

16TH NOVEMBER, 1891.

PRESENT:—

HIS EXCELLENCY THE ACTING GOVERNOR, Major-General  
G. DIGBY BARKER, C.B.

Hon. W. M. GOODMAN, Acting Colonial Secretary

Hon. A. J. LEACH, Acting Attorney-General,

Hon. J. H. STEWART-LOCKHART, Registrar-General.

Hon. N. G. MITCHELL-INNES, Colonial Treasurer.

Hon. F. A. COOPER, Acting Surveyor-General.

Hon. W. C. H. HASTINGS, Acting Harbour Master.

Hon. C. P. CHATER.

Hon. HO KAI.

Hon. T. H. WHITEHEAD.

Mr. A. M. THOMSON, Acting Clerk of Councils.

MINUTES.

The minutes of the last meeting were read and

confirmed.

PAPERS LAID ON THE TABLE.

The ACTING COLONIAL SECRETARY laid on the table the copy of a despatch dated 10th August, 1891—from the Officer Administering the Government to the Secretary of State, and also a despatch from the Secretary of State dated 6th October with regard to Public Works.

THE APPROPRIATION BILL, 1891.

The ACTING COLONIAL SECRETARY—I beg to move the first reading of the further Appropriation Bill, 1891. It is not usual to make any remarks on the first reading of a Bill, but I may be allowed a word of explanation. As I pointed out last time, the Secretary of State has directed that Public Works Extraordinary shall be included in the Appropriation Bill for the year. That plan has been carried out for next year. In the Appropriation Bill for next year not only are the ordinary expenses for current works for the year set out, but Public Works Extraordinary are provided

for. It has not been the custom hitherto to provide for Public Works Extraordinary in the estimate. It has been the custom to bring in a Supplementary Appropriation Bill when the public works have been ascertained, and this Supplementary Bill legalises the payments made. This new custom does not actually come into force till next year and therefore it is necessary to bring in this further Appropriation Bill for Public Works Extraordinary for this year. I now beg to move the first reading.

The COLONIAL TREASURER seconded.

Bill read a first time.

#### THE BUILDING ORDINANCE AMENDMENT BILL.

The ACTING ATTORNEY -GENERAL proposed the first reading of this Bill.

The ACTING COLONIAL SECRETARY seconded.

Bill read a first time.

#### AN ADDITION TO THE MINUTES.

Hon. T. H. WHITEHEAD—I am sorry I was a few minutes late, as it was my intention in connection with the minutes to ask that a few words be added. With regard to the resolution I proposed at the last meeting in relation to quarantine I would suggest that after the words "resolution withdrawn," there be added "on the Governor undertaking to appoint a commission."

HIS EXCELLENCY—The minutes have been read and signed, but I would not allow that to stand in the way if I saw any necessity for the addition. The words do not appear in the record of the House, but published records show that you withdrew the resolution on that understanding. I do not see any necessity for adding the words.

Hon. T. H. WHITEHEAD—Very well, your Excellency.

#### THE MERCHANT SHIPPING BILL.

The Council went into Committee on this Bill.

The ACTING ATTORNEY -GENERAL proposed to amend the Bill throughout by substituting the words "shall be liable to a penalty" for the words "incur a penalty," "under a penalty," and such like expressions so that the Bill might read uniformly throughout.

On Clause 4, which deals with the power of the Governor in Council to make regulations concerning safety.

Hon. T. H. WHITEHEAD said—I take it that the rules and regulations pertaining to this Ordinance will be now passed by the Legislative Council. It is proposed by this clause that the Governor in Council, which means the Executive Council, shall have the power from time to time to make, rescind or vary these rules. Would it not be well that any alteration in the rules be submitted to the Legislative Council? As the clause at present stands it leaves very large powers in the hands of the Governor. I think it would be well if the clause read, "the Governor in Legislative Council."

The ACTING ATTORNEY -GENERAL — It has been

customary to leave regulations of this description to the Governor in Council. He really takes the place of the Board of Trade. They would be made by the Board of Trade at home and sanctioned by Her Majesty in Council. They are somewhat lengthy and complicated and it would take considerable time if they had to go through the Governor's hands first and then through the Legislative Council. I do not know whether the hon. member presses his amendment.

Hon. T. H. WHITEHEAD—The suggestion was put forward by the Chamber of Commerce. It seems that the rules now drawn up and attached to this Ordinance are liable to be materially altered without the representatives of the public having an opportunity to offer any opinion or suggestion on the point. A totally opposite set of regulations may be introduced. Although it may have been the custom in the past to leave matters in this condition, I scarcely think that is any reason for continuing such a course.

The ACTING ATTORNEY -GENERAL—At the end there will be a general clause as to these rules coming into force. If the hon. member allows this clause to go through now we might if it is thought necessary put in a general clause at the end having reference to rules to be approved by the Legislative Council.

Hon. T. H. WHITEHEAD—I am quite agreeable to that. The objections I have put forward were strongly upheld by the late Governor. I think it was in January when speaking in connection with some vote Sir William des Voeux said, "I do not know why it is placed in the hands of the Governor in Council. It would be much better if the Governor in Council had to come to the Legislative Council for every vote."

HIS EXCELLENCY—This clause will be postponed for general consideration in connection with clause 42.

On Section 5, sub-section 7, which provides the penalty for a surveyor receiving a bribe from the owner, agent, or master of a ship.

The ACTING ATTORNEY -GENERAL said—The hon. member who is absent to-day has suggested this sub-section should be extended in its action. It deals now with the person who takes a bribe, and the hon. member suggests that any person who offers a bribe shall be made equally liable. The clause as it stands now has been in force in England for over 37 year, and in this colony since 1879 and it has received no alteration. However, after consultation with the Acting Harbour Master, there is, I think, no objection to make those who give bribes equally liable with those who receive them, and I therefore propose to amend the clause to that effect.

Hon. T. H. WHITEHEAD—May I enquire if that was the suggestion of the senior unofficial member?

The ACTING ATTORNEY -GENERAL—No, I meant the Hon. Mr. Keswick.

Hon. T. H. WHITEHEAD—I suppose the same remarks apply in this clause as in Clause 4 with regard to the words "Governor in Council." If so I have no objection to its passing.

The ACTING ATTORNEY -GENERAL—I do not wish the hon. member to misunderstand me. What I said was that Clause 42 could be altered to meet requirements, that is that all regulations made should be subject to the approval of the Legislative Council. I hope the hon. member will not ask that in every instance where rules are made they must come before the Legislative Council.

Hon. T. H. WHITEHEAD—All I want is that what are passed now shall not be altered without the knowledge of the Legislative Council.

The ACTING HARBOUR MASTER—These are according to the Board of Trade rules. If the rules are altered it will be the same for all British ships.

Hon. C. P. CHATER—Before the clause is passed I should like to ask the Attorney-General a question with regard to sub-section E, which deals with steam vessels carrying more than twelve passengers providing deck shelter for passengers. I wish to know if this applies to private launches which carry passengers but not in the sense meant here. I think there should be a clause exempting private launches.

The ACTING HARBOUR MASTER—Private launches and yachts are exempt from this rule.

The clause as amended was passed.

With reference to Clause 6, which provides penalties for carrying passengers in excess of the number allowed by the certificate.

The ACTING ATTORNEY -GENERAL said—The hon. member who is absent (Hon. J. J. Keswick) entertains some objections to this section. He entertains an objection on the ground that it is not the business of the Government to interfere with what is sanctioned elsewhere. I see no reason why some restriction should not be imposed as in England. The second objection is that he says neither the consignee nor owner are answerable for the passengers shipped; it is the *compradore* who ships them. Well, the *compradore* is the servant of the consignee or owner, and in order to meet the object of the section the consignee or owner must be made responsible.

The clause was passed.

On Sub-section 22 of Section 7,

The ACTING ATTORNEY -GENERAL said Hon. Mr. Keswick objected to this section, which required that all launches should be compelled to undergo a yearly survey, and suggested that the survey should be confined to the boilers and engines. It was necessary, however, to see that what carried the engines and boilers was also in good condition and he did not think therefore they could accept any amendment.

Hon. T. H. WHITEHEAD suggested as an amendment that the clause should be made to apply to launches plying for hire only. He thought the owners of private launches might be trusted to see that their launches were kept in good order,

as they trust their own persons on board.

The ACTING ATTORNEY -GENERAL said the clause was put in in consequence of the rider attached to the finding of a jury in the case of a launch explosion. They expressed themselves of opinion that all launches should be periodically surveyed.

The ACTING HARBOUR MASTER—There are a good many launches not plying for passengers which require a good deal of looking after. As the Acting Attorney-General has said the clause was put in in consequence of what the jury said, and it was understood to be the general wish of the public that some such clause should be put in.

Hon. T. H. WHITEHEAD—The introduction of the words "plying for hire" would cover all that is necessary. That would include a launch used for towing purposes as well as one plying for passengers.

It was agreed to let this sub-section and also sub-sections 22 and 24 stand over.

On Section 13, which deals with the formation of Marine Courts,

Hon. T. H. WHITEHEAD suggested that neither the Harbour Master nor his deputy should sit on these Courts, as in many instances they would be sitting in judgment on their own subordinates—actions which in all probability might be the authorised acts of the Harbour Master or his Deputy.

The ACTING HARBOUR MASTER—The object of the Harbour Master sitting is to have some person with technical knowledge at the head of the Court. It rarely happens that in a Marine Court the Harbour Master is sitting on his subordinates. He is usually sitting on the case of some loss of a ship that has happened some distance probably from the Colony or on some seaman or officer for misconduct on board ship. Neither the Harbour Master nor his subordinates have any interest in the case.

Hon. T. H. WHITEHEAD—The *personnel* of the Harbour Office will be called upon to give evidence and the Harbour Master will therefore be sitting in judgment on evidence given by his own subordinates, who must have been carrying out the orders of the Harbour Master, and which I do not regard as a proper thing.

The ACTING ATTORNEY -GENERAL—At present the Government does not see its way to accede to what is proposed, but if the hon. member wishes the sub-section can stand over for further consideration.

Hon. T. H. WHITEHEAD—I am quite willing to agree to that.

The subsection was therefore allowed to stand over. Several other clauses were passed without amendment and the Council reported progress at Section 18.

REGISTRAR-GENERAL'S ANNUAL REPORT.

Hon. T. H. WHITEHEAD gave notice of the following question:—

As it seems only reasonable that the public should have an opportunity of judging of the work done by the Registrar-General's Department, will the Government lay on the table copies of the Registrar-General's last annual report in the same way as is done with the reports of other departments, and as was formerly done in regard to the department in question?

MODIFICATION OF THE OPIUM FARM SYSTEM.

Hon. T. H. WHITEHEAD gave notice of the following question:—

With reference to the following paragraph in the address of His Excellency Governor Sir C. G. Smith to the Legislative Council of Singapore last month:—

... estimates for 1892 which are now submitted to you are as follows:—

Revenue.....	\$3,629,316
Expenditure.....	\$3,820,806

"The above estimates of revenue, as compared with the revenue actually brought to credit in the last completed year, viz: 1890, shew a falling off of \$639,510. Nearly the whole of this large sum is to be accounted for by the decrease of \$440,000 under the head of Licences and of \$138,000 under the head of Interest. As the farms have been relet for the usual term of three years, it may be taken the estimated revenue for 1892 will also be about the same for the years 1893 and 1894. Before that period expires, the Secretary of State has intimated that the farming system ought to be considered with a view, if practicable, to its modification, and the adoption of a system of licences to be issued at high rates—the object being to diminish the evils of the opium traffic without seriously crippling the Revenue."

will the Government lay upon the table a copy of any despatch received from the Secretary of State within the past few months intimating that the farming system before the new three years' lease about to be granted expires should be considered with a view if practicable to its modification, and the adoption of a system of licences to be issued at high rates—the object being to diminish the evils of the opium traffic without seriously crippling the revenue?

THE ASSIGNMENT OF DEBT.

Hon. T. H. WHITEHEAD gave notice of the following question:—

Is it correct as stated in the *China Mail* of 12th November, 1891, that in the course of the bankruptcy proceedings in the Supreme Court on that date it was revealed that there is no provision in the law of the Colony to assign debt, and if so will the Government take steps to amend the law in that respect?

LIGHTHOUSE DUES.

Hon. T. H. WHITEHEAD gave notice of the following question:—

With reference to the Honourable the Colonial Secretary's letter of 22nd July, 1890, to the Chamber of Commerce to the effect that Government will consider how far it is possible to separate the lighthouse dues from the general revenue of the Colony, will the Government inform the Council what progress has been made by Government in the matter?

SESSIONAL PAPERS.

Hon. T. H. WHITEHEAD gave notice of the following resolution:—

I beg to move that in future two copies of all papers to be laid upon the Council table be forwarded direct to the unofficial members at their private address if possible 24 hours before the meeting of Council or longer.

POLICE DUTY.

Hon. T. H. WHITEHEAD gave notice of the following resolution:—

I beg to move that the Government lay on the table a return shewing—

- 1.—The number of Police beats, and the arrangement of such beats.
- 2.—The number of European Police on day duty and the number on night duty, and their distribution during the day as well as during the night.
- 3.—The number of Indian Police on day duty and the number on night duty, and their distribution during the day as well as the night.
- 4.—The number of Chinese Police on day duty and the number on night duty, and their distribution during the day as well as the night.
- 5.—The number of constables and officers on duty at fixed points by day and by night.
- 6.—The number of constables and officers detailed for the regulation of traffic.

The Council adjourned.

FINANCE COMMITTEE.

On the conclusion of the Council meeting a meeting of the Finance Committee was held, the Acting Colonial Secretary presiding.

THE MILITARY VOTE.

The CHAIRMAN said one or two matters had been left over from last time. He would deal first with the military vote. It would be seen on referring to the estimate that the first item composing the vote was £40,000, the military contribution. That question had been fully threshed out, and although the vote was objected to by the unofficial members they were bound to vote it under the circumstances. With regard to the additional item, His Excellency was very anxious to see more encouragement given to the Volunteers, and it was his suggestion that the vote should be \$12,000 instead of \$5,000 as formerly. It was hoped this would increase the spirit of the Volunteers and induce more persons to come forward and join the corps.

Hon. T. H. WHITEHEAD moved the reduction of the vote by £20,000. In the Secretary of State's despatch of 5th August his Lordship stated that the main objection to the vote appeared to be that the Colony had been deceived and that this appeared to have arisen from miscomprehension of a despatch of his, dated 20th January, 1890. He trusted that the present despatch would remove all idea of any breach of faith. The hon. member said he had perused the despatch of the 7th March carefully and it did not remove the fact that there was a breach of faith and that he was quite unable to follow Lord Knutsford in his arguments. Lord Knutsford appeared to have fought for the Colony for a considerable time, but had evidently succumbed to the superior strength of the War Office or some Government office at home. He thought the Colony had not been fairly dealt with by any means. We had been grievously deceived into voting the money in 1890 and had received the most arbitrary treatment at the hands of the Imperial Government ever since. He moved that the vote be reduced by £20,000.

Hon. C. P. CHATER seconded.

The CHAIRMAN—I do not propose to add anything more to what has been already said on this question. The Secretary of State has received the petitions against the vote and he has finally decided that this Colony must pay the £40,000. Under these circumstances it is clearly the duty of official members to find means of carrying out the order for payment. I am authorised by His Excellency to say that he believes the Government at home are thoroughly in earnest in sending out additional men, and that he recently received a telegram stating that before long an officer would be out here to arrange for the accommodation for the increased number of troops.

The Council then divided on Hon. T. H. Whitehead's amendment:—

FOR.	AGAINST.
Hon. T. H. Whitehead	The Acting Harbour Master
Hon. Ho Kai	The Acting Surveyor-General
Hon. C. P. Chater	The Colonial Treasurer
	The Registrar-General
	The Acting Attorney-General
	The Acting Colonial Secretary

The amendment was therefore lost and the vote was carried.

#### THE POST OFFICE.

The CHAIRMAN—A question was asked at the last meeting in regard to the Post Office and I have endeavoured to get the information. During the year 1890, the receipts were \$148,000 odd and the expenditure \$115,000 odd. There is an element, however, which causes some little difficulty. Sums are received and paid to France, Italy, United States, and other places, and it takes some time before these accounts come in. There is a sum of \$23,000 to France which is divided between 1889 and 1890. The proportion in 1889 is \$8,400, leaving \$14,600 for 1890. There is also an item of \$800 to the United States. To the expenditure mentioned there must therefore be added \$15,400, which reduces the profit to about \$18,000.

For 1891 the receipts for 10 months have been \$118,000 and the expenditure \$90,000 odd, leaving a balance of \$27,000, but later on there will come these transit charges from France. As far as I can see there seems to be some profit, but not a very large one.

Hon. T. H. WHITEHEAD—If you add 1/5th to the \$118,000 for the 10 months, you have \$141,000 as the probable revenue for the year. This shows a reduction on last year of \$7,000. I suppose the shrinkage is due to the reduction of postage.

The CHAIRMAN—Possibly. A reduction leads to an increase of letters, but sometimes you do not increase in proportion to the reduction of postage.

#### THE SURVEYOR-GENERAL'S DEPARTMENT.

The CHAIRMAN moved a vote of \$72,760 for this department.

Hon. T. H. WHITEHEAD—Have you any idea of the amount of money that is likely to be spent by the Surveyor-General's Department this year, including water and drainage?

The ACTING SURVEYOR-GENERAL—About \$600,000, including \$100,000 for recurrent expenditure.

The vote was passed.

#### ECCLESIASTICAL DEPARTMENT.

The CHAIRMAN—I ask that the Ecclesiastical vote stand over until the end. I received an hour before the Council a letter from the Committee of the Presbyterian Church on this matter.

The REGISTRAR-GENERAL—You mean the Union Church.

The vote was allowed to stand over.

#### MISCELLANEOUS SERVICES.

The CHAIRMAN said an additional sum would have to be added under this heading. It was intended to increase the number of gas lamps at Kowloon. He received recently a letter from the gas people on the subject, but plans had not been prepared and it might be better to leave the matter for a supplementary vote.

#### THE AUDIT.

Hon. T. H. WHITEHEAD—We were promised some information about the audit department.

The CHAIRMAN—I am informed that the audit at home is not of one side only. The Auditor-General audits all the accounts of the Colony, receipts and expenditure. The local auditor carries out such instructions as he receives from the home authorities and conducts here such audits as can be more conveniently conducted in the Colony, such as involve reference to local papers, which otherwise would have to be sent to England. The system is more or less on trial.

Hon. T. H. WHITEHEAD—Does the auditor do any other work?

The CHAIRMAN—I cannot say what he does outside our work.

Hon. T. H. WHITEHEAD—It is generally supposed that he audits the Admiralty and Naval Yard accounts.

The CHAIRMAN—I do not know. If he does I do not suppose we pay him for it.

Hon. T. H. WHITEHEAD—We pay him his salary all the same.

#### PUBLIC WORKS EXTRAORDINARY.

The Committee then considered the votes for Public Works Extraordinary. With regard to the vote of \$60,000 for the Central Market.

Hon. T. H. WHITEHEAD said it was estimated last year that we were to have detailed statements in connection with all public works before being asked for votes.

The CHAIRMAN—As regards the Central Market we have had plans and everything else before us, and the whole matter has been thoroughly threshed out.

Hon. T. H. WHITEHEAD—But with regard to the other works?

The CHAIRMAN—I think you will find they have all been sanctioned already.

Hon. T. H. WHITEHEAD—What is being done about the Central Market? is it being proceeded with at all?

The SURVEYOR-GENERAL—Yes.

Hon. T. H. WHITEHEAD—I asked the same question a little time ago and got an answer which I could not but regard as a most unsatisfactory one. I had been informed by His Excellency that it was not possible to grant any further delay for the consideration of the subject as the work required to be proceeded with. I moved in Public Works Committee for a commission of professional men to determine as to the best method of dealing with the work, and when the Council assembled for the present session. I asked the question which I have asked just now, the reply being that some 2,000 cubic feet of granite had been prepared in the interval of close upon two months which had elapsed. It seemed to me a very extraordinary reply to the question, because this was work which ought to have been done at the quarries. I think it is therefore clear that there would have been ample time and that there would have been no loss whatever if the Government had agreed to the resolution for the appointment of a commission.

The REGISTRAR-GENERAL—The question before us now is whether we are going to vote this money; we seem to be going into the old question again about the market.

The CHAIRMAN—There was great opposition made, especially by the hon. member himself to the plan which has since been adopted, and such delay as did occur was caused by his strong opposition and his desire for further time for discussion. The Secretary of State telegraphed on the 3rd October that the work was to be proceeded with and since his sanction has been received the work is going on rapidly.

Hon. T. H. WHITEHEAD—I must disclaim, in the first

place, having caused any delay whatever; the delay rests with the Government entirely. I should like to know what we are voting this money for. Have plans been decided upon?

The CHAIRMAN—I thought that question had been answered before. The plan of the late Surveyor-General has been approved of, with certain alterations suggested by Dr. Ho Kai.

The REGISTRAR-GENERAL—The last Surveyor-General estimated the loss by delay at \$100 per day.

Hon. T. H. WHITEHEAD—I should like to know if this vote is final, and whether we ought not to have plans and detailed statements with regard to the whole building.

The CHAIRMAN—The hon. member formally asked that question before and it was formally answered.

Hon. T. H. WHITEHEAD—I think it is very unsatisfactory to commit ourselves to a practically unknown expenditure. There is no limit to this market apparently; it is something similar to Victoria College in that respect.

The CHAIRMAN said he understood that the contract for the building had been practically placed, but that stalls and internal fittings would be dealt with hereafter.

The vote was then agreed to.

With regard to the vote of \$13,000 for the preparation of a site for the Western Market,

Hon. C. P. CHATER said he had been given to understand that the site for the market had been abandoned.

The REGISTRAR-GENERAL said the Sanitary Board had made a recommendation with regard to the site being changed, but there was no recommendation about the abandonment of the market itself.

The ACTING SURVEYOR-GENERAL said the reclamation was made not for the special purpose of forming a site for the market but as part of the reclamation scheme. The reclamation would not be thrown away even if this particular site were abandoned.

Hon. T. H. WHITEHEAD thought that before any such change was made the Council ought to have been consulted.

The CHAIRMAN said he was not aware that the site had been definitely abandoned.

Hon. C. P. CHATER said the preparation of the site was started a considerable time before the reclamation scheme came before the Council and was for the special purpose of a market. There seemed to be a doubt whether the market would be there after all.

The CHAIRMAN said the site would have to be finished at all events and if it were not required for the Western market it would be for some other purpose.

The vote was then passed.

Hon. T. H. WHITEHEAD—I beg to move that the Council do now adjourn. We have been here three hours and we have another meeting

on Friday. I submit, too, that we ought to have the fullest information with regard to these items before we are asked to vote. If we had that we should be able to do better work and get on much faster.

The CHAIRMAN—I should like to finish the public works at least before rising. This bill ought to have been sent home two months ago.

The REGISTRAR-GENERAL—If the hon. member wishes information on any particular subject he ought to ask for it, but I think it is too much to ask for an adjournment on a general statement as to want of information.

Hon. T. H. WHITEHEAD—I have asked for information and cannot get it.

The REGISTRAR-GENERAL—May I ask the hon. member on what item?

Hon. T. H. WHITEHEAD—On all public works.

With regard to the vote for \$1,000 for gaol extension.

The CHAIRMAN said this item referred to preparatory proceedings in connection with the new gaol, and would enable them to commence operations.

Hon. T. H. WHITEHEAD—Has a site been decided upon?

Hon. HO KAI—It was stated to-day that no site had been decided upon.

Hon. C. P. CHATER proposed that the item stand over and this was agreed to.

The Committee then adjourned.

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