

23<sup>RD</sup> MAY, 1895.

PRESENT:—

His Excellency the Governor, Sir WILLIAM ROBINSON, K.C.M.G.

Hon. J. H. STEWART LOCKHART, Colonial Secretary.

Hon. A. G. WISE, Acting Attorney-General.

Hon. A. M. THOMSON, Acting Colonial Treasurer.

Hon. F. A. COOPER, Director of Public Works.

Hon. R. M. RUMSEY, Harbour Master.

Hon. C. P. CHATER.

Hon. HO KAI.

Hon. E. R. BELLIOS, C.M.G.

Hon. A. McCONACHIE.

Hon. J. J. BELL-IRVING.

Mr. J. G. T. BUCKLE, Acting Clerk of Councils.

NEW MEMBER.

Mr. J. J. Bell-Irving was sworn in as a member of the Council, and he thereupon took his seat.

MINUTES.

The minutes of the previous meeting were read and confirmed.

THE PROPER CARE OF ANIMALS.

The COLONIAL SECRETARY—I have the honour to move the approval by this Council of certain by-laws made by the Sanitary Board under section 13 of Ordinance 24 of 1887. These by-laws deal with the removal to the depots of animals, and with their proper care while in the depots.

The DIRECTOR OF PUBLIC WORKS seconded.

By-laws approved.

AFFORESTATION DEPARTMENT.

The COLONIAL SECRETARY—Sir, with reference to the statement of the Superintendent of the Afforestation Department showing disbursements for forestry works in 1896 and 1897, which has been in the hands of hon. members of the Council, I have to move the following resolution:—"That the Council having considered the statement by the Superintendent of the Botanical and Afforestation Department resolves that it is expedient to incur the liability proposed to be incurred in 1897."

The ACTING COLONIAL TREASURER—I second that.

Carried.

THE SUPPLEMENTARY APPROPRIATION BILL.

The ACTING COLONIAL TREASURER—I have the honour to move the first reading of a Bill

entitled "An Ordinance to authorise the appropriation of a supplementary sum of \$355,395.88 to defray the charges of the year 1894."

The COLONIAL SECRETARY seconded.

His EXCELLENCY—Have you any explanation to make in regard to that Bill?

The ACTING COLONIAL TREASURER—I will make the explanation in Committee.

Bill read the first time.

THE WEARING OF NAVAL AND MILITARY UNIFORMS.

The ACTING ATTORNEY-GENERAL—I beg to move the first reading of a Bill entitled "An Ordinance to regulate and restrict the wearing of naval and military uniforms.

The COLONIAL SECRETARY—I beg to second.

Bill read the first time.

The standing orders were suspended.

The ACTING ATTORNEY-GENERAL — In moving the second reading of this Bill I have only to state very shortly its objects. It was drafted in accordance with a Bill sent out from home, and it is simply for the purpose of preventing the wearing of military and naval uniforms by persons not entitled to wear them. It is practically the same as the one at home. The first section gives the definition of military forces, and then it goes on to say that military uniforms shall not be used by persons not in the army and navy. There are certain exemptions in regard to public performances and so forth, and section 4 mentions the penalties for wearing such uniform.

The COLONIAL SECRETARY—I beg to second.

Bill read a second and third time, and passed.

THE SANITARY COMMITTEES ORDINANCE.

The ACTING ATTORNEY-GENERAL—I beg to move the first reading of a Bill entitled "An Ordinance to make provisions for the furtherance of the more effectual enforcement of sanitary measures."

The COLONIAL SECRETARY—I second that.

Bill read the first time.

The standing orders were suspended.

The ACTING ATTORNEY-GENERAL—In moving the second reading of this Bill, I have only this to state, that under section 12 of Ordinance 24 of 1887, Select Committees may be appointed, but they have powers to act only between the meetings of the Sanitary Board. This

is a Bill which empowers the Sanitary Board to appoint Select Committees which will have general powers at any time, and now that the Permanent Committee has been cut down, I think it is most desirable that these Committees should be appointed to carry out sanitary measures. It will be seen that the Sanitary Board can delegate its powers to Select Committees, and there are penalties provided for any breach of the Ordinance.

The DIRECTOR OF PUBLIC WORKS—I have the honour to second the second reading of this Bill, and in doing so I beg to make a few remarks. The work which devolves on the Sanitary Board has greatly increased during recent years, and it is practically impossible it can be carried on in a systematic and expeditious way if all matters must be brought before the Board. The object of the Bill is therefore to enable the Board from time to time to appoint Committees amongst which the ordinary routine work of the Board may be divided. These Committees may consist of two members and not less than one member and one executive officer, who can easily arrange to meet and conduct the business when a full meeting of the Board would not only be unnecessary but under many circumstances absolutely impossible. The absence last year of any such provisions as are in this Bill necessitated the Council to pass a special Ordinance to authorise the acts of a Permanent Committee appointed to deal with the outbreak of bubonic plague. Had this Ordinance been then in force these exceptional measures would not have been necessary, for the Board could then have appointed three or four of its members to do the work. That the Permanent Committee did very excellent work we all very well know, and fulfilled its functions ably, but it is unfortunate in some ways that the Committee to all intents and purposes acted independently of the Board as a whole, and I may state that, as far as I am aware, neither the Board nor the Government has yet received a full and complete report of the work performed by that Committee. Under this Ordinance the Committees will be responsible to the Board, the work will be done by the usual executive officers of the Board, and full and complete records will be kept in the offices of the Board of all work done. If there is any further explanation that members would like I shall be glad to make it when we go into Committee. With these few remarks I beg to second the second reading of the Bill.

Bill read the second and third time and passed.

THE RATING ORDINANCE.

The ACTING ATTORNEY-GENERAL—I beg to move the first-reading of a Bill entitled "An Ordinance to amend the rating Ordinance, 1888."

The COLONIAL TREASURER—I second that.

Bill read the first time.

CROWN REMEDIES.

The ACTING ATTORNEY-GENERAL—I beg to move the first reading of a Bill entitled "An Ordinance to amend the crown Remedies Ordinance, 1875."

The COLONIAL SECRETARY—I second that.

Bill read the first time.

THE MAGISTRATES ORDINANCE.

The ACTING ATTORNEY-GENERAL—I beg to move the first-reading of a Bill entitled "An Ordinance to amend the Magistrates Ordinance (10 of 1890)."

The COLONIAL SECRETARY seconded.

Bill read the first time.

The ACTING ATTORNEY-GENERAL — In moving the second reading of the Bill I may state that this Ordinance is drafted on instructions from home. Under section 80 of the Magistrates Ordinance, a magistrate is allowed to give twelve months' imprisonment as the maximum penalty. This was considered to be too much, and directions were given for it to be reduced to six months.

The COLONIAL SECRETARY—I beg to second.

Bill read the second time.

In Committee the ACTING ATTORNEY-GENERAL added this proviso—"Nothing in this Ordinance shall affect any greater punishment specifically provided for in any other part or future Ordinance."

Hon. A. McCONACHIE—Can we deal with the future?

The ACTING ATTORNEY-GENERAL—You can deal with it yourself at a future time.

Bill read the third time and passed.

AN AMENDING ORDINANCE.

The ACTING ATTORNEY-GENERAL—I beg to move the first reading of a Bill entitled "An Ordinance to amend Ordinance 17 of 1887."

The COLONIAL SECRETARY seconded.

Bill read the first time.

The standing orders were suspended.

Hon. C. P. CHATER—The information so far is very bald indeed—No. 17 of 1887. Notice was sent to us only early this morning. I tried to find out what the Ordinance was, but unfortunately was unable to find it. I think it would be better if the second reading were left over to the next meeting. The necessary information should be inserted in the Bill, so that we may know exactly what it refers to.

The COLONIAL SECRETARY—The object of the Bill being clear on the face of it, explanation does not appear necessary. It is merely the insertion of one word—"Government" depot, which means that the animals are to be taken to the Government depot.

Hon. C. P. CHATER—This is one of many similar Ordinances that are put before us. I think the old arrangement should be continued —the information should be supplied in the Bill itself. I have no objection now that I know exactly what the Bill is.

His EXCELLENCY—There is nothing on the face of the Ordinance to show what it refers to.

The ACTING ATTORNEY-GENERAL—In moving the second reading of the Bill, I have only

to state that the Ordinance was introduced on the recommendation of the Sanitary Board, who had no power to restrict these depots to Government depots. It is provided that these depots shall be under the control of the Sanitary Board, by which they should be licensed.

The COLONIAL SECRETARY seconded.

The Bill was read a second time and the Council went into Committee upon it.

Dr. HO KAI—I think longer notice should have been given, so that those who are affected by the Bill might be consulted.

The DIRECTOR OF PUBLIC WORKS—About two months ago the Board gave notice to the effect that to premises would be licensed for the keeping of swine or pigs. There are no premises licensed at present for the keeping of swine or pigs.

Hon. E. R. BELLIOS—I do not see the necessity of tabooing private depots, provided they are kept according to the regulations. What object can there be in tabooing private depots?

The ACTING COLONIAL TREASURER—The Government has erected depots at a large cost. They will only charge a reasonable price and it is only fair that the whole of the animals should go there.

Hon. C. P. CHATER asked for the third reading to be postponed, and this was agreed to.

THE LICENSING OF PRIVATE VEHICLES.

The ACTING ATTORNEY-GENERAL — In moving the second reading of the Bill entitled "An Ordinance for regulating the licensing of private vehicles," I may state that the Bill now before hon. members is somewhat different from the one that came before the Council on the first reading. I think you have all seen the amendments proposed, and I believe they have been agreed to do a great extent. Therefore I shall, in Committee, move that the amendments be added to the Bill. This Bill deals with all private vehicles. Ordinance 21 of 1887 dealt with public vehicles, and it must be within the knowledge of all of you that a nuisance has been created by the trucks and trollies that come at full speed out of side streets and rush out without any control. This is a very dangerous practice, and accidents are bound to come. There have been none so far, but that is more by good luck than anything else. This Bill regulates these trucks and trollies, and you are bound to take every one in your net, and regulate the traffic for all private vehicles—for the man who has a brougham. and the man who has a dog cart. That is only common fairness. You cannot deal with one man without dealing with all. The Bill deals with a variety of things, but exempts private j uricks has , private chairs, bicycles, perambulators, trucks and cars in use on tramways, or such other vehicles as the Governor in Council may from time to time exempt. Under section 4 there is a provision for the regulation of all private vehicles whether licensed or not, and there will be special means for identifying the vehicles—I presume by numbers. The section also provides for the issue of licenses by an officer, either the Registrar-General or the Captain

Superintendent of Police — most likely the Captain Superintendent of Police. Section 6 states the offences against the Ordinance and section 7 gives the penalties.

The COLONIAL SECRETARY—I beg to second the second reading of the Bill, and in doing so I have very little to add to what the hon. the Attorney-General has said. There is only one point to which I might draw attention, and that is the question of fees. The hon. the senior unofficial member and his colleagues, to whom this Bill was referred after it had been read a first time, sent in their opinion, stating they saw no reason why the Bill should not become law. At the same time they pointed out that the Bill should not be utilised for the purposes of raising revenue, and that the fees should be purely nominal. On behalf of the Government I beg to state that the fees to be paid will be purely nominal. With these few remarks I beg to second the second reading.

Bill read a second time.

In Committee the Hon. C. P. CHATER said— We are of opinion that the fee should not extend \$2 per annum.

Bill passed through all its stages and passed.

The Council then adjourned until next Thursday. His Excellency stating that he hoped that meeting would be the last for the summer.

FINANCE COMMITTEE.

A meeting of the Finance Committee was held immediately after the Council. Hon. J. H. Stewart Lockhart (Colonial Secretary) presided.

MINUTES.

The minutes of the previous meeting were read and confirmed.

EXTENSION OF ROADS AT KOWLOON.

The COLONIAL SECRETARY—The first minute I have to bring before the Committee is one in which the Governor recommends the Council to re-vote the sum of \$3,824.13 for the extension of the Macdonnell and Austin Roads at Kowloon. This is a re-vote, and is the unexpended balance of the sum voted for 1894.

The ACTING COLONIAL TREASURER seconded.

Carried.

THE REMUNERATION OF THE TAIPINGSHAN ARBITRATORS.

The COLONIAL SECRETARY—The next minute is one in which the Governor recommends the Council to vote the sum of \$20,000 for expenses incurred in connection with the resumption of Taipingshan. It will be within the memory of hon. members of this Committee that a vote of \$800,000 was taken in Council some time ago in connection with the resumption of the area in Taipingshan. That sum has been found not to be sufficient, and the

Treasurer will furnish the Committee with any information on that subject which the members desire. One of the reasons for exceeding that vote is due to the remuneration that is to be paid to the arbitrators. The question of remuneration to be paid to these gentlemen has been under consideration for some time, and the Governor referred the matter to the unofficial members for their opinion. I will read what their opinion is on the subject.

The COLONIAL SECRETARY read the letter, which recommended the payment to Mr. Alford, who represented the unofficial members, of one half of one per cent. on the total amount to be paid; such remuneration, however, not to exceed \$4,000.

The COLONIAL SECRETARY (continuing)—The total amount has exceeded eight lakhs, and the amount of \$4,000, which the unofficial members thought ought to be the limit, has been reached. I should like, therefore, to hear any views that any members of the Committee may have to offer on this subject before I ask whether they recommend the vote.

Hon. E. R. BELLIOS—I suppose the \$20,000. added to the \$800,000, will be the maximum sum that the Taipingshan property will cost.

The COLONIAL SECRETARY—That will cover the cost of resumption and fees in connection with the said cost.

Hon. E. R. BELLIOS—Everything connected with the resumption?

The COLONIAL SECRETARY—With the actual resumption.

The ACTING COLONIAL TREASURER—Taking all claims there will be \$126.72 over that amount.

The COLONIAL SECRETARY—Perhaps it would be the most business-like way to add this amount to the present vote.

Hon. C. P. CHATER—I think that is the right course to pursue if it is within our power to do so. If his Excellency is in his room the amount can be easily altered.

The COLONIAL SECRETARY—It is a matter not of supreme importance. We can bring the \$126 up later.

Hon. C. P. CHATER—The matter was before the unofficial members of the Council, and they went into the question very thoroughly, and the decision arrived at was the unanimous one that the sum proposed in the letter that I addressed to you should be given as an honourarium to the arbitrator appointed by the unofficial members of the Council. That being the case the other arbitrator would be entitled to a similar sum, and I shall be prepared either to second the resolution or to bring it forward that the sum proposed by us should be given to the arbitrators. In so doing I may take this opportunity of congratulating the arbitrators on bringing so delicate a matter to so satisfactory

a conclusion. In a matter of this nature it is inevitable that there should be some grumblers, but I am of opinion all are satisfied that their claims have had the fullest and most patient enquiry and investigation. That being the case I shall have very much pleasure in seconding the motion proposed by you or supporting it.

The ACTING COLONIAL TREASURER—I think \$4,000 is far too much \$3,000 would be ample.

The HARBOUR MASTER—I am inclined to agree with the Treasurer somewhat \$4,000 is as much as the yearly salary of a considerable number of what have been termed "highly-paid Government officials." and it would be interesting to know what value is placed upon their own services by gentlemen who do not come under this category. It would also be interesting, if you are in a position to give the Committee that information, how many meetings there were of the arbitrators, and the number of hours in the aggregate that were involved in the arbitrament. If it is not in your power to give the information now, I would not ask for delay of the question at all. It could be furnished at any time. The question could be put to the Committee now, but this is an interesting point from the official point of view.

The COLONIAL SECRETARY—I have not the information before me now. Of course it can very easily be obtained.

The ACTING ATTORNEY-GENERAL (to Hon. C. P. CHATER)—You have the number of meetings, have you not?

Hon. C. P. CHATER—No. Perhaps I may state that one of the points which weighed in the minds of the unofficial members was that no property in Hongkong ever changes hands without a commission being allowed by the seller or the buyer. Very often a commission of one per cent. is allowed by the seller and one per cent. by the buyer. We put it at  $\frac{1}{2}$  per cent. of the total sum to be paid by the Government for the resumption of Taipingshan. That  $\frac{1}{2}$  per cent. was not to exceed \$4,000. The Chairman has just informed us that the total amount necessary for the resumption of Taipingshan has exceeded \$800,000, and therefore  $\frac{1}{2}$  per cent. on the sum exceeding \$800,000 would be a sum of over \$4,000. It was by this means that we arrived at the figures, \$4,000. If \$4,000 be allowed to one arbitrator, the same sum ought to be allowed to the other, as the two arbitrators did equal work. We thought one per cent. of the total, \$800,000, would be a fair honorarium to the two arbitrators. I think, with that information before honourable members, they will be of opinion that we have not exceeded or given more than we probably ought to have. No property ever changes hands in Hongkong under a commission of one per cent. at least.

The HARBOUR MASTER—I am not aware that that rule would be binding upon the Government, although I admit it may be a very excellent reason for guiding the unofficial members if a reason is wanted.

Hon. C. P. CHATER—I mention these facts only to let hon. members know how we arrived at the sum and in arriving at the sum, we did not arrive at a figure which was considerably over what is the custom in the colony.

The DIRECTOR OF PUBLIC WORKS—Does this sum of \$820,000 include everything?

The COLONIAL SECRETARY—Yes; also the remuneration for the arbitrators.

The DIRECTOR OF PUBLIC WORKS—Do the actual awards exceed \$800,000?

The ACTING COLONIAL TREASURER—I should say so, but I have not the figures.

The HON. C. P. CHATER—We took the total cost of the purchase of the property from the vendors. We treated the matter as a purchase and a sale—a purchase by the Government, and a sale by the lessees to the Government.

Hon. A. McCONACHIE—You must remember that the Government had a very great benefit from the experience of Mr. Alford and Mr. Danby.

The ACTING COLONIAL TREASURER — Mr. Danby appeared simply as a party elected by the lot holders.

The COLONIAL SECRETARY—I gather from the remarks made by hon members that there is a slight difference of opinion as to the amount of remuneration to be paid. But I am quite sure there is no difference of opinion as to the manner in which the duties of arbitrators were discharged — ( h e a r , h e a r ) — b y A c t i n g

Chief Justice Ackroyd, Mr. Alford, and Mr. Danby. The duties were performed in a manner which gave great satisfaction to the community generally and it is therefore perhaps somewhat unfortunate that there should be a divergence of opinion as to the amount of remuneration to be granted. I take it from the remarks that have fallen that those who consider the remuneration somewhat high are in the minority; so I think I am safe in saying that the vote is recommended to the Legislative Council, and that therefore I am authorised to bring the vote up at the next meeting of the Council.

The HARBOUR MASTER—From my remarks it may be thought that I meant to imply that \$4,000 was too much. I did not mean to imply that. I merely wanted to know how the amount was arrived at. I compared it to the yearly salary of Government officials. I did not know what amount of work it represented. I did not mean to imply that \$4,000 was too much.

The COLONIAL SECRETARY—I think we are in possession of the views of members. We understand the views of the Colonial Treasurer and the Harbour Master, and it appears to me there is no necessity to delay any longer. If honourable members have nothing further to say I take it that the majority of this Committee is of opinion that this vote should be recommended.

The vote was thereupon recommended.

