

13TH SEPTEMBER, 1897.

PRESENT:—

His EXCELLENCY the Governor, Sir WILLIAM ROBINSON,
G.C.M.G.

Colonel ELSDALE (Officer Commanding the Forces).

Hon. J. H. STEWART LOCKHART (Colonial Secretary).

Hon. W. M. GOODMAN (Attorney-General).

Hon. T. SERCOMBE SMITH (Colonial Treasurer).

Hon. W. CHATHAM (Acting Director of Public Works).

Hon. F. H. MAY, C.M.G. (Captain Superintendent of
Police).

Hon. R. MURRAY RUMSEY (Harbour Master).

Hon. C. P. CHATER, C.M.G.

Hon. Ho KAI.

Hon. T. H. WHITEHEAD.

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

Hon. J. J. BELL-IRVING.

Hon. WEI A YUK.

Mr. J. G. T. BUCKLE (Clerk of Councils).

MINUTES.

The minutes of the last meeting were read and confirmed.

TRAMWAYS FOR KOWLOON.

Hon. J. J. BELL IRVING—I rise, sir, to move the first reading of a Bill entitled an Ordinance to authorise the Hongkong and Kowloon Wharf and Godown Company, Limited, to lay and maintain tramways on certain public roads at Kowloon, in the colony of Hongkong and to confer upon the said Hongkong and Kowloon Wharf and Godown Company, Limited, certain other rights, powers, and privileges. Any remarks that may be necessary I propose to make at the second reading.

Hon. C. P. CHATER seconded.

Bill read a first time.

SUPPLEMENTARY APPROPRIATION ORDINANCE.

The COLONIAL TREASURER—I rise, Sir, to move the second reading of the Bill entitled an Ordinance to authorise the appropriation of a supplementary sum of three hundred and forty-one thousand and twenty-five dollars and thirty-seven cents to defray the charges of the year 1896. The sum which the Council is now asked to vote, namely, \$341,025.37, represents the nominal excess of the actual expenditure for the year 1896 over the estimated expenditure. The real excess comes to \$226,467.69, the difference between the nominal and the real excess being \$114,557.68. It is owing to the fact that credit cannot be taken for the savings effected in the

various establishments nor in public works extraordinary or public works recurrent that the difference between the actual excess and the nominal excess appears. The savings on public works recurrent amount to \$18,278.66, on public works extraordinary to \$82,705.21, and in ordinary expenditure to \$13,573.81; total, \$114,557.68, as already stated. Although the Council is asked to vote this sum of \$341,025.37, the actual surplus of revenue over expenditure, if we exclude the amount chargeable on the loan account for public works extraordinary, is \$134,968.57, the actual figures being—revenue, \$2,609,878.94; expenditure, \$2,474,910.37. I propose to advert to only two items in these supplementary estimates. The first is the military expenditure; and the second the excess on the Praya Reclamation. The total expenditure for military purposes, or rather, the total amount expended in 1896 upon military matters, was \$523,128.45. That total is made up as follows:—Military contribution actually paid in 1896 on account of 1896. \$402,080.76; contribution for barracks services, \$40,000; Volunteer expenses, \$13,448.93; and balance due for 1895 on account of military contribution, \$67,598.76. The \$402,080.76 expended in 1896, and actually paid in 1896, towards the military contribution represented $17\frac{1}{2}$ per cent. of the estimated revenue for 1896, exclusive of estimated land sales premia. The actual sum assessable for the military contribution for 1896 was \$2,339,019.95, and the total of the military contribution \$409,328.49. The difference of \$7,247.73 has been met out of the revenue for 1897. It will be noticed that the total sum of \$523,128.45 which has been paid for military purposes in 1896 represents about 22 per cent of the revenue for 1896, but if we take off \$67,598.76, the balance paid in 1896 of what was due in 1895, it reduces the expenditure for military purposes to about $19\frac{1}{2}$ per cent. Of course, the sum of \$402,080 is the actual amount really spent on what is known as the military contribution proper. The other items were voted separately and, although coming under the heading of military expenditure, do not fall under the well-known head of military contribution. In regard to the Praya Reclamation I may say that in 1895, the sum of \$40,000 was appropriated as the Government's contribution towards certain works connected with the Praya Reclamation. The work was done and paid for out of Praya Reclamation Funds and the claim on the Government was made towards the end of 1895, but the sum was not paid until January, 1896, and that is the reason it appears as excess in the estimates for 1896. I shall be glad to give further information if any hon. member wishes it upon any matters connected with the supplementary estimates.

The COLONIAL SECRETARY seconded.

The Bill was read a second time and referred to the Finance Committee.

After the meeting of the Finance Committee the COLONIAL TREASURER reported that all the items had been unanimously recommended with the exception of the military contribution, against which all the unofficial members voted.

Council then went into Committee on the Bill which was reported without amendment.

On the motion for the third reading,

Hon. T. H. WHITEHEAD—Not that it will make any difference in the ultimate result, but I think it might be well to postpone the third reading of the Bill until the next meeting of the Council, so that the unofficial members may have an opportunity of meeting and considering their position in view of what has transpired in the Finance Committee.

His EXCELLENCY—I do not know what was done in the Finance Committee. You have had the estimates before you a long time, you know.

The COLONIAL SECRETARY—The estimates have been in the hands of hon. members for three weeks. All the items, with the exception of the military contribution, were agreed to unanimously. That was objected to on principle.

His EXCELLENCY—Was there anything new?

Hon. C. P. CHATER—No, sir, absolutely nothing. We voted against the item to be perfectly consistent in what we had done. We have petitioned and we have protested, and the Secretary of State absolutely took no heed of our doings but ruled that the Ordinance should be passed. We recorded our vote against it, but it was passed by the official majority, and we want to show that even now the unofficial members are not in favour of it.

His EXCELLENCY—That can be done now just as well as next week?

Hon. C. P. CHATER—I think so, sir.

A vote on the third reading was then taken with the following result:—

FOR.	AGAINST.
The Acting Director of Public Works.	Hon. Wei A Yuk.
The Colonial Treasurer.	Hon. J. J. Bell
The Harbour Master.	Irving.
The Captain Superintendent of Police.	Hon. E. R. Belilios.
The Attorney-General.	Hon. T. H. Whitehead.
The Colonial Secretary.	Hon. Ho Kai.
The Colonel Commanding.	Hon. C. P. Chater.

The motion was therefore carried and the Bill read a third time and passed.

THE INFECTED MILK ORDINANCE.

The ATTORNEY-GENERAL—I have, sir, to move the second reading of the Bill entitled an Ordinance to prevent the spread of infectious disease arising from the consumption of contaminated or unwholesome milk. It is, of course, of the utmost importance to secure a proper supply of wholesome milk in this colony. No doubt the public are indebted to those who have undertaken to supply such milk, and a commercial enterprise of that kind is worthy of our support and consideration. At the same time the high price of milk acts as a great temptation to unscrupulous persons to increase the quantity of milk by the addition of water or by adulteration in other ways. The report of the Government Analyst proves that last year there were several samples which he analysed in which he found that water had been added. Well now, we cannot be at all sure as to the source whence the water so added is derived, and as one cannot help feeling, after reading the analyst's report, that there are a very large number of cases where water has been added to the milk without being detected, it naturally follows that some provision should be made to ensure the purity of the milk supply. The Bill before the Council deals principally with another danger, namely, dairies where animals are infected or where persons, while suffering from an infectious disease, are engaged in dairy work, such as milking cows or handling milk. I would like to call your attention to the objects and reasons which I appended to the bill and which are as follows:—"It was found necessary in England to confer power on the Medical Officer of Health to inspect dairies, and in case he should be of opinion that infectious disease was caused by the consumption of milk supplied from any such dairy, he was required to report his opinion to the local authority. Thereupon, the local authority was to call upon the dairyman to show cause why an order should not be made by such authority requiring him not to supply any milk from such dairy till the order should be withdrawn. These powers were conferred, in England, by section 4 of The Infectious Diseases (Prevention) Act, 1890. The present Ordinance, suggested by the Medical Officer of Health, proceeds upon similar lines, having regard to local circumstances. Sections 5, which is based upon the Dairies, Cowsheds, and Milkshops Orders of the Privy Council and Local Government Board in England, provides a penalty in the case of a dairyman allowing any infected person to milk the animals, assist in the conduct of the dairy, or to reside in such part of the dairy as may be used for the housing of cattle or storage of milk. It is hoped that the fact of such an Ordinance being brought into force in this colony will enable the Medical Officer of Health to exercise more effective supervision over the milk supplies of the colony and cause dairymen to use greater vigilance to prevent the possibility of contamination of the milk sold by them." As to the term "local authority," we have no local authority here in the sense in which it is used in the English Act, the nearest approach to the local authority we have here being the Governor in Council. I do not anticipate that in the case of some of the milk supplies there will be much occasion for these powers to be

exercised. There is no doubt that these powers will act as a wholesome check over dairymen and they may have to be used in the case of a few dairies, the milk from which is sometimes not altogether free from suspicion. With these few remarks I beg to move the second reading of the Bill.

The COLONIAL SECRETARY seconded.

Bill read a second time.

Council went into Committee on the Bill, which passed through all its stages without amendment.

THE FIRE BRIGADE ORDINANCE.

The ATTORNEY-GENERAL—As regards the Bill entitled an Ordinance to further amend the Hongkong Fire Brigade Ordinance, 1868, I ask your Excellency's permission to postpone the second reading for the present. I would like, however, to make one or two observations in regard to the Bill so as to prevent any misunderstanding as to its nature and scope. The object of the Bill is to enable rules and regulations and departmental orders to be made and also to enable the Superintendent of the Fire Brigade himself to inflict penalties not exceeding \$10 or confinement to the station—not imprisonment—for not exceeding seven days, and with the result that if members of the Brigade refuse to pay the penalty inflicted upon them or to undergo the confinement to station they shall be liable to dismissal. That is all. As the laws stands at the present time the liability of a member of the Fire Brigade is to a fine of \$25, instead of \$10 as mentioned in the Bill, and to enforce such a fine a man must be taken before the Magistrate. This is thought to be not highly conducive to discipline. It must be borne in mind that when the former Fire Brigade Ordinance was passed in 1868—nearly thirty years ago—there were a good many volunteer members of the Fire Brigade. There were many gentlemen who volunteered their services in time of need in the Brigade and naturally they might have strongly objected to being punished by the Superintendent himself, preferring perhaps to go before a Magistrate. I think, perhaps, there is some misconception in this. It has been lost sight of that since that time the constitution of the Brigade has very materially altered. I am informed that at the present time there are scarcely any European members of the Brigade who are not members of the Police Force. They are policemen who get extra pay each month for belonging to the Fire Brigade, and therefore it is a very differently constituted Brigade from what it was. However, there is no violent hurry about this matter and I would ask your Excellency to allow the second reading of the Bill to stand over for the present.

The second reading was therefore postponed.

ADJOURNMENT.

The Council adjourned until next Monday.

FINANCE COMMITTEE.

The Finance Committee considered the supplementary estimates. Hon. J. H. Stewart Lockhart (Colonial Secretary) presided.

The CHAIRMAN said he would follow the usual course and take each item as it occurred in the Ordinance.

PENSIONS.

On the item Pensions, \$15,054.71,

Hon. T. H. WHITEHEAD asked how the scale of pensions in this colony compared with the scale in other Crown colonies. It seemed to him that pensions were always on the increase.

The CHAIRMAN, in reply, said that so far as he was acquainted with pensions in other colonies they were practically on the same footing as the pensions in this colony. The scale of pensions, so far as he knew, was the same in all Eastern Crown colonies and, he believed, much the same in the West Indies also. A man in the civil service had to serve until he was 55 years of age before he was entitled to a pension unless he was invalided before he reached that age. The pensions of the Police were dealt with by a special Ordinance.

The CAPTAIN SUPERINTENDENT OF POLICE said the scale of police pensions in Singapore was the same as in Hongkong.

The HARBOUR MASTER pointed out that as the colony got older and public servants left year by year it necessarily followed that the pension list must increase.

The item was recommended.

LI HUNG-CHANG'S LUNCHEON.

On the item, Governor and Legislature, \$223.19.

Hon. T. H. WHITEHEAD asked why was this expenditure incurred when the Ambassador's acceptance of the Governor's invitation to luncheon was only conditional that his landing in Hongkong did not entail quarantine at Singapore and the Government was not in a position to give any satisfactory assurance as to that condition.

The CHAIRMAN—So far as I remember, the Government was not aware of the fact that he was going to make his acceptance of the invitation conditional. The luncheon was prepared and it was believed he would land.

Hon. T. H. WHITEHEAD—A telegram was sent to Shanghai and His Excellency Li Hung-chang replied that he would land if the landing did not entail quarantine at Singapore. To that he did not receive a reply.

The CHAIRMAN—I am not thoroughly acquainted with the facts of the case, but if you desire to know what took place, the information can be obtained. So far as I understand, preparations for the luncheon, were made because it was thought His Excellency would land and be entertained.

Hon. T. H. WHITEHEAD—I had two interviews with the Ambassador when he passed

through the colony and at the second one I expressed my sorrow that he did not avail himself of the Governor's invitation, and his explanation was the one I have just given.

The CHAIRMAN — There may have been some misunderstanding, but that is a matter that can be very easily cleared up from the papers on the subject. If the hon. member had given me private notice of his intention to ask the question I would have looked into the matter.

The item was recommended.

THE POLICE SCANDAL.

On the item, Police, \$8,941.71,

Hon. T. H. WHITEHEAD—I would like to know whether the evidence taken by the hon. the Captain Superintendent of Police and the Crown Solicitor in connection with the charges against Inspector Stanton and other members of the Police Force was submitted to the hon. the Attorney-General for his opinion as to its sufficiency before action was taken thereon, and whether His Excellency sanctioned the dismissal of Inspector Stanton and the other members of the Police Force with the advice of the Executive Council or on the sole recommendation of the Captain Superintendent of Police.

The CHAIRMAN—I do not see what this has to do with the vote under consideration. It appears to me that the proper course to adopt is for the hon. member to give notice of the question in the usual manner in Council.

Hon. T. H. WHITEHEAD—It is quite in accordance with Parliamentary practice to ask for information concerning a certain department when a vote in connection therewith comes up for consideration.

The CHAIRMAN—In this case the expenditure, which was incurred in 1896, has nothing to do with the matter alluded to by the hon. member. It is not from any desire to withhold information, but it would be more regular to give notice in the usual manner, when no doubt the hon. member will receive an answer to his question.

Item recommended.

THE MILITARY CONTRIBUTION.

On the item, Military Expenditure, \$82,913.45,

Hon. T. H. WHITEHEAD—I move that this item be omitted. We have discussed this question of the military contribution from time to time very fully and I am still of the opinion that it is quite out of proportion to the revenue of the colony. It is a monstrous and a most unjust charge and it acts most injuriously upon the welfare of the colony.

The HARBOUR MASTER—Question.

Hon. T. H. WHITEHEAD — It is higher than any contribution required from any other Colonial Government, and why we should be thus mulcted and imposed upon as we are it is impossible to conceive. I therefore move the rejection of the item.

The CHAIRMAN—Does anybody second that?

Hon. C. P. CHATER—This is a matter with which I think it is almost hopeless for us to attempt to do much more.

The CHAIRMAN—Do I understand that you second the motion?

Hon. C. P. CHATER—I am coming to that directly. We have done what we could in this matter. We have protested, we have petitioned, and we have pointed out to the Secretary of State for the Colonies that we should like to be placed on the same footing as our sister colony, Singapore, but to all these protests and petitions we have had the one answer, that the vote must be made. Yet to show the Secretary of State that we do not willingly pass this vote I second the resolution of my hon. friend the member for the Chamber of Commerce.

The ATTORNEY-GENERAL—As regards the greater part of the vote it has been settled by Ordinance 21 of 1896 which was passed to save continual debate on this question. The Ordinance was passed by this Council after the protests had gone home, and a vote of 17½ per cent. of the revenue, excluding land premia, is the military contribution fixed by the Ordinance, the object of which was to prevent the recurrence of debates year by year on the subject. It is impossible for us, sitting in Finance Committee, to repeal that Ordinance, and it would be most absurd, having passed that Ordinance, to say that we would not vote the money. We must be consistent.

Hon. C. P. CHATER—My object in seconding is just to be, as the hon. the Attorney-General has expressed it, consistent. The Bill he refers to was passed against the unofficial vote. It was agreed to by the official majority and on the present occasion we want it to be kept on record that it has again been put through, as it no doubt will be, by the official majority.

Hon. HO KAI—For the same reason I support the hon. member for the Chamber of Commerce. The military contribution of 17½ per cent was passed by the official majority against the unofficials, and it is no use to say that that Ordinance is law. No doubt the Ordinance becomes law because the official majority is against us, but it is no law as far as the unofficial minority is concerned. The representatives of this colony are still against the 17½ per cent., whether it was passed by the official majority or not. As long as the wishes of the unofficials are not granted so long will they from time to time record their opposition to the military contribution.

The CHAIRMAN thought the simpler plan would be to state that the unofficial members objected to the item.

Hon. C. P. CHATER—Take the vote.

The HARBOUR MASTER—The inference to be drawn from the remarks of the hon. member opposite (Hon. Ho Kai) is that if anybody does not approve of a law t h a t i s p a s s e d i t i s n o t

binding on him. This law has been passed and it has not been approved by certain members, and therefore it is not considered binding!

Hon. T. H. WHITEHEAD—The unofficials voted in accordance with their conscience against the law enforcing 17½ per cent.

The amendment was then taken as follows:—

FOR.	AGAINST.
Hon. Wei A Yuk.	The Acting Director of
Hon. J. J. Bell	Public Works.
Irving.	The Colonial Treasurer.
Hon. E. R. Belilios.	The Harbour Master.
Hon. T. H. Whitehead	The Captain Superintendent of
	Police.
Hon. Ho Kai.	The Attorney-General.
Hon. C. P. Chater.	The Colonel Commanding.
	The Colonial Secretary.

The amendment was therefore lost by one vote and the item was recommended.

THE TAIPINGSHAN PROPERTY.

On the item, Public Works Recurrent, \$24,047.79,

Hon. T. H. WHITEHEAD—Notwithstanding your ruling, Mr. Chairman, I should like to repeat the question which I put at a meeting of the Council a few weeks ago in regard to the Taipingshan property, an asset which cost the ratepayers the best part of a million of dollars. The question I put last month was—"What steps do the Government now propose to take with a view to the speedy disposal of the Crown land available at Taipingshan, and what were the causes of the failure of the Government to obtain a bid for any lot at the recent sale by public auction?" Mr. Chairman, you replied as follows—"The Government propose to adopt the usual course and to wait for applications to sell the land by auction. With regard to the latter portion of the question I regret that it is not possible to state to what causes the failure alluded to by the hon. member was due." That answer in regard to this property, which cost the ratepayers nearly a million dollars, is no answer at all. It is an evasive reply. I certainly think the ratepayers are entitled to know why no bids were received for the property. Possibly the Director of Public Works can enlighten us. If he is not in a position to do so I have no doubt the senior unofficial member could enlighten the Council, because there is not another man in the colony—in fact there are no half dozen men in the colony whose knowledge and experience of property and the management thereof are equal to the senior unofficial member's. Several ratepayers have urged me to get information from the Government in regard to this asset as they are anxious to know whether we are going to derive anything approaching the money expended upon it.

The ATTORNEY-GENERAL—There is one thing I should like to say in regard to this matter. As Attorney-General I naturally had a great deal to do with the numerous applicants who came before the Committee asking for compensation when the land was resumed, and according to them the value of the land was really extraordinary. It was perfectly marvellous how valuable the property was. They thought they were being dealt with very hardly in having this valuable property taken from them, and my humble endeavour on behalf of this colony was to cut down as many as these claims as possible. Aided by Mr. Sercombe Smith we succeeded in reducing the claims, but in the end the amount paid was no doubt a very large one. Then we were dealing with the seller. Now we have to deal with the buyer, who tells a very different tale. We say it is valuable property. "It is naught, it is naught," says the buyer. So you see the other side of human nature. The buyers say "Why do you demand such prices? Why don't you let us have the property very much cheaper?" That is the kind of human nature which always presents a difficulty in the matter. The reason why those people did not bid was because they wanted to get the property much cheaper than the price the Government were prepared to sell it at, and they tried to make out it was not worth so much. Ask the people who did not bid what was their reason. Surely the Government are not expected to tell what was in the minds of these people when they did not bid. If the Government take my advice they will hold on to the property until they get a reasonable price for it. In time the demand will be so great that people will be prepared to give a fair price for the ground. I am not a professional man as to values, but I should think the senior unofficial member will be struck with the idea that a good many people wanted the property much cheaper and they would not bid because they thought they would in a way boycott the Government and make them sell a great deal more cheaply. That is the best answer I can give. The property ought to be worth a good deal more now than when the Government took it over in its insanitary state, as it has been properly drained and put in good order. I do not think the Government are to be blamed because they did not rush at the buyers and insist upon their taking the property on their own terms.

Hon. Ho Kai said that perhaps the price was fair, but the Crown rent had been raised, it being now about ten to twenty times what it was formerly.

After other remarks the CHAIRMAN said that the question had no direct bearing on the vote before the Committee. Hon. members had every opportunity of bringing this matter before the Council in the usual way.

Hon. T. H. WHITEHEAD—I submit that it is quite in order. On a money vote before the House members, according to "M a y ' s P a r l i a -

mentary practice, are entitled to the fullest amount of information, and I submit that the Government should now give us some explanation as to their failure to obtain any bid whatever for the lots put up in the month of May. I have listened with a good deal of attention to the remarks of the Attorney-General, but I am

just about as wise now as when I asked the question. I should like some information before this item is recommended.

The CHAIRMAN then put the item to the Committee and it was recommended.

ADJOURNMENT.

The Committee then adjourned.
