

20TH AUGUST, 1914.

PRESENT:—

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

HIS EXCELLENCY MAJOR-GENERAL F. H. KELLY, C.B. (General Officer Commanding Troops).

HON. MR. CLAUD SEVERN (Colonial Secretary).

HON. MR. J. H. KEMP (Attorney-General).

HON. MR. E. D. C. WOLFE (Colonial Treasurer).

HON. MR. A. F. CHURCHILL (Director of Public Works).

HON. MR. E. R. HALLIFAX (Secretary for Chinese Affairs).

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

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

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

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

HON. MR. D. LANDALE.

HON. MR. LAU CHU PAK.

MR. M. J. BREEN (Clerk of Councils).

Minutes

The minutes of the previous meeting were confirmed.

Papers

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table the following papers:— Quarterly Return of Excesses on Subheads met by Savings under Heads of Expenditure for the second quarter of 1914; Half-Yearly Diagram showing progress of the work on the dam at Tytamtuk.

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.

Financial Minutes

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table Financial Minutes Nos. 41 and 42, and moved that they be referred to the Finance Committee.

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

The Deportation Ordinance

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled, "An Ordinance to amend the Deportation Ordinance, 1912 and 1913." In doing so he said—The objects of this Bill, Sir, can be divided into two classes, one dealing with minor questions of procedure, the other with substantive provisions. The class dealing with questions of procedure is divided into two heads. One relates to the proposal that detention warrants should be issued by your Excellency, and not by the Governor-in-Council. The other refers to the procedure before a Magistrate, and provides that a Magistrate may in all cases, whether an offender plead guilty or not, deal with a case of returning from banishment and on conviction imprison him for any term not exceeding one year. The class dealing with the substantive provisions also falls into two classes. One lays down more clearly than had been done in the previous Ordinances the fact that the procedure under section 4, which involves the putting of questions to the proposed deportee and calling witnesses on his behalf, should not apply to certain cases where a more summary procedure has been adopted, and is supposed to be sufficient. Those cases are where a man is convicted in this Colony, where a man is banished from the Straits Settlements, and other similar cases where no special investigation into the facts of the

case are considered to be necessary. The other, the second class, is perhaps the most important part of the Bill. Under the former Deportation Ordinances it might have been argued that the powers of deportation applied to British subjects. This Bill lays down clearly that except in certain specified cases it shall not apply to any natural born or naturalised subject of his Majesty, except in one case where power is now given to deport which was not given before; that is in the case of a person born in the Colony of parents neither of whom is a British subject, provided such person has not obtained a certificate of British birth or been registered at a British Consulate in China as a person entitled to protection in China.

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

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

On Clause 2,

HON. MR. POLLOCK—I would ask whether it is considered desirable to extend the immunity to naturalised subjects?

THE ATTORNEY-GENERAL — It is possible at present in one case to deport a naturalised subject not belonging to Hongkong, but it might be argued, even under the present law, that there is no power in other cases to deport a naturalised subject.

HIS EXCELLENCY—This clause has been very carefully considered, and in the circumstances it is considered desirable to give such power.

On Council 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.

Widows and Orphans' Pension (Amendment) Ordinance

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled, "An Ordinance to amend the Widows and Orphans'

Pension Ordinance, 1908." In doing so he said—The object of this Bill, Sir, is simple. It is to provide that the contributors to the fund shall include police officers below the rank of sergeant whose marriages have received the approval of the Captain Superintendent of Police, either before such marriage or after such marriage. I understand all existing members of the force who will be affected by this wish to join the fund.

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

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.

Piracy Prevention Ordinance

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled, "An Ordinance to amend the law relating to the observance of precautions against piracy." In doing so he said—The object of this Bill, Sir, is to amend certain defects which have been found to exist in the present law dealing with precautions to be observed against piracy. The present law is contained in two Ordinances, one of 1900 and the other of 1913, and provides for the giving of a bond by the owners, agents, charterers and licencees of river trade steamers and launches for the observance of precautions against piracy, and certain provisions for enforcing that bond in case the precautions are not observed. It has been found that the law is defective in three main respects. In the first place, it does not apply to all ships, launches and voyages to which it is considered desirable it should apply. For example, it applies to river trade steamers going west along the coast to Macao, but it does not apply to steamers going along the coast in the other direction. Though it applies to steamers going to ports in the interior of the neighbouring province of

Kwangtung it does not apply to steamers going to coast ports. This Bill provides that precautions against piracy shall be observed by ships proceeding on voyages defined by section 3 of the Bill. The Bill gives much wider scope than former Ordinances, and appears to cover all voyages in which piratical attacks are likely to occur. In the second place there was no power under the old law to estreat a bond and forfeit the sum secured by the bond unless a piracy had actually occurred. It does not seem desirable to have to wait until a piracy has been committed on a steamer before enforcing the owners' undertaking to observe precautions against piracy. The present law provides that where an owner fails to observe precautions he can be proceeded against at once, whether a piracy has occurred or not. In the third place, the present law is defective in its procedure with regard to the forfeiting of the sum secured by the bond. There is no provision for giving notice to the owner of any proceedings for forfeiture, and no provision for the furnishing of any opportunity to such owner of appearing and showing cause against such order. With a view to making the observance of precautions against piracy more real, the Bill enacts that it shall be a misdemeanour for any ship or launch to which the Bill applies to go to sea without being provided with the bond required. It also makes it a misdemeanour to give any order, or make any threat, or hold out inducement which may have the effect of inducing any person to fail to observe the provisions of the Ordinance or regulations made thereunder. The Bill, Sir, also contains various minor provisions consequential on the main objects of it. The only one I think necessary to mention at this stage is that under the regulations to be made under the Bill when passed, it is proposed that owners of steamers and launches should be liable to pay to the Colonial Treasurer a certain sum for the watchmen and guards to be maintained on the steamers, as it is intended that such watchmen and guards shall be supplied, on application to the Captain Superintendent of Police, to each steamer as required, and liability to pay for such watchmen and guards is provided for in clause 18 of the Bill.

THE COLONIAL SECRETARY seconded the motion.

HON. MR. HEWETT — Your Excellency, before this Bill goes any further, I should like on behalf of the shipping trade of Hongkong and the Chamber of Commerce to make a few remarks. This Bill has been passed down to the Chamber of Commerce, and, as your Excellency is aware, very carefully considered, not only by the whole of my own committee but at a committee meeting at which were represented all the agents or owners of river, Macao or coasting steamers engaged in the Chinese passenger trade, and consequently of boats presumably open to piratical attacks. The finding of that Committee was put before your Excellency in a letter dated the 15th August, and I was hoping that either your Excellency or the Colonial Secretary would refer to it.

HIS EXCELLENCY—The letter is dated the 18th August, and it was received at the C.S.O. on that date.

HON. MR. HEWETT—It ought to have been sent in before, anyway. The gentle men I am representing at the moment are entirely in accord with your Excellency that all possible steps should be taken to prevent possible piratical raids on coast and river steamers, but our objections to the existing Bill are very fully set forward, after very careful consideration, in the letter which your Excellency has just shown me, and which I am sorry to say reached you on the 18th instead of the 15th instant. The question having been very carefully considered, the main point we wish to make is that the provisions of this Ordinance, and the regulations, are absolutely impracticable as far as ocean-going steamers are concerned. That being so, if this Bill is to take any effect at all it cannot possibly be made to apply to ocean-going vessels. That narrows it down to the question of how far these proposed regulations can be applied to river steamers. They can be for the greater part, but there are one or two objections, particularly the separation of the Chinese from their luggage and the erection of wire entanglements. There are one or two other points which can be dealt with when the Bill is in Committee. This letter puts forward our views after very careful consideration. I think it is realised—I realise it, and I think my hon. friend opposite (Hon. Mr.

Landale) will confirm me—that there is very little profit in this coolie business, but it must be carried on in the interest of this Colony's trade with Singapore and other colonies. The profit is very small, and if vessels are called upon to incur any great expense they will go out of the business altogether, and that will mean an increase of coolie labour at other centres, or it means that the Chinese will not travel by the Canton steamers, but will take the railway. I take it that that is not the intention of the Government. The intention of the Government is to encourage trade; certainly not to handicap shipowners to such an extent as to cause them to say they have been driven out of the business by excessive and vexatious regulations. The question of guards, as set forth in this letter, is another serious point. Shipping companies cannot possibly afford to have these expensive guards on a section of their voyage, as their employment would probably in itself eat up the full profits of the trade. I would ask your Excellency, therefore, when this Bill goes into Committee, to eliminate the application of this Bill to any ship of ocean-going type, and to consider, and, I trust, finally adopt, the suggestions which the Chamber of Commerce have put forward with regard to a modification of the regulations relating to Macao and river steamers.

HIS EXCELLENCY—As I mentioned to the hon. member just now, this letter is dated the 18th and it has not yet received consideration. There has not been time to give it consideration. The Government are prepared to consider it, and, that being so, we will postpone going into Committee on the Bill until next meeting. At the same time, I would just like to refer to one point. The letter says, "The result of this legislation, if passed without the above alterations, will be to divert the native passenger trade from the river steamers to the railway instead of making the steamers more secure against piracy." That seems to have weighed a good deal with the hon. member, but he had possibly not then heard that the night train to Canton was held up by 300 robbers, one man being killed and several others wounded, and some \$50,000 looted from the train. I don't think the Chamber of Commerce, who are interested in shipping, need have the least fear that the traffic will be diverted to the railway. It is very

desirable that drastic measures against the pirates should be taken, and drastic measures will have to be taken, within reason, of course, but the Government will consider any reasonable proposals that are made.

The Bill was read a second time.

Bills of Sale Amendment Ordinance

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled, "An Ordinance to exempt certain securities on imported goods from the operation of the Bills of Sale Ordinance, 1886," In doing so he said—The object of this Bill, Sir, is to introduce into this Colony the provisions of the Bills of Sale Act, 1890, as amended by the Bills of Sale Act, 1891. At present bills of sale of goods in foreign ports and at sea are exempt from the Bills of Sale Ordinance, but goods which have reached the Colony come within it, and this Bill, Sir, provides that following on the amendment of the law which has been made in England, any instrument charging security on imported goods before they are deposited in warehouse godown, before their being re-shipped, or before delivery to a purchaser, shall be exempt from the said Ordinance.

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

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.

HIS EXCELLENCY — Council stands adjourned till this day week. We must get on with this Piracy Bill before another piracy overtakes us.

FINANCE COMMITTEE.

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

Medical Attendance

His Excellency the Governor recommended the Council to vote a sum of \$175 in aid of the vote Colonial Secretary's Department and Legislature, Other Charges, Medical Attendance on Unpassed Cadets at Canton.

This was agreed to.

A General Vote

His Excellency the Governor recommended the Council to vote a sum of \$99,250 in aid of the following votes:—

PUBLIC WORKS.

B.—PUBLIC WORKS, RECURRENT.

HONGKONG.

Buildings

1.— Maintenance of Buildings \$14,000

Communications

3.— Maintenance of Roads and Bridges in City 45,000

4.— Maintenance of Roads and Bridges outside City 9,000

Drainage

6.— Maintenance of Sewers, Nullahs, etc. 2,000

Lighting

7.— Gas Lighting, City and Suburbs and Hill District 500

8.— Electric Lighting, City 250

Miscellaneous

9.— Maintenance of Praya Walls and Piers 2,500

16.— Stores Depreciation 7,000

Water Works

20.— Water Account (Meters, etc.) 3,500

KOWLOON.

Buildings

21.— Maintenance of Buildings 1,000

Communications

22.— Maintenance of Roads and Bridges 7,000

Drainage

24.— Maintenance of Sewers, Nullahs, etc. 1,000

Water Works

33.— Water Account (Meters, etc.) 2,000

NEW TERRITORIES.

Buildings

35.— Maintenance of Buildings — Mainland and Islands in Northern District 500

Communications

36.— Maintenance of Roads and Bridges—Mainland 4,000

Total \$99,250

EXPLANATORY NOTES.

Hongkong

No. 1.—Maintenance of Buildings.—\$61,000.

The unexpended balance on this vote is about \$9,000 and a Supplementary Vote of \$14,000 will be required to meet the estimated expenditure up to the end of the current year. This is accounted for by the fact that the contract rates of this work for the current year are 20 per cent. higher than the 1913 rates upon which the estimated expenditure was based. The probable total expenditure for 1914 will therefore be about \$61,000 x \$14,000, or \$75,000.

No. 3.—Maintenance of Roads and Bridges in City.—\$66,000.

This vote is practically exhausted and a Supplementary Vote of \$45,000 will be required to meet the estimated expenditure up to the end of the current year. This is accounted for as follows:—

(a.)— The cost of improvements carried out to various roads in the Eastern and Western Districts amounting to	\$26,489
(b.)— Increase of 23 per cent. on contract rates over 1913 contracts on which the estimate was based (for contract work only)	10,000
(c.)— Formation of quarry	10,000
	\$46,489

The probable total expenditure for the current year will therefore be \$66,000 x \$45,000—\$111,000.

No. 4.—Maintenance of Roads and Bridges outside City.—\$26,000.

The balance on this vote is \$7,000 and a Supplementary Vote of \$9,000 will be required to meet the estimated expenditure to the end of the current year. This is accounted for by an increase of 42 per cent. on contract rates over the 1913 contracts on which the estimate was based.

The probable total expenditure for this year will therefore be \$26,000 x \$9,000, or \$35,000.

No. 6.—Maintenance of Sewers, Nullahs, etc.—\$14,000.

A Supplementary Vote of \$2,000 will be required to meet the estimated expenditure to the end of the current year. This is accounted for by an unexpected expenditure on certain drains, particularly the storm-water drain in d'Aguiar Street. The probable total expenditure for the year will therefore be \$14,000 x \$2,000—\$16,000.

No. 7.—Gas Lighting, City, etc.—\$48,000.

Owing to an increase in the number of lamps, a Supplementary Vote of \$500 will be necessary to meet the estimated expenditure up to the end of the current year. The total expenditure will therefore be \$48,000 x \$500—\$48,500.

No. 8.—Electric Lighting of City.—\$23,500.

Owing to an increase in the number of lamps, a Supplementary Vote of \$250 will be necessary to meet the estimated expenditure up to the end of the current year. The total expenditure will therefore be \$23,500 x \$250—\$23,750.

No. 9.—Maintenance of Praya Walls and Piers.—\$4,500.

This vote is exhausted and a Supplementary Vote of \$2,000 will be required to meet the

estimated expenditure up to the end of the current year. The excess is due to extensive alterations and repairs to Kennedy Town Pier. The total expenditure will therefore be \$7,000.

No. 16.—Stores Depreciation.—\$4,800

A Supplementary Vote of \$7,000 will be required to meet the estimated expenditure up to the end of the current year. This is accounted for by value of articles condemned and sold.

The probable total expenditure for the year will be \$4,800 x \$7,000—\$11,800.

No. 20.—Water Account (Meters, etc.).—\$7,500.

The expenditure on this vote depends entirely upon the number of meters fixed to private houses and it is probable that a Supplementary Vote of \$3,500 will be required, making the total expenditure \$7,500 x \$3,500, or \$11,000.

KOWLOON.

No. 21.—Maintenance of Buildings.—\$8,500.

A Supplementary Vote of \$1,000 will be required to meet the estimated expenditure up to the end of the current year. This is due to a rise of 15 per cent. on the contract rates. The total expenditure will therefore be \$9,500.

No. 22.—Maintenance of Roads and Bridges.—\$25,000.

A Supplementary Vote of \$7,000 will be required to meet the estimated expenditure up to the end of the current year. This is due to a rise of 28 per cent. on the contract rates. The total expenditure will therefore be \$32,000.

No. 24.—Maintenance of Sewers, Nullahs, etc.—\$6,000.

A Supplementary Vote of \$1,000 will be required to meet the estimated expenditure up to the end of the current year. This is accounted for by extra cleaning necessitated by the heavy rainstorms during June. The probable total expenditure for the year will be \$6,000 x \$1,000—\$7,000.

No. 33.—Water Account (Meters, etc.).—\$3,000.

The expenditure on this vote depends entirely upon the number of meters fixed to private houses and it is probable that a Supplementary Vote of \$2,000 will be required, making the total expenditure \$3,000 x \$2,000—\$5,000.

NEW TERRITORIES.

No. 35.—Maintenance of Buildings, Mainland and Islands in Northern District.—\$6,500.

A Supplementary Vote of \$500 will be required to meet the estimated expenditure up to the end of the current year. This is due to a rise of 8 per cent. on the contract rates for the current year. The total expenditure will therefore be \$7,000.

No. 36.—Maintenance of Roads and Bridges, Mainland.—\$12,000.

A Supplementary Vote of \$4,000 will be required to meet the estimated expenditure up to the end of the current year. This is due to a rise 40 per cent. on the contract rates for the current year. The total expenditure will therefore be \$16,000.

THE CHAIRMAN—The Director of Public Works has been going into the question of additional votes required under various heads for the rest of this year, and his Excellency the Governor thought it would be better to take a vote covering the whole of the heads at this meeting. You will see explanations of the various amounts asked for. Far the largest amount is that required for the maintenance of roads and bridges in the city. You will observe that the roads are undergoing entirely new treatment, which was not estimated for last year when the estimates for 1914 were drawn up.

THE DIRECTOR OF PUBLIC WORKS — The improvements were not estimated for.

THE CHAIRMAN—This is an improved method of dealing with the surface. That accounts for over \$60,000 out of \$99,000.

HON. MR. HEWETT—Is this dressing of the roads, Mr. Director of Public Works, likely to be permanent, because I notice that in the treating of various classes of

top dressing some lasts fairly well, and some wears almost immediately? I am referring to the section at the corner of Chater Road and Statue Square, on the west side of Statue Square. Again, on the east side towards the Law Courts, the macadam is showing through the path.

THE DIRECTOR OF PUBLIC WORKS — The traffic is very heavy there.

HON. MR. HEWETT — That raises the question of reducing the loads on trucks.

THE CAPTAIN SUPERINTENDENT OF POLICE — Notices are being made out at present to send round to the Chinese owners.

HON. MR. HEWETT—As soon as that is done away with it will relieve the strain on the roads. Otherwise, do you think that the new treatment will stand against tropical rains?

THE DIRECTOR OF PUBLIC WORKS — Yes, and all ordinary traffic.

HON. MR. POLLOCK—I understand that Chinese shopkeepers in Queen's Road are complaining of the fact of a considerable layer of dust being allowed to remain on the roads.

THE DIRECTOR OF PUBLIC WORKS — That is sand, which has to be laid on the top of the tar. A certain quantity of it is taken up by the tar, and the surplus is removed.

HON. MR. HEWETT—I notice an extra expenditure on nullahs. Does that mean for increasing the training or maintaining of existing nullahs?

THE DIRECTOR OF PUBLIC WORKS — For maintaining existing nullahs. Every year a certain addition is made to the length of the nullahs, consequently the cost of maintenance has to be increased.