

29TH MARCH, 1900.

PRESENT:—

His EXCELLENCY the GOVERNOR (Sir Henry Blake, G.C.M.G.).

His EXCELLENCY Major-General GASCOIGNE C.M.G. (Commanding the Troops).

Hon. F. H. MAY, C.M.G. (Acting Colonial Secretary).

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

Hon. A. M. THOMSON (Colonial Treasurer).

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

Hon. A. W. BREWIN.

Hon. H. C. NICOLLE.

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

Hon. Dr. HO KAI.

Hon. T. H. WHITEHEAD.

Hon. WELA YUK.

Mr. R. F. JOHNSTON (Acting Clerk of Councils.)

MINUTES.

The first item for consideration was the minute from the Governor recommending the vote of \$26,189 to defray during the current year the increases in salaries of Government Officials sanctioned in the Secretary of State's Despatch No. 280 of 8th December, 1899.

REPORT OF FINANCE COMMITTEE.

The ACTING COLONIAL SECRETARY—I beg to bring up the report of the Finance Committee No. 4, and to move its adoption.

The COLONIAL TREASURER seconded and it was carried.

FINANCE MINUTE.

The ACTING COLONIAL SECRETARY—I beg to lay on the table Finance Minute No 13 and to move that it be referred to the Finance Committee.

The COLONIAL TREASURER seconded and it was agreed.

DISORDERLY HOUSES.

The Hon. C. P. CHATER—In the absence of the Hon. T. H. Whitehead, I beg to ask the following question:—"Will the Honourable the Registrar-General inform the Council whether it is a fact that the occupants of disorderly houses who had been moved out of houses in the central districts and gone into houses to the west thereof are again being moved, and if so whether the movements have been or are being effected by virtue of orders made by the Magistrate or by the summary actions of the Police?"

The ACTING COLONIAL SECRETARY—In reply I beg to state:—"The houses to the east of Whitty Street are being moved, and the movements are being effected by virtue of orders issued by the Acting Registrar-General."

BILL TO AMEND THE ARMS ORDINANCE.

On the motion of the ATTORNEY-GENERAL the Council went into committee to consider the Bill

entitled An Ordinance to Amend and Consolidate the Law relating to the Carriage and Possession of Arms and Ammunition.

The Hon. T. H. WHITEHEAD raised several points in connection with clause 4, concerning the granting of licenses. He thought that in case of his refusing to grant a license the Captain-Superintendent of Police should be obliged to give his reasons for such refusal.

His EXCELLENCY the GOVERNOR said the thought it was not desirable that the Captain Superintendent of Police should give his reasons for refusal. The right of appeal from the decision of the Captain Superintendent of Police to the Governor-in-Council threw the onus upon the Governor as to whether the appeal should be granted or not.

The Hon. T. H. WHITEHEAD asked whether it was not possible to describe the arms or ammunition in the license.

His EXCELLENCY the GOVERNOR—I should say so. It is done every day in Ireland.

The ACTING COLONIAL SECRETARY—Has the hon. member considered the definition of the expression "arms." He will see it includes cannon, gun, pistol, revolver, etc. Would he give a Chinaman permission to carry any arms he likes—from a 9.2 gun for instance down to a revolver?

The Hon. T. H. WHITEHEAD—No, certainly not (laughter).

In connection with clause 10, which read:—

"Any person carrying or having in his possession or reasonably suspected of carrying in his possession any arms or ammunition in contravention of this Ordinance may be arrested without a warrant by any Police Officer or Constable, and shall be conveyed as soon as may be before a Magistrate to be dealt with according to law," the Hon. T. H. WHITEHEAD said the Chamber of Commerce suggested that some provision might be made with regard to persons who were searched at the police-station, who, having no arms on them, should forthwith be released.

The ACTING COLONIAL SECRETARY—If the Police arrest a man and find that he has no arms they will not take him before a magistrate because they will have no charge.

The Hon. T. H. WHITEHEAD—A man might be arrested on suspicion without having to be taken before a magistrate, although the section says he shall be taken before a magistrate.

The ATTORNEY-GENERAL quoted the Ordinance of 1895, which read that a man suspected might be arrested on a warrant and taken before a magistrate. There had been no difficulty concerning that clause in the past five years, and he did not suppose there would be in the future.

His EXCELLENCY the GOVERNOR—The hon. member is quite right in this matter. There is a difference between the wording of the clauses in the new and the old Ordinances. The old Ordinance says a man *may* be arrested, and this new Ordinance says he *shall* be taken. Under this Ordinance I do not think any policeman would be justified in releasing a man without taking him before a magistrate.

The Hon. T. H. WHITEHEAD—It seems to me the policeman would have no option in the matter.

His EXCELLENCY the GOVERNOR—I think you are quite right.

The ATTORNEY-GENERAL—You may alter the word "shall."

His EXCELLENCY the GOVERNOR—There is one thing, however, to be considered. Is it advisable to give any police-constable, whether he be European, Sikh, or Chinaman, power to go up to a man, seize him and search him and then let the man go without taking him before a magistrate? Would you not make it incumbent upon the constable that, instead of walking off, he should, after submitting him to the indignity of being searched, take the man before a magistrate. I think it is worth considering. It makes the constable more careful.

The Hon. T. H. WHITEHEAD—They might arrest a man on Saturday and would have no alternative but to keep him in gaol until Monday, before he can see a magistrate, and the man may be perfectly innocent.

His EXCELLENCY the GOVERNOR—You may make a proviso giving such power to the Superintendent of Police.

The ACTING COLONIAL SECRETARY—The Police have power in such a case to grant bail. I have never known of any complaint. The words are a formula used in many Ordinances.

His EXCELLENCY the GOVERNOR—I do not think the Police ought to have the power of searching a man without taking him before someone. The man should be properly discharged. You may possibly open the door to a great deal of vexation to some people, who may not be in the position to bring forward things. I think the Hon. Mr. Whitehead's point is a very fair one. A man arrested on Sunday may not find a Magistrate, but I think is met by the inserting of a proviso in such a case, if nothing be found on a person, to allow the sergeant of police to discharge him at the station.

It was decided that the words "before a Magistrate" should be omitted and the words "to a police-station" be inserted.

The Hon. Dr. HO KAI raised the point as to whether the Schedules would be translated into Chinese.

His EXCELLENCY THE GOVERNOR—Yes, I take it all the

Schedules will be translated into Chinese.

The Hon. Dr. HO KAI—Sir, regarding this Schedule D first, I desire to propose an amendment. I propose that the figures \$1,200 be deleted in the first item and the figures \$250 be inserted in lieu thereof. The old fee is only \$10, and to increase it now by 120 times is to my mind very excessive and unfair. If \$1,200 be the license fee chargeable annually, then the arms importers and dealers would be the heaviest taxed of all persons trading in this Colony, even more heavily taxed than holders of publican's licenses. The reason given for this increase is, I believed, that in a responsible business like importing and dealing in arms a substantial license fee ought to be paid and that a big fee would tend to keep out disreputable characters. But I maintain, Sir, that since power is given in this Bill to the Captain Supt. of Police, subject only to an appeal to the Governor to refuse licences to questionable and undesirable characters, it is quite unnecessary to have recourse to a high and almost prohibitive licence fee. It will be especially hard on those Chinese arms-dealers who are conducting their business in an honest and legitimate manner to have to pay to the Government a monthly fee of \$100 for the privilege of trading in this Colony, and this seems all the harder on them if one takes into account that when the new provisions of this Bill come into operation it will entail upon them muce loss of time and a great deal of extra troubles and inconvenience. It is perfectly right and proper that we should regulate most carefully the dealing in fire-arms and ammunitions in Hongkong, but to impose an almost prohibitive licence fee for that purpose is in my opinion unjust and unnecessary.

The Hon. T. H. WHITEHEAD—The fee of \$1,200 is ridiculous, and it is questionable whether the dealers would make that amount of profit. I think the fees mentioned by the honmember are very reasonable.

The ACTING COLONIAL SECRETARY—I beg to state that the fees the hon. member has proposed would not anything like cover the cost of watching over this trade. The trade is an extremely large one, and if any honest man knowanything about it, he can testify that it is also to a very large extent an illicit trade. This Government has not only to protect its own trade but it has international obligations to carry out. The hon. member will remember thgt there has been a state of war in a neighbourina colony for a very long time, and we know perfectly well where the arms to carry on that war came from, and he may have know of some of the trouble the officials of this port have been put to. I say, sir, the legitimate trade in arms is so large that it can well afford to pay this fee. If there are dealers who live on illicit trade in arms who cannot pay this fee, then it will be a very good thing for this colony if they cease to exist.

The Hon. Dr. HO KAI—Do you say that the trade in arms is illicit?

The ACTING COLONIAL SECRETARY—Yes, it is to a very large extent.

The Hon. Dr. HO KAI—We must not kill legitimate trade by imposing a hardship upon those dealers who are trying to carry on their business in a proper way, and they cannot possibly in a legitimate way make any substantial profit if they have to pay such a heavy license fee.

The ACTING COLONIAL SECRETARY—I would like to ask the hon. member if he has any idea as to what revenue the Macao Government obtains from those dealing in arms?

The Hon. T. H. WHITEHEAD — The Macao Government farm out this business and collect a revenue in a most objectionable and in a most antiquated manner. The system of farming has been condemned and is not to be tolerated in England. The trade in arms in England is as free as any other trade. I repeat that this Colony should not restrict the freedom of this trade. Opium should be as free as arms and one as free as the other.

The ACTING COLONIAL SECRETARY—There is nothing in this Ordinance that throws any obstacle in the way of legitimate trade. I have seen several Chinese dealers in arms in the presence of my hon. friend on the left (Dr. Ho Kai), and have questioned them as to whether they could point out anything in this Ordinance that would stop legitimate trade and they could not do so. They spoke of inconveniences, but, if I may be allowed to point out, these inconveniences (I refer to export and removal permits) have existed and have actually been used and put in force, but the trade goes along just the same. This trade pays the Macao Government no less a sum than \$40,500 annually and the Macao Government considers the trade in arms, gunpowder and saltpetre a fit subject for taxation. The hon. member says that, if we tax the trade here, it will go to Macao. I say it will not, firstly because the tax there is also heavy. Secondly, because it would not pay large dealers for the sake of saving \$100 a month for a license to start a branch at Macao. Thirdly, the Chinese dealers would not go there because they would find the trade is already farmed and find it also blocked by some monopoly. Finally, I would like to ask the hon. member, who knows Macao very well, how far he could go out of Macao without being everhauled by the Chinese Customs Officials, and which does he think the easier place to carry on smuggling from, Macao or Hongkong?

The Hon. T. H. WHITEHEAD—May I ask whether you have any idea of the cost to the Government of regulating and looking after this trade in arms? What fees are required to cover the cost to the Government? Is \$1,200 not a ridiculous fee?

The Hon. C. P. CHATER — Perhaps the Acting Colonial Secretary can tell us how many licenses there are in force to-day?

The ACTING COLONIAL SECRETARY—Forty.

HIS EXCELLENCY the GOVERNOR then put the proposal of the hon. member in the form of an amendment—that \$1,200 per annum payable in advance as a fee payable for a license by an Importer should be altered to \$250. The decision was against the amendment and the Hon. Dr. HO KAI asked for a division. The Hons. Dr. HO KAI, T. H. WHITEHEAD and WEI A YUK voted for the amendment and the other members against, the amendment being lost.

The Hon. Dr. HO KAI, therefore, did not press his second amendment.

The Hon. T. H. WHITEHEAD—I have to express my congratulations to the Hon. the Attorney-General for the amended bill he has now brought before the Council. Unfortunately I arrived too late to present certain amendments to section 3 but I would like, if possible, Your Excellency, to have them considered. I might give them to the Attorney-General for his consideration, but time did not permit of their being prepared as the amended bill had only been in their hands for two days. It was a great improvement on the crude measure which first came before the Council, and which not only interfered with the freedom of the port but interfered with the liberty of the subject.

HIS EXCELLENCY said no one better than himself was able to realise how much the hon. member could do in two days so devoting himself to the Bill (laughter), but he was anxious to push the Ordinance forward without further delay. After further conversation the amendments of the hon. member were dealt with.

The Council then resumed.

A PETITION AGAINST THE RISE OF PRICES
IN FOOD STUFFS.

The Hon. T. H. WHITEHEAD—Sir, may I be permitted, though not quite in order at this period of the meeting, to present a petition to the Council. It is signed by 152 ladies of Hongkong, and deals with the rise in the price of food stuffs, and they have my very hearty sympathy with their petition. I also give notice that at the next meeting of the Council give I shall move the following resolution:—

"That a Committee be appointed to enquire into the continuous rise in the market price of life such as meat, fish, and garden produce and to report."

The Petition handed in was as follows:—

THE LEGISLATIVE COUNCIL OF HONGKONG.

The humble Petition of the Undersigned sheweth:—

1,—That they desire most earnestly to call the attention of your Honourable Council to the continuous rise in the market prices of almost all the necessaries of life, meat, fish, and garden produce. Hardly a month passes without an intimation being received from the Compradores, that from the beginning of the following month some increase in the cost of one

article or another is to take effect. Beef is now 15 and 24 cents a lb. as compared with 12 and 18 cents two years ago. Mutton is 24 cents a lb. as compared with 18 cents at the same period. Suet is now 18 cents a lb. against 10 cents. Fish has risen from 16 cents to 18 and 20 cents per lb. in the same time.

2.—That a certain increase in price as compared with prices a few years ago was unavoidable. but the process is a continuous one, and many of the more recent augmentations have been of such a character and made under such circumstances as to induce us to believe that they have been the result of combinations among the Compradores.

3.—That in view of this apparently mischievous and causeless increase in the cost of living in the Colony, we most urgently request that instructions be given to institute a close inquiry into the causes of this rise and to devise means for putting a stop to any illegal combinations between the salesmen. We would also most respectfully suggest an inquiry into the incidence and operation of the licence fees, &c., now imposed upon boats, markets, &c., &c., with a view to their reduction to such figures as will simply cover the necessary cost to Government of supervising the public markets and registering the junks and men.

Your Petitioners therefore humbly pray that your Honourable Council take the necessary steps to meet their prayer, and your Petitioners will as in duty bound ever pray.

(152 Ladies' signatures.)

THE SALARIES OF SUBORDINATE OFFICIALS.

HIS EXCELLENCY the GOVERNOR—There is a matter that will come before you in the Finance Committee to-day. When the question of increased salaries of certain officials was considered the Unofficial Members requested me to communicate to the Secretary of State, with a view to receive authority to appoint a Committee, to look into the question of the salaries of those not considered before. The Secretary of State, on the assumption that this referred to the salaries only of subordinate officers, has approved of the appointment of such Committee, and I have nominated this Committee to report on the question of salaries of subordinate officers not before considered. You will see the matter has already come before the Committee, and certain heads of departments and certain Chinese have been considered. Messrs. R. M. Gray, D. Gillies and R. Shewan have been nominated as a Committee, and I am sure their appointment will give satisfaction.

The meeting then concluded.

FINANCE COMMITTEE.

A meeting of the Finance Committee was then held, the Hon. F. H. May, C.M.G., presiding.

The first item was Finance Minute No 9, in which

the Governor recommended the Council to vote the sum of \$26,189 to defray during the current year the increase in salaries of Government Officials sanctioned in the Secretary of State's despatch No. 280, of the 8th Dec., 1899.

The Hon. T. H. WHITEHEAD said he would be glad if the Chairman would read the telegram sent to the Secretary of State in connection with this vote.

The CHAIRMAN read it as follows:—"At the request of the Unofficial Members of Council votes of salaries postponed it was unanimously agreed to request a Committee to investigate all other applications for increase and to report thereon for your consideration."

The Hon. T. H. WHITEHEAD—And the Secretary of State's reply?

The CHAIRMAN—I do not think I am at liberty to read the reply from the Secretary of State. The result of the communication to the Secretary of State is that a Committee has been authorised to be appointed to investigate the salaries of subordinate officials.

The Hon. T. H. WHITEHEAD—May I ask what "subordinate officials" means?

The CHAIRMAN—"Subordinate officials" I take mean in the first place officers who have not been dealt with in the Secretary of State's despatch, No. 280. All those officers are eliminated from the inquiry, their case having been already dealt with.

The Hon. T. H. WHITEHEAD—And some have not. All the officers who have signed the memorial to the Secretary of State recently— are they excluded from having their applications further considered.

The CHAIRMAN—No.

The Hon. T. H. WHITEHEAD—I see there are one or two heads of departments and others among those who have signed the petition, and if the Committee is to be only allowed to consider the applications of the subordinate officers the others will be naturally excluded from the consideration of the Committee. We asked that all applications should be considered by the Committee, and I wish to get at the point. We have asked for a Committee to investigate all other applications for increases in addition to those applications which have been granted. Will the Committee have power to investigate and report upon all applications? Because if not it may cause me to vote otherwise than I should.

The CHAIRMAN—I do not think you appreciate what you have got. You think you have got less than you asked for. You asked for a Committee to enquire into all other applications. If you had got that it would have confined you to a very few cases, because a number of officials made no application. If you had got what you asked it would have confined you to the consideration of about 25 cases.

The HON. T. H. WHITEHEAD—There are a number of officials who have made applications, heads of departments and others, are they to be refused?

The Hon. C. P. CHATER—I understand "subordinate officials" means other than the heads of department?

The CHAIRMAN—And assistant heads who have been dealt with.

The Hon. T. H. WHITEHEAD—Their cases having been dealt with, they are not to be re-opened?

The CHAIRMAN—The scope of the Committee is limited to subordinate officers, and from its purview are excluded those officers whose salaries have been dealt with by the Secretary of State already. That takes in the whole of the Chinese, because I am going to ask you to vote a sum of \$13,000 to-day for the Chinese employees of the Government below a certain salary, and it practically takes away the whole of what you might call the superior officials dealt within that despatch No. 280. You will find that with the exception of some of the Public Works officers the officials mentioned in the despatch are Heads and assistant Heads of Departments.

The ATTORNEY-GENERAL—Has there been any application on behalf of the judges?

The CHAIRMAN—No.

The ATTORNEY-GENERAL—The increase in the cost of living has affected them quite as much as anyone else.

The CHAIRMAN—I think gentlemen in the position of judges are quite competent to fight their own case and make their own applications.

The Hon. T. H. WHITEHEAD—In this list of applications from the Hongkong Civil Service many of the cases have been decided by the Secretary of State and cannot be re-opened and cannot come before the Committee. If that is so the Secretary of State has not given us what we asked for. Our object in asking for a commission of enquiry was to inquire into all applications other than those which have been granted.

The CHAIRMAN—You can enquire into the cases of those signatories of the Petition whose salaries have not been increased providing they are not superior officers. There are one or two who cannot be called subordinate officers—Dr. Clark for instance. You can hardly call him a subordinate officer. His case is being separately dealt with.

The Hon. T. H. WHITEHEAD—My object into this matter is simply with a view to see that justice is done to the Civil Service throughout. That is, the heads of departments do not get increases while the subordinates are denied any increase. The reasons that apply to the heads of departments, such as increased rents and increased cost of living apply ten times more in regard to the subordinate officials.

The vote was then passed.

The official minute No. 13 was then considered and passed. The minute was as follows:—"That the Council do vote a sum of thirteen thousand dollars (\$13,000) to cover the cost of increases on salaries for Chinese employees of the Government, sanctioned by the telegram from the Secretary of State of the 24th February, 1900."

This concluded the business.