

22ND MARCH, 1893.

PRESENT: —

His Excellency the Governor, Sir WILLIAM ROBINSON, K.C.M.G.

Hon. G. T. M. O'BRIEN, C.M.G., Colonial Secretary.

Hon. W. M. GOODMAN, Attorney-General.

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

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

Hon. F. A. COOPER, Director of Public Works.

Hon. R. M. RUMSEY, R. N., Harbour Master.

Hon. C. P. CHATER.

Hon. HO KAI.

Hon. T. H. WHITEHEAD.

Hon. E. R. BELLIOS.

Mr. A. SETH, Clerk of Councils.

MINUTES.

The minutes of the last meeting were read and confirmed.

PAPERS.

The COLONIAL SECRETARY—I have the honour to lay on the table the report of the Director of Public Works for the year 1892.

The DIRECTOR of PUBLIC WORKS—I have the honour to lay on the table a report of the proceedings of the Public Works Committee at a meeting held on the 8th inst, and to move that it be adopted.

The COLONIAL TREASURER seconded.

Motion agreed to.

THE WOMEN AND GIRLS' PROTECTION ORDINANCE.

The REGISTRAR-GENERAL—Sir, the reason why it is necessary to bring forward the resolution standing in my name is that when Ordinance No. 11 of 1890 was introduced a special section was inserted stating that Part 2 of the Ordinance "shall only continue in operation for a period of two years from the coming into operation of this Ordinance or such further period or periods as may from time to time be determined by resolution of the Legislative Council." The reasons for specially limiting the operation of this part of the Ordinance were that some of the powers conferred in it were of a novel character and it was thought advisable to fix a time during which experience might be obtained of how these novel powers worked. The powers to which I refer are contained in Sections 14, 15, and 16 of the Ordinance. These powers were as a whole introduced chiefly from the Singapore Ordinance. That Ordinance is still in force in Singapore and Hongkong in introducing Ordinance No. 11 of 1890 followed to a great extent the example set there and the Secretary of State in giving instructions that this Ordinance should be introduced laid down that he thought it would be well to also follow the example of Singapore in limiting

the operation of Part 2 to two years. The reason for introducing the special powers contained in Part 2 was to meet special abuses which exist here in connection with immigration into the colony and emigration from it. It is well known to those who have any experience of immigration and emigration, it is well known to them, I say, that there is a class of people who carry on a traffic in women and girls, that women and girls fall into the clutches of these people who exercise such a terrorism over them that they are afraid to express even a desire for freedom. It is therefore necessary to protect these people in order that they may have the opportunity of protecting themselves. The mode of procedure which has been adopted since the Ordinance came into force has been for the Registrar-General to detain such persons, in accordance with the provisions of the Ordinance, and send them to the asylum, which since the Ordinance came into force has been the Po Leung Kuk. It is owing to the co-operation of that Society that the success which has attended the enforcement of this Ordinance is almost altogether due. It may be asked, "How has this part of the Ordinance worked since it came into force?" Well, sir, if figures may be taken as any criterion I think it must be regarded as having worked in an eminently successful manner. No less than 583 women and girls have been dealt with under Part 2 of the Ordinance. During the first year of its operation 330 were dealt with and during the second year 253, making a total of 583. All these girls have been sent to the Po Leung Kuk, the large majority of them have been returned to their friends or relatives, or steps have been taken to settle them comfortably and satisfactorily in life. As I said this part of the Ordinance—the conducting of enquiries and the finding out of the relatives of these people—could not possibly have been carried out to our satisfaction without the co-operation of the members of the Chinese community, who are, of course, in a much better position to conduct such enquiries as I have indicated and make arrangements for the welfare of these rescued girls, than anyone else could be. In addition to the powers which are conferred by the sections I have already referred to there is also section 17, which makes it lawful "for the Governor in Council out of moneys to be provided by the Legislative Council for that purpose to provide a suitable building or buildings for the purpose of temporarily housing and maintaining women and girls detained under the provisions of this part of the Ordinance and as the asylum for them during such detention," Well, sir, as I have already told you, the asylum for the women and girls, during the two years that this

Ordinance has been in force, has been the Po Leung Kuk and has not in any way been supported by the Government. The whole cost has been borne by the Chinese community and the principle laid down in this Section has existed simply as a principle which has not been put into practice. I think, sir, that it is desirable, however, that we should retain the power given to the Governor in Council by this Section because probably some day we may wish to put it into force. There is another section which deals with bonds which were entered into before the legislation connected with women and girls came into force. In 1883, one of my predecessors in office, Dr. Stewart, found it necessary, owing to prevailing abuses connected with the emigration of women and girls, to introduce a system of bonds, although no legal powers existed at the time to enable him to enforce them. After bonds had been entered into it was feared that in the absence of any legal power if it was at any time necessary to call upon the sureties they might avail themselves of the legal quibble that there was no authority to bind them to their bond. Section 19 was inserted to meet that difficulty. I am glad to say, sir, that during the two years Part 2 has been in force it has not been found necessary to put this section into operation, but at the same time I think it is wise that it should be retained although the number of girls with which it specially deals is becoming yearly less. The number is now 103. I think it is as well to allow the section to remain until all the girls that are secured under bonds of the nature I have described have been finally settled in life. Such, sir, is briefly a description of the various sections of Part 2 of this Ordinance. I feel more confidence in commending this resolution to the Council than I otherwise should because as far as I know the Chinese community are in favour of Part 2 and, as it is almost entirely the Chinese who are affected by it, their opinion, sir, I consider, of the greatest weight. Also from a commercial point of view I think it is of the greatest importance that immigration into this colony should be so conducted that no stigma should be in any way attached to Hongkong in connection with it. All those who have had a lengthened period of residence in the East are aware that emigration has at times enjoyed a notoriety of not a very desirable nature, and I think every one will agree with me that it is highly necessary that emigration, which is of no small importance to the prosperity of this colony, should be conducted in such a manner that every person who comes to this portion of British territory shall have the chance of emigrating as a free subject and not under the duress of people who are trading in human beings and treating them as mere chattels. Not only, sir, in the interests of commerce do I think this Part 2 should remain in this Ordinance but also in the higher interests of humanity. It has always been

the beast of Britishers in every part of the world that people on British soil are free subjects, and the main object of this part of the Ordinance is to secure freedom to people who are, perhaps through no fault of their own, unfortunately placed in a position in which freedom is conspicuous by its absence. On these grounds, sir, I commend this resolution to the favourable consideration of the Council and I formally move:—"Whereas, by section 20 of Ordinance 11 of 1890, it is enacted that Part II. of 'The Women and Girls' Protection Ordinance, 1890,' should only continue in operation for a period of two years from the coming into operation of that Ordinance or such further period or periods as might, from time to time, be determined by resolution of the Legislative Council. And whereas the said Ordinance came into operation on the 6th day of April, 1891, by virtue of a Proclamation duly issued under section 34 of the said Ordinance by the Officer then administering the Government, which Proclamation was published in the *Gazette* of the 4th April, 1891. And whereas it is desirable to further extend the period during which the said Part II of the said Ordinance shall be in operation. It is this day resolved by the Legislative Council of Hongkong that Part II. of 'The Women and Girls' Protection Ordinance, 1890,' shall continue in operation until further notice.

The HARBOUR MASTER—I have much pleasure in seconding the resolution. In connection with my duties as emigration officer I am brought more or less in contact with this subject and I have the opportunity of noting that sometimes under the cloak of innocent and legitimate emigration abuses may creep in unless preventative measures are provided. I do not advocate pressing our protection on those who willingly and knowingly resist it, but I think that in the powers given to the Registrar-General in the second part of this Ordinance we are taking the best means of protecting women and children who come here for purposes of emigration and protecting them from those who would otherwise prey upon them if these preventative measures did not exist. I have much pleasure in seconding the resolution.

Hon C. P. CHATER—I regret I was not present when the hon. Registrar-General commenced his speech on this resolution that is now before the Council. Although I was not present, yet I am quite of his opinion that the Ordinance has done a great deal of good and I sincerely trust, as must also be the wish of every member of this Council, that it may continue to do good in the colony, and I have absolutely no doubt in my mind that it will. But while agreeing with him on these points I am of opinion that if you were to pass the resolution as it now stands we shall be doing that which is not quite in order, not quite in accordance with the

original Ordinance for the Protection of Women and Girls. In this Ordinance, sir, it distinctly states that it should only continue in operation—this Part 2—for two years, and after that "for such further period or periods as may from time to time be determined by resolution of the Legislative Council." The resolution before us states that the Part 2 shall be in operation "until further notice." "Until further notice" I contend is not "for any further period or periods as may from time to time be determined by resolution of the Legislative Council." Therefore I think that the resolution should state a fixed period—say for one, two, or three years as the case may be. I have absolutely no objection to the resolution being fixed for a long period, but I am of opinion that, while the Po Leung Kuk Ordinance is still in abeyance, perhaps if you were to arrange to-day for one year it would suit all purposes. Unless the hon. Registrar-General is prepared to fix one year in his resolution I would move an amendment that it should be so done.

Hon. T. H. WHITEHEAD—I rise to second the amendment.

HIS EXCELLENCY—There is no amendment.

Hon. HO KAI—As my position in this Council is the representative of the Chinese it may be expected at once that I should say something on the resolution before us as the question undoubtedly touches the Chinese more than the Europeans or natives of any other country. I am very glad to say that I can stand up to-day to say something in support of the resolution, rather than against it. From my experience of the working of the Ordinance for two years, and also from the experience of those Chinese, leading Chinese, with whom I am daily brought in contact, I may say that the Ordinance has worked—this particular part of the Ordinance—very satisfactorily so far. But of course the satisfactory result of the working of that part of the Ordinance as has been pointed out by the hon. member on my left (the Registrar-General) depended a good deal on the co-operation of the Committee of the Po Leung Kuk, and I wish also to point out, while supporting the motion, that that co-operation should be continued. Otherwise my support of it will not be so hearty as it is now. It is only with the hope that the hon. Registrar-General will in the future, in carrying out the provisions of that part of the Ordinance, seek the advice and co-operation of a Committee of respectable leading Chinese in this colony and follow their advice when he exercises his discretion in accordance with the provisions of the Ordinance. It may be imagined, sir, that it is very easy for an official, by a little hasty decision or by a little arbitrary action, to so carry out the provisions of this part of the Ordinance as to cause a good deal of hardship among the Chinese. He might interfere unwisely with the family

arrangements of the Chinese, the domestic arrangements, and just because he had only what is said in the Ordinance, "reasonable grounds" for it. "Reasonable grounds" means the exercise of certain discretion on the part of the officer entrusted with the carrying out of these provisions. But with the advice of a permanent Committee of leading Chinese that power cannot possibly be abused, and I only regret that the hon. Registrar General did not think proper to extend the operation of this Ordinance only to such a period as one year until we shall have had time to consider the very important Ordinance which your Excellency has referred to a special Committee—the Po Leung Kuk Ordinance. In that Ordinance provision has been made that the Registrar General—should associate himself with the permanent Committee of Chinese to advise him in carrying out any law or provisions regarding the rescued women and children. If that Ordinance had been passed I should have most heartily and without any hesitation supported the motion before us. Consequently therefore I think Mr. Chater's suggestion is a very proper one and I hope that the Registrar-General will be able to consent to limiting the period of the further operation of this part of the Ordinance to a period of one year. At the end of that time of course we can further consider this motion.

HIS EXCELLENCY—Have you any objection, Mr. Lockhart?

The REGISTRAR-GENERAL—I have no objection whatever to amending my resolution by stating that the Part II. of the Ordinance shall continue in operation from April 6th, 1893, for one year, in accordance with the wishes of the hon. senior unofficial member and the hon. member on my right (Hon. Ho Kai).

The resolution was amended accordingly and adopted.

THE PRAYA WHARVES AND PIERS ORDINANCE.

The ATTORNEY-GENERAL—I have the honour to move the second reading of a Bill entitled "An Ordinance to provide means for ascertaining the amounts to be paid by way of compensation in respect of the wharves and piers along the line of the Praya Reclamation, to fix the periods for the payment thereof and for other purposes in connection therewith." It will be in the recollection of the Council that this Bill in a somewhat different form was introduced some time ago. The leading feature of the Bill as then introduced was that one gentleman, the Director of Public Works, should make a preliminary valuation of the amounts to be paid in respect of the wharves and piers, and if people were satisfied they should be accepted, and appeal allowed if some persons were not satisfied. It was then suggested—there seemed, indeed to be a pretty general feeling—that instead of one person doing this, Mr. William Danby should be appointed as second valuer. I think nearly all the gentlemen interested in the wharves and

piers were satisfied with that proposal. It was also suggested that there should be an umpire. That suggestion having been made I endeavoured to recast the Bill so as to have two valuers and an umpire. It then appeared that if one had two valuers and an umpire there would be no need for any appeal from their decision. If they had the confidence of the people for whom the valuations were to be made it would not be necessary to have recourse to the Courts. Therefore, I recast the Bill and it was only yesterday that I heard that if it was the unanimous wish of this Council His Honour the Chief Justice, Mr. Fielding Clarke, would consent to act as arbitrator. (Applause.) I understand from him that if this is the unanimous wish of all parties he will very kindly undertake, gratuitously of course—he said without any reward—the duty of umpire. I am quite sure that everyone will be very pleased that he should undertake the duties of umpire in the case. (Hear, hear). Since I saw him yesterday I have had the opportunity of somewhat remodelling the Bill. I propose to make some amendments and in order to facilitate reference when we reach the Committee stage I have had handed round to members a draft of the proposed amendments. I think it would be well if I shortly explain the nature of the amendments I propose to make. I am not departing from the principle of the Bill as it was read on the first occasion, but there are little difficulties which might creep in from time to time and I have endeavoured to meet them by certain amendments. In the first place when the estimates had been arrived at and agreed to by the valuers—or in case of a difference submitted to the umpire—and the time came for the paying of these amounts, difficulties might arise as to ownership. The statute provides that the money shall be paid to "owners and occupiers" and it occurred to me that there might be some difficulty, when the time arrived for paying the money, as to who was the owner. Therefore I propose in my amendment to split up section 6 and substitute for it three separate sections. After the schedule—the table of compensation as I now call it—has been published in the *Gazette* showing in two columns the name and description of the wharf or pier and the amount to be paid as compensation; the only question left will be to decide who is to get the money. In the Bill as first prepared it was provided that it should be paid to the owner, and that the owner and occupier should settle eventually between themselves. Probably there would be no difficulty about that but we must have someone to give a receipt for the money, and I did propose that it should be paid to the owner. I now propose that after the schedule has been published there should also be published in the *Gazette* a list of the respective persons to whom this money, the respective sums in the schedule, is intended to be paid. Having three

months to consider that list, the owners and occupiers will probably arrange among themselves satisfactorily, but of course the Government have, nothing to do with this. If there is anyone, however, who is dissatisfied with the decision as to whom the money should be paid, if there are any objections, the person is allowed to send his objection to the Colonial Secretary within three months of the publication of the list stating what his objection is, to whom he objects, and who he considers ought to receive the money instead of the person proposed by the Government. If the subsequent negotiations are not satisfactory—I suppose objections would be referred to the Attorney-General in the first place—but if the objection is not withdrawn, then in such an instance the money may be paid to the Supreme Court and any one wishing to obtain it can apply there. It is provided that there should be procedure through the summary jurisdiction of the Court. Now you will understand the amendments, when I come to them, of Sections 5, 6, and 7. They read as follows:—

5. —Within one month from the publication of the said table in the *Gazette*, there shall also be published in the *Gazette* a list of the respective persons to whom it is proposed to pay the respective sums mentioned in the said table.

If, in any particular instance or instances, any person has any objection to payment being made to the person or persons named in the said list, he may, within three months from the date of the publication of such list, send in writing to the Colonial Secretary his objection and the reason thereof and the name or names of the persons to whom he alleges payment should be made.

6. —In all cases where no such objection is made within the time mentioned or where such objection, if made, is withdrawn in writing, it shall be lawful for the Governor to direct payment of the respective sums mentioned in such table to be made, in due course, to the persons mentioned in such list and the receipts of such persons respectively shall be good and valid discharges to the Government for all sums so paid and from all further liability to payment with regard to the wharves or piers in respect of which such sums have been paid.

7. —In any cases where objection has been made as aforesaid and not withdrawn and in any case where difficulty may arise as to the person or persons to whom payment should be made, or otherwise, the sums mentioned in the table in respect of any particular wharves or piers may be paid into the Supreme Court to the Registrar of the said Court on behalf of the persons who may be entitled thereto respectively, and thereupon such Court may exercise Summary Jurisdiction with regard to such sums, and may summon before it all parties claiming to be interested in or entitled to any such sum, and may hear and determine such claims and may finally decide what shall be done with any money so paid in, and may make such orders as to payment out of Court or otherwise and as to costs as to such Court may seem right. There shall be no appeal from the determination of such Court.

Sir, that is the scheme—that there should be first prepared a table of the compensations arrived at by the valuers valuing and when they have agreed, or in case of disagreement, the umpire has settled it, then and not till then the

Table is to be published stating the amount of awards. Then the only question is as to who is to have the money and I have dealt with that in the Sections read. There is only one other thing that I need mention, and that is that it had been suggested to me that there is a difference in this Bill and the other Bill in that the other Bill suggested that the Government should receive payment for all wharves and piers and not only the five mentioned. Some people seem to be rather dissatisfied that the Government should claim for five piers and I will tell you exactly why I recommended that that course should be adopted. You will recollect—those who were here at the time of the Praya Ordinance—that there was a great deal of preliminary correspondence about it, and on the 19th February, 1889. Dr. Stewart, the then Colonial Secretary, wrote a letter to Mr. Chater, who at that time represented to a great extent the wharf owners and was taking a leading part in the matter. The letter which he wrote was brought before the public meeting, which adopted the resolution, and in it there occurs this passage:—"There is, however, another consideration cognate to those which have induced the view of the Secretary of State on this point, viz., with reference to the wharves and piers belonging to the public which will require to be removed in consequence of the proposed reclamation. The constructions in question are: Pedder's Wharf, Murray Pier, Pottinger Street Pier, Nam Pak Hong Pier, and the Harbour Master's Pier; and it seems to the Governor that in respect of these the case for compensation, which by inadvertence was not submitted to the Secretary of State, is even stronger than in respect of the privately-owned piers." That was read at a public meeting and was called attention to in Mr. Chater's speech on 6th March, 1889, in the following words:—"The second condition relates to compensation for piers. This condition looks at first a little complicated, but I think you will find it clear enough when you come to examine it. To begin with, the Government thinks we ought to refund the Colonial Treasury the cost in full of the five public piers which will be absorbed in the reclamation. These are Murray Pier, Pedder's Wharf, Pottinger Street Wharf, the Nam Pak Hong Pier, and the Harbour Master's Pier. It is contended that these five structures were built at the cost of the ratepayers generally and that therefore the ratepayers should not be put to any expense in the re-erection of them by reason of our private works of reclamation. Then, passing on from public piers to private ones, we are told that, as the reclamation will confer very considerable pecuniary benefits on us, we must consent to pay compensation to some extent—that is to say partial compensation—to such owners as are compelled to give way to us and to remove their structures out of what will be our future new lots." When

I came to look carefully through the documents I came upon those, and when I saw that the Colonial Secretary specifically mentioned at the time that there was to be no cost to the Government involved in the removal and re-erection of those five specific piers, that that letter was on the 6th March specifically alluded to by Mr. Chater, and that at that same meeting a resolution was passed approving of the insertion in the Bill of this \$180,000, and when I came to look at the report in the newspapers of the second reading of the Bill which took place on March 29th of the same year, I thought that the right and proper course was to try to carry out that which had evidently been intended at the time. I may point out that if the Government had asked to have all their rights under the Reclamation Ordinance as it stands, it might have claimed for all the piers. I have endeavoured to carry out the real intention and purpose in the Bill. The Government has no special interest in this Bill, but unless it is passed it will be impossible to divide this sum of \$180,000 because one dissentient individual would prevent agreement being made. Therefore, I trust that this Bill will meet with the approval of the Council in its present form. If there are any improvements to be made in it I shall be glad to hear them suggested, but certainly the Bill has not been hurried in any way.

Hon. E. R. BELLIOS—I beg to second the second reading of the Bill.

Bill read a second time.

The Council then went into Committee on the Bill, the amendments suggested by the Attorney-General being adopted without any remark. The only feature in this proceeding of any interest was the incidental announcement of the Attorney-General that it would only be necessary to provide for the remuneration of Mr. William Danby, as Hon. F. A. Cooper and His Honour Mr. Fielding Clarke did not accept remuneration.

THE ADJOURNMENT :—THE PO LEUNG KUK ENQUIRY COMMITTEE.

His EXCELLENCY—As a matter of form I will adjourn the Council for a fortnight, but it may not be necessary to call you together so soon, as I am happy to say the Government have little or nothing further in the shape of legislation to bring forward during this session. The only Ordinance on the stocks—if I may use the expression—is an Ordinance amending the Vagrancy Ordinance. There is one other Ordinance to which Hon. Ho Kai referred, namely, the Po Leung Kuk Ordinance, but as you will recollect I referred this matter to a special committee on the 25th of April last, the committee being composed of the Registrar-General, Dr. Ho Kai, Mr. C. P. Chater, Mr. T. H. Whitehead, and Mr. F. H. May. No report has as yet been presented, and we cannot proceed with this Ordinance until the report has been presented and thoroughly considered. In justice to the members

of the Po Leung Kuk and seeing that the Committee has been in existence for 11 months I think the members of the Committee might see the desirability of furnishing a report as early as possible, and I shall be very glad to hear from the Chairman, the Registrar-General, that he is prepared to send it in soon.

The REGISTRAR-GENERAL—Your Excellency, I think I am at liberty to state on behalf of the

members of the Committee that great consideration has been given to this question during the months they have sat, and that they trust to be in a position very shortly to send in their report. I am not certain whether they will be able to do so within the next fortnight, but there is a possibility that it may be within that time.

The Council then adjourned.