

13TH SEPTEMBER, 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. MCL. 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. C. E. ANTON.

HON. MR. S. H. DODWELL.

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

Financial

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table, Financial Minutes Nos. 41 to 49, 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. 9, and moved that it be adopted.

THE COLONIAL TREASURER seconded, and this was agreed to.

Paper

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table, report of the Director of Public Works for the year 1916.

Special Police Reserve Ordinance,**1914**

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, "An Ordinance to amend the Special Police Reserve Ordinance, 1914, and to remove doubts as to the effect of the proclamation made under section 10 of the said Ordinance on the third day of September, 1915."

HON. MR. WEI YUK seconded, and the Bill was read a first time.

The "Objects and Reasons" state:—

The objects of this Bill are as follows:—

- (a.)—To alter the technical title of the Special Police Reserve force to the title which is in general use, *i.e.*, the Hongkong Police Reserve.
- (b.)—To provide for the punishment of minor breaches of discipline by members of the Hongkong Police Reserve in a way which will not involve the publicity of proceedings before a magistrate and which will be more in accordance with the procedure in the case of other police and military organisations.
- (c.)—To give the Captain Superintendent of Police power with the approval of the Governor in Council to make regulations for the government and discipline of the force.
- (d.)—To remove doubts as to the effect of the proclamation made under section 10 of the Special Police Reserve Ordinance, 1914, on the 3rd September, 1915.

THE ATTORNEY-GENERAL then moved the suspension of Standing Orders to enable the Bill to be taken through all its stages.

THE COLONIAL SECRETARY seconded, and this was agreed to.

THE ATTORNEY-GENERAL then moved the second reading of the Bill. In doing so he said:— Apart from certain disciplinary measures, such as extra patrols and reduction from rank, there is no power at present to enforce discipline by punishment in the Special Police Reserve except by bringing the delinquent before the Magistrate. That involves, necessarily, a good deal of publicity which might, perhaps, be some hardship to the man in some cases, and is not always perhaps a good thing for the reputation of the force. Even if the charge be trivial, or even if it be disproved, a certain amount of obloquy may attach to the man and the force. All other military and police forces, I think, have some power of internal discipline, some power under which the officers of the force themselves can impose fines and inflict punishment. That defect in the constitution of the Police Reserve is proposed to be remedied by this Bill. Clause 3 provides that it shall be lawful for the C.S.P. to make, subject to the approval of the Governor-in-Council, such regulations as he may deem to be expedient for the general government and discipline of the Hongkong Police Reserve. Clause 4 reaffirms the right, no doubt already vested in the C.S.P., to issue departmental orders as he may think fit for the carrying out of the daily routine of the force. Clause 3 also provides that any member of the force who commits a breach of any of these regulations or orders, or who is guilty of any other breach of discipline or neglect of duty may be ordered to pay a fine not exceeding \$25, or to undergo confinement in barracks for a period not exceeding seven days. The power thus given to the C.S.P. to deal with defaulters may, under Clause 5, be exercised by such other officers of the Reserve as the C.S.P. may depute for the purpose. That is one of the principal objects of the Bill.

There are certain other minor improvements which will be effected. For example, in Clause 2, the title of the Force is altered from that of the Special Police Reserve to the title that the force itself and the public have given to it, namely, the Hongkong Police Reserve.

I should have explained at the beginning, when

speaking of dealing with delinquents, that the power will still exist of taking a more serious charge before a magistrate, and of course, in that case, the maximum penalty will be much more severe. Clause 6 provides that in any case where the offence committed is such as to warrant the offender being taken before a magistrate, the magistrate may, upon conviction, impose a fine not exceeding \$200, or sentence the offender to a term of imprisonment not exceeding six months. Those are the maximum penalties which are provided in the Police Ordinance for members of the regular police force.

Clause 10 of the Bill proposes to repeal Section 10 of the existing Ordinance. That section is the one which deals with calling out the Reserve for actual service. It was drawn up in rather an involved and awkward way, and it incorporated by reference certain provisions of the Peace Preservation Ordinance, 1886. It is now proposed to repeal that section and to substitute a section which provides a simpler procedure, and does not incorporate by reference the provisions of any other Ordinance. In future, if this Bill is passed, when it is thought advisable to call out the Reserves for service, a Proclamation will be issued, and thereupon the members of the Reserve will have the same powers, the same duties and the same obligations as members of the regular police force of corresponding rank and standing. I may say that if this Bill is passed it is proposed to put an end to the old and rather awkward system by which the Peace Preservation Ordinance was incorporated by reference, and to issue a new Proclamation under this new section which will provide a much simpler method of ascertaining the status of the members of the Reserve.

Clause 12, Sir, is declaratory. Certain doubts have been expressed as to whether the Proclamation of the 3rd September, 1915, calling out the Reserve for service, took effect on members joining the Reserve after the date of the Proclamation. As a matter of fact it has been held by the magistrate that it did take effect on members joining later, but, in order to allay any possible doubt which may remain, it was thought better to enact this declaratory section, providing that the Proclamation had the effect, which

the Government say it had and which the magistrate has held it had. In other words, men who joined the Reserve after the Proclamation are under the same obligations as members who joined before. I beg to move the second reading.

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

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

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

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

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

Legal Proceedings Against Enemies

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, "An Ordinance to facilitate Legal Proceedings against Enemies in certain cases."

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

The "Objects and Reasons" state:—

The object of this Bill is to introduce here the provisions of the Legal Proceedings against Enemies Act. 1915. 5 and 6 Geo. 5, c 36.

Jury Ordinance, 1887

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, "An Ordinance to amend further the Jury Ordinance, 1887."

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

The "Objects and Reason" state:—

The objects of this Bill are as follows:—

- (a.)—To make it clear that members of the Hongkong Defence Corps will be liable to serve as jurors; and
- (b.)—To continue the immunity from liability to jury service which has hitherto been enjoyed by certain members of the Volunteer force.

THE ATTORNEY-GENERAL moved the suspension of Standing Orders to allow the Bill to be taken through all its stages.

THE COLONIAL SECRETARY seconded, and this was agreed to.

THE ATTORNEY-GENERAL then moved the second reading of the Bill. In doing so he said:— There are two objects in this short Bill. One is to make it clear that the members of the Hongkong Defence Corps will be liable to serve on juries, that they will not be exempt. The principal Ordinance provides that persons holding any office of emolument or profit under the Crown are not liable to serve as jurors. Although it is exceedingly unlikely that membership of the Defence Corps, though it carries with it the possibility of the members being entitled to pay, would be held to be the holding of an office of emolument or profit under the Crown, it seems desirable to make that point quite clear, and this Bill makes it quite clear that the members of the Defence Corps will be liable for Service. The other object of the Bill is to continue the immunity from liability to service which has hitherto been enjoyed by certain members of the Volunteer Force. That immunity of the officers and non-commissioned officers of the Volunteer Force will be continued to the officers and non-commissioned officers of the Defence Corps. I beg to move the second reading.

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

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.

Bill Withdrawn

THE ATTORNEY-GENERAL—I ask leave to withdraw the Bill which stands next on the Orders of the Day—Second reading of the Bill intituled, "An Ordinance to amend the Special Police Reserve Ordinance, 1914, and to remove doubts as to the effect of proclamations made, under section 10 of the said Ordinance"—as the Hongkong Police Reserve Bill which has just been passed was substituted for the Bill which was read a first time.

The Bill was accordingly withdrawn.

Council then adjourned for a fortnight.

FINANCE COMMITTEE.

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

Kowloon-Canton Railway

The Governor recommended the Council to vote a sum of three hundred and fifty dollars in aid of the vote Kowloon-Canton Railway, Working Expenses, General Charges, Other Charges, Advertising.

THE CHAIRMAN—The sum of \$350 is being provided for advertising the Kowloon-Canton Railway time-table in the public press, as changes are made constantly and many applications have been received for the time-table to be published. The cost is \$50 a month.

The vote was agreed to.

The Governor recommended the Council to vote a sum of seven hundred dollars in aid of the vote Kowloon-Canton Railway, Working Expenses, Maintenance of Ways, Works, and Stations, Other Charges, Sleepers.

THE CHAIRMAN—The \$700 is for the renewal of sleepers which it is absolutely necessary to renew. There will probably be a large renewal of sleepers required, but such renewal is being held over for the present. The \$700 is the lowest sum that it is absolutely necessary to spend.

The vote was agreed to.

Storm Damage

The Governor recommended the Council to vote a sum of two thousand five hundred dollars in aid of the vote Public Works, Recurrent, New Territories, Miscellaneous, (4) and (48) Typhoon and Rainstorm Damages.

THE CHAIRMAN—I am afraid I was unduly optimistic the other day when I took a vote for \$950. A list of a number of minor damages has since been sent in. The former total voted, including the \$950 voted at the last meeting, was \$3,450. The sums required for these minor damages bring this total up to \$5,375, leaving a balance of \$1,925 to be provided. The supplementary vote now asked for is \$2,500, which will cover any small excess on these repairs which may be incurred.

The vote was agreed to.

Volunteers

The Governor recommended the Council to vote a sum of one thousand dollars in aid of the vote *B.*—Volunteers, Personal Emoluments.

THE CHAIRMAN—This vote of \$1,000 is to cover the salaries of certain officers of the Defence Corps. The balance available is the Command Pay, \$50 for four months—\$200, five months Inspecting Officer's pay at \$175—\$875, making a total of \$1,075. The amount of lapsing pay available is \$2,040, leaving a sum of \$965 to be provided. The vote is made out for a thousand.

The vote was agreed to.

Damage to Kowloon-Canton Railway

The Governor recommended the Council to vote a sum of two thousand two hundred dollars in aid of the vote Kowloon-Canton Railway, Special Expenditure, Damage to:—

Station Buildings	\$ 900
Quarters	500
Fencing	500
Coaching Stock	300
Total	\$ 2,200

THE CHAIRMAN—Certain damage was caused by the typhoon. No funds are available, and it is therefore necessary to vote this amount.

The vote was agreed to.

Police and Prison

The Governor recommended the Council to vote a sum of eight hundred dollars in aid of the vote Police and Prison Departments.—*C.* Prison, Other Charges, Incidental Expenses.

THE CHAIRMAN—This vote has always been put down as a vote for incidental expenditure, and a very large number of things has to be provided out of it. The total cost of these articles during the first half year was \$429. In the 1918 estimates it is proposed to have sub-headings for many of such articles and not to pay for them indiscriminately.

The vote was agreed to.

Pipe Line at Taipo

The Governor recommended the Council to vote a sum of one thousand dollars in aid of the vote Kowloon-Canton Railway, Special Expenditure, Pipe Line at Taipo.

THE CHAIRMAN—The pipe leading to the Pier at Taipo, which supplies the ferry launch, Police launch and torpedo-boats when they are there, was found to be in such condition that it was falling to pieces, and it has been necessary to replace 700 feet of it with 3-inch pipes. As we had an offer of this piping at a fairly reasonable price, it was decided to buy it and put it into position now at a cost of \$1,000.

The vote was agreed to.

Cape D'Aguilar Wireless Station

The Governor recommended the Council to vote a sum of five thousand three hundred dollars in aid of the vote Public Works Extraordinary, Hongkong, Miscellaneous, Cape D'Aguilar Wireless Telegraph Station, Repairs to roofs, Construction of a tennis court and wire netting for same, Water Supply, Paths, etc.

THE CHAIRMAN—This \$5,300 is for the wireless station at Cape d'Aguilar and is to cover the repairs to the roof of the station, and the construction of a tennis court which has been asked for a long time for the recreation of the operators (\$2,150) and a water supply and baths (\$3,080).

The vote was agreed to.

Kowloon Customs

The Governor recommended the Council to vote a sum of three hundred and fifty dollars in aid of the vote Kowloon-Canton Railway, Special Expenditure, Additional Accommodation for Customs examination at Kowloon Station.

THE CHAIRMAN—This is for enlarging the space used by the Chinese Customs in Kowloon Station. They were very cramped and there was no room in which the European officers could change. The work is arduous and the vote provides for increased accommodation for the actual Customs service and a retiring room for the European officers.

The vote was agreed to.