

13TH SEPTEMBER, 1923.

PRESENT:—

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

HIS EXCELLENCY THE OFFICER IN COMMAND OF THE TROOPS, MAJOR-GENERAL SIR JOHN FOWLER, K.C.M.G., C.B., D.S.O.

HON. MR. A. G. M. FLETCHER, C.M.G., C.B.E. (Colonial Secretary).

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

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

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

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

HON. MR. H. T. CREASY (Director of Public Works).

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

HON. MR. P. H. HOLYOAK.

HON. MR. R. H. KOTEWALL.

HON. MR. CHAU SIU-KI.

HON. MR. A. O. LANG.

HON. MR. A. R. LOWE.

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

Minutes

The minutes of the last meeting were read and signed.

The Liquors Ordinance and the Chit System

HON. MR. A. R. LOWE laid upon the table "a statement of the grounds of his dissent from the opinion of the majority of one only, which defeated the motion brought forward at the Council meeting held on September 6th, 1923,

advocating the repeal of Section 3 of the Liquor Ordinance, 1917."

Finance

THE COLONIAL SECRETARY, by command of H.E. The Governor, laid upon the table Financial Minutes Nos. 73 to 77 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. 8) and moved that it be approved.

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

The Prison Amendment Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to amend the Prison Ordinance, 1899. He said: The amendments to be made by this Bill fall into four classes. Clauses 2, 5 and 7 are necessary because we now have more than one prison, and it is necessary to amend certain sections of the principal Ordinance so as to refer to "prisons" and not to a single prison.

Clause 3 amends the section of the principal Ordinance which deals with the employment of prisoners on labour outside the gaol. At present the employment of prisoners is limited in three ways. It is limited to employment outside the walls of the prison, it is limited to employment on public works and it is limited to prisoners who have been sentenced to hard labour. This clause 3 does not propose to make any change in the policy of employing prisoners, but to make certain alterations in section 9

in order to regularise the present practice and make it a little more elastic. The reference to "walls" of prisons is not very appropriate to the case of Laichikok, where there is no wall around the prison itself, though, I understand, it is quite secure for the purposes for which it is used. It will, also, not be very appropriate to the Ngau Shi Wan prison when it comes to be built, because it may be possible to employ some of the prisoners on work there before the prison buildings are surrounded with a wall. Therefore clause 3 proposes to alter section 9 so as to speak of "outside the prison" and not outside the wall of the prison.

The second limitation is the limitation to public works. It may be desirable to employ prisoners on light labour, such as gardening, outside the prison, which could not perhaps be classified as public work: hence the amendment in regard to the word "public."

The third limitation is the limitation of this power of employment outside the prison to prisoners who have been sentenced to hard labour. There are always a number of prisoners in the gaol who have not been sentenced to hard labour, and the practice at the present is to tell those prisoners that they are not bound to do any work at all, but if they do not wish to remain in the cells, they will be allowed to go out and do work if they wish. I understand that they are generally only too pleased to do it. They are much better in health for it and it is advantageous in other ways. That practice it is proposed to continue. The section omits the use of the words "hard labour," so as to enable the Superintendent to employ prisoners who have not been sentenced to hard labour outside the prison, if they consent to do the work.

Clause 4 amends the section of the principal Ordinance which deals with the bringing of prohibited articles into the prison. Certain articles are specified, such as liquors and tobacco, but there is no reference in that section to drugs, excepting opium. It is obviously desirable it should be an offence to bring into the prison such drugs as cocaine. Clause 4 therefore amends that section by adding the words "or any other drug" after the word "opium" in section 12 of the principal Ordinance.

Clause 6 of the Bill deals with the

disciplinary section of the principal Ordinance. That section 17 is defective at present because it only refers to absence from duty. The new clause which it is proposed to substitute deals with absence from duty, refusing duty, breaches of discipline and insubordination. The penalty is increased from \$100 or three months to \$250 or six months' imprisonment, which is the standard penalty for summary offences

I would like to draw the attention of honourable members to the fact that a slight alteration has been made in clause 3 since the Bill was first circulated to them. I think the amended form of the Bill has been placed on the table for honourable members. The alteration is the addition of the proviso at the end of the sub-section proposed to be added by clause 3 to section 9 of the principal Ordinance: "Provided that no person shall be so employed without his consent unless he has been sentenced to hard labour." That is to make it quite clear that prisoners not so sentenced shall not be made liable by this clause to do labour if they do not consent to do so. I beg to move the first reading.

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

Public Places Regulation Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to amend the Public Places Regulation Ordinance, 1870, and to repeal the Queen's Recreation Ground Ordinance, 1898, and the Recreation Grounds Ordinance, 1909. He said: The object of this Bill, Sir, is to bring the regulation of all recreation grounds under Ordinance No. 2 of 1870. That Ordinance gives the Governor in Council power to make regulations for the maintenance of good order in all public places—not only recreation grounds, but all public places. At present some of the recreation grounds regulations are made under that Ordinance in reliance on that general power. In other cases—a few cases—another Ordinance, No. 35 of 1909, expressly declares certain parks and recreation grounds to be public places for the purposes of this Ordinance, No. 2 of 1870. That seems unnecessary, especially as

other recreation grounds have not been so declared as public places. Accordingly Ordinance No. 35 of 1909 is repealed, and also a special Ordinance No. 4 of 1898, which deals with one particular case—the Queen's Recreation Ground.

Clause 2 of the Bill repeals sections 2 and 3 of Ordinance No. 2 of 1870 and substitutes two other sections for these sections. Section 2, which is repealed, is unnecessary because it deals with the question of malicious damage to property, which has already been dealt with sufficiently by the Malicious Damages Ordinance. The new section 2 will simply give power to the Governor in Council to make regulations for the maintenance of order and the preservation of property in public places. The new section 3 is intended to meet possible cases which may arise where there may be some doubt as to whether the places in question are public places within the meaning of the Ordinance or not, and it gives the Governor in Council power to declare that the places in question are public places for the purposes of the principal Ordinance.

The penalty for breaches of the regulations under this Ordinance is by the Bill, made \$25. The present provision is that a first offence is punishable by a fine of \$10 and subsequent offences by a fine of \$25. \$25 now becomes the maximum for all offences.

Ordinance No. 35 of 1909 which is being repealed deals *inter alia* with the Chinese Recreation Ground. That particular place requires special treatment and the provisions of Ordinance No. 35 of 1909 which deal with the Chinese Recreation Ground will be dealt with in the Bill which follows this bill in the Orders of the Day. I beg to move the first reading.

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

Chinese Recreation Ground Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to provide for the management of the area known as the Chinese Recreation Ground and the expenditure of the revenue derived therefrom, and to repeal the Recreation Grounds (Amendment) Ordinance, 1914, and the Recreation Grounds Amendment

Ordinance, 1922. He said: This particular area, though a public place no doubt within the meaning of Ordinance No. 2 of 1870, requires special treatment because, unlike other recreation grounds, it produces a certain revenue, and the enactments which are to be repealed by this Bill, and by the Bill which has just been read a first time, contain provisions for dealing with that income and for applying any surplus revenue to charitable purposes. This Bill, Sir, merely preserves the existing provisions for that purpose. I beg to move the first reading.

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

Nursing Home Ordinance

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, An Ordinance to provide for the incorporation of the Trustees of the War Memorial Nursing Home.

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

The Bill was referred to Committee and considered clause by clause.

On Council resuming, the third reading of the Bill was passed.

Fraudulent Transfers of Businesses

H.E. THE GOVERNOR — It is proposed, with the consent of the Council, to postpone until the next meeting the remaining item on the agenda — second reading of the Bill intituled, An Ordinance to prevent certain fraudulent transfers of businesses.

The Council agreed.

Japan's Gratitude

H.E. THE GOVERNOR—Before we adjourn I will read two communications which I should have read before, from the Japanese Consul-General:

SIR,—I have the honour to acknowledge the receipt of your letter dated the 6th inst., enclosing copies of resolutions moved by His Excellency the Governor and passed unanimously by the Legislative Council of Hongkong at the meeting of Council held that day.

Taking note myself of these Resolutions with deep gratitude, which feeling is also shared by my compatriots residing in the Colony, I have cabled to Japan the contents of the Resolutions, and I have no doubt that the very sympathetic and generous act on the part of the People of Hongkong will be gratefully received by the Japanese nation.

Thanking you again for your kind communication, I am, Sir,

Your obedient servant,

SEIICHI TAKAHASHI,

Consul-General for Japan.

The Clerk of Legislative Councils,
Hongkong.

HIS EXCELLENCY — Subsequently the Consul-General received a telegram from Count Yamamoto, Foreign Minister, dispatched from Tokyo on September 9th saying:

"You are requested to convey to His Excellency the Governor and Council the deep sense of gratitude of the Imperial Government."

Adjournment

H.E. THE GOVERNOR—The Council will adjourn till this day week at 2.30.

FINANCE COMMITTEE

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

A Sanitary Department Vote

The Governor recommended the Council to vote a sum of \$11,700 on account of Sanitary Department, Special Expenditure, One Wooden Refuse Lighter.

THE CHAIRMAN—The intention was to ask for this in the next Estimates, but the expansion of Kowloon has necessitated the carrying of much more refuse than formerly and it is desired to press on this work.

Approved.

Clearing Up After The Typhoon

The Governor recommended the Council to

vote a sum of \$2,500 on account of Botanical and Forestry Department, Special Expenditure, Typhoon Damages.

THE CHAIRMAN—This is for clearing up the streets, etc., after the typhoon. I think hon. members will agree with me that this Department and also the Public Works Department and the Sanitary Department deserve credit for the extra-ordinarily quick way in which they cleared up all the débris from the various roads in the Colony.

Approved.

Waterworks

The Governor recommended the Council to vote a sum of \$25,000 in aid of the vote Public Works, Extraordinary, Hongkong, Waterworks, (53) New Workshop and Plant.

THE CHAIRMAN—A vote of \$30,000 was provided last year for machines but they came too late; so this is really a revote.

Approved.

Harbour Soundings

The Governor recommended the Council to vote a sum of \$3,000 on account of Public Works, Extraordinary, Hongkong, Miscellaneous, Motor launch for taking soundings and making current observations.

THE CHAIRMAN—This is for work in the harbour.

HON. MR. POLLOCK — When is this work likely to be completed?

THE CHAIRMAN—Which?

HON. MR. POLLOCK—Taking soundings. Is it not in connection with Sir Maurice Fitzmaurice's scheme?

THE CHAIRMAN — It is his recommendation that we should go on taking soundings of the Harbour and know what silting is going on. It is not in connection with the new wharves: the soundings for them have been taken already.

HON. MR. POLLOCK — When is it likely that Sir Maurice Fitzmaurice's scheme will be begun?

THE CHAIRMAN — We are in communication with the Chamber of Commerce and they want to ask some questions of Mr. Duncan, who is shortly due back from leave, before a final decision is reached. It is rather difficult to say when it will be: I hope by next Spring.

Approved.

A Demolished Railway Bridge

The Governor recommended the Council to vote a sum of \$10,000 on account

of Kowloon-Canton Railway, Special Expenditure, Bridge No. 14.

THE CHAIRMAN—This is a bridge over the river which was damaged by a very exceptional flood. Only once before in the last twenty years has that river been so flooded.

HON. MR. POLLOCK—Does that represent complete reconstruction?

THE CHAIRMAN—Yes.

Approved.