

6TH SEPTEMBER, 1906.

PRESENT:—

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

Hon. COLONIAL DARLING, R.E. (Officer Commanding the Troops).

Hon. Mr. T. SERCOMBE SMITH (Colonial Secretary).

Hon. Sir H. S. BERKELEY, K.C. (Attorney-general).

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

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

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

Hon. Mr. F. J. BADELEY (Captain-super-intendent of Police).

Hon. Dr. Ho KAI, M.B., C.M., C.M.G.

Hon. Mr. WEI YUK.

Hon. Mr. E. OSBORNE.

Hon. Mr. E. A. HEWETT.

Hon. Mr. W. J. GRESSON.

Mr. A. G. M. FLETCHER (Clerk of Councils).

MINUTES.

The minutes of the previous meeting were read and confirmed.

NEW MEMBERS.

Colonel Darling and Mr. F. J. Badeley took the oath and assumed their seats as members of Council.

HIS EXCELLENCY'S ADDRESS.

HIS EXCELLENCY—Gentlemen: The work to be done during this Autumn session is to vote sums of money in accordance with financial minutes Nos. 44 to 64, which I shall explain to the Council when the Colonial Secretary moves that they be referred to the

Finance Committee, and also to pass the six Bills which appear in the Orders of the Day, and four others which will presently be added to those Orders. Of the six bills which it is proposed to read for the first time to-day the first, an Ordinance to amend the Code of Civil Procedure, has been introduced at the desire of the Chief Justice. His Honour originally suggested that in place of an Ordinance amending certain parts of the Code one should be passed to empower the judges to make amendments from time to time. Remembering having read of the satisfaction with which the present Ordinance was received in 1901 as giving some finality to this Code, the recommendation of the Chief Justice did not seem to me one to be followed, and I ascertained that this was also the opinion of the legal profession in the Colony: they considered it would be better that any amendments necessary should be made by direct legislation. Of the necessity for amendments contained in the Bill now before you I am scarcely able to judge as they are of so technical a nature, but the Bill will be referred in due course to the Law Committee who will no doubt pay attention to any representations with regard to it that they might receive from the barristers and solicitors of the Colony. The second Bill, an Ordinance to amend the Lunacy Ordinance of 1906, is merely to effect a verbal alteration, directed by the Secretary of State, on the Bill recently passed. The words "high Court of Judicature" were employed instead of "supreme Court of Judicature," which ought to have been used. The Bill for amending the Merchant Shipping Ordinance of 1899 consists of two effective clauses, of which the first is to prevent junks or launches lying alongside or off ships without the permission of the master in the same way as they are now prevented from lying alongside or off wharves without the permission of the owner. The second provision of the Bill is intended to revise the junk regulations so as to lessen the attendance of junk masters at the Harbour Office and generally to simplify the procedure in connection with the various permits that junk masters are required to possess. At the same time it is proposed to do away with the system of securities that at present prevails, as it is believed to give rise to irregularities prejudicially affecting the Chinese junk masters. When the Bill comes up to be read a second time the Harbour Master no doubt will give a full explanation of its provisions. The Bill for the amendment of the New Territories Land Ordinance is for the purpose of making a claim

for rent "a proceeding relating to land" so as to give the Land Officer exclusive jurisdiction in cases of such claims under \$500. The Land Officer has all the records at his disposal and has a personal acquaintance with the district and with the ways and customs of its inhabitants. It was the intention of the original Ordinance that he should have this jurisdiction, but it was held in a recent case that claims for rent were not proceedings relating to land and so did not come under the provisions of the New Territories Land Ordinance of 1905. It is now desired to bring them under the provisions of that Ordinance. The object of the Bill for the transfer of certain sums forming part of the Praya Reclamation Fund to the General Revenue is to avoid paying 20 per cent. to the Imperial Government on the sums returned to the Colonial Government on the final adjustment of the Praya Reclamation Fund. The Bill has been approved by the Secretary of State; the Lords Commissioners of the Treasury, and the Army Council have also expressed their concurrence. The last of the six Bills on the Orders of the Day is to amend the Regulation of Chinese Ordinance 1888, and is due to the recommendation contained in the last annual report of the Registrar General, which was laid on the table of this Council, that the registration of householders should be extended to Old Kowloon. The Registrar General has stated that he has talked this over with various representatives of the Chinese community and that they were in favour of the extension. The police consider that the Ordinance is most useful in identifying householders, and the Crown Solicitor advised that it is also useful to the mercantile community. It occurred to me that as we were going to amend the Ordinance it would be better to take general powers for extending the provisions to any part of the Colony to which it might be considered to extend them from time to time instead of only restricting the extension to Old Kowloon. In addition to these six Bills I shall ask the Council to pass during the present session the Supply Bill for 1907. Last year the corresponding Bill was introduced on the 7th September. This year I had hoped to introduce it on the 6th. As members are aware the tenders for the Opium Farm were, however, only opened on the 31st August and as the revenue to be derived from the Opium Farm affected considerably the estimates for the coming year it was necessary to carefully reconsider these estimates and to delay for a week the introduction of the Supply Bill. Another bill which will be introduced later is the Prepared Opium Bill in substitution of the one passed in 1904. The old Ordinance will be repealed and re-enacted so as to include morphine under its provisions, and also with a provision to enable Government to have some check on the importation of that drug. Later on it is proposed to introduce a new Trades Marks Ordinance, to transfer the registration of trade marks from the Colonial Secretary's office to that of the Registrar of the

Supreme Court, to which office it more strictly pertains, and at the same time to introduce certain modifications into the Ordinance which have been introduced into the Home Act, based on the decisions of judges in the Courts at home. Lastly, it is proposed to introduce a Widows and Orphans Pension Fund Ordinance. Members will remember that I promised such Ordinance this time last year. It was then intended to transfer the fund from the directors who now administer it as a separate fund to the Government, and to merge it in the general accounts of the Colony. This proposal did not find favour with those particularly interested in the fund. The Bill which will be introduced this session does not transfer the fund. It simply introduces some provisions which will be favourable to those who contribute to it.

PAPERS.

The COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table the following papers:—Report of the Director of Public Works for the year 1905, and Report on the Assessment for the years 1906-1907.

FINANCIAL MINUTES.

The COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table Financial Minutes Nos. 44 to 64, and moved that they be referred to the Finance Committee.

The COLONIAL TREASURER seconded.

His EXCELLENCY—Financial Minute No. 44 for \$170 is necessary owing to provision having been made in the estimates in error for only removing the hulk *Hygeia* to Stonecutters Island and not for also moving it back into its usual position. Financial Minute No. 45 for \$100 is required owing to incidental expenses in connection with the Lunatic Asylum having been under-estimated; a larger sum has been provided in the estimates of 1907 than was provided in 1906. Financial Minute No. 46 for \$900 is in aid of the vote for education and is necessary owing to it not having been anticipated that Mr. Bird, the senior assistant English master at Queen's College would go in for his final language examination during this year. Financial Minute No. 47 for \$8,000 is required owing to more compensation having been awarded than was anticipated for scavenging lanes in the rear of houses to be erected or re-erected on land held under recent grants; these lanes had to be resumed by Government under Section 180 of the Public Health and Buildings Ordinance. Financial Minute No. 48 for \$50 is to provide for payment to Sergeant Gerrard, one of the Police

Sergeants in the New Territories, for examining into the defalcations of an absconding shroff there. The examination was subsequently verified by the local auditor. It was expeditiously and accurately carried out, and was outside Sergeant Gerrard's regular duties. Financial Minute No. 49 for \$2,000, is to provide for evening extension classes at Queen's College. The Council will remember that last year a desire was expressed by one of its members that a larger proportion of the revenue of the Colony should be expended on education. This desire coincides with my own, but as I pointed out on that occasion the difficulty is to find how a larger expenditure can be profitably incurred. Last year an attempt was made to establish a collegiate course at Queen's College at which higher instruction than in the ordinary college course would be given. The instruction was to take place in the day-time, and would have been in continuation of the college course. This scheme failed, for parents do not care to keep their boys longer at school than is absolutely necessary to fit them for ordinary clerical work. The scheme now proposed gets over this difficulty by having the classes in the evening. It has been published in detail in the *Gazette* and has no doubt been studied by hon. members. It has also been supported in the local Press, and if it proves a success I shall be prepared to make arrangements for extending it. I may mention that the Secretary of State, in reply to my despatch asking for his sanction to my submitting this vote to the Council, stated that he cordially approved the scheme and should be glad to hear that the classes proved a success. I shall be very disappointed if they do not prove a success. Financial Minute No. 50 for \$25,000 is to complete the resumption of property for the Canton-Kowloon railway. The vote is asked for in extension of the original vote on which this work was carried out by the Director of Public Works. Eventually this expenditure will be transferred to the railway loan. Financial Minute No. 51 for \$300 is necessary owing to more than the average number of indictments for murder having been filed for the current year. Financial Minute No. 52 of \$2,000 is mainly due to the production of the Civil List which is a new publication. Financial Minute No. 53 for \$250 is for providing telephones for the new Harbour Office. Financial Minute No. 54 for \$250 is for the conveyance of documents in the New Territories in connection with the preparation of the new rent roll there. Financial Minute No. 55 for \$280 is for certain minor works not included in the original estimates for Green Island lighthouse and light keeper's quarters, but which are now considered necessary. An extra room and store have been provided. Financial Minute No. 56 is for an addition of \$5,024 for scavenging at Tsimchatsoi. The necessity for this arises

from the estimate having been for \$2,576 whereas the lowest tender was \$8,600. The rise in the tender is no doubt due to the more stringent conditions imposed by the Sanitary Board. Financial Minute No. 57 for \$1,073 is for new furniture for the new Harbour Office. Financial Minute No. 58 for \$125 is for coal for the Post Office steam launches, and is due to the rise in price of coal in the early part of the year. Financial Minute No. 59 for \$150 is for incidental expenses connected with the establishment of a small new school at Pingshan in the New Territories. Eventually I hope to have a larger school which will do both for the children of Pingshan and Un Long and so obviate the necessity of two schools in the eastern part of the New Territories. But that will involve considerable expenditure, so I thought it advisable for the present to take advantage of the offer of the people to set aside their ancestral temple for the new school they asked for. Financial Minute No. 60 for \$2,067 is for filling up a pool on the right-hand side of Robinson Road as you go northwards just before you meet the South Gascoyne Road. The occupiers of a house called "Parkside" adjoining this pool, complained to the Sanitary Board of the nuisance caused by it and asked that it might be removed, and the Sanitary Board requested the Government to do this. The pool is on three properties, one belonging to Government, another lot belonging to a private owner and the third to the owner of "Parkside." It seemed advisable that the whole work should be done at one time, so we applied to the adjoining owners to do the work with us, or to allow us to do it for them. The owner of one lot said he had already made arrangements, while the owner of "Parkside" declined to do anything in the matter. Financial Minute No. 41 is for \$2,009 for repairs to the Gap Rock cable. This is unsatisfactory, as in spite of these continued repairs to Gap Rock cable we find it very difficult to keep up communication with the lighthouse. The matter is receiving the attention of the Government. Considerable repairs were carried out for us by the Cable Company a short time ago, but the cable broke almost as soon as the work was completed. Financial Minute No. 62 for \$3,500 is for coal for launches belonging to the Police Department, and is required owing to the same cause as the addition already asked for in connection with the Post Office launches. \$1,500 is for repairs to launches and boats which are older and require more repairs than formerly. Financial Minute No. 63 for \$540 is for an allowance to the Captain Superintendent of Police who has recently passed in Hakka. Financial Minute No. 64 for \$150 is for a hand cart for the distribution of papers from the Colonial Secretary's Office.

The motion was carried.

NEW BILLS.

The ATTORNEY -GENERAL moved the first reading of a Bill entitled "An Ordinance to amend the code of Civil Procedure."

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

The ATTORNEY -GENERAL moved the first reading of a Bill entitled "An Ordinance to amend the Lunacy Ordinance, 1906."

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

The ATTORNEY -GENERAL moved the first reading of a Bill entitled "An Ordinance further to amend the Merchant Shipping Ordinance, 1899, and for other purposes."

The HARBOUR-MASTER seconded, and the motion was agreed to.

The ATTORNEY -GENERAL moved the first reading of a Bill entitled "An Ordinance to amend the New Territories Land Ordinance, 1905."

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

The ATTORNEY GENERAL moved the first reading of a bill entitled "An Ordinance to transfer to the General Revenue certain sums forming part of the Praya Reclamation Fund."

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

The ATTORNEY GENERAL moved the first reading of a bill entitled "An Ordinance to amend the Regulation of Chinese Ordinance, 1888."

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

His EXCELLENCY—The Council stands adjourned till Thursday, 13th September, at 2.30 p.m.

FINANCE COMMITTEE.

A meeting of the Finance Committee was held immediately after the Council, the Colonial Secretary presiding. The following votes were passed:—

MEDICAL DEPARTMENTS.

The GOVERNOR recommended the Council to vote a sum of one hundred and seventy dollars (\$170) in aid of the vote Medical Departments, B.—Hospitals and Asylums, Infectious Hospitals — Other Charges, Hospital Hulk *Hyeia*:—Shifting, towing and mooring *Hyeia*.

The GOVERNOR recommended the Council to vote a sum of one hundred dollars (\$100) in aid of the vote Medical Departments, B. — Hospitals and Asylums, Lunatic Asylums—Other Charges, Incidental Expenses.

EDUCATIONAL.

The GOVERNOR recommended the Council to vote a sum of nine hundred dollars (\$900) in aid of the vote Education, B.—Queen's College—Other Charges, Allowance to Mr.

R. E. O. Bird, Senior Assistant English Master, who has passed the examination in Cantonese, Colloquial and Written.

COMPENSATION CLAIMS.

The GOVERNOR recommended the Council to vote a sum of eight thousand dollars (\$8,000) in aid of the vote Public Works Extraordinary, Public Health and Buildings Ordinance, 1903:— 31.—Compensation.

GRATUITY.

The GOVERNOR recommended the Council to vote a sum of fifty dollars (\$50) in aid of the vote Treasury, A.—Treasurer's Office, New Territory — Other Charges, Gratuity to Police Sergeant Gerrard for examining accounts.

EVENING CLASSES.

The GOVERNOR recommended the Council to vote a sum of two thousand dollars (\$2,000) in aid of the vote Education, A.—Department of Inspector of Schools—Other Charges, Evening Continuation Classes.

RAILWAY SURVEY.

The GOVERNOR recommended the Council to vote a sum of twenty-five thousand dollars (\$25,000) in aid of the vote Public Works Extraordinary, Communications: — 15. Railway to Canton,—Survey and Preliminary Work.

COUNSELS' FEES.

The GOVERNOR recommended the Council to vote a sum of three hundred dollars (\$300) in aid of the vote Judicial and Legal Departments, A. —Supreme Court,—Other Charges, Fees to Counsel for Prisoners in Capital cases.

BLUE BOOK EXPENSES.

The GOVERNOR recommended the Council to vote a sum of two thousand dollars (\$2,000) in aid of the vote Miscellaneous Services, Printing and Binding the Blue Book, &c., &c.

MAINTENANCE OF TELEGRAPHS.

The GOVERNOR recommended the Council to vote a sum of two hundred and fifty dollars (\$250) in aid of the vote Public Works Recurrent, Communications, 8. — Maintenance of Telegraphs.

INCIDENTAL EXPENSES.

The GOVERNOR recommended the Council to vote a sum of two hundred and fifty dollars (\$250) in aid of the vote Judicial and Legal Departments, D.—Land Registry Office —Other Charges for New Territories, Incidental Expenses.

LIGHT IMPROVEMENT.

The GOVERNOR recommended the Council to vote a sum of two hundred and eighty dollars (\$280) in aid of the vote Public Works Extraordinary, Green Island Light Improvement.

SCAVENGING CHARGES.

The GOVERNOR recommended the Council to vote a sum of five thousand and twenty-four dollars (\$5,024) in aid of the vote Sanitary Department — Other Charges, Scavenging City Villages and Hill District.

NEW HARBOUR OFFICE.

The GOVERNOR recommended the Council to vote a sum of one thousand and seventy-three dollars (\$1,073) in aid of the vote Harbour Master's Department—Other Charges, Fittings for New Office.

POSTAL CHARGES.

The GOVERNOR recommended the Council to vote a sum of one hundred and twenty-five dollars (\$125) in aid of the vote Post Office, A.—Hongkong Post Office—Other Charges, Coals, Stores, &c., for Steam Launch.

EDUCATIONAL

The GOVERNOR recommended the Council to vote a sum of fifty dollars (\$50) in aid of the vote Education, Ping Shan (New Territories) Anglo-chinese School—Other Charges for the following items:—

Furniture	\$25
Incidental Expenses	25
Total	\$50

PUBLIC WORKS.

The GOVERNOR recommended the Council to vote a sum of two thousand and sixty-seven dollars and fifty cents (\$2,067.50) in aid of the vote Public Works Extraordinary,—Filling in Pool on Crown Land, Kowloon.

GAP ROCK CABLE.

The GOVERNOR recommended the Council to vote

a sum of two thousand and nine dollars and seventy-four cents (\$2,009.74) in aid of the vote Public Works Extraordinary, Repairs to Gap Rock Cable.

POLICE CHARGES.

The GOVERNOR recommended the Council to vote a sum of three thousand five hundred dollars (\$3,500) in aid of the vote Police and Prison Departments, A.—Police—Other Charges, for the following items:—

Coal, Oil, &c., for Launches	\$2,000
Repairs of Launches & Boats	1,500
Total	\$3,500

The GOVERNOR recommended the Council to vote a sum of five hundred and forty dollars (\$540) in aid of the vote Police and Prison Departments, A.—Police—Other Charges, for the following items:—

Language Allowance to Captain Superintendent	\$450
Teacher Allowance to Captain Superintendent	90
Total	\$540

COLONIAL OFFICE CHARGES.

The GOVERNOR recommended the Council to vote a sum of one hundred and fifty dollars (\$150) in aid of the vote Colonial Secretary's Department and Legislature—Other Charges, Incidental Expenses.