

12TH AUGUST, 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.B., C.M.G.).

THE COLONIAL SECRETARY (HON. MR. W. T. SOUTHORN).

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

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

HON. MR. E. R. HALLIFAX, C.M.G., C.B.E. (The 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 SHOU-SON CHOW.

HON. MR. A. O. LANG.

HON. MR. H. W. BIRD.

HON. MR. R. H. KOTEWALL, LL.D.

HON. MR. D. G. M. BERNARD.

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

**New Member**

Dr. W. V. M. KOCH took the oath and assumed his seat as a member of the Council, representing the Unofficial Justices of the Peace during the absence from the Colony of the Hon. Sir HENRY POLLOCK, K.C.

**Minutes**

The minutes of the previous meeting of the Council were confirmed.

**Finance Committee Reports**

THE COLONIAL SECRETARY, by command of H.E. The Governor, laid upon the table the reports of proceedings of the Finance Committee, Nos. 3, 4 and 5, held on May 27th, July 2nd and July 23rd, and moved that they be adopted.

THE COLONIAL TREASURER seconded, and this was agreed to.

**Papers**

THE COLONIAL SECRETARY, by command of H.E. The Governor, laid upon the table the following papers, which had been published in the *Government Gazette* since the last meeting of the Council:—

Order made under section 9 of the Post Office Ordinance, 1900, on 27th May, 1926.

Order made under section 11 of the Volunteer Ordinance, 1920, on 22nd May, 1926.

Regulations made under section 5 of the Ferries Ordinance, 1917, on 4th June, 1926.

Notification under section 9 of the Post Office Ordinance, 1900, on 4th June, 1926.

Notification under section 90 of the Public Health and Buildings Ordinance, 1903, on 10th June, 1926.

Regulations made under section 3 of the Post Office Ordinance, 1926, on 24th June, 1926.

Proclamation under the Merchant Shipping Ordinance, 1899, Table L, Quarantine Regulations, on 24th June, 1926.

Regulation made under section 9 (3) of the Medical Registration Ordinance, 1884, on 29th June, 1926.

Regulation made under section 3 of the Vehicles and Traffic Regulation Ordinance, 1912, on 8th July, 1926.

Notification under section 90 of the Public Health and Buildings Ordinance, 1903, on 12th July, 1926.

Proclamation under the Merchant Shipping Ordinance, 1899, Table L, Quarantine Regulations, on 15th July, 1926.

Proclamation under the Merchant Shipping Ordinance, 1899, Table L, Quarantine Regulations, on 26th July, 1926.

Regulations made under section 42 of the Merchant Shipping Ordinance, 1899, on 29th July, 1926.

Amendment of the Pension Minute, Clause No. 13, dated 30th July, 1926.

Order made under section 3 of the Post Office Ordinance, 1926, on 31st July, 1926.

Rules made under section 18 of the Prisons Ordinance, 1899, on 31st July, 1926.

Financial Returns for the year 1925.

Report on the Finances for the year 1925.

Report on the Assessment for the year 1926-1927.

Report of the Land Officer for the year 1925.

Report on the New Territories for the year 1925.

Report of the Captain Superintendent of Police for the year 1925.

Report of the Superintendent of Prisons for the year 1925.

Sanitary Report for the year 1925.

Geology and Mineral Resources of the Colony of Hongkong by W. L. Uglow, M.A., M.S., PH.D. (Sessional Paper No. 7 of 1926.)

Correspondence in connection with the Negotiations for the Settlement of the Boycott. (Sessional Paper No. 8 of 1926.)

Communiqués and Statements in connection with the Conference for Settlement of Chinese-British Disputes in the Liang-Kuang Provinces. (Sessional Paper No. 9 of 1926.)

7th Quarterly Report on Bonham Road School. (Sessional Paper No. 10 of 1926.)

7th Quarterly Report on Fire Station Building. (Sessional Paper No. 11 of 1926.)

### **The Outbreak of Rabies**

HON. Mr. A. O. LANG asked—

Will the Government state:—

- (1) The number of deaths from Rabies since the beginning of present outbreak.
- (2) The number of those inoculated who have subsequently died from Rabies.
- (3) If it is the intention to take more drastic measures for the prevention of the spread of Rabies.
- (4) If the question of establishing a Pasteur Institute in Hongkong has been considered.

THE COLONIAL SECRETARY read the following replies:—

1. Since the beginning of the present outbreak, from December 27th, 1925, to the present date, eight deaths from rabies have been notified. All the eight victims were of Chinese race. The last case was notified on the 20th May, 1926.
2. Enquiries in each of these eight cases failed to produce evidence that any one of the victims had received anti-rabic inoculations prior to the development of symptoms of the disease.
3. The Colonial Veterinary Surgeon reports that there is some improvement in the situation and the Government, therefore, does not consider it necessary at present to take more drastic measures. The present measures will, however, be carried on as vigorously as possible.
4. In Hongkong anti-rabic serum is prepared at the Bacteriological Institute and administered both at the Government Civil Hospital and by private practitioners. It is, therefore, considered that the needs of the Colony in this respect are sufficiently supplied and that a special Pasteur Institute need not be established.

### Road Repairs

HON. MR. H. W. BIRD asked:—

"Is it the Treasury Department or the Public Works Department which decides whether or not roads are to be repaired?"

THE COLONIAL SECRETARY replied—  
The Public Works Department is responsible generally for keeping Government roads in a proper state of repair subject to the necessary funds being available.

It is the duty alike of the Public Works Department and of the Treasury to ensure that expenditure shall not be incurred in excess of the amounts voted and allocated for the purpose.

HON. MR. H. W. BIRD—Arising out of the answer to my question, it seems to me that whether the money has been voted or not is beside the matter. If the Director of Public Works thinks that the repair of such and such a road is urgently necessary, surely the money can be provided by a supplementary vote. Delay might mean that the Colony would have to pay a great deal more for the repairs than it otherwise would do.

H.E. THE GOVERNOR—The Director of Public Works has no authority to spend money unless it is voted or unless a special warrant is given him by the Governor. In a case of emergency the Governor would sign a special warrant and the work could be done at once. If there is no emergency, the proper course is to ask the Finance Committee for a vote and I feel sure that the Finance Committee will always vote any money that may be needed for road repairs.

### Chinese Restaurant Licences

THE COLONIAL SECRETARY moved the following resolution:—

Resolved by the Legislative Council that in respect of Chinese Restaurant Licences for the year 1926 only, the following Schedule of fees is substituted for the Schedule of fees contained in the Second Schedule to the Liquors Consolidation Ordinance, 1911, under the heading "Chinese Restaurant Licence" on page 1901 of Volume IV of the Ordinances of Hongkong, 1844-1923:—

Chinese Restaurant licence:—

Licence for a period of three months.

When the valuation of the premises occupied is—

|  | In<br>advance. |
|--|----------------|
| under \$500 .....                        | \$62.50        |
| \$500 or over, but under \$2,000 .....   | \$125.00       |
| \$2,000 or over, but under \$5,000 ..... | \$250.00       |
| \$5,000 or over, but under \$10,000 ...  | \$500.00       |
| \$10,000 or over .....                   | \$750.00       |

Resolved further that in respect of Chinese Restaurant Licences for the year 1927 and subsequent years, the Schedule of fees now appearing on page 1901 of Volume IV of the Ordinances of Hongkong, 1844-1923, shall be of full force and effect.

THE COLONIAL SECRETARY said— Hon. members of the Council are aware that there was an outcry earlier in the year against the necessity that these licence fees should be paid in a lump sum in advance at the beginning of the year. The Government, subject to the approval of this Council, is prepared to meet the request of the licence holders to the extent of making the licence fees payable quarterly in advance instead of yearly in advance. This motion is to give effect to that decision of the Government.

THE COLONIAL TREASURER seconded, and the resolution was passed.

### Bank of Canton

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, An Ordinance to authorise the Bank of Canton, Ltd., to convert its gold capital into silver.

THE COLONIAL TREASURER seconded, and the Bill was read a second time.

Council went into Committee to consider the Bill clause by clause.

No changes were made in Committee and, upon Council resuming,

THE ATTORNEY-GENERAL moved the third reading of the Bill.

THE COLONIAL TREASURER seconded, and the Bill was read a third time and passed.

### Supplementary Appropriation for 1925

THE COLONIAL SECRETARY moved the first reading of a Bill intituled, An Ordinance to authorise the appropriation of a supplementary sum of \$832,249.52 to defray the charges of the year 1925.

He said—I believe this is the smallest amount asked for in a Supplementary Appropriation Ordinance for some years. I would remind hon. members that the estimates for 1925 anticipated a revenue of \$21,812,700 and an expenditure of approximately thirty and a half millions, leaving a deficit of \$8,650,911. Certain troubles occurred during the year and it is interesting to note that the actual figures for 1925 show a revenue of twenty-three and a quarter millions, an expenditure of twenty-eight and a quarter millions and a deficit of only \$5,022,452. In spite of the boycott the revenue exceeded the estimate by a sum of \$1,431,655. It was less than a million dollars below the almost record year of 1924 and it was well above the revenue of 1921 and 1922.

Expenditure was, of necessity, to some extent curtailed and in spite of unanticipated calls upon the revenue of the Colony the total expenditure was kept below the estimates by a sum of just over two million dollars so that the year closed with the very substantial surplus of assets over liabilities of \$8,113,482, a figure which, within the last ten years has only been exceeded on three occasions.

The expenditure on certain main heads of expenditure has however, been exceeded and consequently it is necessary to bring a Supplementary Appropriation Ordinance before you in order to obtain legal sanction for the expenditure incurred. It is not necessary, I think, for me to go into any details with regard to the figures placed before you as the members of the Finance Committee are provided with very full details on every occasion when a supplementary vote is asked for. The details are also to be found in the report on the finances of the year 1925 and in the draft appropriation account for 1925, prepared by my hon. friend the Colonial Treasurer and laid on the Council table to-day.

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

### Peak Trams

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to amend the Peak Tramway Ordinance, 1883.

He said—The Bill does not propose to make any serious or important changes in law but I think the changes it does make are either formally necessary or practically desirable. The two main objects of the Bill are (1) to give the Governor in Council power to allow the present statutory maximum speed of 10 miles an hour to be exceeded, and (2) to make it quite clear that electricity may be used as the motive power on the tramway. Under the regulations which have been drafted, the maximum speed is put at 12 miles an hour, and at four miles an hour through movable facing points. In the third place the Bill provides for an increase in the maximum fines for various offences under the Ordinance and rules and by-laws. At present some of these maximum fines seem much too small. For example the maximum fine for trespassing on the line is \$10. The maximum fine for acting in such a manner as to endanger the lives of persons travelling on the tramway is only \$25. These maximum fines are now being increased. In the fourth place the Bill proposes to do away with the very unusual and anomalous rule that the rules and by-laws cannot come into operation until one month after their publication in the *Gazette*. The general rule is that they come into force immediately on publication. There seems no reason why the same rule should not apply to the rules and by-laws made under this Ordinance. In the fifth place the Bill gives the Governor-in-Council power to alter the Schedule of charges and fares. At present there is no power to alter that Schedule, to increase or to reduce the charges in it. Of course, no amendment would be made of the Schedule except after full consultation with the Tramway Company.

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

### Wireless Telegraphy

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to amend the law relating to Wireless telegraphy.

He said—The main object of this Bill is a very simple one. It is to make it necessary for receiving sets to be licensed. The opportunity has been taken, however, to improve the form of the present Ordinance and to shorten it. The Bill also provides that in future the possession of a wireless telegraph station without a licence shall be an offence. At present it is only an offence to use or to work apparatus without a licence. I would point out, however, that a wireless telegraph station is specially defined so as not to include a collection of apparatus, for example, that is stored for purposes of sale. A wireless telegraph station is a term that applies only to apparatus which has been installed for purpose of being used.

Hitherto, I understand, it has been the custom to make application to the Government for permission to keep a receiving set, and for the Government to write and give that permission informally. These informal permits will expire with the coming into operation of this present ordinance and anyone who has a receiving set will have to apply for and obtain a licence under the new law. Ship station licences will continue in force until they expire by effluxion of time or other lawful means.

The present intention is to make the fee for a receiving set \$5 a year. Although nothing has been decided it is under contemplation to increase the fee somewhat if broadcasting arrangements are made so as to make the possession of a receiving set more valuable. Of course, some means will have to be found to provide funds for a broadcasting company as in England. In England a certain proportion of the licence fees for receiving sets is paid to the broadcasting organisation. Nothing has been decided but the question is being considered. I mention the matter now because the fee of \$5 a year may have to be increased.

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

### Midwives

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to amend the Midwives Ordinance, 1910.

He said—The chief object of the Bill is to prevent the use by uncertificated and unqualified midwives of titles and descriptions likely to lead

people to believe they have qualifications which they do not possess. The proposal is that uncertified midwives shall use one title only, that of "wan p'o." Other portions of the Bill deal with details or else make certain technical changes in the law. I would mention the provisions relating to the constitution of the Midwives Board. At present the Board consists of the P.C.M.O., the Superintendent of the Alice Memorial Maternity Hospital, "the lady doctor attached to the same," and four other persons to be nominated by the Governor. It is obvious that the P.C.M.O. must be a member of the Board and should be chairman, but the objection to describing members of the Board by particular titles is that circumstances may change and these descriptions may not fit. For example "the lady doctor attached to the same." There might be no lady doctor attached to the hospital or there might be more than one. The difficulty at once arises how that place is to be filled. According to the Bill, in future the Board will consist of the P.C.M.O. and six other persons to be appointed by the Governor. It is intended, however, that the Superintendent of the Alice Memorial Hospital and a lady doctor attached to that hospital shall always be members of the Board so long as these offices continued to exist.

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

Council was adjourned until Thursday, August 26th at 2.30 p.m.

### FINANCE COMMITTEE

A meeting of the Finance Committee followed when H.E. the Governor's message No. 8 containing items Nos. 139 to 155 to supplement the estimates of 1926 was considered. The COLONIAL SECRETARY presided.

### Supplement the Estimates of 1926

ITEM NO 140

Payment of Salary to the Peak Hospital staff..... \$9,000

HON. MR. A. O. LANG—Can the Colonial Treasurer give the Committee any information regarding the running of the Peak Hospital before the Government took it over. I would like to know whether it was run at a profit by the medical practitioners who previously owned it.

THE COLONIAL TREASURER said he could not answer the question, but suggested that the Hon. Dr. Koch might be able to give the information required.

HON. DR. KOCH—It was not run at a profit. It just made both ends meet. The cost of maintenance was not as high then as it is now. There is now a larger and a better paid staff and generally it may be said that improvements have been effected. The hospital is an old building and the repairs and alterations which have been made were doubtless costly.

Continuing, DR. KOCH asked, now the Peak Hospital was a Government institution, whether it would not be considered advisable to bring the fees more in accordance with those which obtained in other hospitals. For instance at the Peak Hospital the first class fee was \$10 a day and the second class fee \$5. In other Government hospitals the fees were \$8 and \$5.

THE COLONIAL SECRETARY—I will bring the matter to the notice of the Principal Civil Medical Officer and investigate it to see what can be done.

ITEM 150

Access Road to War Memorial Nursing  
Home, Stubbs Road..... \$6,000

HON. DR. KOCH—Is not the cost of this road defrayed out of the War Memorial Funds?

THE DIRECTOR OF PUBLIC WORKS—One of the conditions laid down was that the Government would construct the road giving access to the Nursing Home.

THE COLONIAL SECRETARY — I understand the conditions were that the Government should give the site and the road of access to the site.

HON. MR. BIRD—The War Memorial Fund is defraying one-third of the cost of the road and the Government two-thirds, or *vice versa*. I am not sure of the figures but the War Memorial Fund is defraying a proportion of the cost of the road.

The votes were all approved, the total amounting to \$101,405.

Having dealt with the items on the agenda the CHAIRMAN said—There is one other matter which I should like to bring before the Finance Committee, but I had no time to place it on the agenda. When the estimates come before the Council there will be certain proposals for the improvement and increase of the staff of the Harbour Master's Department. One of the proposals involves an increase in the number of marine surveyors. There has been considerable difficulty about obtaining licences for certain ships built in Hongkong owing to the fact that our marine surveyors did not possess the full qualifications which were demanded by the Board of Trade. In order that this question may be put beyond doubt it is proposed, subject to your approval, to obtain a marine surveyor with the necessary qualifications as one of the additional members of the staff. I want your concurrence in this increase so that the officer may be appointed and come out here at once as he is urgently required. No additional expenditure will be incurred this year as there is money, owing to the lapsing of salaries, to pay for him. But I bring the matter before you now because this addition to the staff will mean an increase next year. You would be robbed of the opportunity of criticising the policy effectively if we brought the officer out now and placed the matter before you in the estimates later on.

Approval was given to the appointment of this marine surveyor.