

17TH AUGUST, 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. 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.

MISSIONARY SOCIETIES' BILL.

Hon. HO KAI—I beg to give notice that at the next meeting of Council I will move the first reading of an Ordinance to provide for the incorporation

of the Senior Missionary in Hongkong of the London Missionary Society.

THE SUNDAY LABOUR BILL.

The ACTING COLONIAL SECRETARY laid on the table a despatch received from the Secretary of State, dated the 1st July, with respect to the Sunday Cargo-working Ordinance.

THE CENSUS RETURNS.

The ACTING COLONIAL SECRETARY laid on the table the census returns for the present year with the report of the Registrar-General dealing with the matter of the census.

HIS EXCELLENCY—I may just mention that the census report contains a quantity of interesting matter to which I would call the attention of hon. members. It shows a remarkable and steady increase in the population and progress of the colony. The Registrar-General's department is to be commended for having produced so careful and complete a record of statistics as that now placed before us.

THE OPIUM BILL.

The ACTING COLONIAL SECRETARY—With regard to the non-appearance of the Opium Bill on the paper to-day, I am desired by His Excellency to state that since the last meeting of Council the Opium Farmer on the one hand and the officials of the Chinese Customs on the other have suggested various amendments which they wish to make and various alterations they wish made before the Bill is again brought before the Council, and a?? there is no desire that it should be hurriedly passed it has been omitted from the paper to-day in order that these amendments that it is desired to bring forward may be fully discussed and considered.

THE CENTRAL MARKET.

Hon. T. H. WHITEHEAD—I was desirous of asking the Government to lay on the table certain papers, but as no notice of my question appears on the agenda paper I do not know whether I am in order or not in asking the question.

The ACTING COLONIAL SECRETARY—The reason that the question does not appear on the agenda paper is that according to the rules the paper should be circulated two clear days before the meeting of Council. The hon. member did not give notice at the last meeting that he was going to ask this question. If he had it would have appeared on the agenda paper. As a matter of fact he sent in notice to the Clerk of Councils on last Thursday. In due course this notice is forwarded to the Colonial Secretary and it reached me on Friday. I make every endeavour to comply with the spirit of the standing rules and get the paper out two clear days before the meeting of Council, and consequently the agenda paper was out before notice of the question came in. That however, in no way precludes the hon. member from asking the question. He is within his strict right in so doing and here is no desire on the part of the Government to prevent him from asking the question, only that if he desires his question to appear on the paper it would be more convenient if he would send in notice a little earlier.

Hon. T. H. WHITEHEAD—I beg to ask the following question:—"Will the Government lay on the table copies of the reports of the Hon. Surveyor-General and Mr. H. W. Wills *in re* the proposed new Central Market building, copies of the minutes of H.E. Governor Sir William des Voeux dated the 3rd and 14th April, 1891, and copies of the replies of the Hon. Surveyor-General to the said minutes and to the reports of Mr. H. W. Wills?"

HIS EXCELLENCY—To one of the minutes referred to I do not find any reply on record. With regard to the minutes themselves they were not, I feel sure, intended for publication and should not in my opinion have been publicly quoted by those to whom along with other papers they were referred. The question of the Central Market with all the papers alluding to it has now been referred for report to the

Public Works Committee, and as further delay in this matter involves large and continual loss to the revenue such must certainly be avoided. Under these circumstances I am not prepared to lay on the table the papers now asked for.

Hon. T. H. WHITEHEAD—If Your Excellency would permit me to say a few words—

HIS EXCELLENCY—I am afraid you are not in order.

THE ARMS CONSOLIDATION BILL.

The ACTING ATTORNEY-GENERAL—I have to move the second reading of the Arms Consolidation Ordinance. The object of the Ordinance is to consolidate the two previous Ordinances, one relating to the general carrying of arms and one passed in 1890 dealing with the search for arms carried by bands of Chinese. The whole Ordinance is therefore nearly all old with the exception of Sections 16 and 17. Section 16 gives powers to the master or officers in charge of any ship to search for arms and for that purpose to break open and search the baggage of passengers. The object of this clause is to prevent such a disastrous tragedy as that which happened last year on board the *Namoa*. Of course under ordinary circumstances where there was any suspicion of there being on board parties or persons carrying arms, the captain or officers would send for the police and the persons would be handed over. But there are occasions when there is no time to send for the police even if the ship is not under weigh or where suspicion has not been aroused until the ship is actually under weigh and moving out of harbour. This provision will enable the captain where there are reasonable circumstances for suspicion to search passengers' baggage for arms. Of course I take it that such provision will only be used when the ship is about to leave the Harbour. In ordinary cases I take it the police would be sent for and the parties handed over. Certain penalties are also provided in the Ordinance for arms so found and there is a general provision for dealing with the obstruction of any person searching for arms under the Ordinance. I beg to move the second reading of the Bill.

The ACTING COLONIAL SECRETARY seconded.

Bill read a second time.

The Council went into Committee on the Bill.

The Bill passed through Committee without amendment, was read a third time and passed.

THE MERCHANT SHIPPING CONSOLIDATION BILL.

The ACTING ATTORNEY-GENERAL—The next business on the agenda is the second reading of the Merchant Shipping Consolidation Bill I may as well state before going into details with regard to this Bill that it is not proposed to go further than the second reading to day, and the Bill will then stand over to the next meeting of Council. During that time Hon. members will have an opportunity of considering the Bill before going into Committee and the representative

of the Chamber of commerce will have the opportunity of bringing forward any amendments may be thought desirable by that Chamber. The first important alteration in the Bill is in Section 2. where two additional definitions are given, "local trade limits," and "harbour limits". "Local trade limits" mean the water surrounding the Island of Hongkong, outside of the waters of the colony, within the following boundaries: —To the East, as far as Fow-to-moon Pass; to the West, as far as the Capsing-moon Pass; to the South, as far as ??ochau or Peaufort Island "Harbour limits" mean the waters of the colony within the following boundaries: —On the East, a line drawn from the northern most point of the island of Hongkong to the N.E. boundary of British Kowloon; on the West, a line drawn from the western most point of Hongkong to the western side of Green Island, to continue to the western point of Stone-cutters' Island, thence to North point of Stone-cutters' Island, to continue to N.W. boundary of British Kowloon. These limits are chiefly important in connection with the licensing of steam launches for the carriage of passengers. The next alteration is in Section 3. This section prohibits any vessel owned by a British subject from trading in or from the waters of this colony unless she is provided with a certificate of registry under the Imperial Act, or a Colonial Register or a terminable certificate under the provisions of the M. S. Colonial Act 1868. or being a steamship under 60 tons is licensed in conformity with Section 7 of this Ordinance The next alteration sought to be effected is contained in Section 4 with reference to regulations as to safety. The section combines 51 and 52 V.C. 24 and the Board of Trade Rules. In conjunction with Table A of the Ordinance it divides ships into three classes, passenger carrying sea going ships non-passenger carrying sea-going ships, and river teamers. Provisions are made with regard to lifeboats and lifesaving apparatus, the details of which if necessary can be more fully considered in Committee. The principle which runs throughout these regulations is the greater the risk to life the more strict are the requirements of the regulations. Another alteration is in reference to the survey of steamships of 60 tons and upwards. The old Ordinance said 50 tons and upwards; and the Surveyor is in addition to the requirements of the law as it at present stands required to state in his declaration that the certificates of the engineers are such and in such form as required by law and that the ship is duly marked with deck and load lines. In reference to carrying an excess number of passengers, Section 6, in addition to the penalty imposed on the captain of the ship, adds a penalty on the owner, agent, or consignee unless it is proved that the shipping was without his knowledge and that he derived no benefit or advantage thereby. The next important amendment

is in Section 7 with reference to steamships under 60 tons instead of 50 tons as formerly. By Sub-section 2. the Harbour Master is emposeder to grant licences to steam launches plying for hire within the waters of the colony or between this colony and other ports within or outside the local trade limits. These licences are subject to certain regulations, of which the chief are that the master of the steam launch is required to enter into security in a sum not exceeding \$500 for the observance of the conditions of the licence and the limitation of the number of passengers to be carried, the principle being the smaller the vessel the fewer the passengers, having regard to the voyages contemplated. This clause also provides for the safety of passengers carried in steam launches, requiring certain life-saving apparatus to be carried and in certain cases one boat at least. Such a launch as the *Perseverance*, for instance, would be required to carry one boat if trading outside the local trade limits. The clause also contains certain regulations as to anchorage passes, clearances, and similar matters, and penalties for the breach of the section. Then again all steamships are required to undergo an annual survey whether licensed or not. Provision is made in Section 16 for the establishment of a Mercantile Marine Office. Hitherto, I believe the Sailors' Home has been used as a Mercantile Marine Office, and under this section the Governor is empowered to appoint a place. Probably the Sailors' Home would be appointed as the Mercantile Marine Office. Section 20 deals with the powers of the Harbour Master and Health Officer. In some instances these officers have experienced a difficulty in getting on board certain ships on their arrival and inconvenience and delay have resulted. This clause requires that they shall be permitted to go on board without delay and provides for penalties if they are obstructed. Section 27, which provides for the prevention of accidents, such as collisions, &c., will require consideration in Committee and the insertion of a clause providing for the carrying of lights by night on junks. There appears to have been some doubt as to whether cargo boats and lighters were included under the regulations as to boats. The present Ordinance makes this perfectly clear and expressly includes such vessels. The regulations practically include everything afloat except *bona fide* pleasure boats. Certain alterations of minor importance are also inserted in Section 30 as to moorings; in Section 37 as to storage of gunpowder, which is extended to other explosives; and in Section 38 as to junk licences. Section 40 deals with deck and load lines and brings the provisions on a footing with the Imperial Act of last year. I may say with reference to foreign ships that Sub-section 5 of this section runs, "Where the Board of Trade certify that the laws and regulations for the time being in

force in any foreign state with respect to over-loading and mpr?ling are equally effective with the provisions of the Merchant Shipping Acts with respect the eto, it shall be lawful for the Governor in Council to direct that on proof of a ship of that state having complied with those laws and regulations she shall not, when in the waters of the colony, be liable to detention for non-compliance with the said provisions of the Merchant Shipping Acts, nor shall there arise any liability to any penalty which would otherwise arise for non-compliance with those provisions." Such are some of the more important provisions of the Bill. I have no doubt that hon. members will accept the principle of the Bill, which has long been recognized and they will have ample time to make up their minds as to any amendments they may wish to propose in Committee. I now beg to move the second reading of the Bill.

The ACTING COLONIAL SECRETARY seconded.

Hon. P. RYRIE—I notice that Sub-section on 7 of Section 5 says. "Every surveyor who demands or receives directly or indirectly from the owner, agent, or master of any shops surveyed by him under the provisions of this Ordinance or from any other person any fee or remuneration whatsoever for or in respect of such survey, shall incur a penalty not exceeding two hundred and fifty dollars" I think a surveyor who is guilty of such conduct as that should be dismissed, not merely fined.

The ACTING ATTORNEY-GENERAL—I think it very probable that he would be dismissed.

The Bill was read a second time.

THE WIDOWS' AND ORPHANS' PENSIONS BILL.

The Council went into Committee on this Bill.

The COLONIAL TREASURER proposed the insertion of the following clause:—"The Governor in Council shall have power from time to time

to alter, vary, or repeal schedule A. but no such alteration, variation, or repeal shall have effect until the same shall have been published in the *Government Gazette*."

The ATTORNEY-GENERAL seconded.

Carried.

The Bill passed through Committee without further amendment.

On the motion of the ACTING ATTORNEY-GENERAL the standing orders were suspended and the Bill was read a third time and passed.

ADJOURNMENT.

HIS EXCELLENCY—I now propose to adjourn the Council for a short recess. It is usual, I believe, to adjourn somewhat earlier in the year and for a longer time than is now proposed, but circumstances were unfavourable to legislation in the early part of the year and important measures crowded upon us recently and necessitated us sitting to a later period than usual. I am glad to find, however, that the urgency as regards the Opium Bill, which I feared would deprive us altogether of any recess. is not so great as was supposed and the interval can be usefully employed in considering many fresh and important points in connection with the Ordinance. When we meet again we shall have the early consideration of this Bill, the Merchant Shipping Bill, and the Bankruptcy Bill, which have been receiving from week to week the careful consideration of the Law Committee, and I trust also the long looked for Brokers Regulation Bill, and last but not least the estimates for the coming year will demand immediate attention. I trust we may re-assemble in October with renewed zeal to work together in common cause for the welfare and progress of the Colony. (Applause.) The Council will now stand adjourned to the 5th October.