

8TH DECEMBER, 1921.

**PRESENT:—**

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

H.E. LIEUT.-GENERAL SIR GEORGE  
MACAULAY KIRKPATRICK, K.C.B., K.C.S.I.  
General Officer Commanding the Troops in  
China).

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

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

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

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

HON. MR. E. A. IRVING (Director of  
Education).

HON. MR. T. L. PERKINS (Director of Public  
Works).

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

HON. MR. LAU CHU PAK.

HON. MR. H. W. BIRD.

HON. MR. A. G. STEPHEN.

HON. MR. A. O LANG.

HON. MR. CHOW SHOU-SON.

MR. S. B. B. McELDERRY (Clerk of  
Councils).

**New Member**

Mr. CHOW SHOU-SON took the prescribed  
oath and his seat as a member of the Council in  
succession to Mr. HO FOOK.

**Minutes**

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

**Finance**

THE COLONIAL SECRETARY, by command  
of H.E. the Governor, laid on the table Financial  
Minutes Nos. 122 to 133, and moved that they  
be referred to the Finance Committee.

THE COLONIAL TREASURER seconded,  
and the motion was agreed to.

THE COLONIAL SECRETARY, by command  
of H.E. the Governor, laid on the table the  
Report of the Finance Committee (No. 14), and  
moved that it be adopted.

THE COLONIAL TREASURER seconded,  
and the motion was agreed to.

**Regulations**

THE COLONIAL SECRETARY, by command  
of H.E. the Governor, laid on the table  
Regulations made by the Governor in Council  
under the following ordinances: Vehicles and  
Traffic Regulation Ordinance, No. 40 of 1912;  
Police Force Ordinance, No. 11 of 1900; Rating  
Ordinance, No. 6 of 1901; Stamp Ordinance, No.  
8 of 1921. (All these regulations were published  
in the *Government Gazette* during the month of  
November.) Also, Regulations made on  
December 1st under the Electricity Supply  
Ordinance, No. 18 of 1911; and Sessional paper  
No. 14 of 1921 giving the quarterly return of  
excesses on subheads met by savings under head  
of expenditure for the third quarter of 1921.

**Alleged Sub-letting of Officers'  
Quarters**

HON. MR. H. E. POLLOCK, K.C., in  
accordance with notice previously given, asked  
the following question:—

With reference to the letter from "Brown  
Sugar," headed "Government Officers'  
Quarters," in the *South China Morning*

*Post* of Friday, 18th November, in which it is stated that Government Officers, occupying Government Quarters are, several of them, sub-letting part of their Quarters to relatives and friends, for personal profit, will the Government state:—

1.—How many instances of such sub-letting exist and in respect of what Government Quarters?

2.—Is such sub-letting permitted by the Government or not? If so what conditions or regulations govern such permission?

3.—Will the Government lay upon the table a copy of such conditions or regulations?

THE COLONIAL SECRETARY replied—Sub-letting is not permitted and there is no reason to believe that any cases have occurred.

The fact that the writer of the letter to which the honourable member refers has made his accusations against the probity of Government officers under the shelter of anonymity instead of signing his name like an honest man, seems to afford sufficient evidence that he knows them to be untrue.

#### **Amendment of the Rents Ordinance**

THE ATTORNEY-GENERAL — I beg to move the first reading of the Bill intituled, An Ordinance to amend further the Rents Ordinance, 1921. The original draft of the principal Ordinance excluded hotels and boarding-houses, altogether, from the scope of the legislation. It was afterwards found, on representations made by keepers of Chinese hotels and boarding-houses that dangers existed and that the rents of the premises on which such hotels and boarding-houses were carried on might be unduly raised. In the Bill, as eventually passed, provision was made for including under the Ordinance leases of Chinese hotels and boarding-houses. No danger was then anticipated in the case of non-Chinese hotels and boarding-houses but it has been found since that these are subject to the same risks as Chinese hotels and boarding-houses and the object of the Bill is to bring them within the scope of the legislation. The reason for protecting hotel and boarding-house keepers against undue raising of their rents is, of course, partly to protect them personally, but also—and

this is probably the more important point—to enable premises where a great number of people are housed to be carried on as hotels and boarding-houses. There is a danger, if rents are raised too high, that keepers of hotels and boarding-houses may be driven out of business and the result would be that a large number of persons who live and carry on business here would be turned out and might find it very difficult to find accommodation elsewhere. The main justification for protecting the leases of hotel and boarding-house keepers is that by doing so one is protecting the boarders and preserving their accommodation. Perhaps I ought to explain why the Ordinance does not go further and deal with the rent charged by boarding-house and hotel keepers to their guests. The reason is that the rents charged to guests involve, very often, questions of the hire of furniture, cost of food and payment for personal services and it has not been found possible to deal with those somewhat complicated questions and to restrict in any way the rates charged by the keepers of hotels and boarding-houses to their clients.

THE COLONIAL SECRETARY seconded, and the motion was carried.

The Bill was read a first time.

The Objects and Reasons, attached to the Bill state:—The object of this bill is to bring the leases of non-Chinese hotels and boarding houses within the Rents Ordinances. In the original draft of the principal Ordinance all hotels and boarding houses were wholly excluded. The leases of Chinese hotels and boarding houses were afterwards made subject to the Ordinance in consequence of the representations of the Chinese hotel and boarding house keepers. Subsequent experience has shown that it is desirable to include also the leases of non-Chinese hotels and boarding houses, for two reasons. In the first place, it is undesirable that boarding house keepers should be at the mercy of their landlords as regards rent, partly because the landlord may be tempted to make an unreasonable use of the fact that in most cases the boarding house keeper cannot possibly find other premises, and so may be "squeezed" indefinitely, and partly because effects of this "squeezing" must also be felt by the boarders, unless of course the boarding house keeper is driven out of the business

altogether. This danger of the closing of the boarding house is the second reason referred to above. The rent may eventually be raised to such a point that the boarding house keeper cannot pay it, being unable to recover the additional expense from the boarders. In other cases, the owner, or a purchaser, may wish to move into the premises because he fancies the place as a residence for himself and his family. This also seems undesirable because the boarding house probably houses more persons who have their occupations in Hongkong and who must live here.

### **The Stocks Ordinance**

THE ATTORNEY-GENERAL moved the first reading of the Bill intituled, An Ordinance to regulate the imposition of the penalty of stocks. He said: Under the present law the punishment of stocks may be imposed for any felony or any offence declared to be a misdemeanour, with one or two unimportant exceptions. It is considered, now, that this somewhat antiquated penalty should be restricted in its use and the principle adopted in this Bill is that it should be confined to cases where some public advertisement of the circumstances of conviction appears desirable. The offences to which, in future, the punishment will apply may be cases of kidnapping, trafficking in women and girls for the purposes of prostitution and living on the proceeds of prostitution. These are particularly serious offences and offences which there is a good deal of temptation to some people to commit. It seems desirable that those members of the community who are tempted to commit these offences should be reminded from time to time that such offences are traced and punished, and perhaps the punishment of stocks is the most useful way in which such convictions may be advertised. I should mention that the Bill provides that, in case of a summary conviction, no sentence of stocks can be carried out until the expiration of seven clear days from the date of conviction. That is in order to allow time to apply for a re-hearing or leave to appeal. I beg to move the first reading.

THE COLONIAL SECRETARY seconded, and the motion was carried.

The Bill was read a first time.

The objects and reasons attached to the Bill state:—

1.—The object of this Bill is to abolish the penalty of stocks except for the offences of kidnapping, traffic in women and girls for the purposes of prostitution, and living on the proceeds of prostitution.

2.—It is considered that this penalty should be restricted to cases where the offender has something substantial to lose by publicity being given to his conviction, and where it is important that such convictions should be made as public as possible in order to deter others. It seems desirable that certain members of the public should be reminded in this way that kidnappers, for instance, and persons who traffic in women and girls, are from time to time tracked down and punished. Convictions for larceny on the other hand are so common that no publicity is necessary, and the deterrent effect of stocks as a punishment for serious offences like armed robbery is hardly appreciable in the case of a criminal who is prepared to run the risk of flogging and a long term of imprisonment.

3.—Clause 2 of the Bill defines "the Court."

4.—Clause 3 sets out the offences for which the punishment of stocks may be imposed, and provides that in the case of a summary conviction this form of sentence shall not be carried into effect until the expiration of seven days from the date of the sentence, this provision being inserted to allow an appeal against the sentence. This clause also limits the imposition of stocks by providing that male offenders only shall be so punished, and further adds a power for the Supreme Court to impose this penalty after conviction on indictment.

5.—Clause 4 provides the machinery for carrying sentences of stocks into effect.

6.—Clause 5 repeals the existing section of the Magistrate's Ordinance, 1890, authorising the penalty of stocks.

### **Treaty of Peace (Hungary) Order, 1921 Ordinance**

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, An Ordinance to modify certain provisions of the Treaty of Peace (Hungary) Order, 1921, for the purpose of adapting the provisions of the Order to the circumstances of the Colony of Hongkong.

THE COLONIAL SECRETARY seconded, and the motion was carried.

The Bill was read a second time.

THE ATTORNEY-GENERAL moved that the Council go into committee to consider the Bill clause by clause.

THE COLONIAL SECRETARY seconded, and it was agreed to.

In Committee a verbal amendment was made in Clause 3 by the insertion of the words, "or by any order amending the same" and clause 4 was omitted entirely.

The Council then resumed.

The third reading was approved on the motion of the ATTORNEY-GENERAL seconded by the COLONIAL SECRETARY.

The Bill passed into law accordingly.

#### **Indemnity Ordinance**

With the consent of the Council, the second reading of the Bill intituled, An Ordinance to restrict the taking of legal proceedings in respect of certain acts and matters done during the war and to provide in certain cases remedies in substitution therefor was postponed to the next meeting of the Council.

#### **The Adjournment**

H.E. THE GOVERNOR—The Council will adjourn until 2.30 p.m., on this day week.

#### **FINANCE COMMITTEE.**

A meeting of the Finance Committee followed, the COLONIAL SECRETARY presiding:—

#### **Typhoon and Rainstorm Damages**

The Governor recommended the Council to vote a sum of \$7,000 in aid of the vote Public Works, Recurrent, Hongkong, Miscellaneous (17) Typhoon and Rainstorm Damages.

THE CHAIRMAN — This vote in the Estimates is \$22,000, but the total expenditure to October 14th was \$25,288. Since that date a more accurate statement has been prepared and it shows that the total expenditure is \$29,000. Therefore, \$7,000 is required.

Approved.

#### **Grant in Aid of Canton Hospital**

#### **for the Insane**

The Governor recommended the Council to vote a sum \$10,000 in aid of Charitable Services, Grant in aid of Charitable Institutions, John G. Kerr Hospital, Canton.

THE CHAIRMAN—This \$10,000, a building grant for the Hospital for Insane at Canton, has already been approved by honourable members.

Approved.

#### **Electric Fans and Light**

The Governor recommended the Council to vote a sum of \$4,000 in aid of the vote Public Works, Establishment, Other Charges, Electric Fans and Light.

THE CHAIRMAN—This sum is required in respect of the Post Office building and the Courts of Justice. The estimates were made before it was decided to pay these charges from this vote.

Approved.

#### **Stamps**

The Governor recommended the Council to vote a sum of \$8,000 in aid of the vote Treasury, Stamp Office, Other Charges, Stamps, etc.

THE CHAIRMAN—Under the new Stamp Ordinance a large number of stamps had to be altered and the cost of making stamps has gone up. This is to pay for the extra amount required.

Approved.

#### **Miscellaneous Services**

The Governor recommended the Council to vote a sum of \$144,524 in aid of the following votes:—

Miscellaneous Services:—	
Newspapers and periodicals .....	\$ 500
Printing and binding Civil Service list .....	124
Miscellaneous papers .....	25,000
Ordinances, etc. ....	1,800
Rent allowance .....	10,000
Rent of Public Telephone .....	2,100
Transport of Government servants ....	105,000
Total .....	<u>\$144,524</u>

THE CHAIRMAN—If hon. members like, this Financial Minute, which involves a considerable amount of additional payments under certain votes and has not been seen by hon. members, can stand over, or, I will ask the Treasurer to explain the reasons for some of the three large items which make up the total.

THE COLONIAL TREASURER—The sum required for Miscellaneous Papers is due to the Gaol not being able to cope with the printing and some of it had to be done by the Government printers. As to the vote for rent allowance a larger number of people are entitled to this, and with regard to the vote for transport of Government servants, more people have applied for passages and, since the Estimates were prepared, exchange had gone down from 3s.  $\frac{1}{2}$  d. and the steamship companies have not reduced the fares, but have increased them.

Approved.

#### **Compensation and Resumptions**

The Governor recommended the Council to vote a sum of \$10,000 in aid of the vote Public Works, Extraordinary, Kowloon, Public Health and Buildings Ordinance, 1903, (66) Compensation and Resumptions.

THE CHAIRMAN—The vote is \$50,000. The sum expended under the vote up to date is \$13,647, but the amount remaining to be paid to the China Light and Power Co. for their late premises under the arrangements made with them when getting the land for new premises is \$40,000, which has to be paid now. That brings the total to \$53,647. It is estimated that for resumptions up to the end of the year a sum of approximately \$6,353 will be required, which makes a total of \$60,000. Therefore, \$10,000 is now asked for.

Approved.

#### **Waterworks**

The Governor recommended the Council to vote a sum of \$45,000 in aid of the vote Public Works, Recurrent, Hongkong, Waterworks (19) Maintenance of City and Hill Districts.

THE CHAIRMAN—The vote for Waterworks

(Maintenance of City and Hill districts) is \$160,000. The estimated expenditure to the end of the year is \$205,000 and the balance of \$45,000 is asked for. The reason for this large increase is that the consumption of water during the year has risen from 2,732 million gallons to 2,950 million and that has necessitated considerable extra pumping at Tytam Tuk. Owing to the absence of any rains this year after the end of September the amount that had to be pumped was over 1,200 million gallons as compared with 779 million gallons last year.

Approved.

#### **Meters**

The Governor recommended the Council to vote a sum of \$3,000 in aid of the vote Public Works Recurrent, Hongkong, Waterworks, (22) Water Account, (Meters, etc.).

THE CHAIRMAN — The estimated expenditure to the end of the year under this heading is \$21,000. The vote is \$12,000 and a supplementary vote was taken on August 10th for \$6,000, making \$18,000. The extra amount required is due to the fact that a very large number of new houses have been completed and occupied this year with the result that a great many meters have been taken from the store and charged to this vote. Also, many more meters have been repaired. These had become defective, allowing water to pass without being registered. The revenue under excess consumption has been increased.

Approved.

#### **Personal Emoluments**

The Governor recommended the Council to vote a sum of \$6,500 in aid of the vote Colonial Secretary's Office, Personal Emoluments.

THE CHAIRMAN — This is due to the revision of clerical emoluments in the Colonial Secretary's Office since the estimates for this year were drawn up and the adoption of the sliding scale on which sterling salaries are now paid.

Approved.

### Charitable Services

The Governor recommended the Council to vote a sum of \$560 in aid of the following votes:

Charitable Services:—

Charitable allowance to John Dowling at Sydney.....	\$ 60.00
Passages and relief of Destitutes ...	500.00
Total.....	\$560.00

THE CHAIRMAN—An increase of charges was made at Sydney in the case of a lunatic, and certain extra charges have fallen on the vote for the relief of destitutes.

Approved.

### Public Works in New Territories

The Governor recommended the Council to vote a sum of \$3,000 in aid of the vote Public Works, Extraordinary, New Territories, Miscellaneous, (86) Miscellaneous Works.

THE CHAIRMAN — Hon. members will

remember that when the Financial Minute for Miscellaneous Services for \$9,000 was brought before the Council, recently, it was decided to cut down the vote from \$9,000 to \$6,000 and bring forward another vote later when more items had arisen. The total number of small charges now to be debited against the \$3,000 which is asked for amounts to \$2,500, leaving \$500.

Approved.

### A Railway Vote

The Governor recommended the Council to vote a sum of \$391 in aid of the vote Kowloon-Canton Railway, Special Expenditure, Wagons.

THE CHAIRMAN—This vote was taken on the 12th September. \$21,213 was voted on account of these wagons for the railway but, since that, further debits have appeared in the Crown Agents' accounts in respect of the wagons; namely, inspection charges, \$285.57; 1 per cent. on surveys, \$3.44 and additional war risk insurance—I do not know what that is at this time of day—brings the total to \$390.87. We ask for \$391.

The vote was approved