

26TH MARCH, 1900.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR (SIR HENRY BLAKE,  
G.C.M.G.)

HIS EXCELLENCY MAJOR-GENERAL GASCOIGNE, C.M.G.  
(Commanding the Troops).

THE HON. F. H. MAY, C.M.G. (ACTING Colonial  
Secretary).

HON. W. MEIGH GOODMAN (Attorney-General).

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

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

HON. A. W. BREWIN.

HON. H. C. NICHOLLE.

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.

HON. J. J. KESWICK.

MR. R. F. JOHNSTON (Acting Clerk of Councils).

THE HON. T. H. WHITEHEAD'S PROTEST.

THE HON. T. H. WHITEHEAD, pursuant to notice, laid on the table his protest in connection with the New Territories Land Court Bill.

FINANCIAL.

THE ACTING COLONIAL SECRETARY laid on the table Financial Minutes Nos. 10, 11, and 12, and moved that they be referred to the Finance Committee.

THE COLONIAL TREASURER seconded and the motion was carried.

DISORDERLY HOUSES.

THE HON. T. H. WHITEHEAD gave notice of his intention to ask the following question at the next meeting of the Council:—Will the Honourable the Registrar General inform the Council whether it is a fact that the occupants of disorderly houses who had been moved out of houses in the Central districts and gone into houses to the West thereof are again being moved and if so whether the movements have been or are being effected by virtue of orders

made by the Magistrate or by the summary actions of the Police.

THE CONDITION OF YEE WOO STREET.

The Hon. T. H. WHITEHEAD had given notice of the following question:—Has the attention of the Honourable the Director of Public Works been directed to the dangerous condition of Yee Woo Street at the corner of Mr. Kennedy's Horse Repository at Causeway Bay and alongside the site of the proposed new Laundry to be erected there; and to the fact that the south-east boundary stone of the latter lot projects some six inches above the level of the ground and has been placed well nigh in the middle of the road; and to the fact that on the south side a drain has been dug of considerable depth, without any protection; and will the Honourable member inform the Council why this state of matters is permitted to continue?"

The DIRECTOR OF PUBLIC WORKS replied as follows:—The question seems to refer, not to Yee Wo Street, in which no trench has been dug or boundary stone fixed, but to an unfinished road now under construction, leading to Tai Hang village. The trench, two feet in depth, was opened in order that a water-main might be extended, the extension being rendered necessary by the sale of land in the neighbourhood. The boundary stone is not in the middle of any road, but correctly marks the boundary of land sold some time ago. While a road is in an incomplete state, the persons who elect to use it must necessarily suffer some inconvenience."

THE SHELL-COLLECTING CASES.

The Hon. T. H. WHITEHEAD—I rise to move the resolution standing in my name, which runs as follows:—"That the Honourable the Colonial Secretary lay upon the table a copy of the Crown Leases granted last autumn to the Lee Hing Company for the dredging and collecting of shells in and around Ping Chau Island in the New Territory, asked for in my question of 15th February last." On the 15th of last month in this Council I asked for the production of the Crown lease in question. Your Excellency then said, "I do not see anything in the question about a copy of the lease. The honourable member can however see a copy of the lease." I applied for a copy of the lease verbally to the Clerk of Councils, and in reply I was referred to the Land Office, where I was told I could see a copy. I submit, sir, that it is scarcely fair treatment for a member of this Council to be asked to go to a department of Government when he desires that a copy of a public paper should be laid on the table, I did not ask for the lease in question for my own information or for my own personal use. I ask for it for the information and guidance of the Council generally. I submit that we have a right to a copy of the Crown lease in order that we may see whether the instructions of the Secretary of State have been carried out.

The ACTING COLONIAL SECRETARY—I do not think the honourable member's recollection of what took place on

the 15th February is quite accurate. It is true Your Excellency said there was no objection to his seeing the lease, and I suggested to the honourable member that he could see the lease at the Land Office. He does not appear to have done so, and since he was informed to that effect a suit has been instituted in the Supreme Court bearing upon that lease, and it does not seem at all desirable now to lay on the table a document which is really the subject of litigation.

His EXCELLENCY the GOVERNOR—As the Acting Colonial Secretary has stated, this lease is the subject of litigation at the present moment, and the honourable member will see that to produce this lease here would be really invite the Legislative Council to undertake the executive work of the Colony, which, I think, is very undesirable. If there is anything improper in the lease the Court will set it right. If anything is before the Court the Court is the proper place to consider it. It does not seem to me to be desirable to lay it before the Council. As the Colonial Secretary has stated a copy of the lease can be seen at any time in the Land Office by anybody.

The Hon. T. H. WHITEHEAD—That being so, I do not see what prevents the Government from laying a copy on the table. I believe it is within my right to go to the Land Office, pay a fee and get a copy, but a member of the Council should not have to go there and follow such a course.

His EXCELLENCY the GOVERNOR—Does the honourable gentleman wish to divide?

The ACTING COLONIAL SECRETARY—I wish to point out that the resolution has not been seconded.

THE NEW TERRITORIES LAND COURT BILL.

The ATTORNEY-GENERAL proposed the third reading of a Bill entitled an Ordinance to facilitate the hearing, determination, and settlement of land claims in the New Territories, to establish a Land Court, and for other purposes.

The COLONIAL TREASURER seconded.

The Hon. T. H. WHITEHEAD—I beg to move as an amendment that the Bill be re-committed. I have most carefully considered the remarks made by the Attorney-General at the last meeting of the Council, and I have seen no reason whatever to change the views I then entertained. I have given in my protest my reasons for dissenting from the measure. Your Excellency's ruling at the last meeting in connection with the Bill is, I am afraid, scarcely correct. Since the last meeting I have studied carefully May's Parliamentary Practice, which shows—

His EXCELLENCY THE GOVERNOR—To what ruling do you refer?

The Hon. T. H. WHITEHEAD—When I submitted that the Bill be recommitted and read a first time and translated into Chinese for the information of the Chinese.

His EXCELLENCY THE GOVERNOR—It has escaped my recollection. Perhaps the honourable member will remind me.

The Hon. T. H. WHITEHEAD—I said that as the Bill was an entirely new Bill in substance and principle I submitted that it be recommitted and read a first time. Your Excellency ruled that I was out of order. I have carefully studied May's Parliamentary Practices, and the course I suggested was in accordance with the practice at home.

The ACTING COLONIAL SECRETARY—My recollection is that the honourable member moved that the Council adjourn.

The ATTORNEY-GENERAL—There appears to be some misapprehension. The Bill was before Committee, and to move that a Bill be recommitted when it was before committee was out of the question.

His EXCELLENCY THE GOVERNOR—My recollection is that the honourable member did make some observations on the lines of those which he has now made, but I do not think he moved any amendment. At my suggestion he did make a motion to the effect that the Council resume. That motion was put and lost, as I assume the other that the Council adjourned would have been.

As no one seconded the honourable member's amendment it fell to the ground and the Bill was read a third time and passed.

The council adjourned until Thursday next.

MEETING OF THE FINANCE COMMITTEE.

A meeting of the Finance Committee was held immediately after the Council meeting, the Acting Colonial Secretary presiding.

The CHAIRMAN announced that at the request of the senior unofficial member the consideration of Finance Minute No. 9 had been postponed for a week. In Finance minute No. 10 the Governor recommended

the Council to vote a sum of \$50,000 in aid of the vote "Taipo Road" (Public Works Extraordinary). The Director of Public Works could give members any information they desired with regard to this matter.

The DIRECTOR OF PUBLIC WORKS, replying to the Hon. T. H. WHITEHEAD, said the road had been taken as far as Taiwai, which was about nine miles from Kowloon. It had not yet reached deep water in Shatin Bay. Two miles more would bring it to a point where launches could go close up to the road at any tide.

The vote was passed.

The CHAIRMAN said Finance Minute No. 11 was:—The Governor recommends the Council to vote a sum of \$1,050 for the maintenance of roads in New Territory. This sum was required to keep Taipo Road in repair, a portion of which, over seven miles in length, had been made.

The vote was passed.

The CHAIRMAN said Finance Minute No. 12 read:—The Governor recommends the Council to vote a sum of \$3,380 in aid of the following votes in the Sanitary Department:—Salary for 2 Inspectors at \$100 per mensem each for  $9\frac{1}{2}$  months, \$1,900 Rent Allowance for same at \$30 per mensem each for  $9\frac{1}{2}$  months, \$570; Approximate Incidental Conveyance Expenses, 320 Uniforms for Inspectors, \$210; Salary for one additional Clerk at \$40 a month for  $9\frac{1}{2}$  months, \$380; Total, \$3,380.

The Chairman added that this was to defray the cost of one or two extra inspectors and an additional clerk, which was the additional staff asked for at the end of last year by a unanimous resolution of the Sanitary Board.

The vote was passed.

This was all the business.