

19TH DECEMBER, 1912.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR, SIR F. H. MAY, K.C.M.G.

HON. THE OFFICER COMMANDING THE TROOPS, COLONEL C. W. R. ST. JOHN.

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

HON. MR. J. A. S. BUCKNILL (Attorney-General).

HON. MR. C. McI. MESSER (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.

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

HON. MR. C. H. ROSS.

HON. MR. J. W. C. BONNAR.

HON. MR. E. OSBORNE.

MR. A. G. M. FLETCHER (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. 61 to 68, and moved that they be referred to the Finance Committee.

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

Financial

THE COLONIAL SECRETARY laid on the table the report of the Finance Committee (No. 13), and moved its adoption.

THE COLONIAL TREASURER seconded.

HIS EXCELLENCY—Gentlemen, you will observe that Financial Minute No. 63 recommends the Council to vote a sum of \$107,000 in aid of the vote loss on subsidiary coins. With reference to this minute I would remind you that in his speech on the Estimates for 1912, Sir F. Lugard said that the Secretary of State and the Lords Commissioners of the Treasury considered the demonetisation of Hongkong subsidiary coins as an inadvisable measure. It was accordingly suspended during part of last year and during the current year. On my arrival I found an accumulation of over eight hundred thousand dollars (face value) of Hongkong subsidiary coin in the Treasury on which we were losing interest at the rate of about sixty-five dollars a day. I asked the Secretary of State whether he wished this accumulation to be put again into circulation. He replied by asking me my advice on the point. There were only three courses open to me (*a*) to keep it and continue to lose interest, (*b*) to put it back into circulation by sale of the coins, (*c*) to sell it as bullion. I advise the latter course because to adopt the first would have entailed heavier expense in the end; to adopt the second would have further depreciated our subsidiary coins which are already at a heavy discount and would have still left the coins out against us to involve us in loss of discount if they should find their way back to the Treasury and perhaps in the ultimate cost of redemption; and because in adopting the third we shall be continuing our efforts to bring our subsidiary coins back to par. This I must say I consider to be the bounden duty of this Government, for it is not fair that the public should be forced, as they are, to accept subsidiary coins in payment of debts up to two dollars and to allow these coins to remain at a discount. The Secretary of State approved my recommendation and the accumulation has been shipped to England for sale. I am afraid that this subsidiary coin question will continue to involve us in much expense for some time to come.

The motion was agreed to.

Papers

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table the Quarterly Return of excesses on subheads met by savings under heads of expenditure and Explanatory Statement of increase in cost of the New Post Office.

Summary Offences Amendment Ordinance, 1913

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the Summary Offences Ordinance, 1845." In doing so he said—One of the earliest Ordinances in this Colony was the Ordinance of 1845, which, amongst other things, tried to prevent undue noises in certain populous parts of the Colony, but that Ordinance was then confined to the City of Victoria. Well, Sir, the place has grown, and people have grown too, and numerous complaints have been received by the Government that this part of that Ordinance was not capable of being put into force elsewhere. Now it is proposed by this Bill, Sir, that this part of this Ordinance should be extended over the whole Colony, but that it should only be put into operation in such areas as may from time to time be considered necessary. I understand at the present moment that the only area over which it is proposed that it should be put into force is in the town district of Kowloon.

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

Boycott Prevention Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled "An Ordinance to prevent the undue and improper interference with or hampering of lawful business and commercial undertakings." In doing so he said—As I propose to ask the Council that the Standing Orders be suspended so far as may be necessary to put this Bill through the whole of its stages, I do not propose to make any remarks at this stage, but to confine what I have to say to the time when I move the second reading.

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

THE ATTORNEY-GENERAL moved the suspension of the Standing Orders.

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

THE ATTORNEY-GENERAL — I beg to move the second reading of the Bill, and in doing so I intend to remark upon it only very briefly. The object of the Bill is contained in the objects and reasons printed at the end of the Bill. The principle of the Bill is to enable some sort of control to be exercised over attempts to interfere with ordinary business transactions or to cripple or hurt industries in any way which is obviously improper and illegal. Now this Bill, Sir, creates a certain offence, and in addition to creating a certain offence it also provides that it should be possible to impose a tax which amounts to a levy in certain areas which are called in the Bill proclaimed areas. These areas are places where these projects, unlawful projects, are hatched, and from which these proposals actually to interfere with trade and business emanate. Now, Sir, it will be observed that in the Bill there are two important safeguards, and the principal of these is that it is possible to exempt from the operations of this special levy any property which for any good reason ought not to be included in the levy, and the second exemption will be contained in the clause which I shall propose to move in the committee stage, namely, that it shall not be necessary that this Bill should be always in operation, but that it should be possible for His Excellency to suspend its operation, in whole or in part, for such time as His Excellency may consider fit; that is to say, that in the absence of any proclamation to that effect the Bill would ordinarily be part of the law of the Colony, but if His Excellency thought fit to issue a proclamation suspending the operation of the Ordinance or part of it, it would accordingly be suspended and out of operation. I propose to move a clause to that effect at a later stage. This legislation may perhaps seem somewhat unusual, but as a matter of fact it is not extraordinary. It has ample precedents not only in England but elsewhere. One of the commonest forms of stopping matters over which there is no very ready control is by levying a special tax on the place where that improper conduct takes place, and also by making persons, even if they may not themselves be actually guilty, pay with the persons who actually are. As a matter of fact, this is one of the oldest principles in English law. With regard to the offences which are created, I

think no reasonably minded person can possibly have any objection to the creation of such offences. They are really in certain circumstances already offences, but this Ordinance will more clearly define these offences.

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

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

On clause 9,

HON. SIR KAI HO KAI—May I ask what steps the Governor-in-Council proposes to take before proclaiming any area. It might be that certain bad characters from one district would come into a peaceful district and cause a riot. In such a case it would be extremely unjust to the peaceful inhabitants that they should be mulcted in this special levy while the district which harboured the bad characters escaped free. I think an explanation will allay the apprehension of the public.

THE COLONIAL SECRETARY—Before any action is taken the Government would satisfy themselves by every possible inquiry as to the facts and circumstances which it would be possible to find out in connection with the matter before they issued the proclamation. In the case of the circumstances postulated by the hon. member it would be such an obvious case that it would be easy to apply the proclamation to the district in which the riot took place.

HON. SIR KAI HO KAI—Will arrangements be made to allow the leading inhabitants to give information or to appear before the Governor-in-Council to assist the Government in arriving at a correct conclusion?

THE COLONIAL SECRETARY—If you will turn to sub-section 7 you will find that they will even receive rewards for giving information.

HON. SIR KAI HO KAI—I know that, but will there be an arrangement whereby the Governor can summon leading inhabitants of a particular district and question them, so that they will have a chance of stating their case before the proclamation is issued?

HIS EXCELLENCY—The Government will take every reasonable means of finding out all the circumstances. Of course in many cases the conduct of the people living in a district would be sufficient evidence whether they were

supporting a boycott or whether they were not. Supposing a shop was being boycotted, as happens in Ireland. It is not a difficult matter to find out who formerly patronised that shop and who were refusing to deal with it. I do not think that the hon. member need fear that advantage will be taken if unhappily it should be necessary to take action under this section to act unjustly or without proper inquiry.

HON. SIR KAI HO KAI—Then I take it, your Excellency, that every precaution will be taken to give the inhabitants of a district an opportunity of clearing themselves. If your Excellency will give an assurance to that effect

HIS EXCELLENCY—I think I can give that assurance.

Clause 9 was then adopted.

THE ATTORNEY-GENERAL proposed the insertion of a new clause which should be numbered 10. It was as follows:—

"It shall be lawful for the Governor at any time and from time to time by proclamation published in the *Gazette* to order that the operation of this Ordinance or any part of this Ordinance shall be suspended from such day and for such period as the Governor shall in such proclamation determine, and it shall further be lawful for the Governor in like manner and at any time and from time to time to rescind or vary any such order.

Clause 10 was thereafter amended to read as follows:—

This Ordinance shall come into operation on the 19th day of December, 1912, but if at the expiration of seven days after the date of the coming into operation of this Ordinance or at the expiration of a like period after the date of the coming into operation of any order rescinding the suspension of the operation of this Ordinance issued under provisions of section 10 of this Ordinance, any state of boycotting or condition of boycotting which may be in existence at the date of the coming into operation of the Ordinance or of any such order as aforesaid has not entirely ceased and abated it shall be lawful for the Governor-in-Council to declare by Proclamation published in the *Gazette* that the provisions of section 9 of this Ordinance shall operate retrospectively and shall
b e d e e m e d t o h a v e

been in force as from such date as may by the said Proclamation be determined and upon the publication of such Proclamation the provisions of section 9 of this Ordinance shall be as from such date so determined in such Proclamation of full legal force and effect. For the purpose of this section the expressions "state of boycotting" and "condition of boycotting" shall mean any such state or condition of affairs as may in the opinion of the Governor-in-Council be regarded as a state of boycotting or condition of boycotting.

On Council resuming,

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

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

Chinese Marriage Preservation Ordinance, 1912

THE ATTORNEY-GENERAL moved the second reading of a Bill entitled, "An Ordinance to provide punishment for certain persons found guilty of adultery or harbouring Chinese Married Women. In doing so he said:—The Bill is one which is of somewhat curious character. First of all the latter part of the Bill only re-enacts what has already been the law of the Colony for some time, but the first part of the Bill is a novelty. It introduces procedure and creates offences which under the law here were not actually in force. Now the principal point of the Bill is that where a Chinese married woman runs away from her husband and commits adultery it shall be possible for the husband to obtain some redress. The Ordinance provides that he shall be able and he only to bring proceedings in connection with the dishonour to which he has been subjected; it provides also penalties for the adulterer of a severe character and penalties of a less severe character for the woman who has wronged her husband. In addition to that, it is possible for the husband to obtain compensation. Now, Sir, it is an interesting thing that in many schemes of law, mostly continental law—*e.g.*, French law and Turkish law, in fact in some of these systems which owe their origin to the Code Napoleon, there are arrangements by which a husband can obtain under circumstances such as those

indicated in this Bill compensation, and proceedings can be taken against the paramour of the guilty wife. In English law the position is different and has not been carried so far as in the continental systems. I move the second reading of the Bill, and I understand that it is desired that the Bill should be taken through all its stages to-day.

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

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

Council resumed.

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

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

Final Revision Ordinance, 1912

THE ATTORNEY-GENERAL moved the second reading of a Bill entitled, "An Ordinance for effecting the final revision and amendment of the Ordinances of the Colony from 1844 to 1912 inclusive before incorporating them in the New Revised Edition of the Laws of the Colony." In doing so he said—Judging from the mass of Bills which have already been passed through the Council before I had the honour of being a member of it, I expect members are tired of Bills of this character. This I hope is very nearly the last, though it may be not actually the last. It is very long, and I am sorry to say I shall have quite a number of amendments. I have been in consultation with the gentlemen who are making the revision, and I think I have all the amendments up-to-date.

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

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, and moved that it be read a third time.

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

Council then adjourned to permit of the Finance Committee considering several votes.

FINANCIAL MINUTES.

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

Subordinate Officers' Quarters

The Governor recommended the Council to vote a sum of \$2,100 in aid of the vote Public Works, Extraordinary, Miscellaneous, Resumption of Inland Lot No. 805 in connection with site for Quarters of Subordinate Officers.

THE CHAIRMAN—This is a vote required for the erection of a matshed to provide accommodation for the additional police. It will be erected on the vacant piece of land near No. 8 Police Station.

Miscellaneous Works

The Governor recommended the Council to vote a sum of \$2,000 in aid of the vote Public Works, Extraordinary, Miscellaneous, Miscellaneous Works.

Loss on Subsidiary Coins

The Governor recommended the Council to vote a sum of \$107,000 in aid of the vote Miscellaneous Services, Loss on Subsidiary Coins.

THE CHAIRMAN — His Excellency has already explained this vote.

HON. SIR KAI HO KAI—Does that represent the total loss?

THE CHAIRMAN—It represents the balance of the total loss for the year. The total loss is \$167,000. The actual loss on this coin is difficult to ascertain until the books are sent in. There is

a varying weight in Japanese and other coins.

Compensation Allowance

The Governor recommended the Council to vote a sum of \$548 in aid of the vote Registrar-General's Department, Personal Emoluments, Compensation in respect of Quarters to the Hon. Mr. E. R. Hallifax while acting as Registrar-General from October, 1911, to November, 1912.

Roads and Bridges

The Governor recommended the Council to vote a sum of \$2,500 in aid of the vote Public Works, Recurrent, Communications, Maintenance of Roads and Bridges in City.

THE CHAIRMAN—This is for the purchase of a scarifier, and also for damage by large motors.

Secret Service

The Governor recommended the Council to vote a sum of \$5,000 in aid of the vote Harbour Master's Department, C.—Imports and Exports Office, Other Charges, Secret Service.

THE CHAIRMAN—This is on account of the large number of important seizures of prohibited articles during the year.

Law Courts

The Governor recommended the Council to vote a sum of \$11,051 in aid of the vote Public Works, Extraordinary, Buildings, Law Courts.

THE CHAIRMAN—This is supposed to be the final amount the Council will be required to vote—

THE DIRECTOR OF PUBLIC WORKS—No, Sir.

THE CHAIRMAN—Except the consulting architects' fees which may be taken at about \$40,000.

THE DIRECTOR OF PUBLIC WORKS—We have not yet received the final statement of the contractor's accounts.

THE CHAIRMAN—The contractor defaulted.

THE DIRECTOR OF PUBLIC WORKS—
Yes, he did not fulfil the terms of his contract.

Water Works

The Governor recommended the Council to vote a sum of \$28,500 in aid of the vote Public Works, Recurrent, Water Works, Maintenance of City and Hill District.

THE CHAIRMAN—This is entirely due to the extra work on account of the scarcity of water.

HON. SIR KAI HO KAI—Has the erection of public fountains reduced the consumption?

THE DIRECTOR OF PUBLIC WORKS—It has been successful in reducing the consumption to three million gallons per day, which was the figure we estimated we would need to get down to in order to carry us through. The whole question is whether the streams will maintain the supply we are getting. For the past week we drew 15 millions of gallons from the reservoirs and we have 317 million gallons left. We had twenty-one weeks' supply in store at the beginning of the present week. The question is whether the streams will enable us to do without drawing any more from the reservoir.

Council then resumed.

THE COLONIAL SECRETARY reported that Financial Minutes Nos. 61 to 68 had been considered by the Finance Committee and recommended for payment. He moved that they be adopted.

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

Wireless Telegraphic Station

HIS EXCELLENCY—At the commencement of the present year a Committee, consisting of two Government and two Naval members and one Military member, was appointed to enquire into the question of the erection of a wireless telegraph station in Hongkong. It had previously been ascertained that a high power station was not suitable for commercial work, as it could receive messages only from high power stations.

The Committee reported that for commercial purposes a medium power station, having a day range of 850 miles, was the most suitable; and the Committee of the Chamber of Commerce concurred in this recommendation. This range was suggested because it would give communication with Shanghai, Formosa, the Philippine Islands, and probably with French Indo-China by day, and with Japan and Singapore by night. In February the Secretary of State for the Colonies suggested the erection of a $1\frac{1}{2}$ kilowatt station with a range of about 300 miles. The estimated cost of such a station was some £2,000 as compared with some £16,000 for the station recommended by the Committee. On the 27th August, I personally discussed the question with five members of the Committee of the Chamber of Commerce. I suggested that, in view of existing cable facilities, a low power station, giving reasonable facilities for communication between ship and shore, was sufficient for commercial purposes. Notes of the discussion were forwarded to the Secretary of State, who had previously been informed of the recommendation of the Committee and the Chamber of Commerce. Mr. Harcourt has now suggested that the power of the station should be five kilowatts, which is the power of the stations already erected at Colombo and Suva. He states that he is suggesting to the Governor of the Straits Settlements that the station to be erected at Singapore should be of similar power. He adds that the British North Borneo Company are proposing to erect 2.5 kilowatt stations at Sandakan, Jesselton, and Selimpon. He proposes that the Crown Agents for the Colonies should call for tenders forthwith for the erection of such a station. When all these stations have been erected ships with a wireless installation at any point of the sea between Hongkong, Singapore, and North Borneo will be within call of one or other of the stations, at any rate during the night, and will only be out of reach of a station during day time, if at all, for a short portion of their voyage. If hereafter the Imperial Government erects a high power station at Hongkong in connection with the Imperial Wireless Scheme it will be available for long distance commercial work. (Applause.) I shall be glad to learn whether honourable unofficial members concur in the proposal to erect a 5

kilowatt station at Hongkong for ship to shore communication. I have addressed the Chamber of Commerce on the subject, and I will then ask the Secretary of State to do as he proposes and call for tenders. I suppose that means that companies other than the Marconi Company will tender.

HON. SIR KAI HO KAI—At what figure does your Excellency estimate the cost?

HIS EXCELLENCY—I should think it would be somewhere in the vicinity of £5,000 or £7,000.

HON. SIR KAI HO KAI—It would have a range of 600 miles?

HIS EXCELLENCY—The range is much greater by night.

HON. SIR KAI HO KAI—Yes, but I am asking the distance by day.

HIS EXCELLENCY—The station at Suva is guaranteed in the day time to have a range of 300 miles, but it reaches much further at night. It reaches 800 miles and more.

HIS EXCELLENCY—Can hon. members say now if they approve or do they wish to consider the matter?

HON. MR. OSBORNE—No, Sir.

HIS EXCELLENCY—You are satisfied with the proposal?

HON. MR. POLLOCK—I think it is a very good proposal.

HIS EXCELLENCY—Council will adjourn *sine die*. I wish you all a Merry Christmas and a Happy New Year.