

16TH MAY, 1912.

PRESENT:—

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT, HON. MR. CLAUD SEVERN.

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING THE TROOPS, MAJOR-GENERAL C. A. ANDERSON, C.B.

HON. MR. C. CLEMENTI (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. J. BADELEY (Captain-Superintendent of Police).

HON. SIR KAI HO KAI, M.D., C.M.G.

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

HON. MR. H. E. POLLOCK, K.C.

HON. MR. C. H. ROSS.

HON. MR. E. OSBORNE.

MR. R. H. CROFTON (Clerk of Councils).

Minutes

The minutes of the previous meeting were approved.

Financial Minutes

THE COLONIAL SECRETARY, by command of His Excellency the Officer Administering the Government, laid on the table Financial Minute No. 22, 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 Officer Administering the Government, 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.

"The Finest Site"

HON. MR. POLLOCK—I beg to move that, in the opinion of this Council, it is desirable that the plot of land to the west of the new law courts should be cleared and turfed, and that the work should be taken in hand at once. Sir, I have reluctantly come to the conclusion that the Public Works Department of this Colony are very deficient in their appreciation of the beautiful as applied to the laying out of this city. Quite recently, sir, the finest site in the Colony has been handed over to the Chinese contractor for the erection of a matshed for workmen, a latrine, and cook-house. But, sir, although the apparent justification for that course would be the presumed desire upon the part of the Public Works Department to clear and level the space of ground to the west of the Law Courts, it has been in a very shameful condition for some months past, and forms a very bad background indeed to the statue of His Most Gracious Majesty the King. But, sir, although for a time it seemed that progress was being made in the direction of clearing and levelling this plot of ground, I am sorry to say that lately there seems to have been some stay in that progress. At the present day, sir, if you go down and view the ground, you will see a number of piles of materials of various descriptions standing heaped up upon it. Now, sir, I strongly object to the contractor having two large plots

of ground for the storage of this material. Already in the space of a few short weeks he has dotted the finest site in the Colony with various heaps of material in very liberal fashion, and I consider it to be altogether unnecessary that this space of ground to the west of the Law Courts should be dotted in a similar fashion. The plot in question is, I believe, part of what is officially known as Royal Square, and I think, sir, that it is in the public interest that this plot of land should be turfed as soon as possible, in order to make it uniform with the other portion of Royal Square, which is under the control of the Government, and which has already been turfed. It has been suggested, sir, I believe, that this turfing should remain over until the railings have been put round this plot and the granite pillars put into place, but I see no real reason why any such delay should take place. Such turfing seems to be desirable so as to make it uniform with the other plot of land mentioned. One would hardly suppose it is beyond the wit of man to supervise the Chinese contractors in putting railings and granite pillars round a plot of ground in such manner as to prevent them from damaging the turf itself. Only this morning, sir, a fresh intrusion has taken place on this ground in the shape of a bamboo scaffolding which has appeared on the eastern side, and put in close proximity to the new Law Courts. When the Director of Public Works replies to this resolution I shall be very glad to hear from him what reasonable explanation there is for this strange intrusion upon this plot of ground.

HON. MR. OSBORNE—I was hoping that the hon. member opposite who proposed the resolution was also going to include the "finest site." I wish he had, because I think that as long as this plot remains waste ground it must always be a temptation to lease it to contractors, and it will remain an everlasting eyesore. It will be an excellent plan to have the whole of the ground, including the finest site, turfed, and the Government released from the temptation of leasing it.

THE DIRECTOR OF PUBLIC WORKS — There could be no objection to the adoption of this resolution if it were practicable to give effect to it in its entirety, but with the work now in progress of erecting an enclosing railing round the plot of land it is impossible to carry out the work of turfing in a complete manner. The space is very limited and the operation

involved in the erection of these railings is bound to encroach to a considerable extent upon it, and therefore it is desirable that the operation of turfing should be postponed until the railings have been completed. The contract for that work is now in progress, as my hon. friend on my left mentioned, and the railings are expected to arrive in the Colony within the next few weeks. As regards the heaps of material deposited on the ground, they will shortly be deposited in the open trenches which have been dug, in order to form a foundation for the base of the railings. I am not aware of the erection of the bamboo scaffolding to which he alludes, and I cannot give him any information with regard to it. I will have inquiries made respecting it. I may mention that in carrying out the work of enclosing these plots, precedence will be given to the one opposite the Law Courts.

HIS EXCELLENCY—I am very new to Hongkong, but I can sympathise with the mover of this resolution regarding the disfigurement of these sites. I am not quite clear which is the finest site. I have been three months in the Colony and I understood that the finest site was the one opposite the Hongkong Club. Apparently it has been extended to the site opposite the Courts. I am quite prepared to agree that the whole of this land is the finest site. It seemed to me to be rather unnecessary at the time that the cook-house and other buildings referred to should be there, but, as the Director of Public Works says, it is impossible to avoid it. The site opposite the Courts will be prepared as a lawn very shortly. Ultimately all the land will be laid out as lawns and gardens; and after the railings are put up no one will be able to put anything down on the land again.

THE DIRECTOR OF PUBLIC WORKS — By Sir Frederick Lugard's explicit instructions no railing enclosing what is known as the finest site has been ordered. His Excellency's orders were that that site was not to be enclosed by a railing, but only the plot opposite the Law Courts.

THE COLONIAL SECRETARY—In view of the remarks of the Director of Public Works, it will not be possible for the

Government to accept this resolution exactly as it stands. I would suggest that instead of the words "at once," at the end of the resolution, the words, "as soon as possible," be substituted.

HON. MR. POLLOCK—I am quite prepared to accept that amendment.

The motion as amended was agreed to.

Law Revision Ordinance (No. 3), 1912

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the Law Revision Ordinance, 1911." Since the papers which members have in their possession were laid on the table the editor has sent me a communication asking me to move in Committee certain amendments to the schedule provided for by this Bill. With your permission I would move that the proof revised by the editor be substituted for the proof on the table.

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

THE ATTORNEY-GENERAL moved that so much of the Standing Orders be suspended as would enable the Bill to pass through all its stages that day.

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

THE ATTORNEY-GENERAL then moved the second reading of the Bill.

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 Council 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.

Law Amendment Ordinance (No. 3), 1912

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to

amend the Law Amendment Ordinance, 1911." In doing so he said—As in the case of the last Bill, the editor at one o'clock sent me a revise in which he has made certain amendments which I shall move in Committee.

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

THE ATTORNEY-GENERAL moved that so much of the Standing Orders be suspended as would enable the Bill to pass through all its stages that day.

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

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

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 Council 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.

The Coypright Repeal Ordinance, 1912

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to repeal certain enactments relating to the law of Copyright." In doing so he said—Last year in the United Kingdom an Act was passed which will apply to this Colony when its provisions have been proclaimed by the Governor. That Act repeals a number of the earlier Imperial Acts which have been reproduced in our local Ordinance. The application of the Act to the Colony will necessitate the repeal of this Ordinance, and it is better that it should be expressly repealed. This Bill repeals these enactments. Clause 3 will delay the operation until the 1st July. On that date it is hoped this Bill will be passed and the proclamation made on the same day.

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

The Objects and Reasons attached to the Bill state:—The Copyright Act 1911 (1 and 2 Geo. 5 Ch. 46) will, by virtue of the provisions of Section 37 (*d*) thereof, apply to the Colony on its proclamation by the Governor. Its application to the Colony will necessitate the repeal of the enactments mentioned in the Schedule to the Bill. It is intended that the Ordinance shall come into operation at the same time as the Proclamation.

The Full Court Ordinance, 1912

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to make provision for the reconstitution of the Full Court." In doing so he said—Under the present system the Colony has only two judges, and although it is fortunate in the judges themselves, any system which has only two judges of appeal, and one of them the judge appealed from, is unsatisfactory. Under the present arrangement the Chief Justice by virtue of his seniority is given a casting vote, so that an appeal from him goes to himself and the Puisne Judge who has only one vote against his two, and therefore his decision cannot be reversed in the Colony unless he himself changes his mind. This Bill will alter that system. It provides for the sitting of at least two judges who are fresh to the case. It also provides that no decision where there are two judges in favour of it and one against shall be reversed. Provision is made for the rules which are to apply when three judges in the permanent service of the Colony are available and provision is also made for the temporary appointment of a third judge of His Majesty's Supreme Court in China, or else a barrister of at least seven years' standing. Seven years is the standing required for appointment to the County Court Bench at Home, and in India I think it is five years' standing for appointment to the High Court. In England it is ten years. Therefore seven years is a fair mean.

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

The Objects and Reasons attached to the Bill are:—This Bill is intended to abolish the present system under which appeals from any one of the two judges are heard by them both and which

gives one of them a casting vote if they differ. It necessarily changes the constitution of the Full Court. Provision is made for the rules which are to apply when three judges in the permanent service of the Colony are available and provision is also made for the temporary appointment of a third judge who must either be a judge of His Majesty's Supreme Court in China or else a barrister of at least sufficient standing to qualify him for appointment to the County Court Bench in England.

Supplementary Estimates

THE COLONIAL SECRETARY moved the second reading of a Bill entitled, "An Ordinance to authorize the appropriation of a supplementary sum of one hundred and sixty-three thousand eight hundred and ninety-six dollars and ninety-three cents, to defray the charges of the year 1911." In doing so he said—As there will be a full opportunity of discussing this Bill in Finance Committee I do not propose to make any remarks at this stage.

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

THE COLONIAL SECRETARY—This Bill having passed its second reading, I beg to move that it be referred to the Finance Committee.

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

Limited Partnerships Ordinance, 1912

THE ATTORNEY-GENERAL moved the second reading of a Bill entitled, "An Ordinance to establish Limited Partnerships." In doing so he said—This system of limited partnerships has been recognised in France since the Middle Ages, but it was only recognised in the United Kingdom in 1907. This Bill was drafted in the year 1909, but it was held over pending the settlement of the Chinese partnership question. That was settled by the Ordinance of last year, and this is its necessary counterpart.

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

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

Several amendments were made, and the date when the Ordinance should come into operation was fixed for 1st June.

On Council resuming,

THE ATTORNEY-GENERAL moved that the Bill be read a third time.

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

Advertisements Regulation, 1912

THE ATTORNEY-GENERAL moved the second reading of a Bill entitled, "An Ordinance to control the exhibition of advertisements." In doing so he said— The object of this Bill is to enable the Government to obtain some control of those who in their anxiety to attract the public to the purchase of their wares injuriously affect the amenities of the landscape and of the harbour.

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 clause 2,

HON. MR. OSBORNE — That clause apparently only applies to public places. There is a creature called the billposter, who plasters your walls with great hideous posters. The great thing is, would he become liable to prosecution?

THE CAPTAIN SUPERINTENDENT OF POLICE—He is liable now.

HON. MR. OSBORNE—Is it the intention of the Government to draw up the regulations soon?

HIS EXCELLENCY—We would like to do anything which would give the desired result as soon as possible.

THE CAPTAIN SUPERINTENDENT OF POLICE—You can prosecute now the man who puts bills on private property, but you can't catch him.

HON. MR. OSBORNE—For instance, there is Indian root pills that one sees on most walls. But you can't catch the billposter.

THE CAPTAIN SUPERINTENDENT OF POLICE—Quite so.

HIS EXCELLENCY—We say it is not the billposter, but the firm that is responsible.

HON. MR. OSBORNE—Will the person who instructs the billposter be liable?

HIS EXCELLENCY—I think the person responsible for putting the bills there will be responsible. The regulations would lay that down.

HON. MR. OSBORNE—I shall have great pleasure in prosecuting a few of them if I know who to prosecute.

HIS EXCELLENCY—I think it will be easy to carry out the object of the Ordinance.

HON. MR. POLLOCK—What is the meaning of public place?

THE ATTORNEY-GENERAL—It is intended to apply to public parks, promenades, and places of that kind.

HIS EXCELLENCY—I think you should leave it as wide as possible in the Bill itself.

HON. MR. POLLOCK—It would be wider if you struck out "public."

HON. MR. OSBORNE—There is a certain brand of whisky for sale throughout the harbour.

THE ATTORNEY-GENERAL—"The waters of the Colony" is intended to apply to that. It seems to me that the effect of the sections would apply to advertisements on private property as well. If a man had a house in Garden Road overlooking the Public Gardens and had flashlight signs and other things of that kind he would be injuriously affecting the amenities of the Gardens, although he were doing it on his own property.

On the motion of the Attorney-General it was agreed to amend the penalty clause

by substituting one "hundred dollars" for "fifty" and by adding the following words: "and to an order for the removal of the advertisement. Any person who fails to comply with any such order shall be liable on summary conviction to a fine not exceeding ten dollars a day for every day that he is in default and to imprisonment for any term not exceeding three months."

On Council resuming,

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

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

Tramway Ordinance

THE ATTORNEY-GENERAL moved the second reading of a Bill entitled, "An Ordinance to amend the Tramway Ordinance, 1901 (Ordinance No. 10 of 1902). In doing so he said—The object of this Bill is to enable the Tramway Company subject to the due control exercised by this Council to extend its track without requiring in every case an amending Ordinance to enable them to do it.

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 Council resuming,

THE ATTORNEY-GENERAL moved that the Bill be read a third time.

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

The Death of the King of Denmark

HIS EXCELLENCY—I have received a letter from the Consul for Denmark. It reads: "Sir,—It is my painful duty to inform you that I have received a telegram from the Foreign Ministry at Copenhagen this morning announcing the demise of His Majesty King Frederick VIII. of

Denmark."

HIS EXCELLENCY continued—The demise of a European Sovereign would always be a sad event to the British people, but when we consider the close relationship between the Royal families of England and Denmark the demise of the King is doubly sad to the people of the British Empire. He was the brother of Queen Alexandra, and therefore the uncle of the present King of England. I will see that a suitable answer from this Council is sent to the Consul for Denmark, expressing our deep grief at the death of His Majesty. I will see also that the Consul is personally waited upon to-morrow morning.

HIS EXCELLENCY—Council will adjourn to May 23rd.

FINANCE COMMITTEE.

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

Special Expenditure

The Officer Administering the Government recommended the Council to vote a sum of One thousand Dollars (\$1,000) in aid of the vote Judicial and Legal Departments, Special Expenditure, *E.*— Land Registry Office, New Furniture.

Supplementary Estimates

THE CHAIRMAN—I shall be glad to answer any questions that members wish to ask. These accounts are very satisfactory: for they show that, whereas in the 1911 budget we anticipated an expenditure of \$7,385,320, we have as a fact only spent \$7,077,177.23, a saving of \$308,142.77. Moreover, whereas we estimated a total revenue of \$7,086,383 for last year, we actually collected \$7,497,231. Thus instead of an anticipated deficit of \$298,937 we have on the year's working an actual surplus of \$420,054. If no member wishes to ask any questions, I move that the Committee recommend that the Bill be reported to the Council without amendment.

This was agreed to.