

8TH JULY, 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. 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. H. E. POLLOCK, K.C.

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

HON. MR. E. SHELLIM.

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 Minutes No. 29 and 30, and moved that they 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 proceedings of the Finance Committee No. 10, and moved that they be adopted.

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

THE COLONIAL SECRETARY, by command of His Excellency, laid on the table the Balance Sheets of the Berlin Foundling House, Blindenheim, and Ebenezer; also the half-yearly report of the progress of the Kowloon Railway Station up to June 30th, 1915.

German Charitable Institutions

HIS EXCELLENCY—Regarding financial minute 30, and in connection with the Council Paper containing the balance sheets to the 31st May of the Berlin Foundling House, a Home as its name denotes for waifs and strays all of whom are of Chinese race, and of Blindenheim and Ebenezer, both of which are asylums for blind Chinese children, I wish to inform hon. members that these homes are now dependent entirely on the charity of persons in Hongkong, and that their finances are in a very precarious state. You are aware of the good work done by these institutions for Chinese children in this Colony, and I am sure that you will agree with me that such charities, which through no fault of their own have had their chief source of help suddenly stopped, should receive our support. Last October I asked the Archdeacon of Hongkong if he would be so kind as to take over the administration of the three institutions which in the interests of the inmates had to be carried on, and I feel grateful to him for the good work he has done. In answer to an appeal for funds he received from the public in this Colony the following sums:—

For the Berlin Foundling House	\$3843.94
For the Blindenheim	\$2294.63
For the Ebenezer	\$1204.88
a total sum of	\$7343.45.

I have mentioned these sums to show that a real effort has been made to supply in the Colony the funds which were lacking since the outbreak of war. But

even the generous support given locally has not been sufficient to ensure the maintenance of the charities up to the end of the year. The following is a statement of the financial position of each institution on the 31st May:—

Berlin Foundling House

Estimated Maintenance	\$3,500.00
Deduct balance in hand 31st May, 1915	\$2,358.00
Total	\$1,142.00

Blindenheim

Estimated Maintenance	\$3,600.00
Deduct balance in hand 31st May, 1915	\$900.00
Total	\$2,700.00

Ebenezer

Estimated Maintenance	\$3,500.00
Add deficit on 31st May, 1915	\$1,329.00
Total	\$4,829.00

Summary

Berlin Foundling House ..	\$1,142.00
Blindenheim	\$2,700.00
Ebenezer	\$4,829.00
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	\$8,671.00
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Say	\$8,700.00

This sum of \$8,700.00, which is a liberal estimate, I would ask the Council to vote, and a minute is accordingly to be brought before the Finance Committee.

The minute was referred to the Finance Committee.

Public Health By-Laws

THE COLONIAL SECRETARY—I beg, Sir, to move that the by-laws made under section 16 of the Public Health and Buildings Ordinance, 1903, published on pages 22 and 23 of the "Regulations of Hongkong, 1914," under the heading "Domestic Cleanliness and Ventilation," be hereby amended by the addition of the

following By-law:—"4. In any case of non-compliance with the provisions and requirements of by-law 3 the Board shall have full power after 14 days' notice to the owners given in writing to enter on the premises and to thoroughly cleanse and limewash the said premises and the cost of such cleansing and limewashing shall be paid by the owner of such premises at a rate not to exceed \$3.00 for each floor."

HON. MR. LAU CHU PAK—I should like to ask if there is any reason given why the charge should be increased to \$3. I think it is rather too much to pay. It will mean that the poor owners of houses in this Colony will have to spend in future about a lakh and a half on lime-washing. I think \$2 is quite sufficient.

THE DIRECTOR OF PUBLIC WORKS—It is only in the case of owners failing to comply with the provisions and the requirements of the by-laws that the Board acquire power to carry out this work. An owner has ample opportunity of making arrangements for doing any limewashing that may be required on his premises at such rates as he may be able to arrange, and, further, the sum of \$3 is the maximum, which cannot be exceeded, and doubtless, in most cases, the cost would be under that amount.

HIS EXCELLENCY—Does that satisfy the hon. member?

HON. MR. LAU CHU PAK—It does, Sir.

THE SECRETARY FOR CHINESE AFFAIRS—I would point out also that the senior Chinese member of the Sanitary Board introduced an amendment into this regulation, by which notice has to be given. That satisfied the Chinese members of the Board on the subject. It is only after due notice has been given that any charge can be imposed at all, and that amendment was suggested and approved by the Chinese Members on the Sanitary Board, and was also approved by the Board.

HIS EXCELLENCY—It is understood, of course, that the Sanitary Board, if they do carry the work out, carry it out as cheaply as they can. That means to say, that they do not necessarily accept the tender which will involve the maximum charge.

THE ATTORNEY-GENERAL seconded, and the Council approved of the amendment.

Chinese Extradition Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, "An Ordinance to amend the Chinese Extradition Ordinance, 1889."

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

The Objects and Reasons state that the object of this Bill is to provide that in Chinese extradition proceedings the fugitive criminal shall be deemed to be a subject of China unless he proves the contrary. Proof of nationality is sometimes extremely difficult, except to the individual himself whose nationality is in question.

Flogging Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, "An Ordinance to amend the law relating to flogging."

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

The object of this Bill is to provide that corporal punishment may not be inflicted more than once for the same offence.

Travellers' Ordinance

THE ATTORNEY-GENERAL moved the second reading of a Bill intituled, "An Ordinance to regulate the entrance of persons into the Colony, and the departure of persons from the Colony, and to confer various powers in connection therewith." In doing so he said—The main object of the Bill, Sir, is to make better and more explicit provision for the examination of persons entering and leaving the Colony, and for the registration of visitors at hotels, boarding-houses, and clubs. The Bill lays down the procedure in detail for the guidance both of the officers concerned and of the public, and gives powers of search, seizure, and detention, for the detection and prevention of evasion of examination. It also provides a substantial penalty for cases of evasion, or of attempted evasion. The procedure generally is that ships entering or leaving the Colony are liable to an examination by a police officer, or an examination officer, and for that purpose certain restrictions are placed on the person in command of the ship, and certain obligations are laid upon him. Unless permission is given

by a police officer or examination officer no person shall leave any ship which arrives in the Colony until the ship has been examined, and no ship can go alongside a pier without permission unless it has been examined. The masters of ships are placed under an obligation to report any case in which examination is evaded, or attempt is made to evade the examination. It also provides that all persons arriving in the Colony, or who are about to leave the Colony, are bound to answer truthfully and fully all questions put to them for the purpose of this examination, and that any answers given by them may be used as evidence against them in any proceedings under the Ordinance. The Bill also provides for the registration of visitors at hotels and similar places, and besides the obligation upon the keeper, or secretary, or manager, as the case may be, to keep a register, and to furnish particulars to the police, there is also an obligation placed on visitors to supply the keeper, secretary, or manager with the particulars he requires for the register. There is a particular section dealing with a special class of persons who are about to leave the Colony. That is clause 13, and that provides that whenever you, Sir, may order any person to quit the Colony under the powers conferred upon you by the Order-in-Council of the 26th October, 1896, you may order such person to be arrested and kept in custody until his departure. It also gives you, Sir, power to decide by what route, or by what ship, train, or other conveyance, such persons shall leave the Colony. It will be proposed in Committee to add a suspending clause to this Bill, which will delay its operation until Monday next, the 12th day of July. I now beg to move the second reading.

THE COLONIAL SECRETARY seconded.

HON. MR. HEWETT—Before this Bill goes into Committee, I would like to make one or two remarks in regard to it. Situated as we are in time of war, with the Colony under Military rule, it may be debated whether, under the existing conditions, it would be better if the powers which are covered by this Bill remain as they have done for the last 11 months in the hands of the Military, or go to the civil authorities. That is

a question upon which I have no particular opinion, and I am not prepared to express one, but I think, Sir, with reference to what the Attorney-General said when he proposed the second reading of this Bill, that most of the provisions of the Bill have been already complied with. If the Government feel that they have not got sufficient powers in the event of their decision being disputed in the Courts of Law, then it is quite right to take greater powers to themselves. That is done in clause 13, which is a distinct improvement on existing conditions. My real reason, Sir, for addressing this honourable Council on this occasion is to place on record—and I think there is no-one in a better position than myself to place it on record—the high appreciation which I am perfectly certain we all feel of the manner in which this very difficult and onerous work of supervising the incoming and outgoing of the ships, and the passing of people through the Colony has been carried out by the Military Authorities, represented by the Provost-Marshal, during the past 11 months, and I am very glad to have the opportunity of making this statement for the whole of the Colony. As your Excellency is aware, I represent ships of many classes, not only mail steamers but also cargo boats, and I have found that on every possible occasion the least possible friction has arisen in regard to the passing of passengers. I think some of the hon. members of this Council will hardly realise what it is to deal with a large passenger ship carrying a large number of passengers who are travelling through and probably have only a few hours in Hongkong. A large number of men and women have all to come on shore, report themselves at Headquarters' Office, and get their papers and return to the ship on which they have originally embarked. We have been met in every possible way, and the inconvenience which must necessarily arise in matters of this kind has been reduced to an absolute minimum, and I am perfectly confident that after the transfer of this work from the Military to the civil authorities we shall still receive every consideration, and we shall have every cause to congratulate ourselves on a very necessary order being carried through with the least possible disturbance to ship-owners, agents, and more particularly the individuals who are strangers to the Colony. There is only one point I should like to emphasise, Sir. At the outbreak of war these regulations were enforced very strictly, but they have been slightly relaxed since, and ship-owners have been met in a very liberal manner. Sanction has now been given for certain

representatives of the Provost-Marshal to board a ship to pass passengers, thus saving the passengers the trouble of coming ashore in an unknown country, and this has also very materially affected the working of the ships. I am talking now of my own mail steamers, which are on a par with other ships passing through the Colony. If you are running a mail service a delay of 24 hours will be a very serious thing. I am not throwing out these remarks as hints, Sir, to the Civil Government to suggest as to how they should carry out their work. I merely wish to place on record—and I feel sure all shipping companies will endorse what I say—the able manner in which the Military Authorities have carried out this onerous duty during the past 11 months.

HIS EXCELLENCY—With reference to what has fallen from the hon. member, I thoroughly appreciate and endorse all the remarks he has made on the valuable assistance of the Military Authorities in this matter. At the same time, I think it only right to point out that the work has not been entirely in the hands of the Provost-Marshal. It has really been carried out by three sub-departments; the police, the examination service—which, as you know, is under the Naval Authorities—and the staff of the Provost-Marshal. Therefore, the credit which you have given for this work must be distributed to the members of all three branches.

HON. MR. HEWETT—When I spoke of the Provost-Marshal I meant all the people under him. I am perfectly aware that the police and the Naval Authorities have been working.

HIS EXCELLENCY — It is rather a complicated organization, and that is why it is now focussed in the Police Department.

The Bill was read a second time, and Council then went into Committee to consider the Bill clause by clause.

On Clause 2,

THE ATTORNEY-GENERAL moved the insertion of the definition "vessel," as follows:—
"Includes any ship or boat and any other description of vessel used in navigation."

THE COLONIAL SECRETARY seconded.

On Clause 4,

THE ATTORNEY-GENERAL moved the insertion of the words, "To whom Section 10 of this Ordinance shall for the time being apply" in place of the words, "of non-Chinese race," in the first line.

THE COLONIAL SECRETARY seconded.

On Clause 6,

THE ATTORNEY-GENERAL moved the changing of the Clause to sub-clause 1, and the insertion of the words, after "Police Officer" in the fourth line, "and whenever hailed by any police officer." He also moved the addition of the following sub-clauses:—

(2).—"Except with the permission of a police officer no person shall leave any ship which is flying the Police call-flag."

(3).—"Except with the permission of a police officer no ship which is flying the Police call-flag shall be taken alongside any pier, or wharf, or any other vessel, nor shall any other vessel be taken alongside such ship."

(4).—"The provisions of this Section shall apply, notwithstanding any permission given before such ship is ordered to hoist the Police call-flag, or is hailed by a police officer, as the case may be."

THE COLONIAL SECRETARY seconded.

HON. MR. HEWETT—I suppose it will be done by a responsible officer?

THE CAPTAIN-SUPERINTENDENT OF POLICE—It will be done by a Sergeant.

THE ATTORNEY-GENERAL—It will only occur in special cases.

On Clause 7,

The words "under this Ordinance," were deleted.

On Clause 10,

THE ATTORNEY-GENERAL moved the deletion of sub-clause 2, and the substitution

of the following:—"This Section shall apply only to the persons referred to in the first Schedule hereto, provided that the Governor-in-Council shall have power to amend the said Schedule in any way whatsoever."

THE COLONIAL SECRETARY seconded.

In Clause 15, sub-section D, the figures 1 and 2 were inserted in the fourth and sixth lines.

THE ATTORNEY-GENERAL then proposed the addition of a further Clause, Clause 18, which read: "This Ordinance shall come into operation on the 12th day of July, 1915," with the marginal note, "Commencement."

THE COLONIAL SECRETARY seconded.

THE ATTORNEY-GENERAL then moved that the Schedule on the Bill should be the second Schedule, and that a first Schedule should read, "Persons to whom Section 10 of the Ordinance is to apply. All persons of non-Asiatic race or nationality, and all Indians."

THE COLONIAL SECRETARY seconded.

HON. MR. HEWETT—Do you say all Indians? Indians resident in the Netherlands-Indies, and all those people?

THE ATTORNEY-GENERAL—It includes natives of British India. The Schedule can be amended at any time.

HIS EXCELLENCY—That is the law at present in force.

The Bill passed through Committee with the foregoing amendments, and on Council resuming,

THE ATTORNEY-GENERAL moved that the Bill be read a third a third time.

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

HIS EXCELLENCY—Council stands adjourned until this day week.

FINANCE COMMITTEE.

A meeting of the Finance Committee followed, the Colonial Secretary presiding.

Forestry in the New Territory

The Governor recommended the Council to vote a sum of Seventy Dollars (\$70) in aid of the vote Botanical and Forestry Department, Other Charges, Forestry, New Territories.

THE CHAIRMAN—This is required to plant trees on the island of Cheung Chau, on a path leading up from the pier to the south end of the Island, where there is a number of dwelling-houses. These trees are intended to provide shade which is much needed.

The vote was approved.

Appropriation for German Charitable Institutions

The Governor recommended the Council to vote a sum of eight thousand seven hundred dollars (\$8,700) in aid of the vote Charitable Services, Maintenance of the German Charitable Institutions:—

1.—Berlin Founding House	\$1,150
2.—Blindenheim	2,700
3.—Ebenezer	4,850
	Total
	\$8,700

THE CHAIRMAN — The Governor has already explained the necessity for this sum.

The vote was approved.