

16TH NOVEMBER, 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 the Troops).

HON. MR. A. W. BREWIN, C.M.G. (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. E. R. HALLIFAX (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. H. E. POLLOCK, K.C.

HON. MR. E. A. HEWETT.

HON. MR. C. H. ROSS.

HON. MR. E. OSBORNE.

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 Minute No. 89, 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. 18), and moved its adoption.

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

Offensive Trade Byelaws.

THE COLONIAL SECRETARY—Sir, I beg
to move that certain byelaws made under
section 16 of the Public Health and Buildings
Ordinance, 1903-1909, with regard to
offensive trades, be approved by the Council.

THE ATTORNEY-GENERAL seconded.

HIS EXCELLENCY—These byelaws are
identical with the draft submitted by the
Sanitary Board.

The motion was agreed to.

**Foreign Offenders (No. 2) Amendment
Ordinance.**

THE ATTORNEY - GENERAL moved the
second reading of the Bill entitled, "An
Ordinance to amend the Foreign Offenders
Detention Amendment Ordinance, 1911." In
doing so he said—Council will remember that
the Amending Ordinance, passed earlier in this
year amended the Foreign Offenders Detention
Ordinance of 1872 by permitting the detention in
this Colony of offenders who were being carried
back to China for trial as well as those who were
being carried from China to their respective
countries, So much was approved by His
Majesty's Secretary of State, but there are certain
other amendments which were not approved by
him. These are the amendments which took away
from the defendant the right of

showing cause to a magistrate why he should not be detained. This Council thought that these provisions of the principal Ordinance were unnecessary, but the advisers to His Majesty's Secretary of State have thought otherwise. Therefore, this Bill is introduced in order to restore these provisions to the principal Ordinance.

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

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

On Council 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.

Railways Amendment Ordinance.

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled, "An Ordinance to amend the Railways Ordinance, 1909." In doing so he said—The print which is before members is not quite the same print which was before them when this Bill was read a first time, that is to say, a certain sub-clause has been added, sub-section (*b.*) which appears in the print. The result is that the subsequent clauses have had their initial letters altered. The Bill is rendered necessary because no provision has been made in the Ordinance for passing general rules with regard to the issue of free passes, and also because the restrictions against the carriage of dangerous goods were not considered adequate. The additional clause which I propose to move when the Council goes into Committee on the passing of the second reading is designed because the Railway Administration desires, as other railway administrations do, to make arrangements with agents such as Thomas Cook & Son for the sale of their tickets. Any such arrangement under the principal Ordinance would be *ultra vires*, and it seems desirable that such arrangements should be entered into, and therefore this amendment should be made in the principal Ordinance.

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

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

On Council resuming,

THE ATTORNEY-GENERAL reported that the Bill had passed through Committee with the amendments he had indicated when moving the second reading and moved that it be read a third time.

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

Merchant Shipping Amendment Ordinance.

THE ATTORNEY - GENERAL moved the second reading of the Bill entitled, "An Ordinance to amend the Merchant Shipping Ordinance, 1899, and certain Ordinances amending same." In doing so he said—This Bill again is not quite in the same form as it stood when it passed the first reading. There are slight changes made at the suggestion of the Harbour Master and others, which I shall move when the Bill is in Committee if it reaches that stage. On page 4 of the print in sub-section 12 of the new section 39 in the fourth line the words "or other vessel" are new. In sub-section 14 on the same page the words at the end, "which have obtained a special permit from the Harbour Master," are new. In sub-section 15 the word "or" has been deleted in the first line after the word "licence," and the words "or receipt" inserted after the words "special permit." On page 6 after the word "section 25," these words have been deleted, "of the principal Ordinance as amended by section 11 of the Merchant Shipping Ordinance of 1905." Those words are unnecessary, as this section is introduced into the principal Ordinance. Then in table T a new column, entitled, "trading licences for one voyage," has been inserted on the suggestion of the Harbour Master, who thinks that junks coming here for the purpose of one voyage only should not pay the same licence fee as junks entitled to trade for one year. On page 7 on the cover of junk licence the word "book" is inserted, and on the book cover the word "licence" is inserted instead of the word

"certificate." On page 8 these words are added, "in addition to the licence fees specified in table T," and also the word "book" is added in the next line. In the fourth and fifth lines there is the addition of the same words, and in the last line the words "or station" have been substituted for "at Victoria." On the same page lower down two items have been added to arms, namely, "rockets and blue lights." On page 9 the old condition 6 with regard to boat licences has been struck out, and therefore the old condition 7 becomes condition 6. On page 10 after the words "received fee" four lines down the words "for licences" have been taken out. On page 10 a form has been cut out. It ought never to have been inserted. On page 11 condition 6 has been struck out and this involves the re-numbering of the next condition. On page 13 regulation 17 is new. It limits the number of passengers and crew on junks of different sizes. That involves the re-numbering of subsequent regulations.

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

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

On Table U III., cinder boats, bum-boats, hawkers' boats and marine dealers' boats,

HON. MR. OSBORNE said—I should like to have a new clause something to this effect: "No boat shall approach within 100 feet of any steamship without the permission of the master thereof." It is these small boats that are employed in the thieving that goes on in the harbour.

HIS EXCELLENCY—You mean, "shall not approach any boats at anchor"?

HON. MR. OSBORNE—Yes. This question, Sir, formed the subject of correspondence a little time ago in connection with the thieving that went on in the harbour, and I understand it was proposed that these boats should be made to go into shelter at night.

HIS EXCELLENCY—Shall I insert the words "at anchor"?

HON. MR. OSBORNE—Yes, or alongside a wharf.

HON. DR. HO KAI—A boat may be passing by within 100 feet.

HON. MR. OSBORNE—It will throw the onus on these boats of proving they are there for a lawful purpose. They swarm round steamers on pretence of taking empty bottles and refuse, while in reality they are there for thieving. As it is now, we cannot prevent them from coming, as they have a right to be there.

HIS EXCELLENCY—It seems to me it would be an exceedingly difficult regulation to enforce.

HON. MR. OSBORNE—Their numbers can be taken if a steamer does not want them.

HIS EXCELLENCY—We can make a regulation that they shall not make fast to the steamer in any way.

HON. MR. OSBORNE—They don't make fast. They get under the stern or under the wharf.

HON. MR. HEWETT—I saw a case the other day where a boatman was fishing alongside a steamer, and while he was so engaged a bottle of beer and a bottle of pickles were lowered by a string through a port-hole.

HON. MR. OSBORNE—The police cannot catch them, because directly the police launch arrives on the scene they dodge out of the way.

HIS EXCELLENCY—We will leave this clause in Committee. I should like to consult the Harbour Master and to consider your amendment. You say it has been the subject of correspondence. Is that correspondence with the Government?

HON. MR. OSBORNE—I think so, Sir, I wrote a letter myself to the Government.

HIS EXCELLENCY—Do you refer to the correspondence about thieving in the harbour? I recollect that quite distinctly.

HON. MR. OSBORNE—Yes.

HIS EXCELLENCY—A regulation was made that small boats should not leave their anchorage at night without the permission

of the Harbour Master. I understand it has been most effective.

HON. MR. OSBORNE—It is not in here, Sir.

HON. MR. POLLOCK—I understand that only refers to night time.

HIS EXCELLENCY—Yes. (To Hon. Mr. Osborne)—Your amendment refers to both day and night?

HON. MR. OSBORNE—I should like it to be day and night.

HIS EXCELLENCY—We will consider the point before next meeting.

The Bill was left in Committee.

Defence Contribution Amendment Ordinance.

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled, "An Ordinance to amend the Defence Contribution Ordinance, 1901." In doing so he said—I think the objects and reasons of this Bill state all I need say on the subject. This Bill has been drafted on instructions from the Secretary of State for the Colonies.

THE COLONIAL SECRETARY seconded.

HON. MR. HEWETT—Your Excellency, in the estimates for next year, which were laid on the table four weeks ago, there is the entry, Military Contribution, \$1,372,089. I had proposed last week, in reply to your Excellency's budget speech, to speak on this point on behalf of the unofficial members, but you pointed out that it would be more fitting if I spoke when this Bill came up for consideration. I have very little to say on the subject. Your Excellency is aware of the views the unofficial members have already expressed on this point. It was fully debated at the meeting in June, and I regret that the only reply received from the Secretary of State is the Bill before us. Therefore, we can only suppose that the Secretary of State has refused to consider our point. However, the unofficial members are unanimous in considering that 20 per cent., or one-fifth, of the revenue of the Colony is too large a contribution in view of

the present financial condition to pay for military contribution, and the senior unofficial member will on our behalf when we reach the Committee stage move that the vote be reduced so that it shall not exceed one million dollars, that is to say, when we reach the Committee it is proposed to move that the vote be reduced by the sum of \$372,089.

HIS EXCELLENCY—Gentlemen, the Bill before the Council is one which I have been instructed by the Secretary of State to introduce, and I have been instructed that it should be passed without amendment. I shall therefore be unable to accept the amendment which the senior unofficial member intends to propose in Committee. I would remind you that this Bill represents an effort by the Secretary of State for the Colonies to exempt from assessment for the military contribution the earnings of the railway. This, so far as it goes, is a concession, and I think that I am right in saying that it represents the action which was taken in regard to the railways in the Straits Settlements. The Secretary of State is not an independent authority on this question. He has to consult with the Treasury and with the War Office, and however much he might desire to relieve this Colony of a portion of the military contribution he is not able to do so without the consent of the Lords of the Treasury and the War Office. In the dispatch in which he instructed me to introduce this Bill he said he had obtained the assent of the Lords of the Treasury and of the Military Authorities to exempt revenue derived from the railway from assessment to the military contribution until such time as the railway became a paying concern.

This Bill, therefore, does not represent, as the hon. member who has just spoken thought, a reply from the Secretary of State to representations made in this Council in June last, nor does it in any way infer that the Secretary of State has refused to consider the point. I have not had a reply to the dispatch I sent him covering a report of the resolution proposed by an unofficial member in this Council, but I have heard unofficially that the delegates from this Colony on the occasion of the Coronation had an interview with the Secretary of State, and he told them he was about to appoint a departmental committee on
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would be representatives of the Colonial Office, the War Office and the Treasury, and that the interests of the colonies would be represented by the Colonial Office. I think, therefore, we may be assured that the Secretary of State is doing his best in this matter, and so far as this Bill is concerned, there is nothing whatever in it to indicate that he has refused the desires which were represented by the unofficial members in June last. The Bill, as I have said, deals only with a particular point in regard to the military contribution, and the Secretary of State desires that it should be confined to that and that it should be passed without amendment.

His EXCELLENCY then put the motion, and declared that the "Ayes" had it.

HON. MR. HEWETT—I beg pardon, Sir, a point of order. There appears to be some misunderstanding as to whether we can or cannot move an amendment in Committee.

His EXCELLENCY—You can move an amendment in Committee.

The motion was carried.

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

On clause 2,

HON. DR. HO KAI—Sir, I wish to move an amendment to be substituted for the present clause in the following terms:

2. (1) Section 3 of the Principal Ordinance is hereby amended by substituting "1912" for "1911," and also by substituting the words "of 1,000,000 dollars" for the words "a sum equivalent to twenty per centum of the Colonial Revenues."

(2) Sections 2 and 4 of the Principal Ordinance are hereby repealed. Section 5 of the Principal Ordinance is amended by substituting the word "sum" for the word "percentage" in the first line and by deleting the words "by way of percentage" in the last line. Section 6 of the Principal Ordinance is amended by substituting the word "sum" for the word "percentage," and by substituting the words "in monthly instalments" for the word "monthly."

In effect, Sir, this is an amendment to place the military contribution at one million dollars

per annum, and if this is passed the amendment in section 2 will be unnecessary, because it does not require the exemption of any particular revenue. Therefore, this amendment if passed does not militate against exemption at all, but rather includes the exemption. I am quite aware there are different ways of calculating the amount of military contribution. The unofficial members have considered the points very thoroughly, They expressed their views on June 1st and I need not recapitulate the whole argument in favour of limiting the sum to one million per annum. The amendment is made with the unanimous concurrence of the unofficial members, and although your Excellency has instructions not to accept it, I think as a matter of protest we should vote for this amendment.

The amendment was then put, the voting being as follows:

Ayes—Hon. Mr. Ross, Hon. Mr. Osborne, Hon. Mr. Hewett, Hon. Mr. Pollock, Hon. Mr. Wei Yuk, and Hon. Dr. Ho Kai.

Noes—Captain Superintendent of Police, Registrar - General, Director of Public Works, Colonial Treasurer, Attorney-General, Colonial Secretary, and the General Officer Commanding.

On Council 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.

Liquors Amendment Ordinance

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled, "An Ordinance to amend the Liquors Consolidation Ordinance, 1911." In doing so he said—This Ordinance makes various amendments in the Liquors Ordinance which was passed this year. Perhaps the most important one is that it restores to that Ordinance a clause omitted accidentally in the Consolidation Ordinance to provide a penalty for those who did not take out licences for eating-houses. It also changes the name of "King's warehouse"

into general bonded warehouse. The remaining amendments introduced are fully set out in the objects and reasons already published in *Hansard*.

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

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.

The Societies Ordinance

THE COLONIAL SECRETARY moved the second reading of the Bill entitled, "An Ordinance to provide for a more effectual control over Societies and Clubs." In doing so he said—Since the Bill was last before Council the schedule referred to in section 4 sub-section 1 exempting societies has been printed. No attempt has been made to make inquiries as to the existence of all the societies and clubs in Hongkong, but simply those clubs or societies which happen to be down here which could be found in the Directory, or which came to the notice of the Registrar-General, are printed in order to give the public an indication of the way in which the Government proposes to treat societies and clubs in general.

THE ATTORNEY-GENERAL seconded, and the motion was agreed to.

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

On Clause 4,

HON. MR. OSBORNE — Societies must register if they are to be exempt?

THE COLONIAL TREASURER — You cannot order them to be registered. If they don't want to be registered they will dissolve.

HON. MR. HEWETT—They must either be exempted or registered.

THE COLONIAL SECRETARY — I would not like to alter the wording of this clause unless it were absolutely necessary. It is taken from the Straits Settlements, and was much altered before it reached its final form.

The clause was passed.

On Clause 7,

HON. MR. OSBORNE asked if the Registrar in asking for a complete list of the members of a society could demand to be furnished with an elaborate statement of the affairs of the society?

THE COLONIAL TREASURER — In the ordinary course we should never trouble societies to supply us with lists of members.

HON. MR. OSBORNE — We want some guarantee that we are not going to be called upon to provide statistics or any other information that the Registrar may think fit to ask.

HON. MR. HEWETT—It is the Governor-in-Council who may order a society to furnish such a statement.

The clause was passed.

On Clause 8,

HON. MR. OSBORNE moved that Governor-in-Council be substituted for Registrar.

HIS EXCELLENCY — The majority of companies will be on the exempted list. This only applies to a registered company and not to an exempted company.

THE COLONIAL SECRETARY — The Governor-in-Council will prescribe what information the Registrar-General will ask for.

HON. MR. OSBORNE—Is it clear that he cannot call for statistics and—

THE COLONIAL SECRETARY — He can only call for information which he is prescribed by the Governor-in-Council to call for.

The clause was passed.

On the Schedule,

THE COLONIAL TREASURER—I see the Hongkong Club is put down in the schedule. I think it ought not to be in the list at all. It is a limited liability company.

HON. MR. OSBORNE—That is so.

The name was struck out.

HON. MR. OSBORNE—I understand this schedule is taken from the Directory?

THE COLONIAL SECRETARY — Yes, practically so.

HON. MR. OSBORNE—Probably there are other clubs which are not exempt, and they will be put to the trouble of applying for exemption.

THE COLONIAL TREASURER — Serves them right. They are not known.

HIS EXCELLENCY — The Schedule has been published in the *Gazette*.

THE COLONIAL SECRETARY — The Registrar might insert an advertisement stating that those societies not mentioned in the Schedule should communicate with him.

HON. MR. OSBORNE—I only want to know that those who should be exempt are exempt.

HIS EXCELLENCY—If they communicate with the Governor-in-Council they will be added to the Schedule.

The Schedule was passed.

On Council resuming,

THE COLONIAL SECRETARY reported that the Bill had passed through Committee with a few clerical amendments, and he moved that it be read a third time.

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

The Law Revision Ordinance.

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled, "An Ordinance for further promoting the Revision of the Law by repealing certain parts of enactments which have ceased to be in force or

have become unnecessary." In doing so he said —This is one of the series of three revision Ordinances which has been drafted by the editor to explain all the amendments which he has made in the revision not explained by some other Ordinance. When complete, these Ordinances will be very voluminous, and I do not believe the Government printers have enough type to set up this and the subsequent Ordinances all at the one time. And so it is proposed, if the Council is agreeable, that sections of this Bill should be passed and then that the schedules should be passed in sections. At present the Schedule only consists of the first Ordinance, No. 1 of 1844, but it is intended to add to that, so that this Bill must remain in Committee.

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

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

The Bill was left in Committee, and Council resumed.

Law Amendment Ordinance.

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled, "An Ordinance for further promoting the Revision of the Law by amending certain errors contained in, as well as the language used in, the Ordinances now in force." In doing so he said — This Bill, like the last, has an incomplete Schedule, which will be added to from time to time. It is also being drafted by the editor now engaged in the revision of the Ordinances.

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

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

The Bill was left in Committee, and Council resumed.

General Revision Ordinance.

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled, "An Ordinance for promoting the general revision of the Law by repealing certain enactments which have ceased to be in force or have become unnecessary, by amending certain

other enactments which stand in urgent need thereof, and by incorporating certain amending Ordinances in their respective principal Ordinances." In doing so he said—This is the last of the three Revision Ordinances to which I referred. It has been carried down much later than the others, and it deals with Ordinances passed as late as this year.

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

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

The Bill was left in Committee and Council resumed.

His EXCELLENCY—Council will adjourn till this day week.

FINANCE COMMITTEE.

A meeting of the Finance Committee was then held, the COLONIAL SECRETARY presiding.

The following vote was passed:

Hansard Reports.

The Governor recommended the Council to vote a sum of One hundred and twenty Dollars (\$120) in aid of the vote Colonial Secretary's Department and Legislature, Other Charges, Hansard Reports.