

12TH JULY, 1904.

PRESENT:—

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT, F. H. MAY, C.M.G.

HIS EXCELLENCY MAJOR-GENERAL VILLIERS HATTON, C.B. (Commanding the Troops).

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

Hon. Sir H. S. BERKELEY (Attorney-General).

Hon. L. A. M. JOHNSTON (Colonial Treasurer).

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

Hon. Captain L. A. W. BARNES-LAWRENCE, R.N. (Harbour Master).

Hon. P. N. H. JONES (Director of Public Works).

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

Hon. Dr. Ho KAL, C.M.G.

Hon. WEI A YUK.

Hon. R. SHEWAN.

Hon. GERSHOM STEWART.

Mr. S. B. C. ROSS (Clerk of Councils).

ABSENT.

Hon. W. J. GRESSON.

Hon. R. SHEWAN resumed his seat on return from leave of absence.

FINANCIAL.

The COLONIAL SECRETARY laid on the table Financial Minutes (Nos. 30 to 40), and moved that they be referred to the Finance Committee.

The COLONIAL TREASURER seconded and the motion was agreed to.

The COLONIAL SECRETARY laid on the table the Report of the Finance Committee (No. 7), and moved its adoption.

The COLONIAL TREASURER seconded and the motion was agreed to.

PAPERS.

The COLONIAL SECRETARY laid on the table the Reports of the Medical Officer of Health, the Sanitary Surveyor and the Colonial Veterinary Surgeon for 1903, the Report on the Blue Book for 1903, the Report of the Registrar-General for 1903, the Report of the Registrar of the Supreme Court for 1903, the Report of the Principal Civil Medical Officer for 1903, the Report on the Botanical and Afforestation Department for 1903, the Report on the Hongkong Volunteer Corps for 1903—04; a paper on Police Probationers in Hongkong, Straits Settlements and the Federated Malay States; the Supplementary Colonial Estimates, 1903, and a paper on the Des Voeux Road murder, 1903.

THE NEW EDITION OF THE ORDINANCES.

The ATTORNEY-GENERAL moved the following resolution:—"Resolved that in accordance with the requirements of Section 10 (2.) of the Statute Laws (Revised Edition) Ordinance, 1900, the 'New Edition' of the Hongkong Ordinances prepared by Sir John Carrington

and now laid before the Council, is approved." He said—

This resolution is necessary in order to obtain the sanction of the Council to the circulation of the revised edition of the laws of Hongkong compiled by the late Chief Justice Sir John Carrington. The books are already in the Colony for distribution.

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

QUESTIONS BY THE HON. GERSHOM STEWART.

Hon. GERSHOM STEWART asked the following questions:—

1. The open space in front of the Hongkong Club being no longer used for the storage of cement blocks, and the small railway to the Praya for the crane having been picked up, will the Government be able soon to allow the Botanical Department to open up the space for public use as a garden, as promised by Sir Henry Blake on 20th July, 1903?

2. Will it be possible this year, by dredging or otherwise, to increase the space available for small craft in the typhoon shelter at Causeway Bay, as it is much silted up at low water? Have the Government decided on any plan for a new typhoon shelter?

3. In view of the recent fire at the Ferry Wharf, will the Government take into consideration the advisability of making improved approaches and shelters at Blake Pier and Queen's Statue Wharf?

The COLONIAL SECRETARY answered as follows:—

1. The only recommendation that has been made in this matter is that sites on the East of the Statue of H. M. the Queen corresponding to the areas reserved by the Hongkong and Shanghai Bank on the West side of the Statue should be set apart for Statues of H. M. the King and H.R.H. the Duke of Connaught. No recommendation was made to the Secretary of State by Sir Henry Blake for the reservation of the space between the site for the Statue of H. M. the King and the Hongkong Club.

2. No. It is impossible to increase the area of accommodation by dredging owing to the hard bottom of the Southern portion of the refuge. Several schemes for a new refuge have been prepared and are being considered.

The Queen's Statue Pier is a temporary erection and is therefore properly served by a temporary shed. It is intended to put up a permanent shelter at Blake Pier when funds become available. Fires are not so frequent or disastrous as to cause anxiety in this connection.

QUESTIONS BY THE HON. H. E. POLLOCK.

In the absence of Hon. Mr. Pollock, Hon. Mr. SHEWAN put the following questions:—

1. In connection with the burning of the Star Ferry matshed, will the Government kindly state how many minutes (approximately) after the commencement of the fire was the water from the mains turned on to and playing on the fire?

2. Will the Government state what is the estimated cost of establishing a system of electric fire-alarms in the City of Victoria? Does the Government propose to establish such a system? Is it the fact that at the present time the alarm has to be given by a Police Officer who has to leave his beat for that purpose? If so, does the Government consider such a system of giving the alarm satisfactory? If the Government does not consider such a system of giving the alarm satisfactory, what steps does the Government propose to take in connection with the matter?

The COLONIAL SECRETARY answered as follows:—

1. About 15 minutes.

2. The cost would be large but an estimate cannot be given till the system to be adopted be decided on. The question is now under consideration. Experiments have already been made with telephonic fire alarms. The results have been very discouraging, the native population never having been known to use them. It is not the fact as implied in the question that an alarm can only be given by a Police Officer who has to leave his beat for the purpose. Look-outs are kept for the purpose of giving alarm and the Police on duty on the street make free use of Government and private telephones for the purpose.

SUPPLEMENTARY VOTES.

The ATTORNEY-GENERAL moved the first reading of a Bill entitled an Ordinance to authorise the Appropriation of a Supplementary Sum of Three Hundred and thirty-one thousand six hundred and twenty-four Dollars and forty-one cents to defray the charges of the year 1903.

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

This sum is made up as follows:—

Pensions,	\$26,303.08
Governor and Legislature,	1,158.95
Treasury,	1,244.79
Post Office,	26,362.27
Registrar General's Department,	1,921.21
Harbour Master's Departments,	3,108.51
Judicial and Legal Departments,	2,116.47
Land Court, New Territory,	1,041.51
Magistracy,	706.30
Transport,	11,848.84
Miscellaneous Services,	32,922.63
Public Works Recurrent,	92,777.98
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Ordinary Expenditure,	\$201,512.54
Public Works Extraordinary,	130,111.87
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Total Supplementary Votes,	\$331,624.14

CRIMINAL PROCEDURE.

The ATTORNEY-GENERAL moved the first reading of a Bill entitled an Ordinance to amend the Criminal

Procedure Ordinance, 1899.

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

The Council adjourned till next Tuesday, when the Supplementary Votes will be considered.

FINANCE COMMITTEE.

A meeting of the Finance Committee was held after the Council, the Colonial Secretary (Hon. A. M. Thomson) presiding.

TRAINING NULLAHS.

The Officer Administering the Government recommended the Council to vote a sum of \$3,400 in aid of the vote, Public Works, Extraordinary, for Drainage Works, Training Nullahs.

Approved.

VOLUNTEERS.

The Officer Administering the Government recommended the Council to vote a sum of \$16,432.80 in aid of the vote, Military Expenditure—B. Expenses of Volunteers, for the following items:—

Other Charges.

Rifles	£1,171.18.0
Equipment	193.11.0
Charges	3.19.0
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	£1,369.8.0 @ 1/8 = \$16,432.80

The CHAIRMAN stated that this vote has been recommended by the military authorities.

Approved.

KOWLOON DISINFECTING STATION.

The Officer Administering the Government recommended the Council to vote a sum of \$5,000 in aid of the vote Public Works Extraordinary, to meet cost of erecting an Office at the New Disinfecting Station at Kowloon, for the Assistant Medical Officer of Health and the Inspectors working under him.

The CHAIRMAN said it had been discovered that it would be very useful to have an office there for the M. O. H. and the inspectors working under him.

Approved.

SECRET SERVICE.

The Officer Administering the Government recommended the Council to vote a sum of \$1,000 in aid of the vote, Police, for "Secret Service" under Other Charges.

The CHAIRMAN stated that there had been several charges on this vote owing to a series of crimes, and this sum was required to carry them through the year.

Approved.

NEW TERRITORY.

The Officer Administering the Government recommended the Council to vote a further sum of \$4,524 in aid of the vote Land Court, New Territory, for the following staff required from 1st June to 31st December, 1904, in connection

with the Land Settlement in New Kowloon and the New Territory:—

PERSONAL EMOLUMENTS.

4 Clerks @ \$420 for annum=	\$980
4 „ @ \$300 „ =	700
8 „ @ \$240 „ =	1,120
4 Coolies @ \$96 „ =	224
	3,024

OTHER CHARGES.

Incidental expenses	1,500
Total	\$4,524

The CHAIRMAN explained that it had been discovered recently that the officers in charge of the work were getting on very fast in comparison with the progress made in the past, and it was anticipated that with this extra assistance they would be able to get the thing done by the end of the year.

Approved.

VICTORIA HOSPITAL.

The Officer Administering the Government recommended the Council to vote a sum of \$676.21 in aid of the vote Public Works, Extraordinary, being a revote of an unexpended balance to meet the balance of the cost of Gas Service for the Victoria Hospital.

The CHAIRMAN said this was one of the legacies of the subscribers to the Jubilee Fund which the Government had to meet.

Approved.

LAND COURT EXPENSES.

The Officer Administering the Government recommended the Council to vote a sum of \$1,732.50 in aid of the vote, Land Court, New Territory, Personal Emoluments, being equivalent to Mr. Clementi's half pay as Assistant Registrar General for 6 months from 1st July, 1904.

Half pay for July at \$3,600 per annum=	\$150.00
Half pay from 1st August to 31st December at \$3,900 per annum=	812.50
	\$962.50
Exchange Compensation,	770.00
Total,	\$1,732.50

Approved.

LAND COURT APPEAL CASES.

The Officer Administering the Government recommended the Council to vote a sum of \$3,000 in aid of the vote Miscellaneous Services, other miscellaneous services being payment to Mr. F. B. L. Bowley, Crown Solicitor, for work done in connection with certain Land Court appeal cases.

The CHAIRMAN stated that there had been several long appeal cases in the Supreme Court which had thrown an excessive amount of work on Mr. Bowley. The Secretary of State had approved the vote if the Council agreed to it.

Approved.

GREEN ISLAND LIGHT.

The Officer Administering the Government recommended the Council to vote a sum of \$9,300 in aid of the vote, Public Works Extraordinary for carrying out the work of improving the Green Island Light:—

New tower	\$5,439.47
Additional quarters	2,479.98
Shifting light from Cape D'Aguiar to Green Island	500.00
Contingencies	880.55
Total	\$9,300.00

The CHAIRMAN remarked that this was a work which had been recommended for a long time, and he believed everybody in the Colony was agreed that it would be a very good thing.

Approved.

BOTANICAL.

The Officer Administering the Government recommended the Council to vote a sum of \$1,000 in aid of the vote Botanical and Afforestation Department. Other charges, item Maintenance of Botanic Gardens, for the preparation of the new Garden Nursery near the Albany Nullah and the removal thither of the shrubs and other stock from the Kowloon Nursery, the site of which is now required for building purposes.

The CHAIRMAN said the removal of the nursery was unnecessary as the old ground was going to be sold.

Approved.

TELEGRAMS.

The Officer Administering the Government recommended the Council to vote a sum of \$2,000 in aid of the vote for Telegraph Service—telegrams sent and received by Government—under Miscellaneous Services.

The CHAIRMAN stated that there had been a great deal of extra outlay for telegrams, chiefly in connection with the South African emigration scheme.

Approved.

This was all the business.

THE DES VOEUX ROAD MURDER.

OFFICIAL CORRESPONDENCE.

The following correspondence was laid on the table at the meeting of the Legislative Council yesterday:—

I.

(From Governor Sir Henry Blake to the Secretary of State.)

Government House,
Hongkong, 18th June, 1903.

SIR,—With reference to my despatch of 30th April, I have the honour to transmit a copy of Memorandum giving an epitome of the information and evidence in the possession of the Government. There is reason to believe that

Hung Tsun Kwei was a prominent member of the conspiracy of which the Chinese Authorities received the first intimation from this Government. This man left Hongkong on the 31st March. A reward had been offered for his capture, dead or alive, and for the purpose of obtaining this reward a Cantonese bad character named Cheung Cho Ting appears to have conceived the crime of enticing to Hongkong a friend in Canton, who bore a likeness to Hung Tsun Kwei the conspirator, and there murdering him and returning the body to Canton as that of Hung Tsun Kwei and claiming the reward. Memorandum shows the manner in which this scheme was carried out. The action of the Chinese gunboat leaves no doubt that by some authority the gunboat was engaged on the service of conveying a kidnapped prisoner, or a murdered body from Hongkong, and there is evidence of the direct complicity of Admiral Ho in the violation of British territory.—I have, &c.,

HENRY A. BLAKE,
Governor, &c.

II.

(From the Officer Administering the Government
to His Majesty's Minister, Peking.)

Government House,
Hongkong, 20th April, 1904.

SIR,—With reference to Your Excellency's letter of the 1st of January and to previous correspondence, I have the honour to inform you that the murderer of the victim whose body was substituted for that of Hung Tsun-fuk has been duly brought to trial at Canton.

2. His Majesty's Consul-General there has communicated to me a memorandum of conditions of settlement of this case signed by the Viceroy's Foreign Secretary and himself, and I have the honour to inform Your Excellency that these terms are acceptable to this Government.—I have, &c.,

F. H. MAY,
Officer Administering the Government.

III.

(From His Majesty's Acting Consul-General,
Canton, to the Acting Colonial Secretary.)

His Majesty's Consulate-General,
Canton, 5th May, 1904.

SIR,—With reference to my Despatch No. 120 of April 18th on the Hung Tsun-fuk case, I have the honour to inform you that Chang Cho-Ting was executed yesterday in the presence of two members of the Staff of this Consulate-General. I enclose a copy of Mr. Vice-Consul Giles' report on the subject.

I also enclose a translation of a Despatch received from the Viceroy, in which His Excellency apologises for the infringement of Hongkong territory, and thanks the Hongkong Government for the assistance given in the investigation of the whole case.—I have, &c.,

C. W. CAMPBELL,
Acting Consul-General.

(Enclosure to No. 138 of the 5th May, 1904.
From Mr. B. Giles to Mr. C. W.
Campbell, C.M.G.)

His Majesty's Consulate-General,
Canton, 4th May, 1904.

SIR,—With reference to the case of the murder of Hung Tsun-fuk by Chang Cho-ting in Hongkong, I have the honour to report that, in accordance with your instructions, I proceeded this afternoon to the execution ground to be present at the execution of Chang Cho-ting by the Native Authorities. On arriving at the place Mr. Major, who accompanied me, identified the criminal, who was then immediately beheaded in our presence.—I have, &c.,

BERTRAM GILES,
Vice-Consul.

IV.

(From the Acting Colonial Secretary to His
Majesty's Acting Consul-General, Canton.)

Colonial Secretary's Office,
Hongkong, 10th May, 1904.

SIR,—I am directed to acknowledge the receipt of your letter No 138 of the 5th instant in which you state that Chang Cho-ting was executed on the 4th inst., and enclosing a translation of a letter from the Viceroy of the Two Kwangs, in which he apologises for the violation of British Sovereignty committed at the instigation of Chinese Officials in connection with the case of Hung Tsun-fuk. I am to request you to be so good as to inform the Viceroy that this Government accepts his expressions of regret at the circumstance. His Excellency the Officer Administering the Government felt satisfied that when the facts were made known to His Excellency the Viceroy, he would use every effort to bring the offenders to justice, and expects in due course to receive an assurance that the other persons implicated in the outrage have also undergone suitable punishment.—I have, &c.,

A. M. THOMSON,
Acting Colonial Secretary.

V.

From His Majesty's Acting Consul-General,
Canton, to the Acting Colonial Secretary,

His Majesty's Consulate-General,
Canton, 27th May, 1904.

SIR,—With reference to your letter of May 10th, the contents of which I communicated to the Viceroy as requested, I have the honour to enclose, for the information of His Excellency the Officer Administering the Government of Hongkong, a copy and translation of a Despatch received yesterday. The Imperial Decree

therein enclosed appears to me to be satisfactory, and I propose to inform the Viceroy that as soon as I receive His Excellency's assurance that the punishments stated have been carried out the Hung Tsun-fuk case will be considered closed.—I have, &c.,

C. W. CAMPBELL,
Acting Consul-General.

(Enclosure to No. 157 of the 27th May, 1904.
Translation of a Despatch from Viceroy Ts'en
to Mr. Campbell.)

SIR,—With reference to the case of Hung Tsun-fuk, I have the honour to inform you that I memorialised the Throne, praying that all the officials who had been implicated in the affair should be dealt with, each according to his deserts. On the 17th of May last I received an Imperial Edict, copy of which I herewith transmit for your information.—I have, &c.,

(Viceroy's Seal.)

Copy of Imperial Edict.

With reference to the Memorial of Viceroy Ts'en, praying for the punishment of the spy who compassed the death of the man he had deceived, thereby violating the territory of Hongkong and received a reward under false pretences; and that of the officials who connived at his offence; we hereby decree that Ho Wei-tsung, Senior Lieutenant in charge of the 4th Battalion of the 1st Division of the Provincial Admiral's troops; Lin Shan, Senior Lieutenant in charge of the 4th Battalion of the 4th Division under the command of the Colonel stationed at Chih-hsi; Fang Hsing-kuo, Su Ting-chet and Liu Chin-Yueh, Senior Sub-Lieutenants, and the deceased Sergeant Chu Chang are to be cashiered. Ho Chang-ching, Admiral for the Province of Kuangtung, who was guilty of neglect of duty, is to be removed from his post as a warning to others. For the rest, the matter is to be dealt with as suggested by the Viceroy.

VI.

(From His Majesty's Acting Consul-General,
Canton, to the Acting Colonial Secretary.)

His Majesty's Consulate-General,
Canton, 20th June, 1904.

SIR,—With reference to my letter No. 157 of May 27th, I have the honour to enclose a copy and translation of a Despatch from the Viceroy, in which His Excellency states that Admiral Ho has been removed, and that the minor officials concerned in the Hung Tsun-fuk case have been dismissed. I have informed the Viceroy that the case may now be considered closed.—I have, &c.,

C. M. CAMPBELL,
Acting Consul-General.

(Enclosure to No. 185 of the 20th June, 1904.
From Viceroy Ts'en to Mr. Campbell).

Trans'ation.

16th June, 1904.

SIR,—With reference to the Hung Tsun-Fuk case, I have the honour to acknowledge receipt of your Despatch of the 5th instant stating that you had communicated the contents of my Despatch on the subject to the Government of Hongkong, who had replied that when all the terms of settlement mentioned in the Imperial Edict had been duly carried out, the case might then be considered as definitely closed.

I was on the point of drafting a reply to you, when a communication on the subject came to hand from the Wai Wu Pu. The Wai Wu Pu therein informed me that, having received from the Grand Council a copy of the Imperial Edict issued in answer to the memorial presented by me detailing the circumstances of the case and asking for the punishment of those implicated, they forwarded the same, together with a copy of my original memorial to the British Minister, who had expressed his acknowledgments for such a very satisfactory settlement.

When the Imperial Edict above referred to was telegraphed to me, I immediately sent copies to the various officials concerned for their guidance, as well as one to you for your information. Since then Admiral Ho Chan-ching has been removed from his post; and the vacancies caused by the dismissal of the other officers implicated have been filled by temporary substitutes. The terms of settlement have thus been carried out in full; and I would therefore ask you to inform the Governor of Hongkong accordingly.—I have, &c.,

(Viceroy's Seal.)

VII.

(From the Acting Colonial Secretary to His
Majesty's Consul-General, Canton.)

Colonial Secretary's Office.
Hongkong, 25th June, 1904.

SIR,—I am directed to acknowledge the receipt of your letter of the 20th instant enclosing copy of despatch from the Viceroy of the Two Kwangs stating that Admiral Ho had been removed from office and that the minor officials concerned in the Hung case had been dismissed. You added that you had informed the Viceroy that the case may now be considered closed.

On behalf of this Government, I am to thank you for the valuable assistance rendered by you in connection with this case.—I have, &c.,

A. M. THOMSON,
Act. Colonial Secretary.