

LEGISLATIVE COUNCIL.

No. 705.

LEGISLATIVE COUNCIL, No. 10.

Wednesday, 22nd July, 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, C.M.G.).

„ Commander GEORGE FRANCIS HOLE, R.N. (Retired), (Harbour Master).

„ Dr. ARTHUR ROBERTS 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).

„ Mr. JOHN JOHNSTONE PATERSON.

„ Mr. WILLIAM HENRY BELL.

„ Mr. Ts'ò SEEN-WAN, C.B.E., LL.D.

„ Mr. CHAU TSUN-NIN.

„ Mr. LO MAN-KAM.

„ Mr. STANLEY HUDSON DODWELL.

„ Mr. ANTONIO FERREIRA BATALHA SILVA-NETTO.

„ Mr. MARCUS THEODORE JOHNSON.

„ 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 paying high tribute to the services rendered by the Hon. Sir SHOU-SON CHOW to the public in general and the legislature of the Colony since 1921 and wished him prolonged health and happiness. His Excellency proposed that the Clerk of Councils be instructed to forward Sir SHOU-SON CHOW a copy of the proceedings of the meeting.

Hon. Mr. J. J. PATERSON seconded on behalf of the Unofficial Members and remarked how much they regretted the departure of Sir SHOU-SON CHOW from the Council. He wished Sir SHOU-SON CHOW every happiness and good health in the leisure which he had so richly earned.

Hon. Dr. S. W. Ts'o said that on behalf of the Chinese colleagues and himself, he heartily endorsed the expression of His Excellency in appreciation of the splendid services rendered by Sir SHOU-SON CHOW whose vast experience in China had been brought to bear on his work in Hong Kong for the benefit of the Chinese community.

## MINUTES.

3. The Minutes of the Meeting held on the 24th June, 1936, were confirmed.

## PAPERS.

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

Amendments made by the Governor in Council under sections 39 and 42 of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, to Table U in the Schedule to that Ordinance, dated 16th June, 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 17th June, 1936.

Amendments made by the Governor in Council under sections 10 (6), 14 (7), 37 (2) and 42 (1) of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, to Table C in the Schedule to that Ordinance, dated 21st June, 1936.

Order made by the Governor in Council under section 2 of the Rating (Refunds) Ordinance, 1926, Ordinance No. 3 of 1926, dated 23rd June, 1936.

Resolution made and passed by the Legislative Council on the 24th day of June, 1936, under the provisions of section 7 of the Motor Spirit Ordinance, 1930, Ordinance No. 4 of 1930.

Rescission of by-law 1 contained in the Schedule of the Hawkers Ordinance, 1935, Ordinance No. 22 of 1935, under the heading "B.—Licensed (itinerant) hawkers", dated 26th May, 1936.

Amendment made by the Governor in Council under section 3 of the Post Office Ordinance, 1926, Ordinance No. 7 of 1926, to paragraph (5) of Regulation 8 of the Post Office Regulations regarding the rate of postage on Small Packets, dated 2nd July, 1936.

Amendment to Post Office Regulations made by the Governor in Council under section 3 (1) (n) of the Post Office Ordinance, 1926, Ordinance No. 7 of 1926, dated 3rd July, 1936.

Order made by the Governor in Council under section 122 of the Buildings Ordinance, 1935, Ordinance No. 18 of 1935, relating to blasting at the south side of Stanley Peninsula, dated 3rd July, 1936.

Amendments made by the Governor in Council under section 3 (1) (b) of the Motor Spirit Ordinance, 1930, Ordinance No. 4 of 1930, to the Regulations in the First Schedule to that Ordinance, dated 12th July, 1936.

Order under section 75 (8) of the Public Health (Sanitation) Ordinance, 1935, Ordinance No. 15 of 1935, made by the Governor on the 15 day of July, 1936.

Administration Reports, 1935 :—

Part I.—General Administration :—

Report on the Assessment for the year 1936-1937.

Report of the Harbour Master and Director of Air Services.

Part II.—Law and Order :—

Report of the Chief Officer, Fire Brigade.

QUESTIONS.

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

1.—With reference to the bathing beach known as Chek Sha, situate midway between Ban Sin Kok and Miu Sek at Junk Bay,—

I. Is Government aware :—

(a) That it is a popular bathing beach frequently resorted to by launch picnic parties ?

(b) That a fair sized cesspool was recently constructed and used within approximately 200 yards of high-water mark, and

(c) That two sheds were built and inhabited within approximately 50 yards of the cesspool ?

II. Will Government consider the question of having the cesspool and matsheds removed to some other place not adjacent to popular bathing beaches, so that the sea may not be polluted thereby ?

2.—Will Government be good enough to furnish to this Council full information as to the supply from any Government depot or otherwise of duty-free petrol to civil servants—

(a) setting out the terms and conditions and restrictions (if any) under which such supply is given ; and

(b) setting out the amount of duty-free petrol so supplied during the years 1934, 1935, and the first six months of 1936.

3.—I. Is Government aware that in recent criminal proceedings it was proved in evidence by Crown witnesses that there were no less than 800 opium divans in the Colony, of the existence of which the Authorities had no knowledge and, if so, will Government state whether any explanation has been called for from the Departments concerned as to how such a large number of divans can exist without the knowledge of the Authorities ?

II. Will Government state whether any steps have been taken to suppress these divans and, if so, with what result ?

The Colonial Secretary replied as follows :—

1.—(I) (a) It is understood that this is a small stony beach not particularly adapted to use by bathers, but that motor boats conveying bathers frequently anchor off the shore.

(b) Yes.

(c) Yes.

(II). The cesspool and matsheds are necessary for the cultivation of private agricultural land adjoining the beach. I am informed that the cesspool does not drain on to the beach, and therefore does not pollute the sea. The cultivator might be required to remove the cesspool and the matsheds to within the boundary of his adjacent land but this would not improve the bathing amenities of the beach. In the circumstances Government does not propose to take any action.

2. Government does not supply, nor has it ever supplied, duty free petrol to Civil Servants. Civil Servants may obtain petrol for their personal use from Government Stores on payment of the contract price together with the duty.

3.—(I). Government has long been aware of the existence in the Colony of a large number of opium divans. The main difficulty in the suppression of these divans is that in many cases their locations change from day to day and it is not possible to do more than is being done at present without a very material increase in the Preventive Staff of the Imports and Exports Department.

(II). The attention of the Honourable Member is invited to the Annual Administrative Reports of the Superintendent of Imports and Exports for the years 1933 and 1934. Steps are continually being taken to prosecute divan keepers and to check as far as possible the entry of illicit opium from which the divans draw their supplies. In 1935 the convictions obtained against divan keepers numbered 557.

#### MOTIONS.

6. The Attorney General moved :—

That the amendment to the by-laws made by the Urban Council under section 3 of the Public Health (Animals and Birds) Ordinance, 1935, on the 26th day of May, 1936, be approved.

The Colonial Secretary seconded.

Question—put and agreed to.

7. The Colonial Treasurer addressed the Council and moved the following resolutions :—

1.—RESOLVED pursuant to section 2 (4) of the Hong Kong Government Service (Levy on Salaries) Ordinance, 1936, that after deduction of the levy, if any, and of the Widows' and Orphans' Pension Contribution, if any, or of either, the remainder of the salaries of all public officers in the Hong Kong Government Service, which are expressed in terms of sterling, whatever their amount, shall be converted at the rate of one shilling and fourpence half-penny to the dollar for the months of July, August and September, 1936.

2.—RESOLVED pursuant to section 6 of the Hong Kong Government Service (Levy on Salaries) Ordinance, 1936, that with effect from the 1st day of January, 1936, until the 30th day of September, 1936, both days included, that one sixth of the salary, if expressed in terms of sterling, of every officer of the Hong Kong Government Service, who shall have a wife or a child under the age of twenty-one years dependent on him and resident in a sterling or gold-standard country, shall be exempt (after deduction of the levy, if any, and of the Widows' and Orphans' Pension Contribution, if any, or of either) from the operation of the special conversion rate provided for in section 2 (4) of the said Ordinance during the period in which such wife or child is so resident.

AND RESOLVED further that in the case of such an officer, who has two or more such dependents so resident as aforesaid, the exemption (after the said deductions, if any) shall extend to one third of the salary.

The Colonial Secretary seconded.

Question—put and agreed to.

8. *Crown Rights (Re-entry) Amendment Bill.*—The Attorney General addressed the Council and moved the First reading of a Bill intituled “An Ordinance to amend the Crown Rights (Re-entry) Ordinance, 1870.”

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

9. *Cane for Birch Substitution Bill.*—The Attorney General addressed the Council and moved the First reading of a Bill intituled “An Ordinance to amend the law relating to the instruments which may be used in flogging or whipping.”

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

10. *(1935 Supplementary) Appropriation Bill.*—The Colonial Treasurer moved the Second reading of the Bill intituled “An Ordinance to authorize the Appropriation of a Supplementary Sum of One hundred and twenty two thousand seven hundred and seventy one Dollars and fifteen Cents to defray the Charges of the year 1935.”

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

On Council resuming, the Colonial Secretary 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.

11. *Pleasure Grounds and Bathing Places Regulation Bill.*—The Attorney General moved the Second reading of a Bill intituled “An Ordinance to regulate certain pleasure grounds, bathing places and places of public resort.”

The Colonial Secretary seconded.

The Hon. Mr. LO MAN-KAM addressed the Council.

The Attorney General addressed the Council.

His Excellency the Governor addressed the Council.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

Hon. Mr. M. K. Lo moved the deletion of Clause 2, sub-section 3 under the heading "Bathing Places" of the 2nd Schedule and the substitution of the following regulation therefor:—

"Tents, awnings or similar structures not exceeding 7 feet in height, in private ownership and not intended to be let, and not in fact let, for hire, may be erected and maintained without permit for periods not exceeding 12 hours in any one day on any beach: provided that no such structure shall be erected within 30 feet of another such structure, or within 60 feet in front of any bathing shed held under a permit issued by the Director of Public Works or the appropriate District Officer."

The Attorney General addressed the Council.

His Excellency the Governor addressed the Council.

The Hon. Mr. M. K. Lo withdrew the motion.

Hon. Mr. J. J. PATERSON moved that under the heading "Bathing Places" of the 2nd Schedule, paragraph 1 (2) be amended by the deletion of the words "(except on a lead)" in the first line thereof.

The amendment was then put to the vote and was carried.

Eleven members voted for the amendment. The Colonial Secretary, the Secretary for Chinese Affairs, the Colonial Treasurer, the Harbour Master, Hon. Mr. J. J. PATERSON, Hon. Mr. W. H. BELL, Hon. Dr. S. W. Ts'o, Hon. Mr. T. N. CHAU, Hon. Mr. M. K. Lo, Hon. Mr. A. F. B. SILVA-NETTO and Hon. Mr. M. T. JOHNSON.

Six members voted against. The General Officer Commanding the Troops, the Attorney General, the Director of Medical and Sanitary Services, the Inspector General of Police, the Director of Public Works and Hon. Mr. S. H. DODWELL.

His Excellency the Governor proposed that under the heading "The Botanic Gardens" of the 2nd Schedule, paragraph 9 be amended by the insertion of the words "except on a lead" at the end thereof.

This amendment was then moved formally by the Attorney General, seconded by the Colonial Secretary and carried unanimously.

On Council resuming, the Attorney General reported that the Bill had passed through Committee with two amendments, which His Excellency the Governor held to be immaterial, 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.

12. *Factories and Workshops Amendment Bill.*—The Attorney General moved the Second reading of a Bill intituled "An Ordinance to amend the Factories and Workshops 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.

13. *Jury Amendment Bill*.—The Attorney General moved the Second reading of a Bill intituled “An Ordinance to amend the Jury Ordinance, 1887.”

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.

ADJOURNMENT.

14. The Council then adjourned *sine die*.

R. A. C. NORTH,  
*Officer Administering the Government.*

Confirmed this 26th day of August, 1936.

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

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**No. 706.**—His Excellency the Officer Administering the Government 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. 32 of 1936.—An Ordinance to amend the Crown Rights (Re-entry) Ordinance, 1870.

Ordinance No. 33 of 1936.—An Ordinance to amend the law relating to the instruments which may be used in flogging or whipping.