

15TH 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. 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).

ABSENT:—

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

Decorations Presented

H.E. THE GOVERNOR—Before proceeding to the business of the meeting I have, on behalf of H.M. the King, to present to Capt. B. D. Crawford Morgan the badge of an Officer of the Military Division of the Most Excellent Order of the British Empire. At the request of the Lords Commissioners of the Admiralty I have also to present the Royal Naval Reserve Officers' Decoration to Paymaster-Lieut.-Commander Chas. P. Marcel.

The gentlemen named were duly invested with the decorations by His Excellency.

Minutes

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

Papers

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table the following papers:—

Order made by the Governor in Council under the Merchant Shipping Ordinance, 1899, on 8th December, 1921.

Regulation made by the Governor in Council under the Legal Practitioners Ordinance, 1871, on 8th December.

Report on the Census of the Colony for 1921.

Finance

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table Financial Minutes 134 to 136, 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. 15), and moved that it be adopted.

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

Questions

The following question stood in the name of the Hon. Mr. H. E. Pollock, K.C.

When will the final Report on the Census, which was taken last Spring, be published?

H.E. THE GOVERNOR—The answer to the question is that the Report has been laid to-day.

The Judgments (Facilities for Enforcement) Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to facilitate the reciprocal enforcement of judgments and awards in the Colony of Hongkong and in other parts of His Majesty's dominions and in certain other territories. He said:—In 1918, the Lord Chancellor appointed a Committee to consider, *inter alia*, the best means of providing for the reciprocal enforcement of judgments obtained in different parts of His Majesty's Dominions and abroad. One result of that Committee's report was the passing of the group of sections which forms Part II of the Administration of Justice Act, 1920. Those sections provide for the enforcement in the United Kingdom of judgments obtained in Colonies and Dominions to which the Act, by Order in Council, has been made to apply. An Order in Council applying the Act to a particular Colony or Dominion is not made until a Colony or Dominion makes reciprocal provision for enforcing United Kingdom judgments. This Bill is intended to provide that reciprocal provision here, namely, to give power to enforce, in the Colony, the judgments of Courts in the United Kingdom. When this Bill has been passed into law an Order in Council will be made by His Majesty the King applying the Act to Hongkong. Provision is also made for extending the Ordinance to judgments obtained in other parts of H.M. Dominions outside the United Kingdom. I beg to move the first reading.

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

The Bill was accordingly read a first time.

The Objects and Reasons state:—

1.—The object of this bill is to provide for the reciprocal enforcement of judgments and awards in the Colony and other parts of His Majesty's dominions and in territories under His Majesty's protection.

2. — The bill follows the lines of the Administration of Justice Act, 1920, 10 & 11 Geo. 5, c. 81, Part II, and is now introduced on instructions from the Secretary of State for the Colonies. Part II of the Act is based on the report of the Committee appointed by the Lord Chancellor to consider the conduct of legal

proceedings between parties in the United Kingdom and parties abroad and the enforcement of judgments and awards.

3.—Clause 3 provides for the enforcement in the Colony of judgments obtained in the United Kingdom. Application is to be made to the Supreme Court for the registration of the judgment, and upon registration the judgment is to be of the same effect as if it had been obtained in the Supreme Court here. The judgment will be registered only if, in all the circumstances of the case, the court thinks it just and convenient that the judgment should be enforced here, and sub-clause (2) specifies several kinds of judgments which must not be registered, *e.g.*, judgments given by courts acting without jurisdiction, judgments obtained by fraud, and judgments which are the subject of a pending appeal. Sub-clause (4) provides that the judgment debtor is to be given notice of the registration, and that the registration may be set aside by the Supreme Court.

4.—Clause 4 authorises the issue of certified copies of judgments obtained in the Colony in cases where the judgment debtor is resident in the United Kingdom, this being for the purpose of enforcing such judgments in the United Kingdom.

5.—Clause 5 provides that the practice and procedure in respect of proceedings under the Ordinance may be regulated by rules of court, and gives the Chief Justice power to make such rules, subject to the approval of the Legislative Council.

6.—Sub clause (1) of clause 6 authorises the Governor by Order in Council to extend the Ordinance to judgments obtained in a superior court in any part of His Majesty's dominions outside the United Kingdom when he is satisfied that reciprocal provisions have been made by the legislature of that part of His Majesty's dominions for the enforcement there of judgments obtained in the Supreme Court of this Colony.

7.—Sub-clause (2) of clause 6 provides that the expression "any part of His Majesty's dominions outside the United Kingdom" shall be deemed to include any territory which is under His Majesty's protection or in respect of which a mandate is being exercised by the Government of any part of His Majesty's dominions.

Amendment of the Rents Ordinance

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, An Ordinance to amend further the Rents Ordinance, 1921.

THE COLONIAL SECRETARY seconded, and the motion was carried.

The Council then went into Committee to consider the Bill clause by clause. The Bill was passed in Committee without amendment.

On the Council resuming,

THE ATTORNEY-GENERAL moved the third reading.

THE COLONIAL SECRETARY seconded, the third reading was carried and the Bill passed into law accordingly.

The Stocks Ordinance

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, An Ordinance to regulate the imposition of the penalty of stocks.

THE COLONIAL SECRETARY seconded, and the motion was carried.

The Council then went into Committee to consider the Bill clause by clause. The Bill was passed in Committee without amendment.

On the Council resuming,

THE ATTORNEY-GENERAL moved the third reading.

THE COLONIAL SECRETARY seconded, the third reading was carried and the Bill passed into law accordingly.

Consideration of Bill Postponed

The second reading of the Bill intituled, An Ordinance to restrict the taking of gal proceedings in respect of certain acts and matters done during the war and to provide in certain cases remedies in substitution therefor was not proceeded with at this meeting.

The Adjournment

H.E. THE GOVERNOR—Gentlemen, we shall need one more meeting to wind up the business of the year and it is proposed that we adjourn to this day fortnight at 2.30 p.m.

FINANCE COMMITTEE.

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

Motor Ambulance

H.E. the Governor recommended the Council to vote a sum of \$4,989 in aid of the vote Police, Special Expenditure, Motor Ambulance.

THE CHAIRMAN—This refers to the second motor ambulance. One motor ambulance was bought out of the money handed over by the Red Cross at home; another ambulance was to be purchased by the Colony and a sum of \$7,000 was provided in this year's estimates. The cost of this ambulance has been, in sterling, £1,569—taking the total of one bill with the Crown Agents of £1,370 and another of £199. The total in dollars is \$11,988.17. The estimate was \$7,000 and owing to the fall in exchange the amount in dollars has been greater by the amount asked for in the minute—\$4,989. The cost of the ambulance was not known exactly; when the estimate was made it was thought \$7,000 would be enough.

The vote was approved.

Road Improvements and Lighting

The Governor recommended the Council to vote a sum of \$10,900 in aid of the following votes:—

Public Works, Recurrent:—

Hongkong Communications:—

- | | |
|---|------------|
| (6) Maintenance of Roads and Bridges outside city..... | \$8,000.00 |
| (7) Improvements to Roads and Bridges outside city..... | 1,500.00 |

Lighting:—

- | | |
|---|----------|
| (10) Gas Lighting, City and Suburbs and Hill District | 1,200.00 |
| (11) Electric Lighting, City, Hill District and Shaukiwan | 200.00 |

Total	<u>\$10,900.00</u>
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THE CHAIRMAN — The excess on the maintenance of roads and bridges outside the City is due to the heavy cost of maintaining the section of Pokfulum Road between No. 10 bridge and Aberdeen—that is, on the other side of the Dairy Farm; also in Victoria Road. It is a new piece of road and the surfacing was not of the permanent nature of other parts of the road. Among other things there was some heavy traffic caused by a new 'bus service and heavy vehicles travelling between Repulse Bay and Hongkong. That would not have injured the road had it been of a permanent nature. A considerable sum was spent in repairing both the portion of Pokfulum Road and parts of Victoria Road. That accounts for \$8,000.

No. 2 is required to meet the cost of building walls at certain dangerous points on the road between Stanley and Saiwan Gap, especially between Tytam Reservoir and Tytam Gap where the road was quite unprotected and there is a high bank. The work is now under construction. It will not be possible to complete the whole of the walls and other means of protection this year, but of the amount asked for \$1,500 is for the current year.

The third item represents the cost of lighting additional gas lamps erected during the year. New districts have developed and additional lights have been provided. The same applies in the case of electric light.

HON. MR. BIRD — What portion of the Hill District, Sir, are they going to light by electricity, with that item of \$200? Is it the Hill District and Shaukiwan for the \$200?

THE CHAIRMAN referred the hon member to the Director of Public Works who said he had not the details of the lamps with him; it was for one or two special lights.

THE CHAIRMAN—I think "Hill District" in this case probably refers to one or two special lamps which were asked for. When the minute came to the Government there was no mention of the Hill District,—only the City District.

THE DIRECTOR OF PUBLIC WORKS—It is included in the same vote as the City District.

The vote was approved.

Taipo Road and Cheung Chau Pier

The Governor recommended the Council to vote a sum of \$26,800 in aid of the following votes:—

Public Works, Extraordinary:—

New Territories, Communications:—

(77) Roads: (b) Taipo Road—
Widening and improving
road between 3rd and 5th
milestones \$20,700.00

Miscellaneous:—

(82) Pier at Cheung Chau 6,100.00

Total..... \$26,800.00

THE CHAIRMAN—I will ask the Director of Public Works to be good enough to explain these votes to the Committee.

THE DIRECTOR OF PUBLIC WORKS—The first item is for widening and improving the Taipo Road between the 3rd and 5th milestones. The vote for the year was \$15,000. There was a sum of \$5,711 in the previous year's estimates which it was not possible to expend that year. Then it was found that this work did not cover the whole road up to the Waterworks and a certain amount was authorised later on. The work is nearly completed to that point. It was found that an abnormal amount of rock, all the way, brought the cost out of all proportion to what one usually expects: there has generally been very soft filling. Of the supplementary vote of \$20,700, nearly \$6,000 has been voted already and \$8,000 has been authorised, so the actual excess is only \$6,000.

THE CHAIRMAN—Over \$6,000 was voted in 1920.

THE DIRECTOR OF PUBLIC WORKS—As regards the pier at Cheung Chau, the estimated expenditure before was \$15,000, but certain extra work increased this by \$2,500. The water is very shallow and we had to dredge a channel up to the pier. I am afraid we shall have to continually dredge there. All this brought up the total cost to \$21,000; the vote was \$15,000 and there is an excess of \$6,100.

HON. MR. LANG—What kind of a pier is it?

THE DIRECTOR OF PUBLIC WORKS—A reinforced concrete pier. The approach is very shallow.

HON. MR. LANG — What is the depth?

THE CHAIRMAN—Six or seven feet at low water. A big launch can hardly get in at low water.

HON. MR. LANG — Is this for leng-thening the present pier?

THE DIRECTOR OF PUBLIC WORKS—No, for dredging up to it.

HON. MR. LANG — How is the dredging done?

THE DIRECTOR OF PUBLIC WORKS—We could not get our own dredger there so we had Chinese dredging.

HON. MR. LANG—Hand appliances?

THE DIRECTOR OF PUBLIC WORKS—The usual Chinese scoops. We cannot spare our dredger and it is not easy to get it there.

HON. MR. LANG — Would any extension of the pier make any difference?

THE DIRECTOR OF PUBLIC WORKS—No, the shoal is such a long distance out.

HON. MR. BIRD — How will this dredging affect the stability of the pier?

THE DIRECTOR OF PUBLIC WORKS—The piles are deep enough to take all the dredging that will be done.

THE CHAIRMAN—It is a very good pier.

The vote was approved.