

31ST JULY, 1913.

PRESENT:—

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

H.E. MAJOR-GENERAL F. H. KELLY, C.B.

HON. MR. CLAUD SEVERN (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 (Secretary for
Chinese Affairs).

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

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

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

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

HON. MR. C. MONTAGUE EDE.

HON. MR. D. LANDALE.

HON. MR. E. SHELLIM.

MR. C. CLEMENTI (Clerk of Councils).

Minutes

The minutes of the previous meeting were confirmed.

New Member

H.E. Major-General F. H. Kelly, C.B., took the oath and assumed his seat as a member of the Council.

Financial Minutes

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table Financial Minute No. 46, 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 H.E. the Governor, laid on the table the report of the Finance Committee (No. 10), and moved its adoption.

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

Mongkoktsui Typhoon Refuge

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table a diagram of the Mongkoktsui breakwater showing the progress of stone depositing up to 30th June, 1913, also a statement in connection therewith. He said—I think hon. members of Council will agree with me that the progress which has been made with this work is most satisfactory. I have just returned to the Colony after an absence of eight months, and have noticed that the breakwater, which is well above the water level, has been of use already in providing a refuge during the present typhoon season.

Regulation of Chinese (Amendment) Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the regulation of Chinese Ordinance, 1888."

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

The object of this Bill is to facilitate the proper registration of householders.

Neglect in registration has been, it is thought, due in the past largely to the fact that certain fees were charged in connection therewith. These fees were contained in the First Schedule to the Regulation of Chinese Ordinance, 1888, and were as follows:—

- | | |
|--|--------|
| 1. First registration of any house and householder | \$3.00 |
| 2. Registration of change of ownership | 1.00 |

3. Registration of removal of registered householder	0.35
4. Bond by non-resident householder	5.00
5. Certified extract from register, first folio	0.25
6. Certified extract from each subsequent folio	0.10

By Section 3 of the Bill the 1st, 2nd, 3rd, 5th and 6th items are done away with.

No charge will in future be made in connection with the registration of any house and householder, or change of ownership, or removal of a registered householder.

The 4th item remains as it stood, whilst in the event of certified extracts from the register being at any time required the fee will be charged under the provisions of the Official Signatures Fees Ordinances, 1888-1913.

It is hoped that by thus doing away with these fees the practice of registration will be rendered more universal than has been the case in the past, especially when coupled as is now proposed with a more close system of supervision of the working of the law.

The other point dealt with in the Bill is the increase of the penalty capable of being inflicted in the case of offences against the provisions of the Principal Ordinance; which would include failure to carry out the requirements relative to registration which the Principal Ordinance demands. This is dealt with by Section 2 of the Bill.

Merchant Shipping Amendment Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the Merchant Shipping Ordinance, 1899."

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

The objects and reasons attached to the Bill state that under sub-section (14) of section 39 of the Merchant Shipping Ordinance, 1899, as that section now stands, it is provided that no junk except a licensed fishing junk which has obtained a Special Permit from the Harbour Master may leave her anchorage or attempt to leave any port in the Colony during certain hours of the night. These permits are issued to all such junks as a matter of course and are

seldom if ever refused; they are issued monthly, twenty-five cents being charged for each such permit.

The object of the present amendment is to do away with these monthly permits and to substitute a general Annual Permit which will be one of the conditions attached to the ordinary licence of which every junk has to be in possession; the fee of twenty-five cents per month will be compounded in one payment on the issue of the ordinary licence. The conditions of the licence will in the case of fishing junks enable them, of course, to get under way at night.

The chief reason for the amendment proposed to be made is in order to do away with the great labour and time occupied in the issue of these monthly permits. The apparent loss of control over these fishing junks occasioned by the change will, however, be more than counter-balanced by the inauguration of a system of endorsement on their licences of every entry of these fishing junks into the waters of the Colony as is done now in the case of trading junks; in this way a record of the movements of these fishing junks will be obtained in a manner which is not at present possible. The necessary alterations in the form of licence and the system to carry out the necessary endorsements on these licences upon the entry of the junks into the waters of the Colony will be, of course, arranged for by regulations and departmental action.

Explosive Substances Ordinance

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled, "An Ordinance to amend the law relating to Explosive Substances." In doing so he said—Sir, there are three parts of the law already in existence in the Colony which relate more or less to explosive substances. The first is the Arms and Ammunition Ordinance, with various amendments, and this Ordinance deals both with arms and with what one may call ammunition, gunpowder and similar things. It also by regulations deals with bombs, and grenades and various other like articles, but the methods of dealing with offences under the Ordinance are not methods which one can regard as severely penal. They are only what I might call municipal remedies; small fines and possibly small terms of imprisonment. Then, Sir, the second part of the existing law is that part of the law which relates to Dangerous Goods. Now, "dangerous goods" include such things as are sometimes explosive, such as petroleum, petrol and so on, also compositions and chemicals which are explosive, or which may be used for explosive purposes. There, again, some difficulty arises, as offences are dealt

with, not in a penal manner but in a municipal manner. The third part of the existing law which deals with explosives is contained in the Offences against the Person Ordinance of 1865. Of course, under that Ordinance there are some sections dealing very severely, naturally, with persons who by means of explosives actually intending to destroy life, or injure people, or cause damage, do so carry out their purpose. But there is a hiatus really in the law, and this Bill is intended to fill the gap. The hiatus is this, that whereas in the first two parts of the law which I quoted the penalties are not really conceived in a penal spirit, and whereas in the provisions of the Offences against the Person Ordinance the penalties there are only directed against persons who actually intend or attempt to carry out a definite purpose of destroying life or property, there is no law dealing adequately with persons who, at large, attempt or try to bring about by explosives any undefined damage; or, again, there is no possibility of dealing severely with persons who are found in possession of bombs, dynamite and explosive substances under circumstances which can leave no doubt that their use was intended for some sinister purpose. This Bill defines, first of all, explosive substances. Then, in the third section, it provides that any person who causes an explosion with a defined explosive of a nature likely to endanger life or property shall, whether or not he intended to destroy life or damage property, or whether or not life or property has been actually destroyed, be guilty of a felony. The fourth clause provides that any person who does any act intending to cause an explosion, or conspires to cause an explosion likely to endanger life or property, or has in his possession any explosive substance with the object of endangering life, or endangering property, is, again, guilty of a felony. The fifth section deals with persons who have in their possession explosive substances for a sinister object, that is to say, without any proper excuse, and under circumstances which give reasonable ground of suspicion that they have them in their possession with the idea of impropriety utilising them. Section 6 deals with accessories to any offence, and under section 7 it is possible that any offence committed against the provisions of this Ordinance, which might be regarded as of not so serious a character as to come under this Ordinance, can be dealt with under that milder law of which I spoke, instead of proceedings being taken for felony under this Ordinance. There is one word more, Sir. The provisions of this Bill have been in force in England practically since 1883, and are taken verbatim from the English Explosives Act of 1883.

THE COLONIAL SECRETARY seconded, and

the motion was agreed to.

Council then went 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 Education Ordinance

THE ATTORNEY-GENERAL—I understand that the Education Ordinance is still to stand over pending further amendments.

HIS EXCELLENCY—Council stands adjourned till this day week.

FINANCE COMMITTEE.

A meeting of the Finance Committee was then held, the COLONIAL SECRETARY presiding. The following vote was passed:—

Public Works

The Governor recommended the Council to vote a sum of \$13,300 in aid of the vote Public Works, Recurrent:—

Hongkong, Miscellaneous, Dredging Foreshores	\$6,000
New Territories, Miscellaneous, Typhoon and Rainstorm Damages, Mainland and Islands in the Northern District	7,300
Total	\$13,300

THE CHAIRMAN—I will ask the Director of Public Works to explain how it is that these sums are required.

THE DIRECTOR OF PUBLIC WORKS—In connection with the dredging of fore-shores it has been a common experience in past years that a dredger was had out for considerable periods performing dredging operations, but during the current year it has not been out so far, consequently we have been obliged to keep a vessel employed ourselves. Then, some exceptional repairs were necessary in connection with dredging gear, the renewing of which entailed very heavy expense.

That is the reason of the excess in this item; also, more dredging has been performed. As regards the other items, the New Territories appear to have been subject to a somewhat excessive rainfall about the middle of June, and very considerable breaches were made in the new road from Castle Peak to Shataukok. In reinstating the road the cost would have been comparatively slight if the embankment had been restored as was done formerly, but new bridges and culverts are being added with a view to avoiding a repetition of such damages in the future.
