

HONGKONG LEGISLATIVE COUNCIL.

4TH FEBRUARY, 1926.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR (SIR CECIL CLEMENTI, K.C.M.G.)

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

THE COLONIAL SECRETARY (HON. MR. E. R. HALLIFAX, C.M.G., C.B.E.).

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

THE COLONIAL TREASURE (HON. MR. C. McI. MESSER, O.B.E.).

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

HON. DR. J. B. ADDISON, M.B.E. (Principal Civil Medical Officer).

HON. MR. D. W. TRATMAN (Secretary for Chinese Affairs).

HON. SIR HENRY POLLOCK, K.C.

HON. SIR SHOU-SON CHOW.

HON. MR. A. O. LANG.

HON. MR. H. W. BIRD.

HON. MR. R. H. KOTEWALL.

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

ABSENT:—

HON. MR. P. H. HOLYOAK.

Minutes

The minutes of the previous meeting having been confirmed, were signed by the President.

Statement by Governor on the Boycott

H.E. THE GOVERNOR—Your Excellency and Gentlemen, —I regret to inform the Council that the anti-British boycott in the Kwangtung Province still continues, in spite of the efforts made by the Hongkong Government to negotiate a settlement. This boycott

originated from a strike, which according to a *communiqué* issued last month by the Canton Commissioner of Foreign Affairs "was instituted by Hongkong workers, not for economic reasons, but as a protest against the British Government," and which is claimed in a resolution recently passed at a special meeting of the four Chambers of Commerce in Canton to be "a patriotic demonstration of the people for the honour of the country." But, if this be so, how came it that the Canton Strike Committee was obliged from the outset to maintain thousands of strike pickets in Canton and elsewhere, in order to prevent the Hongkong workers from returning to their employment in this Colony? And why is it that the strike is now to all intents and purposes a thing of the past, and that, in spite of every means of intimidation employed by the Canton Strike Committee, almost the whole body of Hongkong labourers is now again at work? Moreover, is it not certain that the anti-British boycott in the Kwangtung Province would not last another day but for the unlawful tyranny imposed upon the Cantonese people by the Canton Strike Committee? The Strike Committee can easily put this matter to the test. Let it withdraw all the strike pickets, abstain from all forcible interference with trade in the Kwangtung Province, and note the result.

The Canton Commissioner of Foreign Affairs argues in his *communiqué* that the principals in this matter are the Canton Strike Committee on the one side and the Hongkong Government on the other and that, therefore, a settlement should be negotiated by the Hongkong Government with the Strike Committee. I desire to make it perfectly clear that the Hongkong Government cannot negotiate in Canton with any but the Canton Government. Moreover, the boycott maintained by the Canton Strike Committee to the detriment chiefly of their own fellow countrymen is characterized by flagrant violations of treaty rights,

which it is the duty of the Canton Government to respect. Consequently it is the duty of the Canton Government to require the Canton Strike Committee to put an end to such illegalities. The Canton Government has not yet done this, and its failure to do so throws grave doubt upon its professed sincerity in desiring an early settlement, and makes it difficult to give credence to the statement in the *communiqué* of the Canton Commissioner of Foreign Affairs that "the Government at Canton, though deeply interested in the issue, was not a party to the strike or boycott." The Canton Government is, of course, responsible for the maintenance of law and order in the areas under its administration; and, in as much as it has left unchecked and unpunished the illegal activities of the Canton Strike Committee, directed against this Colony, it is liable for all losses incurred owing to such illegal activities.

The Hongkong Government desires an honourable and a lasting settlement of the boycott, and remains prepared to negotiate such a settlement with the Canton Government. We in this Colony are animated by the friendliest feelings towards our neighbours in the Kwangtung Province, and we are persuaded that the great mass of the Cantonese people are still, as they used to be, ready and willing to trade with us in the most amicable manner to our mutual advantage. Only the unlawful activities of the Canton Strike Committee, instigated by Bolshevik intrigue, prevent the resumption of normal relations between Canton and Hongkong on the old, familiar footing. We expect and require the Canton Government to put an end to these illegalities. We hold the Canton Government to be principals in this matter. I also wish it to be clearly understood that the Hongkong Government will never agree in principle to strike pay or to compensation for non-reinstatement of labourers.

I must close with a word of warning. It has been brought to my notice that attempts have recently been made in Hongkong by emissaries of the Canton Strike Committee to incite a new strike. If these attempts are not immediately discontinued, the Hongkong Government will take drastic steps to put a stop to them; and should any labourers be so ill-advised as to desert their employment — a contingency which I believe to be remote—I am confident

that the whole community can be depended upon to rise to the occasion, as it has done before. The emergency organisation, which did much splendid work last year, is still in being and is ready to be put in force at any moment, should circumstances demand its use. We are determined to give full protection to the people of Hongkong, and to put down with a firm hand any conspiracy to intimidate or otherwise to cause trouble among labourers and merchants in this Colony. In all necessary measures to that end, I know that I can rely upon the whole-hearted support of this Council.

Standing Law Committee

H.E. THE GOVERNOR—As this is the first meeting of the Council this year, it is necessary to appoint the Standing Law Committee. I, therefore, appoint the Attorney-General as Chairman, with the Colonial Treasurer, Sir Henry Pollock, K.C., Hon. Mr. P. H. Holyoak and the Hon. Dr. R. H. Kotewall as members.

Papers

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

Orders by the Governor in Council under Section 24 of the Rents Ordinance, 1922, dated January 21st and January 28th.

Regulations by the Governor in Council under Section 95 of the Liquors Consolidation Ordinance, 1911, dated January 21st.

Notification by the Governor in Council under Section 210 of the Public Health and Buildings Ordinance, 1903.

Scavenging and Conservancy

THE COLONIAL SECRETARY, by command of H.E. The Governor, laid on the table By-laws relating to Scavenging and Conservancy, and moved that they be approved.

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

Tramways Ordinance

THE COLONIAL SECRETARY—Sir, I beg to move the Resolution under Section 7 of the Tramways Ordinance, 1902, standing in my name.

THE ATTORNEY-GENERAL seconded, and the resolution was passed.

The resolution confirms the approval given by the Governor in Council to the intention of the Tramway Co. to substitute a double track for a single track for approximately seventy yards in Percival Street and the provision of an additional curve leading from Praya East into Percival Street, with the necessary points.

Rules Relating to Patents

THE COLONIAL SECRETARY, by command of H.E. The Governor, laid on the table Rules made by the Registrar of Patents under Section 11 of the Registration of United Kingdom Patents Ordinance, 1925, Ordinance No. 13 of 1925, and moved that they be approved.

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

Regulations Ordinance

THE ATTORNEY-GENERAL—Sir, I beg to move the first reading of a Bill intituled, An Ordinance to authorise the preparation of an edition of the Regulations, Rules and By-laws in force in the Colony on the 31st December, 1925. This Bill provides for a new edition of the regulations. Everyone who has worked with the regulations knows that this edition is long overdue. It is proposed, when the Bill is passed, to appoint as Editor Mr. Dyer Ball, who has recently brought out such an excellent edition of the Ordinances. His edition of the Regulations will appear, I hope, in a very few weeks time after this bill becomes law. He has been working at it for some time, and considerable work for it was done by Mr. Nihill. When the new edition comes into operation by order of the Governor in Council it will be a complete record of all the regulations in force in the Colony up to December 31st, 1925, with certain exceptions set out in Clause 5 of the Bill. These omissions from the Regulations are omissions chiefly for the purpose of convenience. For example the schedules of ordinances are being omitted because they have just been revised and appear in the new edition

of the Ordinances. To reprint them would probably be adding 200 pages to the book which will be sufficiently bulky without them and they have already appeared in a revised form in the new edition of the Ordinances. Some of the things referred to in Clause 5 of the Bill speak for themselves, for example the omission of regulations of no effect, and so on. I beg to move the first reading of the Bill.

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

Magistrates (Amendment) Ordinance

THE ATTORNEY-GENERAL—I beg to move the first reading of a Bill intituled, An Ordinance to amend the Magistrates Ordinance, 1890. This Bill proposes to make certain minor amendments in the Magistrates Ordinance. The first one is dealt with in Clause 2 and the effect of that is, shortly, "Once a magistrate always a magistrate." This will mean that when an officer is appointed a magistrate he can go on acting for the purpose of finishing part-heard cases even after he has been moved to another office, or in case one of the magistrates may be ill or for some other reason may not be able to sit on any particular day, any one who has once been a magistrate will be able to replace him. Secondly, it is proposed, for similar reasons, to make the Assistant Harbour Master a marine magistrate as well as the Harbour Master. Sometimes the Harbour Master is unable to sit as marine magistrate and it would be very convenient for the Assistant Harbour Master to have these powers. Thirdly, magistrates are being given power to issue a subpoena *duces tecum*. At present the only summons a magistrate can issue is a summons giving notice that a person must attend the Court to give evidence. A notice requiring a witness to produce documents can at present only be obtained from the Supreme Court. This section is based on a law recently made in England. Fourthly, Clause 5 recognises and regulates the existing practice of allowing a prisoner who has been fined and has gone to gaol in default of payment to be released on part payment, and to obtain the remission of a corresponding part of his sentence. The sixth Clause deals with the question of consecutive sentences, and contains perhaps the only contentious point in this Bill. The present section is inappropriately worded it only gives power to impose two consecutive sentences; and it fixes no maximum

aggregate. These points are all dealt with in section 45. The contentious point referred to amounts to this: At present there is no maximum to the aggregate that a magistrate can impose by means of two sentences given practically at the same time. For example, if he has power to impose a sentence of one year for each of the two offences, he can impose a sentence of two years by making the two sentences of one year run consecutively. Clause 6 provides that he shall not in any case impose by means of consecutive sentences a longer aggregate term than 12 months. Where this is not enough the prisoner can be sent for trial to the Criminal Sessions. I now beg to move the first reading of the Bill.

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

Congratulations on Recent Honours

HON. SIR HENRY POLLOCK—As this is the first meeting of the Legislative Council which has taken place since the New Year Honours came out, I desire, sir, on behalf of myself and my unofficial colleagues to tender to your Excellency the heartiest congratulations on your having had bestowed on you the Knight Commandership of the Most Distinguished Order of St. Michael and St. George. (Applause.) This is an honour, sir, which in the normal course of things, is bestowed on Governors of this Colony, but in this particular case, sir, we feel especially inclined to congratulate you on this honour when we recollect you started your career as a Civil Servant here in Hongkong, and, in fact, out of your total period of service, you have spent more than half your time in the Civil Service in this Colony. Therefore, we feel that this is an honour not only to you but also to this Colony. You arrived among us at a time when matters were considerably strained, as they still are, between the Hongkong Government and the Canton Government, and, sir, you have this morning given a very manly and straightforward declaration of the attitude and policy of this Government in the matter of the boycott. I can assure you, sir, from my knowledge of public opinion in his Colony that those straightforward words of yours will meet with most hearty approval from the members of this community. (Applause.)

I now turn, Sir, to congratulate my hon. colleague on this Council, the Senior Chinese member, Sir Shou Son Chow. As is probably known to all members of the Council, Sir Shou Son Chow can claim a remote connection with this Colony. Even before the British took it over he had ancestors in the neighbourhood of Stanley. As we know also, Sir Shou Son Chow has had a very distinguished career. For many years he held important posts in the Imperial Government of China up North, and discharged the duties of them with great ability. For twelve years past he has been a resident among us, and we all know he has put in a great deal of unpaid public service in the forwarding of the welfare of this Colony by sitting on numerous important Committees, engaged on tasks affecting the Chinese people, and we have had the pleasure of having his presence at the Council for four years past, and have always valued his advice as a member. (Applause.) During the last seven months, in particular, we have felt indebted not only to Sir Shou Son Chow, but also to his Chinese colleague on the Council. We, Sir, behind the scenes, can appreciate, perhaps more fully than the general public, the work of the Chinese members of this Council during the period I have referred to. It can safely be said that this honour conferred on Sir Show Son Chow has met with the warmest approval of all sections and races of this community. —(Applause.)

H.E. THE GOVERNOR—I thank Sir Henry Pollock very sincerely for his congratulations upon the honour His Majesty has been pleased to confer on me. I desire also to express to the Council, and through the Council to the whole community, my warmest thanks for the welcome given me on my return to this Colony. It has been the greatest possible encouragement to me in discharging the anxious and heavy duties which have fallen on me, and I am most grateful.

HON. SIR SHOU-SON CHOW—I wish to thank the Council for its congratulations, and Sir Henry Pollock for his kind remarks. His words have affected me so much that I hardly know what to say. The shortest thing I can say is "Thank you."

The Council then adjourned *sine die*.