

HONGKONG LEGISLATIVE COUNCIL.

13TH FEBRUARY, 1913.

PRESENT:—

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

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

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. CAPT. F. J. BADELEY (Captain
Superintendent of Police).

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

HON. MR. E. A. HEWETT, C.M.G.

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

HON. MR. C. MONTAGUE EDE.

HON. MR. C. H. ROSS.

MR. A. G. M. FLETCHER (Clerk of Councils).

Minutes

The minutes of the previous meeting were
approved.

New Member

THE HON. MR. C. MONTAGUE EDE took the
oath and assumed his seat as member.

Constitution of Committees

HIS EXCELLENCY—The Committees for the
year are:—The Finance Committee consists of all
members of the Council except the Governor; the
Public Works Committee consists of the Colonial
Treasurer, the Director of Public Works, the Hon. Mr.
Wei Yuk, the Hon. Mr. E. A. Hewett, and the Hon.
Mr. C. H. Ross; the Law Committee consists of the
Attorney-General, the Registrar-General, Hon. Sir
Kai Ho Kai, Hon. Mr. E. A. Hewett, and the Hon. Mr.
C. Montague Ede.

Financial Minutes

THE COLONIAL SECRETARY, by command of
His Excellency the Governor, laid on the table
Financial Minutes Nos. 1 to 7, and moved that they
be referred to the Finance Committee.

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

Resolutions Under the Opium Ordinance

THE COLONIAL SECRETARY—I beg to move
a resolution under Section 3 of the Opium Ordinance,
1909 (Ordinance No. 23 of 1909), as amended by
Section 2 of the Opium Amendment Ordinance, 1911
(Ordinance No. 39 of 1911) as follows:—

Whereas by the provisions of Section 3 of the
Opium Ordinance, 1909, as amended by Section 2 of
the Opium Amendment Ordinance, 1911, it is
provided as follows:—

"No person shall import, or aid or abet the importation of any raw opium into the Colony or into the waters thereof, if such importation shall have been notified in the *Gazette* in pursuance of any resolution of the Legislative Council as being illegal."

It is therefore hereby resolved that a notification shall be made in the next issue of the *Government Gazette* that the importation of raw Turkish Opium is illegal.

The introduction of this resolution is in pursuance of the policy of this Government in restricting the movement of opium as much as possible, and as it has been discovered that the importation of Turkish opium practically does not exist, it is therefore just as well at present to prevent any future attempt to make a business in it by prohibiting its importation now.

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

THE COLONIAL SECRETARY—I beg to move a second resolution under the same authority as follows:—

Whereas by the provisions of Section 3 of the Opium Ordinance, 1909, as amended by Section 2 of the Opium Amendment Ordinance, 1911, it is provided as follows:—

"No person shall import, or aid or abet the importation of any raw opium into the Colony or into the waters thereof, if such importation shall have been notified in the *Gazette* in pursuance of any resolution of the Legislative Council as being illegal."

And whereas by a resolution dated the 31st August, 1911, and made by the Legislative Council in pursuance of the provisions of Section 3 of the Opium Ordinance, 1909, as amended by Section 2 of the Opium Amendment Ordinance, 1911, and published in the *Gazette* of the 1st September, 1911, it was resolved that a notification should be made in the following issue of the *Government Gazette* that the importation of any kind of raw Indian Opium except opium covered by export permits from the Government of India to the effect that it had been declared for shipment to or consumption in China was illegal.

It is therefore hereby resolved that a notification shall be made in the next issue of the *Government Gazette* that the above recited resolution shall not

apply to the transhipment in Hongkong of raw Indian Opium exported from China by the Chinese Maritime Customs to a port to which it is lawful to export the same.

The reason for this resolution is obvious from the last two lines. The Council has already passed a resolution restricting the movements into Hongkong of raw Indian opium which will probably create some difficulty for the Chinese Maritime Customs in regard to opium in their possession. This resolution is therefore to exempt such opium from its operation.

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

Companies (Winding-up) Rules

THE COLONIAL SECRETARY—I beg to lay on the table Rules made under the Companies Ordinance, 1911. These rules have been made by the Chief Justice under Section 220, and are now laid before the Legislative Council for approval. I do not know much about the rules myself, but I presume they are correct and proper in accordance with practice. I would point out that the blank in No. 206 should be filled by inserting the date, 1st March, 1913. I move that the rules be adopted.

THE ATTORNEY-GENERAL seconded.

HON. SIR KAI HO KAI—Before you put the question, may I ask whether this has been published in the *Gazette*?

THE COLONIAL SECRETARY—No.

HIS EXCELLENCY—It is purely formal. It has taken three years, I know, to compile the rules.

HON. SIR KAI HO KAI—I don't know whether the profession has seen them.

THE COLONIAL SECRETARY—In any case they can be amended if it is found necessary.

HIS EXCELLENCY — They are merely adaptations of the old rules to the new Ordinance.

The motion was then agreed to.

The Typhoon Refuge

THE COLONIAL SECRETARY laid on the table a statement of the work done on the typhoon refuge up to 31st December last, together with a diagram.

Opium Amendment Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the Opium Ordinance, 1909." In doing so he said—I do not propose to say anything on this Ordinance in moving the first reading, but I think this Ordinance will be better discussed when we come to the second reading.

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

The Objects and Reasons attached to the Bill are:—The object of this Bill is to make various desirable amendments in the present law relative to Opium. The commencement of the operation of the Ordinance is arranged by Section 2 not to take place until the termination of the present agreement with the Opium Farmer. The definition of Opium Divan is enlarged, as the existing definition was found to be too narrow for practical purposes. Provision is made for the appointment and regulation of general warehouses for the storage of Raw Opium. The penalties for various infringements of the law are somewhat increased. The other amendments are introduced to enable more effective control by the Superintendent of Imports and Exports over the movements of Raw Opium in order that fuller effect may be given to the decisions of The Hague Opium Conference and to the agreements between Great Britain and China. The export of Persian Opium to any port other than London or Formosa is prohibited. The Bill also requires the Opium Farmer to give security for the good behaviour and integrity of his agents or servants and it empowers Revenue Officers to effect arrests without warrant in certain cases, giving them some of the powers of the Police.

Magistrates Amendment Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the Magistrates Ordinance, 1890."

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

The Objects and Reasons attached to the Bill state:—The object of this Ordinance is to consolidate and to enlarge the powers which Magistrates possess of inflicting corporal punishment upon male offenders convicted of certain classes of offences. Under the existing law the Magistrates have power to inflict

corporal punishment in a considerable number of cases, for example, on a conviction of stealing an ornament or other chattel from the person of a woman or child (Larceny Ordinance, 1865, and Magistrates Ordinance, 1890); of committing an act of gross indecency with a male person under the age of 13 (Magistrates Ordinance, 1912), or of committing an indecent assault (Magistrates Ordinance, 1912). The Magistrate has also power to inflict corporal punishment on youths in various cases and also in other cases where the offender is a recidivist. Under the present Bill power is also given to a Magistrate to inflict corporal punishment in cases of kidnapping (Sections 44 and 45 of the Offences against the Persons Ordinance, 1865), a power which under the present law only existed on a second conviction and under the latter section; in cases of unlawful detention or decoying of male persons for emigration purposes (Chinese Emigration Ordinance, 1889), in which cases the Magistrate already had the power of inflicting corporal punishment upon recidivists; in cases where stowaways and their abettors are concerned and lastly in certain restricted cases in which a banished person unlawfully returns to the Colony prior to the expiration of the term of his banishment.

Revenue Officers' Power of Arrest Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to consolidate and amend the law relating to the powers of arrest of revenue officers."

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

The Objects and Reasons attached to the Bill are:—The object of this Bill is to consolidate and amend the law relating to the powers of arrest of Revenue Officers. The powers of arrest enumerated in this Bill are already held by Revenue Officers with the exception of the power to arrest persons discovered committing offences against the provisions of the Post Office Ordinance, which is here, as is desirable, added. It is more convenient that these powers of arrest should be contained in a single enactment.

Mercantile Bank Note Issue Amendment Ordinance

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

Ordinance to amend the Mercantile Bank Note Issue Ordinance, 1911."

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

The Objects and Reasons attached to the Bill are:—The object of this Bill is to give the Crown Agents and the Colonial Treasurer express power to sell for the redemption of the note issue of this Bank the funds under their control deposited with them as security for such note issue in the event of the Bank being wound up. The Lords Commissioners of His Majesty's Treasury are of the opinion that the proposed amendment of the Ordinance is required in the form now suggested.

Vagrancy Amendment Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the Vagrancy Ordinance, 1897."

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

The Objects and Reasons attached to the Bill state:—The object of this Bill is to endeavour to exercise some control over and to ameliorate the condition of those non-Chinese unfortunates who at times are found in the Colony in a state of vagrancy or distress.

Summary Offences Amendment Ordinance, 1913

THE ATTORNEY-GENERAL moved the second reading of a Bill entitled, "An Ordinance to amend the Summary Offences Ordinance, 1845." In doing so he said— There is very little to be said on this Bill. The old law as it stood, which dealt with the prevention of noises at night, was restricted in its operation to the city of Victoria. The Colony has grown enormously since 1845, and it is deemed desirable in response to many complaints that it should be possible to extend the operations of this law to other places as well as to the city of Victoria itself. It should be observed that it is not to apply except in such districts as the Governor-in-Council may direct. It can be extended to any area which it seems desirable to extend it to. It is very short and simple. It carries into effect this principle, that these noises should be restricted in places besides the centre of the city where the law now operates.

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 small amendments, and moved that it be read a third time.

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

HIS EXCELLENCY—Council will meet this day week, gentlemen, for this Opium Bill will have to go through before the end of this month on account of the Opium Farmer's Agreement. I hope that date will be convenient.

— **FINANCE COMMITTEE.** —

A meeting of the Finance Committee, was held afterwards—the COLONIAL SECRETARY in the chair. The following votes were passed:

Mr. Lethbridge's Pension

The Governor recommended the Council to vote a sum of two hundred dollars (\$200) in aid of the vote Pensions, A.—Civil, Difference between the pension awarded to Mr. H. B. Lethbridge under the local Pension Minutes and the one awarded under the Superannuation Act of 1892.

Compensation to Land-Owners

The Governor recommended the Council to vote a sum of two thousand three hundred and sixty dollars (\$2,360) in aid of the vote Public Works, Extraordinary, Compensation for deprivation of Marine Frontage Rights in the case of K.M.L.'s 29, 30 and 31.

Meteorological Register

The Governor recommended the Council to vote a sum of six hundred and fifty dollars (\$650) in aid of the vote Royal Observatory, Other Charges, Printing and distribution of Meteorological Register.

Military Service in the New Territories

The Governor recommended the Council to vote a sum of seven thousand three hundred and forty dollars (\$7,340) in aid of the vote Miscellaneous Services, Other Miscellaneous Services.

THE CHAIRMAN—Owing to the trouble and unrest which arose over the border, it was deemed advisable to have troops stationed in the New Territories. It has been considered only fair that the extra expense to which the military authorities have been put should be borne by this Government.

Grant to Bureau of Entomology

The Governor recommended the Council to vote a sum of five hundred dollars (£50)

in aid of the vote Miscellaneous Services, Grants in aid of Scientific Institutions, Imperial Bureau of Entomology in London.

Survey Staff Accommodation

The Governor recommended the Council to vote a sum of one thousand two hundred dollars (\$1,200) in aid of the vote Public Works, Extraordinary, Hongkong, Buildings, Government Offices, Temporary building for Survey Staff, etc.

Maintenance of Gardens

The Governor recommended the Council to vote a sum of three thousand two hundred and sixty-four dollars (\$3,264) in aid of the vote Botanical and Forestry Department, Other Charges, Maintenance of Gardens and Grounds.