

1ST JUNE, 1922.

PRESENT:—

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

HON. THE OFFICER COMMANDING THE TROOPS,
LIEUT.-COLONEL W. N. NICHOLSON, C.M.G.,
D.S.O.

HON. MR. A. G. M. FLETCHER, C.B.E.,
(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. 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. E. V. D. PARR.

HON. MR. A. O. LANG.

HON. MR. CHOW SHOU-SON.

HON. MR. A. R. LOWE.

HON. MR. H. W. BIRD.

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

New Members

Lieut.-Col. W. N. NICHOLSON, C.M.G., D.S.O.,
the Hon. Mr. A. R. LOWE and the Hon. Mr. H.
W. BIRD took the oath of allegiance on
assuming their seats in the Council.

Minutes

The Minutes of the last meeting of the
Council were approved and signed.

Tributes to the Late Mr. Lau Chu Pak

H.E. THE GOVERNOR—Gentlemen, Since
our last meeting, the Council, the Chinese

community and the Colony as a whole have
suffered a very serious loss in the death of our
late colleague and friend, Mr. Lau Chu-pak.
Mr. Lau Chu-pak was a member of this
Council for eight years and during that time
his services were always at the disposal of the
Government, the Chinese community and the
Colony at large. He was indefatigable in his
attendance at the Council and in his readiness
to perform any work which was imposed upon
him. I feel the loss very deeply, both as a
colleague and as a friend, and I feel sure that
members of the Council share my views. I
think it will be their desire that the Clerk
should express to the relatives our great sense
of the services he rendered to the Colony and
our deep regret at the loss they have sustained.

HON. MR. PARR—Your Excellency, We all
heartily agree with the remarks you have made
in eulogy of the late Hon. Mr. Lau Chu-pak
whose unfailing courtesy and kindly nature
will be remembered by all these who have
served with him on this honourable Council.
He will be generally missed in the Colony,
more especially by the Chinese community for
whom he worked so assiduously. As Chairman
of the Chinese Chamber of Commerce, he did
always what he could to promote those good
relations between Hongkong and the fair-
minded, moderate and reasonable men in
Canton which commercially promote the joint
interests and prosperity of the two ports. We
concur with you, sir, in adding our
sympathetic condolences to the bereaved
relatives.

HON. MR. CHOW SHOU-SON—Sir, It is
with a heavy heart that I have to stand up to
express my complete accord with the remarks
made by your Excellency and by the Hon. Mr.
Parr, the Senior Unofficial Member. I had the
privilege of Mr. Lau Chu-pak's friendship for
many years, and during the past five or six
months, having to work closely with him in
public affairs nearly every day, I learnt to
regard him with not only high esteem

for his character and unfeigned admiration for his intellectual power and capacity for work, but with something akin to a deep affection. No more public-spirited man, no more loyal colleague has ever, I venture to believe, served on this honourable Council. The eminent services he rendered to the Colony are known to all, but perhaps it is not generally known that for some years, especially during the years he was the senior representative of the Chinese community, he gave almost all his time to the public, sacrificing his own private interests and even his health. A man of strong will and independent character, he was unfortunately sometimes misunderstood by even his own people, which saddened him somewhat towards the end of his useful life. It is a satisfaction to me to know, and it must be to all his friends, that it is already realised, even by those who sometimes disagreed with him in his public policy, that it would be difficult to fill the void left by his sudden and lamented death in the life of this community. I am sure, sir, that the tribute which your Excellency has just paid to Mr. Lau's memory is shared by all the thinking classes in this Colony and will be deeply appreciated by the members of his family.

The Increased Telephone Rates

HON. MR. A. R. LOWE gave notice of his intention to ask the following questions at the next meeting of the Council:—

In view of the one month's notice given by the China and Japan Telephone and Electric Co., Ltd., to increase the rates charged to its subscribers (in the case of business lines by 90 per cent.) have these new charges been sanctioned by the Government; and, if so, will the Government lay on the table the papers on which their decision was based?

Will the Government explain how much of the proposed increase is justified by higher working costs, and how much by rental on heavy expenditure (in the Company's own words) "about to be undertaken for the erection of a new Central Exchange and new Central Battery installation," and why it should be held justifiable for subscribers to pay such increased rates before the improvements have been completed or any material expenditure incurred?

Finance

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid upon the table Financial Minutes Nos. 21 to 37 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 upon the table the Report of the Finance Committee (No. 5) and moved that it be adopted.

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

Papers

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

Notification No. 151 rescinding an order proclaiming Manila to be an infected port.

Regulation made by the Governor in Council under section 3 of the Licensing Ordinance, 1887.

Notification No. 170 substituting the note in Notification No. 125.

Order made by the Governor in Council under section 9 of the Post Office Ordinance, 1900.

Report on the New Territories for the year 1921.

Report of the Land Officer for the year 1921.

Report of the Director of the Royal Observatory, for the year 1921.

Report of the Superintendent of Imports and Exports for the year 1921.

Financial Returns for the year 1921.

Quarterly return of excesses on sub-heads met by savings under heads of expenditure for the 1st. Quarter of 1922.

Rents Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to extend temporarily the provisions of the Rents Ordinances, 1921, with certain amendments.

THE ATTORNEY-GENERAL said — The duration clause of the Bill is clause 10. It is simply a copy of the corresponding clause in the principal Ordinance with the substitution of the 30th June, 1923, for the 30th June, 1922, so that the Ordinance will come to an end on the 30th June, next year, unless it should be extended by a resolution of the Legislative Council. The corresponding clause in the present principal Ordinance gave power to extend the Ordinance by resolution of this Council. The reason why that course was not adopted was that there are two amending Ordinances and it was thought more convenient to combine the two with the principal Ordinance in one new Ordinance; and, in any case some legislation would have been necessary to add a few small amendments which are made in this Bill.

Before dealing with the Bill, I should like to say, sir, that the Hon. Mr. Chow Shou-son has been good enough to give me the benefit of his experience and advice and has discussed the Bill with me. I do not wish to throw any responsibility on him; some of his views were in agreement with those of the Government and some were not. Possibly some would have been adopted if the Bill had not been merely a temporary one. I have to express my indebtedness to him for having been willing to discuss the Bill with me.

This Bill, as I have said, combines the three existing Ordinances and includes one or two amendments. Ordinance 30 of 1921 disappears in the definition clause of the present Bill. The body of the Bill is principally composed of the sections of the principal Ordinance and the first Amending Ordinance, No. 25 of 1921. No doubt the sections could have been arranged better and in a more convenient order, but it was thought better to keep each former Ordinance separate in the Bill. Accordingly, clauses 1 to 17 represent the principal Ordinance of 1921, clauses 18 to 23 represent the first Amending Ordinance, No. 15 of 1921, and clauses 24 to 27 are new.

Some of the amendments are purely drafting amendments, made necessary in order to combine the three present Ordinances and to link up the present legislation with the Ordinance that will come into force when this Bill is passed. I have mentioned them in

paragraph 3 of the Objects and Reasons and I do not think I need refer to them here. Clause 4, sub-clause 1, paragraph (f), has been altered by the addition of a proviso. The paragraph in question deals with the case where a lessor requires possession of a house in order to pull it down and rebuild it or to reconstruct it to such an extent as to make it a new building within the meaning of the Building Ordinance. Complaints have been received that landlords, in reliance on that section, have given notices which were not given *bonâ fide* and the object of the proviso is to strengthen the section and to make it more difficult for the occasional *mala fide* landlord to carry out his intention. The proviso is to the effect that if the lessor has given notice and has turned out the tenant, if he fails to begin the work of reconstruction within one month after he obtains possession or fails to carry it out with reasonable speed, he shall be deemed, in giving notice, to have acted *mala fide* within the meaning of clause 20. Clause 20 provides that any person who acts *mala fide*, with intent to induce the tenant to quit, is liable to a fine, and the clause is altered in this Bill by the addition of words providing that in addition to a fine he is also liable for damages to the tenant. That amendment is not really an extension of the objects of the present legislation but is merely an attempt to strengthen them and ensure that they shall be carried out.

Clause 15 is a re-drafting of section 15 of the principal Ordinance; that is not a real amendment but simply an attempt to make the existing clause more clear. It provides that if a lessee ceases to occupy any part of the house or tenement himself then his lease is to be deemed to be determined. The complaint has been made that in some cases tenants who took a house for occupation partly by themselves and partly by sub-tenants have gone to live elsewhere, or left the Colony, and are still sub-letting the whole house and obtaining a profit on the rent they pay the landlords. The Ordinance was never intended to protect persons of that kind, but only persons living on the premises. That clause does not apply to leases of blocks of houses by a farmer who lets out separate houses to separate persons, but only to a tenant who originally lived in the house and who has gone out and is using the tenancy as a means of profit.

The only really new provision in the Bill is contained in clause 24. That clause gives the Governor in Council power to order that the Ordinance or any specified provision of the Ordinance, shall not apply in the case of a particular tenement if the Governor in Council thinks the circumstances are sufficiently exceptional. I have mentioned in the Objects and Reasons two cases in which that power might be applied. One is a case in which a building might be required for some public or charitable purpose. Another is in the case of a permanent resident. There are several we know of who bought houses for their own occupation before the commencement of the original Ordinance and who have been turned out of their present houses and have nowhere to go. One original object of the principal Ordinance was to prevent permanent residents being turned out of their houses by persons from outside who are prepared to pay any amount of money to acquire a residence here. The exercise of this power under clause 24, no doubt, will not be applied in cases of that kind, but only in the case of permanent residents suffering hardship by being kept out of houses they bought for their own permanent occupation.

Many suggestions and criticisms were received by the Government,—many of them in reply to the invitation of the Government. They were all carefully considered and it is quite possible that many of them might have been adopted in the measure had it not been a purely temporary one. Perhaps I ought to refer shortly to some of these suggestions and give some reasons why they were not accepted. There are certain general reasons. One is this, that it is a temporary measure, and it seems undesirable to make any changes other than those absolutely necessary. The present legislation is by no means perfect; but to a certain extent the effect of it has been worked out by actual decisions in the Court and on certain points people now know where they are. Once you begin to amend an Ordinance of this kind you never know where you will end. One small amendment may affect several sections and uncertainty and complications would be created. This is the main reason why certain amendments which might have been adopted otherwise have not been.

One suggestion, made several times, is that

the Ordinance should apply to furnished houses. Undoubtedly there are cases where it seems that exorbitant rents are charged for furnished houses, but the matter is so full of complications that it seems impossible to deal with it in a temporary measure like this. I will give one example of the difficulties of this part of the subject. Take a house which was let by the owner, say in April last. The owner has gone on leave: he is not now in the Colony; he has arranged his budget on the basis of the rent which he has obtained and which the tenant is quite prepared to pay. What is to happen in a case of that kind? Is the rent to be suddenly reduced to the standard rent, which in some cases would be halving the rent the tenant has agreed to pay? How would you ascertain in such a case what the standard rent is? The house may never have been let furnished before, or not for many years. If it had never been let furnished before, how are we to arrive at the rent to be paid for the furniture? One cannot set about valuing the furniture and charging a percentage on that; so one would be driven to having some percentage on either the assessed rent of the premises or the last amount paid when the house was taken unfurnished. The house may not have been let unfurnished for many years. In that case the rent would be no guide to the current market rate. If we were to take the assessed value, in some cases there is none; in the case of flats, for example. All this shows how very complicated and difficult any legislation on that subject would be. That is not the only difficulty in this branch of the subject, and any legislation would have worked hardship in some cases, at least.

Then, the case of a house bought for one's own occupations. The tenants petitioned against any relaxation of the present provisions. Some of the landlords asked for an unrestricted right to recover possession of any houses they could show they bought for their own occupation. The Bill keeps the middle course of retaining the present law on the subject, but for the purpose of dealing with hard cases, as I have stated, power is given under section 24, to exclude the operation of the Ordinance where the Governor in Council thinks that the hardship is sufficiently great. I do not think we can go beyond that.

Several owners have complained that the standard rent in the case of particular properties is too low. That undoubtedly is so. There are cases where the rent is much too low compared with the rent of similar properties in the neighbourhood and elsewhere, and if this had been a permanent measure no doubt some arrangement would have been made to deal with cases of that kind. They are not, I think, numerous compared with the total amount of house property in the Colony, and I am afraid that some persons must always suffer through legislation of this kind, and as the Bill only contemplates a duration of one year it was decided not to deal with that point at all.

Great complaint has been made by the landlords of the sub-letting of houses by the tenants at a profit. Many suggestions have been made, but I do not think it is possible to deal with that point at all. One suggestion was that the tenant should never be allowed to collect more from his sub-tenants than he paid the landlord. If I rent a house for \$200 and occupy one floor myself, valued at \$100, I must not collect from the other two floors more than \$100. That would be unfair because the tenant takes the risk of vacancies, and non-payment of rent and it is not fair to restrict him to the same rent that he pays the landlord, If more, how much more? what percentage? The percentage that would be fair in one part of the town and with one class of property would not be fair in another. Better class residential property does not run as much risk of vacancies as probably the poorer class does. Then again, if you are to allow the tenant to charge ten or twenty per cent. more, how are you to apportion that between the different sub-tenants; how much is he to collect from the first floor and how much from the man who occupies the back cubicle of the top floor? Another objection, of course, is that any provision of that kind, restricting the rent chargeable by a tenant to sub-tenants, would be sure to lead to constant evasion.

Then the tenants suggested that in cases where the landlord recovered the house to rebuild it the landlord should be obliged to offer the tenancy of the house again to the former tenant. That does not seem practicable either. A new house may be larger or smaller, three floors instead of two, and if the principal tenant does not want the tenancy, is the landlord to seek out all the sub-tenants and

offer them their separate floors? If so, how is he to find them? That seems impracticable also.

The tenants also made a complaint that many landlords refused to receive the rent—at all events did not collect it, and in some cases refused to receive it, and then took out distress warrants in order to put unlawful pressure to drive the tenant out. The tenants ask for some further penalty in cases of that kind but I think the present legislation is quite sufficient, especially in view of the fact that the Registrar now makes a practice of noting complaints by tenants that their landlords will not collect or receive rent. Any tenant whose landlord refuses the rent comes to the Registrar who makes a note of his case and if that landlord makes an application for a distress warrant the Registrar refuses it and no warrant is issued unless the landlord can satisfy a judge that there is good reason for issuing it. I think that ought to be sufficient protection, especially in view of clause 19 of the Bill which provides that any person, who, without lawful excuse, applies for a warrant of distress for any amount of rent in excess of the rent recoverable under the Ordinance is liable to a fine and may also be ordered to pay damages to the tenant.

The tenants also raised again the old question of the danger that some landlords by threatening to increase the rent when the Ordinance ceases to operate may, in some cases, induce the tenants to pay a higher rent now. The only suggestion tenants could make on that was that some very heavy penalty should be provided in the Ordinance. The answer to that, I think, is that the tenant who is moved by that fear to pay a higher rent now, is not going to inform or tell the police, and the case would never be discovered.

It is also suggested by the tenants in their petition that in some cases the landlord, in order to get the tenants out, will put in workmen and make the house generally unpleasant in order to induce the tenants to leave. They proposed that there should be an elaborate provision for calling in an architect who would give an architect's certificate whether the repairs were necessary, and if they were unnecessary the landlord should pay the architect's fees. I think that is much too

complicated, and I think the tenants are sufficiently protected by clause 20 which says that any person who acts *mala fide* is liable to fine and damages.

These are some of the suggestions and some of the reasons why they are not adopted. Any further discussion of those points may be left, I think, to the second reading, and I beg now to move the first reading.

THE COLONIAL SECRETARY seconded.

The motion was agreed to and the Bill was read a first time.

The Objects and Reasons state:—

The object of this Bill is to extend temporarily the provisions of the Rents' Ordinances, 1921. A few amendments have been made, but, as this is a temporary measure, it has been thought desirable to avoid change as much as possible.

Some of the amendments made are necessary in order to link up the proposed legislation with the Ordinances which are to be repealed.

Clause 4 (1) (f) has been strengthened by the addition of a proviso which is aimed at *mala fide* action by a lessor under that paragraph. The paragraph in question is the one which gives a lessor power to recover possession if he intends to pull down or reconstruct the domestic tenement. The proviso lays down that if the lessor fails to begin the work within one month after obtaining possession, or fails to carry out the work with reasonable expedition, the onus shall lie upon him of showing that he acted *bona fide* in giving the notice. If he acted *mala fide* he is liable to a fine, and to damages, under clause 20. The express reference to damages in clause 20 is new, but it probably does not give any new right which did not exist before.

Section 15 of Ordinance 13 of 1913 is not very clear. An attempt is made in clause 15 of the bill to make the point clearer. The clause is intended to prevent subletting of the whole of a domestic tenement of a tenant who has ceased to use any part of it for himself. The section will not apply to the farming out of a block for buildings.

Clause 24 gives the Governor in Council power to exclude the operation of the

Ordinance in any particular case in which the circumstances are sufficiently exceptional. One kind of case to which this section might be applied is where the premises are required for some charitable or public purpose. Another class of case to which it might be applied would be the case of a permanent resident who had bought a house for his own occupation before the commencement of the original Rents Ordinance.

Many criticisms and suggestions were received in response to the invitation of the Government. They were all carefully considered, and probably some at least of them would have been adopted if the measure were a permanent one, but it has been thought best, as stated above, to make as little change as possible in what is only a temporary measure.

Forgery Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill intitled, An Ordinance to consolidate, simplify, and amend the law relating to forgery and kindred offences.

He said: I do not think, sir, that I need say much on this Bill, because it is practically a transcript of the English Forgery Act of 1913, which would no doubt have been introduced here some years ago except for the war. Our criminal law is based on the English criminal law and we generally try to keep pace with amendments made in England by the introduction of similar provisions here. One advantage is that we get the benefit of the latest decisions on the corresponding sections of the English Acts. The Bill itself is, I think, a useful amendment of the law on the subject because it very much simplifies the existing statutory law relating to forgery. The present Ordinance of 1865 is one of the old-fashioned enactments which are rather long-winded and repeat constantly such phrases as "forges alters, utters and puts off." The language of the Bill is very much simplified. Uttering is dealt with in one section, instead of being scattered all through the statute, as in the present Ordinance, and I think the Bill will enable us to catch some cases of forgery that are difficult to catch at present. I have dealt with the Bill in detail in the Objects and Reasons and I do not think I need say anything more on it. I beg to move the first reading.

THE COLONIAL SECRETARY seconded.

The resolution was agreed to and the Bill read a first time.

he Objects and Reasons state:—

1.—As stated in the long title, the object of this bill is to consolidate, simplify and amend the law relating to forgery and kindred offences.

2.—The bill proposes to repeal the greater part of the Forgery Ordinance, 1865. The portions of that Ordinance which are to be left unrepealed deal with matters which either would not properly come within the scope of this bill or could not conveniently be inserted in it. The sections which are to be left standing, wholly or in part, are sections 1, 5, 7, 8, 30, 35, 37, 38, 44 and 48 to 50.

3.—As the bill follows closely the English Forgery Act, 1913, 3 and 4 Geo. 5, c. 27, and as the Forgery Ordinance, 1865, was based on the English Forgery Ordinance, 1865, 24 and 25 Vict. c. 98, it has not been thought necessary to prepare a table of correspondence between the clauses of the bill and the sections of the existing Ordinance, such as is usual in the case of consolidating bills. The preparation of such a table in the present case would have been a matter of some difficulty, and the table would not have been of great use, owing to the considerable rearrangements of provisions which have been made.

4.—The reasons for the proposed legislation are as follows.

5.—In the first place, as our criminal law is based mainly on the English criminal law, it is obviously desirable to bring our law up to date so as to make it conform with English criminal law legislation. In this way, also, we get the benefit of the latest English decisions. A further small point is that adopting such an Act as the Forgery Act, 1913, may be a convenience in the adoption of other English statutes. For example, the Forgery Act, 1913, repeals part of section in the Companies Consolidation Act, 1908, which deals with a question of forgery. If we were adopting the Companies Consolidation Act, 1908, it might very well be that this particular forgery provision, which would be necessary in our Ordinance, would be overlooked. This is merely an example, as of course we have

already adopted the Companies Consolidation Act, 1908.

6.—One advantage of the bill is that it contains in clause 3 a wide and careful definition of forgery. The present Ordinance contains no definition of forgery.

7.—The arrangement of the bill is much simpler than that of the existing Ordinance. For example, section after section of the Ordinance repeats the phrase, "forges or alters, or offers, utters, disposes of, or puts off," or some similar phrase. In the bill uttering is dealt with once for all in clause 8.

8.—The language is also simplified. For example the phrases, "forges or counterfeits" and "forges or alters," run right through the Ordinance. The definition in clause 3 enables the single word "forge" to be used throughout.

9.—Under the Ordinance it is often difficult to discover the proper section for any given set of facts, and in spite of the particularity of the Ordinance it is often necessary to lay a charge under the common law. The bill will avoid much of this difficulty, and it contains in clause 6 a general clause providing for any forgery of any document which is not specifically dealt with in the bill.

10.—The bill is also more comprehensive in other ways. For example, a case occurred recently in which a person had a false chop cut, intending to use it for the purpose of concealing from his employer a certain fraud which he intended to commit on his employer. This appears to be no offence under the existing law but it would fall under clause 7 (4) (b) of the bill.

11.—Clause 16 of the bill deals with matters which are also dealt with under rules 5 and 7 of the rules contained in the First Schedule to the Indictments Ordinance, 1919, but the clause is of wider extent than those rules, and it is therefore included. It may be remarked that the same position exists in England with regard to the indictment rules in force there and the corresponding section in the English Forgery Act of 1913.

12.—In the following cases it has been decided not to repeal or amend sections in the existing Ordinance dealing with forgery and allied offences.

13.—Ordinance No. 1 of 1844, s. 24. This section deals with matters other than forgery, and it would be difficult to disentangle the forgery provisions. Besides, it provides a higher maximum penalty than the sub-clause in the bill under which the forgery of Land Office records would otherwise fall.

14.—Ordinance No. 3 of 1888, ss. 46 and 47. The provisions relating to passes have long been obsolete, and in and case the amendment of this Ordinance is under consideration.

15.—Ordinance No. 4 of 1890, s. 3. It seems desirable not to make the Ordinance incomplete by extracting one particular provision. Besides, forgery of a trade mark is specially defined in section 4 of the Ordinance, and that section provides for burden of proof in a particular case. The corresponding section in the English Act has not been amended by the Forgery Act, 1913.

16.—Ordinance No. 3 of 1894, s. 6. This section deals with other offences relating to telegrams as well as to forgery of telegrams. The corresponding section in the English Act has not been repealed.

17.—Ordinance No. 10 of 1899, ss. 4 (18). Similar remarks apply to this section.

18.—Ordinance No. 40 of 1909, s. 59. The corresponding section of the English Act has not been repealed.

19.—Ordinance No. 35 of 1911, sections 10, 11 and 12. The corresponding sections in the English Act have been repealed wholly or in part, but it is more difficult to disentangle the forgery provisions from section 10 of the above Ordinance than from the corresponding section in the English Act. Besides, leaving the section standing makes the Ordinance more complete. On the whole it has been decided not to touch these three sections.

20.—Ordinance No. 30 of 1915, ss. 39 and 52. Section 39 deals with offences relating to passage tickets other than the forging of tickets. Paragraph (b) of section 52 might be repealed, but it makes the Ordinance more complete to leave these two sections untouched.

21.—Ordinance No. 2 of 1916, s. 2. It seems better not to deal with the question of false passports.

22.—Ordinance No. 27 of 1917, s. 2. This section is allowed to stand because it appears that the possession of the wrappers and labels would not be an offence under the bill, though possession of the dies would be an offence.

23.—With reference to the cases in which an offence under the bill would also be an offence under terms of some other enactment, attention is directed to clause 17 (2), which provides that in such a case proceedings may be taken either under the bill when passed or under the other enactment.

Registration of Imports and Exports Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to provide for the registration of imports and exports.

He said: The object of the Bill is to provide for the collection of trade statistics. It is understood that the commercial community derive considerable benefit from the figures which are published at present and which have been collected, so far, under the powers given by the Importation and Exportation Ordinance, 1915. That Ordinance was passed during the war and its primary object was, of course, to control trade with the object of preventing trading with the enemy and also of preventing articles which would be useful to the enemy from getting into enemy hands. That Ordinance gives the Superintendent absolute power to refuse permission to import or export, and such a power does not seem quite suitable to times of peace. The new system, which will come into force with this Bill, is simply one under which importers and exporters and the shipping companies will report to the Superintendent the importation and exportation of everything which passes into or out of the port. On their making the report on the usual proper form, the Superintendent will sign or stamp the statement or bill of lading, or invoice or shipping order, as the case may be, and, upon receiving that, the importer will get delivery from ship or godown, or the exporter can export his goods. There is no power under this Bill to refuse permission for exportation or importation. It is not intended, however, to repeal Ordinance No. 32 of 1915 — the Importa-

tion and Exportation Ordinance — because it contains a useful power of restricting the importation and exportation of certain articles which ought still to be restricted in times of peace; for example, silver dollars, Hongkong subsidiary coins, arms and ammunition, non-industrial explosives, and so on. It is proposed that when this Bill is passed an Order in Council should be made under the Importation and Exportation Ordinance cancelling the present rules for imports and exports permits, and simply providing for the few cases of articles which still require permission, such as silver dollars, and so on. A draft of that order, I think, has been circulated to honourable members. I beg to move the first reading.

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

The Objects and Reasons state:—

1.—The object of this bill is to simplify the collection of trade statistics, and at the same time to remove some of the formalities that now inconvenience the import and export trade.

2.—It is believed that the community derives much benefit from the publication of these statistics, which have up to the present been compiled by the Imports and Exports Office with the help of the Importation and Exportation Ordinance, 1915, Ordinance No. 32 of 1915.

3.—It is not, however, proposed to repeal Ordinance No. 32 of 1915, since that Ordinance supplies a simple method of enforcing restrictions on imports and exports should occasion arise, and will further be of use for the present in restricting the movements of such articles as coin, arms, etc., the export of which it is still desirable to prohibit. An Order in Council under Ordinance No. 32 of 1915, a draft of which appeared in the Supplement to the *Gazette* of the 5th May, 1922, will be issued simultaneously with the passing of the Ordinance, to effect the repeal of all existing rules and orders under the Ordinance to prohibit the export of these particular articles, except with the express permission of the Superintendent of Imports and Exports.

4. — The new bill avoids the present cumbersome system of duplicate permits for imports and exports by providing that the actual bill of lading or other document may be stamped

by the Imports and Exports Office, and the forms to be used are considerably simplified. The main function of the Imports and Exports Office will be the collection of trade statistics and the Superintendent of Imports and Exports will no longer possess the power to grant or refuse permits in his discretion except as regards articles prohibited under the Order in Council.

Misdemeanours Punishment (Amendment) Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to amend the Misdemeanours Punishment Ordinance, 1898.

He said: At present, under the principal Ordinance, the maximum penalty for misdemeanours not specially dealt with by statute is one year and a fine of \$100. That seems much too low for some misdemeanours; for example, common law forgery is one. I have given another instance in the Objects and Reasons: the police attempt to seize a gang of armed men on their way to commit robbery; one of the gang calls on another to fire on the police to prevent arrest; the maximum penalty is one year. That case actually occurred, and it seems to me a ridiculous penalty for such an offence. The Bill proposes to increase the penalty for misdemeanours, generally, to three years and a fine of \$1,000, but it does not affect misdemeanours which already have some higher penalty attached to them by statute. I beg to move the first reading.

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

The Objects and Reasons state:—

1.—Ordinance No. 1 of 1898 provides that the maximum penalty for certain specified conspiracies shall be three years' imprisonment and a fine of \$500. It also provides that the maximum penalty for all other misdemeanours, unless otherwise specified in some Act or Ordinance, shall be one year's imprisonment and a fine of \$500. This maximum penalty seems too low for some misdemeanours. For example, it does not seem to be enough for forgery, yet the effect of the section is to make one year the maximum imprisonment for all common law forgeries. Again, by virtue of this provision, if the police surprise a gang of armed men on

their way to commit a robbery, and one of the gang incite another to fire at the police in order to prevent the arrest of any of the gang, the maximum term of imprisonment is only one year. The bill, therefore, proposes to raise the maximum for all misdemeanours to three years' imprisonment and a fine of \$1,000, unless of course some other maximum penalty is provided by some other enactment.

2.—In England, except where the maximum penalty for any particular misdemeanour has been laid down by statute, there is no limit to the penalty which may be imposed for a misdemeanour, except the provisions of Magna Charta and the Bill of Rights against excessive fines.

The Indemnity Bill

The second reading was not proceeded with 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.

The Adjournment

H.E. THE GOVERNOR—The Council will adjourn until this day week at 2.30 o'clock.

FINANCE COMMITTEE.

A meeting of the Finance Committee was afterwards held, the COLONIAL SECRETARY presiding.

Grant to the Royal Asiatic Society

The Governor recommended the Council to vote a sum of \$192 on account of Miscellaneous Services, Grant in aid of Other Institutions, Royal Asiatic Society.

THE CHAIRMAN—The papers regarding this have been circulated, and the vote has been approved.

Approved.

Purchase of Typewriters

The Governor recommended the Council to vote a sum of \$65 in aid of the vote Education, A.—Department of Director of Education, Special Expenditure, 4 Type-writers.

THE CHAIRMAN—The vote was inserted in the Estimates, and this \$65 is a sum over and above the amount estimated.

Approved.

Purchase of a Motor-car

The Governor recommended the Council to vote a sum of \$3,000 on account of Police Department, Special Expenditure, Purchase of a Motor-car.

THE CHAIRMAN—In the estimates \$3,000 was approved for a car for Kowloon, and the Captain-Superintendent of Police has found it more convenient to have this car in Victoria and the other in Kowloon. It is simply a matter of accounting.

Approved.

Harbour Office Vote

The Governor recommended the Council to vote a sum of \$3,150 in aid of the vote Harbour Master's Department, Personal Emoluments.

THE CHAIRMAN—The deputy shipmaster has gone on leave and Mr. Bayliss, of the Sailors' Home, has taken his place. This vote is for his salary.

Approved.

Harbour Developments

The Governor recommended the Council to vote a sum of \$4,500 on account of Public Works, Extraordinary, Harbour Developments.

THE CHAIRMAN—This is on account of expenses incurred in taking borings for Sir Maurice Fitzmaurice.

Approved.

Improvements to Subordinate Officers' Quarters

The Governor recommended the Council to vote a sum of \$4,300 in aid of the Public Works, Extraordinary, Kowloon, (84) Miscellaneous Works.

THE CHAIRMAN—This is for improvements in the subordinate officers' quarters at Cox's Path, Kowloon—moving the kitchen from the house and adding another room to the house, and improving the kitchen and latrines in the servants' quarters.

Approved.

The Development of Shamshuipo

The Governor recommended the Council to vote a sum of \$8,000 in aid of the

vote Public Works, Extraordinary, New Territories. Communications, (101) Roads: (h) General Works.

THE CHAIRMAN—The rapid completion of new buildings at Shamshuipo has necessitated pushing on with the new roads.

HON. MR. BIRD—Does this include repairs to existing roads?

THE CHAIRMAN—No; that comes under "Maintenance." This is making roads under Public Works Extraordinary; maintenance comes under "Public Works Recurrent."

Approved.

A Police Vote

The Governor recommended the Council to vote a sum of \$8,500 in aid of the vote Police, Other Charges, Equalization of Exchange on Indian Police Remittances.

THE CHAIRMAN—The vote is \$3,500, and this is due to the fall in exchange. The police have a privileged rate of remitting a certain part of their pay.

Approved.

Fire Brigade Vote

The Governor recommended the Council to vote a sum of \$2,560 on account of Fire Brigade, Special Expenditure, I Extension Ladder.

THE CHAIRMAN—This includes a vote of \$1,320 last year which lapsed because the ladders had not come.

Approved.

Radio Teiograph

The Governor recommended the Council to vote a sum of \$5,000 in aid of the vote Post Office, Other Charges, Repairs and Stores, Radio Telegraph Branch.

THE CHAIRMAN—The papers concerning this have been sent round to members. It was found that the new battery at the wireless station was urgently required.

Approved.

The Governor recommended the Council to

vote a sum of \$18,592 in aid of the vote Post Office, Other Charges, Repairs and Stores, Radio Telegraph Branch.

THE CHAIRMAN—The Admiralty advised us in 1920 that our existing motor alternator was wearing out, very rapidly, and we had no spare, and we must have a spare in order to be able to stop the existing machine and overhaul it. The purchase of one was approved, but it did not come last year. The total expenditure was £3,120 and this is the equivalent.

Approved.

Widening Queen's Road East

The Governor recommended the Council to vote a sum of \$20,000 in aid of the vote Public Works, Extraordinary, Hongkong, Communications, (21) Roads: (q) Queen's Road East,—Widening to 60 feet.

THE CHAIRMAN — This Council has approved the policy of widening Queen's Road East as houses are pulled down. It has not been thought advisable to proceed with the widening unless houses are coming down because before very long there will be a 100-ft. road close to it, but the opportunity to widen Queen's Road East is taken as it occurs.

Approved.

Motor Pumps for the Fire Brigade

The Governor recommended the Council to vote a sum of \$37,000 on account of Fire Brigade, Special Expenditure, two motor pumps.

THE CHAIRMAN—\$8,400 was voted last year, but representations were made that it was insufficient.

HON. MR. LOWE—Will these pumps reach the highest building contemplated now?

THE CHAIRMAN — Yes; I think so, undoubtedly. They were got with that in tentation.

Approved.

A Railway Vote'

The Governor recommended the Council to vote a sum of \$1,500 on account of

Kowloon-Canton Railway, Special Expenditure, Conversion of China Light and Power Co.'s premises.

THE CHAIRMAN—It was arranged with the Company when they moved that we would take over their buildings and these have been converted into a repairing garage for Government vehicles and to provide quarters for the railway staff.

Approved.

Extension of the Mongkoktsui Nullah

The Governor recommended the Council to vote a sum of \$23,707 in aid of the vote Public Works, Extraordinary, Kowloon, Draining Nullahs: (c) Extending Mongkoktsui Nullah to boundary of Old Kowloon.

THE CHAIRMAN—\$50,000 was voted for this in 1912 and only \$16,300 was spent. \$10,000 was voted for this year. This is a revote for \$50,000, less the amount spent this year.

Approved.

Kowloon British School

The Governor recommend the Council to vote a sum of \$134 on account of Education, A. — Department of Director of Education, Special Expenditure, Equipment of Kowloon British School, (Furniture and Materials).

THE CHAIRMAN—This is a last year's vote. The materials arrived this year.

Approved.

Grant to Imperial Institute

The Governor recommended the Council to vote a sum of \$6,002 in aid of the vote Miscellaneous Services, Grant in aid of Other Institutions: Imperial Institute:—

1921	\$3,104.00
1922	2,898.00
	Total
	\$6,002.00

THE CHAIRMAN—The Secretary of State referred to us the question of meeting the expenses of the Imperial Institute. It was agreed that we should pay £500, but through an oversight the estimate was left at the old figure of £125, and this vote is for the difference between £125 and £500 in the two years.

Approved.