

18TH MARCH, 1915.

**PRESENT:—**

HIS EXCELLENCY THE GOVERNOR, SIR FRANCIS HENRY 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. A. M. THOMSON (Colonial Treasurer).

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

HON. MR. S. B. C. ROSS (Secretary for Chinese Affairs).

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

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

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

HON. MR. D. LANDALE.

HON. MR. E. SHELLIM.

HON. MR. LAU CHU PAK.

MR. A. G. M. FLETCHER (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. 5, and moved that it be referred to the Finance Committee.

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 report of the Finance Committee held on the 11th March, and moved that it be adopted.

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

**Declarations of Ultimate Destination Ordinance**

THE ATTORNEY-GENERAL moved the second reading of a Bill intituled, "An Ordinance to provide for declarations of ultimate destination in respect of goods wares, and merchandise to be exported to certain places, and for the furnishing of export manifests." In doing so he said—Sir, generally speaking, it is illegal for any person in British territory to deal with any person in enemy territory. Recently, that general prohibition has had to be fortified by particular provisions aimed at stopping trade in goods between our territory and enemy territory. That trade, of course, may be trade in goods coming from an enemy territory to ours, or may be trade in goods going from our territory into enemy territory. These provisions have been introduced in the United Kingdom, and they are now, Sir, in course of being introduced into this Colony. This day fortnight an Ordinance was passed intituled "The Certificates of Origin Ordinance," which dealt with one half of the trade now referred to; that is, trade in goods coming from enemy territory to Hongkong, and that Ordinance required that any goods coming from neutral countries in Europe which might be suspected of coming from Germany or Austria should be provided with Certificates of Origin signed by British Consuls at the port of shipment. This Bill, Sir,

is intended now to deal with the other half of the trade; that is, trade in goods going from Hongkong to countries adjacent to enemy territory which might possibly be suspected of having an enemy destination, and the procedure which has been adopted with a view to preventing such illegal trade is to require that all goods going from this Colony to places adjacent to enemy territory shall be exported from Hongkong only after a permit has been issued by the Superintendent of Imports and Exports, and that permit can only be given upon exporters making a declaration with respect to the ultimate and real destination of the goods, and also upon their satisfying the Superintendent of Imports and Exports that they are not engaging in an illegal trade, and that the goods are not going to enemy territory. The prohibition of exports without a permit applies, of course, only to the countries and places specified in the first Schedule of the Bill, and that Schedule reads as follows:—

"Every place in Europe or on the Mediterranean or Black Sea, with the exception of those situated in Russia, Belgium, France, Spain, Portugal, the United Kingdom, or any British possession or Protectorate." Those, shortly, may be described as neutral countries in Europe which are adjacent to enemy countries, and any goods going to these places must have a permit before they can be exported. The permit, as I said, Sir, can only be given on a declaration of ultimate destination being made by the exporter, and upon his satisfying the Superintendent of Imports and Exports with regard to any enquiries that official may think it desirable to make. The Bill also provides that the declaration of ultimate destination must be given by some person who is acquainted with the facts, and who has personal and first-hand knowledge of them. The Ordinance, as drafted, covers not only goods which have their origin in this Colony, and goods which are transhipped here, but also covers goods which pass through the waters of the Colony without transhipment. It was thought desirable to have power to deal with such goods if necessary, but it is proposed, Sir, to make an Order-in-Council, when this Bill becomes law, exempting from the operation of the law as to declarations of ultimate destination any cargo which merely passes through here in transit without transhipment. The Bill also provides that shipowners or shipping agents must

furnish to the Superintendent of Imports and Exports manifests of all the goods which are exported by their ships. That, of course, is necessary to enable the authorities to see whether any goods have been exported which ought to have been furnished with permits. The Bill also provides that in any proceedings against any person for a breach of the law in connection with the cargo in question, the appearance on the manifests of the cargo in question shall be *prima facie* evidence that it was exported by the ship upon whose manifest it appears. Of course, it will be open to the defendants to prove that it was not exported by that ship, but until they can satisfy the Court otherwise the appearance of the record in the manifest will be *prima facie* evidence against them. From these sections imposing on ships the obligation to furnish manifests it is proposed, Sir, to exempt, by an Order-in-Council, certain local shipping — river steamers, steamships under 60 tons net register, and motor-launches. The Ordinance will accordingly apply only to ocean-going steamers. The Bill also proposes to give power to the Superintendent of Imports and Exports to seize and detain any goods, wares, and merchandise which may have been exported from any British possession in contravention of the law in force there. That was thought desirable, because similar legislation to that now proposed to be introduced here will soon be in force throughout the British Dominions, and it seems desirable that if goods are exported from another British possession in contravention of the law there, there should be power to seize and detain the goods if they happen to reach this Colony. I beg, Sir, to move the second reading.

HON. MR. HEWETT—Sir, I should like to ask the Hon. Attorney-General to make one point clearer than he has done in the illuminating speech he has just made. He speaks of cargo being exported from this Colony, and I should like the Attorney-General to tell us definitely whether we have or have not—I am speaking now as a shipping agent, Sir—to produce manifests of all cargo which is on board a ship in transit but not for transhipment here. Do these documents apply to cargo

exported say, for sake of example, from Shanghai to Singapore, or Yokohama to London? I should be very glad, Sir, if the Hon. Attorney-General would tell us definitely whether we have, or have not, to provide the Hongkong Government with all the documents concerning every package on board all the ships that happen to come into the harbour. That is a very important point, and means an enormous amount of extra work and expense to shipping companies who have to do this. Of course, we are quite prepared to meet that. We only want to understand distinctly what is, or is not, required of us.

THE ATTORNEY-GENERAL—I ought to have explained, Sir, that it will be necessary for shipping companies to furnish manifests of all the cargo carried out of the Colony on their ships, whether that cargo be put on board here, or whether it is on board when the ship comes into the Harbour and is merely passing through—all cargo of any kind passing out of the Colony.

HON. MR. HEWETT — That, your Excellency, is the point I wanted to make quite clear, because it affects us very greatly.

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

On Clause 10,

The ATTORNEY-GENERAL—I beg to move, Sir, that after the words "proceeded against," in the fourth line of this Clause, the following words shall be inserted:—"In this or any other Ordinance."

THE COLONIAL SECRETARY seconded.

On Council resuming,

THE ATTORNEY-GENERAL reported that the Bill had passed through Committee with slight amendment, and he moved that it be read a third time.

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

### **Alien Enemies (Winding-Up) Ordinance, 1914**

THE ATTORNEY-GENERAL—I beg to propose, Sir, that the next item on the Orders of the Day be discharged. It is proposed to withdraw the Bill which is before the Council and to re-introduce the provisions which appear there in the form of a new Bill. This is done for convenience, because the Bill, as it at present stands, has been considerably altered from its original form. In the new Bill it is proposed to introduce there will be at least one additional clause, but otherwise the Bill will be the same as that which is now being withdrawn.

THE COLONIAL SECRETARY seconded, and this was agreed to.

HIS EXCELLENCY — Council stands adjourned until this day week.

### **FINANCE COMMITTEE.**

A meeting of the Finance Committee followed, the COLONIAL SECRETARY presiding.

### **Public Works**

The Governor recommended the Council to vote a sum of three thousand dollars (\$3,000), in aid of the vote Public Works, Extraordinary, Hongkong, Water Works, Bonham Road Pumping Station.

THE CHAIRMAN—It has been necessary to bring this finance minute before the Committee. The cost of the Bonham Road Pumping Station has been \$74,674, and the amount of the approved estimate was \$74,000, so there has been an excess of \$674. It was expected that a sum of something like \$68,000 or \$67,000 would be expended last year. As a matter of fact, a sum of only \$64,674 was expended, and therefore the amount required to complete the work this year is \$10,000. The amount provided this year is \$7,000, or \$3,000 less than is needed. Therefore, it has been necessary to provide an extra \$3,000 to complete the work. It is not \$3,000 additional to what was estimated, but \$674.

The vote was agreed to.