

HONGKONG LEGISLATIVE COUNCIL.

24TH FEBRUARY, 1925.

PRESENT:—

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

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING THE TROOPS (MAJOR-GENERAL SIR C. C. LUARD, C.B., C.M.G.).

THE COLONIAL SECRETARY (HON. SIR CLAUD SEVERN, K.B.E., C.M.G.).

THE ATTORNEY-GENERAL (HON. MR. J. H. KEMP, K.C., C.B.E.).

THE COLONIAL TREASURER (HON. MR. C. MCL. MESSER, O.B.E.).

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

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

HON. MR. E. D. C. WOLFE (Captain Superintendent of Police).

HON. SIR HENRY POLLOCK, K.C.

HON. MR. P. H. HOLYOAK.

HON. MR. A. O. LANG.

HON. MR. H. W. BIRD.

HON. MR. R. H. KOTEWALL.

MR. A. G. M. FLETCHER (Clerk of Councils).

ABSENT:—

HON. MR. CHOW SOU-SON.

New Member:—

Major-General C. C. LUARD, C.B., C.M.G. (General Officer Commanding the Troops), took the oath and his seat as a member of the Council.

Minutes

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

Standing Law Committee

H.E. THE GOVERNOR—It is necessary, this being the first meeting of the year, to appoint the Standing Law Committee of the Council. I propose, with their consent, to appoint the Hon. ATTORNEY-GENERAL, the Hon. COLONIAL TREASURER, Sir HENRY POLLOCK, the Hon. Mr. HOLYOAK and the Hon. Mr. KOTEWALL.

Papers

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

Quarterly Return of Excesses on Subheads met by Savings under heads of Expenditure for the 4th Quarter of 1924.

Order made by the Governor in Council under section 9 of the Post Office Ordinance, 1900, on December 24th, 1924.

Regulations made by the Governor in Council under section 95 of Liquors Consolidation Ordinance, 1911, on December 31st, 1924.

Order made by the Governor in Council under section 24 of the Rents Ordinance, 1922, on December 31st, 1924.

Order made by the Governor in Council under section 24 of the Rents Ordinance, 1922, on January 15th, 1925.

Order made by the Governor in Council under section 24 of the Rents Ordinance, 1922, on January 22nd, 1925.

Order made by the Governor in Council under section 24 of the Rents Ordinance, 1922, on January 29th, 1925.

Regulation made by the Governor in Council under section 4 of the Dangerous Drugs Ordinance, 1923, on February 5th, 1925.

Quarterly Progress Report on Fire Station Building. (Sessional Paper No. 1 of 1925.)

Quarterly Report on Queen's Pier.
(Sessional Paper No. 2 of 1925).

Quarterly Report on New Saiyingpun
School. (Sessional Paper No. 3 of
1925.)

Finance

THE COLONIAL SECRETARY — By command of H.E. The Governor, I beg to lay on the table financial minutes Nos. 1 to 9, and move that they be referred to the Finance Committee.

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

The Jurors' List

THE COLONIAL SECRETARY—Sir, I beg to lay on the table the Jurors' List for 1925.

H.E. THE GOVERNOR — The proposed Jurors' List would be considered at the end of the proceedings of the Council.

The List was considered *in camera*.

Regulation made by Chief Justice

THE COLONIAL SECRETARY—I beg to lay on the table a Regulation made by the Chief Justice under Section 10 of the Legal Practitioners Ordinance, 1871, and move that this be approved by the Council.

THE ATTORNEY-GENERAL seconded, and the motion was agreed to.

The regulation related to the subjects for the solicitors' final examination.

Rents Restriction Ordinance

THE COLONIAL SECRETARY—Sir, I beg to move the resolution standing in my name. This resolution is moved in order that the question of continuing the Rents' Ordinance may come before the Council for consideration, and after this resolution has been seconded, I will move a further resolution.

The resolution was as follows:—

"Whereas by section 10 of the Rents Ordinance, 1922, it was provided as follows:

—

'This Ordinance shall continue in force until, and including, the 30th day of June, 1924: Provided that it shall be lawful for

the Legislative Council from time to time by resolution to extend the duration of this Ordinance for such term, not exceeding one year at any one time, as may be specified in such resolution.

"And whereas by a resolution of the Legislative Council of the 22nd day of May, 1924, the duration of the said Ordinance has been extended until and including the 30th day of June, 1925.

"And whereas the Legislative Council deems it expedient that the duration of the said Ordinance should be further extended.

"Now, therefore, it is hereby resolved by the Legislative Council that the duration of the Rents Ordinance, 1922, shall be extended until and including the 31st day of December, 1925."

THE ATTORNEY-GENERAL seconded.

THE COLONIAL SECRETARY—I beg to move that this resolution be referred to a Committee of the whole Council for consideration.

THE ATTORNEY-GENERAL seconded, and the motion was agreed to.

H.E. THE GOVERNOR—Does any hon. member desire to address the Council on the resolution at this moment?

There being no response.

H.E. THE GOVERNOR said—I should like to say—by way of underlining what the Hon. Colonial Secretary has said—that my desire in bringing forward this resolution was to have something which the Council might consider. It is put in this particular form not because that is the exact form which I should desire it to take but because it was necessary to put forward some motion at this moment and this form was suitable for bringing the matter before the Council. What is desired is very full consideration of the facts, but not only very full but rapid investigation is, I think, necessary. It is obviously very desirable that landlords and tenants should know in reasonable time before the 30th June, this year, how long they may expect the present system of control to continue. I suggested that the Committee should not be a special Committee, but a Committee of the whole Council, because I think it

is a matter on which most members of the Council may desire to express their opinions. I suggest that those members who are not particularly interested may abstain from attending the meetings in Committee, and all those who really take a keen interest in the subject should do so regularly, so that they can discuss the matter in which they are particularly concerned when it comes up. I shall be pleased if the Attorney-General will undertake the chairmanship, as it is obvious that many legal questions may arise, and in the event of his absence, I should propose that Sir Henry Pollock should act as deputy Chairman.

It is proposed and seconded that the resolution be referred to a Committee of the Council.

The motion was agreed to.

Stamp Ordinance Amendment

THE ATTORNEY-GENERAL—I beg to move the first reading of a Bill intituled, An Ordinance to amend the Stamp Ordinance, 1921. This Bill proposes to make four amendments in the principal ordinance, all the amendments being of a minor character. It proposes to restore the old rule that all instruments whereby any contract is made with the Government shall be exempt from stamp duty. The present rule, introduced in 1921, is that only instruments executed on the behalf of the Government are exempt from stamp duty. Secondly, the Bill provides that re-assignments and mortgages executed for the purpose of effecting an exchange of land with the Crown shall be exempt from duty, this being by way of analogy with the existing rule under which re-assignments, and consequent new mortgages made for the purpose of obtaining a new Crown lease, are exempt from duty. Thirdly, the Bill proposes to reduce the duty payable on transfers of property made for the purpose of effectuating the appointment of a new trustee. If these transfers of property are made by the same instrument as that by which the new trustees are appointed they are covered by the single stamp duty of \$10 payable on the appointment of a new trustee. But sometimes it is inconvenient to make these transfers of property in the same instrument as that which appoints a new trustee, and at present any such transfer made by a separate instrument

is liable to a stamp duty of \$20 on each instrument. The maximum stamp duty in England is 10/- on such a transfer. These transfers do not pass any beneficial interest and should not pay so high a duty. It is proposed therefore to make \$5 the fixed duty in the case of a conveyance and the maximum duty in the case of transfers of mortgages. Fourthly, the Bill proposes to exempt from stamp duty receipts given for salary, wages or pensions. This follows the English Finance Act, 1924, and while it will not involve the sacrifice of much revenue it will be a great convenience, I think, because it is troublesome and inconvenient to stamp these receipts. I beg to propose the first reading of the Bill.

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

Dangerous Goods Ordinance

THE ATTORNEY-GENERAL—I beg to move the first reading of a Bill intituled, An Ordinance to amend the Dangerous Goods Ordinance, 1873. The principal ordinance contains certain powers of search but these can only be exercised on an order of the Governor or on a warrant from a magistrate. Both these methods of procedure involve delay, and seem also to involve unnecessary expenditure of time and trouble. It is proposed, therefore, to substitute a power of search, similar to that which has been inserted in the Opium Ordinance and other recent ordinances, under which the Captain Superintendent of Police may authorise selected police officers to have powers of search for the purpose of this particular ordinance. That new power is contained in the new section 11 which is based on the form which has been followed in the Opium Ordinance and other recent ordinances. The proposed new section 12 deals simply with the question of forfeiture and gives general power to a magistrate to forfeit to the Crown. The new section 12 is in substitution for the old section 12 which deals both with forfeiture and search; in other words the new section 12 extracts the forfeiture provisions and enacts them as section 12, the new section 11 containing all the necessary provisions with regard to search.

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

Advertisement Regulations

THE ATTORNEY-GENERAL—Sir, I beg to move the first reading of An Ordinance to amend the Advertisement Regulation Ordinance, 1912. The object of this Bill is to give a wider power of making regulations for the control of advertisements. The present power is confined to the regulation of hoardings and similar structures used for advertising, and to the regulation of advertisements exhibited in such places and in such manner as to affect injuriously the amenities of any public place or to disfigure the natural beauties of the landscape. The proposed new power will be much wider and will give the Governor in Council power to prohibit occulting signs, which it is desired to prohibit. Probably that prohibition would be *ultra vires* of the present ordinance.

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

A Bill Deferred

THE ATTORNEY-GENERAL—I beg to propose that the next item on the Orders of the Day stand over.

This was for the first reading of a Bill intituled, An Ordinance to amend the Legal Practitioners' Ordinance, 1871.

Bill to Incorporate the Bishop of Victoria

THE ATTORNEY-GENERAL—I beg to propose the first reading of a Bill intituled, An Ordinance to provide for the incorporation of the Lord Bishop of Victoria in the Colony of Hongkong. This Bill proposes to incorporate the Bishop in order to enable him to hold immovable property in perpetual succession, and particularly to hold the site of St. Paul's College which is at the present vested in the Archbishop of Canterbury. The Archbishop has consented to the land being now vested in the Bishop of Victoria. The Ordinance follows the usual form of incorporation ordinances.

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

H.E. THE GOVERNOR—The Council will now proceed to consider the Jurors' List.

The Adjournment

After the Council had considered the Jurors' List *in camera*, His EXCELLENCY said the Council would adjourn until next

Thursday.

FINANCE COMMITTEE

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

Charitable Allowance

The Governor recommended the Council to vote a sum of \$1,011 on account of charitable services, charitable allowance to Mr. John Lee.

Approved.

A Vote for the Laboratory

The Governor recommended the Council to vote a sum of \$800 in aid of the vote Medical Department, Government laboratory, other charges, apparatus and chemicals.

THE CHAIRMAN—This sum is required to purchase apparatus and chemicals. The Government Analyst has had an opportunity recently of investigating methods in Colombo harbour. The work is of a highly technical nature, but it is very desirable.

Approved.

A Railway Bridge

The Governor recommended the Council to vote a sum of \$10,270 on account of Kowloon-Canton Railway, special expenditure, "Bridge 4."

THE CHAIRMAN—This is a re-vote of the balance of the sum included in the 1924 estimates which was not expended.

Approved.

Motor Repair Shed

The Governor recommended the Council to vote a sum of \$12,500 on account of Kowloon-Canton Railway, special expenditure, reconstructing the roof of the motor repair shed.

THE CHAIRMAN—This is a revote for the balance of the vote of \$15,000 taken on June 15th last.

Approved.

Telephone Cable to Peak

The Governor recommended the Council to vote a sum of \$6,000 on account of Public Works, extraordinary, Hongkong, miscellaneous, telephone cable to the Peak.

THE CHAIRMAN—This expenditure of \$6,000 was approved by the Committee in April, 1923, the proposal being that certain Government aerial telephone lines should be replaced by underground cables. The cable arrived recently and the laying of it is urgently required.

Approved.

New X-Ray Plant

The Governor recommended the Council to vote a sum of \$8,246.26 on account of Medical Department, other charges, hospitals and asylums, new X-ray plant.

THE CHAIRMAN said—This has already been approved by the Committee.

Approved.

Purchase of Queen's Gardens Property

The Governor recommended the Council to vote a sum of \$291,800 in aid of the vote Public Works, extraordinary, compensation and resumptions.

THE CHAIRMAN — This sum is the balance of the purchase price of the Queen's Gardens property.

Approved.

Miscellaneous Works

The Governor recommended the Council to vote a sum of \$10,000 on account of Public Works, extraordinary, miscellaneous works, Kowloon.

THE CHAIRMAN — This vote for miscellaneous works at Kowloon was, unfortunately, omitted from the Estimates and as it is a general vote it is necessary to make provision. It is a curious omission and I do not know how it happened.

THE DIRECTOR OF PUBLIC WORKS—
A typist left it out in typing.

Approved.

Rent of Married Police Quarters

The Governor recommended the Council to vote a sum of \$8,140 in aid of the vote Police Department, other charges, rent of married police quarters.

THE CHAIRMAN—This sum of money is required for the renting of certain quarters during the construction of No. 8 Police Station and also to provide quarters for married police officers in the Eastern District where there are no quarters available. I do not know whether the Committee would like me to go through the quarters that have been rented. One block of four flats of three rooms each in Wongneichong Road occupied by married police officers in the Eastern district and not required in the Central district. The rent is \$600 a month, or \$150 a flat. There is also a new block on Praya East, near Percival Street. They are four stories high and the rent is \$140 a month, or \$35 a floor. The top floor is to be fitted up by Government for occupation by single European police officers. There are a certain number of European sergeants returning from leave who have married while on leave, who will go into quarters in the Central district and certain rural quarters. The present summer quarters and the second set of married quarters at Taipingshan to which the police have no claim are occupied by married men. It is, therefore, imperative to lease further quarters and also proceed with the utmost dispatch with the reconstruction of No. 8 Police Station. That is now being done. The new No. 8 Police Station will provide five sets of quarters, but they will not be ready until about the end of next year.

HON. MR. LANG—What qualifies a police officer for married quarters? What number of years' service?

THE CAPTAIN SUPERINTENDENT OF POLICE — Every full sergeant, Crown sergeant or man of 30 years of age. The usual arrangement is that a man is allowed to marry after he goes home for the first time.

Approved.