

6TH MARCH, 1919.

**PRESENT:—**

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT, HON. MR. CLAUD SEVERN, C.M.G.

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

HON. MR. A. G. M. FLETCHER (Colonial Secretary).

HON. MR. J. H. KEMP, K.C., C.B.E. (Attorney-General).

HON. MR. C. McI. MESSER, O.B.E. (Colonial Treasurer).

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

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

HON. MR. E. D. C. WOLFE (Captain Superintendent of Police).

HON. MR. D. LANDALE.

HON. MR. LAU CHU PAK.

HON. MR. P. H. HOLYOAK.

HON. MR. HO FOOK.

MR. A. DYER BALL (Clerk of Councils).

**Papers**

THE COLONIAL SECRETARY by command of H.E. the Officer Administering the Government, laid upon the table Sessional Papers, Nos. 1 and 2—Jurors' List for 1919, and the Quarterly Return of Excesses on Sub-Heads met by Savings under Heads of Expenditure.

**Finance**

THE COLONIAL SECRETARY, by command of H.E. the Officer Administering the Government, laid upon the table Financial Minutes 11 and 12, and moved that they be referred to the Finance Committee.

THE COLONIAL TREASURER seconded and this was agreed to.

THE COLONIAL SECRETARY by command of H.E. the Officer Administering the Government, laid upon the table report of Finance Committee No. 2 and moved that it be adopted.

THE COLONIAL TREASURER seconded, and this was carried.

**Hongkong and the Imperial Air Service**

HON. MR. P. H. HOLYOAK asked the following questions of which notice had been given by the hon. member representing the Justices of the Peace, the answers being read by the Colonial Secretary.

Q.—Will the Government draw the attention of the Right Honourable the Secretary of State for the Colonies to the importance to the Colony of Hongkong of its being made one of the Stations in the proposed Imperial Air Service which is being inaugurated?

A.—This Government has addressed the Secretary of State on the subject of the policy to be pursued by the Colony in this matter.

Q.—Will the Government consider the advisability of reserving a large area in the North Western portion of the plain in the middle of which the Sheung Shui Railway Station is situate for the purpose of an aerodrome?

A.—The question of a site for an aerodrome is being kept in view. It is not possible to make any pronouncement on the subject.

### **Non-Ferrous Metal Industry Ordinance, 1919**

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, "An Ordinance to restrict temporarily the persons who may engage in business connected with certain non-ferrous metals and metallic ores." In doing so he said: This Bill is part of the Imperial policy of protecting certain essential businesses in raw materials during the period after the war. The object is to prevent those persons who are now our enemies from making attacks on such essential businesses and on the possession of such essential raw materials when the war comes to an end and when they shall cease to be of the status of enemies. Our experience has shown that such commercial attacks have been made the basis of political action in the past. The general idea of the Bill is to provide that no trade shall be carried on in the metals and ores to which the Bill relates without a licence from the Governor-in-Council, and the intention is that a licence shall not be given to any person who is now, or has been, an enemy subject, or to any firm or corporation which is under the control of persons who now are, or have been, enemy subjects. Provision will be made in the regulations to be drawn up under the Bill for exempting businesses which only do a small amount of business in these particular non-ferrous metals. The Bill is based on the United Kingdom Non-Ferrous Metal Industry, 1918, and differs from that Act only in certain minor details. Power is taken to search the premises of persons carrying on business in these metals and ores in order to ascertain if the business is subject to the control of persons who are now enemy subjects. There are certain other supplementary provisions into which I do not think it is necessary to go more fully at this stage.

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

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

In Clause 9 the words "nickel" and "aluminium" were added so that the clause should read "The metals and ores to which this Ordinance applies are zinc, copper, tin, lead, nickel and aluminium, ...etc.," the Attorney-

General explaining that it was first thought that nickel and aluminium might be omitted because there was practically no trade done in those metals. It had been thought better since, however, to add them in case business should be done in such metals in future.

In the last paragraph of the first schedule of the Bill the words "or a citizen" were omitted and the year "1918" was changed to "1917," so that the paragraph should read. "The term 'prohibited person' includes every person who is or at any time has been a subject of any State which on the 31st day of December, 1917, was at war with His Majesty." The Attorney-General remarked that the words "or a citizen" coming after the word "subject" did not appear in the English Act and did not add anything to the meaning of the clause. With regard to the date, it had been pointed out that possibly there might be some argument on the construction of this Ordinance as to the effect of the Armistice on the position of persons to which the Ordinance referred. If the date, 1917, was taken there would be no doubt that the persons aimed at were then enemies.

Council then resumed and the Attorney-General moved the third reading of the Bill as amended.

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

### **Banking Business (Prohibited Control) Ordinance, 1919**

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled. "An Ordinance to prohibit the carrying on of banking business for the benefit of or under the control of certain persons." In doing so he said: —This is another part of the same policy— which the Bill just passed deals with—of protecting essential businesses from attempts by persons who are now our enemies to gain control of these businesses after the war. The general idea of the Bill is to prohibit the carrying on of any banking business within the Colony by any person who now is, or has been, an enemy subject, or by any firm or corporation which is under the control of persons, who now are, or have been, enemy subjects. It

is made an offence, punishable by fine or imprisonment, to carry on any such business, and powers are given for search, inspection and seizure, with a view to the detection of any contravention of the Ordinance. Power is also given to the Governor-in-Council to order any business so carried on to be wound up, and the Governor-in-Council is given power to draw up regulations defining the methods by which such winding-up shall be carried out. It might have been possible to provide in the Bill for the exact method of winding up, but it would have been a very lengthy matter and it would be very difficult to foresee all the points which might arise. It is hoped that the fact that the Ordinance makes it an offence to carry on such a business will prevent any attempt at contravention of the Ordinance and that no winding-up orders will be necessary.

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

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

In Clause 2 the words "or a citizen" were omitted and the date 1918 was changed to 1917.

There were no further amendments and, upon Council resuming, the Attorney-General moved that the Bill, with this modification, be read a third time.

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

#### **Summary Offences Ordinance, 1919**

THE ATTORNEY-GENERAL moved the second reading of a Bill intituled, "An Ordinance to amend the Summary Offences Amendment Ordinance, 1918." In doing so he said:—This Bill proposes to repeal Section 20 of the Summary Offences Amendment Ordinance, 1918. That section imposes on contractors in certain cases criminal liability for acts of other persons, including acts of persons who are not their servants. It was thought, at the time, that the peculiar circumstances of the cases and of the place justified imposing that vicarious criminal liability, but certain objections have been pointed out by the Secretary of State and it is

realised that the principle is carried a little too far in that section. It is therefore proposed to repeal it.

THE COLONIAL SECRETARY seconded.

Council went into committee to consider the Bill clause by clause. The Bill passed through committee without amendment, and, upon Council resuming, the Attorney-General moved that the Bill be read a third time.

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

#### **Union Insurance Society of Canton, Ltd. (Capital Conversion Ordinance, 1919)**

HON. MR. P. H. HOLYOAK moved the second reading of the Bill intituled. "An Ordinance to authorise the Union Insurance Society of Canton, Limited, to convert its silver capital into gold." In doing so, he said:—This is a Bill to authorise the Union Insurance Society of Canton, Limited, to convert its silver capital into gold by a special resolution to that effect to be passed by the shareholders. The Society, as is well-known, is one of the oldest established British Companies in the Far East, dating back to 1835. From a small local concern it has developed into one of the premier institutions of its kind in the world. Its income in the last ten years has increased by over 150 per cent. and, as the greater bulk of its business is now carried on in countries where a gold currency prevails, it is essential that its capital should exist in sterling.

HON. MR. LAU CHU PAK 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, upon Council resuming, Hon. Mr. P. H. HOLYOAK moved that the Bill be read a third time.

HON. MR. LAU CHU PAK seconded, and the Bill was read a third time and passed.

Council then adjourned *sine die*.

FINANCE COMMITTEE.

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

**New Typewriter**

The Officer Administering the Government recommended the Council to vote a sum of thirty-one dollars and fifty-five cents in aid of the vote Royal Observatory, Special Expenditure, Typewriter.

THE CHAIRMAN — The Council has already voted the money for this typewriter, but the amount was then given in silver dollars instead of gold. This vote represents the difference in exchange.

The vote was agreed to.

**Government Launches**

The Officer Administering the Government recommended the Council to vote a sum of six thousand three hundred dollars in aid of the vote Public Works, Extraordinary, Kowloon, Miscellaneous, Repairing and Coaling Yard for Government Launches.

THE CHAIRMAN—This is a re-vote of a sum of money voted last year for an electric winch to haul up Government launches. It was not possible to get the winch in time to pay the account last year.

The vote was agreed to.

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