

27<sup>TH</sup> OCTOBER, 1904.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR, SIR MATTHEW NATHAN, K.C.M.G.

HON. MAJOR-GENERAL VILLIERS HATTON C.B. (Commanding the Troops).

Hon. F. H. MAY, C.M.G. (Colonial Secretary).

Hon. E. H. SHARP, K.C. (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 KAI, C.M.G.

Hon. WEI A YUK.

Hon. R. SHEWAN.

Hon. GERSHOM STEWART.

Hon. W. J. GRESSON.

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

## FINANCE REPORT.

The COLONIAL SECRETARY brought up the report of the Finance Committee, No. 12, and moved its adoption.

The COLONIAL TREASURER seconded. The report was adopted.

## QUESTIONS.

Hon R. G. SHEWAN gave notice of the following questions:

How has the contract for felling trees and carrying away the wood been let? Is it for a lump sum or per picul?

If by the picul, is the weight being supervised and checked, and if so, by whom?

Why were not public tenders invited for it?

Will the Government not take steps to prevent the coolies carrying on this work, in the cemeteries, and working there on Sundays?

## BOUNTY-FED SUGAR.

The ATTORNEY-GENERAL proposed the second reading of a Bill entitled An Ordinance to give effect to Article VIII. of the Brussels Sugar Convention, 1902.

The COLONIAL SECRETARY seconded

H.E. THE GOVERNOR said—that in the year 1902 a convention was made by the representatives of most of the European Powers of which the object was the restriction of the bounty feeding of sugar. The Colony was not itself a party of the Convention, and could not become one without placing the refineries in bond under the supervision, night and day, of revenue officers, and without incurring other inconveniences. But the advantage of having its sugar admitted into the countries that adhered to the Convention

at the lowest rate of import duty was secured to the Colony provided, in the first instance, that no bounty was given by the Colony to sugar exported, and provided secondly that the Colony took the necessary steps to prevent sugar that came from countries that gave bounties passing through it to countries that were parties to the Convention without it being clearly shown that the sugar which was imported had not originally been bounty fed. Of course, Hongkong did not give any bounties on sugar, and as regarded the second proviso, the Imperial Government had undertaken that it should be fulfilled. That undertaking might be given effect in two ways. First of all, sugar might be refined in bond, so that sugar refined from bounty fed material could be kept separate from sugar refined from non-bounty fed material, and every package exported to a Convention country could have been certified to be from the latter class. This method would be very inconvenient, and also, there would still be a chance of sugar refined in the Colony being excluded from countries adhering to the Convention. The other method was to exclude any bounty fed sugar from entering the Colony. That was the method embodied in the Bill before the Council. It was not considered that any inconvenience would be caused by the prohibition, in view of the fact that practically no bounty fed sugar at present reached the Colony. Further, the Bill would assist the object of the Convention, an object on which great stress was laid by His Majesty's Government, viz., the doing away with the giving of bounties for the manufacture of sugar.

The Bill was read a second time

The ATTORNEY-GENERAL moved that the Council go into Committee on the Bill.

The COLONIAL SECRETARY seconded.

The Council went into Committee.

On Clause 2, the Attorney-General moved that the first line should read—"When it has been reported by the Permanent Commission, and notified in the Gazette," etc.

The amendment was adopted.

Hon. GERSHOM STEWART—How are you to enforce the last sentence:—"Any person importing into the Colony sugar from such foreign country shall be guilty of a breach of this Ordinance?" There is no means of knowing what ships bring.

The HARBOUR MASTER—We have always power to take the manifest, and by that means we should discover what they have on board.

The ATTORNEY-GENERAL—Regulations are to be made under this ordinance to carry out its provisions.

Hon. R. G. SHEWAN—There is no possibility of judging from the ship's manifest that the sugar is direct or indirect.

The COLONIAL SECRETARY—If the hon. member looks at the next section he will see that regulations are to be made.

H.E. the GOVERNOR—I see no reason for cutting out any of the provisions of this section.

Hon. R. G. SHEWAN—It will mean a great deal of extra work.

Clause 2 was passed.

On clause 3, which read as follows:—

It shall be lawful for the Governor-in-Council, from time to time as he shall think fit, to make revoke and vary regulations for the purposes of this Ordinance, and in particular for the purpose of requiring that the origin of all sugar imported into the Colony shall be proved by such certificate or other evidence as the said regulations shall provide. The said regulations shall be published in the Gazette, and shall thereupon become as valid as if inserted in this Ordinance,

Hon. R. G. SHEWAN said—That will simply mean a tax on sugar. It will be an extra expense on the Colony to find out where the sugar comes from.

The COLONIAL SECRETARY—It is in the interests of the sugar industry of the Colony.

Hon. R. G. SHEWAN—It is not in the interests of the Colony itself. Are we sitting here in the interests of the sugar industry of the Colony?

The COLONIAL SECRETARY—It is one of the largest industries of the Colony.

Hon. R. G. SHEWAN—It may be one of the largest, but it is not the greatest in the Colony.

The ATTORNEY-GENERAL—Indo-China is excluding our sugar because we have not yet complied with the Convention.

H.E. the GOVERNOR—I think the hon. member has hardly studied this question.

Hon. R. G. SHEWAN—I have not studied the question, but I have listened to the answers of the Colonial Secretary who says this has to be done.

The COLONIAL SECRETARY—It is a pity the hon. member did not read the Blue book about this question. He obtained permission to get it from me and then wrote and said he did not want it.

The GOVERNOR—Does the hon. member not wish to carry out the terms of the Convention?

Hon. R. G. SHEWAN—No.

Hon. GERSHOM STEWART—I did not know what machinery the Colony had. We pride ourselves upon being a free port, and I was wondering how we could ensure the carrying out of these provisions.

The GOVERNOR—The hon. member the Harbour Master answered that question.

Clause 3 was then passed.

The Bill passed through Committee, and on the Council resuming the Bill was read a third time and passed.

#### IMBECILE PERSONS.

The ATTORNEY-GENERAL, in moving the second reading of a Bill entitled An Ordinance to amend the Imbecile Persons Introduction Ordinance, 1903, said—This is to amend the Ordinance which was passed in January of the present year, and the reasons for doing so are threefold as shown in the "objects and reasons" appended to the Bill. The first purpose is to remove any doubt as to whether the principal Ordinance applies to natives of Hongkong, and by the very principle on which the Ordinance itself is founded we could not reasonably expect other countries to bear the burden of our own native imbeciles. The second purpose of the amending Bill is to exclude Chinese from the operation of the principal Ordinance. The Chinese have not in fact created any difficulty in this matter, and it was not the case of the Chinese which the principal Ordinance was designed to meet. We have already a system which has proved satisfactory in dealing with their cases. The third purpose of the Ordinance is formal but necessary to avoid any possible conflict with the China and Japan Order in Council 1865, which provides that in certain events which need not be specified we have to receive British subjects deported from China. It is obligatory on Hongkong to receive British subjects so deported from China. This Ordinance is not meant to clash with that. I beg to move the second reading.

The COLONIAL SECRETARY seconded.

The Bill passed the second reading and the Council went into Committee.

On clause 2, which read as follows:—

Section 4 of the principal Ordinance shall be amended by the addition of the following words at the end thereof:—

"nor to natives of the Colony, nor to persons of Chinese nationality, nor to persons deported from China under the provisions of the China and Japan Order in Council, 1865,"

Hon. R. G. SHEWAN said—Are Chinese imbeciles to be allowed to enter the Colony? We don't want imbecile Chinese here.

The GOVERNOR—This is a point that was specially asked for by the Chamber of Commerce, and as I thought it right to meet their wishes, the words "nor to persons of Chinese Nationality" has been inserted in the Clause.

Hon. R. G. SHEWAN—The Chamber of Commerce is not the whole colony, and I cannot believe even the Chamber of Commerce wishes imbecile Chinese in the Colony any more than anybody else does.

The COLONIAL SECRETARY—The Chamber of Commerce expressed the feeling that this should be in the Bill.

Hon. R. G. SHEWAN—It is no reason that because they wish a thing they should get it. I would come forward with some wishes tomorrow if I thought the Governor would grant them.

The Bill passed Committee, Hon. R. G. Shewan dissenting.

The ATTORNEY-GENERAL moved, if no member objected, the third reading of the Bill.

Hon R. G. SHEWAN objected, and the third reading was postponed.

CHURCH OF ENGLAND IN HONGKONG  
AND CHINA.

The ATTORNEY-GENERAL proposed the second reading of a Bill, entitled An Ordinance to enable the Trustees of Saint John's Cathedral Church in Hongkong to hold and deal with property for the purpose of promoting the work of the Church of England in Hongkong and China. He said—The occasion for this Bill is that there is no local body possessing a general power to hold property for the use of the Church of England, and the need for such a body appears to have been for some time felt. There is already property within the diocese belonging to the Church of England, or which has been devoted to the use of the Church of England, and in all probability as time goes on there will be more property in that position. At present all such property is vested in private individuals, an arrangement that is obviously, I think, unsatisfactory. It is proposed to constitute a permanent corporate body in which property of this kind can be vested, both for the security of the property and for facility in such dealing with it as may from time to time be necessary. The only existing body available for this purpose is the church body called the trustees of Saint John's Cathedral Church in Hongkong, and this body has under the Cathedral Ordinance certain powers. It has now expressed a desire or willingness to have these powers enlarged as contemplated by this Bill. The purpose of the Bill therefore is to give the Church body legal power to acquire any property that they may desire to acquire for the use of the Church. The Ordinance will not hand over any property to the Church body—that is not its purpose. It merely enables the Church body to hold any property which it may acquire.

Hon. R. G. SHEWAN—May I ask if this body can be authorised to deal with property of the Church of England in Hongkong and also in China?

The ATTORNEY-GENERAL—We have practically no power of enforcing any rights that such a body might obtain in respect of property in China, but it is a common practice to confer these powers for what they are worth over property wherever situated. If a corporate body is specially constituted so that it cannot hold property abroad it is clear that it cannot in any event do so. All we can do is to say—"You are entitled to hold property anywhere you like and so far as you can do it we give you the power to do so." We cannot enforce the rights of the Church body in China, but we can tell them—"You are entitled to hold property there if you think it expedient to do so."

Hon. R. G. SHEWAN—The title does not say that we enable them to deal with property in China.

The GOVERNOR—I suggest that the hon. member should bring up the question of the title in Committee.

The Bill passed the second reading, hon. R. G. Shewan dissenting.

The Council went into Committee on the Bill.

In reply to a further question by the Hon. R. G. Shewan.

The ATTORNEY-GENERAL said that while the Council could not enforce the rights of the Church body over property in China they could authorise it to hold such property if it desired to do so.

Hon. Dr. HO KAI supported the Attorney-General.

The Bill passed Committee, Hon. R. G. Shewan dissenting.

The third reading was postponed.

The Council adjourned till Thursday, 3rd November, at 3 p.m.