

19TH MAY, 1910.

PRESENT:—

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

HIS EXCELLENCY COLONEL C. W. R. ST. JOHN (Officer Commanding the Troops).

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

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

HON. C. MCL. MESSER (Colonial Treasurer).

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

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

HON. MR. F. J. BADELEY (Capt. Supt. of Police).

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

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

HON. MR. E. A. HEWETT.

HON. MR. MURRAY STEWART.

HON. MR. E. OSBORNE.

HON. MR. H. KESWICK.

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 Minutes (Nos. 32 to 39), 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. 4), and moved its adoption.

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

Papers

THE COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table the following papers: Report of the Post Office Department, Report of the Botanical and Forestry Department, and the Report of the Prison Superintendent for 1909.

The Council's Loyalty

HIS EXCELLENCY — Gentlemen, — Last week we met to send a dutiful message of condolence with Her Majesty Queen Alexandra, Their Majesties the King and Queen and the Royal Family in their great bereavement. The gracious acknowledgment of our message has been made public, and I now lay a copy of it on the table:—

11th May, 1910.

Governor,

Hongkong.

Your telegram dated 9th May has been laid before Their Majesties, and I am commanded to convey Their Majesties' heartfelt thanks for loyal and dutiful message of sympathy with them in their great bereavement.

CREWE.

I take this opportunity of stating publicly how much I have been impressed by the universal evidence of sympathy with the Royal and Imperial House of England and with England herself in the sorrow that has befallen them. The Foreign and Chinese communities have marked their feeling by generally adopting mourning and by other fitting outward manifestations of their sympathy and respect.

To-day this Honourable Council desires on the eve of the obsequies of our beloved Sovereign King Edward VII., of blessed and glorious memory, to convey to His Most Gracious Majesty King George V. the humble expression of our loyalty and devotion to His Majesty's Throne and person. It is the fervent prayer of all members of this Council and of every subject of His Majesty's dominions, that Almighty Providence may vouchsafe a long and glorious reign to the King and Emperor who has now been called to rule over us. I have the honour to move the following resolution:—

We, the members of the Legislative Council of Hongkong, tender our humble duty and desire with profound respect to convey to Your Most Gracious Majesty on the occasion of your accession to the Throne of Your Majesty's Ancestors our sentiments of devotion and loyalty to Your Majesty. We invoke God's blessing upon the successor of our beloved and revered Sovereign King Edward VII., and we pray that to Your Majesty there may be granted a long and glorious reign over a united and prosperous people,

HON. DR. HO KAI—Sir, most respectfully and fervently, I beg to second the resolution just proposed by your Excellency. In doing so I am sure I have the entire approval and cordial support of my colleagues—(Hear, hear)—and the concurrence of the various communities we have the honour to represent on this Council. The British subjects of Hongkong without distinction of race and creed have long been noted for their loyalty and devotion to the Throne, and on more than one occasion they have demonstrated their loyal feelings in no uncertain manner. We are specially devoted and attached to the Royal House which has given us such great and good Sovereigns as Queen Victoria the Good and King Edward the Peacemaker, under whose rule the whole Empire thrived in peace and prosperity. We are confident that His Most Gracious Majesty King George the Fifth will continue in the wise and peace-promoting policies of his illustrious predecessors, and that the welfare and interest of the vast British Empire will be safeguarded and promoted under his benign rule. Long live the King! May His Majesty have a most glorious, happy and peaceful reign! (Hear, hear.)

HON. MR. HEWETT — With your permission, I would beg to supplement with a few words the remarks made by the senior unofficial member who so eloquently seconded the resolution proposed by your Excellency. His Majesty King George V. has ascended the Throne at a moment which cannot but be considered fraught with difficulties of possibly great

and far-reaching effect not only to our Empire but also to the history of the world. His Majesty has been trained in a good school; early in life he had the example of his illustrious grandmother, Queen Victoria, of beloved memory, before him. Later the further model of our late revered King, who in his time ranked as the first diplomatist of the age. We have every reason to hope and to believe that His Most Gracious Majesty, towards whom our thoughts are now turned, trained in such a school, and by such monarchs, will during his reign realize to the full our proudest aspirations. A wise ruler, a tactful diplomatist and a promoter of peace, one who will in every way maintain the high prestige of our Empire, and while ensuring the progress of his country will at the same time ensure its position against any overt act, so that he will in the highest sense of the words live up to the proud motto of that great service of which he has proved himself so capable a representative, "Defence—Not defiance." (Applause.)

The resolution was carried unanimously.

The Debated Site

HON. MR. STEWART asked the following questions standing in his name:—

(a.) Did the Governor of the Colony in this Council on the 20th July, 1903, accurately state the intentions of the Government when he said, "As regards the ground in front of the Club, I hope that nothing will ever be built upon it. I propose that the ground shall be made a public garden ... My idea is that the ground shall be preserved as an open space entirely and add to the beauty of the place"?

(b.) Did the Honourable the Director of Public Works (then, as now, Mr. Chatham) at the official ceremony of laying the foundation stone of the new Law Courts, on November the 12th, 1903, in the presence of the Governor of the Colony, the Hon. the Colonial Secretary (then Mr., now Sir Henry May), and many other high Government officials, accurately state the intentions of the Government when he read from a written document this announcement: "The area to the north of this will, therefore, remain unbuilt upon, and an almost unrivalled site for the Courts, having regard to the open spaces which will adjoin them on three sides, will thus be created"?

(c.) Did His Excellency Sir Frederick Lugard accurately state the intentions of the Government when, on the 28th October, 1909, he said in this Council, in reply to a question whether the Government would undertake to have the plot in question cleared and made presentable as soon as it was no longer necessary to the work on the Law Courts and Post Office to maintain it in its present untidy state: "The present intention of the Government is to clear the plot as soon as it can be done"?

THE COLONIAL SECRETARY gave the following answers to the questions:—

(a.) No. The statement by Sir H. Blake was only the expression of a personal hope. No steps were ever taken by him by legislation or by recommendation to the Secretary of State in order to get the plot dedicated to the public as an open space.

(b.) The Director of Public Works on the occasion referred to merely re-echoed the personal wish of Sir H. Blake. Neither he nor Sir H. Blake had any authority to declare that the area would be reserved as an open space.

(c.) The remarks of Sir F. Lugard referred to the removal in due course from the area of certain matsheds which had been complained of as unsightly. His words disclose no suggestion that the area should be permanently reserved as an open space.

Hillside Fires

THE HON. MR. MURRAY STEWART asked the following question standing in his name:—

In view of the extensive destruction of trees caused by the recent hillside fires in the vicinity of Aberdeen, and the circumstance that many of these separate conflagrations occurred simultaneously—some on this island, and others on the island of Ap-li-chau—will the Government inform the Council what steps have since been taken to guard against woodland incendiarism among the villagers and boatpeople of this particular district?

THE COLONIAL SECRETARY replied as follows:—The fires referred to were caused by burning of joss papers at the Tsing Ming Festival. The following steps were taken before and at time of the fires:—

Fire barriers were cleared as usual in the Autumn.

About a fortnight before the festival notices in Chinese were posted up in Pokfulam, Aberdeen, Ap-li-chau, Little Hongkong and other villages on the island warning the people to be careful in the burning of joss sticks and papers and the firing of crackers at the temple.

On the day of the festival, foresters and coolies

obtained especially for the purpose were posted at all the cemeteries, but owing to the dryness of the vegetation on account of the absence of rain, and the very strong wind blowing at the time, the men were unable to keep the fires in check. More men were obtained from Aberdeen and the Police at both places rendered valuable assistance.

On Mt. Kellett the fire crossed two barriers in succession, the sparks having been carried across by the wind. The Superintendent of the Botanical and Forestry Department was at Mt. Kellett himself and saw the great difficulty the men had in dealing with the fires on this particular occasion.

Precautions similar to the above will be taken in the future.

Pharmacy Amendment Ordinance

THE ATTORNEY-GENERAL moved that Council resolve itself into a committee of the whole Council to further consider the Bill entitled, "An Ordinance to amend the Pharmacy Ordinance, 1908," clause by clause.

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

THE ATTORNEY - GENERAL moved that in section 3, after the word "there-under" in the 9th line, the words "or that any person has committed an offence against such Ordinance or regulation," be inserted.

And in paragraph (b), before the word "place" in the 6th line, the words "dwelling-house, shop, building," be inserted.

And at the end thereof add the words "(c) to arrest any person named in such warrant."

The amendment was agreed to.

THE ATTORNEY - GENERAL moved that section 18 be re-numbered section 6 and the 1st paragraph of section 18, sub-section 1, and after the words "Principal Ordinance" in the 8th line the words "or any regulation made thereunder," be inserted.

And after the word "all" in the 11th line the word "such" be inserted, and that section 6 be re-numbered as sub-section 2 of section 6, and section 6 be amended by inserting in place of the word "shall" in line 3 the words "other than the breaches for which penalties are prescribed in sub-section 1 of this section may."

And in lieu of paragraph 2 of section 18 the following words be inserted: "Section 6, sub-section 3. All proceedings under this Ordinance to recover penalties or to forfeit any poison shall be taken summarily before a magistrate."

HON. MR. HEWETT said — Your Excellency, as the Attorney-General is bringing so many amendments on what is a very highly technical question, wouldn't it be better to refer the matter to the Law Committee?

HIS EXCELLENCY—It is hardly worth while.

HON. MR. HEWETT—If I had known we were going to have so many amendments I would have made the proposal earlier in the afternoon.

THE ATTORNEY-GENERAL — There are not many more.

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

THE ATTORNEY-GENERAL moved that in section 9, in lieu of the words from "In dismissing to vexatious" in the 3rd line, the following words be inserted: "The Magistrate may dismiss any charge or complaint under this Ordinance on the ground that such charge or complaint is frivolous or vexatious, although the commission of an offence be proved, and when a charge or complaint is dismissed, if it is dismissed on the ground that such charge or complaint is frivolous or vexatious or the Magistrate is of opinion that such charge or complaint was supported by evidence false to the knowledge of the person bringing such charge."

The amendment was agreed to.

THE ATTORNEY - GENERAL moved that section 17 be amended by inserting, at the end thereof, the words, "or any Ordinance amending and re-enacting the same."

The amendment was agreed to.

On Council resuming,

THE ATTORNEY-GENERAL reported that the Bill had passed through committee with certain amendments.

Malicious Damage Amendment Ordinance

THE ATTORNEY - GENERAL moved that Council resolve itself into a committee of the whole Council to further consider the Bill entitled, "An Ordinance to amend the Malicious Damage Ordinance, 1865."

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

On Council resuming,

THE ATTORNEY-GENERAL reported that the Bill had passed through committee with slight amendment.

Opium Amendment Ordinance

THE ATTORNEY - GENERAL moved that Council go into committee to further consider the Bill entitled, "An Ordinance to amend the Opium Ordinance, 1909."

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

THE ATTORNEY-GENERAL moved that a new clause be inserted to amend section 2 of the principal Ordinance by adding at the end thereof, "Export means to convey out of the Colony or do any act preparatory to or for the purpose of conveyance out of the Colony." He said—The object of that new clause is to enable the Government to prosecute successfully persons who are trying to export opium in contravention of this Ordinance. It is not allowable, under section 36, for the Opium Farmer or anybody else to export opium to places in China or the Philippines, and there is a difficulty in stopping that as the words of the Ordinance stand. When a man puts opium on board a boat, for instance, for the purpose of exporting, it is rather hard to say that he is exporting it. By export is meant doing any act preparatory for the purpose of causing export outside the Colony.

HON. MR. HEWETT — Does that mean, Mr. Attorney, that if a man puts opium on a lighter or boat with a view presumably to putting it on a steamer, that the opium can be seized, or that he can be punished?

THE ATTORNEY-GENERAL—If it is going to an unlawful place.

HON. MR. HEWETT—I understood you to say putting it on board a lighter. Do you mean before it actually gets on board the steamer?

THE ATTORNEY-GENERAL—Before it gets on board the steamer preparatory to export, but the words as the section stands don't quite cover such a case.

The amendment was agreed to.

On section 4, concerning a fee of \$25 to the Government Analyst,

THE ATTORNEY-GENERAL said — As the section stands I think it can only be ordered in conviction cases. We can only order a man to pay the Analyst's fee on conviction.

HON. MR. STEWART—There is no harm in making it clear.

THE ATTORNEY-GENERAL—As it is the calling of the Analyst at the request of the defendant, I would suggest that the following words be inserted in place of the portion of the clause in question, "But if the Analyst is called by or at the request of the defendant, the magistrate may order the defendant, in addition to any other penalty imposed upon conviction upon the charge in respect of which the Analyst is called to give evidence, to pay a fee of \$25 for the attendance of the Analyst." That makes it clear that he must be convicted upon the particular charge on which the Analyst is called to give evidence before he can be ordered to pay the cost of the Analyst's attendance. It is rather clumsily worded, but it is clear, and covers the difficulty that has been raised.

The amendment was agreed to.

On Council resuming,

THE ATTORNEY-GENERAL reported that the Bill had passed through committee.

Magistrates' Amendment Ordinance

THE ATTORNEY-GENERAL moved that Council go into committee on the Bill entitled, "An Ordinance to amend the Magistrates' Ordinance, 1890."

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

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

On resuming,

THE ATTORNEY-GENERAL reported that the Bill had passed through committee with slight amendment, and moved that it be read a third time.

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

Squatters' Amendment Ordinance

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled, "An Ordinance to amend the Squatters' Ordinance, 1890.

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

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

On resuming,

THE ATTORNEY-GENERAL reported that it had passed through committee with slight amendment, and moved the third reading.

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

HIS EXCELLENCY—Council will adjourn until this day fortnight.

FINANCE COMMITTEE.

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

Squatters

The Officer Administering the Government recommended the Council to vote a sum of Three thousand four hundred and fifty-nine Dollars (\$3,459) in aid of the vote, Public Works, Extraordinary, Public Health and Buildings Ordinance, 1903, for the following items:—

Compensation to the Squatters in Hok Un Village for houses,	\$2,959
Forming up a new site for the Squatters,	500
Total	\$3,459

Harbour-Master's Department

The Officer Administering the Government recommended the Council to vote a sum of Ninety-two dollars (\$92) in aid of the vote, Harbour-Master's Department, *A.*—Harbour Office, Other Charges, Conveyance Allowance to Harbour-Master.

THE CHAIRMAN explained that the Harbour - Master was formerly as Supt. of Import and Exports allowed travelling expenses, and it was found necessary after separating the duties to provide \$100 per annum to cover his travelling expenses as Harbour-Master.

HON. MR. HEWETT—Does he spend the \$100?

THE CHAIRMAN—We do not inquire too closely.

Registration of Trade-Marks

The Officer Administering the Government recommended the Council to vote a sum of Two hundred and seventy-five dollars (\$275) in aid of the vote, Judicial and Legal Departments, *E.*—Land Registry Office, Personal Emoluments, Remuneration to two Official Receiver's Clerks, 1 at \$180, and 1 at \$120, for work in connection with the registration of trade marks, etc.

Education Department

The Officer Administering the Government recommended the Council to vote a sum of One thousand four hundred and ninety dollars (\$1,490) in aid of the vote, Education, *A.*—Department of Director of Education, Personal Emoluments, Belilios Public School, for the following items.—

7 6th Grade Assistant Mistresses, (less fees to 3 Pupil Teachers)	\$1,250
Drawing Master,	240
Total	\$1,490

THE CHAIRMAN—This increase of the staff is, I think, on account of the large increase in the attendance at Belilios Public School.

HON. MR. OSBORNE—Is the sum of \$1,250 the salaries of the new teachers?

THE CHAIRMAN—That is for salaries, less fees of three pupil teachers who are being dispensed with.

HON. DR. HO KAI—For how many months?

THE CHAIRMAN—It does not say in the minute.

HON. MR. OSBORNE—Not a year's salary?

THE CHAIRMAN—I don't think it is a year's salary.

Judicial Charges

The Officer Administering the Government recommended the Council to vote a sum of Three hundred and ninety dollars (\$390) in aid of the vote, Judicial and Legal Departments, *A.*—Supreme Court, Other Charges, Fees to Counsel and Solicitors for Prisoners in Capital Cases.

Fire Brigade

The Officer Administering the Government recommended the Council to vote a sum of Seven hundred dollars (\$700) in aid of the vote, Police and Prison Departments, *B.*—Fire Brigade, Other Charges, Repairs to Engines and Plant.

Medical Departments

The Officer Administering the Government recommended the Council to vote a sum of One hundred dollars (\$100) in aid of the vote, Medical Departments, *C.*—Institutes, Bacteriological Institute and Mortuaries, Other Charges, Books.

Public Works Department

The Officer Administering the Government recommended the Council to vote a sum of One hundred and eight dollars and fifty cents (\$108.50) in aid of the vote, Public Works Department, Personal Emolu-

ments, Waterworks, Additional First-Class Indian Constable.

THE CHAIRMAN — The Director of Public Works requires an additional Indian constable at the waterworks. No doubt he will be able to tell you why the extra constable is wanted.

THE DIRECTOR OF PUBLIC WORKS—The Indian police are rather nervous of patrolling singly in that part of the country, and there is no use having anyone there unless we have a sufficient number to protect the property efficiently. Considerable thefts have been committed, which might have had serious consequences.