

1ST AUGUST, 1899.

PRESENT:—

His EXCELLENCY the GOVERNOR (Sir Henry Blake, G.C.M.G.)

Hon. J. H. STEWART LOCKHART, C.M.G. Colonial Secretary.

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. Dr. HO KAI.

Hon. T. H. WHITEHEAD.

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

Hon. WEI A YUK.

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

REVENUE AND COST OF THE MEDICAL DEPARTMENT.

The COLONIAL SECRETARY, in accordance with the request made at the previous meeting by the Hon T. H. Whitehead, laid on the table a statement of revenue and cost of the medical department. The statement gave the following particulars:—

Revenue.—Medical Treatment of Patients in Civil Hospital, 1895, \$15,255.64; 1896, \$18,601.69; 1897, \$16,021.58; 1898, \$26,199.20.

Cost.—Expenditure Government Civil Hospital 1895, \$64,347.88; 1896, \$65,563.94; 1897, \$67,034.26; 1898, \$63,064.07.

Cost. — Expenditure Medical Departments 1895, \$74,291.62; 1896, \$109,763.19; 1897, \$114,978.80; 1898, \$115,502.48.

FINANCIAL.

The COLONIAL SECRETARY laid on the table financial minute No. 11, and proposed that it be referred to the Finance Committee, the meeting of which would not be held at the conclusion of that meeting. He also laid on the table finance report No. 3 and proposed its adoption. He explained to His Excellency that at the last meeting of the committee several votes referred to the Finance Committee were not considered on account of some of the unofficial members not being present.

THE EXPENDITURE ON THE NEW TERRITORY. IMPORTANT STATEMENT BY HIS EXCELLENCY THE GOVERNOR.

The following is one of the votes submitted to the last meeting of the Finance Committee, but not considered on account of the absence of some of the unofficial members:—

"The Governor recommends the Council to vote a sum of \$170,000 in aid of the following votes: —New Territory, \$100,000; Plague, \$20,000; Miscellaneous

Services (Other), \$40,000; Printing, \$10,000; Total, \$170,000"

His EXCELLENCY the GOVERNOR, alluding to this vote, said—As I shall not be present when this vote of \$100,000 in respect of the new territory comes before the Finance Committee, and as you may like to know what has been done in the new territory, I may say that you will remember that in accordance with the Ordinance it became necessary as soon as we took over this new territory to divide in into districts and sub-districts and to appoint committeemen who would have the confidence of the people. Immediately after the taking over of the new territory the Colonial Secretary devoted himself to this work, and he has been busily engaged ever since in defining these districts, after personally inspecting them, and in recommending the committeemen, of whom there are about 350, after consultation with the people. This arduous duty was only completed a fortnight ago by the Colonial Secretary, and I may say that at the same time it was necessary to make arrangements for land registration and other matters of that kind. All these things have been done with practically no increase to the permanent staff of the colony, or with but a very slight increase. The Colonial Secretary has been doing duty as District Magistrate, in addition to his other duties, for the time being, pending the appointment of a gentleman for the post. It became clear from the time we took over this extended area that it was an absolute necessity to have a road to Taipohu and probably on to the frontier, and that road was put in hand without any delay. I believe I am right in saying the road will be open to Shatin by Christmas, and that probably it will be open to Taipohu in the course of next year. It is also necessary to have Police Stations and to have accommodation for the staff of officials who will be employed at Taipohu. The events of the 17th to the 20th April showed us that the very modest police establishment first contemplated for the new territory would not be sufficient, consequently we are building police stations at Taipohu, Pingsan, Un Loong; and Foutiyau; and I think I may say that police stations will subsequently be erected at Shatin, Saikun, Taiho, and Tsinchum. These are all the public works I propose to undertake for the present in the new territory. The amount of money expended in public works was in round figures \$35,300 down to the 31st July, and the amount of money necessary to complete the works now in hand will be about \$15,100 more. Besides this sum of \$100,000 one of \$91,000 will be required for the purchase of three launches, which, I need hardly point out to you, are absolutely necessary for the patrolling of the waters. In October I expect a trained corps of surveyors from India and I hope to have a detailed

s u r v e y o f t h e

extended area of the colony within 12 months at an expense of \$40,000. These, as far as I can see, are all the expenses before us at the present moment. You must not imagine there is any intention to starve this part of the colony for the purpose of carrying on public works in the new territory. It is not intended to do so in any way. At one time, in looking into the possibilities of the future, I did think that a considerable amount of extra taxation would have been necessary. I am glad to say that on looking more closely in to the matter, and taking the probabilities of the revenue for the next two or three years, I have come to the conclusion that the very small amount laid before the Council will be all that is necessary. I think that with our revenue we shall be able to do all the public works we require to do on this side the colony and in the suggested area out of revenue within the next two or three years—(hear, hear;)—and when I say that I mean all the public works contemplated in this part of the colony. As I say I expect and I hope that the whole of that will be met from general revenue without any necessity for any extra taxation. In the meantime if any temporary advance is necessary I have been authorised to arrange with the Hongkong and Shanghai Bank for an overdraft. I think it is well honourable members should know all this before you enter on the consideration of the minute which will be laid before you. (Applause.)

QUESTIONS.

The Hon. T. H. WHITEHEAD—I beg to ask the question standing in my name.

The question was as follows:—

"Will the Government lay upon the table copy of Despatch No. 107 of 28th April last to the Secretary of State for the Colonies, and its enclosures, regarding the recent disturbances in connection with the taking over of the New Territory leased by China to Great Britain by the June Convention of last year and any other Despatches from the Colonial Government to the Home Authorities bearing on the subject?"

The COLONIAL SECRETARY — In reply to the honourable member I beg to state: — Yes. The despatches are being printed and will be laid on the table as soon as possible.

The Hon. E. R. BELLIOS said—I beg to ask the question which stands in my name.

The question was as follows:—"Referring to the report by the Honourable J. H. Stewart Lockhart on the Kowloon Extension to the Colony, will the Government state what is the source of the information referred to in paragraph I under head of Revenue, page 13 of the Blue Book, stating:—"But from information derived from another source it is estimated that the annual revenue for that portion of the Sun On District contained within the leased area amounts to \$160,000, or, say, £16,000," this being an increase of more than a lakh of dollars on the estimate given by the Sun On District Magistrate for the

territory in question?"

The COLONIAL SECRETARY — In reply to the honourable gentleman I beg to answer as follows: — The Government is not aware of the source from which the information was derived. I may add that the information having been given privately and confidentially to the writer of the Report on the Extension of the Colony of Hongkong he is not at liberty to state its source.

The Hon. T. H. WHITEHEAD—I beg to give notice that at the next meeting of the Council I will ask the following question:— "Will the Government inform the Council of the reasons why the proposal to expend a substantial amount of public money for repairs and alterations to Beaconsfield was not submitted to the Public Works Committee for their consideration and report, under what authority has the said sum of \$19,076.71 been disbursed, and why have not the new public works undertaken since middle of last year been referred to the Public Works Committee for consideration and report to the Council before same were commenced."

His EXCELLENCY THE GOVERNOR—May I suggest to honourable members that in asking questions they should be asked of some head of department and not of the Government generally.

The Hon. T. H. WHITEHEAD—I am simply following the custom hitherto followed.

HIS EXCELLENCY THE GOVERNOR—If you will allow me I will change it.

THE PROTECTION OF WOMEN AND GIRLS.

The ACTING ATTORNEY GENERAL, in proposing the second reading of the Bill entitled an Ordinance to amend the Protection of Women and Girls Ordinance 1897, said— Honourable members will see from the objects and reasons attached to this Bill the reason why the Bill has been brought before the Council. Clause 1 of the Bill is purely formal. Clause 2 of the Bill defines certain terms used in this Bill. Clause 3 is a very important clause of the Bill, and perhaps I may as well read it out in full. Clause 3 of the Bill runs as follows:— "The following new section to be numbered 11A shall be inserted after section 11 of the principal Ordinance:— 11A.—Every person who, being the occupier or keeper of any brothel, permits any woman suffering from any contagious disease to be or remain in such brothel for the purpose of prostitution, shall be guilty of an offence and shall be liable on conviction before the Supreme Court or a Magistrate to imprisonment for a term not exceeding one year or to a fine not exceeding five hundred dollars or to both; and if any person, not being a natural born or naturalized British subject, who has been previously convicted of

an offence under this section, shall again be found guilty of such an offence the Governor-in-Council may issue an Order banishing such person from Colony under any Banishment laws which may from time to time be in force in this Colony. In the case of any prosecution under this section, it shall not be necessary for the prosecution to prove that such occupier or keeper as aforesaid knew that the woman was suffering from a contagious disease, but such knowledge shall be presumed by the Court or Magistrate unless such occupier or keeper satisfies the Court or Magistrate that he had not such knowledge." I think that will be a very important clause indeed because, as honourable members will see, it imposes a penalty upon the keeper or occupier of any brothel who permits a woman suffering from contagious disease to remain in such brothel for the purpose of prostitution; and honourable members will see from the second paragraph that the onus lies upon the occupier or keeper of the brothel to see that she has not in her brothel any woman suffering from a contagious disease. I think, it is not at all unreasonable that this onus should be thrown upon the occupier or keeper of a brothel, and it seems necessary that this should be the case if this clause is to have any practical effect. Clause 4 is also an important clause. It differs from section 4 of Ordinance 6 of 1894 in that it is not necessary to prove on the complaint of three or more householders that a brothel is a nuisance to a neighbourhood before a Magistrate can order it to be closed. It has been found that there has been some difficulty in getting householders to come forward to complain. Honourable members will see by Clause 4 of this Bill that "Upon complaint laid before a Magistrate by the Captain Superintendent of Police or the Registrar-General that any house or portion thereof is used as a lodging house for prostitutes or disorderly persons or as a brothel it shall be lawful for the Magistrate to issue a summons to the occupier or keeper of the house or portion thereof of which complaint is made; and upon the hearing of the case if the Magistrate is satisfied that the house or some portion thereof is used in the manner complained of he may order the occupier or keeper to discontinue such use of it; and if such order is not complied with within such time as the Magistrate may by his order direct the Magistrate may impose upon such occupier or keeper a fine not exceeding fifty dollars for every day that the house or any portion thereof shall be so used after the time directed by the Magistrate's order." I think this is a most necessary clause. The tendency of late has been. I am informed, for brothels to be scattered about all quarters of the town. A good many are now found in places where respectable Chinamen and their families are living, and that is a most undesirable state of affairs. (Hear, hear.) In regard to clause 5 of the Bill, it has been pointed out to me by the honourable member on my left (the Hon. Dr. Ho Kai) that it might be rather hard upon owners of property, and I understand that he intends to move an amendment in committee. Clause 5

is as follows:— "After the use of any premises as a brothel has been discontinued under the provisions of section 4 of this Ordinance, the owner of such premises shall, if such premises are found to be again in use as a brothel, be liable upon summary conviction before a Magistrate to the payment of a fine not exceeding five hundred dollars." I understand that the honourable member proposes to move in committee an amendment to the effect that the owner shall not be liable to conviction if he has taken every reasonable precaution against the premises being used as a brothel. With regard to clause 6 of the Bill, it gives extended powers to a European officer of police not below the rank of sergeant, and says:—"Any European Officer of Police not being below the rank of sergeant who is generally authorized in writing for that purpose by the Captain Superintendent of Police and any person who is generally authorised in writing by the Registrar-General for that purpose may at all times without notice enter and demand to see and interrogate any or all the inmates of any place on land or water which he may have reason to believe is used as a lodging-house for prostitutes or disorderly persons or as a brothel, or in connection with which he may have reason to believe that an offence has been committed under this Ordinance." Clause 7 of the Bill is taken from the Act of Parliament passed at home last year dealing with male persons living on the earnings of a prostitute. I think it will be found that that clause is a useful clause to have in this colony, because the male persons who make a living out of the earnings of women are getting rather numerous in this colony, and it is time they were dealt with in some way. I shall have to move in committee an amendment to sub-section 3 of clause 7. The section should run "Be habitually in the company of a prostitute" instead of "in company of a prostitute." With regard to clause 8 of the Bill, that is based on instructions received from the Secretary of State for the Colonies for the amendment of section 30 of Ordinance 9 of 1897. Sub-section 1 is practically identical with section 30 of Ordinance 9 of 1897, but subsection 2 is new and gives the Registrar-General "power to search any ship, boat, house, building, or other place for the purpose of ascertaining whether there is therein any woman or girl who is or may be liable to be dealt with under the provisions of this Ordinance, or whether any offence under this Ordinance is being committed and may remove any such woman or girl to a place of safety to be there detained until her case be enquired into."

The COLONIAL SECRETARY seconded and the Bill passed the second reading.

The Council then went into committee to consider the Bill clause by clause.

The Hon. Dr. HO KAI—I propose to move an amendment to clause 5. After the words "five hundred dollars" at the end of the section, I propose that the following words be added, "provided always that if the owner shall prove to the satisfaction of the magistrate that every reasonable precaution has been taken by him to prevent such premises from being used as a brothel he shall not be convicted." The section as it stands seems to me to impose a very great hardship upon the owners of houses. It is not as if on a man being convicted of keeping a brothel he applied to the landlord again for permission to rent a house, because in that case if the landlord let the house to a man who had been convicted of keeping a brothel the landlord should very properly be convicted and fined \$500. But a new tenant may come and take the house from him and use it again as a brothel. People may say that a landlord instead of standing by and enjoying the income derived from the rents of his houses should assist the Government and the public generally to put down brothels. And I think they should do something to show that they have taken some trouble in ascertaining the class of tenants they are about to get to rent their houses. Therefore I would have these words put in as I have suggested, One can understand the difference between my amendment and the one which I believe my honourable friend opposite wishes to bring forward to meet the case. If a landlord is absent from the colony and during his absence the premises are let to someone who may make use of them as a brothel, he may prove that he has no knowledge of such a thing, but it does not put upon the landlord the duty of doing something for the benefit of the public or of helping the Government to stop these sly brothels or brothels existing next to respectable family houses. I think it is well known to every honourable member of this council that the feeling of the public is very strong upon this point—that all brothels should be kept away from the residences of respectable people—(hear, hear.)—and that they should be confined to a certain locality, if they cannot be banished altogether. If the Government are to carry out this measure with any hope of success they must have the co-operation of the landlords, and the landlords can give them such co-operation by taking some precaution before they let out their premises to intended tenants, such as making some enquiry about their intended tenants or taking security from the tenant, or by giving instructions to the rent collectors or shroffs to go round at night time personally paying surprise visits and if they find out that these places are frequented by men and if the inmates openly receive visitors they could report to the landlord, who could report to the Registrar-General or the Captain Superintendent of Police. In this way they would make themselves safe

from conviction and at the same time would be assisting the Government in carrying out the law, and would also confer a benefit on the public by assisting in driving all these houses of ill fame to one locality and away from the houses occupied by the respectable Chinese and European families. With these few remarks I beg leave to propose this amendment.

The Hon. C. P. CHATER—Not knowing that the honourable member opposite was about to propose an amendment I intended to do so myself, but after the remarks made by him I am perfectly agreeable to accept that amendment and to second his proposal. There is no doubt if the section is kept as it is now it would be a very great hardship upon the landlords. A landlord is not supposed to know exactly who the man is who comes to rent a house from him. He comes and bargains and then sub-lets each floor. Perhaps the first floor is used as a brothel and then the landlord is summoned and fined \$500. Supposing a house is closed for being a brothel and two or three months afterwards changes hands. Some new owner comes, and he does not know that the house has been closed as a brothel. If it is used as such again he is brought before the magistrate, and unless the magistrate has some discretionary power on the landlord proving he had no knowledge of the matter he would have to be fined \$500, and that would be a great hardship. If the Attorney-General is not prepared to accept the amendment of the honourable member I have an amendment which I shall be very glad to bring forward.

HIS EXCELLENCY THE GOVERNOR—I take it that the object of the Bill is that the landlord should know something about his tenants and should take some security from the proposed tenant in order to safeguard himself.

The Hon. C. P. CHATER—As far as the safeguard is concerned it is out of the question to get security from people who pay from \$10 to \$12 a month for a floor. There is security given when it is farmed out to a Chinaman, and in a case like that the farmer should be the one brought forward and punished and not the landlord. The landlord has no power over these tenants. He cannot even by law distrain for rent. He can only sue the farmer. The landlord is perfectly helpless in the matter. I think the Attorney-General will say that that is so?

The ACTING ATTORNEY-GENERAL—The person for the time being receiving the rent or a consideration for the use of the premises is the person to be proceeded against. That is according to the interpretation clause.

HIS EXCELLENCY THE GOVERNOR—In a case like that mentioned by the honourable member

they both receive consideration—both the landlord and the farmer.

The ACTING ATTORNEY-GENERAL—I take it that the person who immediately receives consideration is meant.

The Hon. T. H. WHITEHEAD—I think the owner should not be exonerated, because this system of farming out large blocks of building is a most pernicious one.

His EXCELLENCY THE GOVERNOR—Would it not be possible to prepare such an agreement in letting a house as would cover the owner in the event of certain things being done which ought not to be done?

The Hon. C. P. CHATER—There is absolutely no agreement in connection with these houses except that entered into with the farmer. A person takes a floor and pays \$10 or \$12 a month rent and no document passes between the parties. Where there is a farmer there is an agreement of security. But in that case the landlord cannot turn a tenant out; it is the farmer who can do that.

His EXCELLENCY THE GOVERNOR—But the landlord has power to make a penal clause to ensure that his premises are used properly.

The CAPTAIN SUPERINTENDENT OF POLICE—I would like to point out that the landlord has got his rent collector. I never find any difficulty myself in finding out from the rent collectors who the occupiers of the floors are. I had a case the other day, and I found out who paid the rent of the house by going to the rent collector. He knew all about it, although he was a Chinaman. I think it is very desirable to bring home to the landlords their responsibility. At present some of them take no trouble whatever in the matter. I can quote cases where persons who have been annoyed by brothels and who could not get a certain number of householders to go before the Magistrate have complained to the landlord but without result.

The Hon. Dr. HO KAI—In the amendment I propose that the landlord shall prove to the satisfaction of the magistrate that every precaution has been taken by him. My object is to get the landlord to co-operate with the Government, and if he failed to show to the Magistrate that he has taken every precaution to prevent his premises being used as a brothel then the Magistrate would be right in convicting him.

The Hon. C. P. CHATER—I think some such discretion ought to be allowed to the Magistrate, otherwise it would touch very hardly upon the landlord.

After some further comment, the Hon. T. H. WHITEHEAD suggested that this clause should be left over for further consideration, and his suggestion was adopted.

The rest of the clauses were then gone through and some slight alterations made.

The Council then resumed, clause 5 being left over for consideration.

NATURALIZATION.

The Bill entitled an Ordinance for the Naturalization of Yeung Cheuk Hin *alias* Yeung Shun Kong was read second time, and after it had been considered in committee it was read a third time and passed.

THE CONCEALING OF OPIUM ON STEAMERS.

The ACTING ATTORNEY-GENERAL, in proposing the second reading of the Bill entitled an Ordinance for the Prevention of the Concealment of Opium on board Steamships, said—As honourable members will see from the objects and reasons of the Bill the object of this Bill is to impose a penalty upon any person found concealing opium on board of any ship. This Ordinance has been brought forward in consequence of representations made by the Chamber of Commerce to the effect that persons have sometimes concealed opium on board of ships bound for Saigon, and that such concealment has led to very heavy fines being inflicted upon the ship on her arrival in Saigon, upon such opium being pointed out by informers there who most probably have been in communication with the actual concealers of the opium. As the law stands at present no punishment can be inflicted upon any person found concealing opium on board a ship, and it seems desirable to remedy that state of affairs. In order to place some check upon the concealment of opium on board ship.

The COLONIAL SECRETARY seconded and the motion was carried.

The Council then went into committee to consider the Bill clause by clause.

The Hon. E. R. BELLIOS—May I ask if the Bill refers to sailing vessels.

The ACTING ATTORNEY-GENERAL—The Chamber of Commerce were expressly asked if this Bill should include sailing vessels, but they thought it would be sufficient if it included steamships only.

The COLONIAL TREASURER—I do not know why it should not include sailing ships.

The Hon. T. H. WHITEHEAD—The chances are remote as regards sailing ships, but there is no reason why they should not be included.

His EXCELLENCY THE GOVERNOR—The object of this Bill is to prevent the concealment of opium on board steamships going to Saigon and then telling the authorities by telegraph where the opium could be found for the purpose of obtaining the large reward as informer. I think the Bill is all that is necessary without any addition.

The Bill passed through the committee stage and was read a third time and passed.

THE LIQUOR LICENCES ORDINANCE.

The Council went into committee on the Bill entitled an Ordinance to amend the Liquor Licences Ordinance, 1898.

The ACTING ATTORNEY-GENERAL moved that clause 3 be amended by the substitution

of the word "September" for the word "July" and that clause 3 be renumbered, clause 4 and the following new clause be inserted in the Bill and numbered clause 3, namely:—"Sub-section 4 of section 331 of Ordinance 24 of 1898 is hereby amended by substituting a comma for a full stop after the word licence, and by adding to such sub-section the following words, namely, 'and no liquor shall be sold or drunk on the premises by other persons than those of Chinese race between the hours of midnight and 6 a.m.'" The Acting Attorney-General explained that the object of introducing this new clause was to prevent European and American soldiers and sailors from drinking at Chinese restaurants during the hours when public houses are shut.

The HARBOUR-MASTER—I understand that the Chinese may drink all night but that Europeans and Americans may not do so. Is that so?

The ACTING ATTORNEY-GENERAL—That is so.

The Bill passed the committee stage and Council resumed.

THE CATTLE DISEASES ORDINANCE.

The Bill entitled an Ordinance to further amend the Cattle Diseases, Slaughter-houses, and Markets Ordinances was read a third time and passed.

APPROPRIATION.

The Council went into committee on the Bill entitled an Ordinance to authorise the Appropriation of a Supplementary Sum of Three hundred and Eight thousand Six hundred and Seventy-two Dollars and Eighty-seven cents, to defray the Charges of the Year 1898.

The Hon. T. H. WHITEHEAD—May I ask if the item "miscellaneous services \$117,705.09" or the item "other miscellaneous \$21,539.64" covers the cost of the litigation involved in connection with Beaconsfield?

The COLONIAL TREASURER—No, sir, it does not.

The Bill passed the committee stage.

ADJOURNMENT.

The Council then adjourned until Thursday fortnight.