

7TH AUGUST, 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. D. LANDALE.

HON. MR. E. SHELLIM.

MR. C. CLEMENTI (Clerk of Councils).

**Minutes**

The minutes of the previous meeting were confirmed.

**Financial Minutes**

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table Financial Minute No. 47, 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. 11), and moved its adoption.

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

**Paper**

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table the Medical and Sanitary reports for the year 1912.

**Supplementary Schedule to Final Revision Ordinance**

THE ATTORNEY-GENERAL—Sir, I beg to move the resolution approving the Supplementary Schedule to the Final Revision Ordinance, 1912. This is the last stage but one in this Revision Ordinances matter, and under the provisions of section 6 of the Final Revision Ordinance of 1912, it is provided that if, in the course of finally correcting all proofs, the editor found there were any corrections which had not been made in the proofs, he could prepare a supplementary schedule, and this supplementary schedule on being approved by resolution in this Council shall be of substantive effect. Well, Sir, a large number of corrections were discovered, which I think members will find attached to the Resolution, and it is proposed that these should be approved. After this stage the only other thing will be, later on, to make a resolution approving the revised edition. Then the matter will be completed. When the new edition is finally approved, no doubt it will be of great utility.

The resolution was as follows:—

Whereas by the provisions of Section 6 of the Final Revision Ordinance 1912, it was provided that if in the course of printing the New Revised Edition further defects, not already corrected, should be discovered in the Ordinances to be comprised therein, the Editor should prepare a supplementary schedule, correcting the said defects, for submission to the Legislative Council in the year 1913:

And whereas in the course of printing the said New Revised Edition further defects, not already corrected, have been discovered in the Ordinances to be comprised therein and the Editor has prepared a supplementary schedule, correcting the said defects:

And whereas the said supplementary schedule has been submitted in this year 1913 to the Legislative Council:

Now it is hereby resolved that the Legislative Council shall and the Legislative Council hereby approves the said Supplementary Schedule.

#### **Regulation of Chinese (Amendment) Ordinance**

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled, "An Ordinance to amend the Regulation of Chinese Ordinance, 1888." In doing so he said—This, Sir, is a very small Bill, and it is introduced with the intention of simplifying considerably the present practice under which the registration of houses and the registration of householders are conducted. It was thought that in the past a good deal of unreadiness to carry out the provisions of the law arose from the fact that certain fees were charged. It is proposed under this Bill to do away with all those fees, so that the whole matter becomes practically free. Under these circumstances there cannot be any reasonable excuse for not carrying out the provisions of the law with regard to the registration of householders; and therefore at the same time it is also proposed that the penalty for contravention of the Ordinance in this respect shall be increased. That only seems natural, because if you do away altogether with obligations it is only natural to impose a somewhat heavier penalty. As I said before, the actual alterations are very small, but they may effect a substantial improvement. In addition to actual alterations in the law, I may say that there is going to be a greater effort made to see the provision of the law carried out with regard to registration, by a closer supervision than has hitherto been possible.

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.

#### **Merchant Shipping Amendment Ordinance**

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled, "An Ordinance to amend the Merchant Shipping Ordinance, 1899." In doing so he said—This, Sir, is rather an interesting Bill, although it is extremely short. Up to the present time all fishing junks have had to have a special permit, and this permit was issued monthly. Now, roughly, some 40,000 of these permits are issued every year, and members can see that the labour and trouble of issuing these permits are tremendous. Under this Ordinance it is proposed that instead of having monthly permits these permits shall be, as it were, consolidated and issued as a sort of annual permit. This annual permit will not form a special permit. It will be merely one of the conditions attached to the general licence which every junk must have. One might say, "Well, if you have these annual permits you lose control over these fishing junks; they will not come in for their monthly permits, and the consequence is that we shall not know where they are or what they are doing." That loss of control is to be got rid of in this way: All trading junks, whenever they come into the waters of the Colony, have to have their licences endorsed; that is to say, they have simply got to have the date of their entry into the waters of the Colony endorsed on their licences or, if not actually on their licences, endorsed in a book which they carry—as it were, a pass book. It is proposed to do the same with fishing junks. They will have these little books, and whenever they come in they will have their entry entered into the book in the same way as other junks do at the present time. In that way we shall have a complete knowledge of where these junks come from and what they have been doing, the same as we have of trading junks at present. That will require a little departmental supervision, and in a slight way an alteration in one or two of the

regulations. The advantage to fishing junks will be enormous, and there will be no difference in the fees they have to pay—because with an annual permit they will be able to get out to sea at night, or at any time that suits them, whereas if they had to get a special permit they could not clear out at night and only during certain hours of the day. I think it is a valuable little measure, because it will not only give facilities to fishing junks, but will also do away with a great deal of unnecessary labour, and we shall have a better control over these fishing junks than at present.

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.

#### Education Ordinance

THE ATTORNEY-GENERAL moved that the Council go into Committee on the Bill entitled, "An Ordinance to provide for the registration and supervision of certain schools."

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

On Clause 2,

THE ATTORNEY-GENERAL said—With regard to this clause, and I might say with regard to all other clauses of the Bill, suggestions were made, and it was resolved that the word "Registrar" and "Registrar of Schools" should be deleted throughout, and the title "Director of Education" inserted, so that, in this clause in the definition hon. members will see "Director of Education" replaces "Registrar of Schools."

On clause 3,

THE ATTORNEY-GENERAL said — Some apprehension seems to have been expressed as to what schools really would be exempted altogether from the provisions of this Ordinance. A list, Sir, I understand, will be published in the *Gazette* of all

schools which will be exempted, and I do not think anyone need fear at all that schools which ought to be exempted will not be exempted.

HON. SIR KAI HO KAI—Has the schedule been made out?

THE ATTORNEY-GENERAL—No.

HON. SIR KAI HO KAI—Would it not be better that before the final passage of the Bill the schedule should be made out and published in the *Gazette*?

THE ATTORNEY-GENERAL—There would not be any use in publishing the schedule in the *Gazette* until after the Bill was passed.

HON. SIR KAI HO KAI—In the Societies Registration Ordinance a list of exempted societies was made out and attached to the Bill as a schedule. I think it would be better to do the same in this instance so that no misapprehension can possibly arise. If a schedule is in the hands of hon. members I think the public will have no misapprehension and there will be no misunderstanding.

HIS EXCELLENCY—I think that is hardly possible in this case at the present time. This is a measure which will require special organisation to work, and the organisation is really not established till the beginning of next year. I do not think the Government is in a position to draw up a schedule.

HON. SIR KAI HO KAI—I should think the Government would have no difficulty in drawing up a fairly large one. There are a large number of schools which have been established for a number of years. It is important in view of any misunderstanding.

HIS EXCELLENCY — The misapprehensions which have been expressed by some people are so childish that they are really hardly worthy of consideration. Some people seem to think the Government might take it suddenly into its head that religion should not be encouraged. As the hon. member said, the Government could get a fairly comprehensive list. That is so, but it would not be possible now to draw up a full one. I really do not think there will be much difficulty about the point.

HON. SIR KAI HO KAI—Still, apprehension exists.

HIS EXCELLENCY—I don't think there is anything in the way of apprehension when one comes face to face with individuals and asks them what they apprehend. As far as I am aware, apprehension has only been expressed in one quarter. Really the only apprehension is that some agnostic—our Director is a good Churchman—might make an onslaught on existing schools. Are members satisfied with the clause as it stands? I think really it may be adopted.

THE ATTORNEY-GENERAL—The list can always be added to. If you leave out some singing classes or something of that sort, they can always be added.

HON. SIR KAI HO KAI—The list can always be added to, but I think a rough list might be drawn up and added to from time to time.

HIS EXCELLENCY—I think I have explained that the organisation does not exist. There is a lot of work to be got through. Are you satisfied?

HON. SIR KAI HO KAI—When will the list be published?

HIS EXCELLENCY—The Ordinance does not come into operation until next year.

HON. SIR KAI HO KAI—Can we get the first instalment within six months?

HIS EXCELLENCY—It will probably be published at the beginning of next year when the Ordinance comes into operation.

HON. SIR KAI HO KAI—Will the Government allow people to see the list some little time before the coming into operation of the Ordinance?

HIS EXCELLENCY—We will be able to publish it early next year, I think. Does that satisfy you?

HON. SIR KAI HO KAI—Yes.

On Clause 4, sub-section 3,

THE ATTORNEY-GENERAL said—I propose to alter the word "fees" to "remuneration." Some anxiety was expressed that this word "fees" would enable the Director of Education to impose fees on schools. I

cannot see how that really can be seriously maintained, but to avoid such an idea it was suggested to me to put in the word "remuneration."

On clause 8,

THE ATTORNEY-GENERAL—It is proposed to insert a new sub-section 5. The object of the alteration to sub-sections 4 and 5 is to clear the position with regard to the appeal of a manager of a school whose application has been refused. Under the amended sub-section the Director of Education has now, when he thinks of refusing to register a school, to give the manager a notice specifying the objection and requiring the manager to take such steps as may be necessary to remove the objection, at the same time informing him that he has a right of appeal. Sub-section 5 states that if the manager does not comply with the requirements to the Director's satisfaction, or if he does not appeal, or if he does appeal and it is not upheld such school shall become and be an unlawful school.

On Clause 10,

THE ATTORNEY-GENERAL said—Sub-section 3 is also altered very much in the same way as sub-section 4 of section 8, and in a similar manner a new sub-section has been put in which is very similar to the new sub-section 5 of section 8, and put in with the same reason and the same object; the object being to give the person against whom the Director has given his decision greater facilities and opportunities for putting his case forward in the strongest possible manner.

On Clause 20,

THE ATTORNEY-GENERAL said—This is going to be renumbered, and two new clauses put in. Section 20 is put into make it obligatory that the Director shall, when he gives any notices under Sections 16 or 17—that is to say, when he gives notice that he finds that the result of his inspection of a school is not satisfactory—bring specifically to attention the fact that the manager has got the right of appeal to the Council. With regard to the new clause 21, that

is put in to try to fix quite clearly—and it is really for the manager's sake—what is the procedure in case of appeal to the Governor-in-Council. The grounds must be stated in writing and delivered to the Clerk of Councils. Then the appellant has seven days' notice of the hearing. In addition to that, he will be furnished with all the evidence and documents which the Director may submit for the consideration of the Governor-in-Council. Then he may appear if he wishes, give his own evidence, and put forward his own case.

On clause 22,

THE ATTORNEY-GENERAL said — It is proposed to put in a proviso dealing with cases where—and I expect they will be very exceptional—the Governor-in-Council proposes to exercise the power of striking out schools which are carried on in a manner prejudicial to the interests of the Colony, the public or the children. When the Governor proposes to put into operation that clause, notice will be given to the manager of his intention to make this resolution, and the manager may appear before the Council himself and put forward what he has to say in opposition.

HON. SIR KAI HO KAI—Is that personally, or by his attorney or agent supposing the manager to be a Chinese?

THE ATTORNEY-GENERAL—He can have an interpreter.

HON. SIR KAI HO KAI—I want to know if he can act by an agent.

HIS EXCELLENCY — In such a case the Governor would permit him to be accompanied by some person, but except in a case of this kind the Governor-in-Council will not allow a person to be represented. Representation by others is not as a rule permitted by the Governor-in-Council.

HON. SIR KAI HO KAI—It will be permitted in the case of anyone who is not able to speak English?

HIS EXCELLENCY—It will be at the discretion of the Governor-in-Council.

THE COLONIAL TREASURER — Ought not there to be a clause for the date of the coming into operation of the Bill?

THE ATTORNEY-GENERAL—Under section 7

(existing schools), it will not be lawful for any person after the 1st July, 1914, to manage, teach in or maintain any existing school in the Colony without a certificate of registration. Under section 8 the manager of an existing school has to apply for registration within six months.

HON. SIR KAI HO KAI—Then in that case the publishing of the list at the beginning of that year will not be in time.

HIS EXCELLENCY—In that case we can publish the list earlier.

THE ATTORNEY-GENERAL—We could make the first list within a month if arrangements were possible.

HIS EXCELLENCY—That can be done.

Council then resumed.

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.

HIS EXCELLENCY—Council stands adjourned *sine die*.

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FINANCE COMMITTEE.  
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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 \$7,200 in aid of the vote Public Works:—

Public Works Department,	
<i>Other Charges,</i>	
Land Survey Contingencies .....	\$5,000
Public Works Recurrent,	
<i>Miscellaneous,</i>	
Stores Depreciation .....	\$2,200
Total .....	\$7,200

THE CHAIRMAN—I will ask the Director of Public Works to explain the necessity for these supplementary votes for repairs.

THE DIRECTOR OF PUBLIC WORKS.—As regards the first item, sir, an extra surveyor has been detailed for work in the New Territory, and it was necessary to procure tent and camp outfit for him; and allowances to surveyors for work in the New Territories has also come out of this vote, so there was extra in that respect, and the quantity of surveying materials required has been simply greater this year than usual.

THE CHAIRMAN—The works on which these surveyors are engaged in the New Territory are at two places. One is at Chungchau Island, where a survey had

not been decided on, and in addition to actual expenses incurred so far, the vote includes all possible contingencies of the same kind up to the end of the year.

THE DIRECTOR OF PUBLIC WORKS.—As regards the second item, the object is to make provision for losses on the sale of obsolete and unserviceable stores, and recently the stores have been undergoing an extensive overhaul with a view to weeding out unserviceable items, and also to provide for any loss on new stores in the shape of breakages and so on which are not recoverable from the manufacturers and the insurance people.

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