

16TH AUGUST, 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, C.M.G. (Colonial Secretary).

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

HON. MR. MCI. MESSER (Colonial Treasurer and Captain-Superintendent of Police).

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

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

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

HON. MR. LAU CHU PAK.

HON. MR. H. E. POLLOCK, K.C.

HON. MR. R. G. SHEWAN.

HON. MR. C. E. ANTON.

HON. MR. S. H. DODWELL.

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

**Minutes**

The minutes of the last meeting were confirmed.

**Papers**

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table report of the Superintendent of Imports and Exports for the year 1916. Also, sessional paper No. 14 of 1917, correspondence on the subject of the third anniversary of the war.

**Financial**

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table, Financial Minutes Nos. 33 to 38, and moved that they be referred to the Finance Committee.

THE COLONIAL TREASURER seconded, and

this was agreed to.

**Finance Minutes**

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table report of the proceedings of the Finance Committee, No. 7, and moved that it be adopted.

THE COLONIAL TREASURER seconded, and this was agreed to.

**Questions by Hon. Mr. Pollock**

HON. MR. POLLOCK asked the following questions:—

- (1.)—With reference to the Answer given to my first question at the last meeting of the Council
- (i) Is it the fact that 337 water-closets now discharge over the Praya East foreshore, and
  - (ii) Cannot some steps be taken to remedy the nuisance arising from such discharge, as temporary measures, pending the commencement of the work on the proposed reclamation?
  - (iii) When is such proposed reclamation likely to be commenced?
- (2.)—With reference to the Vote taken at the last meeting of the Council for the purchase of "Lysholt" for Government Quarters,
- (i) Is it not the usual practice to get an officer in the Government Civil Service to bid on behalf of the Government in cases where the Government desires to acquire property?
  - (ii) Was there any special reason for secrecy on the part of the Government in the present instance?
  - (iii) Did not such secrecy result in the Government having to pay a bigger price for the property than it would otherwise have done?

THE COLONIAL SECRETARY replied as follows:—

- 1.—(i.)—About 289 water closets now discharge over the Praya East foreshore. (ii.)—The sewer outfalls could be extended to below low-water. The cost

of making such extensions is roughly estimated at \$20,000, assuming that iron pipes can be obtained at a reasonable price at the present time. In view of the existing foul condition of the foreshore, it is extremely doubtful whether any appreciable improvement would be effected by carrying out the extensions referred to. (iii.)—It is impossible to state at present when the Praya East Reclamation Scheme is likely to be commenced.

2.—There is no recent precedent for the purchase by the Government of real property at auction.

It has been generally the experience of the Government that, when the fact becomes known that it is in the market as a purchaser, prices are put up against it.

There was no special reason for secrecy in the case of the purchase of "Lysholt," but the fact that the Government employed an agent to bid for it did not, to the best of its knowledge and belief, result in a bigger price than necessary being paid for the property.

HON. MR. POLLOCK—With reference to sub-Section 1, question 1, I should like to ask whether the figure put in my question, 337 water-closets, was the figure mentioned at the recent meeting of the Sanitary Board, and by whom was the figure supplied.

THE DIRECTOR OF PUBLIC WORKS—It was supplied by the Sanitary Board from its records, but in supplying that information they included, I think, all conveniences of that description situated to the eastward of Garden Road, and a good many of them do not discharge over Praya East.

### Military Service

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, "An Ordinance to make provision with respect to military service, and to provide for the establishment, maintenance and control of a local defence corps." In doing so he said:—The object of this Bill is to make all male British subjects between the ages of 18 and 55 who are ordinarily resident in the Colony, with certain exceptions which are specified in Clause 2, liable to military service in the Colony when called up for such service. The exceptions are: Members of His Majesty's regular Naval or Military forces, civilians in the employment of the Naval or Military authorities,

if recommended for exemption by the Naval or Military authorities, and men in Holy Orders or regular ministers of any religious denomination. The first two clauses are, of course, exempt for obvious reasons. The third class is taken from the Imperial Military Service Act, and the wording is the same as in that Act. The normal procedure contemplated by the Bill is that in each case where a man has to be called up and rendered liable for military service, an order shall be served upon him calling him up, and on the service of that order the man immediately becomes liable to military service under the Ordinance, and becomes a member of the Hongkong Defence Corps. Provision is also made for acceptance for the Corps of persons who would otherwise be exempt, either by reason of age, or by reason of occupation, and these persons will, of course, come in as volunteers, and will take the Oath of Allegiance, and sign the form of engagement provided in the Bill. Once they take the oath and sign the engagement, they become members of the Defence Corps, and will be liable to the Army Act in the same way as men who are called up compulsorily. In order to save trouble, and prevent the necessity for circulating a great number of orders, an amendment will be proposed to the Bill providing that every person who is liable for military service under the Ordinance, and who is now a member of either the Volunteer Corps or the Hongkong Volunteer Reserves, shall, upon the announcement of the Ordinance, become, *ipso facto*, a member of the new Hongkong Defence Corps. In other words, the Volunteers and the Reserves will be incorporated bodily in the new Defence Corps, and they will be incorporated with the same ranks which they now hold in the Reserves and Volunteer Corps. That clause has been printed in the copy of the Bill which has been laid on the table. There was no time to circulate it to hon. members before the meeting. It appears in italics as Clause 9 of the Bill. Every person who becomes a member of the Defence Corps, either by being called up or by being incorporated in the Defence Corps bodily or by voluntary enlistment, will become at once subject to the Army Act, provided that the Army Act will apply only so far as it may not be modified by regulations made by the Governor in Council. The Army Act itself recognises the Colonial Forces generally as being subject to the Army Act

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as the Army Act may not be modified by local legislation. Under the power of making regulations given to the Governor-in-Council in Clause 8 of the Bill, it is proposed to make certain provision for the discipline, establishment, training and uniform of the new Corps. These arrangements will not differ very much from the existing arrangements in force in the Volunteers and the Volunteer Reserves. Members will find on the table a copy of the regulations which it is proposed to make under the Ordinance when passed. The First Schedule of the regulations deals with the question of training, and members will see, on looking at regulation 7, that eight days' attendance during mobilisation, or at the camp of exercise as the case may be, will be compulsory for every member of the Corps. It is intended that there shall be mobilisation of the artillery and engineer companies for one month during the winter, and camp of exercise for the infantry battalion during the winter also. Every member of the Corps will have to attend for eight full days, not necessarily consecutive, for camp exercise or mobilisation. Power is given by an amendment of that regulation to the General Officer Commanding to grant special exemptions in exceptional cases. Another amendment which is being made in the draft as originally printed, is that the training schedule shall not apply to men over 50 years of age. They are to undergo a modified training which will be prescribed by the General Officer Commanding. The Bill subjects to military service all male British subjects resident here between the ages of 18 and 55. Any member of the Defence Corps who reaches the age of 55 will be entitled to his discharge, but should he elect to remain in the Corps, he will take the oath of allegiance and sign the form of engagement, and he will then remain a member of the Corps until discharged or dismissed or exempted in the ordinary way. You said, Sir, at the last meeting of the Council that it was not intended to transfer men from the Hongkong Police Reserve into the new Defence Corps, so that members of the Police Reserve are not affected by the Bill, beyond the fact that there is a potential liability to serve if they should be required. It will be seen, further, that for those members of the community who are already in the Volunteers and Reserves there is little practical change from the present position. But the Bill will effect two things. In the first place it will enable the authorities to apply compulsion to those rare cases where individuals have failed to appreciate, or have failed to

assume, their military obligation to the State and to the Colony. You also stated, Sir, at the last meeting of the Council that nearly every male person of British race who is physically fit is already enrolled in the Reserves, Volunteers or Hongkong Police Reserve. The Secretary of State for the Colonies recently stated that Hongkong did not require compulsion for the purposes of raising an auxiliary force, or for the purpose of getting in any considerable number of persons who would otherwise not be serving the State. We have already practically all the material there is. But this Bill will enable the Government to apply compulsion in those rare and isolated cases where compulsion seems necessary and desirable. In the second place, the Bill will facilitate the fusion of the Volunteers and the Reserves and the reorganisation of that combined force which is under contemplation. The object of that fusion is increased military efficiency. I may say that it would not have been possible to fuse these two bodies and reorganise them in the way intended without some legislation, and as some legislation was necessary, it seemed desirable that it should take the form of imposing on everyone the obligation for military service which most people have accepted voluntarily. I beg to move the second reading.

THE COLONIAL SECRETARY seconded.

HON. MR. POLLOCK—I would ask that the consideration of this measure be postponed to the next meeting of this Council. and in support of that application I would point out there are certain amendments to the Bill, which are printed in italics, and that until a few minutes ago most of the members of the Council had had no opportunity of seeing these or the proposed regulations to be made by the Governor-in-Council under Section 8 of the Bill. With regard to these Regulations, Sir, I would also submit that any Regulations to be made ought to be made by the Legislative Council. This is a matter, Sir, which affects the main body of the civilians in this Colony, and I think it is a matter which should come before the Legislative Council. This would give an opportunity for anyone outside to read these proposed Regulations in the Press and to submit criticisms to be laid before this Council

by an unofficial member. I think, Sir, that everyone will be convinced that it is a good thing there should be a reorganisation of the Volunteers and Reserves, and I should imagine it would be desirable that not only some such reorganisation as foreshadowed in these Regulations should take place, but that there should be some grouping in either companies or platoons of certain members. At present it sometimes happens that in the same company or the same platoon there are members who have very different physical capabilities. You may find in the same company or platoon some members who can quite readily, without any harm to themselves, carry through vigorous exercises on a Field Day where others have to pant and puff in the rear. No doubt a good deal of reorganisation in that respect is desirable. I do not think I need say more now, Sir, than to suggest that the services in the Volunteers or Volunteer Reserve, which would count for a long service medal, should not be wiped out by the operation of this Bill, but that there should be some saving provision stating that services in the Volunteers or Volunteer Reserve for the purpose of a medal or other recognition should count as continuous service when the member is transferred to the proposed Defence Corps. I would once again, Sir, ask for this adjournment. I am only asking for a very short adjournment until the next meeting of this Council, and then hon. members and the public through the Press will have an additional opportunity of considering this Bill as it is now proposed to be amended and also the Regulations which it is proposed to make under this Bill.

His EXCELLENCY—There is no objection to the adjournment. I regret that honourable members were not furnished with the schedule of regulations earlier. I propose that members agree to an adjournment until this day week. As regards making regulations by the Legislative Council, that would introduce an entirely new principle. It is true that the hon. member made some suggestion some time ago in that behalf and that we said we would consider the matter, but I regret to say that the Attorney-General is so overworked—not only current work, but he has about 15 Bills on the stocks to bring before this Council—that he has not

had time to consider the matter. I think, speaking generally and taking this case in particular, it would make the business of the Colony somewhat arduous, and to have to come to the Legislative Council with every amendment to the Regulations of a Defence Force such as this would be really, I think, somewhat of a waste of time. Therefore, while we are perfectly ready to consider and discuss these regulations I am not prepared to go to the length of making them by the Legislative Council. I think if the principle of them is accepted the small alterations that may be necessary from time to time can well be left to the Governor-in-Council. They will be published in the *Gazette* and may be subjected to criticism afterwards in this Council. There is one other point which the hon. member has not mentioned, but which has been brought before me by two representatives of the Chamber of Commerce—that is, the duration of this legislation. It is suggested that it should only be for the period of the war. I am not prepared to accept an amendment to that effect. I think that after the experience of this war we shall hardly commit such a retrograde step as going back in any part of the Empire to a condition where universal military service is not recognised as absolutely essential. But the Government is quite prepared to give an undertaking that six months after the signing of peace we will consider in the Legislative Council the Bill especially in regard to the training and the limit of age of those who are compulsorily brought under the purview of the Bill. No doubt by that time we shall have learned what the proposals are, not only in England but in other Colonies in this respect, and we can be guided then by the light of the recommendations made by the Home Country and throughout the Colonies. In the meantime, I am quite sure, all here recognise that in the present circumstances it is absolutely necessary that every able-bodied man of European race should do what in him lies for the defence of this part of H.M.'s Empire.

HON. MR. POLLOCK—May I be permitted to offer a few remarks? First of all I understand that we shall be at liberty at the next meeting of the Council to bring up any question for discussion on these Regulations?

HIS EXCELLENCY—Certainly.

HON. MR. POLLOCK—Secondly, I should like to ask a personal favour. I shall be engaged in the Supreme Court in a very long case next week, on Monday, Tuesday, Wednesday and Thursday. I do not know whether it would be possible to adjourn the meeting of this Council to Friday of next week?

HIS EXCELLENCY—Most certainly.

HON. MR. POLLOCK—Thank you.

HIS EXCELLENCY—The Council is adjourned to Friday in next week.

#### FINANCE COMMITTEE.

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

#### Compensation and Resumptions

The Governor recommended the Council to vote a sum of five thousand dollars in aid of the vote Public Works, Extraordinary, New Territories Public Health and Buildings Ordinance, 1903 (51) Compensation and Resumptions.

THE CHAIRMAN—In this case the vote concerns the laying out of the new town of Sham Shui-po. The vote for compensation and resumption has been fully allocated, but application has been received for resumption in respect of inland lot 2,367 at Sham Shui-po. It is usual for the owner of the land to receive certain land in exchange. In this case he wishes to be paid, and the estimate of the amount required is \$653.50 for the land and \$450 for buildings. It is probable that further expenditure for resumption will be required before the end of the year, so the Council is asked to vote a sum of \$5,000 to cover such resumption, as well as the present one.

HON. MR. POLLOCK—Is this to make way for the new road at Lai Chi-kok?

THE CHAIRMAN—No, it is for the laying out of Sham Shui-po; the work goes on gradually.

The vote was agreed to.

#### Miscellaneous Works

The Governor recommended the Council to vote a sum of four thousand dollars in aid of the vote, Public Works, Extraordinary, New Territories, Miscellaneous (50) Miscellaneous Works.

THE CHAIRMAN—This is in the neighbourhood of the new road at Castle Peak. It is to reclaim an area of swamp and mosquito breeding land to the south-east of Tsun Wan police station. It is an area of a little over an acre. The estimated cost of resumption and filling in amounts to \$2,000. The work is likely to be of great benefit to the inmates of the police station and the village. The vote from which this sum will be paid from is fully allocated, and the sum now asked for will allow a further \$2,000 to cover items to the end of the year.

The vote was agreed to.

#### General Works

The Governor recommended the Council to vote a sum of two thousand dollars in aid of the vote Public Works, Extraordinary, New Territories, Communications (50) Roads:—(f) General Works.

THE CHAIRMAN—I do not know whether hon. members have been over the Taipo Road lately. If they have they will have noticed an immense improvement between the fifth and the ninth mile stones. The vote now asked for is to improve the sharp bend near the level crossing on the railway—which is a very dangerous one—on the way to Shatin station. The plans I have here show that immense improvements can be made for an expenditure of \$1,400. It was not included in the sum of \$20,000 allowed for the general work, and it was only recently that the engineer-in-charge found that a great improvement could be made. An extra \$600 is allowed for any small works which may be necessary before the end of the year in connection with the same road.

The vote was agreed to.

HON. MR. POLLOCK—Before proceeding with the next three minutes, I should like to raise a point of order. These three minutes were not circulated to hon. members. They did not know of their existence until they came to the meeting this afternoon. I do not wish  
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the minutes, but I think, sir, it would be as well if these financial minutes could be circulated to hon. members before the meeting of the Council.

THE CHAIRMAN—I was not aware that they had not been sent to hon. members. I will certainly make a note of it.

### **West River Flood Relief**

The Governor recommended the Council to vote a sum of three thousand eight hundred dollars in aid of the vote Miscellaneous Services, West River Flood Relief Fund.

THE CHAIRMAN—I will ask the Secretary for Chinese Affairs to explain the need for this vote.

THE SECRETARY FOR CHINESE AFFAIRS—This was fully explained in the report which was laid before the Council at the last meeting. The 1914 Flood Relief Committee's account showed, in 1915, a balance in hand of some \$60,000, which has since been utilised, as shown in the report laid on the table at the last meeting of the Council, for some permanent work at Fu Wan in the West River. During 1915 this sum was held available for special relief for the disastrous floods of that year, and this Council also voted \$50,000 to the same object. The Chinese subscriptions, however, were so generous that it was not necessary to draw on either of these sources, and the Flood Relief's balance of \$60,000 was freed. The Government at the same time decided that there was no immediate necessity to pay the Council's grant of \$50,000, but remained open to consider, favourably, claims against this sum in respect of such permanent work as might be found to be satisfactory, or in respect of an other disaster. The permanent work at Fu Wan constitutes a work such as was then contemplated, and the cost of it beyond the balance in the hands of the Flood Relief Committee is what the Council is now asked to vote.

The vote was agreed to.

### **Typhoon Damages**

The Governor recommended the Council to vote a sum of nine hundred and fifty dollars in aid of the vote Public Works, Recurrent, New Territories, Miscellaneous, (47) and 48) Typhoon and Rainstorm Damages.

THE CHAIRMAN—This is the balance of the cost of making good damage done during the heavy rains of the 15th, 16th, and 23rd, and 28th July in Kowloon and the New Territories. Various small landslides and wall collapses occurred. The total estimated cost of the damage done is \$3,450. The balance of the vote available is \$2,500, leaving \$950 to be provided. It was thought better to come to the Council for this \$950 now, because we may be in the happy position of not requiring any more this year.

The vote was agreed to.

### **Roads**

The Governor recommended the Council to vote a sum of three thousand five hundred dollars in aid of the vote Public Works, Extraordinary, Kowloon, Communications (34) Roads: (b) General Works.

THE CHAIRMAN—This vote is simply to carry out works which have become necessary for the Government to do owing to the progress of building on Kowloon. The available balance of the vote for general works in Kowloon is \$3,390, and the estimated cost of the new works rendered necessary by buildings having been erected, and the Government's obligations coming into force, is \$6,600. I do not think I need read the whole list. There are eight new buildings on various lots in Kowloon, in Nathan Road and Portland Street, all approaching completion, and the work has to be carried out by the Government to fulfil its obligations. The total cost is \$6,600, and the amount required is \$3,210, but as this may be slightly exceeded a sum of \$3,500 is asked for.

The vote was agreed to.