

2ND JULY, 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. S. B. C. ROSS (Secretary for Chinese Affairs).

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

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

HON. MR. D. LANDALE.

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 Finance Minute No. 28, and moved that it be referred to the Finance Committee.

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 proceedings of the Finance Committee No. 9, and moved that they be adopted.

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

Rating Ordinance

THE COLONIAL SECRETARY—I beg to move, Sir, that it is resolved by the Legislative Council that the percentages on the valuation of tenements payable as rates in the under-mentioned places be altered as follows, with effect from the 1st July, 1915:—Sham Shui Po, from 9 per cent. to $10\frac{1}{2}$ per cent.; Fuk Tsun Heung, from $10\frac{3}{4}$ per cent. to $12\frac{1}{4}$ per cent.

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

Kowloon-Canton Railway

THE COLONIAL SECRETARY—Sir, I beg to state that the estimate of the capital expenditure of the Kowloon-Canton Railway (British section) during the year 1915 was considered by the Finance Committee a week ago, and agreed to, and I now beg to move: "It is hereby resolved that a sum of Dollars Six hundred and ninety-one thousand nine hundred and seventy-two (\$691,972) be advanced out of funds in the custody of the Government for the construction of the Kowloon-Canton Railway (British section) during the year 1915."

THE COLONIAL TREASURER seconded, and this was agreed to.

Land for Recreation Purposes

HIS EXCELLENCY—Before we proceed with the orders of the day, I should like to make a short statement about an exchange of land, which may be of some interest. I mentioned the Praya East Reclamation at the last meeting of the Council. In connection with that it is necessary for the owner of Inland Lot 29 to convert a portion of that Inland Lot into a Marine Lot. This concession has been granted to other owners of land along the Praya East so as to enable

them to come in as Marine Lot holders in the Reclamation, and the terms were fixed. The payment of enhanced Crown Rent on the Marine Lots was insisted upon. Crown rent on Marine Lots is, of course, higher than Crown Rent on Inland Lots. In this particular instance the enhanced sum for arrears is a considerable one—in the neighbourhood of \$70,000. You are all aware, I suppose, of the restricted area for recreation in this Colony, and we (the Government) have been casting envious eyes upon a certain site at the back of the Cotton Mills, called Sookunpoo Valley. There are certain lots there belonging to Sir Robert Jardine which we thought would make, with some expenditure a suitable addition to our flat areas for recreation. We entered into negotiations with Sir Robert Jardine, and he very kindly, and, I may say, very generously, agreed to exchange this land in Sookunpoo Valley for the sum that would be owing from him to the Government for the arrears of Crown rent for portion of Inland Lot 29 on conversion. The area—I do not know whether hon. members are acquainted with it—is somewhat swampy, and it will require to be drained, and this will be of considerable benefit to householders residing in that vicinity, and when drained it will form a very suitable area for recreation purposes. The conditions under which we find ourselves at present do not admit of very large expenditure on this area in the near future, but we shall take it in hand gradually, and hope that in a reasonable number of years it will be a very useful and not inconsiderable addition to the recreation grounds of the Colony.

Travellers' Restriction Ordinance

THE ATTORNEY-GENERAL—Sir, I beg to move the first reading of the Ordinance intituled, "An Ordinance to regulate the entrance of persons into the Colony, and their departure from the Colony, and to confer various powers in connection therewith." There are two errors in the print of the Bill which has been circulated to members. The Bill was prepared in some haste, and in paragraph 2 the last two words of the definition of "passenger," the words "or launch," are to be omitted. And in clause 14, section 11 should read section 19, the sixth line. The two corrections have been made in

the official copy of the Bill.

HIS EXCELLENCY—I ask leave of the Council to read this Bill a first time. As the Attorney-General said, it has been drawn up under pressure, but I hope that hon. members will pass it. They have a full week to consider it.

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

The object of this Bill is to make better provision—

- (a.) For the examination of persons entering and leaving the Colony.
- (b.) For the deportation of persons ordered to quit the Colony under the powers conferred by the Order in Council of the 26th October, 1896.
- (c.) For the registration of visitors at hotels, boarding-houses, and clubs.
- (d.) For the detection and punishment of persons who attempt to leave the Colony without permission or to evade the examination contemplated by the Bill.

The clauses of the Bill are self-explanatory, but it may be mentioned that Clause 14 is practically a copy of Article 3 of the Aliens Restriction (Amendment) Order, 1915, and that the immediate intention is to restrict the operation of Clause 11 to such persons as are required to obtain passes at present.

Post Office Amendment Ordinance

THE ATTORNEY-GENERAL—Sir, I beg to move the second reading of a Bill intituled, "An Ordinance to amend the Post Office Ordinance, 1900." The objects of this Bill, Sir, are to provide that no letter may be sent out of the Colony except through the Post Office; to give power to make searches for postal articles in respect of which offences have been, or may be about to be, committed; to give power to the Governor-in-Council to extend the exclusive privilege of the Postmaster General in the case of newspapers, in special cases; and to increase the penalties for contravention of section 6 of the principal Ordinance, the section which deals with the Postmaster General's exclusive privilege.

THE COLONIAL SECRETARY seconded.

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

THE ATTORNEY-GENERAL moved that the following clause be substituted for the existing clause, viz.:

"5. Notwithstanding the provisions of subsection (1) of section 7 of the Principal Ordinance, no newspaper from out of the Colony, coming directly or indirectly from any country or place to which the Governor-in-Council may direct that this section shall apply, shall be conveyed in the Colony otherwise than by the post or shall be delivered in or transmitted from the Colony otherwise than by or through the General Post Office."

THE COLONIAL SECRETARY seconded, and this was agreed to.

On clause 6, making the obstruction of any search, seizure, removal or detention authorised by the Ordinance a misdemeanour,

HON. MR. HEWETT—With regard to this, Sir, it has been suggested to me that it is a very serious offence even in normal conditions, and much more so in time of war, and that the penalty is not severe enough—a maximum of twelve months' imprisonment or a fine of \$500. I think it would be a very good thing if you could see your way to double those penalties both in imprisonment and fine. Of course it does not follow that the maximum will be imposed in every case. It is a very serious offence.

HIS EXCELLENCY—The existing penalty is a fine of \$500, and now twelve months' imprisonment is the maximum, in addition to the \$500 fine.

HON. MR. HEWETT—Two years would not be a bit too much in a bad case, and it should really read either or both penalties.

HIS EXCELLENCY—I think the penalty is a sufficient deterrent. I do not think many people will carry letters out of the Colony when they know they may get twelve months' imprisonment in the Hongkong prison for it.

HON. MR. HEWETT—An alien enemy

might attempt to get them in or out of the Colony.

THE ATTORNEY-GENERAL—I think it is a sufficient penalty having regard to the other offences in the Statute Book. The only thing in which a change might be made is with regard to the fine. The regular penalty under what may be called the War Legislation—the Ordinances dealing with Alien Enemies and Trading with the Enemy—is twelve months' imprisonment and a fine of \$5,000.

HIS EXCELLENCY—A fine is no good at all. I think if you put on a big fine you tempt the Magistrate to impose a fine. We do not want him to do that. We want him to send them to gaol. I think it is sufficient.

Council then resumed, and

THE COLONIAL SECRETARY moved the third reading of the Bill.

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

Certificates of Origin Amendment Ordinance

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, "An Ordinance to amend the Certificates of Origin Ordinance, 1915." In doing so he said—When the principal Ordinance was introduced the question was considered of taking power to forfeit goods which were imported in contravention of this Ordinance. There was then no such power existing in England, and it was thought better not to introduce the power here. The Customs (War Powers) Act, 1915, which has recently been passed by the Imperial Parliament, does confer that power, and it is proposed by this Bill to take similar power here. Clause 2, therefore, gives power to seize and forfeit any goods which are imported into the Colony from enemy territory. Opportunity is taken in clause 3 to provide that in proceedings under this Ordinance, or under the principal Ordinance, certificates produced from official custody and purporting to be signed by any British Customs or

Consular officer shall be *prima facie* evidence of the truth of the matters stated therein. That is proposed on account of the difficulty of proving matters and facts occurring at any great distance, without great loss of time and expense.

THE COLONIAL SECRETARY seconded.

Council then 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 that the Bill be read a third time.

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

HIS EXCELLENCY — Council stands adjourned until next Thursday.

FINANCE COMMITTEE.

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

Dredger Crew's Salaries

The Governor recommended the Council to vote a sum of \$25,000 in aid of the vote Public Works, Extraordinary, Salaries of Master, Engineer and Crew and the running expenses of the dredger *St. Enoch*.

THE CHAIRMAN—It has been necessary to engage a master for the dredger at a salary of \$325 per month; an engineer at a salary of \$300, and the crew, whose salaries amount to something approaching \$500 a month. These payments with the other expenses of running the dredger for the work it has got to do are estimated to amount to approximately \$25,000 for the remainder of this year.

The vote was agreed to.