

HONGKONG LEGISLATIVE COUNCIL.

25TH FEBRUARY, 1909.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR, SIR FREDERICK DEALTRY LUGARD, K.C.M.G., C.B., D.S.O.

H. E. MAJOR-GENERAL R. G. BROADWOOD, C.B., A.C.D. (General Officer Commanding).

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

HON. MR. W. REES DAVIES, K.C. (Attorney-General).

HON. MR. A. M. THOMSON (Colonial Treasurer).

HON. MR. W. CHATHAM, C.M.G. (Director of Public Works).

HON. MR. E. A. IRVING (Registrar-General).

HON. MR. F. J. BADELEY (Captain-Superintendent of Police).

HON. DR. HO KAI, M.B., C.M., C.M.G.

HON. MR. WEI YUK, C.M.G.

HON. MR. H. E. POLLOCK, K.C.

HON. MR. E. A. HEWETT.

HON. MR. H. A. W. SLADE.

HON. MR. W. J. GRESSON.

MR. C. CLEMENTI (Clerk of Councils).

Minutes

The minutes of the last meeting were read, and confirmed.

Papers

The Mongkoktsui Shelter

THE COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table a report on the proposed boat shelter at Mongkoktsui by Mr. J. F. Boulton. In doing so, he said — I may say that in connection with the paper certain plans have been handed to each member which will help to elucidate the report. The report says that the boat shelter at Mongkoktsui, as designed in the colony, has been practically approved with some slight modifications which entail additional expense, and in order to keep the expenditure within the estimate which Your Excellency stipulated should not be exceeded (\$1,540,000,) the boat shelter has been slightly reduced in area.

Financial Minutes

THE COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table Financial Minutes Nos. 1 to 9, and moved that they be referred to the Finance Committee.

THE COLONIAL TREASURER seconded, and the motion was agreed to.

Financial

THE COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table the report of the Finance Committee (No. 21) and moved its adoption.

THE COLONIAL TREASURER seconded, and the motion was agreed to.

Widows' and Orphans' Pension Fund

THE COLONIAL SECRETARY—It will be within the recollection of Hon. members that, when the Widows' and Orphans' Pension Fund Bill was under consideration of this Council at the end of last year, certain correspondence was laid on the table, including a despatch from the Secretary of State, dated 28th December, 1907. The last paragraph of that despatch says "It is desirable that a valuation should be made in order that the surplus, if any, disclosed by it may be distributed among the beneficiaries of the fund in the shape of increases to the pensions." For this purpose an arbitrary rate of the exchange must be assumed for the purposes of the valuation. The exchange value of the dollar has recently fallen from about 2/3 to below 1/10. As the value of the sterling liabilities must be greater than the value of the future sterling contributions, the higher the sterling value assumed for the dollar the more favourable to the fund will be the results of the valuation, and I should be prepared to allow the valuation to be carried out at a rate, not exceeding 2/3, which you and the Legislative Council may consider fair and reasonable." It has been found, Sir, that the average rate of exchange for the eleven years 1897 to 1907 inclusive, is just a fraction over 1/10. It is therefore considered that 1/10 would be a fair and reasonable rate to take. Accordingly, Sir, I beg to move the following resolution—

Resolved that the valuation of the assets and liabilities of the Widows' and Orphans' Pension Fund contemplated under Section 18 of the Widows' and Orphans' Pension Ordinance 1908, shall be made at the rate of 1s. 10d. to the dollar.

THE COLONIAL TREASURER seconded, and the resolution was carried.

Question

THE HON. MR. POLLOCK asked the following question:—

Will the Government state what would be approximately the cost of putting up a fixed light to indicate the South-eastern entrance to the Capsuimun Pass?

THE COLONIAL SECRETARY—In answer to the question I will state that the cost of course, depends upon the nature of the light. A light similar to that at Mawan Island would cost \$700.

China's National Bereavement

HIS EXCELLENCY — The Council will recollect that some time ago we passed a resolution of condolence with the Chinese Government on the deaths of the Dowager Empress and the Emperor of China. I have received from our Minister at Peking the very cordial thanks of the Chinese Government for the sympathy expressed by this Council in the loss which China suffered by the deaths of its rulers. Unfortunately, I cannot read the actual words of the despatch as it has been mislaid. The general purport of it is, however, as I have stated.

Merchant Shipping Ordinance Amendment

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled An Ordinance further to amend the Merchant Shipping Ordinance, 1889.

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

Railway Reclamation Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled An Ordinance to authorise for public purposes the Reclamation of certain portions of the Crown foreshore and sea bed situated in Hunghom Bay in the Colony of Hongkong and to validate such reclamation as has heretofore taken place.

THE COLONIAL SECRETARY — seconded, and the motion was agreed to.

Magistrates Ordinance Amendment

THE ATTORNEY-GENERAL moved the third reading of the Bill entitled An Ordinance to amend The Magistrates Ordinance 1890 and to effect certain other amendments in the Criminal Law.

THE COLONIAL SECRETARY seconded.

HON. DR. HO KAI—On account of Section 8 of this Ordinance empowering the Governor-in-Council to make certain regulations for the prohibition of spitting in public places, I conceive it to be my duty to record my dissent against the third reading of this Bill. I ask that a division may be taken.

HON. MR. WEI YUK—I second that.

HIS EXCELLENCY—Since this Bill passed its second reading and was discussed in Committee I have received a petition signed by a large number of Chinese gentlemen. It is for the most part a repetition of the arguments adduced in this Council by those members who were opposed to the Bill on account of the section to which the senior unofficial member has referred. The petition puts forward no new argument, but reiterates those which have already been debated here. I therefore see no reason to change the decision to which this Council was committed by the second reading. The petitioners say that I have expressed a wish to promote hearty and willing co-operation with the Chinese instead of resorting to compulsion by law. They urge that a process of education and of persuasion should be instituted. That process, gentlemen, is one which we propose to adopt and towards which we have already taken steps, and I hope that no other process need ever be required. We are issuing circulars, instructing lecturers, posting notices, and taking other means of education and I consider that it is more likely that these efforts will be effective, if it is known by the people that the government has as a last resort the power of enforcing obedience. I have assured the petitioners that, if regulations should be required in the future, they will be framed with care and moderation and that every effort should be taken to avoid those contingencies which they fear, such as arbitrary arrest or undue interference with the individual. I hope that the methods of education and co-operation to which as I have indicated, we are devoting ourselves, will have the effect desired without having recourse to the issue of any regulation.

On the vote being taken, His Excellency declared that the ayes had it, but Hon. Dr. Ho Kai called for a division.

The voting then resulted—For the third

reading:—Hon. Mr. Hewett, Registrar-General, Director of Public Works, Colonial Treasurer, Attorney-General, Colonial Secretary, and H. E. the General Officer Commanding. Against:—Hon. Mr. Slade, Hon. Mr. Gresson, Hon. Mr. Pollock, Hon. Mr. Wei Yuk and Hon. Dr. Ho Kai.

The Bill was read a third time and passed.

Jury List

The Council then considered the Jury List *in camera*.

FINANCE COMMITTEE.

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

Harbour Master's Department

The Governor recommended the Council to vote a sum of Four hundred and fifty Dollars (\$450) in aid of the vote, Harbour Master's Department, B.—Mercantile Marine Office, Personal Emoluments, Overtime Allowance.

Police and Prison Departments

The Governor recommended the Council to vote a sum of One hundred and eighty Dollars (\$180) in aid of the vote, Police and Prison Departments, A.—Police, Other Charges, Language Study Allowance (Punjabi) to Probationer.

Public Works Extraordinary

The Governor recommended the Council to vote a sum of One thousand five hundred and forty-eight Dollars and forty cents (\$1,548.40) in aid of the vote, Public Works Extraordinary, resuming and filling in Fish Pond at Tai Po.

Miscellaneous Services

The Governor recommended the Council to vote a sum of Two thousand four hundred Dollars (\$2,400) in aid of the vote, Miscellaneous Services, Grants in aid of Scientific Institutions, London School of Tropical Medicine, (£200).

Harbour Buoys

The Governor recommended the Council to vote a sum of Six hundred and fifty-four Dollars (\$654) in aid of the vote, Harbour Master's Department, Harbour Office, Special Expenditure, Buoys.

Audit Department

The Governor recommended the Council to vote a sum of One thousand and ninety-two Dollars (\$1092) in aid of the vote, Audit Department, Other Charges, Share of Home Expenditure (£91).

Signalling Contribution

The Governor recommended the Council to vote a sum of Ten dollars and forty-

seven cents (\$10.47) in aid of the vote, Miscellaneous Services, Telegraph Services, Contribution in connection with signalling messages etc., to Observatory (£75).

Buildings

The Governor recommended the Council to vote a sum of One hundred and eighty dollars (\$180) in aid of the vote, Public Works Extraordinary, Buildings, Staff Quarters, Tai Po Water Service.

Colonial Secretary's Department

The Governor recommended the Council to vote a sum of forty-seven dollars (\$47) in aid of the vote, Colonial Secretary's Department and Legislature, Other Charges *Hansard* Reports.
