

30TH NOVEMBER. 1899.

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

Hon. WEI A YUK.

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

FINANCIAL.

The COLONIAL SECRETARY laid on the table Financial Minute No. 26 and proposed that it be referred to the Finance Committee.

The COLONIAL TREASURER seconded and the motion was carried.

The COLONIAL SECRETARY laid on the table report of the Finance Committee (No. 10) and proposed its adoption.

The COLONIAL TREASURER seconded and the motion was carried.

THE HON. T. H. WHITEHEAD'S PROTEST.—
THE CONSTITUTION OF THE
SANITARY BOARD.

The Hon. T. H. WHITEHEAD—In pursuance of notice I now lay on the table a statement of my reasons for dissenting from the majority of the Council to the Appropriation Bill, and beg to give notice that at the next meeting of the Council I will ask the following questions:—"With reference to Government Notifications Nos. 653 and 654 of 25th inst, will the Hon. the Colonial Secretary inform the Council whether the Sanitary Board in future is to be constituted in accordance with The Public Health Ordinance No. 24 of 1887, sections 4 and 5, and if the nominated members are as formerly to be unofficial members of the civil community?"

THE DANGEROUS GOODS ORDINANCE.

On the motion of the ACTING ATTORNEY-GENERAL, seconded by the COLONIAL SECRETARY a Bill entitled An Ordinance to amend the Dangerous Goods Ordinance, 1873, was read a first time.

LIQUOR LICENSE ORDINANCE.

The next item on the agenda was "First reading of a Bill entitled An Ordinance to amend the Liquor Licenses Ordinance, 1898."

The ACTING ATTORNEY-GENERAL—I beg to move that the next item in the Orders of the Day be discharged, as I understand that there are some further amendments to be proposed to the Liquor Licensing Ordinance, and consequently I do not propose to proceed with the first reading to-day.

The COLONIAL TREASURER seconded and the motion was carried.

THE ARMS AMMUNITION BILL.

The ACTING ATTORNEY-GENERAL—I beg to move the second reading of the Bill entitled An Ordinance to amend and consolidate the law relating to the carriage and possession of arms and ammunition. I will ask honourable members to turn to the statement of objects and reasons printed at the end of the Bill and which are as follow:—

"The trade in arms and ammunition in this colony has increased so much of late that it is thought desirable that it should be subjected to strict supervision, and the recent increase of armed robberies and piracies in the adjacent provinces of the Chinese Empire, to the detriment of our trade, has demonstrated the necessity for such strict supervision.

"The present Bill, therefore, while it practically re-enacts many of the provisions of Ordinances 8 and 14 of 1895, which it repeals, includes certain entirely new provisions (marked new in the margin) which will now be briefly discussed.

"This Bill amends the existing law by rendering the possession of ammunition, as well as of arms, without a proper authority, illegal. (See clause 5.)

"By clause 4 of this Bill the issue of, and conditions to be attached to, licences to carry arms are vested in the Captain Superintendent of Police instead of as heretofore in the Governor. See too clause 11 of the Bill, which substitutes the Captain Superintendent of Police for the Registrar General in the case of licences to deal in arms and which gives power to the Captain Superintendent of Police (subject to an appeal to the Governor-in-Council) to refuse to grant or to cancel a licence.

"It has been thought expedient to re-enact section 6 of Ordinance 8 of 1895 in a somewhat modified form, so as to make the question whether a licence or export permit is required to depend not upon the residence of the purchaser or the value of arms or ammunition sold, but upon the question whether the arms or ammunition are sold for use within the colony or for export from the colony.

"It has been found by experience that purchasers and sellers of arms do not always export those arms by the vessel named in the export permit, but sometimes divert the arms to other secret purposes, and it has, therefore, been thought expedient to check this practice by the following

new provisions:—(1) By compelling a vendor of arms or ammunition for the purposes of export to procure a mate's receipt for them. (Clause 7.) (2) By providing for the registration of places where arms or ammunition are stored or to be stored. (Clause 11.) (3) By compelling dealers to keep a stock book and a sales book and by empowering the Police to inspect and compare these books. (Clauses 13, 14 and 15) (4) By rendering a purchaser of arms or ammunition, who supplies false particulars to a vendor, liable to punishment. (Clause 17.)

"The following very necessary new provisions are also included in this Bill, namely:—(1) The prohibition of the movement of arms or ammunition within the colony or the waters thereof (except for the purpose of export under an export permit) without a removal permit. (Clause 8.) (2) The prohibition of the storing of arms or ammunition except at the places registered for that purpose. (Clause 12.) (3) The prohibition against the importation of arms or ammunition except at the port of Victoria. (Clause 18.) (4) The labelling of arms and ammunition. (Clause 19.) (5) The power of the Police to open boxes or packages. (Clause 30.) (6) An extended power of forfeiting arms and ammunition in respect of which an offence has been committed. (Clause 29.) and (7) An entirely new power of forfeiting arms and ammunition which are without any apparent owner. (Clause 30.)

"Clause 11 of the Bill raises the annual licence fee of dealers in arms to \$1,200 per year instead of \$10 (except in the case of retail dealers for sporting purposes only, who are to pay the same licence fee as heretofore), because it is thought that, in a responsible business like this, a substantial licence fee ought to be paid.

"A very necessary proviso is introduced to the effect that arms or ammunition moved by land or water in the colony should be enclosed in secure boxes and labelled (Clause 19.)

"It may be mentioned that penalties for breaches of the law are in some instances rendered more severe. (Compare section 28 with section 2 of Ordinance 14 of 1895, and section 16 with section 12 and 13 of Ordinance 8 of 1895.)

"In conclusion, it may be noted that officers of a foreign nation are restricted, if they have no licence, to the carriage of weapons of ceremony worn as part of their regular uniform, and that the privilege of carrying arms without a licence has been taken away from common jurors. A case occurred in which a common juror abused that privilege."

Continuing, the ACTING ATTORNEY-GENERAL said—I should like to add, sir, with reference to the question of common jurors, as I do not know whether the Bill is

sufficiently understood by the public, that it is always open for a common juror to apply to the Captain Superintendent of Police, under clause 4 of this Bill, for a license to carry or possess arms and ammunition, and no doubt in any case where such an application appeared to be reasonable the Captain Superintendent would grant the person applying a license to carry arms and ammunition. and there is no fee payable at all for the issue of the license. I may mention, sir, that there are no less than 711 common jurors on the jury list in this colony, and I think it seems rather curious that they should have what I may call an absolute right to carry arms and ammunition, and I understand that the Captain Superintendent of Police is of opinion that it is not advisable that common jurors should have an absolute right to carry arms and ammunition, though no doubt in every case where it seems reasonable that the privilege should be accorded to a common juror the Captain Superintendent of Police will issue a license for that purpose. While on this point I may say that clause 4 of this Bill vests the power to issue licences in the Captain Superintendent of Police, a power which has hitherto been vested in the Governor. I do not know whether it will be thought desirable to give any power to appeal from the Captain Superintendent of Police to the Governor in Council in respect of the exercise of the discretion mentioned in clause 4. Honourable members will see from clause 11 that in the case of importers or dealers applying for a licence it is provided that there can be an appeal from the decision of the Captain Superintendent of Police to the Governor-in-Council. It is a matter for the consideration of members whether such a provision should be inserted in clause 4 or not. With these remarks I beg to move the second reading.

The COLONIAL SECRETARY seconded.

Dr. HO KAI—I move as an amendment that the second reading of the Bill be postponed for a fortnight for these reasons: First, on the introduction of the Bill a petition was presented to your Excellency from the Chinese dealers in arms in the colony in respect of this Bill, and I understand that no reply has been given to that petition. Secondly, although the Bill affects 13 Chinese dealers in arms in this colony no translation of the Bill has been made. In the absence of an answer to the petition, which was presented on the 8th of July last, the petitioners did not know that the Bill was coming on again, and it was only when, as they alleged, they saw it in the paper the day before yesterday that they were made aware that the Bill was coming on again. Since the Bill was read a first time at the last meeting of the Council they have begun to make some enquiries and have had a meeting among themselves to consider the Bill. They came to me only yesterday and showed me a copy of their petition, and this morning I received a letter signed by ten of them detailing some objections to the Bill, which objections of course I have not had time to consider as yet.

Therefore I think that as the Bill, from the statement of the Attorney-General, contains a good many new sections, and as the fee payable by importers or dealers has been raised from \$10 to \$1,200, I think that Chinese dealers should be given a little more time, so that a translation of the Bill could be made and they could consider it. For these reasons I ask that the second reading should be postponed for a fortnight.

The COLONIAL SECRETARY—I thought your Excellency would have no objection to granting a postponement, so that these Chinese arms dealers might become better acquainted with the Bill. The request seems to me to be a reasonable one.

His EXCELLENCY THE GOVERNOR—I have no objection whatever, if the Council has no objection.

The COLONIAL TREASURER suggested that the question of a postponement could be suggested when the committee stage was reached.

The COLONIAL SECRETARY—I understand that the main object is to get a fortnight's extra time.

His EXCELLENCY THE GOVERNOR—Can you tell me whether there was any answer to the petition?

The ACTING ATTORNEY-GENERAL—No, sir, but I think the petition was laid upon the table by the honourable member for the Chamber of Commerce. There was a similar provision in the Arms and Ammunition Bill which has not been proceeded with to that in the Bill the second reading of which I have just moved.

The COLONIAL SECRETARY—I think that under the circumstances the postponement asked for is very reasonable.

The ACTING ATTORNEY-GENERAL—There is only one point in regard to a postponement. I do not know whether the honourable member could be ready sooner than a fortnight. My time as Acting Attorney-General is very short now. Sir John Carrington is expected back early in January, and there are the Criminal Sessions and Christmas and New Year intervening.

His EXCELLENCY THE GOVERNOR—Suppose we take the second reading now. I am quite sure that after what the honourable member has said the Council would not go into committee on the Bill at present, and if that course is followed I do not think there would be much time lost by giving the Chinese community an opportunity of stating fully their ideas. Of course if the honourable member wishes to offer an objection to the principle of the Bill it can only be done at the second reading.

The Hon. T. H. WHITEHEAD—Kindly let me say a word in support of what has fallen from the senior member for the Chinese, as I have not had the opportunity of consulting with those whom I represent and who are in the trade. On a former occasion when the matter was before the Council it was referred to a Commission. That Commission took evidence which

was printed and circulated but no report was sent in. Before the second reading of this Bill I should like to have the opportunity of consulting with those whom I represent and who are in the trade on the matter, and I would ask for a month's adjournment.

His EXCELLENCY THE GOVERNOR—The Attorney-General wants to get the Bill through this year.

The Hon. T. H. WHITEHEAD—May I ask if the colony of Macao are going to follow a similar course?

His EXCELLENCY THE GOVERNOR—I do not know at all. With the permission of the Council, we will postpone the Bill.

The second reading was accordingly postponed for a fortnight.

THE NEW TERRITORIES LAND COURT
ORDINANCE.

The ACTING ATTORNEY-GENERAL—I beg to move the second reading of the Bill entitled the New Territories Land Court Ordinance, 1899. Honourable members will see from the objects and reasons attached to the Bill that:—

"This Bill is framed to a considerable extent upon the lines of the Squatters' Ordinance, (Ordinance 27 of 1890), which has been found to work satisfactorily.

"The chief aim of this Bill is to provide owners and occupiers of land in the New Territories with a tribunal to which they can appeal, without incurring the expense of resorting to the Supreme Court, and to arrange amicably questions of disputed title and land and rent disputes generally.

"It is proposed by this Bill to substitute a certificate of title for a Crown lease, because it has been ascertained that the ordinary holding of land in the New Territories is a tenancy in perpetuity, and this Government could not, under the terms of the Convention with China, grant a lease for more than 99 years from the date of the Convention.

"Clause 15 of the Bill contains special provisions for the commutation of rent in produce into a payment of rent in money, calculated upon the fair price of such produce. Provision for such commutation appears to be necessary in order to avoid friction between landlord and tenant and to induce the tenant to cultivate the land to the best advantage.

"Clause 16 of the Bill provides for the redemption of rent in produce, when such rent is payable in perpetuity, by the payment of a capital sum of money.

"Clause 17 provides that, in any agreement made on and after the 31st day of January, 1900 (which is the first day of the next Chinese year), no rent in produce shall be reserved.

"The object of clause 18 is to settle disputes in cases (*inter alia*) where a man, who is adjudged

to have no proper title, has been occupying and improving land and where he appears to be equitably entitled to continue to occupy such land upon his paying such a rent as is fair and reasonable, having regard to such improvements."

The COLONIAL SECRETARY seconded, and the motion was carried.

THE MERCHANT SHIPPING LAWS.

The Council went into Committee on the Bill entitled an Ordinance to consolidate and amend the Law relating to Merchant Shipping, the duties of the Harbour Master, the control and management of the waters of the colony, and the regulation of vessels navigating the same.

The ACTING ATTORNEY-GENERAL—I would like to draw attention to clause 41 of the Standing Orders, which says:—"When a Bill shall have been referred to, and reported on by, one of the Standing Committees appointed under Rule 48, and it shall be certified by the Chairman of such Standing Committee that such Bill has been considered clause by clause in the presence of all the Members of such Standing Committee at least, and that, in the opinion of the Committee, such Bill may be dealt with by the Council in the same manner as a Bill reported on by a Committee of the whole Council, such Bill may be dealt with accordingly if no Member object, but if any Member object the Bill shall be dealt with in the same manner as a Bill reported on by a Special Committee." This Bill, sir, has been considered by the Standing Law Committee, which has held no less than eight sittings to consider it. It has been reported by me as chairman of the Standing Law Committee that at such meetings the Bill was considered clause by clause in the presence of all the members of such Standing Law Committee, and that in the opinion of such Standing Law Committee such Bill may be dealt with by the Council in the same manner as a Bill reported on by a committee of the whole Council. Therefore, unless any honourable member has any objection, I would propose that the Bill be dealt with as a Bill reported on by a committee of the whole Council, and I move that the amendments suggested by the committee be adopted.

The COLONIAL SECRETARY seconded.

The Hon. T. H. WHITEHEAD—May I ask if the suggestions from the Chamber of Commerce have

been embodied?

The ACTING ATTORNEY-GENERAL—Some of them have been embodied but not all. I can assure the honourable member that all the suggestions of the Chamber of Commerce were very carefully considered indeed.

The motion was carried.

The marginal notes were then read and the Bill passed through the committee stage without comment.

The Council then resumed.

The Council adjourned until Thursday next.

FINANCE COMMITTEE.

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

The CHAIRMAN—I have only one financial minute to bring before the Committee to-day, and that is one in which the Governor recommends the Council to vote a sum of four thousand dollars in aid of the vote "Maintenance of Buildings." With regard to this vote the honourable the Director of Public Works reports that "extensive works of renewal at Government House have rendered the increase necessary. The total amount of the vote is \$30,000, and of this \$10,609.90 has been spent on Government House. It is obvious that a vote intended to cover the maintenance of buildings numbering about 165 in all could not bear so large a vote in respect of one building. I estimate that a further sum of \$4,000 will be required to defray the charges incurred in the vote, and I therefore request that a supplemental vote for that sum be obtained. I may add that I expect there will be a corresponding saving under miscellaneous works."

The vote was agreed to.

This was all the business.