

17TH JULY, 1891.

PRESENT : —

His Excellency Major-General DIGBY BARKER, C.B.,
Acting Governor.

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. S. BROWN, Surveyor-General.

Hon. P. RYRIE.

Hon. HO KAI.

Hon. J. J. KESWICK.

Hon. T. H. WHITEHEAD.

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

MINUTES.

The minutes of the last meeting were read and confirmed.

THE CENTRAL MARKET.

HIS EXCELLENCY—Before we commence with the orders of the day, as I see the members of the Public Works Committee present, I would like to say that I would be very glad if they could conveniently meet on an early date to consider finally the question of the Central Market. The tenders which they called for have been received and therefore all is ready for them to proceed again in committee, and it is most desirable this question should not be dragged on, as the Colony is being put to considerable loss the longer the decision is put off.

It was arranged that the Committee should meet at half-past three on the 21st July.

FINANCE.

A financial minute recommending a vote of \$48, pay of coolies required for the Seyingpoon

and Wanchai schools, was referred to the Finance Committee.

PAPERS.

The report of the Superintendent of the Botanical and Afforestation Department for 1890 and the Colonial Surgeon's report for 1890 were laid on the table.

MAGAZINE GAP WATER SUPPLY.

In accordance with the recommendation of the Finance Committee the sum of \$3,000 required to defray the cost of extending the Peak water supply to Magazine Gap was voted.

THE SALARIES QUESTION.

The ACTING COLONIAL SECRETARY moved that in accordance with the recommendation of the Finance Committee the sum of \$5,640 be voted to cover certain increases of salaries in excess of the estimates of 1891.

The COLONIAL TREASURER seconded.

Hon. T. H. WHITEHEAD—I rise to oppose this vote. I am still of opinion the financial position of the Colony does not justify the increase of salaries voted some time ago and on principle I must oppose this vote.

The ACTING COLONIAL SECRETARY—I do not remember whether the hon. gentleman opposed this vote in Finance Committee. This motion is made to give effect to the report of a committee of which the hon. gentleman is a member.

Hon. T. H. WHITEHEAD—I did not oppose it in the Finance Committee simply because it would have been of little or no use. I oppose it now as a matter of principle.

Hon. P. RYRIE—It is a well understood thing that a member can approve of a vote in Finance Committee and oppose it in Council. I

feel great reluctance myself in opposing this vote, because I am very friendly with most of the officers in question, but as a matter of principle I agree with my hon. friend that we ought to stick to our colours.

The ACTING COLONIAL SECRETARY—I need hardly say I am not for one moment suggesting hon. members have no right to oppose what they have before approved of. All I meant was that this was as I understood the unanimous report of the Finance Committee, and I am only giving effect to that report in asking that this vote should be passed by the legislature. I explained more fully in the Finance Committee that there was a decrease as well as an increase, and that the net result was that there was a small decrease on the total.

A division was then taken on the resolution with the following result:—

FOR.	AGAINST.
Hon. J. J. Keswick	Hon. T. H. Whitehead
The Surveyor-General	Hon. Ho Kai
The Colonial Treasurer	Hon. P. Ryrie
The Registrar-General	
The Acting Attorney-General	
The Act. Colonial Secretary	
The Acting Governor	

The resolution was therefore carried by a majority of seven to three.

PRINTING THE ORDINANCES.

A vote of \$2,800 for printing the Ordinances, recommended by the Finance Committee, was passed.

THE SUNDAY LABOUR BILL.

Hon. T. H. WHITEHEAD—I rise to give notice that at the next meeting of Council I will move the first reading of a Bill to amend the Sunday Cargo Working Ordinance, 1891, by substituting in clause 9 the words "1st October, 1891" for the words "1st August, 1891."

NOTICE OF QUESTIONS.

Hon. T. H. WHITEHEAD—I also beg to give notice that at the next meeting I will ask the following questions:—

1.—Is the Government aware of, and if so did it sanction the blasting of rock which took place in the drain in the comparatively narrow thoroughfare of Queen's Road Central, opposite the Hongkong Hotel, where the life of the city concentrates, on Monday 13th, Wednesday 15th, and Thursday 16th July to the serious danger of life and property?

2.—Will the Government inform the Council in regard to the position of the matter of the general extension and sanitary improvement of the Public Recreation Ground in the Happy Valley, including the extension of the Racecourse, and state whether it is intended to proceed with the scheme for which the money was voted by the Council in the estimates for this year.

3.—Will the Government inform the Council whether the seven years' lease is to be issued of that piece of ground at the Racecourse to the east of the Bowrington Canal known as the Public Gardens, as granted to the Hongkong Athletic Club in the Honourable the Colonial Secretary's letter, No. 1094 of 31st May 1890, addressed to Mr. W. H. Young, and if not to be issued will the Government state the reasons for its not fulfilling the promise made to the Athletic Club as above stated.

THE APPOINTMENT OF A CHINESE CONSUL.

Hon. T. H. WHITEHEAD—In accordance with notice I beg to ask the following question:—

Will the Government lay upon the table copies of all recent correspondence on the subject of the appointment of a Chinese Consul to Hongkong, and also copies of the correspondence on the same subject in the years 1868 to 1876?

HIS EXCELLENCY—In reply to the hon. member's question, so far as this Government is concerned they would willingly lay on the table all the correspondence, but as it embraces letters which have passed between different departments of Her Majesty's Government at home and the matter is one which appears to have been dealt with on Imperial grounds, I thought it better to request by telegram the Secretary of State's permission to lay the correspondence on the table. I telegraphed immediately I received notice from the hon. member, but I have not yet received a reply; therefore I am afraid I must postpone the answer to this question until next meeting.

Hon. T. H. WHITEHEAD—Lord Kuntford in his despatch of the 21st May last refers to his despatch of the 26th March and His Excellency Governor Des Voeux's reply. Would it be possible for the Government to lay a copy of that correspondence on the table?

HIS EXCELLENCY—The question of course refers to the correspondence as a whole.

Hon. T. H. WHITEHEAD—Your Excellency is no doubt aware a public meeting is called for next week to consider this subject and it would be of very material assistance to that meeting if this portion of the correspondence were published. I think we have most of the previous correspondence on record in the Chamber of Commerce, but the recent correspondence has not yet been published. Possibly your Excellency might be able to let us have it before the meeting summoned for next Thursday.

HIS EXCELLENCY—Perhaps the public meeting might be put off for a day or two in order to give time for this; or there is another suggestion I might make. I will probably receive the reply of the Secretary of State very shortly, and although as a matter of form, if I receive his consent, the correspondence can only be formally laid on the table at a sitting of the Council, still, if I receive permission to do so, I would willingly place in the hon. member's hands any correspondence which he wishes.

Hon. T. H. WHITEHEAD—The information we have in the despatch of the 21st May is simply to the effect that a Consul has been appointed. In the previous despatch to which the Secretary of State refers I have not the least doubt His Lordship gave the Government his reasons in support of the step, but neither the Council nor the ratepayers have any notion whatever of the grounds on which the appointment is made. We simply have a bare despatch telling us that this has been done, which on the

face of it is a most arbitrary proceeding on the part of the Imperial Government, a most arbitrary proceeding which cannot be justified in any way.

HIS EXCELLENCY here sent for the papers and after examining them said he was afraid he must adhere to his former reply that until he received the answer to his telegram to the Secretary of State he was unable to lay the correspondence on the table.

Hon. T. H. WHITEHEAD—Your Excellency is no doubt aware that despatches to former Governors on this important subject have been published.

THE SALE OF SHARES REGULATION BILL.

The ACTING COLONIAL SECRETARY—I may mention, in moving that the Council go into committee on this Bill, that those amendments which were invited from hon. members, if they had any amendments to make to this Bill, have not been forthcoming. Taking into consideration the nature of the Bill it is somewhat difficult to see what amendments would improve it within the scope of the Bill itself. The scope of the Bill is to make provision for the prevention of contracts for the sale and purchase of shares and stock in joint stock companies of which the sellers are not possessed or over which they have no control. Although we have had no formal amendments sent in there have been some suggestions made to me that the Bill might be improved by the indication of some definite period beyond which time bargains would not hold good even assuming the seller to be possessed of the shares and to give the numbers or names. Well undoubtedly an amendment of that kind would go beyond the scope of this Bill. To limit the time for which contracts should run might be a good measure or it might not but it would not come within the recital of this Ordinance, which reads, "Whereas it is expedient to make provision for the prevention of contracts for the sale and purchase of shares and stock in joint stock companies of which the sellers are not possessed or over which they have no control." The limitation of the time of contracts would therefore have to be the subject of another Bill. I cannot help thinking that if hon. members will look closely at this Bill they will find it refers to one object and one object only, and that is the sale of shares over which the seller has no control or of which he is not possessed at the time he sells. There may be other abuses connected with stock and share dealing, and I understand there is some Bill being drafted by Counsel for the Stockbrokers' Association which proposes to deal with various other evils said to exist, but it does not deal with the specific evil touched in this Ordinance. If that is so I see no reason why such a Bill as that should not stand side by side on the statute book with the Bill we are now considering. That Bill would not

trench on the province of this Bill, nor will this Bill trench on the province of any Bill dealing generally with brokers, their licences, or the mode in which they should conduct their business. A Bill of that sort I must say as I have said before, I would rather see emanate from the Share brokers' Association themselves, from men who are accustomed day by day to deal with these things, and who are no doubt in a better position than others to propose remedies for the evils which they experience. I am only sorry that although this particular Bill we are now considering was introduced more than a year ago, no such Bill as has been spoken of has yet been brought forward. It has been talked about, but has not been submitted to the Government up to the present time. There is always something coming in the future, but it does not appear. Until it does appear we cannot tell whether it is a good measure or a bad measure, but I am quite sure when it does appear it will receive the fullest consideration from the Government and be dealt with on its merits. In the meantime there is no reason why we should not proceed with the passing of this measure, which has been a long time before the public, and which I believe the public desire to see passed. I beg to move that the Council go into Committee on the Bill.

Hon. J. J. KESWICK seconded.

The motion was unopposed and the Council went into Committee.

Hon. J. J. KESWICK said he would be glad if some member would suggest a date to be inserted in the blank left in the second line (the date after which contracts relating to unidentified shares should be illegal.) He would have some difficulty himself in determining what that date should be. He thought it exceedingly desirable every consideration should be shown to all parties by allowing contracts to run off. Whether the Bill should come into operation on the 1st October, 1st November, or 1st December was a matter of opinion.

The ACTING COLONIAL SECRETARY said the Bill did not deal with any past contracts.

Hon. J. J. KESWICK said he was aware of that.

Hon. P. RYRIE said he thought it would be desirable to give a longish time so that those who were doing business in stocks should be prepared for what was going to take place by and by. He thought the 1st October would do.

Hon. J. J. KESWICK proposed the insertion of the words "1st October, 1891."

Hon. P. RYRIE seconded.

Carried.

At the end of the clause, in place of "shall be guilty of a misdemeanour and be punished accordingly" the following words were inserted:—"Shall be liable on conviction before a Magistrate to a fine not exceeding \$250 or to imprisonment with or without hard labour for a period not exceeding six months." The offence to which this penalty applies is inserting false numbers in a contract.

The Bill having passed through committee the Hon. J. J. KESWICK gave notice that at the next meeting he would move the third reading. Upon this the Hon. T. H. WHITEHEAD passed a remark privately to the Hon. J. J. KESWICK, who said—It has been suggested to me that the third reading might be postponed to the meeting after next, but I do not see any reason for it. I understand the brokers are preparing a Bill themselves, but I do not think anything they may propose can trespass on the province of this particular Bill.

Hon. T. H. WHITEHEAD—The only reason I had for suggesting the postponement was that the Bill the stockbrokers are preparing will probably be ready shortly and it is one that would be much more stringent than this and would probably be attended with good results.

The ACTING COLONIAL SECRETARY—I think it would be well that we should get this done as soon as possible. The Bill was read a first time more than a year ago.

Hon. T. H. WHITEHEAD—It was generally supposed the Bill was entirely abandoned.

The ACTING COLONIAL SECRETARY—My understanding was that something was to be done which would meet all the evils complained of, but nothing has been done. There has been no undue hurry with this Bill, and I see no object in again postponing it.

The subject then dropped, the Hon. J. J. Keswick's notice of motion standing for the next meeting.

THE WIDOWS' AND ORPHANS' PENSIONS ORDINANCE
AMENDMENT BILL.

The ACTING ATTORNEY-GENERAL—I beg to propose the second reading of a Bill to amend the Widows' and Orphans' Pensions Ordinance. In moving the second reading of the Bill I will explain its purpose as shortly as I possibly can. It is a matter, perhaps, of not very much public interest. I think in fact it interests the members of the Civil Service only. An Ordinance was passed in 1890 to create a fund for the widows and orphans of the members of the Civil Service. The fund was to be accumulated by deduction from the salaries of 4 per cent. The Secretary of State in signifying that Her Majesty had not disallowed the Ordinance pointed out certain amendments which were required and which he desired should be introduced. There amendments were as follows:—In the 5th Section of the Ordinance there is mention of the rate of interest, but the rate is not exactly specified. It is proposed to insert the rate of six per cent. That is the first small amendment. The next amendment is the elimination from Section 13 of the concluding paragraph. That section provided that all moneys belonging to the fund should be deposited with the Colonial Treasurer and should bear interest at the rate of six per cent. For some reason or other which I do not quite understand the concluding paragraph provided

that each contributor should be entitled to be credited in the Colonial Treasurer's books with compound interest on his contributions to be computed half-yearly. The Secretary of State has directed that this paragraph be repealed. I think probably it was put in through oversight. It is quite unnecessary to provide that contributors shall be credited in the books with six per cent. compound interest on contributions, because the whole gist of the Ordinance is to provide pensions for widows and children according to the scheme in the schedule, which fully provides how the pension is to be ascertained, so that to require contributors to be credited with interest in the books of the Colonial Treasurer in the body of the Ordinance cannot have any effect so far as I can see on the ultimate pension which the widow or children may get. The next amendment is in subsection 1 of section 14. I do not think this amendment absolutely necessary, but it makes the section somewhat more clear. The abatement is to be 4 per cent from each contributor's salary, and this is to continue until such contributor shall have served thirty-five years. To make it quite clear it is proposed to substitute the word "contributed" for the word "served" The last amendment is the substitution of a new section for Section 16. Section 16 provided that any contributor who retired from the service should cease to have any interest in the fund but should be entitled to be repaid half his total contribution if he made his claim within a certain time. The new section provides that such retiring officer may still continue to contribute, and if he fails to do so, or becomes six months in arrears, when he shall be deemed to have ceased, nevertheless at his death his widow and children shall be entitled to a pension calculated according to the interested acquired at the date of his retiring. These amendments have been sanctioned by the Secretary of State and will bring the Bill on the same lines as that passed in Ceylon for the same purpose.

The COLONIAL TREASURER seconded.

Bill read a second time.

The Council went into Committee on the Bill.

On the motion of the ACTING ATTORNEY-GENERAL the Bill was left in Committee, the Colonial Treasurer having intimated that he desired to move an additional amendment.

THE WOMEN AND GIRLS' PROTECTION AMENDMENT BILL.

The ACTING ATTORNEY-GENERAL—On the last occasion certain amendments were proposed to this Bill which it was thought desirable to accept for the present on the understanding that if it was desired to make any further amendment the Bill should be re-committed. I understand the Registrar-General proposes to make a further amendment.

The Bill was re-committed.

The REGISTRAR-GENERAL—Your Excellency, at the last meeting of Council it will be remembered

that certain amendments were proposed to clause 4 by myself and seconded by the hon. member on my right (Hon. Ho Kai). Since then we have considered the matter further, and we consider that if the following amendments are made, they will most likely meet the object aimed at. After the word "parent" I propose to add "or person acting in place of a parent." I propose to strike out altogether the words "between the ages of six and sixteen" and instead of the words "natural guard an" to put the word "parent or person acting in place of a parent."

Hon. HO KAI seconded.

The amendment was agreed to and the Bill passed through Committee.

The ACTING ATTORNEY-GENERAL proposed the third reading of the Bill.

The REGISTRAR-GENERAL seconded.

Bill read a third time and passed.

OPIMUM ORDINANCE, 1891.

The ACTING ATTORNEY-GENERAL—I propose with your Excellency's permission that the next item on the orders of the day, the first reading of the Opium Ordinance, 1891, stand over till the next meeting of Council.

Agreed to.

SUPPLEMENTARY APPROPRIATION BILL, 1890.

The ACTING COLONIAL SECRETARY—I beg to move the second reading of the Supplementary Appropriation Bill, 1890. The Bill which is before hon. members asks them to authorise the appropriation of \$539,171.83 to defray the charges of the year 1890, and the recital says, "Whereas it has become necessary to make further provision for the public service of the Colony for the year 1890, in addition to the charge upon the revenue for the service of the said year already provided for, be it enacted, &c." Hon. members will find a very full statement supplied in the paper before them, which I think will very much facilitate consideration of this measure. I should like to point out in the first place that although we are asking for \$529,101.83. as stated upon the first page of the printed document, you will find the estimates for 1890 have not been exceeded. Of course if a private gentleman sets apart a certain sum for expenditure for a coming year, and he effects a saving in one part he can spend more on other branches. In dealing with Government money that course cannot be pursued. That which is voted for certain things has to be spent on those things and if savings are made in some departments you cannot spend the extra money on other departments. In a Bill of this kind you cannot take credit for all the sums saved, but all extra sums required we have to ask the Council to award us. I should like to point out that we saved on the estimates last year \$254,570. We saved on salaries, for instance, and on public works, but in some other services the estimate was slightly exceeded. Practically the vote is divided into three parts. First

for establishments, \$29,880; second, services exclusive of establishments, \$111,773; and third, extraordinary public works, \$397,577. According to instructions from the Secretary of State, public works have now to be included in the year's accounts. Formerly they were a separate item, now they are included in the year's estimate. If you go into details you will find we have saved \$13,000 on salaries; \$302,000 has not been expended out of the sum authorised for public works, while in the case of services exclusive of establishments the amount estimated has been exceeded by \$61,000. In pages 10 to 14 in the statement before you will see it set out in detail how these sums are divided. A great many of these items have already been voted by you. Financial minutes have from time to time come before you, they have been considered by you in Finance Committee and voted by you in the Council. I now beg to move the second reading of the Bill.

The COLONIAL TREASURER seconded.

Hon. T. H. WHITEHEAD—I rise to ask that the second reading of this Bill be postponed. We have heard from the Acting Colonial Secretary that a very large saving has been effected, but I am not able to agree with him at all. These supplementary estimates have been laid on the table to-day for the first time and I should like time to look them through. I observe that \$302,000 has not been expended on public works which was sanctioned last year. I think it very desirable and very necessary that we should know why and wherefore this large sum has not been expended. I have reason to believe that the Surveyor-General has a very numerous staff and it might be well that we should have some information from that department as to why this money has not been expended. I therefore move that the second reading take place at the next meeting of Council.

The SURVEYOR-GENERAL—I may be allowed to say that full explanation of the expenditure on various extraordinary public works and the reasons why others had not been proceeded with were contained in my annual report which was laid on the table only a short time ago. The whole matter is dealt with in that report. As hon. members are aware there are included in the estimates all works which may possibly be carried out during the coming year. At the time the estimates are prepared it is known that it would be impossible to proceed with all these works. The preliminary arrangements have to be made, difficulties arise in regard to some works, and it is absolutely impossible to expend the whole money provided. The instructions are to include all works that may be possibly carried out during the year, but it is never supposed that they will all be carried out during the current year.

Hon. P. RYRIE—I beg to support the second reading of this Bill. Nearly every item in it has already been before us.

Hon. HO KAI—I rise to second the amendment proposed by Hon. T. H. Whitehead Since this is the first time these supplementary estimates have been laid on the table, I think it would be quite as well to have a week's time to look over them. Although we may have passed some of the items before we have never seen them before in this form. There is no very great hurry, I suppose, for this Bill to be passed and it really saves time in the end if we are allowed a little time now to look into the matter.

The ACTING ATTORNEY-GENERAL—I would draw hon. members' attention to the fact that there can be no objection to the second reading being taken now. All the information they require they can get when we go into Committee, when item by item is taken and each separate amount proposed. If then any hon. member wishes for a postponement and good grounds are given for it, I have no doubt that a postponement would be acceded to by the Government most willingly.

Hon. T. H. WHITEHEAD—I think hon. members of this Council have a right to expect time too look through a document of this importance. It is now laid on the table for the first time and I should like to go through it calmly and deliberately, not hastily and hurriedly.

The ACTING COLONIAL SECRETARY—I cannot understand what objection there can possibly be to taking the second reading now. When we go into Committee hon. members will have an opportunity of considering each particular item. Nine-tenths of the items have already been considered in Finance Committee and have been passed in Council and certainly no rational being can be supposed to object to them now. If there should be any item in Committee upon which any hon. member desires information, I can only say that it will be not only my duty but my pleasure to give or procure for him the information needed. Any item about which any further information is desired can stand over. I have no desire to rush this matter through the Council. As far as my own personal feelings are concerned I should much prefer being elsewhere than here now, but I feel that I have a duty to perform, and as the Bill will take some time to pass through Committee I think we should make some progress now, unless hon. members are desirous of sitting through the summer.

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

FOR.	AGAINST.
Hon. T. H. Whitehead	Hon. J. J. Keswick
Hon. Ho Kai	Hon. P. Ryrie
	The Surveyor-General
	The Colonial Treasurer
	The Registrar General
	The Acting Attorney-General
	The Acting Colonial Secretary
	The Acting Governor

The amendment was therefore lost and the Bill was read a second time.

The ACTING COLONIAL SECRETARY—I beg to move that the Council do now go into Committee on the Bill. I have no desire whatever to hurry through any item, but I think we ought to make some progress with the Bill.

The ACTING ATTORNEY-GENERAL seconded.
Council in Committee.

Hon. T. H. WHITEHEAD—There are certain items the consideration of which as a member of this Council I think I have a right to ask should be postponed. The Audit Office vote, for instance, was \$10,000, yet I see that \$14,000 has been expended.

The ACTING COLONIAL SECRETARY—Any such item as that can stand over and be fully investigated but many of these items have already been passed and can be passed now without further notice. We can thus save time and make considerable progress with the Bill.

Hon. T. H. WHITEHEAD—If I may be permitted to say so the delay seems to rest with the Government entirely. This document is dated 2nd July and it is laid before us for the first time to day. The delay does not rest with us.

The REGISTRAR-GENERAL—It seems to me it would simplify matters very much if we were to take as read all those votes that have already been passed and which are marked with an asterisk. Those which have not been passed yet might be hold over till next meeting. I think this would meet the view of the hon. members who desire time to consider them.

HIS EXCELLENCY—I would suggest that to those votes you mention be added those for exchange on salaries drawn in England. I presume there can be no possible objection to those items. If these items are added to those that have already been passed we shall find that only very few remain to be postponed.

The REGISTRAR-GENERAL—I believe my proposition meets with the approval of my hon. friend on my right.

Hon. T. H. WHITEHEAD—Yes.

HIS EXCELLENCY—With the addition I suggested?

Hon. T. H. WHITEHEAD—Certainly.

The ACTING COLONIAL SECRETARY—I may seem perhaps to be speaking a great deal, but I have a great deal to do and I really wish to see some progress made with this Bill.

Hon. T. H. WHITEHEAD—We all have a great deal to do. I am and many others are at present working ten or twelve hours a day. The hon. gentleman is not the only person who has onerous duties.

The items already passed in Council and those dealing with exchange were then passed through Committee, the remaining votes standing over for consideration at the next meeting.

The Council then adjourned.

FINANCE COMMITTEE.

At the conclusion of the Council meeting a

meeting of the Finance Committee was held. The Acting Colonial Secretary presided.

The CHAIRMAN said there was only one small item before the meeting, a vote of \$48. Dr. Eitel had found it necessary, in consequence of the schools at Sayingpoon and Wanchai increasing in numbers, to find additional space. To do this he suggested that the masters

should give up their rooms, and that these should be added to the space now available. It was necessary to have some one to look after the places and this money was required to defray the expense of two coolies for six months.

The vote was agreed to and the Committee adjourned.