

PRESENT:—

His EXCELLENCY the GOVERNOR, Sir HENRY BLAKE, G.C.M.G.

His EXCELLENCY Major-General GASCOIGNE C.M.G. (Commanding the Troops).

Hon. H. E. POLLOCK (Acting Attorney-General).

Hon. R. MURRAY RUMSEY (Harbour Master).

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

Hon. A. M. THOMSON (Colonial Treasurer).

Hon. R. D. ORMSBY (Director of Public Works).

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

Hon. T. H. WHITEHEAD.

Hon. Dr. HO KAI.

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

Hon. J. J. KESWICK.

Hon. WEI A YUK.

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

PAPERS

In the absence of the Colonial Secretary, the ACTING ATTORNEY-GENERAL laid various papers on the table. The papers included the report of the Standing Law Committee on the Criminal Procedure Bill (No. 2) and with regard to this he said that when they came to committee on the Bill he would move its adoption.

QUESTION BY THE HON. T. H. WHITEHEAD.

The Hon. T. H. WHITEHEAD—I beg to give notice that at the next meeting of the Council I will ask the

following questions:—1.—Will the Government lay upon the table a statement of the amount expended by the Public Works Department for repairs and alterations to "Beaconsfield" and of the re-payments made by the owner of the building in respect of the former; also state for the information of the Council under what authority this expenditure has been disbursed?

2.—Will the Government lay upon the table a statement of the total expenditure payable out of the Colonial Treasury in connection with the preparations for and the occupation of the colony's new territory leased by China to Great Britain per the Convention of 30th June, 1898?

3.—What steps have the Government taken to bring the Police Force up to its full strength as authorised by Ordinance, and are the Government prepared to introduce an Ordinance sanctioning the increase of the force to a strength sufficient for the adequate policing of the colony's new territory?

4.—Will the Government lay upon the table a copy of the correspondence which has passed between the British Government and the Imperial Government of China and the Colonial Government on the subject of the arrangements to be made in accordance with the Convention of 20th June, 1898, for the better protection of the Chinese revenue from loss by the smuggling of opium from Hongkong into China?

THE HON. E. R. BELLIOS AND THE TREATMENT
OF PLAGUE PATIENTS.

The Hon. E. R. BELLIOS—I beg to give notice that at the next meeting of the Council I propose to ask two or three questions to the effect whether or not there has been any change, any improvement, any progress made in the treatment of plague patients in our hospitals since the epidemic year of 1894.

THE HON. E. R. BELLIOS AND THE CHINESE
CUSTOMS.

The Hon. E. R. BELLIOS—I beg to ask the questions standing in my name.

The questions were as follows:—

1.—The Secretary of State for the Colonies having only sanctioned the collection of duties on Opium by this Government, do the Government propose to collect Customs duties on other commodities?

2.—The Stations formerly belonging to the Imperial Maritime Customs having been taken over by the Police, will the Government say whether or not the Customs Officials are still in occupation?

3.—Have the Colonial Government undertaken to collect duties temporarily or for an indefinite period?

The ACTING ATTORNEY-GENERAL—In the absence of the Colonial Secretary I have to give the answers. The answer to the first question is no. The answer to the second question is, the staff are still in occupation of some stations pending accommodation being provided for them. The answer to the third question is, for an indefinite period.

THE PIERS ORDINANCE, 1899—THREATENED
OPPOSITION.

The ACTING ATTORNEY-GENERAL moved the first reading of a Bill entitled the Piers Ordinance, 1899.

The COLONIAL TREASURER seconded.

The Hon. T. H. WHITEHEAD—Sir, I rise to move the rejection of the first reading of this Bill on the ground that it is a violation of existing rights. There are wharves and piers held under existing Ordinances which have still some five years to run. There are others held under special agreements between the Government and the wharf owners. Firms and others holding licences for wharves and piers under the old scale of fees are entitled to three months' notice before any change can be made in the terms and conditions of the licences already granted. If the proposed Ordinance is passed and brought into force on 1st July, eleven days hence, as clause 20 of the Bill indicates, it would amount to a confiscation of valuable property wholly unauthorised by precedent in imperial legislation.

His EXCELLENCY THE GOVERNOR—The Hon. the Acting Attorney General has pointed out that it is not usual for any honourable member, though it is in his power to do so, to object to the introduction of a Bill. I do not know whether there is an instance here where the

first reading of a Bill has been objected to, because it is merely laying the Bill on the table; and then all the objections can be brought forward at the second reading. The first reading of a Bill is merely the introduction of a measure to the Council. But as I say, I am not aware of any reason why an honourable member should not take an unusual course and object to the first reading.

The Hon. T. H. WHITEHEAD—My remarks, sir, are very brief. I will continue by saying that the rents and fees proposed to be charged under this Ordinance are exorbitant. They are six times more than the highest Crown rent charged upon the most valuable marine lots in the colony. The licencees of wharves and piers do not derive any profit from those wharves and piers; they are there for the public convenience and the public benefit—to facilitate shipping and to promote the trade of the port. They are also essential for the proper landing of the food supply of the colony. There is nothing in this Ordinance which would prevent a new Governor 12 months hence coming to this Council and raising the rent of piers and wharves ten-fold or from taking away the exemption from taxes and the increased tenure which this Ordinance professes to give them, as the Government have continuously in the Council a majority of official members who are required to vote as directed. ("Hear, hear," from the Hon. C. P. Chater.) I regard this Ordinance as a retrograde movement of no ordinary magnitude. It is just as much a direct tax upon shipping as the recently proposed increase in light dues and the proposition to establish and impose harbour dues which the Secretary of State for the Colonies in his wisdom has refused to sanction within the last few days. This measure, sir, is destined to interfere with the freedom of the port and to retard its progress and impair its prosperity, its progress and prosperity having mainly been secured and maintained by the freedom of the port. In a despatch some 45 years ago one of Your Excellency's predecessors wrote:—"Believing that the satisfactory development of our prosperity is mainly due to the emancipation of all shipping and trade from fiscal vexations and exactions, I trust no custom-house machinery will ever be introduced, either for the collection of tariff or harbour dues of for any purpose which may check the free ingress and egress of all shipping to and from the port, nor the free transfer of commodities from hand to hand. Hongkong presents another example of the elasticity and potency of unrestricted commerce which has more than counterbalanced the barrenness of the soil, the absence of agricultural and manufacturing industry, the disadvantages of its climate, and every

impediment which would clog its progress." The proposed legislation, sir, in my opinion is a violation of existing rights, and it appears to me that it is tantamount to a confiscation of valuable property. I would further call the attention of the Government and the Council to the fact that this important Ordinance did not reach the hands of the unofficial members until Saturday afternoon. I am not aware of any cause for any urgency in this matter, and I would direct the attention of the Government to what the parliamentary committee appointed in 1847, to enquire into Hongkong affairs, said— Clause 42, recommended, that "drafts of all new laws and regulations, unless of an urgent nature, should, as in India, be published for three or six months before they are finally enacted."

The Hon. C. P. CHATER—I beg to second that proposition.

The ACTING ATTORNEY-GENERAL—Perhaps your Excellency will allow me to say a few words in answer to the honourable member for the Chamber of Commerce. I do not know whether he is aware of the fact that I have already arranged to have a consultation with Mr. Francis, Q.C., upon the subject of this Bill. The point was raised originally by the senior unofficial member upon the construction of Ordinances 18 and 19 of 1884, but of course I do not know whether the senior unofficial member intended Mr. Francis to discuss with me also the other question mentioned by the honourable member for the Chamber of Commerce. At all events I know Mr. Francis is going to discuss with me the question how this Ordinance will affect the rights of pier owners under Ordinances 18 and 19 of 1884, and I think it is very probable he will discuss with me further questions mentioned by the honourable member for the Chamber of Commerce. That conference will take place on Thursday next, that is to say, before the second reading of this Bill will come on. I do not see, sir, any reason for delaying the first reading of this Bill, because, as your Excellency has pointed out, the first reading of a Bill is purely a formal matter. The important question is the second reading of the Bill and how this Bill ought to be dealt with in committee. I need not say that I shall very carefully listen to any argument which may be proposed to me by Mr. Francis upon the subject of this Bill, and as to how far it interferes with existing rights, and as to how far it is proper in itself. If I think in any way that this Bill does unduly interfere with existing rights, I shall have no hesitation whatever if laying that view before Your Excellency. It will be my duty to do so. With these few remarks, I suggest that the Bill ought to go through the first reading. As I said, the first reading is purely a formal matter.

The Hon. T. H. WHITEHEAD—If I may be allowed to say one word, I think the course which the honourable Attorney-General has referred to should be followed before any Bill is submitted even for the first reading.

The Bill passed its first reading, the Hon. T. H.

Whitehead and the Hon. C. P. Chater voting against.

The Hon. J. J. KESWICK—If I should be in order I should like to ask on behalf of the Hongkong and Kowloon Wharf and Godown Company for permission to be heard by counsel at the second reading.

His EXCELLENCY the GOVERNOR—I have no doubt the Council would be pleased to hear counsel.

The ACTING ATTORNEY-GENERAL—The honourable member is quite right in moving at this meeting to preserve his rights.

Hon. J. J. KESWICK—Sir, on behalf of the Hongkong and Kowloon Wharf and Godown Company I beg to ask Your Excellency's permission that Counsel be heard at the second reading of the Piers Ordinance. The passing of this Ordinance would, the board of Directors are advised, affect the right B which the Company enjoys by virtue of existing Ordinances which it is proposed to repeal, and that is their reason for wishing to be represented by Counsel at the second reading.

The Hon. C. P. CHATER seconded, and the motion was carried.

Subsequently the ACTING ATTORNEY-GENERAL said—With regard to the motion made just now by the Honourable J. J. Keswick for Counsel to be heard on behalf of the Hongkong and Kowloon Wharf and Godown Company I would point out to the honourable gentleman that according to Standing order 52 there ought to be a petition presented to show the reasons why it is desired that counsel should be heard against the Bill. I am sure it would be a very great assistance to honourable members of this Council to have a petition presented setting forth the reasons for the opposition to the Bill.

His Excellency the GOVERNOR—I hope that the honourable member will send in a petition which may be circulated among the members.

The Hon. J. J. KESWICK—I will attend to it.

OTHER FIRST READINGS.

The following bills passed their first readings without comment:—

A Bill entitled An Ordinance for the Naturalization of Ts'oi Yeuk-shan.

A Bill entitled an Ordinance for the Naturalization of Fan Nang, alias Fan Sau, alias Fan Pat Shan, alias Fan Tun Shin.

A Bill entitled an Ordinance to further amend the Public Health Ordinance, 1887.

A Bill entitled an Ordinance to amend the Arms Consolidation Ordinance, 1895.

A Bill entitled an Ordinance to amend the Liquor Licenses Ordinance, 1898.

A Bill entitled an Ordinance to further amend the Cattle Diseases, Slaughter Houses, and Markets Ordinances.

A Bill entitled an Ordinance to authorise the appropriation of a supplementary sum of ~~₹ 6,67,987~~ to defray the charges of the year 1898.

THE LAWS RELATING TO CRIMINAL
PROCEDURE.

The Council went into committee to consider the Bill entitled an Ordinance to consolidate and amend the Laws relating to Criminal Procedure in the Supreme Court.

The ACTING ATTORNEY-GENERAL—With regard to this Bill. I have laid upon the table of the Council the report of the Standing Law Committee on the Criminal Procedure Bill, and in addition to that report there has also been circulated a separate sheet of paper showing in what respects the amendments proposed by the Law Committee affect the Bill as read a second time also a print of the whole Bill showing how the Bill will read if the amendments

proposed by the Law Committee are adopted. I propose under Standing Order 41, if no honourable member has any objection to make, to move the adoption of the report of the Standing Law Committee in order that it may be dealt with in the same way as a Bill reported upon by a committee of the whole Council.

His Excellency the GOVERNOR—Has it been certified by the Chairman.

The ACTING ATTORNEY GENERAL—Yes, sir.

The Hon. C. P. CHATER seconded, and the motion was carried.

No amendments were made in committee, and on the Council resuming the Bill was read a third time and passed.

ADJOURNED.

The Council adjourned until Tuesday next.
