

11TH MARCH, 1902.

PRESENT:—

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT, Major-General Sir W. GASCOIGNE, K.C.M.G. (Commanding the Troops).

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

Hon. W. M. GOODMAN, K.C. (Attorney-General).

Hon. Commander R. M. RUMSEY, R.N. (Harbour Master).

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

Hon. W. CHATHAM (Director of Public Works).

Hon. A. W. BREWIN (Registrar-General).

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

Hon. T. H. WHITEHEAD.

Hon. J. THURBURN.

Hon. J. J. BELL-IRVING.

Hon. Dr. HO KAI.

Hon. WEI A YUK.

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

QUEEN'S COLLEGE.

The COLONIAL SECRETARY laid on the table the report of the Queen's College for the year 1901 by the Headmaster.

FINANCIAL.

The COLONIAL SECRETARY laid on the table financial minutes (Nos. 7 and 8), and moved that they be referred to the Finance Committee

The COLONIAL TREASURER seconded, and the motion was carried.

The COLONIAL SECRETARY laid on the table the report of the Finance Committee (No. 1), and moved its adoption.

The COLONIAL TREASURER seconded, and the motion was adopted.

VOLUNTEERS AT THE CORONATION.

Hon. T. H. WHITEHEAD—I beg sir, to put the first question which stands in my name.

The question was:—"Will the Honourable the Colonial Secretary inform the Council whether the Government have taken into consideration the expediency of suggesting to the Colonial Office that members of the Hongkong Volunteer Corps in Great Britain during the Coronation of His Majesty King Edward the Seventh be invited to participate in the Coronation ceremonies as representatives of this Colony, without cost to the Colonial funds?"

The COLONIAL SECRETARY—No instructions regarding the Coronation have been received, but a communication has been addressed to the Secretary of State for the Colonies enquiring when such instructions may be expected.

HIS EXCELLENCY—I would like to supplement that answer by saying that in case, when we do receive an answer, there are no Colonial Volunteers invited to attend,

or in case the number is so small that it would not admit of the Hongkong Volunteers, I would personally be very glad to give letters of introduction to any member of the Hongkong Volunteer Corps who might happen to be on leave to any of the commanding officers so as to secure their attendance in connection with one of the crack Metropolitan Volunteer Corps, such as the Artists, the London-Scottish, the Inns of Court, or the Queen's Westminster, with each of which regiments I am intimately acquainted. (Applause).

CHAIR AND RICKSHA-COOLIES.

Hon. T. H. WHITEHEAD—I beg, sir, to put the second question which stands in my name.

The question was:—"Will the Honourable the Colonial Secretary inform the Council whether the recommendations contained in the Report, dated Hongkong, 6th November, 1901, of the Commission appointed by His Excellency the Governor, on 28th August, 1901 to enquire into and report on the question of the existing difficulty of procuring and retaining reliable chair and jinricksha-coolies for private chairs and jinrickshas, are to be carried out, and, if not to be carried out, explain the reason why?"

The COLONIAL SECRETARY in answer to this question laid on the table certain printed correspondence.

BELILIOS REFORMATORY.

Hon. T. H. WHITEHEAD—I beg, sir, to put the third question which stands in my name.

The question was:—"Will the Honourable the Colonial Secretary lay upon the table a statement showing (1) the number of persons and/or young criminals who have been accommodated in the Belilios Reformatory at Causeway Bay from the time it was opened until 28th ultimo; (2) the total expenditure incurred in respect of these persons including the emoluments of the staff in the Reformatory; (3) the amount of public money, if any, expended on the building or in additions thereto and in connection with the maintenance of the building; (4) the yearly emoluments of the Reformatory staff; and (5) the number of persons now undergoing sentence lodged in the said Reformatory?"

The COLONIAL SECRETARY submitted the following reply.—"One child has been accommodated in the Belilios Reformatory from the date upon which it was opened up to the present day. There are no young criminals now resident there. The total cost in respect of the one inmate was *nil*, as he only remained in the building a very short time. The amount expended on the Reformatory up to date is as follows—(a.) Maintenance of buildings, furniture, &c., \$606.99; (b.) emoluments of officers

connected with the institution, \$2,781.42; total, \$3,388.41. As there has been only one inmate of the Reformatory since it was first started, the Committee appointed by Sir Henry Blake to enquire into educational questions has been requested to consider and report what should be done as regards the Reformatory. The report of the Committee has not yet been received. When the Government is in possession of its views, steps will be taken without delay to deal with the question. Though the Master and Assistant Master have had nothing to do in the Reformatory, they have not been idle. They have been and are now employed by the Government in other Departments. Mr. Curwen, the Master, was for several months attached for special work to the Colonial Secretary's Office, and is now in the Postmaster-General's Department. Mr. Bullin, the Assistant Master, has been provisionally appointed First Clerk in the Registrar-General's Office. The money expended on account of their salaries has not therefore been wasted.

DEPOTS BYE-LAWS.

The COLONIAL SECRETARY laid on the table the bye-laws made under section 13, sub-section 16, of "The Public Health Ordinance, 1901" with reference to depots for cattle, pigs, sheep, and goats, and moved their approval.

The ATTORNEY-GENERAL seconded, and the motion was agreed to.

Hon. T. H. WHITEHEAD—In connection with the bye-laws just passed, I would wish to suggest that in future, if it be possible, such bye-laws be sent round with the papers before-hand, so that members may have an opportunity of reading and considering them and asking questions on such points as they may care to have information upon.

The COLONIAL SECRETARY—With reference to what the hon. member has said, I think the request a perfectly reasonable one. As a matter of fact, these bye-laws were only just received from the printers, and the usual course of circulating them amongst the members could not be adopted on this occasion. As these bye-laws involve an increase of fees for the housing of cattle in the depots, I feel perfectly certain that the hon. member sitting opposite will be the last member of this Council to prevent the increase being granted at once.

Hon. T. H. WHITEHEAD—With reference to the last remark of the Hon. the Colonial Secretary, I am not in a position to say whether I would or would not have opposed the increase, I only wished to suggest that it would be reasonable that members should in future have an opportunity of considering new bye-laws. I have not raised any objections to the present bye-laws being put into operation, because I believe them to be reasonable, or at least I conclude that they are reasonable, though I have not had an opportunity of studying them. I think the suggestion I have made might be carried out in future.

The COLONIAL SECRETARY—Sir, I do not for a moment

desire to throw any aspersions upon the reasonableness of the request of the hon. member. I only said I feel certain the hon. member would not desire to unnecessarily obstruct the Government work.

H. E. THE OFFICER ADMINISTERING THE GOVERNMENT—I may explain that there was a special reason for haste in this particular case. I quite agree with the suggestion of the hon. member, and I shall take care that in future, if possible, hon. members are made aware beforehand what bye-laws are to be passed.

BUILDINGS ORDINANCE.

The ATTORNEY-GENERAL—I beg to move the first reading of the Bill entitled An Ordinance to consolidate and amend the Laws relating to Buildings. There has been for some time past a strong feeling in the Colony that the laws relating to buildings should be consolidated and amended, and last year, when we passed the Public Health Ordinance, I also rough drafted a consolidated Buildings Bill. But when the various Ordinances were brought together and repealed and re-enacted in their proper places in that Bill, it became quite apparent to anyone reading it, that the law required not only consolidation but amendment; and having in view the fact that the experts in sanitary and engineering matters—Prof. Simpson and Mr. Chadwick—were on their way to the Colony, sent out at the request of the people of this Colony by the Secretary of State the Director of Public Works asked me to delay bringing on the measure until he could have the benefit of the advice of those gentlemen, whose great experience might suggest improvements in the building law. On the arrival of Mr. Chadwick, we lost no time in furnishing Mr. Chadwick and Professor Simpson with copies of the draft of this consolidating Bill, and we spent some four days together with them and Dr. Clark the Medical Officer of Health going through it clause by clause, making such amendments and alterations as were thought desirable. I propose now to move the first reading and to leave it to your Excellency as to what is the more desirable course to pursue as regards the second reading. If we have a meeting this day week and the Bill is meantime published in the *Gazette*—perhaps an extraordinary *Gazette*, so as not to wait until Saturday—so that those interested may have an opportunity of reading and considering the Bill, we might be able by next Monday, if that was so fixed, to go through the Bill in committee once on the second reading, passing, so far as the committee were concerned, all these clauses which appear unobjectionable to all the members. If there should be any clauses that appear to

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me advisable that these should stand over until some further opportunity, but we might deal with such clauses as are not objected to. It is not usual to discuss a Bill on the first reading, but I thought it might be convenient in the case of this particular Bill to suggest to your Excellency the course I have put before you. I think this proposal will probably recommend itself to hon. members. Of course it is necessary that people should have time to read and consider a Bill of this kind, but I think a reasonable time would be afforded if it was published, say, tomorrow in the *Gazette*, and the unobjectionable clauses were taken on Monday 17th instant.

The COLONIAL SECRETARY seconded, and the motion for first reading was agreed to.

H.E. THE OFFICER ADMINISTERING THE GOVERNMENT—I would like to ask hon. members whether the course which is suggested is acceptable to them. It will enable them to see the Bill, and, as proposed, they can discuss on Monday those questions on which there can be no doubt leaving the others for subsequent discussion. If there is no objection to that I would suggest that it be agreed to.

Hon. C. P. CHATER—At this meeting I cannot very well say if what your Excellency has proposed can be carried out. I have not had an opportunity of looking over the Bill to see if there are any objections to some of the clauses in it. I would suggest, however, that as soon as our meeting is over copies of this bill be sent to all the architects and engineers in the place. This I think, sir, would be better than what your Excellency has decided to do, viz.: issue an extraordinary *Gazette*. The *Gazette* is not sent to everybody, only to subscribers, and the community does not get an opportunity of seeing it. I would therefore suggest that copies be sent to the architects and engineers and as much time as possible be allowed to the public to go over the bill. It is supposed to be a consolidation bill, but I believe from what I have heard that there are a great many clauses in it, which are entirely new.

The COLONIAL SECRETARY—I think, sir, it is somewhat an unusual course for the Government to take to supply those people interested in a Bill with a copy of the Bill, and I think it would be rather a serious responsibility for this Government to undertake. I feel perfectly certain that those who are interested in a measure will have enough enterprise to take such steps as are necessary to supply themselves with copies; but I may state on behalf of the Government that copies of the Bill may be obtained on application to the Colonial Secretary's office by any member of the community who may have a desire to have a copy of the Bill in his possession. I think, sir, that will be a course more in accordance with the usual mode of procedure in such matters.

Hon. C. P. CHATER—The reason I suggested this was simply to facilitate the matter. If you do not accept some such method the consequence will be that I shall have to move for a might postponement; therefore I think this be

done.

The COLONIAL SECRETARY—I cannot see for a moment how matters would be any more facilitated by the course suggested by the Senior Unofficial Member. If the people interested cannot take the trouble to apply for a copy it is difficult to see what is their interest in the matter. I think it is sufficient to let these persons know that if they want the Bill they can have it forwarded. If the Senior Unofficial Member could furnish us with a list of those members of the community whom he thinks it ought to be sent to we would know who are the people who ought to get copies; but otherwise it is impossible for us to know. I think the Council will agree with me when I say that the means we have suggested to supply the community with the necessary information are all that can be expected from the Government.

Hon. C. P. CHATER—It is not a very difficult matter to send out copies to the engineers and architects; there are only about half-a-dozen.

The COLONIAL SECRETARY—I know there are a great many more than the hon. member suggests, and if we selected half-a-dozen to whom copies should be sent, it might give rise to difficulty, if we left out any who desired copies or selected a few who should be furnished with them.

HIS EXCELLENCY—I would suggest that we put an advertisement in the paper, alongside the *Gazette*, saying that any person who might desire a copy can obtain them at the Colonial Secretary's office. There is a good deal in the contention that if we select a certain number to whom to forward copies and happen to leave out accidentally any who might be entitled to receive them, we might get ourselves into a difficulty.

Hon. C. P. CHATER—I defer to your Excellency's opinion.

FIRST READING.

The following Bill was submitted and read a first time:
—An Ordinance for the nationalisation of Chü Ship Chün, *alias* Chü Le, *alias* Chü Man T'in, *alias* Chü K'au Mei.

PRIVATE CHAIR AND RICKSHA COOLIES.

The ATTORNEY-GENERAL moved the second reading of the Bill entitled An Ordinance to provide for the more effectual control of chair and jinricksha coolies in private employ. He said—As your Excellency is aware, some time ago a commission was appointed, and they made a report on the subject of registering all chair and ricksha coolies in private employ. The Government were not in a position to carry out the whole of the recommendations of the Commission, but at all events a part of them received the favourable attention of the Government, and I was

accordingly directed to draw up a Bill on the lines of the one before us, which, save for some slight alterations, is practically the Bill suggested by the Commission. We have taken from this Bill the whole of the clauses relating to registration, and the objects and reasons attached, which no doubt hon. members have read, explain the reason for that. It seems there has been some difficulty owing to a decision which rendered it doubtful whether chair coolies and ricksha coolies in private employ could be considered technically to be domestic servants within the meaning of the law providing for domestic servants. I do not think this difficulty would have occurred to me. There is no reason why such coolies, residing on the premises, should be exempted from the penalty for misconduct to which house boys, house coolies, and cooks have been liable for considerably more than fifty years in this Colony. This Ordinance places them accordingly on an equality with ordinary Chinese domestic servants in that respect. On these grounds I beg to move the second reading of this Bill.

The COLONIAL SECRETARY seconded, and the Bill was read a second time.

The Council then went into committee on the Bill and considered it clause by clause.

On the Council resuming, there being no alterations, the Bill, on the motion of the ATTORNEY-GENERAL, seconded by the COLONIAL SECRETARY, was read a third time and passed.

WRITERS AND LAW AGENTS.

The ATTORNEY-GENERAL moved the second reading of the Bill entitled An Ordinance to define the meaning of the word "writers," as used in Ordinance No. 3 of 1871. He said— This has become desirable, because the local Act for the admission of solicitors uses the word "writers." Now, as regards those who are practising in Scotland, the question arose whether, if a Scotch law agent came here and showed his diplomas, he would be allowed on complying with the requirements of the local law relating to the admission of solicitors who are qualified in England, Scotland, or Ireland, to practise here, because the Act only mentions Scotch writers. The opinion of the Crown Agent for Scotland was taken by the Colonial Office, and he thought they would be so allowed but in the absence of any decision, it would certainly do no harm to legislate so as to include law agents.

The COLONIAL SECRETARY seconded, and the Bill was read a second time.

The Council then went into committee on the Bill, and considered it clause by clause.

On the Council resuming, there being no alterations, the Bill, on the motion of the ATTORNEY-GENERAL, seconded by the COLONIAL SECRETARY, was read a third time and passed.

NEW TERRITORIES LAND COURT ORDINANCE.

The ATTORNEY-GENERAL moved the second reading of the Bill entitled An Ordinance to amend The New Territories Land Court Ordinance, 1900 (No. 18 of 1900), and The New Territories Land Court Amendment Ordinance, 1901 (No. 27 of 1901). He said—Ordinance No. 27 of 1901 was sent home and obtained the approval of the Secretary of State, who, however, desired two slight amendments to be made. These are specifically mentioned in the objects and reasons appended to the present Bill, and are:—1st—The omission of the words "the acquisition of" in the second line; 2nd—The substitution of the words "ought to be resumed for public purpose within the meaning of Section 2 of the Crown Lands Resumption Ordinance, 1900," for the words, "is required in the public interests." These amendments are now made, but I thought it better to do so by re-enacting the section with these alterations included.

The COLONIAL SECRETARY seconded, and the Bill was read a second time.

The Council then went into committee on the Bill, and considered it clause by clause.

On the Council resuming, there being no alterations, the Bill, on the motion of the ATTORNEY-GENERAL, seconded by the COLONIAL SECRETARY, was read a third time and passed.

REGISTRATION OF DEEDS, ETC.

The Attorney-General moved the second reading of the Bill entitled An Ordinance to amend the Ordinance to provide for the Registration of Deed, Will, Judgments and Conveyances affecting real or immoveable property in Hongkong (No. 3 of 1844). He said—I think you will agree that the objects and reasons appended to the Bill are sufficient explanation. They are as follows:—Since the Ordinance for the Registration of Deeds, etc., in the Land Office (Ordinance No. 3 of 1844) came into force, statutory provision has been made for the registration of a Lis Pendens (Ordinance No. 10 of 1856), and for the registration of its discharge, as well as for the issue by the Land Officer of a Certificate of entry of such discharge (Ordinance No. 2 of 1896). Moreover, the Code of Civil Procedure, Ordinance No. 5 of 1901, requires a Writ of Foreign Attachment to be registered in the Land Office, and makes provision for the filing in such office of a Certificate that the Writ has been dissolved, or that the judgment in the action has been satisfied (see section 462). Fees to be paid for these matters were fixed by the said Code. It became, therefore, in any case desirable to amend the original List of Fees specified in Ordinance No. 3 of 1844 and to bring it into line with the present practice of the Office. Some few fees seem also to have been received and paid over to the Colonial Treasurer, without express Statutory authority, the Land Officer acting on

instructions received from time to time by the Government, as for instance in the case of the reasonable charges for parchment plans and for affixing the Public Seal to Crown Leases. Ordinance No. 5 of 1888 authorises the charge of \$5 for the official Signature of the Governor, and it has been the practice of the Land Office to charge this fee for affixing the Public Seal to a Crown Lease which is also signed by the Governor, such practice having been authorised for more than fifty years. It is provided by this Ordinance that one fee shall cover both the Seal and the Signature. It seemed better that all such fees should receive proper Statutory authority and their receipt heretofore be validated and legalised. The fees, in many instance, might, not unfairly, have been raised in view of the greatly diminished value of the dollar now as compared with A.D. 1841; but this has only been done in one instance, namely, where deeds, etc., are registered relating to more than one lot or section of a lot. In some instance several lot are included in one instrument and additional work is thereby thrown on the Land Officer. In such cases the registration fee is raise to ten dollars instead of five.

The COLONIAL SECRETARY seconded, and the Bill was read a second time.

The Council then went into committee and considered it clause by clause.

Upon the Council resuming, the Bill was read a third time and passed, on the motion of the ATTORNEY-GENERAL, seconded by the COLONIAL SECRETARY.

BANKRUPTCY ORDINANCE.

The ATTORNEY-GENERAL moved the second reading of the Bill entitled An Ordinance to further amend The Bankruptcy Ordinance, 1891. He said—Last year an ordinance was passed which dealt with Chinese firms and the question of their being made bankrupt. It was subjected to a good deal of consideration and was looked into carefully by Sir John Carrington. It was sent home and referred to the Board of Trade, and the opinion of Mr. Muir Mackenzie, who, I take it, is counsel to the Board, was taken. He points out what he deems to be a singular defect in the Bankruptcy Amendment Ordinance, 1901, viz., that it does not deal with the case of a foreigner trading in his own name by an agent in the Colony. Cases of that kind occur seldom, if ever, among the Chinese in Hongkong, and the Ordinance in question was passed to meet the hardship disclosed by the local case of *Re Kung Hing ex parte Ah Wee* (July 9th, 1900). It was approved of both by the Chief Justice who tried the case in question and by the Chamber of Commerce. The object of the present Ordinance is to make the further amendment pointed out by Mr. Muir Mackenzie as desirable. There can be little doubt that Ordinance No. 2 of 1901, as supplemented by this Ordinance, effects a considerable improvement in our local law, having regard to the special circumstances of Hongkong. I do not want it to be taken as drafted in substitution of the other Bill but as supplementary to it.

The COLONIAL SECRETARY seconded, and the motion was agreed to.

The Council then went into committee on the Bill.

Upon the Council resuming the Bill was read a third time and passed on the motion of the ATTORNEY-GENERAL, seconded by the COLONIAL SECRETARY.

SUPREME COURT SUMMARY JURISDICTION ORDINANCE.

The ATTORNEY-GENERAL moved the second reading of the Bill entitled An Ordinance to further amend The Supreme Court Summary Jurisdiction Ordinance, 1873. He said—The Code of Civil Procedure, 1873, was repealed by Ordinance No. 6 of 1901, and the new Code of Civil Procedure (Ordinance No. 5 of 1901) has taken its place. As, however, in the interpretation clause of Ordinance No. 14 of 1873, dealing with Summary Jurisdiction, the expression "Code of Civil Procedure" was defined to mean "the Code of Civil Procedure introduced by Ordinance No. 13 of 1873." some difficulty has arisen, and it has been thought desirable to leave no doubt that the provisions of the old Code of Civil Procedure no longer apply to the Supreme Court in its Summary Jurisdiction and to make the provisions of the new Code applicable. Under the new Code of Civil Procedure, no register of suits is established: its place is taken by a Cause Book. (See section 690 of the new code) The twelve hours' notice of special defence has been found in practice to be too short. Section 35 of Ordinance No. 14 of 1873 appears to be superfluous, now that the new Code is substituted for that of 1873. The alteration in section 50 is necessary to make the forms in use at any time in the Supreme Court applicable to the Summary Jurisdiction of that Court.

The COLONIAL SECRETARY seconded, and the motion was agreed to.

The Council then went into Committee on the Bill.

On the Council resuming, the Bill was read a third time and passed, on the motion of the ATTORNEY-GENERAL, seconded by the COLONIAL SECRETARY.

The Council adjourned till Monday next

FINANCE COMMITTEE.

A meeting of the Finance Committee was held immediately afterwards, the Colonial Secretary, Hon. J. H. Stewart Lockhart C.M.G., presiding.

The CHAIRMAN—There are only two minutes for the consideration of the Committee to-day, and in t h e f i r s t o f t h e s e

the Officer Administering the Government recommends the Council to vote a sum of £333. 6s. 8d. as a contribution towards a laboratory to be established at the country branch of the Jenner Institute in England for the preparation of Yersin's Curative Serum for Bubonic Plague. I think gentlemen, the simplest manner of explaining why this laboratory is required would be to read the despatch from the Secretary of State on the subject.

The despatch was a lengthy one and gave in detail the reasons for the granting of the vote, which was agreed to.

GRANT TO ROYAL NAVAL SEAMEN'S CLUB.

The CHAIRMAN — In the next minute the Officer Administering the Government recommends the Council to vote a sum of \$300, being the amount of the contribution of the Government for 1901 towards the Royal Naval Seamen's Club, which was voted last year, but lapsed in consequence of no application having been made by the Naval Authorities for payment. This sum, as you will see, was voted last year but through an oversight no payment was made

The vote was agreed to.

This was all the business.
