

8TH JULY, 1909

**PRESENT:—**

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

H. E. COLONEL DARLING, R. E. (General Officer Commanding).

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

SIR HENRY BERKELEY, K.C. (Attorney-General).

HON. MR. C. McI. MESSER (Colonial Treasurer).

HON. MR. P. N. H. JONES (Director of Public Works).

HON. MR. A. W. BREWIN (Registrar-General).

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

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

HON. MR. E. OSBORNE.

HON. MR. W. J. GRESSON.

HON. MR. MURRAY STEWART.

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

Mr. C. CLEMENTI (Clerk of Councils).

**Minutes**

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

**Financial Minutes**

THE COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table Financial Minute No. 30, and moved that it 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. 9) and moved its adoption.

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

**Railways Ordinance**

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled An Ordinance to regulate the construction and management of railways. In doing so he said—Honourable members are aware that a railway of which great things are hoped for the benefit of the Colony is being constructed between Kowloon and the border of the Colony to connect with a railway from thence to Canton. The object of this Ordinance is to authorise the construction of that railway and to provide for its administration and management generally.

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

Council then went into Committee to consider the Bill clause by clause.

On clause 5—

HON. MR. GRESSON—What does "railway administration" mean?

HIS EXCELLENCY — It is among the definitions in the initial clause.

THE ATTORNEY-GENERAL — It means persons who have the conduct of affairs.

On clause 55—

HON. MR. OSBORNE — Is there any clause compelling the Railway administration to put fences along the railway? It says "If a fence is provided."

THE ATTORNEY-GENERAL — It is no offence trespassing on the railway unless it is fenced.

HON. MR. OSBORNE — In England companies are compelled to fence their railways.

HIS EXCELLENCY—It is not proposed to fence the line beyond the tunnel where it traverses waste lands, but only in cultivated areas and near villages and stations.

HON. MR. OSBORNE—Then if there is not a fence there is no fine.

THE ATTORNEY-GENERAL — No, no fence, no fine.

After the schedule had been read——

HON. MR. OSBORNE—There does not seem to be, Sir, any provision against the prevention of fire caused by sparks from engines. In England railways are compelled to have appliances fitted to an engine to prevent sparks coming out.

THE ATTORNEY-GENERAL—It does not come in a Bill of this kind dealing with the construction and maintenance of the railway.

HON. MR. OSBORNE—Sparks from engines are likely to cause grass fires in the winter.

THE ATTORNEY-GENERAL — That question can come under the regulations of the railway.

HON. MR. OSBORNE — The engines at home have to be fitted with appliances to prevent this.

THE ATTORNEY-GENERAL — The matter will come under Clause 32 "management and work of railways." It is a matter of management.

HON. MR. OSBORNE—The Bill does not compel the railway to do so. There is much that compels the public to do what the railway wants, but nothing to compel the railway to do what the public wants. A private railway is compelled to take this precaution.

THE ATTORNEY-GENERAL—We can add that to the regulations.

HON. MR. OSBORNE—I move that a clause be inserted.

THE ATTORNEY-GENERAL — Submit a clause. You needn't do it to-day, though.

The Bill was left in Committee, and Council resumed.

### Stonecutters' Island Amendment Ordinance

THE ATTORNEY-GENERAL—moved the second reading of the Bill entitled An Ordinance to amend The Stonecutters' Island Ordinance 1889. In doing so he said—The object of this Bill is to prescribe a limited distance within which junks and other craft

may make fast or anchor. The island has now been handed over to the Military Authorities.

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

Council then went into Committee to consider the Bill.

On clause 3——

HON. MR. STEWART — The object of the Bill is, I suppose, to prevent anyone landing on the island who is not entitled to and who might be an undesirable. I take it there will be no objection to bathing parties going nearer shore than 100 yards in full daylight, the military being there to see what they are doing. I understand that, owing to the sweep of the tide, if a launch lies out more than 100 yards from the shore it is inconvenient to people who are not strong swimmers, and a hardship would be entailed on a considerable number of people who cannot get away early enough to bathe elsewhere, but who have just time to get as far as Stonecutters. I should have thought that if some words were inserted such as "after dark" or "from eight in the evening till six in the morning" the case would be met.

THE GENERAL OFFICER-COMMANDING—It is not intended to apply to bathing parties. The power is desired by the Officer Commanding to enable him to deal with the sampan people who come round there and foul the fort and land and steal wood after dark. We had great difficulty in keeping them off the island, and the power desired is to enable the military to deal with the large number of people who swarm round there. It will be used with discretion. We don't want to prevent anyone bathing. As a matter of fact this will be rather to the advantage of bathers, as the sampan people come there just where parties want to bathe and throw rubbish overboard.

THE ATTORNEY-GENERAL—It is a wise power for the military to have.

HON. MR. STEWART—Yes, so long as it is understood by the public that there is no objection to their bathing within 100 yards from the shore.

THE ATTORNEY-GENERAL — Your object will be attained by having called attention to the matter.

HIS EXCELLENCY—Do I understand that the Military Authorities will have no objection to anybody bathing there in the day time?

THE GENERAL OFFICER COMMANDING—Absolutely none. It is only to prevent sampan people coming there. Nobody would be so narrow-minded as all that.

HON. MR. STEWART—It is perfectly clear is it not, if you use the words "native craft?"

THE ATTORNEY-GENERAL — Yes. Will the words "junks or sampans" suit you?

HON. MR. STEWART—There might be an undesirable steam launch. If the assurance of the General Officer Commanding is minuted, I think the object I had in view will be fulfilled.

HIS EXCELLENCY—It will appear in the *Hansard* report.

On Council resuming, the Bill was read a third time, and passed.

### **Companies Local Registers Amendment Ordinance**

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled An Ordinance to amend the Companies Local Registers Ordinance, 1907. In doing so he said—The object of this Ordinance is to facilitate the working of the Companies Local Registers Ordinance by enabling the Registrar of Companies to entertain an application without the necessity of referring it to the Governor-in-Council. The Bill provides, while giving the Registrar discretion, that he shall be subject to any instructions he may receive from the Government. The amendment, it is believed, will be found to be in the interests of the public.

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

Council then resolved itself into a

Committee of the Council to consider the Bill clause by clause.

THE ATTORNEY-GENERAL moved that the following words be added: "A fee of \$10 shall be paid to the Registrar for an authorisation under this section."

HON. MR. GRESSON—Does this affect the Shanghai Companies chiefly?

THE ATTORNEY-GENERAL — All Companies outside the Colony that want to keep registers. It will be a convenience to them, but entails a good deal of extra work.

HON. MR. OSBORNE—Is \$10 enough, Sir?

THE ATTORNEY-GENERAL — I should have said \$100.

HON. MR. OSBORNE—Is it payable once a year?

THE ATTORNEY-GENERAL—Yes.

HON. MR. OSBORNE—I move that we make it \$100.

HON. MR. GRESSON—I think \$100 is too much. If Shanghai people think we are discriminating against them, it will have bad results. A lot of the companies are very small, and some are private. I should think that \$25 was quite sufficient, and move as an amendment that that amount be substituted.

On Mr. Gresson's amendment being put to the meeting it was lost by ten votes to two.

The amendment by Mr. Osborne was then put and carried by the same number of votes, the Hon. Mr. W. J. Gresson and the Hon. Mr. Murray Stewart dissenting.

Council then resumed, and it was reported that the Bill had passed through the Committee stages with slight amendments.

THE ATTORNEY-GENERAL—As it is an advantage to the public and a general convenience that the Bill should become law as soon as possible, I move that it be read a third time.

THE COLONIAL SECRETARY seconded.

HON. MR. STEWART—I object.

THE ATTORNEY-GENERAL—Then I do not press it.

The third reading of the Bill was deferred.

#### **Interpretation Amendment Ordinance Amendment**

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled An Ordinance to amend the Interpretation Amendment Ordinance, 1908. In doing so he said—This Bill has become necessary because of a mistake in the Ordinance we desire to amend. But for the preamble it would be difficult to give any particular meaning to the Ordinance as it was passed.

Council then resolved itself into Committee to consider the Bill clause by clause.

On resuming, the Attorney - General reported that the Bill had passed through Committee without amendment, and moved that it be read a third time.

THE COLONIAL SECRETARY seconded, and the Bill was read a third time and passed.

#### **Stamp Ordinance Amendment**

The ATTORNEY-GENERAL moved the third reading of the Bill entitled An Ordinance to amend the Stamp Ordinance, 1907, as amended by The Stamp Amendment Ordinance 1902.

THE COLONIAL SECRETARY seconded, and the Bill was read a third time and passed.

#### **Patents Ordinance Amendment**

THE ATTORNEY-GENERAL—I move that this Bill be deferred for consideration at the next meeting of Council.

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

HIS EXCELLENCY—Council will adjourn until Thursday next.

#### **FINANCE COMMITTEE.**

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

#### **Charitable Services**

The Governor recommended the Council to vote a sum of Five hundred Dollars (\$500) in aid of the vote, Charitable Services, Other Charitable Allowances.

THE CHAIRMAN—I am sorry to say we have had so many calls upon us for the first six months of the year, that we have practically spent the amount voted, and we ask you to vote another \$500 for the next six months.