

1ST NOVEMBER, 1897.

PRESENT:—

His EXCELLENCY the GOVERNOR, Sir WILLIAM ROBINSON, G.C.M.G.

His EXCELLENCY Major-General BLACK, C.B. (Officer Commanding the Forces).

Hon. J. H. STEWART LOCKHART (Colonial Secretary).

Hon. W. M. GOODMAN (Attorney-General).

Hon. R. MURRAY RUMSEY (Harbour Master).

Hon. F. H. MAY, C.M.G. (Captain Superintendent of Police).

Hon. T. SERCOMBE SMITH (Colonial Treasurer).

Hon. R. D. ORMSBY (Director of Public Works).

Hon. C. P. CHATER, C.M.G.

Hon. Ho KAI.

Hon. T. H. WHITEHEAD.

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

Hon. J. J. BELL-IRVING.

Hon. WEI A. YUK.

Mr. J. G. T. BUCKLE (Clerk of Councils).

MINUTES.

The minutes of the previous meeting were read and confirmed.

GOVERNMENT BALANCES.

The COLONIAL SECRETARY—With reference to the question of the hon. member representing the Chamber of Commerce, asked at the last meeting of the Council, I have the honour to lay on the table the general instructions regarding Government balances.

FINANCE COMMITTEES REPORT.

The COLONIAL SECRETARY moved the adoption of the report of the Finance Committee, No. 8.

The COLONIAL TREASURER seconded.

Carried.

COMMON LODGING HOUSES.

The COLONIAL SECRETARY—I beg to move that this Council approve of a sanitary by-law for the licensing and regulation of common lodging houses, made under subsection 12 of section 13 of Ordinance 24 of 1887 and subsection *d* of section 1 of Ordinance No. 26 of 1890.

The ATTORNEY-GENERAL seconded.

Carried.

THE DEFINITION OF A STREET.

The COLONIAL SECRETARY—With regard to the other sanitary by-law which I had intended to-day to move that the Council approve, I am not able to bring it forward, but I trust at the next meeting I shall be in a position to do so. The by-law has been sent back to the Sanitary Board with a view to its defining the word "street" more clearly. The suggested alteration is as follows:—"For the purposes of this by-law the word 'street' shall mean and include the following: street, road, lane, alley or passage, whether thoroughfare or not." If, as is hoped, the Sanitary Board

will see its way to adopting the suggestion, the by-law will be brought forward for approval at the next meeting of Council.

HANSARD REPORT.

In pursuance of notice Hon. T. H. WHITEHEAD asked the following question:—If the Honourable the Colonial Secretary, after last meeting of the Finance Committee of this Council held on 13th September last requested or directed the reporter of the *Daily Press* and for the official Hansard report of the proceedings of this Council, to suppress any portion of the discussion on the subject of the Military Contribution, which took place at said meeting, and if it was at his suggestion that a question put by me at that meeting with reference to the Military Contribution, the Honourable Member's reply thereto, and the Honourable the Colonial Treasurer's correction of an error into which the Honourable the Colonial Secretary had fallen in his reply, did not appear in the report of the meeting of the Finance Committee in any one of the three local newspapers and is not contained in the official Hansard report as sent round by the *Daily Press* to Honourable Members for revision.

The COLONIAL SECRETARY—In Finance Committee, the Colonial Secretary, with reference to the Military Contribution, used the words:—"The question of exchange comes in." Therefore the Treasurer reminded the Committee that as the contribution was a fixed percentage of revenue, the exchange question did not arise, and thus the self-evident slip of the Colonial Secretary was immediately corrected. At the close of the meeting, the Colonial Secretary mentioned the mistake to the reporter for Hansard and said, jokingly, he trusted it would not be handed down to posterity. Subject to this explanation the answer to the question of the Honourable Member is in the negative. It may be well to add that while Hansard is intended to give an accurate and intelligent account of what occurs in Council it is not usual to record every unintentional slip or *lapsus lingue* which is corrected at the time.

APPROPRIATION ORDINANCE.

The COLONIAL SECRETARY—I have the honour to move the second reading of the Bill entitled An Ordinance to apply a sum of not exceeding two millions three hundred and forty-three thousand seven hundred and thirty dollars to the Public Service of the year 1898.

The COLONIAL SECRETARY seconded.

Bill read a second time and referred to the Finance Committee.

CHINESE EXTRADITION ORDINANCE.

The ATTORNEY-GENERAL—I have the honour to move the second reading of the Bill entitled An Ordinance to amend the Chinese Extradition Ordinance, 1889. The objects and reasons of this Ordinance are so fully set forth in the memorandum which I have prepared and which has been in the hands of members that I do not feel it is necessary to make many observations on the subject. Some time ago—I think in 1889—a similar proposition to that contained in this Bill, viz: that depositions might be received in evidence, was brought forward, and it was objected to by some members of the Council because it was thought that Chinese who had been for some years in the colony might be got back into China on some pretence or other and wrongly punished. Precautions against this have been taken and if members will examine the first safeguard provided by the Ordinance they will see that depositions will be received only in certain cases. Secondly, the depositions must be taken in the presence of the British Consul or his deputy in the Consular Service, and his certificate, as mentioned in the Ordinance, must accompany them. This ought to secure their *bona fides* as well as some regard for the elementary principles of English evidence in such documents. The third safeguard is as follows:—"Depositions will not be admitted where the accused has resided more than six months in this colony. This will ensure the due protection of Chinese residents in Hongkong, while it will facilitate the extradition of offenders who fly to this colony fresh from the commission of crimes of violence in China, and swell the ranks of our criminal classes." I have quoted very shortly from the objects and reasons, and I think it is only necessary to add that this matter has been very carefully considered. The Viceroy was desirous that changes should be made and the matter was submitted to the Government, but I could not see my way to advise the Government to adopt all the amendments which were suggested. The present amendments appear to be reasonable and based on a sound principle. A former memorandum by myself on the whole subject was, I believe, sent to the Secretary of State, who approved of the principle of this Bill. A slight alteration will have to be made in Committee owing to the Interpretation Ordinance, which we are passing to-day. That Ordinance gives the interpretation of the words "consular officer." The interpretation is precisely the same as that contained in the Imperial Interpretation Act. In Section 11 of the new Ordinance the expression "consular officer" is thus defined: "The expression consular officer shall include consul-general, consul, vice-consul, consular agent, and any person for the time being authorized to discharge the duties of consul-general, consul, or vice-consul." That will simplify the Bill and in the Committee stage I shall move that the more complicated expression at present in the Bill be altered to "consular officer."

The COLONIAL SECRETARY seconded.

Bill read a second time.

Council went into Committee on the Bill.

Hon. Ho KAI made some observations which could not

be clearly heard.

The Bill was left in Committee.

Council resumed.

WATERWORKS ORDINANCE.

The ATTORNEY-GENERAL—I beg to move the second reading of the Bill entitled An Ordinance to further amend The Waterworks Ordinance, 1890. The reason for this Bill is that the supply of water for Kowloon is limited and the demand soon overcomes the supply. The object of the Bill is to prevent the necessity of laying on water in the case of Chinese houses in Kowloon where an adequate water supply can be obtained from the public fountains.

The DIRECTOR OF PUBLIC WORKS—I beg to second. I may say that a similar course was adopted in Ceylon where it was found to be very necessary.

Bill read a second time.

Bill went through all its stages and passed.

NATURALIZATION ORDINANCE.

The ATTORNEY-GENERAL—I beg to move the second reading of the Bill entitled An Ordinance for the Naturalization of U Hoi Chau alias U Chiu Tsün.

Bill read a second time.

Bill went through all its stages and passed.

CLOSED HOUSES AND INSANITARY DWELLINGS ORDINANCE.

The ATTORNEY-GENERAL—I beg to move the second reading of the Bill entitled An Ordinance to amend The Closed Houses and Insanitary Dwellings Ordinance, 1894. This Ordinance gives a more comprehensive interpretation of the words "height of any buildings," as defined in section 12 of the principal Ordinance. The definition as it originally stood has been found inapplicable in many cases, as it contained nothing to limit the height of any structure in which the main walls did not effect a junction with the eaves, and this Ordinance endeavours to meet that difficulty.

The COLONIAL SECRETARY seconded.

Bill read a second time.

INTERPRETATION ORDINANCE.

The ATTORNEY-GENERAL—I beg to move the second reading of the Bill entitled An Ordinance to consolidate and amend the Laws relating to the Construction of Ordinances, to further shorten the language used in Ordinances, and for other like purposes.

The COLONIAL SECRETARY seconded.

Bill read a second time and referred to the Law Committee.

VAGRANTS ORDINANCE.

The ATTORNEY-GENERAL—I beg to move the second reading of the Bill entitled An Ordinance to amend the Law relating to Vagrants.

The COLONIAL SECRETARY seconded.

Bill read a second time.

ADJOURNMENT.

His EXCELLENCY—It is advisable to get on with the estimates with despatch and I propose to adjourn the Council until this day week. The Finance Committee will meet now and discuss the Appropriation Bill.

FINANCE COMMITTEE.

A meeting of the Finance Committee was then held. Hon. J. H. Stewart Lockhart presided and all the members were present.

MINUTES.

The minutes of the previous meeting were read and confirmed.

The Appropriation Bill.

The CHAIRMAN intimated that the usual course would be followed of taking the various items in the Bill item by item.

PUBLIC DEBT.

On the item, "Charge on account of Public Debt, \$176,123," being read,

Hon. T. H. WHITEHEAD said—In August last, Mr. Chairman, I asked for a detailed statement of the loan raised in 1887 and also of that raised in 1894. It was laid upon the Council table at a meeting of the Council held on the 23rd of that month, but after very careful examination of the paper I am unable to say that any answer was given to my question which would enable us to ascertain the cost of the loans. Could not the Finance Committee be furnished with a more complete statement?

The CHAIRMAN—I am sure that if the hon. member will state exactly what information he desires the Government will be very glad to furnish him with it.

Hon. T. H. WHITEHEAD—The detailed statement I asked for was in respect of the interest on the 1887 and 1894 loans. The statement supplied did not enable us to work out what interest the loans have cost us in dollars. It is an easy matter to say the interest was $3\frac{1}{2}$ per cent. in gold, but it is impossible to ascertain from the statement laid on the table in August what the loans really cost.

The CHAIRMAN—If you will allow the matter to stand over, it will be inquired into. If you will let me know the exact point on which you desire information, I am sure the Treasurer will supply you with it.

Hon. T. H. WHITEHEAD—Very good.

PENSIONS.

On the item, "Pensions, \$145,000,"

Hon. T. H. WHITEHEAD—There is one item I should like to know something about. Sir E. L. O'Malley still draws a pension from this colony and I understand he is still in the colonial service.

The CHAIRMAN—That is so.

Hon. T. H. WHITEHEAD—And drawing a pension in addition to his income from one of the Governments in the West Indies?

The CHAIRMAN—He is drawing his pension under instructions from the Secretary of State. Thinking that this question might be asked I looked up the despatch from the Secretary of State, which I will read for the information of the Committee.

"Downing Street, 12th February, 1895.

"Sir,—With reference to the letter from this Department of the 12th September, I am directed by the Marquess of Ripon to inform you that the salary drawn by you at the date of your retirement from the Straits Settlements service, viz., \$12,000, may be regarded as equivalent to £2,200, being converted into sterling at 3s. 8d. to the dollar, the rate of exchange at which you draw pension from the colony, and as your Hongkong and Straits Settlements pensions are each less than £200 a year there will be no necessity under the Hongkong and Straits Settlements pension rules for any abatement to be made from either pension while you are drawing salary in British Guiana only at the rate of £2,000 a year. The Crown agents have been instructed accordingly.—I am.

"R. EBDEN.

"For under Secretary of State.

"Sir E. L. O'Malley,"
Item recommended.

GOVERNOR AND LEGISLATURE.

On the item, "Governor and Legislature, \$42,903,"

Hon. T. H. WHITEHEAD—There is an item. "Water for Government House, \$200." I notice the cost of water is mentioned in respect of a number of the departments. To whom does the Government disburse this charge for water?

The CHAIRMAN—It is paid to the Water Authority and credited to the water account.

Hon. T. H. WHITEHEAD—Do those entries go to swell the total amount of revenue on which we pay military contribution—the $17\frac{1}{2}$ per cent?

The CHAIRMAN—The hon. member is quite aware of the terms on which we pay the $17\frac{1}{2}$ per cent.

Hon. T. H. WHITEHEAD—Do the entries increase the revenue? Are they mere book entries converted into revenue?

The CHAIRMAN—Certainly. The $17\frac{1}{2}$ per cent. is levied on the revenue less land sales.

Hon. T. H. WHITEHEAD—The item is transferred from one account to another and goes to increase the gross revenue, whereas no money is received. It is simply a book entry and it seems to me most unreasonable to increase the revenue by means of book entries and that $17\frac{1}{2}$ per cent. should be levied thereon.

The CHAIRMAN—Your suggestion is that the item should be struck out?

Hon. T. H. WHITEHEAD—It appears to me to be quite unreasonable.

The CHAIRMAN—I will have the point inquired into.

Hon. T. H. WHITEHEAD—I think it ought to be struck out. If it is found that it swells the revenue it should certainly be struck out. (Several hon. members: It does swell the revenue.)

The CHAIRMAN—If you will allow that point to remain over I will inquire into it further. Subject to that item being left over for inquiry the other items are recommended, I understand?

PUBLIC WORKS DEPARTMENT.

On the item, "Public Works Department, \$92,782."

Hon. T. H. WHITEHEAD—There are several increases in this Department. At all events one of the assistant engineer's salary has been increased from \$2,400 to \$3,000. Was that increase in accordance with the terms of his agreement?

The CHAIRMAN—The application for the increase was considered by His Excellency the Governor, who thought the circumstances justified him in acceding to the request.

Hon. T. H. WHITEHEAD—Is he one of the officers whose application was referred to the Committee appointed some time ago to enquire into and report on certain applications for increases?

The CHAIRMAN—I understand he is.

Hon. T. H. WHITEHEAD—Might it not be well to refer the reports of that Committee to the Finance Committee?

The CHAIRMAN—As a matter of fact His Excellency the Governor decided to make the increase in this case as being one deserving of it.

Hon. T. H. WHITEHEAD—I would prefer that these reports be referred to the Finance Committee without asking for them. They would help us in our deliberations on the estimates.

The CHAIRMAN—The only one that comes before us now is this increase to \$3,000. Do I understand you to object?

Hon. T. H. WHITEHEAD—No, but I think before the item is finally passed the Finance Committee should have an opportunity of seeing these reports.

The CHAIRMAN—I will mention your wishes to His Excellency.

MEDICAL DEPARTMENTS.

On the item, "Medical Departments, \$108,133."

Hon. T. H. WHITEHEAD—In connection with this item I observe from the Colonial Surgeon's report for this year that a first class patient in the hospital obtains accommodation, medical attendance, board, including wine, for \$5 per day, while in the first class hotels the accommodation alone is \$10 a day. It seems to

me that the increase of first class patients in the colony is making greater demands upon the hospital than it did formerly, and I do not quite see why the hospital should be a charitable institution.

The CHAIRMAN—I may inform the hon. member that the Government has considered the question of raising the fees and it has been decided to raise them in view of the fact that the present rate is too low.

Hon. T. H. WHITEHEAD—In the same report the Colonial Surgeon refers to the ordinary seaman, who receives medical attendance and accommodation at the hospital for \$1 a day, which is cheaper than he could procure accommodation alone at a low class hotel. Do the Board of Trade seamen pay the same rate?

The CHAIRMAN—The Harbour Master will answer that question.

The HARBOUR MASTER—There are a certain number of seamen who form Board of Trade subjects and they pay exactly the same rate.

Hon. T. H. WHITEHEAD—I presume that when this scale of charges was fixed the exchange was 3s. 6d. or 4s.

The CHAIRMAN—The charge was raised about eighteen months ago.

The HARBOUR MASTER—The charge was raised from 75 cents to \$1.

The CHAIRMAN—And it is the intention of the Government to raise the fees generally again. When it has been absolutely decided what the increase will be I will let the hon. member know.

Item recommended.

MILITARY CONTRIBUTION.

Hon. T. H. WHITEHEAD was about to ask a question on the Military Contribution when the CHAIRMAN reminded him that the item was omitted from the Bill.

The ATTORNEY-GENERAL—The Military Contribution Bill was passed for the express purpose of omitting the item from the Appropriation Bill. It was irregular to put the item in the Bill.

The CHAIRMAN—The question of the Military Contribution is not before the Committee.

DEFENCE WORKS.

On the item, "Contribution towards Defence Works, \$30,000,"

Hon. T. H. WHITEHEAD—Cannot we get some information with regard to the defence works?

The CHAIRMAN—The correspondence was printed and laid on the Council table. Full information was contained in that correspondence.

A copy of the correspondence was handed to the hon. member.

Item recommended.

ADJOURNMENT.

All the items having been considered the Committee adjourned.