

10TH JULY, 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, K.C. (Attorney-  
General).

HON. MR. A. G. M. FLETCHER (Colonial  
Treasurer).

HON. MR. W. CHATHAM, C.M.G. (Director of  
Public Works).

HON. MR. E. R. HALLIFAX (Registrar-General.)

HON. MR. C. McI. MESSER (Captain  
Superintendent of Police).

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

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

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

HON. MR. D. LANDALE.

HON. MR. E. SHELLIM.

MR. C. CLEMENTI (Clerk of Councils).

**Minutes**

The minutes of the previous meeting were  
approved.

**Financial Minutes**

THE COLONIAL SECRETARY, by command of  
H.E. the Governor, laid on the table Financial Minutes  
Nos. 36 and 38 to 48, 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  
H.E. the Governor, laid on the table the report of the  
Finance Committee (No. 7), 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 following  
papers:—Report of the Blue Book for the year 1912;  
Report of the Botanical and Forestry Department for  
the year 1912; Quarterly return of excesses on sub-  
heads met by savings under heads of expenditure for  
the second quarter of 1913.

**Public Baths**

HON. MR. SHELLIM, pursuant to notice, asked the  
following question standing in his name:—

Will the Government state what steps if any are  
being taken to carry out the terms of the resolution  
adopted by Council in May, 1912, regarding the  
desirability of establishing public bathing places at the  
Eastern and Western extremities of the town and for  
which purpose the sum of \$2,000 was provided in the  
Estimates for this year?

THE COLONIAL SECRETARY replied—

The Government does not propose to take further  
steps in the matter at present pending result of the  
experience of the action of the Low Level Tramway  
in erecting tents for bathers at the points mentioned.

**New Territories Regulation Amendment  
Ordinance**

THE ATTORNEY-GENERAL moved the first  
reading of a Bill entitled, "An Ordinance to amend the  
New Territories Regulation Ordinance, 1910."

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

The Objects and Reasons are:—

The Object of this Bill is to enable a proper  
control to be assumed and maintained over markets  
s o m e f e w o f w h i c h a t

present exist in the New Territories and which in future it may be desired should be established therein.

The object is effected by adding to section 6 of the New Territories Regulation Ordinance, 1910, to the powers which already exist under that section, further powers to the Governor-in-Council to fix and determine the boundaries of any market in the New Territories and to make rules for the proper construction of market buildings, the management and inspection of such markets, the class and nature of goods which may be sold therein, the sanitary conditions under which such markets are to be carried on, the purposes to which any funds derived from a market shall be devoted and for raising by means of fees the monies requisite for carrying on such market properly.

#### **Tramway Amendment Ordinance**

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the Tramway Ordinance, 1902."

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

The Objects and Reasons are:—

The object of this Bill is to amend the Tramway Ordinance, 1902, in certain respects.

Section 1 of the Bill is formal.

By section 2 of the Bill, an accidental omission from that section of the words "telephonic or electric" after the words "telegraphic" in the seventeenth line of the section is rectified.

Sections 3 and 4 simplify the procedure to be adopted in case of dispute or difference between the Tramway Company and the Government or between the Tramway Company and any other person.

By section 5 a re-arrangement of the conditions under which the Tramway service for workmen as hitherto fixed by section 49 of the old Ordinance is effected, and it is thought that the new arrangement will be more satisfactory than the former one both to the public affected and the Company itself.

#### **Steam Launch and River Trade Steamer (Protection Against Piracy) Ordinance**

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to extend the provisions of the Steam Launch (Protection against

Piracy) Ordinance, 1900, to certain classes of steamers."

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

The Objects and Reasons are:—

The object of this Bill is to extend to certain classes of steamers defined in this Ordinance as River Trade Steamers the compulsory maintenance of certain precautionary measures, against piracy and robbery, which under the provisions of the Steam Launch (Protection against Piracy) Ordinance, 1900, have now to be taken in the case of Steam Launches.

#### **The Education Ordinance**

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to provide for the registration and supervision of certain schools."

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

The Objects and Reasons are:—

The object of this Bill is to provide for some means of controlling and supervising to some extent certain of the Educational establishments which exist or may be brought into existence in the Colony. The scheme of this Bill is that every school shall be compulsorily brought within the knowledge of the Department of Education. The provisions of the Bill are not to apply in any way to Government schools, Military schools or any other schools which the Governor-in-Council may think fit to declare not to be included within the purview of the Bill. Under the scheme of this Bill, schools are to be divided into two main classes: firstly those of superior type which will only be subject to a very limited amount of supervision and control by the Education Department; secondly, schools of less superior type which will be subject to more close supervision and control by the Education Department.

Section 1 of the Bill is formal.

Section 2 defines the various special phrases which are used in the Bill in connection with its provisions.

Section 3 deals with those schools to which the Bill does not apply.

Section 4 provides for the appointment of the necessary officers for the purpose of carrying out the objects of the Bill.

Section 5 is important, providing as it does that every school with the exceptions referred to in Section 3 must be registered under the provisions of the Bill.

Section 6 provides the penalties which are necessary in order to enable the provisions of the Bill to be carried out effectively.

Sections 7, 8, 9 and 10 provide a simple method by which schools may obtain registration under the Bill.

Section 11 similarly provides the means by which a school of the superior type mentioned above may obtain a certificate which will give it the advantages of limitation of its supervision and control by the Department of Education.

Section 12 gives power to the Governor-in-Council to make regulations for the proper sanitation of, enforcement of discipline in, the prohibition of unsuitable books in, and the proper keeping of school registers in and other general matters relative to schools and under Section 13 any such regulations must be published in the *Gazette*.

Section 14 prescribes the inspection of registered schools and the more limited supervision of exempted schools.

Section 15 gives a right of entry to schools at suitable hours for the principal officers of the Education Department.

Sections 16 and 17 are important and provide for the steps which may be taken in the event of a school being found as a result of inspection by the Education Department not to be complying with regulations applicable or not being conducted satisfactorily; and if the errors are not, after formal notice has been given for their rectification, duly amended, it is even possible for such school to be closed; similarly under Section 17 the career of unnecessary schools may after a suitable period be determined.

Section 18 provides for the keeping by the Registrar of a register of schools containing such particulars in connection therewith as may be necessary.

Section 19 gives an appeal from any decision of the Registrar to the Governor-in-Council.

By Section 20 power is reserved to the Governor-in-Council to put a stop to any school which is being conducted in a manner prejudicial to the interests of the Colony, to the public or to its pupils.

By Section 21 the Chinese Vernacular Educational

Board which was constituted on the 7th September, 1911, and the existence of which, after the passage of this Bill, will be no longer of utility is abolished

### **Companies Amendment Ordinance**

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the Companies Ordinance, 1911."

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

The Objects and Reasons are:—

1. The object of this Bill is to introduce some amendments into the Companies Ordinance, 1911: amendments the majority of which have been suggested by members of the Commercial Community.

2. Section 1 of the Bill is formal.

3. Sections 2, 3, 4, 5, 6 (a), 7, 8, 10, 11, 13 and 15 introduce the obligation that Companies which propose to obtain the benefits under the law must provide in the English language their memorandum of association, articles of association, register of members, annual list of members, annual summary, statutory report, copies of special or extraordinary resolutions, prospectus or statement in lieu of prospectus, and the special statement required to be made by banking, insurance, benefit and similar Companies. The reason for this obligation, apart from the facilities which will thus be accorded to the Registry, is the greater practical publicity which will be afforded in connection with those statutory documents from which the public are entitled to ascertain the standing of an incorporated body.

4. Section 6 (b) provides that where a Company is formed for the purpose of taking over a business, the statutory report shall show any change taking place in the financial position of the Company between its incorporation and the date of the report. The reason for this proposal is that shareholders or intending shareholders may be able to know precisely what the financial position of the Company really is. Sub-section (c) of the same section provides for the audit of the above mentioned statement.

5. Section 9 lays down the minimum requirements of the books which a Company must keep and it would not appear that any respectable Company could reasonably object to the maintenance of these normal business records.

6. Section 12 amends a mistake in sub-section (6) of section 89: the qualifying words which are now deleted imposed a restriction to which, obviously, a very large number of local Companies which had issued a prospectus could not be amenable.

7. Section 14 renders a Company as well as its officers liable to penalty for refusal to permit inspection of its registrable mortgage liabilities by duly legally authorized parties.

8. Section 16 provides for some definite check over the appointment and capacity of auditors in order to insure that the integrity of audit may be expected.

9. Section 17 is designed to remove a difficulty which arises in the language of section 185, by which it would appear that a Company was not able to transfer its assets to any Company other than a local Company—a hardship which it seems desirable to remove.

10. Section 18 has as its object the giving of power to a Company incorporated in the United Kingdom or in a British Possession to acquire immovable property without some of the restrictions with which this power is limited in the case of Foreign Corporations.

#### **Official Signatures Fees Ordinance**

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled, "An Ordinance to amend the Official Signatures Fees Ordinance, 1888." In doing so he said—On the second reading of this Bill, Sir, there is really nothing for me to say, because the objects and reasons are fully explained in the objects and reasons which are attached to the Bill. It will be seen that there are a certain number of officers added to the existing list who are authorised to charge for their signatures when it is necessary that they should give their signature in an official capacity. Of course, the fees they receive go to the revenue: they do not take them themselves.

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

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.

#### **Foreign Silver and Nickel Coin Ordinance**

THE COLONIAL SECRETARY moved that Council go into Committee on the Bill entitled, "An Ordinance to prohibit the importation and circulation of certain foreign coins."

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

THE COLONIAL SECRETARY reported that the Bill had passed through Committee with slight amendment, and moved that it be read a third time.

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

#### **Adjournment**

HIS EXCELLENCY — Will the Council be prepared to go on with these Bills this day week?

HON. SIR KAI HO KAI—I think with all except the Companies Ordinance.

THE ATTORNEY-GENERAL—There is nothing very much in that.

HON. SIR KAI HO KAI—We have to discuss it.

HIS EXCELLENCY—We need not finish these Bills in the one day. We can take the second reading. Council stands adjourned till this day week.

#### **FINANCE COMMITTEE.**

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

#### **Prison Department**

The Governor recommended the Council to vote a sum of \$1,000 in aid of the

vote Police and Prison Departments, C.—Prison, Other Charges, Materials for Remunerative Industries.

#### **New Territory Roads**

The Governor recommended the Council to vote a sum of \$1,750 in aid of the vote Public Works, Extraordinary, New Territories, Miscellaneous, Resumption of land for road from Taipo to the Frontier.

#### **Supreme Court**

The Governor recommended the Council to vote a sum of \$500 in aid of the vote Judicial and Legal Departments, A.—Supreme Court, Other Charges, Furniture.

#### **Public Works**

The Governor recommended the Council to vote a sum of \$5,720 in aid of the vote Public Works, Extraordinary, Hongkong, Miscellaneous, Miscellaneous Works.

#### **Golf Courses**

The Governor recommended the Council to vote a sum of \$11,000 in aid of the vote Public Works, Extraordinary, New Territories, Resumption of Land for Golf Courses at Fanling.

THE CHAIRMAN—Government has agreed to, and the Secretary of State has approved of, the lease of certain Crown lands consisting chiefly of low hills near the Fanling-Autau Road to the Golf Club for a ladies' course. The Club is not in a financial position at present to buy out the occupiers of intervening lands, and so utilise the area granted, and accordingly the Government has agreed, with the concurrence of the Legislative Council, to buy them out of a block of land rather more than necessary for the purpose of the proposed course, and lease a portion of this land to the Club, charging  $4\frac{1}{2}$  per cent. on capital expended, until such time as the Club may be able to acquire it on its own account. The remaining portion, it is contemplated, may be used for an Economic Garden, and that project will be submitted later to Council if necessary. The amount of land involved in all is  $57\frac{1}{2}$  acres, of which about 42 acres will be leased to the Club, about \$10,000 being the sum required for that portion. The Club has spent, or is engaged in spending, \$70,000 on improvements in the locality, and it is felt by Government that some encouragement should be given in the circumstances. The revenue derived by the railway on account of the use of the Golf Course at Fanling is estimated at \$10,000 per annum.