

LEGISLATIVE COUNCIL.

No. 756.

LEGISLATIVE COUNCIL, No. 12.

Wednesday, 9th September, 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 ROBARTES 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. JOSÉ PEDRO BRAGA, O.B.E.

" Mr. TS'Ō SEEN-WAN, C.B.E., LL.D.

" Mr. CHAU TSUN-NIN.

" Mr. LO MAN-KAM.

" Mr. ARTHUR WILLIAM HUGHES.

" Mr. EDGAR DAVIDSON.

Mr. DAVID MERCER MACDOUGALL, (Deputy Clerk of Councils).

ABSENT:

The Honourable Mr. MARCUS THEODORE JOHNSON.

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

MINUTES.

2. The Minutes of the Meeting held on the 26th August, 1936, were confirmed.

PAPERS.

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

Amendment to the by-laws made by the Urban Council under section 5 of the Public Health (Food) Ordinance, 1935, Ordinance No. 13 of 1935, under the heading "Markets", dated 21st July, 1936.

Administration Reports, 1935 :—

Part I.—General Administration :—

Report to the Director of Colonial Audit on the Audit of the Accounts of Hong Kong, 1935, with copy of forwarding despatch to Secretary of State for the Colonies.

Part II.—Law and Order :—

Report of the Police Magistrates' Courts.

Report of the Inspector General of Police.

REPORT OF THE FINANCE COMMITTEE.

4. The Colonial Secretary laid on the table the Report of the Finance Committee (No. 7), dated 26th August, 1936, and moved its adoption.

The Colonial Treasurer seconded.

Question—put and agreed to.

MOTIONS.

5. The Colonial Treasurer addressed the Council and requested permission to make a small amendment in the first paragraph by deleting the words “that on and after the coming into operation of this resolution” and to insert the words “with effect from Monday, the 14th day of September, 1936, and that thereafter” and moved that the resolution as amended be adopted.

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 22nd April, 1936, published in the Gazette by Notification No. 375 of the 24th April, 1936, be rescinded with effect from Monday the 14th day of September, 1936, and that thereafter 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

	<i>Per gallon.</i>
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,	
(a) if brewed in the Colony	\$0.70
(b) if not brewed in the Colony	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.	
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.

	<i>Per gallon.</i>
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.

	<i>Per gallon.</i>
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.

	<i>Per gallon.</i>
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.

The Hon. Mr. EDGAR DAVIDSON addressed the Council against the resolution.

The Colonial Treasurer addressed the Council.

The resolution was adopted by a majority, the Hon. Mr. EDGAR DAVIDSON voting against.

6. *Coinage Offences (No. 2) Amendment Bill.*—The First reading of this Bill was postponed.

7. *Public Reclamations Validation and Clauses Bill.*—The Attorney General addressed the Council and moved the First reading of a Bill intituled "An Ordinance to validate certain undertakings which have been constructed or commenced over and upon unleased Crown foreshores and sea bed; and to enact certain general provisions which shall be deemed incorporated, unless expressly varied or excepted, in future Ordinances authorising reclamation or other works of a public nature over and upon such foreshores and sea bed."

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

8. *Sisters of the Precious Blood Order Incorporation Bill.*—The Hon. Mr. Lo MAN-KAM addressed the Council and moved the First reading of a Bill intituled "An Ordinance to provide for the incorporation of the Superioress in Hong Kong of the Congregation of the Sisters of the Precious Blood."

The Hon. Mr. Ts'o SEEN-WAN, C.B.E., LL.D., seconded.

Question—put and agreed to.

Bill read a first time.

9. *Pensions Amendment (No. 3) Bill.*—The Attorney General addressed the Council and moved the Second reading of a Bill intituled "An Ordinance to amend again the Pensions 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.

10. *Summary Offences (No. 2) Amendment Bill.*—The Attorney General moved the Second reading of a Bill intituled “An Ordinance to amend further the Summary Offences Ordinance, 1932.”

The Colonial Secretary seconded.

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

The Attorney General addressed the Council.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

The Hon. Mr. LO MAN-KAM moved that paragraph 17 (of Section 3) of the Summary Offences Ordinance, 1932, be amended by the substitution of the following words for the words set out in the said paragraph:—

In any public place distributes, posts up or exhibits, or causes to be distributed, posted up or exhibited, any handbill, notice or proclamation which is or may be calculated to be prejudicial to peace or good order, or to the friendly relations between the Colony and any place outside the Colony.

After further discussion, the amendment was put to the vote and lost by a majority, the Hon. Mr. LO MAN-KAM voting for the amendment.

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.

11. *Stamp Amendment Bill.*—The Attorney General moved the Second reading of a Bill intituled “An Ordinance to amend the law relating to stamp duty.”

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.

12. *Public Health (Sanitation) Amendment Bill.*—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.

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.

13. *Public Health (Animals and Birds) Amendment Bill.*—The Attorney General moved the Second reading of a Bill intituled “An Ordinance to amend the Public Health (Animals and Birds) Ordinance, 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 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.

14. *Public Health (Food) Amendment Bill.*—The Attorney General moved the Second reading of a Bill intituled “An Ordinance to amend the Public Health (Food) Ordinance, 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 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.

15. The Council then adjourned until Wednesday, the 16th day of September, 1936, at 2.30 p.m.

A. CALDECOTT,
Governor.

Confirmed this 16th day of September, 1936.

D. M. MACDOUGALL,
Clerk of Councils.

No. 757.—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. 40 of 1936.—An Ordinance to validate certain undertakings which have been constructed or commenced over and upon unleased Crown foreshores and sea bed; and to enact certain general provisions which shall be deemed incorporated, unless expressly varied or excepted, in future Ordinances authorising reclamation or other works of a public nature over and upon such foreshores and sea bed.

Ordinance No. 41 of 1936.—An Ordinance to provide for the incorporation of the Superioress in Hong Kong of the Congregation of the Sisters of the Precious Blood.