

4TH APRIL, 1895.

PRESENT:—

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

Hon. J. H. STEWART LOCKHART, Colonial Secretary.

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

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

Hon. A. M. THOMPSON, Acting Colonial Treasurer.

Hon. R. M. RUMSEY, Harbour Master.

Hon. C. P. CHATER.

Hon. Ho KAI.

Hon. J. J. KESWICK.

Hon. E. R. BELLIOS, C.M.G.

Hon. A. McCONACHIE.

Mr. A. Seth Clerk of Councils.

FINANCIAL BUSINESS.

The COLONIAL SECRETARY laid upon the table the report of the proceeding of the Finance Committee held on 28th March; and Financial minute No. 10 was referred to the Finance Committee.

THE SANITARY BY-LAWS.

The COLONIAL SECRETARY—I have to move that an additional by-law made under Section 13 of Ordinance 15 of 1894 be approved by this Council. The Council will remember at the last meeting but one a number of by-laws made under this section were approved by this Council. Among those by-laws there was one which did not then meet with the approval of the Council and it was decided that it should be referred back to the Sanitary Board for reconsideration. The Sanitary Board has reconsidered the by-law and it is now transmitted for the approval of this Council in a form which, I trust, will meet with the approval of all members of the Council.

The ACTING ATTORNEY-GENERAL—I beg to second that.

Hon. C. P. CHATER—I am well satisfied with the by-law as it now stands.

Carried.

AN ORDINANCE REPEALED.

The ACTING ATTORNEY-GENERAL—I beg to move the first reading of a Bill entitled an Ordinance to repeal Ordinance No. 1 of 1864 entitled "An Ordinance to provide for conversion

of British Currency in all payments by or to the Government." The object of the Bill is to remove from the statute book this Ordinance which relates to the conversion of British currency, and which has practically become a dead letter by reason of the proclamation which was published in the *Gazette* on Saturday last. The proclamation, in terms, repeals this Ordinance, but it is considered better that the legislature which passed that Ordinance should also repeal it. I beg to move the first reading.

The COLONIAL SECRETARY—I beg to second.

Bill read a first time.

A PRECAUTIONARY MEASURE.

The ACTING ATTORNEY-GENERAL—I have to move the second reading of the Immigration Ordinance. I stated on the last occasion that certain amendments had been proposed by the Sanitary Board, and that they had not then received the consideration they deserved, and I thought it would be desirable that they should be more fully considered before the Bill was read a second time. The amendments proposed have been generally accepted by the Government, and they are incorporated in the draft Bill before the Council to-day. The object of the Bill is, as I have stated, to enable the Governor in Council to prohibit the immigration of Chinese from any infected place where the bubonic plague prevails or exists. The Sanitary Board has recommended the extension of this to cholera, smallpox, and such other serious diseases which may be notified in the *Gazette*, and probably that extension, if the Bill is passed, will meet with the general approval of the Council. There are other small details and amendments they propose, but there is one more substantial amendment. They propose that the Governor should not only have the power to prohibit the importation of Chinese by sea, but by land also. That also has also been adopted in the Bill. The prevention of plague is all important, not only to the welfare of the colony, but to the trade of the port. If the general impression be true that the plague came here, or was imported here last year, and did not, as it were, grow in the place, some power ought to be conferred upon

the Governor to restrict the immigration, by land or by sea, of those who are likely to import it, or whose luggage and clothing might be brought here with germs of the disease in it. It may possibly temporarily prove hard or injurious to shipowners and traders in the colony; but you will see from the Bill that this is only a temporary measure; it is not to be a permanent measure. The restriction is to last for such time as may be fixed by the Governor in Council. Quarantine, we are told by medical officers, to be really effectual, must be complete, that quarantine under local circumstances, and with the many possibilities of evading it, cannot be effectual as it is carried out in this colony. Therefore it is necessary for the Governor to come to Council for larger power of restriction, which is the object of this Bill. I think hon. members will agree with this. I believe the senior unofficial member wishes to make some addition or alteration in a clause of the Bill, but it is not probable that the Governor in Council would issue a proclamation of this description unless there is very serious reason to believe that the introduction of the plague, or other disease such as is mentioned, is likely. I think the Governor in Council must be given the credit for taking the greatest consideration and the deepest care if it is deemed necessary to issue a proclamation. I believe the hon. the senior unofficial member wishes in some way, before the proclamation is put in force, that it should come before a meeting of the Legislative Council. He can easily adapt that clause, or introduce words into the clause which will prevent the proclamation coming into effect hastily. There must, however, always be some delay if the Legislative Council have to be called together. I have no doubt that it will receive every consideration when the Bill comes before Committee. With these remarks I beg to move the second reading of the Bill.

The COLONIAL SECRETARY seconded.

Bill read a second time, and Council went into Committee. On the reading the first clause,

Hon. E. R. BELLIOS said—This is a matter which affects especially the shipping interests, and it will be wise, I think, to insert after the word Governor, "in the Legislative Council;" so that the line will read "Governor in the Legislative Council." I am sure all unofficial members have been at the beck and call of your Excellency, and if we were asked to assemble, even if the notice was only an hour's notice, we were never reluctant to come here; and I think it will be wise if we are allowed an opportunity to express an opinion in the event of the necessity to prohibit or regulate immigration.

Hon. C. P. CHATER—The Acting Attorney-General informed us a little while ago that the unofficial members were anxious to introduce a few words into the clause which has just been read. The unofficial members met at a meeting called this forenoon at the request of my hon. friend opposite, and consequently it is he who moves the amendment. The object, sir, in trying to have this proclamation issued by the advice of the Legislative

Council, and not the Governor in Council, is to strengthen your Excellency's hands. The clause reads as follows— "Whenever the Governor in Council shall be satisfied that the bubonic plague, cholera, small-pox," &c. The Governor in Council is the Governor in Executive Council, whereas the amendment proposed by my hon. friend opposite is that the words shall be altered to "Governor in Legislative Council," which includes all your own officials and the representatives of the public in the persons of the unofficial members. Therefore, I think, as far as your Excellency is concerned, it would strengthen your Excellency's hand to have the proclamation issued by the Legislative Council. I have very great pleasure in seconding the amendment. Probably the wording of it might not be quite as proposed by the hon. member, but the Attorney-General may put it in proper form. I suggest, "by the advice or recommendation of the Legislative Council."

The ACTING ATTORNEY-GENERAL—The meaning of Governor in Council is the Governor in Executive Council.

The COLONIAL SECRETARY—With regard to the proposed amendment, it appears to me to be undesirable. It has been stated clearly that the Governor in Council would issue no proclamation unless satisfied that these diseases are in existence, and that the proclamation is necessary. The hon. the unofficial member said that the object of the amendment was to strengthen the Governor's hand. I really fail to see how calling together an assembly of the Legislative Council in a matter of this kind would in any way strengthen the Governor's hands. The object of the proclamation is to prevent Chinese coming into this colony from an infected port. Before any proclamation of the kind is issued the Governor would ascertain all the facts. I do not see how the Governor's hands would be strengthened by calling a meeting of the unofficial members, who have a very large knowledge of matters connected with this colony, but of such matters as diseases they have absolutely none.

Hon. HO KAI—I am in favour of the amendment, because I think it is as easy for the Government to summon a meeting of the Legislative Council as to summon a meeting of the Executive Council. There is no doubt that the public, or a certain number of them, would have more confidence if the Government would summon them or their representatives, together with the Executive Council, before such a proclamation is issued, and for this reason I should have supposed that the Government would not oppose the amendment of the unofficial members. There is no reason why the wishes of the un-

official members should not be complied with; at least I can see none and we have heard of none. The Legislative Council can be summoned and assembled at an hour's notice, quite as easily as the Executive Council, and whether your Excellency's hands are strengthened or not by summoning the Legislative Council instead of the Executive Council is a matter of opinion, but I am quite sure the public would regard it as in some measure the proper course to be taken. In that way we could see that the Government took proper care, and that there was necessity for the proclamation before issuing it. I hope that the Government will, in this instance, see that the wishes of the unofficial members are complied with.

The ACTING ATTORNEY-GENERAL—May I make a suggestion? Instead of calling this, as it evidently would be called, a meeting of the Legislative Council formed in this Chamber, would it meet the wishes of the unofficial members if they were called in consultation with the Governor in Executive Council? It is not usual for a proclamation to be issued by the Legislative Council, at least I can think of no instance where a proclamation has been issued by the Governor in Legislative Council. The Legislative Council legislates. Without proper reason for it I am doubtful if it would be a proper course to allow or to give power to the Governor in Legislative Council to issue a proclamation.

Hon. C. P. CHATER—I think that would suit us admirably, and I was going to suggest it, but I thought it was not possible. Our great object was that your Excellency should have the opinions not only of the official but also of the unofficial members before issuing the proclamation.

His EXCELLENCY—It will always give me a great deal of pleasure to allow one or two members of the Legislative Council to assist me before issuing a proclamation of this nature.

The clause was then passed after a slight alteration had been made.

The Bill was passed through committee, read a third time, and passed.

THE ARMS BILL.

The Council then went into Committee on the Arms Bill.

The ACTING ATTORNEY-GENERAL said that the hon. member opposite (Hon. C. P. Chater) had kindly given notice that certain persons exempted from serving as jurors would, as the Bill was framed, come under its provisions instead of being exempted as previously. He had therefore introduced alterations to exempt "such persons as are exempted by law from serving on the jury on account of their avocation or profession."

Hon. C. P. CHATER seconded and the alteration was agreed to.

The HARBOUR MASTER pointed out that Volunteers were not mentioned in the Bill. Were Volunteers considered in

military service when they were not actually at drill or called out? They had arms in their possession.

The ACTING ATTORNEY-GENERAL—I do not know whether under the Army Acts they do come within the definition of military in the Acts. I believe they do in England, but I do not know whether they do here.

Clause 5, on which the question arose, was accordingly amended by the addition of the words "naval, or military, or volunteer, or civil service."

Hon. A. McCONACHIE proposed that the words "in course of transhipment" be added, thus rendering it unnecessary for shipping firms and merchants to take out a licence for arms which were being transhipped. It would be a great inconvenience and delay to shippers and merchants if they had to take out a licence every time they transhipped cargo. He thought the words proposed could very well be inserted.

The ACTING ATTORNEY-GENERAL said he had only one objection to the words being added and that was that arms must be under the cognisance of the police, who, if licences were not taken out, would not know where the arms were.

The COLONIAL SECRETARY—I think it is most important that the police should know when arms are arriving in this colony. These arms can be landed and kept, but it is for an indefinite period. I think it is very important that the police should know where the arms are.

Hon. A. McCONACHIE—If business is to be trammelled with so many conditions it will be impossible to carry on business in the colony at all.

The COLONIAL SECRETARY—I do not quite understand about trammelling commerce. There is no desire to trammel commerce. The object of the Bill is to protect the interest and the good order of this colony. You cannot say it is trammelling commerce to let the police know where the arms are situated. I understand that my hon. friend opposite would have no objection whatever to have an arrangement whereby the police should be informed. "Trammelling commerce" is a somewhat exaggerated term.

Hon. J. J. KESWICK quite recognised the importance of the police knowing where the arms were transhipped; the authorities should be aware of the fact. (Hear hear). He quite saw, on the other hand, that if arms arrived here and were landed at the wharves on the other side and remained two or three days or two or three weeks that it would cause a great deal of unnecessary trouble to take out a licence.

The COLONIAL SECRETARY did not suggest that it was absolutely necessary to get a licence, but there should be some clause inserted so that the police should be notified where the arms were.

Hon. A. McCONACHIE replied that he should be quite willing that merchants should be required to notify the police, but not that they should be put to the necessity of taking out a licence.

The COLONIAL SECRETARY—Government will accept that arrangement.

The clause there upon stood over.

The ACTING ATTORNEY-GENERAL said there were other objections to the Bill, as the retail Chinese dealers thought it was very hard for them in many instances if they had to take out a licence. Many of their purchasers were out of the colony, and it was therefore proposed that if the purchaser was not a resident, an export permit be obtained from the Captain Superintendent of Police in order that the police might know whether the arms were going from the colony. Several gentlemen, who were introduced by Hon. J. J. Keswick, interviewed him yesterday, and objected to this proposal, as it would cause great trouble and inconvenience to have to go to the police, and they suggested that they should substitute for the police the Superintendent of Imports and Exports—the Harbour Master. It was also suggested that the Harbour Master should send a duplicate of the permit to the police. An amendment was then drawn in these terms. They did not ask to be exempted in the case of any small arms sold for a sum under \$5. Of course this would throw extra work upon the Harbour Master.

Hon. R. M. RUMSEY said he did not mind that. But he thought the police should be acquainted at once when permits were granted, as if he granted a permit and then sent a duplicate to the police, no one would know where the arms were by the time the police got the duplicate, as the man would have gone away and there was no guarantee that the arms had been exported at all.

It was thereupon decided to let the clause stand over. Clause 15 also stood over, as part of it was affected by clause 6.

Council resumed.

THE WATER ORDINANCE.

The ACTING ATTORNEY-GENERAL moved the second reading of the Water Ordinance, and explained one or two clauses.

The DIRECTOR OF PUBLIC WORKS—I have the honour to second the second reading of the Bill. The main object in making these additional laws is to enable those premises in which the prescribed domestic limit was exceeded, and which were liable under the old Ordinance to have their supply cut off, to have the supply continued with a meter attached. It has been necessary during the past two years to disconnect a very large number of houses, and every one will agree that the cutting off entirely of water on premises is not to be advocated on sanitary grounds. At the same time every precaution has been taken before cutting off that supply to fix street hydrants in close proximity to the premises. Thus obstacles were not put in the way of sanitary maintenance, which we all are so very anxious to meet, especially in the Chinese quarter. The Act also provides for meters for houses outside the city of Victoria, and houses at Kowloon, and in the outlying districts, where most of the premises are more or less isolated, and not tenement dwellings.

Bill read a second time, and Council went into Committee.

Hon. C. P. CHATER thought it would be rather hard upon the landlord or houseowner being responsible for the consumption of water by his tenant.

The ACTING ATTORNEY-GENERAL said there was nothing new in that. The owner was inserted in the Ordinance of 1890.

Hon. C. P. CHATER said that owners were suffering enough already, without having an additional burden thrown upon them.

The clause was passed as it stood.

Hon. E. R. BELLIOS moved that the effect of the Ordinance should be suspended during July, August, and September. It would be a great hardship to have to pay for water during the rainy season when the water was overflowing the reservoirs.

The DIRECTOR OF PUBLIC WORKS pointed out that the colony had been put to considerable expense by its water supply, and during a quarter of the year the Government would be deriving absolutely no benefit from the maintenance of the works.

The suggestion fell through and the Bill was read a third time and passed.

THE BUILDING ORDINANCE.

The ACTING ATTORNEY-GENERAL moved the second reading of the Building Ordinance Amendment Bill, and explained that two sections of the old Ordinance which overlapped were thrown together, and any contravention of the Ordinance would render the offender liable to a fine not exceeding \$100.

The DIRECTOR OF PUBLIC WORKS seconded and said that the amendment in the form of notice to be given under section 70 of the existing Ordinance had become necessary owing to the fact that the person giving such notice was not necessarily liable for any contravention of that Ordinance that might occur in the construction of such building or work to which the notice referred, and on the occurrence of each contravention the Director of Public Works had under section 78 to enquire who was the owner of such building or work before he could take steps to abate the nuisance. It was evident that supplying the Director of Public Works with the name of the person responsible for the carrying out of the provisions of the Ordinance at the outset, when the notice was given, was not only a matter of convenience to the person responsible for seeing that the provisions of the Ordinance were duly complied with, but might save much trouble and expense to the owner. Until recently the Ordinance had worked fairly well, but towards the latter part of last year an objection was taken by a firm of architects to enquiries being made as to the owner of certain works at the time the

notice was given, and under the existing Ordinance his Excellency supported that objection. Such objections so seriously impeded the the work of the officers responsible for seeing that the provisions of the Ordinance were duly complied with that on the return of the Director of Public Works from leave he considered it necessary to point this out and request that steps might be taken in the direction indicated in the present Ordinance.

Bill read a second time and the Council went into committee.

Hon. A. McCONACHIE moved that after the words "the Building Ordinance, 1889," the following be inserted:—"In the event of the information contained in such notice being proved to be materially incorrect, the person signing the same shall be notified to that effect by the Director of Public Works, and if, after stated reasonable time, the information contained in his notice is still found to be incorrect he shall be liable," &c. As the Bill stood at present, the Director of Public Works could, without any notice whatever, summon anyone offending against this Bill and he thought it was only just and reasonable that notice should be served upon them, so that an opportunity would be given of correcting errors and that they might not be summoned before the Police Magistrate. He referred to the by-laws in Leeds and Birmingham, where it was provided that notice should be first served and a reasonable time allowed for the correction of information lodged with the authorities.

The DIRECTOR OF PUBLIC WORKS said the notices Mr. McConachie referred to, which were given here just the same as in England, in certain cases, did not apply in this case. Here parties were required to give certain definite information—those parties were perfectly able and in fact were the only persons who could give the information without a considerable amount of trouble. Should it be given incorrectly, it appeared to him on the face of it that it was given purposely incorrect. He could not conceive of any one giving the information incorrectly in this relation, and he did not think it would ever be necessary to enforce the latter part of the section; neverthe—less it was necessary to attach a penalty to any breach of the provisions of the Ordinance. Under the circumstances he regretted he was unable to accept the amendment of the hon. member.

Hon. C. P. CHATER seconded the amendment. It was only right and fair that before a person was summoned to the Court he should be informed by notice that the information lodged was incorrect.

Hon. E. R. BELLIOS supported.

The DIRECTOR OF PUBLIC WORKS said he could not conceive of any owner in this colony filling up the form incorrectly. If it was a mere clerical error, of course the attention of the party would be called to it at once.

The ACTING ATTORNEY-GENERAL pointed out that the words "materially incorrect" had been inserted in the section under discussion.

Hon. C. P. CHATER said this was a matter that had been brought to the notice of the hon. member who represented the Chamber of Commerce by the architects and engineers who were practising here and who would, in the majority of instances, be the responsible people, the owners handing the erection of the buildings to them. He hoped the Government would reconsider the proposal before putting it to the members present.

The DIRECTOR OF PUBLIC WORKS said that any architect undertaking this duty had to see that the owner of property, who was really the only person in a position to do so, supplied him with the information required, and he did not see why any public officer should have to go down to the Land Office and look up documents to verify the information supplied by the duly authorised and paid agents of the owners.

Hon. A. McCONACHIE said an accidental mistake might occur.

The DIRECTOR OF PUBLIC WORKS said that accidents would not apply and he repudiated the insinuation that the present Director of Public Works or anyone who might fill that position would take advantage of a mistake to take parties before the Police Magistrate.

Hon. E. R. BELLIOS said that architects would doubtless be competent enough to know whether they were trenching upon the law, but there were many people in Hongkong who superintended their own buildings without the aid of architects and they might from inexperience commit mistakes for which they might be found fault with.

The following division was taken:— For the Amendment Messrs. McConachie, Bellios, Ho Kai, Keswick, and Chater (5), against the Harbour Master, Director of Public Works, Colonial Treasurer, Acting Attorney-General, Colonial Secretary and Registrar-General, His Excellency the Governor (6).

The amendment was therefore lost.

Council resumed, and the Bill was read a third time and passed.

ADJOURNMENT.

HIS EXCELLENCY—I do not propose to proceed with the Ordinance for the regulation of private vehicles to-day. The Council adjourns until Thursday next at 3.30.

FINANCE COMMITTEE.

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

The CHAIRMAN—The only minute I have to bring before you is one in which the Governor recommends the Council to vote a sum of \$3,000 for certain additions to the sheep and swine depots, recommended by the Sanitary Board.

The vote was agreed to.