor which the said Superintendent shall deem to approximate most nearly to such intoxicating liquor; and Provided also that it shall be lawful for the said Superintendent, in his discretion, to assess the duty on any spirituous liquors, imported in a consignment of less than two gallons at one time, at \$10.00 per gallon.

The Colonial Secretary seconded.

Question—put and agreed to.

9. The Colonial Treasurer addressed the Council and explained that it had been necessary to raise the figure for Chinese prepared tobacco to \$1.40 per lb. He then moved the following resolution:—

#### TOBACCO DUTIES RESOLUTION.

Resolved that the duties on Tobacco set forth in the Resolution passed by the Legislative Council on the 16th March, 1933, under the provisions of section 7 of the Tobacco Ordinance, 1931, Ordinance No. 39 of 1931; and published by Notification No. 166 in the Gazette of the 17th March, 1933, be varied and subject to the provisions of sub-section (2) of section 6 of the said Tobacco Ordinance, 1931, the duties payable—

1. upon all tobacco imported into the Colony after the coming into operation of this resolution, and

2. upon all dutiable tobacco already in the Colony at the coming into operation of this resolution shall be paid in Hong Kong currency as stated in the following Table per pound weight:

#### TABLE.

For the purpose of this Table tobacco shall be deemed to be of "Empire Origin" if it is proved to the satisfaction of the Superintendent of Imports and Exports to have been grown in and consigned from the British Empire, which for the purposes of this Table shall be deemed to be the United Kingdom, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State, Newfoundland, India, Burmah and any British Colony, any territory under His Majesty's protection, the Mandated territories of Tanganyika, or Cameroons under British Mandate, or Togoland under British Mandate; and Tobacco shall be deemed to be of "Empire Manufacture" if it is proved to the satisfaction of the Superintendent of Imports and Exports to have been substantially manufactured in and consigned from the British Empire, as defined above: Provided that no tobacco shall be deemed to be substantially manufactured within the British Empire unless, in the opinion of the Superintendent of Imports and Exports, at least one quarter of its value is the result of labour within such Empire.

**Scale of Tobacco Duties.***per pound weight.***A.—On unmanufactured tobacco :****(1) If Unstripped :****(a)** containing 10 pounds or more of moisture per 100 pounds weight thereof :

- |                             |        |
|-----------------------------|--------|
| (i) if of Empire Origin ... | \$0.90 |
| (ii) other tobacco .....    | 1.10   |

**(b)** containing less than 10 pounds of moisture per 100 pounds weight :

- |                             |        |
|-----------------------------|--------|
| (i) if of Empire Origin ... | \$1.00 |
| (ii) other tobacco .....    | 1.20   |

**(2) If Stripped :****(a)** containing 10 pounds or more of moisture per 100 pounds weight thereof :

- |                             |        |
|-----------------------------|--------|
| (i) if of Empire Origin ... | \$1.05 |
| (ii) other tobacco .....    | 1.25   |

**(b)** containing less than 10 pounds of moisture per 100 pounds weight thereof :

- |                             |        |
|-----------------------------|--------|
| (i) if of Empire Origin ... | \$1.15 |
| (ii) other tobacco .....    | 1.35   |

**B.—On manufactured tobacco :****(1) Cigars :**

- |  |         |
|--|---------|
| (i) if of Empire Origin and manufacture... | \$ 2.00 |
| (ii) if of Empire manufacture only .....   | 2.30    |
| (iii) other cigars .....                   | 2.60    |

**(2) Cigarettes :**

- |  |        |
|--|--------|
| (i) if of Empire Origin and manufacture... | \$1.40 |
| (ii) if of Empire manufacture only .....   | 1.60   |
| (iii) other cigarettes .....               | 1.80   |

**(3) Other manufactured tobacco including snuff and cigar cuttings :**

- |  |        |
|--|--------|
| (i) if of Empire Origin and manufacture... | \$1.40 |
| (ii) if of Empire manufacture only .....   | 1.60   |
| (iii) on Chinese prepared tobacco .....    | 1.40   |
| (iv) on other varieties .....              | 1.80   |

The Colonial Secretary seconded.

Question—put and agreed to.

**10. The Attorney General moved :—**

1. That the By-law made by the Urban Council under section 3 of the Public Health (Sanitation) Ordinance, 1935, on the 18th day of February, 1936, be approved.
2. That the amendment to the Cattle, Swine, etc., by-laws made by the Urban Council under section 4 of the Public Health (Sanitation) Ordinance, 1935, on the 17th day of March, 1936, be approved.

3. That the amendment to the Market by-laws made by the Urban Council under section 5 of the Public Health (Food) Ordinance, 1935, on the 31st day of March, 1936, be approved.
4. That the amendment to the Conservancy by-laws made by the Urban Council under section 4 (xvi) of the Public Health (Sanitation) Ordinance, 1935, on the 31st day of March, 1936, be approved.

The Colonial Secretary seconded.

Question—put and agreed to.

11. *Buildings Amendment Bill.*—The Attorney General addressed the Council and moved the First reading of a Bill intituled “An Ordinance to amend the Buildings Ordinance, 1935.”

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

12. *Counterfeit Currency (Convention) Bill.*—The Attorney General addressed the Council and moved the First reading of a Bill intituled “An Ordinance to enable effect to be given to an International Convention for the Suppression of Counterfeiting Currency, signed on behalf of His late Majesty at Geneva on the 20th day of April, 1929, to apply to foreign coin certain enactments relating to British Coin, to assimilate the penalties for importing and exporting counterfeit coin and to amend certain enactments relating to forgery, coinage and extradition.”

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

13. *Midwives Amendment Bill.*—The Attorney General addressed the Council and moved the First reading of a Bill intituled “An Ordinance to amend the Midwives Ordinance, 1910.”

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

14. *Asylums Bill.*—The Attorney General addressed the Council and moved the First reading of a Bill intituled “An Ordinance to consolidate and amend the law relating to the establishment of asylums for the detention, custody and care of persons of unsound mind, and others.”

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

15. *Summary Offences Amendment Bill.*—The Attorney General moved the Second reading of a Bill intituled “An Ordinance to amend the Summary Offences Ordinance, 1932.”

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

On Council resuming, the Attorney General reported that the Bill had passed through Committee without amendment, and moved that it be read a third time.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time and passed.



16. *Stonecutters Island Amendment Bill*.—The Attorney General moved the Second reading of a Bill intituled “An Ordinance to amend the Stonecutters Island Ordinance, 1889.”

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

On Council resuming, the Attorney General reported that the Bill had passed through Committee without amendment, and moved that it be read a third time.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time and passed.

17. *Companies Amendment Bill*.—The Attorney General moved the Second reading of a Bill intituled “An Ordinance to amend further the Companies Ordinance, 1932.”

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

On Council resuming, the Attorney General reported that the Bill had passed through Committee without amendment, and moved that it be read a third time.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time and passed.

18. *Deportation (British Subject) Bill*.—The Attorney General moved the Second reading of a Bill intituled “An Ordinance to regulate the Deportation of Undesirable British subjects.”

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

On Council resuming, the Attorney General reported that the Bill had passed through Committee without amendment, and moved that it be read a third time.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time and passed.

19. *Hong Kong Government Service (Levy on Salaries) Bill*.—The Attorney General addressed the Council and moved the Second reading of a Bill intituled “An Ordinance to make provision for a levy on the salaries of public officers in the Hong Kong Government Service.”

The Colonial Secretary seconded.

Bill read a second time.

Hon. Sir HENRY POLLOCK addressed the Council and Hon. Dr. S. W. T'so endorsed his remarks.

Hon. Mr. M. K. Lo addressed the Council.

Hon. Colonial Secretary and His Excellency the Governor addressed the Council.

Question—put and agreed to.

Council in Committee on the Bill.

On Council resuming, the Attorney General reported that the Bill had passed through Committee without amendment, and moved that it be read a third time.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time and passed.

20. *Telecommunication Bill*.—The Attorney General moved the Third reading of a Bill intituled “An Ordinance to amend the consolidate the law relating to Telecommunication.”

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time and passed.

ADJOURNMENT.

21. The Council then adjourned *sine die*.

A. CALDECOTT,  
*Governor.*

Confirmed this 13th day of May, 1936.

D. M. MACDOUGALL,  
*Deputy Clerk of Councils.*

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**No. 443.**—His Excellency the Governor has given his assent, in the name and on behalf of His Majesty the KING, to the following Ordinances passed by the Legislative Council:—

Ordinance No. 19 of 1936.—An Ordinance to amend the Buildings Ordinance, 1935.

Ordinance No. 20 of 1936.—An Ordinance to enable effect to be given to an International Convention for the Suppression of Counterfeiting Currency, signed on behalf of His late Majesty at Geneva on the 20th day of April, 1929, to apply to foreign coin certain enactments relating to British Coin, to assimilate the penalties for importing and exporting counterfeit coin and to amend certain enactments relating to forgery, coinage and extradition.

Ordinance No. 21 of 1936.—An Ordinance to amend the Midwives Ordinance, 1910.

Ordinance No. 22 of 1936.—An Ordinance to consolidate and amend the law relating to the establishment of asylums for the detention, custody and care of persons of unsound mind, and others.