

# HONGKONG LEGISLATIVE COUNCIL.

22ND FEBRUARY, 1917.

## PRESENT:—

HIS EXCELLENCY THE GOVERNOR, SIR FRANCIS HENRY MAY, K.C.M.G.

HIS EXCELLENCY MAJOR-GENERAL F. VENTRIS (General Officer Commanding Troops in China).

HON. MR. CLAUD SEVERN (Colonial Secretary).

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

HON. MR. A. M. THOMSON (Colonial Treasurer).

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

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

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. SHELLIM.

HON. MR. P. H. HOLYOAK.

HON. MR. LAU CHU PAK.

HON. MR. C. E. ANTON.

MR. A. G. M. FLETCHER (Clerk of Councils).

## Minutes

The minutes of the last meeting were confirmed.

## Committees

HIS EXCELLENCY.—It is usual at the first meeting in the year for me to appoint the various Committees. The Finance Committee will be composed of all the members of this Council except myself. To the Public Works Committee. I appoint the Director of Public Works and Mr. P. H. Holyoak. To

the Law Committee I appoint the Attorney-General (Chairman), the Secretary for Chinese Affairs, Mr. H. E. Pollock, K. C., Mr. Lau Chu Pak and Mr. C. E. Anton. To the Finance Committee—The Colonial Secretary (Chairman), The General Officer Commanding, The Attorney-General, The Colonial Treasurer, The Secretary for Chinese Affairs, The Director of Public Works, The Captain Superintendent of Police, Mr. Wei Yuk, C.M.G., Mr. H. E. Pollock, K.C., Mr. E. Shellim, Mr. Lau Chu Pak, Mr. P. H. Holyoak, and Mr. C. E. Anton.

## Papers

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table the recommendations of the Economic Conference of the Allies, held at Paris on June 14th, 15th, 16th, and 17th, 1916, also the Jurors' List.

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table the report on the completion of the Kowloon Railway Station. Also photographs of the new low level dam under construction at Tytam Tuk in place of the usual diagram.

## War Loan Matters

H.E. the GOVERNOR, before proceeding with the agenda, said—On the 3rd February, I received a telegram from the Secretary of State for the Colonies in which it was suggested for my consideration that the Government of this Colony should take up a portion of the War Loan on behalf of permanent officials willing to subscribe by deductions from their salaries for a period of one year. I laid the proposal before the Honourable Unofficial Members of this Council on the 14th February and you agreed to the proposal that advances of salary should be made as

suggested by the Secretary of State and that the advances should not bear interest. I have been informed by the Secretary of State that the requisite amount of fully paid stock of the War Loan will be placed at the disposal of the Government of this Colony at issue price plus accrued interest as from the 16th February to date of payment. I am obliged to the Unofficial Members for their action in this matter.

### War Gifts

H.E. THE GOVERNOR also said—When I met Honourable Members on the 11th Jan. it was decided that a further sum of \$2,000,000 should be given to His Majesty's Government for the purposes of the war to make up the total sum of \$5,000,000 which had previously been agreed upon as the Colony's gift. It was also decided that a sum of \$1,500,000 should be sent at once and a further sum of \$500,000 as soon as the money was available. I am glad to inform you that it was possible to add the \$500,000 on the 15th February. It has been paid to the Treasury Chest Officer in this Colony, and the Secretary of State has been informed accordingly. On the occasion above referred to I also informed you of certain steps which I had taken with a view to increasing taxation for the purpose of contributing still further to Imperial War Funds. I hope very shortly to make definite proposals to you on this subject.

### Military Service Commission

His EXCELLENCY said—Gentlemen, —You will no doubt desire some information on the subject of the recent appointment of a Commission to consider the cases of men who wish to offer their services with His Majesty's Forces beyond the Colony. On the 21st December I made reference, not by any means for the first time, to the policy of this Government in this matter. As that statement appears to have been widely misinterpreted I desire to take this opportunity of elucidating it. I said that the policy of this Government has been to grant facilities to every man who can be spared from this Colony to go to the front and to organise the remainder as members of the local armed forces or in other capacities in work connected with the war, and I added that in carrying this policy into effect it had been my unpleasant duty to refuse the applications of scores of men to leave the Colony to go to the front. The phrase "spared from the Colony" meant, of course, spared by their employers or by the Colonial Government. In no single instance since the outbreak of war have I refused permission to leave the Colony to a man who could be so spared. These remarks were made in

defence of the members of the local armed forces against whom unjustifiable aspersions as to their patriotism had been made. As time went on it is no matter of surprise that many men in the Colony were dissatisfied with the circumstances in which they found themselves, and on the 13th January a letter was presented to the Government signed by a number of men of military age, which is as follows:—

"In view of the equivocal position in which the majority of men in this Colony between the ages of 20 and 35 are placed, it has been suggested that a deputation should be formed representative of men who are eligible for Military duty or for war work in some form to call upon H.E. the Governor in order to express their desire for authoritative settlement of a question which is a very vital one to each man individually and not without importance to the Colony as a whole.

"The undersigned will esteem it an act of courtesy if you will place this letter before H.E. the Governor together with their respectful request that he will appoint a time at which, and a place where, they may be allowed to call upon him.

"Among the questions proposed are the following:

- "1.—Are men at present resident in the Colony, and who are either eligible for military duty or for some form of war work, expressly forbidden by the Colonial Government from volunteering for service outside this Colony?
- "2.—If the answer to the foregoing is in the negative, will the Colonial Government consider the advisability of appointing a responsible body to consider individual applications, and to ascertain

from the Managers of all the business houses in the Colony whether or not it is possible to continue to maintain the Colony's trade with further reduced European staffs and a greater employment of native servants?

"3.—If the answer to No. 1 is in the affirmative will the Colonial Government give to each applicant individually an undertaking that his services are required in this Colony and that he is definitely forbidden to volunteer for active service elsewhere?"

As a result I received a deputation from the signatories to the letter on the 25th January, and on the following day I caused a reply to be sent to their letter, which is as follows:—

"I am directed to inform you that the Governor has considered your letter of the 13th instant and directs me to reply to the questions contained therein as follows:—

Question 1.—The answer is in the negative.

Question 2.—The Governor is at present not prepared to appoint such a body as is referred to for the following reasons:—

(a.)—His Excellency holds the strong opinion that such organisation must have legal sanction and must be based upon compulsory service.

(b.)—His Excellency could not properly initiate the necessary legislation without the sanction of the Secretary of State for the Colonies.

Question 3.—It follows from the answer to question 1 that the answer must be in the negative.

"His Excellency recognises that the present condition is unsatisfactory, and is sending this correspondence to the Secretary of State with a recommendation for the imposition of compulsory service, with the necessary power of exemption, of such a nature as will enable the Government to issue certificates such as you refer to.

"At the interview which the Governor had on the 25th instant with a deputation representing the signatories of your letter His Excellency explained the replies set out above; and I am now to inform you that he will communicate to the Secretary of State your desire that if the solution recommended by the

Governor is not approved some other will be found without delay.—I am, etc.,

"(Sd.) CLAUD SEVERN,  
"Colonial Secretary."

I reported fully on the subject to the Secretary of State in despatches dated the 22nd and 29th January, and the essential parts of those despatches were communicated to the Unofficial Members of the Executive and Legislative Councils, and to certain Heads of Firms with whom I had discussed the subject on the 20th January. On the 2nd February the Unofficial Members of the Executive and Legislative Councils submitted the following document:—

"The Unofficial Members of the Executive and Legislative Councils strongly advise that the Government appoint a Board, with an unofficial majority of members, and with the following functions and powers:—

"1.—To hear cases brought voluntarily before it of men between the ages of 18 and 35 who have been medically certified as fit for active service in the war and who desire to leave the Colony for that purpose, but whose employers think they cannot be spared or who for any other reason have difficulty in going;

"2.—To advise in the said cases upon the course which the Board considers ought to be taken;

"3.—To grant certificates in the said cases to those men whom the Board considers indispensable in the interests of the Colony for the civil work on which they are engaged, or who are detained by the Military Authorities for local defence."

I confess that I would have preferred to have awaited the consideration by the Secretary of State for the Colonies, from whom I had asked for a telegraphic reply, of the proposals made by me, but after an interview with the Unofficial Members of both Councils and on their urgent representation I telegraphed to the Secretary of State as follows:—

"Unofficial Members of Executive and Legislative Councils are very anxious that I should appoint a  
C o m m i s s i o n

under Ordinance No. 13 of 1886 to hear and advise on cases of men (not over 41 years old) certified fit for active service outside the Colony who wish to offer their services but whose employers are of opinion that they cannot be spared. I should be glad to hear by cable that you have no objection to my appointing such a Commission."

On the 7th February the Secretary of State approved of the appointment of such a Commission. The Commission appointed by me consists of seven members, one representing the men of military age who addressed the Government on the 13th January, while the others are men of high standing in the Colony whose names, I feel sure, command the respect and confidence of the community. The terms of reference to the Commission are so widely drawn that they include the consideration of cases from persons in the employment of the Naval and Military civil establishments and of the Colonial Civil Service. It is, of course, not desired to hear cases from persons in the first two categories, and I have since excepted these two establishments. I have not excepted the Civil Service because I desired that men whose applications to serve had been refused should not be deprived of an opportunity of having their cases heard by the Commission. But here I must point out that civil servants are not in the same position as men outside the Civil Service. Civil servants are servants of the Crown, and the Governor—responsible as he is for carrying on the administration of the Colony and of maintaining peace and good order and the protection of life and property therein—is bound to decide the number of officers required to carry on the work that is absolutely necessary in the public interest. In this connection I would draw your attention to the copy of telegrams, from and to the Secretary of State, which have been furnished to you, and of the statement of the number of officers so far released for service with His Majesty's armies or for other war work. There are other cases still under consideration due to fresh circumstances, such as return of officers off leave and renunciation of leave due to the embargo placed on women and children travelling, and you may rest assured that from time to time careful revision is made.

The number of applications received by the Commission is considerable, and many have already been dealt with.

It must be assumed that all those who have voluntarily submitted themselves to the judgment of the Commissioners desire, if permitted, to leave the Colony for active service in the war, but it is obvious

that in some cases serious questions may arise as to how provision is to be made for those dependent on them during their absence. In the case of officers holding permanent posts in the Government service no such question arises. Under instructions from the Secretary of State their posts are kept open for them until their return from Military or Naval service, and such service will count in full for Colonial pension and for increments (if any) of Colonial salary, while they receive such a monthly allowance from Colonial funds as with their Military or Naval pay makes up their Colonial full salary.

In the case of others their employers are acting with equal liberality, and I should like to express on behalf of the community our deep sense of the genuine patriotism displayed by some of the leading firms in the Colony in this matter.

In all cases the Colonial Government has since the beginning of the war made itself responsible for providing passages for all those who require them, and with the sanction of honourable members I propose to continue this practice.

There still remains, however, the question of making provision in cases where nothing is available except the separation allowance granted by the Imperial Government. If any such case arises I propose to make recommendations to you for dealing with it.

### **Finance**

THE COLONIAL SECRETARY laid on the table Finance Minutes Nos. 1 to 5, and moved that they be referred to the Finance Committee.

THE COLONIAL TREASURER seconded, and this was agreed to.

### **The War Loan**

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, "An Ordinance to amend the War Loan Ordinance, 1916."

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 the revenue appropriated for the service of the Hongkong War Loan shall be exempt from military contribution.

#### **Powers of Arrest**

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, "An Ordinance to consolidate and amend the law relating to the powers of arrest possessed by revenue officers."

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

The "Objects and Reasons" state that it is desirable to make it clear that the powers conferred by Ordinance No. 6 of 1913 are to be in addition to those conferred by any other enactment. This object is proposed to be effected by the addition of the appropriate words to the clause which at present appears as section 2 of Ordinance No. 6 of 1913. As that Ordinance is short and has already been amended once it seems to be the more convenient course to repeal it and the amending Ordinance and to re-enact the provisions of those two Ordinances with the above addition.

#### **Interpretation Ordinance**

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, "An Ordinance to amend the Interpretation Ordinance, 1911."

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

The "Objects and Reasons" state that the object of Clause 2 of this Bill is to make it clear that powers conferred by an Ordinance may be exercised at any time after the passing of the Ordinance, even before its commencement, so far as may be necessary for the purpose of bringing the Ordinance into operation. This was clearly the intention of the existing section, but the reference in that section to the suspending of an Ordinance might be construed as limiting the section to Ordinances which contain a suspending clause. The section which it is now proposed to substitute follows as closely as possible the wording of the corresponding section, Section 37, in the United Kingdom Interpretation Act, 1889. It is not possible to follow the wording of the Act exactly,

because an Act of the Imperial Parliament comes into effect on the day on which the Royal Assent is given, while an Ordinance in this Colony does not come into operation until the date of its publication in the *Gazette*.

Clause 3 of the Bill repeals the definitions of "Revenue officer" and "Excise officer" in the Principal Ordinance. The term "Excise officer" is no longer in use, the class of officers to whom it was formerly applied having ceased to exist. The subject of revenue officers is dealt with in a Bill which will be introduced at the same meeting of the Legislative Council as this Bill.

#### **Anglo-Portuguese Treaty**

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, "An Ordinance to make such provisions as are necessary to enable the Anglo-Portuguese Commercial Treaty to come into force as regards the Colony of Hongkong."

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

The "Objects and Reasons" state that it is proposed that this Colony shall signify its adherence to the recent Anglo-Portuguese Commercial Treaty, and Article 6 of that treaty requires adherents to restrict the use of the terms Port and Madeira to wine which is the produce of Portugal and Madeira respectively.

This Bill, which is founded on the English Act, provides for the necessary legislation. The Act and treaty were published in the *Gazette* of the 20th February, 1915.

#### **Protection of Forests**

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, "An Ordinance to make provisions for the better protection of forests, forest reserves and plantations from fire."

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 make provision for the protection from fire of trees on Crown land.

### Protection of Trees

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, "An Ordinance to make further provision for the protection of trees on Crown land and other Crown property from wilful damage."

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

The "Objects and Reasons" state that one of the objects of this Bill is to alter the composition of the body contemplated by the Crown Land Preservation Ordinance, 1910, for the purpose of enquiring into causes of damage to trees on Crown land or other Crown property with a view to the imposition of a fine on any village or area by the inhabitants of whom the damage was caused. In the New Territories the body will now consist of the Superintendent of the Botanical and Forestry Department and either the District Officer or the Assistant District Officer. In the rest of the Colony the body will consist of the Superintendent of the Botanical and Forestry Department and either the Secretary for Chinese Affairs or one of his Assistants.

The other object of the Bill is to widen the incidence of the fine and thereby to make it fairer. Under the present Ordinance the fine falls on the owners who are on the Crown rent roll, while the persons on the village rent roll escape.

The form of the present Ordinance makes it somewhat difficult to amend, and this Bill repeals it and re enacts the appropriate provisions.

### Extradition

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, "An Ordinance to repeal in part the Malay State Extradition Ordinance, 1903."

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

The "Objects and Reasons" state that the Straits Settlements and Protected States Fugitive Offenders Order in Council, 1916, which was made by virtue of the provisions of the Fugitive Offenders (Protected States) Act, 1915, provides that the Fugitive Offenders Act, 1881, is to apply as if the Federated Malay States and the States of Johore, Kedah, Perlis, Kelantan, Brunei and North Borneo were British possessions. This Order in Council, which was published in the *Hongkong Gazette* of the 15th

December, 1916, was brought into force on the 1st February, 1917, by the necessary notification under Article I, and from that date the Malay States Extradition Ordinance, 1903, Ordinance No. 4 of 1903, of the Ordinances of Hongkong, was rendered unnecessary except as regards the State of Trengganu. This Bill accordingly repeals the Ordinance in question except in so far as it applies to that State.

### Pharmacy and Poisons

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, "An Ordinance to amend the Pharmacy and Poisons Ordinance, 1916."

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 make certain minor or formal corrections in the Principal Ordinance. The defective points in the Principal Ordinance are as follows:

In Sections 16 and 21 (1) and (3) it is not clear whether the phrase "in respect of which an offence has been committed" applies to "syringes and other appliances" as well as to "poison" or to "poison" only. The Bill makes it clear that the reference is both to poison and to syringes and other appliances.

In Sections 18 and 19 the expression "every premises" is not grammatical.

In Section 21 (1) (a) the words "dwelling house, shop, building" were left in by mistake from a former draft.

In Section 21 (1) (c) the words "or designated" are now inserted in order to enable a description to be inserted in a warrant where the name is not known.

In Section 23 (1) a reference to ships is now added.

### Alien Enemies (Winding Up)

THE ATTORNEY-GENERAL—I beg to move that the last Bill appearing on the "orders of the day" (An Ordinance to amend further the Alien Enemies (Winding Up) Ordinance, 1911) be withdrawn. Since the Bill was read a first time new points have arisen, w h i c h h a v e n e c e s s i t a t e d

so many changes and alterations in the Bill that it has been found necessary to have it withdrawn. I therefore propose that it be withdrawn.

THE COLONIAL SECRETARY seconded, and this was agreed to.

FINANCE COMMITTEE.

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

**Harbour Expenses**

The Governor recommended the Council to vote a sum of two thousand one hundred and seventy-five dollars (\$2,175) in aid of Harbour Master's Department, Special Expenditure, Wireless Installation for the Steam Tender *Stanley*.

THE CHAIRMAN—We had an opportunity of acquiring the wireless installation at a very moderate price, and it was considered that it would be very useful for the *Stanley* to be able to communicate with the wireless station in Hongkong from the outlying parts of the Colony. It has been purchased and set up, and found to work very satisfactorily.

The vote was agreed to.

**Public Works**

The Governor recommended the Council to vote a sum of thirty dollars (\$30) in aid of Public Works, Extraordinary, Hongkong, Miscellaneous, Dredging off Kowloon Point.

THE CHAIRMAN—This is for certain overtime by men employed on the dredger which was not paid last year.

The vote was agreed to.

**Charitable Allowances**

The Governor recommended the Council to vote a sum of two hundred and sixty-five dollars (\$265) in aid of the vote Charitable Services, Other Charitable Allowances, Refund of salaries stolen from Clerks of the Public Works Department.

THE CHAIRMAN—This sum represents the amount of salaries stolen from the clerks in the Public Works Department. In accordance with the practice in

every department, the clerks are paid by cheque, and, again, in accordance with custom, the clerks entrusted a messenger with the cheques for the purpose of changing them. In this particular case the messenger cashed the cheques and then absconded from the Colony.

THE COLONIAL TREASURER—Was he a messenger? I thought he was a foreman of some kind.

THE CHAIRMAN—Yes, he was a foreman.

HON. MR. SHELLIM—I think these clerks ought to suffer for their own folly.

THE CHAIRMAN—I do not think it can be called their own folly. It may have been a little indiscreet. The man entrusted with the cheques was not a foreman in the ordinary sense of the word.

HON. MR. SHELLIM—It seems to me to be a very weak sort of scheme.

THE CHAIRMAN—It is a question whether these clerks should lose their salaries. If they had to go to the bank to cash their cheques they might have to wait a long time, and it is a question whether they can be allowed to leave the office for this purpose.

HON. MR. SHELLIM—Could not some other and more sound system be provided?

THE CHAIRMAN—Another system was tried, that of paying the clerks in cash, but it took a considerable time and was not found to work at all well.

THE COLONIAL TREASURER—I have never heard of a head of a department refusing to allow an *employé* to go out to cash his cheque.

THE CHAIRMAN—The Governor recommends that we should vote this sum to replace the lost salaries

The vote was agreed to.

**Police and Prison**

The Governor recommended the Council to vote a sum of one thousand and eight hundred dollars (\$1,800) in aid of Police and Prison Department, *A.*—Police, Other Charges, Rent for Police Reserve Headquarters.

THE CHAIRMAN—The Police Reserve find that the funds at their disposal are quite inadequate. They are paying a pretty heavy rent for their headquarters, which serve an extremely useful purpose. We propose to house them, eventually, in the new building at the Central Police Station. At present the rent of the other premises has to be paid, and the Government proposes to pay half of it. This sum represents that amount for this year.

The vote was agreed to.

**Harbour Damage**

The Governor recommended the Council to vote a sum of two thousand and two hundred dollars (\$2,200) in aid of Public Works, Extraordinary, Hongkong, Miscellaneous, Repairing and relaying the Telephone Cable across the Harbour damaged by the s.s. *Mau Sang*.

THE CHAIRMAN—In the nearest approach to a typhoon we had last year this ship dragged her anchors and they came into contact with the new cable. The matter has been inquired into very carefully, and the report is to the effect that the master of the ship was in no way to blame.

The vote was agreed to.

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