

13TH MAY, 1915.

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. A. M. THOMSON (Colonial Treasurer).

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

HON. MR. C. MCL. 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 Minutes Nos. 12 to 16, and moved that they be referred to the Finance Committee.

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

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table the report of the Finance Committee held on May 6th, and moved that it be adopted.

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 annual report of the Kowloon-Canton Railway (British Section), for 1914, and also the report of the Royal Observatory for the year 1914.

Additional Cemetery Bye-Laws

THE COLONIAL SECRETARY moved that there shall be added to the Cemetery Bye-laws published on pages 11 to 13 of the "Regulations of Hongkong, 1914," as amended by the Legislative Council on the 21st day of January, 1915, and published in the *Gazette* of the 22nd January, 1915, the following Bye-law:—"21. The foregoing bye-laws shall not apply to the Chinese Permanent Cemetery at Aberdeen."

Appropriation

THE COLONIAL SECRETARY moved the second reading of the Bill intituled, "An Ordinance to authorize the appropriation of a supplementary sum of \$787,252.26, to defray the charges of the year 1914." In doing so he said:—Sir, the bulk of the expenditure to be incurred in this Bill arises from three causes. The first is the change of policy in regard to the demonetising of subsidiary coinage, which led to an increase in the amount voted of nearly \$420,000. Secondly, there was the outbreak of war. The extra expenditure on account of war was altogether over \$200,000, including about \$76,000 for miscellaneous expenses, \$98,000 odd for the Prince of Wales' Fund, and also increases under the heads of Printing and Telegrams and Volunteer Votes. The sums in these items, Printing, Telegrams and Volunteer Votes, amounted to about \$28,000 up to the end of the year. Thirdly, there is a sum of \$50,000 for the West River Relief Fund. The only other sums of any size which are not provided in the estimates were under

the headings of Police, \$12,000 odd for the passages of Police and bonuses in lieu of passages, \$6,000 for Secret Service, \$18,000 for a new Police launch, and under the Sanitary Board \$7,200 for a new towing barge to take the place of one which was lost in the typhoon of September, 1913. When the estimates were drawn up it had not been decided in what way the barge should be replaced. Under the heading of Public Works Recurrent there is an amount of \$13,972 which was incurred in connection with the maintenance of buildings owing to the great increase in the contract prices of the previous year which was unforeseen when the estimates were prepared. The extra sum of \$45,051 was spent in the maintenance of roads and bridges in the city. This increase is due to the change of policy adopted after the passing of the estimates which led to the use of improved surfacing materials. There is also an advance in the contract price. An extra sum of \$15,955 was expended in the purchase of coal on the outbreak of war. That will lead to a reduced expenditure later on. Under Public Works Extraordinary the award of the arbitrator and architect's fees for completing the payments in connection with the new Law Courts amounted to \$21,933. Had it not been for the change of policy as regards the demonetising the sub-coin, and also the war, the amount to be provided in this Bill, Sir, would have been small compared with previous years. But large as the sum is, there is a saving on other votes amounting to nearly as much, namely, \$746,408. The principal items are \$11,000 odd for the Secretariat, saving on the establishment, \$53,136 in the Import and Exports office, where certain expenditure was not incurred, and \$401,205 under Public Works Extraordinary, where a number of items were not carried out. In the Post Office the saving was \$66,774, and under the heading Public Debt \$33,042. I beg to move, Sir, the second reading.

THE COLONIAL TREASURER seconded.

THE HON. MR. HEWETT—Sir, as we all know, we are called upon every year to pass a supplementary vote for the expenditure of this Colony. We all realise that under the abnormal conditions under which we are living a great many of the items have been increased; possibly some have been decreased. As to the

attitude which the Government now takes up to meet existing conditions, there is only one item in the Bill before us to which I propose to refer, and that is the expenditure of \$86,100.18 Public Works Recurrent. The Colonial Secretary referred to two or three of these items briefly, and he dragged, what seemed to me to be, a red herring across the path when he mentioned the item of \$21,933 for Public Works Extraordinary, which did not come into the vote at all, because that particular vote applied only to Public Works Recurrent. The point I wish to emphasise is one which I have brought before the Council on more occasions than one. I think a more closely calculated estimate should be put before us at the time of the annual Budget for Public Works Recurrent. Nearly all that increase of \$86,000 odd was made up by maintenance of buildings, maintenance of roads and bridges, maintenance of city and hill district and so on. While it is admitted that the last item referred to is due to a larger stock of coal being laid in, I cannot suppose that the bulk of \$16,000 would be accounted for by coal; the Government surely does not lay in such large stocks of coal as that. Another item is maintenance of roads and bridges \$7,000, and so it goes on. Then there are increases in prices of 20, 23, and 28 per cent. and so on. Surely the Public Works Department ought to be able to draw up their estimates closer than this, and to be so much in touch with what is going on in the Colony that there should not be such an excessive amount asked for in the supplementary vote? That is the only point I wish to make. I realise the difficulties of making estimates in advance, but we as businessmen have all got to do that, and it depends upon whether the estimates are correct or incorrect whether we are going to have a profitable year or finish up in the Bankruptcy Court.

THE DIRECTOR OF PUBLIC WORKS—With regard to the question of estimating raised by the hon. member opposite, it is impossible for one to forecast what tenders will be received for the execution of any work. The questions that enter into such a matter as that are too involved for anyone to be able to anticipate them

In the case, for instance, of the maintenance of buildings, if the hon. member opposite will look at page 43 of the details supplied he will see that the excess was \$14,000, while on \$61,000, the amount estimated to be spent, an increase of 21 per cent. in the contract price amounts to over \$12,000, so that there was a margin of about \$2,000 that was in excess of the estimate, assuming that the contract had been obtained at the same price as in the previous year. In the case of roads and bridges, the 23 per cent. increase represents a sum of roughly \$16,000, and as the Colonial Secretary has informed the hon. member, a great alteration has been made in the introduction of improved methods of surfacing roads. It has been the subject of much comment in past years, the inefficient way in which roads were treated, and I presume that members are better pleased and satisfied with the methods now being adopted. Certainly the roads, many of them, are in a very much improved condition, and the damages suffered by them from rain storms and typhoons are very much less under the system which has been adopted. So that whilst there is an extra expenditure under the heading Roads and Bridges, there is a vast decrease in the damages by rain storms. In the case of the item for the maintenance of waterworks, etc., there was a large stock of coal laid in. I am unable to quote figures because I was not here at the time, but the quantity was very substantial and the amount involved was also very substantial. I think, Sir, that is all I have to say in reply to the hon. member opposite.

THE COLONIAL SECRETARY — With regard to the point made by the hon. member as to the balance of \$86,100 required for Public Works Recurrent, that was taken into consideration in drawing up the estimates for the current year, and it is not expected that there will be any such sum, or any sum, required. With regard to the coal, something like 1,500 tons have been stored at Tytam Tuk.

Trading with the Enemy

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, "An Ordinance to amend the Trading with the Enemy Ordinance, 1914, and for purposes connected therewith." In doing so he said—In considering this subject, it is important, I

think, to bear in mind the distinction between the subject matter of the Trading with the Enemy Ordinance and the subject matter of the Alien Enemies (Winding-up) Ordinance. The Winding-up Ordinance is intended to provide for the winding-up of the businesses and affairs of the persons of enemy nationality whom it was found necessary to expel or intern, and under that Ordinance the line is drawn between persons of enemy nationality on the one hand and British subjects, allies and neutrals on the other. The object of the Trading with the Enemy Ordinance is to prevent trade with enemy territory, including in the word "trade" the payment of money to persons in enemy territory. The line is therefore drawn in the Trading with the Enemy Ordinance and this Bill, between persons carrying on business or resident in enemy territory on the one hand, and persons resident or carrying on business outside enemy territory on the other. I mention this, Sir, because the word "enemy" is used in the two sets of Ordinances in a different sense, and unless the distinction is borne in mind some confusion is liable to be caused. "Enemy" in the Winding-up Ordinances means persons of enemy nationality; "Enemy" in this Bill, and in the principal Ordinance (Trading with the Enemy Ordinance) means, broadly speaking, persons carrying on business or resident in enemy territory, so that the transactions prohibited in this Bill, Sir, are transactions by or on behalf of persons in enemy territory. The second Clause of the Bill simply applies to the war with Turkey the provisions which have already been applied to the case of the war with Germany and Austria-Hungary. Clauses 3 and 4 deal with certain transfers of different forms of property by or on behalf of alien enemies, in the sense of persons in enemy territory. The first part of Clause 3 deals with the invalidity of any assignment of debts or other choses in action, and, shortly, the effect of that Clause is that such transfers are valid provided they were made before the war, or by leave of the Governor, or in good faith and for value consideration before 8th May, 1915; that is, the day following the date on which this Bill, Sir, was first pub-

lished in the *Gazette*. The second part of the Clause deals with special case of bills of exchange and promissory notes, and transfers of these made by or on behalf of enemies are valid only either if made before the war or if made in good faith and for value before the 8th May, 1915. Clause 4 deals with special case shares in companies, and the transfer of shares in companies by or on behalf of an enemy are declared to be invalid if made after the passing of this Ordinance unless leave has been given by the Governor for the transaction to be carried through. Persons who pay debts or give up property, or register transfers which are prohibited and rendered invalid by this Ordinance will be committing offences against the Principal Ordinance, and will be liable to punishment accordingly. Clause 5, Sir, is an attempt to make it quite clear that in addition to the actual offence of trading with the enemy it is also an offence to attempt, by any means whatsoever, directly or indirectly, or to incite by any means, any person to commit the offence of trading with the enemy. The attempt and the incitement are clearly declared to be offences. Clause 6 deals with more or less technical points, and provides that if a person has been obliged to give information to an Inspector appointed under the principal Ordinance to make a search the information he gives may be used afterwards in evidence against him. Clause 7, Sir, gives you power to appoint a supervisor of any business in any case where you may think it is advisable. I beg to move the second reading.

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

On Clause 4,

THE ATTORNEY-GENERAL moved the insertion, before the word "no," in the first sub-section, the words, "unless made by leave of the Governor."

THE COLONIAL SECRETARY seconded, and it was agreed to.

On Council resuming,

THE ATTORNEY-GENERAL moved the third reading of the Bill.

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

Rating Ordinance

THE ATTORNEY-GENERAL moved the

second reading of the Bill intituled, "An Ordinance to amend the Rating Ordinance, 1901." In doing so he said—The object of the Bill is stated in the Objects and Reasons. It is to give the Governor-in-Council power to authorise the total or partial exemption from assessment of any hostel attached to the University of Hongkong.

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

The Bill passed through Committee without amendment, and on Council resuming,

THE ATTORNEY-GENERAL moved the third reading of the Bill.

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

Dentistry Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, "An Ordinance to amend the Dentistry Ordinance, 1914."

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

The Objects and Reasons state that though it is probable that the words which this Bill proposes to repeal were inserted in the Principal Ordinance with the object of restricting administration of anaesthetics by unqualified persons, yet the fear has been expressed that they might be interpreted by some registered dental surgeons or exempted persons as a definite invitation to administer general anaesthetics, and that they might afford an undesirable defence in case of an untoward result following the administration of a general anaesthetic by a dentist with no training in this important branch of medical science. The effect of the proposed amendment will be to assimilate the law of the Colony to the law at present in force in the United Kingdom on this point.

Estate Duty

HIS EXCELLENCY—The next item on the orders of the day, the second reading of the Bill intituled, "An Ordinance to provide for the levy of Estate Duty payable in respect to the estates of deceased persons," will not be proceeded with. Council stands adjourned till this day fortnight.

FINANCE COMMITTEE.

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

Appropriation for 1914

The Appropriation Bill for 1914, referred to in the Council meeting, was considered.

THE HON. MR. HEWETT—The Director of Public Works made an explanation with regard to the Government laying in certain stocks of coal. Well, all I can say is that to lay in a stock of 1,500 tons seems an unnecessary waste of money. All of us who have to purchase coal know perfectly well that coal was at a panic price for a few days, but after that the price remained stationary. It does seem to me to be a waste of money to lay in a stock like that.

THE CHAIRMAN—The purchase was not made for that reason.

THE HON. MR. HEWETT—Well, it does seem a serious waste.

THE CHAIRMAN—It was not bought at a high price.

THE DIRECTOR OF PUBLIC WORKS—It was bought at contract price.

HON. MR. HEWETT—Well, you could have bought it when you wanted it at contract price. Now you have to store it, and pay for storage and fire insurance and all that sort of thing.

THE DIRECTOR OF PUBLIC WORKS—It does not cost any money to store it.

HON. MR. HEWETT—I should like to refer to the remarks of the Director of Public Works with regard to the maintenance of roads, and bridges, and so on. I would like to suggest, in regard to the reducing of expenditure, that he should not undertake any serious repair of roads at the commencement of the wet season. At present, important roads are opened up and are all liable to suffer from torrential rains. I cannot see why this sort of work was not done before. There are several spots in the town at this moment where a great deal of work was wasted last week because it was undertaken at this time of the year. Why was it not undertaken two or three months ago, when there were long spells of fine weather? I do

not often have the opportunity of criticising the waste of money by the Public Works Department in this Colony, but it is a point I want to press home to the Government. Apparently it does not matter to the hon. member opposite (the Director of Public Works), because he does not take any notice of anything that is said to him.

THE DIRECTOR OF PUBLIC WORKS—It is the practice of the Department not to carry out repairs before they are required. Roads cannot be resurfaced three or four months before they required it merely because less rain is expected to fall at one time than at another. I can imagine that the Department would come in for very severe criticism if it adopted the methods which my hon. friend opposite thinks it should adopt.

THE HON. MR. HEWETT—The Department will continue to be subjected to severe criticism so long as it continues its present methods of doing work. I trust my remarks will appear in *Hansard* in full, and not be deleted.

Miscellaneous Services

The Governor recommended the Council to vote a sum of one thousand five hundred and eighty-five dollars in aid of the following votes:—

Printing and Binding Regulations of Hongkong, New Edition	\$1,085
Remuneration to Mr. P. M. Hodgson for the preparation of the Regulations of Hongkong, New Edition	500
Total	\$1,585

THE CHAIRMAN—This is an item in connection with the new editions of the Regulations of Hongkong.

The vote was approved.

Military Expenditure

The Governor recommended the Council to vote a sum of four thousand two hundred dollars in aid of the vote Military Expenditure, B. — Volunteers, Other Charges, Volunteer Reserve, Uniform.

THE CHAIRMAN—The chief items which go to make up this sum are uniforms for the Reserves, and the estimate is expected to cover all the cost of new members joining up to the end of this year. At present the amount we have incurred is \$2,709.

Bonus

The Governor recommended the Council to vote a sum of five hundred dollars in aid of the vote Miscellaneous Services, bonus to Mr. E. H. d'Aquino.

THE CHAIRMAN—This is brought forward as a special vote to Mr. E. D. d'Aquino in consideration of his 50 years' faithful service in the Government of Hongkong.

HON. MR. HEWETT—I am sure, Sir, the unofficial members most cordially endorse that vote.

THE CHAIRMAN—Thank you.

Public Works

The Governor recommended the Council to vote a sum of five thousand dollars in aid of the vote Public Works, Extraordinary, Kowloon, Communications, Roads, General Works.

THE CHAIRMAN—I explained to the hon. members just now that it is not expected to have any excess under Public Works Recurrent during the present year, as ample provision has been made. This supplementary vote is to enable certain kerbing and channelling to be done in connection with the erection of buildings in Kowloon. The number of houses recently erected in Kowloon has made more extensive works necessary than was contemplated when the estimates were drawn up. The ordinary procedure is that when a building is completed footpaths and channels are placed in front of them, and they are put in a proper order, or otherwise insanitary conditions arise.

The vote was agreed to.

For Charity

The Governor recommended the Council to vote a sum of five hundred and sixty dollars in aid of the vote Charitable Services, Passages and Relief of Destitutes.

THE CHAIRMAN — This vote is very severely taxed during the war. We get people sent on here from various places, and it is impossible to allow them to stay in Hongkong, and the only thing we can do is to take the first opportunity of sending them to England if necessary, or to some other suitable place. I am afraid that it is impossible to forecast what will be required.

The vote was agreed to.
