

15th December, 1937.

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. W. BARTHOLOMEW, C.B., C.M.G., C.B.E., D.S.O.).

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. R. A. C. NORTH).

THE FINANCIAL SECRETARY AND COLONIAL TREASURER (HON. MR. S. CAINE).

HON. MR. R. M. HENDERSON, (Director of Public Works).

HON. COMMANDER J. B. NEWILL, D.S.O., R.N. (Retired) (Harbour Master, *Acting*).

HON. DR. D. J. VALENTINE, (Director of Medical Services, *Acting*).

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

HON. MR. J. J. PATERSON.

HON. MR. CHAU TSUN-NIN.

HON. MR. LO MAN-KAM.

HON. MR. LEO D'ALMADA E CASTRO, JNR.

HON. DR. LI SHU-FAN.

HON. MR. E. DAVIDSON.

MR. B. C. K. HAWKINS (Clerk of Councils).

ABSENT:—

HON. MR. T. H. KING (Inspector General of Police).

HON. MR. M. T. JOHNSON.

MINUTES.

The Minutes of the previous meeting were confirmed.

PAPERS.

THE COLONIAL SECRETARY, by command of H.E. The Governor, laid upon the table the following papers:—

Notice to Airmen No. 1 of the year 1937, dated 23rd September, 1937.

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 15th October, 1937.

Rescission of the Order made by the Governor in Council on the 15th July, 1937, under section 18 of the Quarantine and Prevention of Disease Ordinance, 1936, Ordinance No. 7 of 1936, dated 16th October, 1937.

Amendment made by the Governor in Council under section 3 (2) of the Forestry Ordinance, 1937, Ordinance No. 11 of 1937, to Regulation 1 of the First Schedule to that Ordinance, dated 18th October, 1937.

Amendments made by the Governor in Council under section 17 of the Prisons Ordinance, 1932, Ordinance No. 38 of 1932, to the Prisons Rules, dated 20th October, 1937.

Declaration under section 18 of the Quarantine and Prevention of Disease Ordinance, 1936, Ordinance No. 7 of 1936, dated 23rd October, 1937.

Declaration under section 18 of the Quarantine and Prevention of Disease Ordinance, 1936, Ordinance No. 7 of 1936, dated 25th October, 1937.

Amendment made by the Governor in Council under section 32 of the Telecommunication Ordinance, 1936, Ordinance No. 18 of 1936, to the Radio-communication Regulations in the Schedule to that Ordinance, dated 25th October, 1937.

Amendment made by the Governor in Council under section 6 (1) of the Places of Public Entertainment Regulation Ordinance, 1919, Ordinance No. 22 of 1919, to Regulation 180 of the regulations, dated 26th October, 1937.

Amendments made by the Governor in Council under section 3 of the Post Office Ordinance, 1926, Ordinance No. 7 of 1926, to the Post Office Regulations, dated 27th October, 1937.

Notice to Airmen No. 2 of the year 1937, dated 29th October, 1937.

Amendment made by the Governor in Council under section 42 (1) (c) of the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, (as amended by section 20 of Ordinance No. 28 of 1935), to Table M in the Schedule to that Ordinance, dated 1st November, 1937.

Notice to Aircraft Radio Operators—No. 2 of the year 1937, dated 5th November, 1937.

Declaration made by the Urban Council under by-law 1 of the by-laws under the heading 'Market' contained in the Schedule to the Public Health (Food) Ordinance, 1935, Ordinance No. 13 of 1935, declaring Kennedy Town Wholesale Market to be a market, dated 9th November, 1937.

Order made by the Governor in Council under section 2 of the Rating (Refunds) Ordinance, 1926, Ordinance No. 3 of 1926, relating to the refund of rates on vacant floors of tenements for the rating year 1st July, 1938 to 30th June, 1939, dated 16th November, 1937.

Notice to Aircraft Owners and Ground Engineers—No. 15 of the year 1937, dated 15th November, 1937.

Rescission of the Order made by the Governor in Council on the 25th October, 1937, under section 18 of the Quarantine and Prevention of Disease Ordinance, 1936, Ordinance No. 7 of 1936, dated 22nd November, 1937.

Amendment made by the Governor in Council under section 8 of the Dentistry Ordinance, 1914, Ordinance No. 16 of 1914, rescinding regulation 4 of the Regulations, dated 23rd November, 1937.

Temporary Regulations made by the Governor in Council under section 2 of the Lighting Control Ordinance, 1936, Ordinance No. 55 of 1936, dated 29th November, 1937.

Proclamation No. 11—Order of His Majesty in Council regarding the application of Part II of the Fugitive Offenders Act, 1881, to apply to Hong Kong.

Proclamation No. 12—Former Matron's Quarters, Victoria Gaol, appointed as a Court-house.

Letter dated 19th October, 1937, from Messrs. R. H. Kotewall, C.M.G., LL.D., Chau Tsun-nin, Lo Man-kam and Dr. Li Shu-fan on the subject of alleged profiteering in rents, and letter of the Colonial Secretary dated 8th November, 1937.

Administration Reports, 1936:—

Part I.—General Administration:—

Report to the Director of Colonial Audit on the Audit of the Accounts of Hong Kong, 1936, with copy of forwarding despatch to Secretary of State for the Colonies.

Report of the Secretary for Chinese Affairs.

Report of the Harbour Master and Director of Air Services.

Part II.—Law and Order:—

Report of the Police Magistrates' Courts.

Report on the New Territories: Southern District.

Part III.—Public Health:—

Report of the Director of Medical Services.

Part VI.—Public Works:—

Report of the Director of Public Works.

Sessional Papers, 1937:—

No. 7.—Report of a Committee to consider the recent increase in the number of prisoners in the Colony and to make recommendations in respect of such increase.

QUESTIONS.

HON. MR. LO asked:—

Will Government make a statement to this Council in regard to the reported defect discovered in Shing Mun, and the position regarding thereto of the Hong Kong Government, the Consulting Engineers, and the Resident Engineer?

THE DIRECTOR OF PUBLIC WORKS replied:—

After the Jubilee Reservoir had filled certain movements in the rock fill and core wall of the Pineapple Pass Dam were observed.

The facts were communicated to the Consulting Engineers for their advice and Mr. Binnie, who was then on his way to Rangoon, decided to come on to Hong Kong and make a personal inspection.

Mr. Binnie visited the Colony and inspected the Works in October and before leaving presented a preliminary report asking for certain investigations to be carried out, on the receipt of the results of which, he would finally report what remedial measures, if any, were necessary.

The Consulting Engineers are still available for consultation by Government and the Resident Engineer who is now out of Government service is directing investigations and will supervise free of charge any remedial work which may be necessary.

Investigations cannot be completed until the water in the reservoir has reached a much lower level than at present.

FINANCE COMMITTEE'S REPORT.

THE COLONIAL SECRETARY, by command of H.E. The Governor, laid upon the table the Reports of the Finance Committee (Nos. 8 and 9), dated 20th October, 1937, and 17th November, 1937, respectively, and moved that they be adopted.

THE FINANCIAL SECRETARY seconded, and this was agreed to.

MOTIONS.

THE FINANCIAL SECRETARY.—I rise to move the resolution standing in my name varying the duty charged on bets made on totalisators or pari-mutuel under the Betting Duty Ordinance. At present there is a sliding scale of duty varying between 1 and 3 per cent. according to the total amount of bets placed with the pari-mutuel during the accounting year. This scale was fixed by resolution of the Legislative Council of the 13th September, 1934. It has turned out, however, that it leads to certain practical difficulties in application. The club responsible for the running of the pari-mutuel is obliged under section 3 of the Betting Duty Ordinance, 1931, to distribute in prizes not less than 90% of the total bets after deduction of duty but owing to the operation of the sliding scale the net amount available for distribution cannot be ascertained until the end of the accounting year. In practice the Jockey Club, which is the only club actually affected, has been obliged to distribute rather less than the legal minimum and to retain the difference in a reserve account to meet possible liabilities for taxation. It is felt that this is an unsatisfactory system and after full discussion with the Stewards of the Jockey Club and also with Fanling Hunt and Race Club it has been decided that it will be preferable to revert to the old system of a fixed rate of duty, which it is proposed to fix at 2%, commencing from the 1st April, 1938.

I now move

Whereas under section 6 (1) of the Betting Duty Ordinance, 1931, as amended by the Betting Duty Amendment Ordinance, 1934, it is provided that on every bet made on any totalisator or pari-mutuel authorized by the said Ordinance there shall be charged a duty on a scale to be determined from time to time by resolution of the Legislative Council: And Whereas such a scale was determined by resolution on the 13th September, 1934: And Whereas it is expedient to revoke such resolution and to determine a new scale:

It is hereby resolved that the Resolution of the 13th September, 1934, (which was published as Government Notification No. 697 in the *Gazette* of the 14th September, 1934) be revoked with effect from the 1st April, 1938 and that thereafter on every bet made on any totalisator or pari-mutuel authorized under the Betting Duty Ordinance, 1931, there shall be charged a duty of Two per cent. of the amount paid, contributed or subscribed.

THE COLONIAL SECRETARY seconded, and the motion was approved.

SANITARY BY-LAWS.

THE ATTORNEY GENERAL moved "that the amendment made by the Urban Council under section 4 (xv) of the Public Health (Sanitation) Ordinance, 1935, to the by-laws under the heading "Scavenging", on the 9th day of November, 1937, be approved." He said: The by-laws made by the Urban Council under the Public Health (Sanitation) Ordinance require the approval of this Council before they can be effective and in the exercise of their powers they have cancelled By-law No. 3 headed "Scavenging" under the Public Health (Sanitation) Ordinance and substituted a new by-law the effect of which does not materially differ from the original one except that it defines scavenging districts more clearly both in Hong Kong and Kowloon.

THE COLONIAL SECRETARY seconded, and the motion was approved.

MOTIONS.

HON. SIR HENRY POLLOCK moved "that a Committee be appointed to consider and report to this Council upon the expenditure incurred in the housing of Government Civil Servants and also upon what would be the proper percentage of salary to be paid by various grades of Government Civil Servants as rent for the use of Government Quarters."

HON. MR. T. N. CHAU seconded.

THE COLONIAL SECRETARY.—The motion before the house is acceptable to the Government and a Committee with the terms of reference as suggested will be appointed in due course under the Chairmanship of the Honourable Financial Secretary. Certain preliminary enquiries are now being made regarding the practice in other Colonies in this respect and the Government proposes to defer the announcement of the remaining names until it is certain that the Committee can profitably begin its investigations.

STERLING SALARIES CONVERSION ORDINANCE, 1937.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to fix the rate at which sterling salaries of public officers shall be paid in this Colony." He said: The object of this Bill is to perpetuate for the next year the rate at which sterling salaries have been converted this year under the Ordinance which will expire at the end of this year. That is to say they will be paid at a rate of 1s. 3d., or 16 dollars to the £, when the dollar is less than 1s. 3d., but when it is above that rate they will be paid at the Treasury Rate. It is a reversal of the preferential rate and a small tax on the present rate of exchange.

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. The object of this Bill is to make provision in the year 1938 for the payment in this Colony of the sterling salaries of public officers in the Hong Kong Government service at a rate similar to the rate at which such salaries were paid in 1937.

2. Clause 3 of this Bill in which the rate is fixed at 1/3 to the dollar, is based upon section 2 (5) of the Hong Kong Government Service (Levy on Salaries) Ordinance, 1937, Ordinance No. 2 of 1937, which expires on 31st December, 1937, and is repealed by clause 7.

3. Clause 2 of this Bill defines the expressions "Treasury rate" and "Widows' and Orphans' Pension Contribution" and clauses 4 and 5 reproduce the provisions of sections 6 (1) and 7 of Ordinance No. 2 of 1937, respectively empowering the Legislative Council to grant exemptions by resolution and saving the rights of the Crown.

4. The provisions introduced by this Bill are by clause 6 thereof to have effect from 1st January, 1938 to 31st December, 1938, unless otherwise provided by Ordinance.

**PUBLIC OFFICERS (CHANGES OF STYLE)
ORDINANCE, 1937.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to provide for changes in the style of public officers, offices and departments." He said: This Bill is one of three bills for to-day which have been prepared by the editor of the new revised edition of Ordinances in connection with his revisions. At the end of the year, by direction of the Secretary of State, certain Police titles will be changed and in preparation for his revision he has already made these changes. This form of Bill is convenient because in future it will be possible to add to the schedule thereby avoiding new Ordinances every time there is a change in title.

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. The object of this Bill is to facilitate changes in the style of public officers, offices and departments as such changes from time to time become necessary in the reconstruction of the public service.

2. In a circular despatch of 26th May, 1936, the Secretary of State for the Colonies suggested that the style of the office of Inspector General of Police be changed to "Commissioner," and of Deputy Inspector General to "Deputy Commissioner" of Police respectively and of Police Probationer to "Police Cadet," and effect is given to this suggestion in Clause 2 of this Bill and the Schedule thereto.

3. Clause 3 of the Bill provides that future changes may be effected by resolution of the Legislative Council, adding to or amending the Schedule.

INTERPRETATION AMENDMENT ORDINANCE, 1937.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Interpretation Ordinance, 1911." He said: This has also been prepared by the editor of the new revised edition of Ordinances and will make effective certain amendments to the existing Interpretation Ordinance which will facilitate his revision. This Ordinance gives new, more accurate and definite definitions of New Kowloon involving the preparation of a new area, the plan of which is deposited at the Land Office. It also makes certain changes in titles, such as that of the "Colonial Treasurer" which is now also "Financial Secretary," and allows for certain reorganisations. It is desirable that these names should appear and it is better that they should be put in the Interpretation Ordinance than in a separate Ordinance. Health Officers did not exist in 1911, and this Ordinance also substitutes the new definition "Health Officer" for the definition of "Medical Officer of Health." It also corrects the title "United Kingdom" which now reads "Great Britain and Northern Ireland" instead of "Great Britain and Ireland". In Paragraph 8 Clause 4 it makes certain corrections with reference to the Magistrates Ordinance which has now been replaced by another Ordinance.

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 (1) of this Ordinance substitutes a new paragraph (4) in section 39, B of the principal Ordinance which defines "New

Kowloon." In order to provide for the proper administration and to foster the development of this area it was found necessary to apply to it the health, rating and other laws in force in the urban districts of Hong Kong and Kowloon. This was effected by the Extension of Laws Ordinance, 1900, (since repealed). The plan deposited in the Land Office under that Ordinance, and referred to in section 39, B (4) of the Interpretation Ordinance, 1911, requires amendment, and a new plan has been prepared and is substituted by section 2 (2) of this Ordinance.

2. Section 3 (a) of this Ordinance amends the definition of "Treasurer" in section 39, A (12) of the principal Ordinance by including therein the Financial Secretary and the Accountant General, in order to give effect to certain administrative changes in the Colonial Treasury.

3. Section 3 (b) of this Ordinance substitutes a new definition of "Health Officer" for the definition of "Medical Officer of Health" in section 39, B (12) of the principal Ordinance, consequent upon the revision of the Public Health legislation of the Colony, with particular reference to the definition of "Health Officer" in section 3 of the Public Health (Sanitation) Ordinance 1935, (Ordinance No. 15 of 1935).

4. Section 3 (c) of this Ordinance brings the definition of "United Kingdom" in section 39, C (1) of the principal Ordinance into line with the definition in section 2 (2) of the Royal and Parliamentary Titles Act, 1927, (17 Geo. 5, c. 4).

5. Section 4 of this Ordinance corrects certain references to the Magistrates Ordinance, now No. 41 of 1932, consequent upon the passing of that Ordinance.

6. Section 5 of this Ordinance re-enacts in general form the provisions contained in (*e.g.*) section 8 (2) of the Prevention of Cruelty to Animals Ordinance, 1935, and other Ordinances of recent date, for the submission of regulations to, and their amendment by the Legislative Council as soon as possible after the making of such regulations.

LAW REVISION ORDINANCE, 1937.

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance for promoting the revision of the Ordinances of Hong Kong." He said: This is an Ordinance which contains in the Schedules the principal amendments which the editor has made in the Ordinances which will be appearing in the first volume of the new revised edition, and which it is customary to collect in Ordinances of this kind. Further explanations appear in the Objects and Reasons on page 34 of the Bill.

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. The object of this Bill is to effect such amendments and incorporations as have been found necessary in the preparation of the new edition of the Ordinances of the Colony authorized by Ordinance No. 51 of 1986, and which, by section 6 of that Ordinance, are required to be submitted to the Legislative Council in the form of one or more Ordinances.

2. General provisions and amendments are contained in the text of the Bill; amendments and repeals of particular Ordinances are contained in the Schedule attached to the Bill and to the Schedule is attached a Table of Ordinances of which certain sections being incorporated by this Ordinance in other Ordinances, the remaining portions are no longer required and are repealed by this Ordinance.

3. The objects and reasons of the principal amendments in the Schedule are set out in tabular form in the following memorandum:—

MEMORANDUM.

| No. OF AMENDMENT IN SCHEDULE. | REASON FOR AMENDMENT. |
|-------------------------------|--|
| 5. | The powers conferred by this Ordinance are no longer required. Full powers to control exports are contained in No. 32 of 1915. |
| 6. | Altered to avoid conflict with <i>inter alia</i> the Royal and Parliamentary Titles Act, 1927, 17 Geo. 5, c. 4. |
| 7.—(1). | No longer necessary. See No. 41 of 1932, s. 84 and Third Schedule. |
| (2). | No longer necessary. See (a) No. 40 of 1932, s. 21, No. 37 of 1932, s. 20, and (b) No. 41 of 1932, s. 37. |
| 8. | Amended for conformity with 24 & 25 Vict. c. 99, s. 37. |
| 9 and 10. | Incorporates the existing provisions dealing with the same subject in one Ordinance. |
| 11. | No longer necessary. A general provision dealing with regulations is added by s. 5 of the Interpretation Amendment Ordinance, 1937, to No. 31 of 1911. |
| 12. | Amended for conformity with 11 & 12 Vict. c. 12, s. 3. |

MEMORANDUM,—*Continued.*

| No. OF AMENDMENT IN SCHEDULE. | REASON FOR AMENDMENT. |
|-------------------------------|---|
| 13. | Section 3 of Ordinance No. 29 of 1912 is incorporated in No. 3 of 1870 with other consequential amendments to combine the existing provisions dealing with the same subject in one Ordinance. |
| 14. | Enables the Governor in Council to remit part of a fee where he already has power to remit the whole. |
| 15.—(1) to (5). | Necessary amendments for incorporation of two amending Ordinances. The words "law agent" are no longer required. The Law Agents (Scotland) Act, 1873, 36 & 37 Vict. c. 63, was repealed by the Solicitors (Scotland) Act, 1932, 23 & 24 Geo. 5, c. 21, and the word "solicitor" is all that is now necessary so far as Scotland is concerned. |
| (6). | Amended to agree with No. 24 of 1903, s. 2 (2), as amended by No. 19 of 1934. |
| 16.—(1). | Definition amended for conformity with 34 & 35 Vict. c. 105, s. 3, and expanded. |
| (2). | Now unnecessary. See note to para. 11 <i>supra</i> . |
| (3). | Where desirable in this Revision provisions relating to the army and navy have been extended to include the air force. |
| 17.—(1) & (2). | This amendment is designed to bring the local practice into line with the current practice in England. |
| (4). | Amended to avoid conflict with No. 41 of 1932, s. 108 <i>et seq.</i> , "Appeals generally", as amended by No. 19 of 1935. |
| 18.—(2). | Power to apply in the first instance to the trial judge for leave to appeal added to obviate the need for applying in all cases to the Full Court. |
| 20. | Amendments consequential on those effected by No. 19 of 1937. |
| 21.—(1). | Amendments consequential on those effected by No. 20 of 1936. |
| 23. | Amended for conformity with No. 9 of 1899, s. 106. |
| 27.—(2). | The effect of this provision as originally drafted is a little obscure. The 1891 edition (Leach's edition) contains the words "acting under the powers prescribed by the <i>third</i> [<i>second</i> as amended by Ordinance No. 18 of 1890] section of this Ordinance". The amendment now made is designed to give as wide an effect to the provision as possible consistent with the intention of the Ordinance. |

MEMORANDUM,—*Continued.*

| NO. OF AMENDMENT IN SCHEDULE. | REASON FOR AMENDMENT. |
|-------------------------------|---|
| (5). | Amended for conformity with s. 2 of the Ordinance. |
| (6). | Incorporates the amendments made by various Ordinances and brings the Schedule up to date. |
| 31.—(2). | Now unnecessary. See No. 32 of 1935, s. 48. |
| 32. | This Ordinance has never been enforced. |
| 34.—(1) & (2). | These amendments are designed to give effect to the current practice. |
| 35.—(1). | This amendment is designed to give effect to the current practice. |
| (2) & (5). | Amended to accord with s. 4 of the Ordinance. |
| 35.—(4). | Amended to accord with No. 9 of 1899, s. 77A (1), as amended by No. 37 of 1934. |
| (6). | This amendment is made to bring Form No. 2 into line with Form No. 3. |
| 36.—(1). | Amended for conformity with 16 & 17 Vict. c. 83, s. 1. |
| (4). | This amendment is made to give effect to the current practice. |
| (5). | Now unnecessary. See No. 38 of 1932, s. 4 (4). |
| 39.—(2). | This amendment is made to give effect to the current practice. |
| (3). | This amendment incorporates the amendments made by various Ordinances and brings this paragraph of the First Schedule to the Ordinance up to date. |
| 40.—(1). | The words "informed of his right to be tried" are taken from the Act 50 & 51 Vict. c. 28, s. 2. In this Colony, where many offences are triable summarily by a magistrate and not on indictment, the words "asked whether he wishes to be tried" are considered more appropriate. |
| (3). | See note to para. 11 <i>supra</i> . |
| 41.—(1) (i) & (2). | The words "means and" are deleted to avoid ambiguity in the definition. |
| (3). | Amendments consequent on those effected by No. 5 of 1936. |
| 45. | Amendments made for conformity with (1) No. 7 of 1875, s. 26 (1), and (2) No. 7 of 1875, s. 29, as amended by No. 24 of 1936. |
| 46. | Repeal of preamble and amendments consequent thereon. |

MEMORANDUM,—*Continued.*

| NO. OF AMENDMENT IN SCHEDULE. | REASON FOR AMENDMENT. |
|-------------------------------|--|
| 47. | Amendment made for conformity with No. 10 of 1899, s. 2 (1). |
| 49.—(1). | The words deleted by this amendment appear to be unnecessary in view of the provisions of paragraph 163 of the Schedule to the Ordinance. |
| (2). | See note to para. 6 <i>supra</i> . |
| 50.—(2). | Amendment made for conformity with 20 & 21 Vict. c. 77, s. 73. |
| 51.—(1). | Amendment made for conformity with 48 & 49 Vict. c. 69, s. 2, as amended by 2 & 3 Geo. 5, c. 20, s. 2. |
| (3). | Amendment made for conformity with 24 & 25 Vict. c. 100, s. 53. |
| (7). | The Form of Bond in the Schedule to the Ordinance is amended in order to make it applicable to bonds required under both sections 32 (3) and 33 and to make the condition of the bond the observance of a single enactment in each case. |
| 52.—(1). | Laichikok and Stanley Prisons having been appointed houses of detention by G.N.'s 540 of 19.8.32 and 954 of 4.12.36, the provision by Ordinance of such houses has become unnecessary and sections 3 and 4 of the Ordinance are amended and combined accordingly. |
| 54. | These amendments are made for conformity with No. 4 of 1889, s. 3 (1), as amended by No. 14 of 1936. |
| 55.—(1). | Sections 63 and 64 of the Ordinance are now unnecessary. See No. 21 of 1922, s. 15, and No. 32 of 1935, s. 63. |
| (2). | The words "by the verdict" repealed by this amendment are surplusage (R. v. Ettridge 2 Cr. App. R. 62). |
| (3). | Section 80 is now unnecessary. See No. 32 of 1935, s. 66 (3). |
| (5). | The provisions of the more recent 7 Edw. 7, c. 17, s. 1 (2) & (3) and s. 6, are substituted for the provisions of the earlier 50 & 51 Vict. c. 25, ss. 1 & 2. |
| 56. | The regulations and tables contained in the Schedule to this Ordinance have been transferred under the powers contained in No. 51 of 1936 to the volume of Regulations corresponding to the first volume of the Ordinances. Consequential amendments have been made in the Ordinance relating to this transfer and the other amendments noted in this paragraph are mainly verbal. |

MEMORANDUM,—*Continued.*

| No. OF AMENDMENT IN SCHEDULE. | REASON FOR AMENDMENT. |
|-------------------------------|---|
| 58.—(2). | This amendment is consequential on the amendment of section 5 of the Ordinance by No. 27 of 1930. |
| 59. | The provisions of the later 15 & 16 Geo. 5, c. 49, s. 44, are substituted for the earlier provisions of 36 & 37 Vict. c. 66, ss. 25 (10) & 25 (11). |
| 60.—(1). | This amendment is designed to bring the local practice into line with the current English practice. |
| (2). | The words deleted by this amendment have never been acted on and are in fact unnecessary in local circumstances. |
| (3). | A new sub-section (1) is added to section 362 of the Ordinance to make it clear that all questions relating to taxation are subject to review by the court. |
| (4). | Section 594 of the Ordinance is repealed as unnecessary and misleading in that it apparently excludes decisions in summary jurisdiction. |
| (5). | A summons book in the form prescribed by s. 626 of the Ordinance has never been kept: other records which are kept are sufficient and the section is therefore repealed as unnecessary. |
| 60.—(6). | This amendment enacts as ss. 654 to 669 of this Ordinance provisions corresponding to new English provisions contained in Rules of the Supreme Court in England dated the 23rd June, 1921, which substituted new rules for those on which the old ss. 654 to 670 of this Ordinance were based. |
| (7) (ii). | See note to para. 60 (2) <i>supra</i> . |
| (iii). | This amendment is made to bring Form No. 12 into line with the corresponding English form, which has been amended. |
| (iv). | This amendment is made for conformity with s. 439 of the Ordinance, as amended by No. 32 of 1931. |
| (v). | See note to para. 60 (6) <i>supra</i> . |
| 61. | See C.S.O. 3607/20 at page 60. |
| 62. | This Ordinance is repealed as unnecessary. The Civil Medical Staff are subject to the same discipline under General Orders as other Government servants. |
| 63. | This amendment is based upon 24 & 25 Geo. 5, c. 47. |
| 64. | The substitution of the year 1938 for the year 1913 covers the period for which this Ordinance has been extended by G.N.'s 426 of 1924, 490 of 1925, 454 of 1926, 472 of 1927, 655 of 1928, 567 of 1929, 567 of 1930, 4 of 1932, 559 of 1932, 604 of 1933, 905 of 1934, 635 of 1935, 689 of 1936 and 560 of 1937. |
| 65. | The substitution of the date 3rd December for 31st December, 1936, prevents a hiatus which would otherwise have existed between the coming into force of No. 51 of 1936 and the repeal of No. 18 of 1923. |

4. Generally speaking, it may be said that this Revision has not introduced new matter into the law of the Colony but has been confined to the collection of the existing law, the repeal of spent legislation, the correction of obvious errors, the standardization of expression, and the removal of inconsistencies.

**IRISH PROVINCE OF THE ORDER OF FRANCISCANS
MINOR INCORPORATION ORDINANCE, 1937.**

HON. MR. LEO D'ALMADA E CASTRO moved the first reading of a Bill intituled "An Ordinance to provide for the incorporation of the Procurator in Hong Kong of the Irish Province of the Order of Franciscans Minor." He said: The Irish Province of the Order of Franciscans Minor was founded in 1229. Among the objects of their foreign missions is the running of schools and hospitals. Their connection with China is only two years old, but they are already established in Hankow, Peiping, Tientsin and Shanghai. In Hong Kong they hope to have a school and a hospital but, under the present unsettled conditions, they are unable to announce their programme in more definite terms.

HON. MR. M. K. LO seconded, and the Bill was read a first time.

Objects and Reasons.

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

1. The Irish Province of the Order of Franciscans Minor controls and manages a number of Schools and Mission Stations throughout the Republic of China. The Order has recently commenced work in Hong Kong and has entered into negotiations for the purpose of acquiring land in the Colony for the erection thereon of buildings for the purpose of carrying on its activities.

2. In order to secure perpetual succession and the other advantages of incorporation it is proposed that the Procurator in Hong Kong of the Irish Province of the Order of Franciscans Minor be incorporated as a corporation sole and the Ordinance now proposed follows in its main lines other incorporation Ordinances which have been passed from time to time.

ADJOURNMENT.

H.E. THE GOVERNOR.—Council stands adjourned until Wednesday, 22nd December.
