

17TH AUGUST, 1911.

**PRESENT:—**

HIS EXCELLENCY THE GOVERNOR, SIR  
FREDERICK JOHN 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. MONTAGUE 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. 52  
and 53, 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. 13), and moved its adoption.

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

**Papers**

THE COLONIAL SECRETARY, by  
command of H. E. the Governor, laid on the  
table the "Report on the Blue Book for 1910."

**Questions**

THE HON. MR. H. E. POLLOCK asked the  
following questions standing in his name:—

1. Will the Government lay upon the table  
a printed paper containing a progress diagram,  
showing the work done on the Typhoon  
Refuge up to the 30th June, 1911, and will the  
Government thereafter lay upon the table a  
similar paper showing the progress made  
during each successive period of six months?

2. Will the Government explain why the  
work on the Tsim Sha Tsui Market is  
proceeding so slowly? When will the Market  
be ready for use?

3. What information can the Government  
give to the Council with reference to the  
prospects of the erection of a Wireless  
Telegraph Station on an Island of the Pratas  
Group?

4. What information can the Government give to the Council with reference to the prospects of a Wireless Telegraph Station being established in this Colony? Has the Government of this Colony or have the Home Authorities on behalf of the Government of this Colony entered into any and what engagements with any and what authority, corporation, company or firm with reference to the erection of such station?

THE COLONIAL SECRETARY replied as follows:

1. The diagram asked for will be prepared and laid on the table at an early date and thereafter at the end of each period of six months. It will take the form of a cross-section of the breakwater, which constitutes the main item of the contract and is responsible for fully 80 per cent. of the cost of the work.

2. The hon. member is requested to repeat the statement at next meeting. Inquiries are in progress.

3. The Chinese Minister of Posts and Communications informed Sir J. Jordan in a letter dated the 24th May last that telegraphic instructions had been sent to complete the purchase of the wireless installation for Pratas Island without delay and to proceed with its erection.

4. His Excellency the Governor will make a statement with regard to this question.

### Wireless Telegraphy

HIS EXCELLENCY — Gentlemen, the question which has been asked by my learned and hon. friend is one the importance of which I recognise very fully myself, and that the whole community share my opinion is evidenced by the questions which have been asked in this Council from time to time and also by the correspondence which has taken place between the Chamber of Commerce and the Government. I think, therefore, it would be more in consonance with the wishes of the Council if I made a somewhat fuller statement than would be contained in a written answer to the question.

On April 20th last a question was asked in this Council, and the Government gave as full a reply as it was possible to do at the time. I would like for a moment to remind hon. members of the general purport of the answer given. I said, in the first place, that the question at issue comprised two matters, which were quite distinct, namely, the installation of a high-power station and the installation of a low-power station. With regard to the high-power station, I informed the Council that in consequence of repeated inquiries by myself the Secretary of State had replied that no definite answer could be given until after the Imperial Conference had finished its sittings in London. The question therefore had to be held in abeyance. As regards the low-power station, I told the Council of the arrangements that had already been made with a well-known firm, but certain natural difficulties owing to the geographical configuration of the Colony had arisen, and in consequence investigations were proceeding, so that the Secretary of State could not give an answer until the scientific problems involved had been solved. On April 29th, only a few days later, the Government received a letter from the Chamber of Commerce urging the immediate installation without any delay of a high-power station with a radius of some 1,500 miles. They added that they saw no reason why the concession should not be given to any British subject to construct such an installation if it was not decided to do it in any other way. They also saw no reason why a monopoly in wireless should be given to the Eastern Extension Telegraph Company. The hon. member who represents the Chamber will no doubt correct me, if I do not accurately state the views of the Chamber.

HON. MR. HEWETT — That is quite correct.

HIS EXCELLENCY—I took the earliest possible opportunity of transmitting that letter, dated 29th April, to the Secretary of State. My dispatch was dated 4th May. I did so in order that the dispatch might reach London while the Imperial Conference was still in session, as I thought that perhaps the views of the Chamber of Commerce might be useful to the Conference while discussing the question.

I a l s o s e n t a

copy of the question and reply asked and made in this Council, and of the Government reply. I heard nothing further, and on June 28th, by which time I could presume that the sittings of the Conference were over, I sent a telegram to the Secretary of State asking for further information. To that telegram I received no reply until 24th July, close upon a month. The Secretary of State then replied that it was not at present in contemplation to establish a high-power station, but he hoped shortly to send me definite information with regard to a low-power station. I at once sent a copy of this telegram to the Chamber of Commerce for their views. The Chamber replied that they heard with regret that a high-power station was not in contemplation; they were pleased to receive news that definite information would soon be sent regarding the low-power station; and they hoped that eventually a high-power station would be established, as being more adequate to the needs of the Colony. They made no further suggestion, and like myself they are I presume awaiting a further reply from the Secretary of State to confirm his telegram and give us further information with regard to the low-power station. [Hon. Mr. Hewett made a motion of assent.] It is now three weeks since that cable message was received, and I presume that a reply should be due very shortly.

The day before yesterday, I received the Blue Book containing a full report of the proceedings of the Imperial Conference, and I at once turned to the discussion with regard to wireless telegraphy to see what had been said on the subject. Mr. Samuel, the Postmaster-General, speaking on behalf of the Government, laid down certain principles. He said in the first place it was desirable that speedy action should be taken to establish a system of long-distance wireless telegraphy. Secondly, he laid down the proposition that the system should be State-owned, but that each station should be worked by the local administration. In the third place, he suggested that it would not be wise at the outset to establish a system of wireless in every direction simultaneously; that the initial system should consist of a single route extending from the United Kingdom, to Cyprus, Aden, Bombay, Singapore, West Australia and on to New Zealand. Finally he suggested that the cost of this system should

be equitably divided.

A discussion took place regarding the Singapore station. It was said that Singapore was merely a link in the chain, and that it would therefore be unfair for that Colony to bear the entire capital cost or the cost of maintenance. It was stated that there would be little local traffic, and the cost should be divided between the Imperial Government and the self-governing dominions in the Australasian seas. However, the question of division is not one that immediately concerns us. These proposals apparently were generally concurred in by the members of the Conference.

I invite the attention of the Council to the general conclusions to be derived from the brief summary of the report which I have given. In the first place, His Majesty's Government do not appear to consider that high-power stations are of any very great commercial value—that at any rate is the impression left in my mind after reading the debate. Mr. Samuel said, "The commercial value of crossing the Pacific by a chain of stations would, I am informed, be negligible," and again he observed, "We do not quite know what the commercial value of these stations will be," while the local traffic at Singapore is regarded as so small that the station will be merely a link. Secondly, it seems to be anticipated that the capital cost and the cost per annum would be very heavy. That appeared to be the opinion of the Conference, if one may judge by the long debate which took place as regards the share of one particular station at Singapore.

HON. MR. HEWETT — Could your Excellency give us approximate figures?

HIS EXCELLENCY — There are no approximate figures in the Blue Book.

HON. MR. HEWETT — That is a very important point.

HIS EXCELLENCY—It is specifically stated in the Blue Book that it has not yet been worked out. The third point of interest in the debate was that South Africa was entirely excluded from the chain, and the delegate from South Africa stated at the Conference that the Dominion he represented was extremely anxious to be included. He said a station might be erected at the Victoria Falls, but he was entirely

content to await the experiment tried by the first chain of stations before South Africa was included. It appears to me therefore that since the representatives of the Empire in the Imperial Conference agreed that the various high-power wireless stations must be State-owned, we must accept that as a principle. That would seem to rule out the suggestion by the Chamber of Commerce that a concession should be granted to any private company. Secondly, I presume that we must accept the position that the cost of these stations and their maintenance would be very considerable. Thirdly, I suppose, that we must accept the conclusion that so far as a high-power station is concerned this Colony cannot claim to be in a more exceptional position than South Africa, which is apparently willing to remain and see the result of the first experiment. I may add that the Government will be very glad to receive through the Chamber of Commerce or from any other quarter any information which will enable us to gauge what the commercial value of a high-power station will be. I would also ask you to bear in mind, so far as a low-power station is concerned, that events are progressing with what speed experts can make in the matter.

HON. MR. HEWETT—Can I make a remark in reply?

HIS EXCELLENCY—Yes.

HON. MR. HEWETT—I merely wish to say, as your Excellency is aware, that the question has been under consideration by the Chamber of Commerce for some considerable time, and the only reason why we have not made a further move is because we are waiting to get full particulars of the Secretary of State's reply before we criticise the present action of the Government. As soon as those facts are before us, the Chamber of Commerce will immediately reconsider the question.

HON. MR. POLLOCK—May I ask one or two questions, as matters are not quite clear? In the first place, I should like to ask with regard to the low-power station, what is the distance which it will be able to send wireless messages?

HIS EXCELLENCY—I think 250 to 300 miles. I speak under correction.

HON. MR. POLLOCK—Another question I should like to ask is this: Are we bound to any particular firm or company at the present moment for the erection of a low-power station, or are our hands free entirely?

HIS EXCELLENCY—I think the Imperial Government have made a contract with a particular company, but I do not think I can say any more at the moment.

HON. MR. POLLOCK — Without the consent of this Council?

HIS EXCELLENCY — The arrangement, I understand, is for the whole Empire.

### **Code of Civil Procedure Amendment Ordinance**

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 Objects and Reasons attached to the Bill stated:

Clause 2 authorises a verbal alteration which does not affect the legal meaning. Clause 3 amends section 4 of the Principal Ordinance, which is in the following terms: "In all cases in respect to which no provision is made by this Code, the Rules of Practice for the time being in force in the Supreme Court in England shall be deemed to be in force in the Court, subject to their applicability and with such modifications as the circumstances may require." The principal object of the amendment is to give the Legislative Council a greater measure of control than they have at present over the introduction into the Code (which is a legislative patchwork of the English Practice and the old repealed Hongkong Code) of new English rules of procedure. Clause 4 carries out the evident intention of section 36, not effected owing to an error in drafting. Companies registered in Great Britain are foreign so far as Hongkong is concerned and are dealt with by section 37, and companies like the Basel Mission (*see* Ordinance No. 2 of 1896) are clearly intended to be governed by the procedure under section 36. Clause 5 substitutes procedure by

summons for procedure by motion in applications to set aside writs, and thereby saves costs. Clause 6 authorises the deletion of unnecessary words without effecting a change in the law. Clause 7 gives the word "estate" the meaning assigned to it by the Probates Bill, 1911, and by the Stamp Bill, 1911. Clause 8 is necessary because it is not intended that the word "statute" shall include Ordinance. It did so under section 16 of Ordinance No. 8 of 1897 (the old Interpretation Ordinance), which is being repealed by the Interpretation Bill now before the Council. Clause 9 repeals a section which was founded on the old Chancery practice of verifying pleadings by oath, and which is obsolete. Clause 10 repeals the third sub-section of section 135, which is contradictory to section 700 and substitutes a useful sub-section. Clause 11 repeals three sections the purport of which is already contained in the Evidence Ordinance, 1889. Clause 12 modifies the language of section 347 so as to bring the law into conformity with the actual practice of the Court, which is a convenient practice. Clause 13 makes a slight amendment in section 349 with a view to checking frivolous applications. Clause 14 repeals a sub-section which is no longer necessary since legal tender was established in the Colony. Clause 15 states clearly what the existing practice is as to orders for "immediate execution", an expression which was left rather vague in the Principal Ordinance. Clause 16 repeals a section which is considered contradictory to section 394 and which is not to be found in the English Practice. Clause 17 is intended to make presence of debtors in custody in Court or Chambers unnecessary in purely formal cases and to facilitate their discharge in cases where there is no opposition thereto. Clause 18 makes a verbal alteration in accordance with the practice. Section 479 required "the filing of a statement of claim and the service thereof on the Crown Solicitor," which is a self-contradictory requirement. Clause 19 repeals a transitory section of the Code, the effect of which has expired. Clause 20 makes provision for the discharge of sureties, the discharge of the defendant being already provided for. Clause 21 repeals a sub-section the effect of which is spent. Clause 22 repeals a merely declaratory section, which is deemed superfluous. Clause 23 is

consequential. Clause 24 adds a proviso to section 624 declaratory of the existing practice both at home and in the Colony. Clause 25 makes a grammatical correction in section 627. Clause 26 repeals a section which has never been, and is never likely to be, acted upon. Clause 27 and 28 make additions, based on the English practice, to section 42, which is not at present complete, and the latter part of Clause 28 introduces portions of the said practice which the Government has been instructed to introduce by the Secretary of State in the despatch dated the 8th May, 1911.

THE ATTORNEY - GENERAL moved the suspension of the Standing Orders in order that the Bill might at any rate reach the Committee stage at this meeting of the Council.

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

THE ATTORNEY-GENERAL—I beg to move the second reading. This Bill was drafted in the first instance by the editor who revised the edition. He reached the Code of Civil Procedure in his revision rather sooner than he anticipated owing to the fact that the Merchant Shipping Ordinance is not being dealt with at once. He is running short of type, so he is extremely anxious that the amending Bill, the Bill to amend the Code of Civil Procedure, should be passed without undue delay. The Bill accordingly was published in the last *Gazette* for information. It has also been considered clause by clause by the individual members of the Standing Law Committee, and they have agreed that certain alterations and amendments should be made. These I will move when we reach the Committee stage. I beg to move that the Bill be read a second time.

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

Council then resolved itself into Committee to consider the Bill clause by clause, and agreed to the amendments moved by the Attorney-General.

On clause 2,

THE ATTORNEY-GENERAL—I beg to move an amendment to section 2 to read as

follows:—In section 2 after the definition of this Code there shall be inserted the following definition:—"The Hongkong Code" means the Code of Civil Procedure established by Ordinance No. 13 of 1873 and repealed by Ordinance No. 6 of 1901 (both as numbered before the coming into force of Ordinance No. 12 of 1900; and the expression shall have the same meaning when used in any other Ordinance. The reason of that is this, that in the Code of Civil Procedure for 1901 there is a reference to this Code. I think it is clear when the word "Hongkong" is used it refers to quite a different thing.

HON. MR. HEWETT — The last two lines after Ordinance 12 of 1900 is an addition. Will you kindly give me the Principal Ordinance?

THE ATTORNEY-GENERAL—That is cut out, and the expression shall have the same meaning as in the other Ordinance.

This was agreed to.

THE ATTORNEY-GENERAL—I beg to move that clause 2 of the Bill as it originally stood become clause 3, and that clauses 2 and 3 be re-numbered 3 and 4, and that clause 4 be re-numbered clause 5, and that after the word "or" the words "by or under any" be inserted, and between the last two words "principal" and "office" of the same line the words "officer or its principal" be inserted. I beg to propose a new clause 6, which will read as follows:—6.—In section 37 the first two lines thereof shall be deleted, and there shall be substituted therefor the words: "When the action or other proceeding is against any corporation or company which does not fall within the provisions of the last preceding section, but which has an office and carries on business in." I also move that clause 5 be re-numbered 7 and clause 6 be renumbered 8.

This was agreed to.

On clause 7, re-numbered 9,

THE ATTORNEY - GENERAL—I beg to move that after the words "this and" there shall be inserted "in all other," and the words "the following" shall be deleted. At the end I would move that after 1897 there shall be

inserted "as amended by subsequent Ordinance." I also move that clause 8 be re-numbered 10, that 9 be re-numbered 11, and that 10 be re-numbered 12, and that these sections stand part of the Bill.

This was agreed to.

On clause 11,

THE ATTORNEY-GENERAL — I beg to move that this section be deleted.

This was agreed to.

THE ATTORNEY-GENERAL—I move that the following section be inserted and numbered 19, and that section 18 be incorporated as sub-section (2):—

19.—(1.) In section 478 the words "with the consent in writing of the Governor," shall be deleted.

(2.) In section 479, after the word "service" there shall be inserted the words "of a sealed copy."

(3.) Sub-section (1) of section 480 shall be amended by the insertion after the word "Governor" of the words "whose consent shall be necessary to the continuance of the action. Such consent may be with held upon such grounds as would justify the Attorney-General of England in refusing his *fiat*."

The marginal heading will be "Amends sections, 478, 479, and 480."

This was agreed to.

On clause 26, re-numbered 27,

THE ATTORNEY-GENERAL—I beg to move the deletion of the preamble.

This was agreed to.

On clause 27, re-numbered 28,

THE ATTORNEY-GENERAL—I beg to move that a new sub-section (2) be added as follows:—"The first line of sub-section (1) of section 42 shall be amended by the insertion of the words of a writ of summons or notice of a writ of summons after the word 'jurisdiction'." And that sub-section (2) be re-numbered (3); and that the words "given to" in the last line be deleted and that the words "served upon" be substituted therefor. Also in sub-section 5 that the word "given" in the third line be deleted and the word "served" substituted therefor. I beg to move also that

in the second last line of the same section the word "giving" be deleted and the word "serving" substituted therefor. I beg to move that sub-section 3 become sub-section 4, that sub-section 4 become sub-section 5, as printed, that sub-section 6 be deleted, and that the last sub-section stand as 6.

This was agreed to.

On clause 28, re-numbered 29,

THE ATTORNEY-GENERAL—I beg to move in sub-section 6 that the words "and notices of writ of summons" should be added after "writs of summons." In sub-section 7 I move that the words "service of" be substituted for the word "giving." In sub-section 8 I move that the words "for transmission to the Secretary of State" be deleted, and also that the word "further" be deleted, and that the words "through the proper channels" be inserted after the word "same" in the same line. In sub-section 8 (iii) I move that the words "served or to have been" be added after the word "personally" and in (iv) that the word "the" before "circumstances" come out, and that (v) should finish up with the words "with such variations as circumstances may require." When this clause was considered by the Law Committee yesterday all these amendments were agreed to. I would now mention a further one which is as follows:—In sub-section 8 (i) after the word "Government", it is suggested that a bracket should appear with the words "which in China shall include the Viceroy or other officer administering the Government." I would respectfully suggest that those words are not necessary.

HON. MR. HEWETT—The point made in the Law Committee, Sir, was that as the words read it was necessary to take steps for the transmission of the same through proper channels to the Government of the country. What the Law Committee had in their mind was that it might be necessary in the event of a writ being served on a Chinaman living in Kwangtung or Fokien that the writ should be sent through an officer, and it might be years before the writ would ever reach the person for whom it was intended. If the hon. Attorney-General is satisfied that the Viceroy of Canton can send a writ through Kwangtung and not through Peking or Fokien, well and good.

THE ATTORNEY - GENERAL — This applies to five countries, of which China is not one.

HON. MR. HEWETT—Can the Government of Hongkong send a writ to the Viceroy of Kwangtung, or must it go through Peking?

THE ATTORNEY-GENERAL—I think we adopt the usual course with regard to service out of the jurisdiction. In does not go through Peking at all.

HON. MR. HEWETT—The point is that the Government of Hongkong might wish to serve a summons on a Chinaman at Kwangtung or Peking in a hurry. Wouldn't it be advisable to take steps to be able to do so?

THE ATTORNEY-GENERAL — The writ is usually applied for by a party whose solicitor gets an order to serve notice of writ out of the jurisdiction. The notice is then served in the usual way by a clerk in the solicitor's office.

HON. MR. HEWETT—We were given to understand yesterday that if this rule was not amended as suggested we might have to send a writ through Peking.

HON. MR. POLLOCK—We cannot apply this to China. It rests with the Lord Chancellor to apply it. At present it only applies to five countries.

THE ATTORNEY-GENERAL—I move that Council now resume and ——

HON. MR. HEWETT—Your Excellency, I beg to request that this Bill be allowed to remain in Committee, as it is a very important one. Five years ago we had a Bill amending the Code of Civil Procedure which it was attempted to rush through the Council, but this was very strongly opposed and ultimately it was dropped. Now for the first time last Saturday an amending Ordinance, dated 8th August, was published in the *Gazette*, and now it comes before the Council for the first time in an amended form dated 9th August. The Law Committee spent many hours on Tuesday and again yesterday in considering the Bill. They have, as the Council sees, made a great many suggestions and proposals. I think it very advisable that a Bill of this sort

should not be rushed through the Committee at one meeting, but that a reprint should be put before the public. I would therefore ask that it be left in Committee.

HIS EXCELLENCY—I would point out to the hon. member that there is no motion before the Council to read the Bill for a third time to-day.

HON. MR. HEWETT—I beg pardon.

The Bill was left in Committee and Council resumed.

#### **Protection of Women and Girls' Amendment Ordinance**

THE REGISTRAR-GENERAL moved the second reading of a Bill entitled, "An Ordinance to further amend the Protection of Women and Girls Ordinance, 1897." In doing so he said—The proposed amendments do not, I think, do more than carry out the original intention of the legislature. This section which it is proposed to amend relates to the suppression of disorderly houses. The Superintendent of Police or Registrar-General lays a complaint before a Magistrate, the Magistrate summons the occupier, and if he finds the complaint sub-stantiated he is authorised to order the occupier to discontinue the use of the house. The amendment is that he is not only authorised to do so, but directed to do so. As regards disobedience to an order, the Magistrate retains the discretion the original Ordinance gave him as to the amount of punishment to be inflicted.

THE ATTORNEY-GENERAL seconded, and said — This Bill only deals with complaints by the police and the Registrar-General. Complaints by the public are not affected by it.

The motion was agreed to.

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

On resuming,

THE ATTORNEY-GENERAL reported that it 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.

#### **Arms and Ammunition Amendment Ordinance**

THE ATTORNEY - GENERAL moved the second reading of a Bill entitled, "An Ordinance to amend the Arms and Ammunition Ordinance, 1900."—In doing so he said—As explained in the objects and reasons, it has been considered that the definition of an exempted person under the principal Ordinance is too wide, and it is desirable to cut it down. This Bill cuts it down to a certain extent, but when the Bill reaches Committee I propose to move certain amendments which will cut it down even further.

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

Council then went into Committee to consider the Bill clause by clause, and agreed to the amendments moved by the Attorney-General.

On clause 2,

THE ATTORNEY-GENERAL—I beg to move that in the last two and half lines of sub-section (2) all the words after the words "Legislative Council" be deleted, and the following words substituted therefor: "Barrister, solicitor, medical practitioner, clergyman of the Church of England, Roman Catholic priest, or minister of any other religion." Under the Principal Ordinance at present common jurors are not exempted persons, but special jurors are. We are still keeping special jurors as exempted persons. There is no reason why a person who is disqualified by his avocation from serving on a common jury should be exempted while common jurors are not.

HIS EXCELLENCY—I think there is some amendment required in the first two lines of sub-section (2). It should read: "Commissioned officers of the Navy and Army and officers appointed by letter from the Governor in the Volunteer or Police Forces, etc."

This was agreed to

The Bill was left in Committee and Council resumed.

#### **Tung Wa Hospital Extension Ordinance**

THE ATTORNEY-GENERAL moved the second 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." In doing so he said—This Bill has no objects and reasons attached, because the objects and reasons are stated in the preamble at the beginning, and I do not think it is possible to elaborate on that preamble.

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

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

HON. DR. HO KAI—Sir, I wish to ask one question, and if it is answered in a certain way I should like the Bill to be left in Committee. My inquiry is whether the Bill as it is drawn would subject the hospital to medical control of the Government the same as the Tung Wah, that is to say, whether the Government medical officer would take charge of it, or whether you will permit the new hospital to get a medical man, a properly qualified practitioner, to superintend it subject to the supervision of the Principal Civil Medical Officer.

THE ATTORNEY-GENERAL — The last four lines of clause 3 reads: "And, moreover, the provisions of sections 14, 16 and 17 of the said last-mentioned Ordinance shall apply to the Kwong Wa Hospital in the same way as such provisions now apply to the Tung Wa Hospital." Sections 14 and 16 are as follows. (Reads.)

HON. DR. HO KAI—There is no question about the rest except 14, which says simply open to inspection by the Registrar-General, to which we do not object, and to the Colonial Surgeon, to which also we do not object. I am only inquiring whether these words will make the new institution liable to be superintended directly by a medical officer of the Government as in the case of the Tung Wah Hospital. I do not want to disturb old customs, but there is a very strong feeling amongst subscribers and promoters that that arrangement should not be continued in the New Hospital. The present arrangement is that a medical officer of the Government has direct charge of the hospital.

HIS EXCELLENCY—I think the answer to the question by the senior unofficial member is that there is nothing in this Ordinance to place the new Kwong Wa Hospital under the charge of a medical officer of the Government.

HON. DR. HO KAI—In the new hospital we wish to have a freer hand.

HIS EXCELLENCY — I gather that there is nothing in this Ordinance which puts the new hospital in charge of a Government medical officer. What you want to know is, is there anything in the Bill to prevent putting an outside medical officer in charge?

HON. DR. HO KAI—Exactly.

THE COLONIAL SECRETARY—There is nothing in the Bill that prejudges the question of the hon. member.

HIS EXCELLENCY—There is nothing in this Ordinance which places the new Kwong Wa Hospital in the charge of a Government medical officer. The question as to whether you can appoint an outside medical officer is not touched by this Bill. Do you wish it left in Committee?

HON. DR. HO KAI—No, Sir.

On Council resuming,

THE ATTORNEY-GENERAL reported that the Bill had passed through the Committee stage 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 Solicitor's Ordinance, 1911**

THE ATTORNEY-GENERAL moved the the second reading of a Bill entitled, "An Ordinance to enable Joseph Horsford Kemp, Esquire, Barrister-at-law, to practice 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. In doing so he said—The reasons for this Bill are explained in the objects and reasons attached thereto. I do not think I need enlarge upon them.

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

### **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.

THE ATTORNEY-GENERAL—This Bill was left in Committee last meeting at the suggestion of the Hon. Mr. Ross. I understand that he or some other member will move an amendment.

HON. MR. POLLOCK—Your Excellency will remember that clause 3 was left over for consideration last time. The members of the architects' profession felt that the terms of paragraph 3 are not satisfactory, and they would propose that the arbitrator's scale of remuneration should be fixed at \$50, \$100 or \$150 per day according to the amount of work to be done. They also felt, Sir, that the rate should be fixed by the Chairman at the conclusion of the matter. The Chairman, as your Excellency knows, is always one of the Judges of the Supreme Court, the property owner appoints one of the arbitrators, and the Government appoints the other arbitrator. In small cases a Justice of the Peace would be Chairman. At all events, the Chairman of the Board would be quite a proper authority to say whether a case is of sufficient importance for the high scale, the low scale or the medium scale to apply. He will also be in a position, from having gone through the matter himself, to judge whether the arbitrators will have much work to do. But a difficulty will occur apart altogether from the sittings in the arbitration. The actual amendment which I have to move would be that a new clause be inserted between

Paragraphs 2 and 3 of clause 3, to run as follows:—"The remuneration of any member of the Board shall be at the rate of \$50, \$100 or \$150 per day according to the amount of work and the magnitude of the interests involved, and such rate shall be determined in each particular case by the Chairman of the Board in his discretion at the conclusion of the arbitration." If this amendment is accepted by the Government it would involve the re-numbering of paragraphs 3 and 4, and the deletion from 4 of the words "no member of or", and it would also involve a consequential amendment to clause 4. I think that this amendment is obviously a fair one. It is, however, difficult for the Governor-in-Council to say, before the matter is gone into, what the remuneration shall be, but if the matter is left to the Chairman to determine after the arbitration has been gone into, I think he will be admitted to be quite a proper person to decide. This very strongly expresses the wish of the architects of the Colony.

THE COLONIAL SECRETARY — It appears to me that the amendment is not without objection in that the remuneration is to be determined per diem. A minimum of \$50 a day is suggested, so that the Chairman will not have control of fees chargeable. He cannot charge less than \$50 a day. I doubt whether the fixing of a scale per diem is the best way to fix it.

HON. MR. POLLOCK — Supposing an architect goes into Court to assist the authorities, his ordinary general rate is \$100 a day.

HIS EXCELLENCY—Generally speaking, I am favourably impressed by the amendment, but I should like to ask my hon. and learned friend to hold it over until next meeting.

HON. MR. POLLOCK—Yes, I understand there is no hurry in the matter.

HON. MR. HEWETT—If the Chairman fixes the remuneration, does he get any himself?

THE ATTORNEY - GENERAL — A Judge would not.

HIS EXCELLENCY—Practically speaking, this will only affect small batches of land in the New Territory which will be sold at a few cents.

HON. MR. HEWETT — What the hon. member opposite said is quite right. The usual remuneration, so far as the Chamber of Commerce is concerned, is \$100 a day.

HIS EXCELLENCY—We will leave the Bill in Committee till the next meeting of Council.

Council then resumed.

### **The Interpretation Ordinance**

THE ATTORNEY - GENERAL moved that Council go into Committee 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.

HIS EXCELLENCY—The Committee will remember that we left three clauses of this Bill for further consideration. We passed the whole of it with the exception of clauses 39, 41 and 48. In clauses 41 and 48 certain amendments were proposed and left over, I think, at the wish of my hon. and learned friend on my left.

HON. MR. POLLOCK — With regard to clause 41 the amended section put in last time is not so wide in scope as the section as originally drawn, because the section as originally drawn provided for rules made by the Harbour-Master being referred to the Governor-in-Council. The amended section does not contain any such provision. The object in drafting 41 in its original form was that any rules and regulations made by persons having authority to make those rules should come up for the approval of the Governor-in-Council.

HIS EXCELLENCY — Have you an amendment to propose?

HON. MR. POLLOCK—Only that it go back in the original form as settled by the Law Committee.

THE ATTORNEY - GENERAL — The

effect of that was whenever any power to make rules was conferred on any body those rules would be subject to the approval of the Executive Council. In the clause as amended by the Committee the rules do not go to the Council unless expressly stated.

HIS EXCELLENCY—I have no objection at all to the clause going back in its original form.

THE ATTORNEY-GENERAL—I think as the original was approved by the Law Committee that it would perhaps be better to move that clause 41 as amended at the last Council meeting be deleted and that clause 41 as passed by the Law Committee be inserted.

This was agreed to.

On clause 39,

THE ATTORNEY-GENERAL—I beg to move in Part IV in the definition of "Admiralty" that the words "United Kingdom" be spelt right, that in the definition of the Board of Trade "the words "lords and others of" be deleted, then that the Colonial definition should read as follows: "The Colony of Hongkong means the island of Hongkong and Kowloon and their dependencies together with Stonecutters Island and includes the New Territories, unless it appears from express provision or by necessary implication that the New Territories or New Kowloon is not intended." That involves the deletion of the word "the" and the substitution therefor of the word "their."

This was agreed to.

THE ATTORNEY-GENERAL—I move that the definition of Kowloon should read as follows: "Kowloon means that portion of the peninsula of Kowloon which was ceded to Great Britain by the Emperor of China on the 24th day of October, 1860." That involves the deletion of the words "in the province of Kwangtung in the Empire of China," and also "and Her Majesty the Queen of Great Britain and Ireland and to her heirs and successors by his Imperial Majesty the Emperor of China under Article VI. of the Convention of Peace and Friendship between Great Britain and

China signed at Peking." And the substitution of the words "Great Britain by the Emperor of China."

This was agreed to.

THE ATTORNEY-GENERAL—I move that the definition of New Territories be similarly condensed so that it should read "New Territories means territories leased to Great Britain by the Emperor of China under the Convention dated the 9th day of June, 1898."

This was agreed to.

THE ATTORNEY-GENERAL — I would suggest that in the definition of the City of Victoria that some explanation ought to be given of the term in the part dealing with the southern boundaries, and that the words and brackets "(that is to say, a level which shall hereafter be notified in the *Gazette*)" be inserted after the words "Ordnance datum" in the fourth paragraph.

THE COLONIAL TREASURER — You have no control over this mark—

THE DIRECTOR OF PUBLIC WORKS— We could establish a mark that could be used in the same way as this one. It will take some time to do it.

THE ATTORNEY-GENERAL — I would suggest also that the definition "Waters of the Colony" should be altered by having the words "following boundaries" deleted, and instead of those substitute the four words "area bounded as follows": Then after the words "on the south" there shall be inserted the word "by," and after the words "on the north" there shall be inserted the words "by a line drawn" and halfway down that section the words "Thereafter the land boundary is" are deleted and shall be substituted by the words "thence by a line drawn." After the words "on the east" the word "by" shall be inserted. With regard to the definition of harbour the eastern boundary should be altered. At present the harbour limit on the east, as I am informed by the Harbour-Master, is a line drawn North two degrees from North Point to stone pier in front of Kowloon City. He suggested that the line should be altered to the north meridian line drawn from North Point to the place where it strikes the

foreshore near Kowloon city. Another suggestion is that a pillar should be placed at North Point and a line drawn from that pillar.

HIS EXCELLENCY—The pillars marking the cables represent a definite point.

HON. MR. POLLOCK — There are two pillars, which do you mean?

THE ATTORNEY-GENERAL — The one higher up the hill.

HON. MR. HEWETT — It would be necessary to have the western pillar so that the cables should be outside.

HIS EXCELLENCY—We could mark the pillar "harbour limit."

HON. MR. POLLOCK — Would the Kowloon City pier be outside the harbour limits?

HIS EXCELLENCY—It would be inside the harbour limit.

THE ATTORNEY-GENERAL—I suggest the boundary should be a line drawn from a pillar marked "harbour limit" at North Point, on the island of Hongkong, to the north-east extremity of Kowloon City pier.

THE DIRECTOR OF PUBLIC WORKS—It is not a very stable point. It might be knocked down.

HON. MR. HEWETT—It has been there for a great number of years.

THE ATTORNEY - GENERAL — The Harbour-Master suggests the north meridian line.

HIS EXCELLENCY — Would it not be desired to have a very definite and clear mark?

HON. MR. POLLOCK—We must have two marks.

HIS EXCELLENCY—You will know it less if you have no marks at all.

HON. MR. HEWETT — A post on the seashore and a post on the hill behind.

THE ATTORNEY-GENERAL — May I suggest we have the north meridian line and the stone pillars as well.

HON. MR. HEWETT—If you can, include the stone pier at Kowloon City, or else you must strike across the cables. Our suggestion was to take the western mark of the cable at North Point so as to have the cable opposite the harbour limits.

HIS EXCELLENCY—I would suggest that the words "harbour limits" be painted on a pillar.

THE COLONIAL TREASURER—Who has authority to put up the marks?

THE COLONIAL SECRETARY — That could be arranged.

THE COLONIAL TREASURER—Who has the authority?

HIS EXCELLENCY — The definition would give authority.

THE ATTORNEY-GENERAL — The definition of harbour on the west in the last line but one shall be Harbour Department and not Harbour-Master's. The definition of public officer should be very largely increased and should read as follows: Public officer or public servant means any person holding any appointment or discharging the duties whether permanently or temporarily of any office, the emoluments of which are wholly or in part directly derived from the revenue of the Colony and includes members of the Executive and Legislative Councils, members of the Sanitary Board, Justices of the Peace, members of the police force, and of the district watchmen force appointed under the Regulation of Chinese Ordinance, 1888."

This was agreed to.

THE ATTORNEY-GENERAL — With regard to harbour limits the eastern one should be on a line drawn from a pillar to be marked "harbour limits" at North Point to the most easterly point at Kowloon City pier.

This was agreed to.

THE ATTORNEY-GENERAL—I move that the definition of emigration officer be deleted.

This was agreed to.

HIS EXCELLENCY—Is his Honour the Chief Justice satisfied about the definition of British possessions?

THE ATTORNEY - GENERAL — Yes, and it ought not to be altered to include protectorates, because all protectorates are, strictly speaking, dealt with under the Foreign Jurisdiction Act.

On clause 48,

THE ATTORNEY - GENERAL — Sub-section 6 will have to go out, and that will involve the re-numbering of sub-section 7 to sub-section 6.

Council then resumed.

THE ATTORNEY-GENERAL — The Bill has passed through Committee with considerable amendments, so it might perhaps be better if it were printed again and published for general information, and I will move the third reading at the next meeting of the Council.

HIS EXCELLENCY—Council will adjourn until 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:—

#### **Road Maintenance**

The Governor recommended the Council to vote a sum of Fifteen thousand Dollars (\$15,000) in aid of the vote Public Works, Recurrent, Communications, Maintenance of Roads and Bridges in City.

THE CHAIRMAN—The necessity for this vote is largely due to work on the road in Queen's Road Central and to the wood block paving of Ice House Street. There was also considerable damage done during the early part of this year and extra expense caused.

**Sanitary Department**

The Governor recommended the Council to vote a sum of Three thousand eight hundred Dollars (\$3,800) in aid of the vote Sanitary Department, Special Expenditure, for the following two items:—

Additional Lighter,.....	\$2,000
Repairs to same,.....	1,800
	<hr/>
Total,.....	\$3,800

THE CHAIRMAN — The railway department are in possession of a lighter which was used for construction purposes, and for which they have no more use, similar to the lighter taken over by the Sanitary Board which is used for carting away rubbish. The Sanitary Board is anxious to take over this lighter also, so that they can have a spare one when the other gets out of order. This will also enable the other to be dried and cleaned occasionally.