

5TH FEBRUARY, 1920.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR, SIR REGINALD EDWARD STUBBS, K.C.M.G.

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

HON. MR. CLAUD SEVERN, C.M.G. (Colonial Secretary).

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

HON. MR. R. O. HUTCHISON, M.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. H. E. POLLOCK, K.C.

HON. MR. LAU CHU PAK.

HON. MR. HO FOOK.

HON. MR. J. JOHNSTONE.

HON. MR. S. H. DODWELL.

MR. A. G. M. FLETCHER, C.B.E. (Clerk of Councils).

The Minutes

The minutes of the last meeting of the Council were duly confirmed and signed by the President.

Pro fiteering in Rentals

HON. MR. H. E. POLLOCK—Sir, I beg to give notice that I shall put the following question at the next meeting of the Legislative Council:

"In view of the serious economic position which is being created by the continued raising of rents in the southern portion of the Kowloon Peninsula, will the Government state what steps it is taking with a view to controlling or regulating such raisings of rents?"

H.E. THE GOVERNOR—With the permission of the Council, I wish to make a short statement on this subject. My attention has been called to a case which, on the face of it, appears to be a bad case of profiteering. But I can express no definitive opinion, as I have not heard the landlords' side of the matter, and I am taking steps to hear what they have to say. At the last meeting of the Council I mentioned certain reasons, which I believe to be sound economic reasons, against interfering between landlord and tenant if it were possible; but if anything I said then has given the impression that this Government will sit still with folded hands while the existing shortage of accommodation is exploited for private gain it is high time that that impression should be removed. As I said before, I am reluctant to take action, but, if I find it necessary, I will ask the Council to agree to the appointment of a Fair Rents' Board before which tribunal landlords will be required to prove their case before raising their rents.

Financial Minutes

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid upon the table financial minutes Nos. 3 to 6 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 Governor, laid upon the table the Report of the Finance Committee, No. 1 and moved that it be adopted.

THE COLONIAL TREASURER seconded, and this was agreed to.

Victoria Gaol

HON. MR. H. E. POLLOCK asked the questions given below, of which he had given previous notice.
T h e a n s w e r s

given by the Government are appended:—

Q.—Is it a fact that the Indians on the Gaol Staff are recruited locally whilst the Indians in the Police are recruited in India? If so, what is the explanation? Will the Government put both Services on the same footing as regards the field for recruiting?

A.—The practice of recruiting Indian Police in India has been instituted very recently; and, perhaps owing to circumstances connected with the war, the standard of recruits cannot be said to be a material improvement on that obtained by the former system of local recruiting. In these circumstances it is premature to come to a definite decision, but, if recruiting in India for the Police should prove successful, it will probably be practicable to extend the system to the Gaol Staff.

Q.—Was Government rice supplied to the prisoners in the gaol during the rice control period last year? Was this rice inferior in quality to the rice which had been previously supplied?

A.—Government rice was supplied to the Gaol from August to November, 1919. This rice was white rice of good quality. The rice previously issued was what is known as red rice, of which no supplies were then obtainable. The two kinds of rice are so different that it is impossible to say that one is inferior to the other.

Q.—Is the food which prisoners in the gaol refused or were unable to eat added to surplus and sold by the Government? If so, how many pounds of surplus food was so sold during each month in the last six months of the year 1919?

A.—Waste in cooking and returned food are sold. No record is kept of the weight, but the daily averages, with a population of 700, are approximately 80 lbs. waste in cooking and 14 lbs. returned food. During the time white rice was being supplied the amount of returned food was about 25 lbs. daily.

Foreign Corporations (Execution of Instruments Under Seal) Ordinance, 1920

THE ATTORNEY GENERAL moved the second reading of the Bill intituled, an Ordinance to make provision with regard to the execution of instruments under seal by agents of certain foreign corporations. In doing so, he said: This bill proposes to exempt from a certain technical rule of English law certain

transactions where that rule causes inconvenience and delay. The English law requires that where an agent executes an instrument under seal his authority must also be under seal, but there are certain foreign corporations, such as French and Belgian corporations, which possess no common seal and they find it inconvenient to comply with that rule. That may seem in itself an insufficient reason to alter the law, for it might be said that foreign corporations if they come here and deal in our land whether by way of mortgage or otherwise should comply with our laws. But other interests are involved too. The owners of land generally are inconvenienced. Transactions are delayed because the power of attorney held by the agent is insufficient, and doubt is thrown on titles because of the fact that possibly assignments have taken place where there was no power of attorney which complied with the law. It is, therefore, proposed to provide that, if the law of a State requires no seal on power of attorney, that power of attorney should be sufficient for the execution of assignments of land here. This Ordinance is made retrospective by clause 4 mainly to allay any doubt as to existing titles to leaseholds which have been dealt with by assignment under an unsealed power of attorney.

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

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

On the Council resuming, the ATTORNEY-GENERAL reported that there were no Amendments and proposed that the bill be read a third time.

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

The Volunteer Ordinance, 1920

THE ATTORNEY-GENERAL moved the second reading of a Bill, intituled an Ordinance to provide for the establishment of a Volunteer Force. In doing so,

he said:—The object of this Bill is to provide for a new Volunteer Force to take the place of the existing Volunteer Corps and Volunteer Reserves. The Bill is founded on the present Volunteer Ordinance, 1893, which in its turn is based on the English Volunteer Act, 1893, and as the present Bill closely follows the present Volunteer Ordinance it is, therefore, unnecessary for me to refer to the Bill in any detail. I would only like to draw attention to one or two main points. The enlistment in the new Corps will, of course, be entirely voluntary and there is no transfer by Ordinance from the present Corps to the new one, but it is hoped that all men of suitable age will recognise their duty to the community and join the Corps and will feel that situations may arise where the aid of every able-bodied man, who is able to handle a rifle, may be necessary. It will be seen from clause 12 of the Bill that that clause is slightly altered in order to emphasise one object for which the Volunteer Force is desirable. It is desirable for two reasons—for defence against foreign enemies, and also in order to assist the Police and regular forces in case of any serious local disturbances. The only alteration, sir, I think of any importance in the Bill itself is that which occurs in clause 5, sub-clause 3. By that clause every Volunteer is to be deemed to have engaged himself to serve for a period of three years and if he leaves the Corps before the expiration of that period, except for a good cause, he will have to pay under this provision a certain sum into the funds of the Corps—\$60 if he leaves in the first year, \$40 if he leaves in the second year, and \$20 if he leaves before the end of the third year. That sum will not be payable if the Volunteer intends to leave the Colony for a period of one year or leaves the Corps for any other cause which the Administrative Commandant considers reasonable. But if he is dismissed from the Corps for insubordination or inefficiency he will be liable to make this payment to the funds of the Corps. The last clause of the Bill provides that the Volunteer Ordinance and the Volunteer Reserve Ordinance shall be repealed on a date to be notified by H.E. the Governor. The object of that is to keep alive an organisation which will take care of the arms and other property of the existing Corps until the new Corps is sufficiently organised to take it over. The composition of the new Corps is set out in the Schedule and the training which it is proposed the Corps should undergo is set out in the first Appendix of that Schedule. It will be seen that there is considerable relaxation of the training which was imposed under the Defence Corps Ordinance. With regard to camp, the minimum attendance at camp for efficiency will be only three days. The reserve company will consist of men over 40 years of

age and they will undergo considerably less training than the rest of the Corps.

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

The Council then went into Committee and considered the Bill clause by clause.

On Clause 3 sub-Section 2,

HON. MR. POLLOCK moved to add at the end the words "provided that such style shall include the word 'volunteer.'"

H.E. THE GOVERNOR—The objection which I see to that is that I undertook to agree to the title settled on by the members of the corps themselves. Under these circumstances I feel I am against the motion.

HON. MR. POLLOCK suggested the words "such style as the Governor may order, subject to the expression of opinion by the members."

H.E. THE GOVERNOR—I don't think it is possible to include it in the Bill again.

HON. MR. POLLOCK—Quite so. I just mentioned the point so as to get it clear what the interpretation of this is.

On Clause 5, sub-Section 3,

HON. MR. POLLOCK—I would only like to ask why these particular sums are put in. Is there any particular reason?

H.E. THE GOVERNOR—Perhaps a member of the Committee could answer that.

THE ATTORNEY-GENERAL — They were recommended, sir, by the Committee which considered the Bill and the regulations. The former fine for inefficiency has now disappeared. There was a fine of \$25.

HON. MR. POLLOCK—Are these figures put in because of expenses incurred by a member leaving the corps?

THE ATTORNEY-GENERAL—I think it was partly to discourage men from leaving and partly because the former fine for inefficiency disappears. A man who takes no interest in the corps, attends no drills and then resigns, it is thought, ought to contribute something to the funds of the corps.

HON. MR. POLLOCK—Is it meant that there is a certain amount of money spent on training which it is sought to recover?

H.E. THE GOVERNOR—A certain amount must have been spent on training.

THE CAPTAIN-SUPERINTENDENT OF POLICE—Something is spent on uniform.

HON. MR. POLLOCK—Is it proposed to give the men new uniforms?

THE ATTORNEY-GENERAL—I do not know.

H.E. THE GOVERNOR—I think the uniform must be new because of the badges. I do not know why these particular sums have been chosen. I think there must be something to make a person take the corps seriously, and one particular sum is as good as another.

The Clause was agreed to, and the remainder of the Bill was agreed to without comment.

On the 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

The Treaty of Peace Order

THE ATTORNEY-GENERAL—I now beg to move the second reading of the Bill intituled an Ordinance to modify certain provisions of the Treaty of Peace Order, 1919, for the purpose of adapting the provisions of the Order to the circumstances of the Colony of Hongkong. A Treaty concluded by the Crown does not alter the municipal law in English law, and when therefore a Treaty requires that municipal law should be altered, legislation is necessary. The Treaty of Peace Act of 1919 gives His Majesty power to legislate by Order-in-Council for the purpose of

bringing into force certain provisions of the Treaty of Peace signed with Germany. Under that Act, an Order in Council has been issued which is known as the Treaty of Peace Order 1919. That Order, of course, is mainly drawn up for United Kingdom legislation, but it applies to all Crown Colonies as well, and it provides that the Legislatures of the Crown Colonies may pass certain legislation for the purpose of applying the Order to the circumstances of the particular Crown Colony. This Bill is intended to make the necessary alterations for the purpose of adapting it to the circumstances of Hongkong. All the amendments are purely matters of detail, such as substituting "the Governor" for "President of the Board of Trade," and for naming our currency instead of English currency.

THE COLONIAL SECRETARY seconded, and the second reading of the Bill was agreed to.

On the motion of the Attorney-General, Council went into Committee and considered the Bill clause by clause.

THE ATTORNEY-GENERAL moved to amend the schedule (serial No.6) by substituting the words "6th, day of February, 1920," for the words "within one month from the date when this Ordinance comes into operation." The Treaty of Peace Order, he said, requires certain returns to be made to the custodian in England within one month of the Order coming into operation, and this proposal is to substitute, for Hongkong, the period of one month from the date on which this Ordinance comes into operation.

H.E. THE GOVERNOR suggested that it would be more convenient perhaps to insert the words "on or before March 31st."

This was agreed to.

On the Council resuming, the ATTORNEY-GENERAL reported that one amendment made in Committee, and moved that the Bill, as amended be read a third time.

THE COLONIAL SECRETARY seconded.

The Bill was read a third time and passed.

The Council adjourned *sine die*.

FINANCE COMMITTEE.

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

Latrines

The Governor recommended the Council to vote a sum of \$1,500 in aid of the vote Public Works. Extraordinary, Kowloon, Buildings, Latrines and Urinals: Latrine at junction of Ning Po and Woo Sung Streets.

THE CHAIRMAN—The estimated cost of this latrine was \$9,500 and that sum was provided in the Estimates for 1919. Owing to a large amount of rock being met with and some additional cutting being necessary in connection with drainage the cost has now been ascertained to be \$10,163. It was only possible to spend \$8,744 last year, leaving a balance of \$1,419 to be spent this year, but \$1,500 has been asked for to be on the safe side.

HON. MR. POLLOCK—Would not the extra cost be the contractor's business?

THE DIRECTOR OF PUBLIC WORKS—He is paid by schedule on the amount of work done.

HON. MR. POLLOCK—He does not contract to do all the work for a certain amount?

THE DIRECTOR OF PUBLIC WORKS—No.

To vote was agreed to.

Kowloon-Canton Railway Votes

The Governor recommended the Council to vote a sum of \$6,399 in aid of the vote Kowloon-Canton Railway, Special Expenditure, Training Stream in the Lam Chun Valley, New Territories.

THE CHAIRMAN—This work is for strengthening the foot of the big embankment a little beyond Taipo Market station. It was washed away several times and railway traffic was stopped. A sum of \$6,300 was provided by Financial minute No. 55 in July, 1919, but the work has cost more than was expected. Owing to the quantity of water in the trenches it has been necessary to use cement concrete instead of lime concrete. The revised estimate is \$10,213. A sum of \$3,814 was expended last year and the balance of \$6,399 is now asked for.

The vote was agreed to.

The Governor recommended the Council to vote a sum of \$600 on account of Kowloon-Canton Railway,

Special Expenditure, erection of an iron shed.

THE CHAIRMAN—The railway recently acquired an electric welding plant, and it has been found that this plant when working has a very bad effect on the eyes unless protected by dark glass, and it is necessary to erect an iron shed to segregate the plant from the other workshops.

The vote was agreed to.

A Police Training School Vote

The Governor recommended the Council to vote a sum of \$7,352 in aid of the vote Police and Prison Departments, *A*.—Police, Personal Emoluments.

THE CHAIRMAN—This sum is required for the staff of the Police Training School during the year 1920. Now that the new building at the Central Police Station is completed, it is desirable to start the school at once. There are at present 53 Indian recruits whose training will not be completed before March. Six European recruits are still under instruction and 16 more are expected to arrive shortly. There are also ten Chinese recruits at present. This number is under the normal number, due to the arrival of large numbers of Indians. The Chinese recruits will probably return to normal early in the year when there will be 30 to 50 under instruction at one time. Pending the erection of a proper Police Training School somewhere outside Victoria, concerning which proposals will be made later on when a suitable site for erection has been found, it is regarded as important to get the full staff at once. That staff includes one European Inspector, which is a new appointment, a drill sergeant, part time, with an allowance of \$30, and a sergeant for musketry and physical training at \$30 a month. For the Indians there is a new appointment of a Sergeant-Major, allowances to three Indian Sergeants of \$12 a month each and to two drill instructors of \$8 a month each. For the Chinese there are two new appointments for Sergeants for instruction, and one Sergeant interpreter of the 4th. grade. Two constables for physical training and will receive allowances of \$6 a month each. The estimate for all these appointments is \$9,009, and by having this staff we will be able to dispense with certain expenses at Queen's College at present incurred, \$1,677, leaving, \$7,332 for the year.

The vote was agreed to.