

10TH AUGUST, 1911.

PRESENT:—

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

HIS EXCELLENCY MAJOR-GENERAL C. A. ANDERSON, C.B. (General Officer Commanding Troops).

HON. MR. W. D. BARNES (Colonial Secretary).

HON. MR. C. G. ALABASTER (Attorney-General).

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

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

HON. MR. A. W. BREWIN, C.M.G. (Registrar-General).

HON. CAPTAIN F. W. LYONS (Captain-Superintendent 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. H. E. POLLOCK, K.C.

HON. MR. C. H. ROSS.

HON. MR. C. MONTAGU EDE.

MR. C. CLEMENTI (Clerk of Councils).

Minutes

The minutes of the previous meeting were read and approved.

Financial Minutes

THE COLONIAL SECRETARY, by command of his Excellency the Governor, laid on the table Financial Minutes Nos. 49 to 51, 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. 12), and moved its adoption.

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

The Typhoon Refuge

HON. MR. H. E. POLLOCK, pursuant to notice, asked the following question:—

In view of the statement concerning the progress of the work on the Typhoon Refuge, which was laid upon the table at the last meeting of Council, will the Government take steps to ensure that the future monthly expenditure on this work during the remaining 52 months of the contract time and the general progress of the work shall be such as to safeguard the completion of the work within the contract time of five years?

THE COLONIAL SECRETARY replied—

The Government are taking all steps in their power to expedite the work and to ensure its completion within the contract time.

Protection of Women and Girls' Amendment Ordinance

THE REGISTRAR-GENERAL moved the first reading of a Bill entitled, "An Ordinance to further amend the Protection of Women and Girls' Ordinance, 1897."

THE ATTORNEY-GENERAL seconded, and the Bill was read a first time.

The objects and reasons attached to the measure state that this Bill by changing a "may" into a "shall" limits a Magistrate's discretion so that in future when he is satisfied, on complaint being made by the Captain Superintendent of Police or by the Registrar-General, that a house is used as a lodging-house for prostitutes or disorderly persons, or as a brothel, he must punish. His discretion, however, as to the amount of the fine is not interfered with. Where the complaint does not come from the Captain Superintendent of Police or from the Registrar-General, proceedings are taken under another Ordinance (No. 1 of 1894), in which case the Magistrate's general discretion is not affected by this Bill.

Arms and Ammunition Amendment Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the Arms and Ammunition Ordinance, 1900"

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

According to the objects and reasons, the definition of "Exempted person" in the Principal Ordinance has been considered too wide. It was, "'Exempted person' means and includes any person in the Naval, Military, or Civil Services of the Crown, and any officer of any Foreign Government, and any officer or volunteer as defined by the Volunteer Ordinance, 1893, or by any Ordinance amending or substituted for the same, and any Justice of the Peace, special juror, member of the Legislative Council, or other person exempted by Ordinance from serving on a jury on account of his avocation or profession and any member of the Police Force and any district watchman."

Tung Wa Hospital Extension Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance for the Establishment of a Hospital for the care and treatment of the Chinese patients in the Kowloon Peninsula."

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

Crown Solicitor's Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to enable Joseph Horsford Kemp, Esquire, Barrister-at-law, to practise as Crown Solicitor in the Court and to provide for the payment of solicitor's costs in cases in which a salaried Crown Solicitor or Assistant Crown Solicitor acts as solicitor.

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

The objects and reasons state:—This Bill is necessary owing to the appointment as Crown Solicitor of Mr. Kemp, who will be an English barrister by the time he arrives in the Colony. Section 6 is analogous to section 2 of

the Crown Counsel's Fees Ordinance, 1903, which deals with the Attorney - General's costs. The arrangement with the present Acting Crown Solicitor expires on the 31st August.

Widows' and Orphans' Pension Amendment (No. 3) Ordinance

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled, "An Ordinance to yet further amend the Widows' and Orphans' Pension Ordinance, 1908." In doing so he said—This Bill was introduced because the Secretary of State has decided that in the case of auditors and assistant auditors, their contributions to the Widows' and Orphans' Pension Scheme shall not be compulsory.

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 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.

Crown Lands Resumption Amendment Ordinance

THE ATTORNEY-GENERAL moved that Council go into Committee on the Bill entitled, "An Ordinance to further amend the Crown Lands Resumption Ordinance, 1900."

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

On Clause 3,

HON. MR. ROSS said—Sir, with regard to sub-section 3, I understand that a communication has been received by the Government from parties in Hongkong, to which a reply has been sent. They have not had time to consider that reply, and ask that the Bill be delayed for a time to enable them to consider the reply received from Government.

HIS EXCELLENCY—We can leave that clause of the Bill in Committee if you like.

HON. MR. ROSS—Yes.

On clause 4,

THE ATTORNEY-GENERAL — I should like to move an amendment that the proviso be cut and a full stop inserted after the words "Supreme Court". The new sub-section 3 of section 5 gives the Governor-in-Council power to determine the remuneration of arbitrators at the time of their appointment. It is intended to give a wider interpretation to the term "public officer", so it would be better to cut out the proviso.

THE COLONIAL SECRETARY — I understand that a Justice of the Peace will be a public officer?

THE ATTORNEY-GENERAL — I understand that is the intention under the new interpretation of the Bill.

The amendment was approved.

On clause 6,

THE ATTORNEY-GENERAL — I beg to move the addition of two further sub-sections "k" and "l" to section 6 of the Bill. "K" shall read: "In sub-section 1 (b) of section 9 so re-numbered section 1 of Ordinance 10 of 1900 the words "or after the notice by the Colonial Secretary under section 5, as the case may be" shall be inserted after the words "notice of intended resumption." "L" shall read: "In section 12 so re-numbered section 14 of Ordinance 10 of 1900 the words "Governor or owner" shall be deleted in the two places where the said words occur, and there shall be inserted in substitution in each of the said places the words "Governor, owner or chairman."

The amendments were approved, and Council resumed.

Prison Amendment Ordinance

THE ATTORNEY-GENERAL moved the third reading of the Bill entitled, "An Ordinance to further amend the Prison Ordinance, 1899."

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

Penalties Amendment Ordinance

THE ATTORNEY-GENERAL moved the third reading of the Bill entitled, "An Ordinance to abolish Minimum Penalties, and to bring the Law of the Colony as to Penalties into uniformity with the Law of England, and for other purposes."

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

The Interpretation Ordinance

THE ATTORNEY-GENERAL moved that the Committee stage be resumed on the Bill entitled, "An Ordinance to amend and codify the law as to the Interpretation of Terms and as to Common Forms used in Ordinances."

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

HON. DR. HO KAI—This Bill has been referred to the Law Committee.

THE COLONIAL SECRETARY — I move the suspension of the Standing Orders to enable the Bill to be read by the section headings.

HON. MR. POLLOCK—I think that is unnecessary when it has been referred to the Law Committee.

HON. DR. HO KAI—It has been referred to the Law Committee, who have had five or six meetings on it and four members have always been present. The Bill can be taken to have been referred to a special committee and taken as read.

THE COLONIAL SECRETARY — The difficulty is, I think, that the Chairman of that Committee has not certified to the Council.

HON. MR. POLLOCK—The Bill has been considered clause by clause in the presence of four members of that Committee.

THE ATTORNEY-GENERAL—The Bill at present is not quite in the form in which it was voted on by the Law Committee. In the Committee of the whole Council certain amendments were introduced. Perhaps it would be safer to suspend the Standing Orders. I second the motion.

On clause 39,

THE ATTORNEY-GENERAL—I move that this clause be left in Committee. The whole of Part IV is governed by section 39. Various improvements to these definitions have been suggested.

This was agreed to.

On clause 40,

THE ATTORNEY-GENERAL—I beg to move certain alterations in clause 40. In sub-section 2 I move that the word "means" be transferred to after the word "enactments" in line three, and that the word "orders" be inserted after the word, "rules". I also move that in sub-section 3 the words "and not before" be deleted. I move also that in the marginal note the words "and effect" be added, making it read "publication and effect". In sub-section 4 the word "rule" shall read "rules", and at the end of that sub-section shall be added a proviso as follows: "Provided that they shall not apply to banishment orders."

The amendments were approved.

On clause 41,

THE ATTORNEY-GENERAL—I beg to move that this be amended by striking out all the words from the third line commencing with the letter in brackets (a) right down to the words "Governor-in-Council" in (b) (ii) and by substituting the following words, "Made by or made subject to the approval or (confirmation) of the Governor-in-Council, or Legislative Council, or when other similar words are used such regulations shall be submitted for the approval of the Governor-in-Council or the Legislative Council as the case may be and the approving authority."

HON. MR. EDE—Then 2 becomes 1?

HIS EXCELLENCY—It has already been condensed in 1.

HON. MR. POLLOCK—I should like to know, Sir, why these alterations are made now. The Law Committee sat some days to consider this Bill. It is rather difficult to follow them now and I cannot see the object of the amendments.

HIS EXCELLENCY—If you take it as important we will not pass it.

HON. MR. POLLOCK—It is impossible for me to say whether it is important or not.

THE COLONIAL SECRETARY—It can be postponed.

HIS EXCELLENCY—Do you prefer that this clause should be left in Committee?

THE COLONIAL TREASURER—The hon. member can move that it be re-committed on the third reading.

HON. MR. HEWETT—I think, Sir, the hon. Attorney-General must have had some reason for making this improvement.

HIS EXCELLENCY—We can leave the clause in Committee. It is not desired to pass any of them in a hurry.

HON. MR. POLLOCK—All right, Sir.

THE ATTORNEY-GENERAL — We are leaving clause 39 in Committee.

HIS EXCELLENCY (to Mr. Pollock)—Would you prefer clause 41 left in Committee?

HON. MR. POLLOCK—Yes.

HIS EXCELLENCY—There is no other clause you would like left in Committee?

HON. MR. POLLOCK—No.

On clause 46,

THE ATTORNEY - GENERAL moved that the marginal heading "application of certain previous sections" be inserted.

This was agreed to.

On clause 48,

THE ATTORNEY-GENERAL—I beg to move that this clause be left in Committee, because there is under consideration the definition of "public officer" contained in clause 39 which is being left in Committee. Whether sub-section 6 will remain or not will depend on what is decided on clause 39.

The Bill was left in Committee, and Council resumed.

Post Office Amendment Ordinance

THE ATTORNEY - GENERAL moved that Council go into Committee on the Bill entitled, "An Ordinance to amend the Post Office Ordinance, 1900." In doing so he said—This Bill was left in Committee last time because of certain amendments made which it was thought hon. members might like to have an opportunity of considering. If members do not object and have no further remarks to make, I beg to move that Council do now resume.

HIS EXCELLENCY THE GENERAL—In clause 7 33b (2) there is a penalty of \$20 for a fairly serious offence, whereas, in clause 33c there is a fine of \$100 for committing a nuisance. This seems to be rather an uneven penalty.

THE COLONIAL TREASURER — 33c covers offences which might destroy property. 33b (2) is only for small offences, such as trying to cheat the Government out of a ten cent stamp.

HIS EXCELLENCY—A portion of 33c is a serious offence.

THE COLONIAL TREASURER—That is left to the discretion of the Magistrate. For a small offence he would not fine a man the full penalty.

THE ATTORNEY-GENERAL—I think as the hon. Colonial Treasurer states that the matter is entirely in the discretion of the Magistrate, and he would not fine a person \$100 for that particular offence.

HIS EXCELLENCY (to hon. Colonial Treasurer)—Can you say that is the same as the English Act?

THE COLONIAL TREASURER—I believe it is. It was practically copied.

HIS EXCELLENCY (to H.E. the General)—Do you wish to move an amendment?

HIS EXCELLENCY THE GENERAL—No.
Council then resumed.

THE ATTORNEY - GENERAL — If no member objects, I beg to move that this Bill be read a third time.

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

THE ATTORNEY - GENERAL moved the third reading of the Bill.

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

Probates Amendment Ordinance

THE COLONIAL TREASURER moved the third reading of the Bill entitled, "An Ordinance to amend the Probates Ordinance, 1897."

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

Stamp Amendments Ordinance

THE COLONIAL TREASURER moved the third reading of the Bill entitled, "An Ordinance to further amend the Stamp Ordinance, 1901, and the law relating to Stamps and Stamp Duty."

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

Stamp Duties Management Ordinance

THE COLONIAL TREASURER moved the third reading of the Bill entitled, "An Ordinance to consolidate and amend the Law relating to the Management of Stamp Duties."

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

HIS EXCELLENCY—Council will adjourn till this day week.

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FINANCE COMMITTEE.

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A meeting of the Finance Committee was then held, the COLONIAL SECRETARY presiding. The following votes were passed:

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Judicial and Legal

The Governor recommended the Council to vote a sum of Two hundred and eighty-six Dollars (\$286) in aid of the vote Judicial and Legal Departments, *E.* — Land Registry Office, Personal Emoluments (Additional Duty Pay of £50 per annum to Deputy Official Receiver).

THE CHAIRMAN—The Governor was of opinion that the post of deputy official receiver was underpaid, and in view of the great increase of work there recently he recommended the Secretary of State to raise it to the intermediate position between second and third class. The Secretary of State did not agree to that, but thought a good case had been made out for increasing the present payment.

HON. DR. HO KAI—What is the present payment?

THE CHAIRMAN—Third class pay £100 duty pay, which it is proposed to increase to £150 per year.

Observatory

The Governor recommended the Council to vote a sum of Seven hundred and three Dollars and twenty-two Cents (\$703.22) in aid of the vote Observatory, Personal Emoluments, Director-Designate, House Allowance.

THE CHAIRMAN—With the approaching retirement of the present director the Government received information that it was decided to appoint a director-designate. That officer arrived recently at the very beginning of the monsoon season, and it was thought unwise to allow Mr. Figg who has been here a long time, to go and a new officer to take over from the beginning of the monsoon season. Therefore the new director will not take charge until next February. It was thought reasonable, as he would be acting in a subordinate position so long, to make him an allowance for house rent which he would have received if he had been appointed at once.

Medical

The Governor recommended the Council to vote a sum of one thousand dollars (\$1,000) in aid of the vote Medical Departments, *B.*—Hospitals and Asylums, Other Charges, Tung Wah Hospital, Medicines.

THE CHAIRMAN—Fourteen years ago a promise was made to the Tung Wa Hospital of free drugs for use in the hospital. It was recently decided that it would be wise to define this promise. An annual amount of \$2,500 is granted for the cost of European drugs for use in the Tung Wa Hospital. That has necessitated this increase in the medical vote.