

*11th February, 1932.*

PRESENT:—

HIS EXCELLENCY THE GOVERNOR (SIR WILLIAM PEEL, K.C.M.G., K.B.E.).

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING THE TROOPS (MAJOR-GENERAL J. W. SANDILANDS, C.B., C.M.G., D.S.O.).

THE COLONIAL SECRETARY (HON. MR. W. T. SOUTHORN, C.M.G.).

THE ATTORNEY GENERAL (HON. MR. C. G. ALABASTER, K.C., O.B.E.).

THE SECRETARY FOR CHINESE AFFAIRS (HON. MR. E. R. HALLIFAX, C.M.G., C.B.E.).

THE COLONIAL TREASURER (HON. MR. E. TAYLOR).

HON. MR. H. T. CREASY, C.B.E., (Director of Public Works).

HON. MR. E. D. C. WOLFE, C.M.G., (Inspector General of Police).

HON. COMMANDER G. F. HOLE, R.N., (Retired) (Harbour Master).

HON. DR. A. R. WELLINGTON (Director of Medical and Sanitary Services).

HON. SIR HENRY POLLOCK, KT., K.C.

HON. MR. W. E. L. SHENTON.

HON. MR. R. H. KOTEWALL, C.M.G., LL.D.

HON. MR. J. P. BRAGA.

HON. MR. C. G. S. MACKIE.

HON. MR. S. W. TS'O, O.B.E., LL.D.

HON. MR. J. J. PATERSON.

HON. MR. T. N. CHAU.

MR. R. A. C. NORTH (Deputy Clerk of Councils.)

**MINUTES.**

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

**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. 1 of 28th January, and moved that it be adopted.

THE COLONIAL TREASURER seconded and this was agreed to.

**PO LEUNG KUK INCORPORATION AMENDMENT  
ORDINANCE, 1932.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Po Leung Kuk Incorporation Ordinance, 1893." He said.—This Bill will give to the Po Leung Kuk, powers of investment similar to the powers possessed by the Tung Wah Hospital, and also enables the Chinese member of the Executive Council to remain a member of the permanent Board of Directors of the Po Leung Kuk.

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. Under section 5 (1) of the principal Ordinance the permanent Board of Direction of the Po Leung Kuk was made to consist of not less than five and not more than ten persons, including the Secretary for Chinese Affairs, as *ex officio* president, and also the members of the Legislative Council representing the Chinese, as *ex officio* vice-presidents.

2. Until recently the representative of the Chinese on the Executive Council was also a member of the Legislative Council. The primary object of this amending Ordinance is to enable him to retain his *ex officio* position as a vice-president.

3. As, however, there will now be a president and four vice-presidents it is thought that a maximum of five ordinary members may be insufficient. The amending Ordinance accordingly removes the limit to their number imposed by the principal Ordinance.

**CHINESE TEMPLES AMENDMENT ORDINANCE, 1932.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Chinese Temples Ordinance, 1928." He said.—This Bill is designed also to enable the Chinese member of the Executive Council to retain his seat, in this case, on the Committee of Chinese Temples. It also changes the period of appointment of nominees of the District Watch Committee.

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. Under section 7 (1) (a) of the principal Ordinance, the Chinese members for the time being of the Legislative Council are *ex officio* members of the Chinese Temples Committee.

2. The Chinese member of the Executive Council was until recently also a member of the Legislative Council. The main object of the amendment is to enable him to remain *ex officio* a member of the Committee.

3. In paragraph (b) the words "for such period as he may approve" have been substituted for "from time to time."

4. In paragraph (f) as enacted by Ordinance No. 31 of 1930, s. 17, the words "appointed annually by the Governor on the nomination of" have been substituted for "nominated annually by."

**FORESHORES AND SEA BED AMENDMENT ORDINANCE, 1932.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Foreshores and Sea Bed Ordinance, 1901." He said.—That Ordinance was passed to facilitate the granting of Crown Leases on reclaimed foreshores, but it had no provision for compensation to people who had lost their frontages and whose properties lost in value as a consequence of other buildings being put in front of them. This Bill makes provision for compensation. It also clarifies two provisos, the meaning of which in the principal ordinance has given rise to some doubts.

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 2 of this Ordinance substitutes a new section for section 3 of the principal Ordinance. Sub-section (1) of the new section re-enacts the original section as far as the end of the first proviso thereto. Sub-section (5) re-enacts the last paragraph of section 3 of the principal Ordinance.

2. Sub-sections (2) and (3) are new and give the Governor in Council power to award compensation in cases of special damage and loss of value concerning which no provision was made in the principal Ordinance.

3. Sub-section (4) recasts the second proviso to section 3 of the principal Ordinance, by substituting the words "rights of sea access, if any, specifically granted to the holder of any lot, abutting directly on the sea or on any tidal river or channel connected therewith, by any Crown lease" for the words "special rights of sea access, if any, of any holder of any lot, holding under a Crown lease."

4. Section 3 of this Ordinance similarly recasts the proviso to section 5 of the principal Ordinance which though worded slightly differently to the second proviso to section 3 of the principal Ordinance appears to have been intended to have the same effect.

#### ESTATE DUTY ORDINANCE, 1932.

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend and consolidate the law relating to Estate Duty." He said.—After the second reading I propose to move that this Bill be referred to the Standing Law Committee, partly because there are a few typographical errors to be corrected, but chiefly because representations have been made that Clause 21 of the Bill should be re-considered. This is not a new clause of the consolidating Bill but is a clause which re-enacts one that has been in force ever since 1st January, 1916 and was part of the principal Ordinance which was passed in 1915. In the "Objects and Reasons" of the original clause in 1915, given on Page 21 of the Hansard of that year, it is stated:—"Section 21 is an innovation and provides for the filing of adequate accounts by an Executor should he be called upon so to do by the Commissioner. In the past the only manner in which an Executor could be compelled to file any accounts was by means of an application made to the Court by a party interested. This procedure was cumbrous and very rarely used." This clause has been a part of our law since 1916, as I stated before, and I do not think that the Government will consent to any serious amendment, but, at the same time, representations have been made, and it is only right that due consideration should be given to them. I now move the second reading.

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

THE ATTORNEY GENERAL.—I now move that this Bill be referred to the Standing Law Committee.

THE COLONIAL SECRETARY seconded, and this was agreed to.

#### **JUVENILE OFFENDERS ORDINANCE, 1932.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to make provision for Proceedings in reference to Juvenile Offenders."

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

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

Upon Council resuming,

THE ATTORNEY GENERAL reported that the Bill had passed through the Committee without amendment and moved the third reading.

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

#### **POLICE FORCE AMENDMENT ORDINANCE, 1932.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend the Police Force Ordinance, 1900."

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

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

Upon Council resuming,

THE ATTORNEY GENERAL reported that the 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 stands adjourned to 25th February.