

23RD NOVEMBER, 1899.

PRESENT:—

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

His EXCELLENCY Major-General GAS-COIGNE, C.M.G. (Commanding the Troops).

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

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.

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

Hon. WEI A YUK.

Hon. J. J. KESWICK.

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

FINANCE.

The COLONIAL SECRETARY—I beg to lay on the table Financial Minute No. 25 and to move that it be referred to the Finance Committee. I also beg to lay on the table the reports of the Finance Committee Nos. 8 and 9 and to move their adoption. Your Excellency will observe from report No. 9 that the Finance Committee yesterday considered the remaining portion of the Estimates for 1900 and that the items were unanimously recommended by that Committee with the exception of the item referring to the new Law Court. With regard to that item an amendment was proposed by the honourable member who represents the Chamber of Commerce, but it was not carried.

The COLONIAL TREASURER seconded,
HIS EXCELLENCY ON THE UNOFFICIAL
MEMBERS' MEMORANDUM.

His EXCELLENCY the GOVERNOR—Before I put the motion I wish to mention to this honourable Council that I received a memorandum which was presented by the unofficial members and signed I believe by all with one exception, and as far as I can gather the exception was taken as to the degrees of necessity of the public works rather than as to the question of the advisability of carrying out a great number of those works. I have gone carefully over this memorandum, and I may say that I am as much in favour of carrying out these works as any member of this Council— (Hear hear,)—but I think it is well that the Council should understand clearly the position of the Government in this matter. The reason why these works have not been included in the Estimates is perfectly plain. We are restricted here by instructions (which have been rather frequent) to confine our Estimates to the amount of money which we have ~~estimated~~ estimated as coming into the revenue for the year. The question as to what is to be done with the money which may remain over as a surplus is a matter which must go forward to the Secretary of State for his sanction and be laid before this Council for their sanction when we have the money in our hands. That is a very safe principle, I think, and what I propose to do. As the honourable members of the Council know, there has been a certain amount of discussion, which I have read carefully. There is no certainty in human affairs, but we have almost a certainty that we shall have a large balance at the end of the current year, and so soon as that balance is available we can deal with it. In the meantime we shall go on with these works that have been placed in the Estimates. We have already got your authority for these, and no doubt we shall have the sanction of the Secretary of State. As soon as we have that surplus, and before the money which has been voted has been expended, I hope to lay before you supplementary votes which will be necessary for the carrying on of these works. There is one question raised in this memorandum which I consider is rather important one. Inasmuch as it is a matter of principle. Section 4 of the memorandum reads:— "Whilst we are ready to concede that certain of the contemplated works in the New

Territory may be defrayed out of the general revenue, we are most decidedly of opinion that the principal works for developing it should be provided for by a Loan. The public works in this island have been long deferred for want of funds, and now that they are available for proceeding with the most important of these works we feel bound to deprecate. in the strongest manner, any proposal to divert such funds to any other purpose whatever." Now my instructions are very definite from the Secretary of State, and those instructions are that the revenue of the New Territory shall be a portion of the general revenue of the colony, and that being the case the necessary expenditure on the New Territory must come out of the general revenue of the colony. Apart from the fact that Her Majesty's Government do not consider that a loan is advisable for these works in the New Territory —and I may say at once that I concur entirely in the opinion of the Secretary of State— the fact remains that we have a certain amount of money over what we require. There is a prime necessity in the New Territory. That prime necessity is a road to connect this place with the deep water at Mirs Bay. That road having been made and the police stations built or well in hand, I do not know that, with the exception possibly of the Kowloon Water Works, there are any other important works for which money will be required for the present. I know that it has been proposed that we shall make a number of roads, and I believe that in the future a number of roads will be made, but I think it is well to know by experience what it is absolutely necessary to spend in the first instance. No doubt it will be necessary to connect these roads in the future, but I do not think any burning necessity exists at present except for that particular road to Mirs Bay, which will give us immediate command of the district. Police Stations of course are necessary. As you know, the amount of money required for the policing of the New Territory is a good deal in excess of what was estimated at the time Mr. Lockhart first saw the country. We thought a very few police would be sufficient; now we know the condition of the country and that from time immemorial clan fights and armed robberies have been the order of the day and it is our duty to secure that peace and good order that is expected in a British colony. I admit that one of the works it will be necessary to go on with in the near future is the Kowloon Water Works. Then the question of a loan may be finally considered if we have not the money to go on with the work, but at the present moment we have plenty of money for the works we propose to take in hand. Then there is another question, a question of principle, and one which will have to be considered later. That is the question as to how far we are justified in the colony, when asking for public works which are not works

of permanent utility, like waterworks or sanitary works, in considering the premia derived from land sales as available for the purpose. It must be admitted by you gentlemen, who are business men, that in using these premia we are using the capital of the colony, and the question arises as to whether the money or a certain portion of it should not be put into a reserve fund in view of future necessity. That is a matter which requires very careful consideration, especially at a time like the present when we derive a very large income from land sales. I am not at all sure that that large income is going to continue in years to come. This is one of those matters which will have to be considered here and also in London. With regard to the fifth paragraph in the memorandum. I am entirely in accord with it, and I think I may say the same with regard to the memorandum as a whole. I am as anxious as you that these works should be carried out. I see the honourable member for the Chamber of Commerce was anxious about a New Post Office, a shelter for chair coolies at the Peak, and public latrines. I entirely agree with him. It is my intention that a shelter for chair coolies at the Peak shall be put up next year; it is my intention that as many latrines as possible shall be built next year, because I think they are of cardinal importance; but that does not touch the general principle that in the estimates laid before us now we only feel justified in including the amount of money which will be covered by the estimated revenue for the year. I think honourable members will understand what I mean. I am anxious to go on with these works, and as soon as the money is actually in our hands I mean to ask for authority to go on with them and to lay supplemental estimates before you, as has been done from time to time. As regards the Law Courts. I think I mentioned in my opening speech to the Council that the Law Courts blocked the way for the Post Office, and in broad lines that is quite true, if you are to have a new Post Office built on the present site, a portion of which is occupied by the Law Courts, you cannot proceed to build that Post Office on its present site until you have made some arrangement for the accommodation of the Post Office during the building of the new premises. However, it is quite possible, I think, that there may be some arrangement made by which the Post Office might be improved a little, because I do think that in its present condition it is almost impossible to carry on the work of the colony in it. It is a discredit to the colony and it is impossible for the Postmaster to do his work in it properly. I have been considering the question with the Colonial Secretary, and I shall be very glad if any hon. member can make any suggestion which may possibly enable us to tide over t h e t i m e d u r i n g

which the Law Courts will be building. I may say that the plans for the new Law Courts arrived by the last mail and they are now on the table, and I invite honourable gentlemen to look at them. I think they are sufficiently advanced to enable us to begin the foundations early next year. The Director of Public Works thinks it can be done. It will take over twelve months to get these foundations properly constructed. By the end of that time the details of the plans will be fully made out and we shall be able to go on with the work. I thought it was as well that you should know that in this matter I am entirely with you. I shall forward the memorandum to the Secretary of State.

The motion was carried.

THE EXPENDITURE OF THE 1893 LOAN.

The COLONIAL SECRETARY laid on the table a return showing the expenditure of the 1893 loan, which had been asked for by the Hon. T. H. Whitehead.

The return was as follows:—

Loan works from 1892 to 30th September, 1899. Praya Reclamation \$376,134.40, Praya Reclamation, Reconstruction of Piers \$80,000, Central Market \$222,729.59. Slaughter-Houses, Pig and Sheep Depôts \$96,215.04, Cattle Depôts \$15,049.61, Water and Drainage Works \$752,897.92, Gaol Extension \$159,361.65. Total, \$1,702,388.21. Balance on 30th September = \$89,363.73.

THE PLANS OF THE NEW LAW COURTS.

The DIRECTOR OF PUBLIC WORKS — By Your Excellency's directions I beg to lay on the table the plans of the proposed New Law Courts. The architects require some further information before completing certain architectural details, which information will be forwarded in due course. The general arrangement of the courts was approved by the Chief Justice and the other officials concerned some time ago, to whom the original sketches were at your Excellency's suggestion submitted. Certain alterations and improvements were suggested by the officials who have to occupy the buildings, and these have all been attended to I think in a satisfactory manner by the architect. The ground plan has been approved, and consequently there is no reason why there should be any delay in proceeding with the foundations, which I think can be commenced early in the coming year.

THE MERCHANT SHIPPING BILL.

The COLONIAL SECRETARY—In the absence of the Acting Attorney-General I beg to lay on the table the report of the Standing Law Committee on the Merchant Shipping Bill. An examination of this report will show that many amendments have been suggested by the committee. Those amendments will be formally moved by the Acting Attorney-General when the Bill is again brought before the Council. In the meantime it is thought advisable to let honourable members have some time to consider these amendments.

FIRST READINGS.

The following Bills were read a first time:— A Bill entitled an Ordinance to amend and consolidate the law relating to the carriage and possession of arms and ammunition. A Bill entitled The New Territories Land Court Ordinance, 1899.

THE INSANITARY PROPERTIES BILL PASSED.

On the motion of the COLONIAL SECRETARY, seconded by the COLONIAL TREASURER, the Bill entitled an Ordinance to make further provision for the sanitation of the colony and to repeal certain enactments of the Closed Houses and Insanitary Dwellings Ordinance, 1894, was read a third time and passed.

THE ESTIMATES.

The Council went into committee on the Bill entitled an Ordinance to apply a sum not exceeding two million six hundred and eighty-one thousand and fifty-one dollars to the Public Service of the year 1900.

The various items were read over by the Acting Clerk of Councils.

His EXCELLENCY the GOVERNOR—We will take the items seriatim if any honourable members wish to make any observation with regard to any of them. Do not take one item and then go back to another. Is there any on the first page?

The Hon. T. H. WHITEHEAD—With regard to "Public Works Extraordinary" I beg to move that the vote in the 1900 Estimates for "Public Works Extraordinary" be referred back to the Departments concerned for reconsideration and to be remodelled. When in Finance Committee yesterday I moved a like resolution but found no support. I now feel it my duty to invite the opinion of Your Excellency and of this Council on the questions I desire to raise. In spite of the explanations tendered yesterday, the Treasurer's Financial Returns in their amended form which accompanied the Draft Estimates are to me still unintelligible. There cannot be two different balances of assets over liabilities on 31st December, 1898. The final settlement of the Appropriation Bill should be postponed until these accounts are cleared up. I submit that the money proposed to be voted is not properly applied, as there are many very urgent and most important public works omitted which demand immediate attention and should be provided for. The actual assets available at the end of 1900 for "Public Works Extraordinary" is the estimated surplus on 31st proximo, say \$400,000, plus the estimated surplus revenue over the ordinary expenditure during next year. say \$436,000, or an aggregate of \$836,000. According to the Estimates, there is only to be expended during 1900 the sum of \$331,100 on

Public Works Extraordinary. I think the Government would have been fully justified in asking the Council to sanction the expenditure of say \$50,000 or even \$600,000. The public works are, in order of their importance and urgency, latrines, shelter for chair-coolies at the Peak. the speedy extension of our means of obtaining storing, and distributing water, a Post Office, &c. The latrines should be put in hand and finished be-before the end of next year. I earnestly urge that a vote be taken for the full amount requisite to complete them during 1900. In reply to a question in connection with jerry buildings put to the honourable Director of Public Works on the 4th of October last, the honourable member said:—"I have read the articles referred to and think there is foundation for the allegations. The powers possessed by my department are defined in the Ordinances 15 of 1889 and 25 of 1891. An officer of the Department, assisted by an overseer, inspects building works in progress. The exceptional amount of such work in the Colony at present makes an increase in the staff necessary if this work of supervision is to be thoroughly performed. The matter is engaging the attention of the Government."

HIS EXCELLENCY THE GOVERNOR (interrupting)—I am afraid the honourable member is not in order. At the present moment there is no proposal as to the increase of the staff in question before the Council, and I do not think any member of the Council would be in order in proposing an increase in that staff or in the vote referring to it.

The Hon. T. H. WHITEHEAD—I do not propose an increase.

HIS EXCELLENCY THE GOVERNOR—Did you not propose an increase in the staff?

The Hon. T. H. WHITEHEAD—No.

HIS EXCELLENCY THE GOVERNOR—I beg your pardon. What is your proposal then?

The Hon. T. H. WHITEHEAD—My amendment is that this vote on "Public Works Extraordinary" be referred back to the departments concerned for reconsideration and to be remodelled.

HIS EXCELLENCY THE GOVERNOR—The committee accepted this Bill yesterday and I question whether without the permission of the Council you can propose now that it be referred back to the committee. You can propose that any vote be deleted or reduced.

The Hon. T. H. WHITEHEAD—I proposed that it be referred back to the departments concerned not to the Finance Committee.

HIS EXCELLENCY THE GOVERNOR held that this would not be in order, adding that if any honourable member had any concrete proposition to make or a proposal to reduce the vote before the Council it was in order to propose that reduction.

The Hon. T. H. WHITEHEAD—I abide by your ruling. I therefore propose that the words "Post Office" be

substituted for "Law Courts" in the first item under the head "Public Works Extraordinary." A new Post Office is more urgently needed than new Law Courts.

HIS EXCELLENCY THE GOVERNOR—I think you can do that. I am not quite certain about it, but I will give the honourable member the benefit of the doubt and put his proposition to the Council. Of course the honourable member will understand that the result of the carrying of his proposition would be that the new Law Courts would disappear from the Estimates.

The amendment was put to the vote and lost.

Answering HIS EXCELLENCY THE GOVERNOR the Hon. T. H. WHITEHEAD said he did not wish the names to be taken.

The Hon. T. H. WHITEHEAD—I propose that the vote for "Public Works Extraordinary" be reduced by \$100, as I am not satisfied with the appropriation of the money as it stands in the Bill.

HIS EXCELLENCY THE GOVERNOR—What item would the honourable gentleman suggest that the sum be taken from?

The Hon. T. H. WHITEHEAD—From the total

HIS EXCELLENCY THE GOVERNOR said it would be necessary for some particular item to be picked out for reduction.

The Hon. T. H. WHITEHEAD—Then I propose that the vote of \$20,000 for new Law Courts be reduced to \$19,900.

The amendment was put and lost.

The Hon. T. H. WHITEHEAD, in reply to His Excellency, said he did not wish the name to be taken, but he subsequently added: I desire to have my dissent recorded.

HIS EXCELLENCY THE GOVERNOR—Your dissent is recorded as a matter of course in the minutes of the Council. Really you can only record a dissent by asking for a division and showing that you are in a minority. Unfortunately this is passed now: I asked if you wished for a division and you said no.

The HON. T. H. WHITEHEAD—I was unaware that it would deprive me of recording my dissent as I have a right to do under the standing rules.

HIS EXCELLENCY THE GOVERNOR—As a matter of fact your dissent is recorded by your observations, but the way to record a dissent is by asking for a division.

The HON. T. H. WHITEHEAD—I desire to lay on the table a statement of my reasons for dissenting.

HIS EXCELLENCY THE GOVERNOR—I do not know whether we can receive those reasons.

The Hon. T. H. WHITEHEAD—In accordance with Rule 32 of the Standing Orders any member dissenting from the opinion of the majority may if he wishes have his dissent recorded and the reason of his dissent.

His EXCELLENCY the GOVERNOR—Oh certainly, you are quite right. Is there any other observation with regard to the items on page 2?

There being no response, the Council resumed.

The COLONIAL SECRETARY—If there is no objection, and as there has been no material alteration in this Bill in committee, I propose to move the third reading to-day. Your Excellency will remember that the Bill was brought before the Council some time ago and the discussion of it was delayed in order to enable the unofficial members to have full opportunity of considering the various items. I think we are all agreed that every opportunity has been afforded them. Therefore, if there is no objection. I propose the third reading of the Bill entitled an Ordinance to apply a sum not exceeding two million six hundred and eighty-one thousand six hundred and fifty-one dollars to the Public Service of the year 1900.

ADJOURNMENT.

The Council then adjourned until Thursday next.

HELP FOR SUFFERERS FROM THE WAR.

Before leaving the room His EXCELLENCY the GOVERNOR said—I have sent round the Council table an advertisement which I propose to have inserted in the local press asking British residents to come together on Monday next at 12 o'clock for the purpose of considering more fully the question of making a collection for the widows and orphans of our soldiers and sailors who fall in the war. This movement has been inaugurated by the *China Mail*,

which is to be congratulated for its patriotic move, but it was thought it would be better if the representative British inhabitants could be called together to make arrangements for the more complete canvassing of the British population, most of whom will no doubt be glad to contribute. I shall be glad to have the opportunity of seeing most of you on Monday at 12 o'clock.

MEETING OF THE FINANCE
COMMITTEE.

Immediately after the Council meeting a meeting of the Finance Committee was held, the Colonial Secretary (the Hon. J. H. Stewart Lockhart) presiding.

The CHAIRMAN said he had only one minute to bring before the committee that day, and that was one in which the Governor recommended the council to vote a sum of \$1,500 in aid of the vote "Maintenance of Waterworks, Kowloon." With regard to this vote, the Director of Public Works reported that the necessity arose partly through the large consumption of water due to the increase of population and industries at Kowloon and partly through the severe drought at the beginning of the year, when water had to be pumped from one of the valleys to the clear water reservoir at Yaumati.

The vote was agreed to.

This was all the business.