

# HONG KONG LEGISLATIVE COUNCIL.

---

*29th January, 1931.*

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## **PRESENT:—**

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

THE HON. THE OFFICER COMMANDING THE TROOPS (COLONEL R. B. COUSENS, D.S.O.).

THE COLONIAL SECRETARY (HON. MR. E. R. HALLIFAX, C.M.G., C.B.E.).

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

THE SECRETARY FOR CHINESE AFFAIRS (HON. MR. A. E. WOOD).

THE COLONIAL TREASURER (HON. MR. C. McI. MESSER, O.B.E.).

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 SHOU-SON CHOW, K.T.

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

HON. MR. J. P. BRAGA.

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

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

MR. N. L. SMITH (Clerk of Councils).

## **ABSENT:—**

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

HON. MR. J. OWEN HUGHES.

HON. MR. J. J. PATERSON.

### **MINUTES.**

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

### **NEW MEMBER.**

The Hon. the Officer Commanding the Troops (Colonel R. B. Cousens, D.S.O.) took the oath of allegiance and his seat as a member of the Council.

### **STANDING LAW COMMITTEE.**

H.E. THE GOVERNOR.—As this is the first meeting of the Council this year it is necessary to appoint the Standing Law Committee. I propose to appoint the following members who have agreed to serve:—Hon. Attorney General (Chairman), Hon. Colonial Treasurer, Hon. Mr. W. E. L. Shenton, Hon. Mr. J. Owen Hughes, Hon. Mr. S. W. Ts'o, O.B.E., LL.D.

### **CONGRATULATIONS.**

THE HON. SIR SHOU-SON CHOW.—Your Excellency, as this is the first meeting of the Legislative Council since the New Year Honours were announced, may I, on behalf of my fellow Unofficial Colleagues, tender our hearty congratulations to Your Excellency upon the further honour which His Majesty the King has conferred on you. I might add, Sir, that this honour has given great satisfaction to all sections of the community in whose name we, the Unofficial Members, also offer respectful congratulations.—(Applause).

H.E. THE GOVERNOR.—Gentlemen, I thank you most sincerely for the kind congratulations conveyed to me through my honourable friend who has just spoken. Whilst appreciating the personal compliment of the honour which His Majesty has graciously been pleased to confer upon me, I feel that it is in a large measure conferred on the Colony of which I have the privilege of being Governor. If it is in any sense in recognition of services rendered, I realise that such services have only been possible through the help and advice I have received through Honourable Members here and from other members of the community. I thank you.

### **PAPERS.**

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

Rules under section 4(8) of the Merchant Shipping Ordinance, 1899, on 26th November, 1930.

Regulation under section 3 of the Post Office Ordinance, 1926, on 3rd January, 1931.

Regulation under section 27 of the Arms and Ammunition Ordinance, 1900, on 3rd January, 1931.

Regulation under section 3 of the Vehicles and Traffic Regulation Ordinance, 1912, on 8th January, 1931.

Anglo-Turkish Commercial Treaty.

Amendment of Appendix C to the Rules under section 4(8) of the Merchant Shipping Ordinance, 1899.

Praya East Reclamation Scheme (Sessional Paper No. 1 of 1931).

### **SALARIES EXCHANGE RATE.**

THE COLONIAL SECRETARY moved: — "That this Council approves the modification of its Resolution of the 19th June, 1930, on the Salaries Commission Report (set out on page 58 of the Hong Kong *Hansard* for 1930) by the addition thereto of the following proviso:—Provided that, as from the 1st of January, 1931, and until the question of the exchange rate for sterling salaries paid to Government servants while serving in the Colony is next reviewed and until such rate is altered with the approval of this Council, this Council approves that such salaries be paid as to half thereof at the rate of 1/6 to the dollar and as to the other half at the prevailing Hong Kong Treasury rate." He said:—The resolution now to be put to the Council implements the promise made by His Excellency at the meeting of the Legislative Council on the 20th of October, 1930, when subject to the approval of the Secretary of State he engaged to accept the suggestion of the Hon. Mr. Paul Lauder, in connexion with the exchange rate for sterling salaries, which you are now asked to approve. The Secretary of State has cabled his approval and has added the proviso that in view of the uncertainty of the dollar exchange it should be made clear that the Government will review the question from time to time, and it will be noticed that this point is embodied in the resolution.

THE COLONIAL TREASURER seconded.

THE HON. MR. C. G. S. MACKIE.—Sir, the Unofficial Members of this Council are greatly indebted to Your Excellency for bringing about the modification of the Resolution passed on 19th June last. They appreciate the very fair attitude you have adopted in connexion with this matter. Provided the modification is adhered to I do not anticipate there will be any further public controversy on the subject. The basis on which salaries are to be paid under the new arrangement compares very favourably with the exchange compensation granted by most of the commercial houses here. Possibly some of the members of the Civil Service may feel that they have a grievance, as they will be in a somewhat worse position than they would have been had the original resolution remained in force. I feel certain,

however, they will accept the decision of the Colonial Office in the right spirit, for all must realise that sacrifices are absolutely essential during the present world wide depression.

H.E. THE GOVERNOR:—I thank the Honourable Member for his words of appreciation. I feel that the step had to be taken, but I regret very much that circumstances have rendered it necessary. I am sure that it will be appreciated that the proposal entails a measure of disappointment to many members of the Government service, and that there will be cases in which some hardship will be caused. It can hardly be denied, however, that the payment of salaries at the current rate of exchange, with the dollar as low as it is to-day, would have placed them in a more favourable position than was anticipated, or could reasonably be expected by them. There is also no doubt that, if it had been foreseen that the dollar would go as low as it has done, the Salaries Commission would have modified very considerably their recommendations. I sincerely trust, therefore, that Government servants will accept the position in a true spirit of loyalty, and will realise that the financial position has rendered this step absolutely imperative.

The financial position, unless the dollar rises appreciably, is very serious indeed. It is calculated that the sterling commitments, in the approved Budget for this year, amount to £677,773. This, for the purposes of the Budget, was converted at the rate of 1/4 to the dollar. If the dollar were to average 1/- for the current year, a sum of \$3,388,861 would have to be added to the expenditure figures. This, with the deficit actually shown in the approved Budget, which amounted to \$2,299,096, would, in spite of increased taxation, make a total deficiency of \$5,687,957,—a sum perilously near our present surplus. With the dollar at 11d. the deficit would further be increased by approximately 1¼ million. By the adoption of the half and half rate of payment, proposed by the resolution this afternoon, it will be possible to reduce the deficit of \$5,687,957 by over a million. I cannot give the exact figure, as it depends partly on the number of officers on leave, who will of course draw their actual sterling salaries in England, which will be converted at the usual rate through the Crown Agents.

I would add that this serious position has been reached in spite of a ruthless pruning of the Estimates and the postponement of many desirable works. Investigation is being made as to whether further economies or postponements can be made. I am a chronic optimist, and still trust that the dollar may make some recovery, but there are many who take an opposite view. I should like to say that, as Honourable Members are aware, the report of the Currency Commission was sent Home some months ago, and is being considered by the experts. I trust that we may have some information from them before long. The question, however, is extraordinarily difficult, and it must be remembered that Hong Kong is only a small part of a large fabric which is seriously affected by the price of silver,

and that, so far as we can see, it would be impossible for Hong Kong to attempt to take action independently of the rest of the fabric. Meanwhile we can only be patient and hope for improved conditions throughout the world in general.

The resolution was adopted.

### **NURSES REGISTRATION ORDINANCE, 1931.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to provide for the registration of nurses for the sick." He said:—As stated in the memorandum of objects and reasons attached to this Bill, it is based on the English Act of 1919. The Bill has been submitted to no less an authority than the Nursing Councils for England and Wales, Scotland, Northern Ireland and the Irish Free State and various recommendations have been incorporated in it.

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:—

The object of the bill is to provide for the registration of nurses.

By this means the public will be safeguarded by knowing that the nurses registered under the proposed Ordinance have been properly trained and examined, and are competent to take charge of their patients. It will also enable persons requiring nurses, both the medical profession and private individuals, to inspect the register and select nurses trained in the particular work which they are desired to undertake.

The bill follows the English Act, The Nurses Registration Act, 1919, with this difference that a Board is substituted for the General Nursing Council, and regulations by the Governor in Council are substituted for rules made by the General Nursing Council. This latter course is taken in conformity with the usual practice in the Colony.

The bill is drafted with the further object of obtaining from the Nursing Councils for England and Wales, Scotland, Northern Ireland and the Irish Free State respectively similar treatment for Nurses which will be registered under it to that which the bill purposes conferring upon Nurses registered under the said Councils.

Provision is made also for the registration of nurses trained in any place outside the Colony provided that the training and examination is of the requisite standard. This will enable nurses trained in China, if efficiently trained, to be registered.

Chinese Institutions approved by the Board will be enabled to carry on the training of nurses.

This bill and proposed regulations have been submitted through the Secretary of State to the Nursing Authorities in England and Wales, Scotland, Northern Ireland and the Irish Free State and the recommendations made by them have been embodied in the bill and regulations.

### **WIDOWS AND ORPHANS PENSION AMENDMENT ORDINANCE, 1931.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend further the Widows' and Orphans' Pension Ordinance, 1908." He said:—The objects of this Bill are explained in the memorandum attached to it.

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:—

In view of the recent revision of salaries it has been considered desirable that the minimum annual salary rendering an officer liable or eligible for contribution to the Widows' and Orphans' Pension Scheme should be raised from four hundred and twenty to four hundred and eighty dollars, without prejudice to contributors prior to the revision whose revised salary has not reached the latter amount. Officers who are contributing to another approved scheme can claim exemption under section 3A of the principal Ordinance (No. 15 of 1908) which was introduced by the amending Ordinance No. 9 of 1929. It is considered that such officers should be permitted to claim exemption if they have completed their contributions to an approved scheme and obtained what amounts to a fully paid policy thereunder. The provisoes added to section 3 (1) of the principal Ordinance by section 2 (2) of this Ordinance are derived from the Uganda Ordinance. These provisoes exclude Governors, their Private Secretaries and Aides-de-Camp and persons who have attained the age of forty-nine from being required to commence contributing under the principal Ordinance. Section 5 deletes the references to the Fund constituted under the Ordinance of 1900 and the transfer thereof to the Government. As the Ordinance stands in the 1924 Revision the long title and preamble are incorrect.

### **PUBLIC HEALTH AND BUILDINGS AMENDMENT ORDINANCE, 1931.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend further the Public Health and Buildings Ordinance, 1903 and an Enactment referring  
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said:—This Bill, when passed, will repeal section 70 of the principal Ordinance, which has to do with the seizure of un-marked meat. It also repeals and re-enacts provisions contained in section 82 of the Ordinance which has been subject to amendment many times.

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:—

The object of this Ordinance is firstly to repeal section 70 of the Public Health and Buildings Ordinance, 1903, which authorised the seizure of unmarked meat and which is unnecessary, as much meat may be lawfully sold and consumed in the Colony which does not bear the official mark of the Government slaughter houses; and secondly to repeal section 82 of the Ordinance as enacted by the amending Ordinance of 1928, (No. 19 of 1928, s.8) and to substitute two sections therefore based partly on that section and partly on the sections it replaced. These sections deal with the sale, possession, inspection, seizure and destruction of unwholesome food. The reference to section 82 of the Public Health and Buildings Ordinance in section 30A of the Summary Offences Ordinance is deleted because it is not considered necessary and because the penalty has been increased. So far as the power of arrest given by that section is concerned section 27 of the Police Force Ordinance (Ordinance No. 11 of 1900) provides all that is considered necessary.

### **CENSUS ORDINANCE, 1931.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to make provision for taking from time to time the census of the Colony." He said:—It is intended to take a census this year and this Act repeals the antiquated Ordinance of 1881 and substitutes new provisions based on the Imperial Act of 1920.

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:—

This Ordinance which follows very closely the provisions of the Census Act, 1920, (10 & 11 Geo. 5, c. 41.) is intended to replace the Census Ordinance, 1881. Paragraph 3 (1) (e) imposing duties as to returns on persons in charge of places where more than twenty persons are employed is derived from section 6 of the repealed Ordinance.

### **MERCHANT SHIPPING AMENDMENT ORDINANCE, 1931.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the Merchant Shipping Ordinance,

1899." He said:—This revises and increases, generally speaking, the fees in connexion with the engagement and discharge of crews which are contained in Table "I" of the principal Ordinance, and also makes a minor amendment in Table "J." Clause four of the Bill is a suspending clause, and this Bill will be referred Home and will not come into force in the Colony until its approval has been pronounced by proclamation.

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. Table I in the Schedule to the Merchant Shipping Ordinance (Ordinance No. 10 of 1899) in the Ordinances of Hong Kong, 1844-1923 as it appears in the Revised Edition of 1924 is as follows:—

TABLE I. [ss. 5(5) & 43(3).]

#### FEES TO BE CHARGED AT THE MERCANTILE MARINE OFFICE.

1.—*Engagement or discharge of crews.*

In ships under 100 tons .....	\$ 5.00
100 to 400 tons.....	\$10.00
400 to 700 tons.....	\$15.00
700 to 1,000 tons.....	\$20.00

and so on for ships of larger tonnage adding for every 300 tons or part of 300 tons, 5 dollars.

2.—*Engagement or discharge of seamen.*

#### **Separately 80 cents each.**

*Overtime fee, when engagement or discharge takes place on board ships.*

From 8 a.m. to 9 a.m., and 5 p.m. to 6 p.m. ....	\$ 5 per hour
From 6 a.m. to 8 a.m., and 6 p.m. to 8 p.m. ....	\$ 10 per hour
Before 6 a.m., and after 8 p.m.....	\$ 20 per hour

Any portion of an hour shall count as one hour.

2. Section 5 (5) of the said Ordinance provides for the payment upon all engagements and discharges of "such fees, not exceeding the



sums specified in Table I in the Schedule, as may be fixed by the Governor in Council".

3. The unprecedented fall in the sterling exchange value of the local dollar and the necessity for revising and adjusting the sources of revenue to meet current needs has brought this Table of fees under review with the result that the new Table I set out in section 2 has been approved by the Government of the Colony.

4. Section 3 includes wireless telegraph operators in Table J so as to bring it into line with the new Table I. Such persons were not contemplated at the time of the passing of Ordinance No. 10 of 1899. Table J is also revised by the substitution of the word "seamen" for the word "crew" as being a word the precise meaning of which is ascertainable from the provisions of the principal Ordinance, under section 2 of which "seaman" includes every person (except masters, pilots and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship.

5. Clause 4 repeats the suspending clause which was included in the principal Ordinance (section 47 of Ordinance No. 36 of 1899, as numbered before the renumbering as Ordinance No. 10 of 1899 in Sir John Carrington's Revised Edition of the Ordinances from 1844-1901) is consequence of section 735 of the Merchant Shipping Act, 1894. The principal Ordinance of 1899 and the amending Ordinances of 1901 and 1903 were confirmed by His Majesty's Order in Council of the 19th August, 1903 (No. 674 on p. 313 of Vol. 8 of the Statutory Rules and Orders Revised to 31st December, 1903) and was proclaimed in the Colony on the 18th September, 1903 (Proclamation No. 6 in Hong Kong Government Gazette of the 18th September, 1903, p. 1071).

#### **ADJOURNMENT.**

H.E. THE GOVERNOR:—The Council stands adjourned until next Thursday, February 5th.

#### **FINANCE COMMITTEE.**

Following the Council, a meeting of the Finance Committee was held, the Colonial Secretary presiding.

Votes totalling \$21,448, contained in Message No. 1 from H.E. the Governor, were considered.

Item 190: Public Works Extraordinary. New Kowloon Communications, extension of 100-foot road at Kowloon Tsai.

HON. MR. R. H. KOTEWALL.—Was this work let on a lumpsum contract?

DIRECTOR OF PUBLIC WORKS.—No, by rate. As explained in the Message there was considerably more rock and crowbar work entailed than originally anticipated.

HON. MR. J. P. BRAGA.—Can the Committee have a little more information concerning this Kowloon Tsai Road? Can we know, for instance, if this road is the road that leads from Boundary Road, through the new section of Kowloon Tsai, passing by the De La Salle College and on into Kowloon City?

DIRECTOR OF PUBLIC WORKS.—No. This is the road which runs east of the Kowloon Tong development. It then turns round to the west at the top of the estate. This work was at the north of the estate where the recreation ground is.

HON. MR. BRAGA.—What two roads does it link?

DIRECTOR OF PUBLIC WORKS.—It is an extension of Waterloo Road, Prince Edward Road, to the top of the Kowloon Tong site and there it ends at present.

HON. MR. BRAGA.—The upper end of the Kowloon Tong Estate?

DIRECTOR OF PUBLIC WORKS.—Yes.

THE CHAIRMAN.—Past the recreation ground.

HON. MR. BRAGA.—Which recreation ground?

DIRECTOR OF PUBLIC WORKS.—The small one to the northwest of the Kowloon Tong estate—quite a small one.

HON. MR. BRAGA.—By the railway, near to where a fence has just been erected?

DIRECTOR OF PUBLIC WORKS.—Yes.

HON. MR. BRAGA.—Do I take it that it is the ultimate intention of the Government to remove all that hill and level all of it to road level and so convert what was originally intended as a railway reserve into a recreation ground proper for the whole of that area?

THE CHAIRMAN.—I do not think we can go as far as that to-day.

HON. MR. BRAGA.—A great deal of cutting is going on all the time.

THE CHAIRMAN.—Yes, there is cutting, but we cannot give any definite undertaking as regards the future.

HON. MR. BRAGA.—The scheme eventually is for the removal of that hill bodily and so convert the whole area into a recreation ground?

DIRECTOR OF PUBLIC WORKS.—The Playing Fields' Committee recommended that.

HON. MR. BRAGA.—I was a member of that Committee and that was our suggestion.

Item 192: Prisons Department. Rota Print machine.

HON. MR. BRAGA.—I am afraid, Sir, that for reasons I explained in connexion with the vote for the Linotype machine, I have formally to record my vote against this item of \$2,000.

THE CHAIRMAN.—That will be noted.

Item 4: Public Works Extraordinary, Kowloon. Traffic Improvement at Traffic Circus, Tsim Sha Tsui Wharf.

HON. MR. BRAGA.—What is the explanation of the statement at the end of the item that \$1,000 is to be saved from playing fields—preparing areas recommended by the Committee? Do I take it that \$1,000 of the sum set aside for playing fields is to be utilised in connexion with the work at the Traffic Circus?

THE CHAIRMAN.—That is what it looks like, Mr. Braga. There will undoubtedly be a saving on the vote recommended.

HON. MR. BRAGA.—Then the recommendation for playing fields has been trimmed down by \$1,000?

THE CHAIRMAN.—All the recommendations cannot be adopted at once.

HON. MR. BRAGA.—I agree, but apparently, there is to be a saving here of \$1,000.

THE CHAIRMAN.—There is no hope of getting on with any of that work this year.

HON. MR. BRAGA.—Then, for all practical purposes, the Playing Fields' Committee's recommendations may never be carried into effect.

THE CHAIRMAN.—Not carried into effect during 1931.

HON. MR. BRAGA.—We were hoping that the Shatin area would be developed, but the matter seems to have been relegated to the very distant future.

THE CHAIRMAN.—It must be relegated to better times.

All the votes were approved.