

15TH OCTOBER, 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. J. H. STEWART LOCKHART, C.M.G. (Colonial Secretary).

Hon. W. MEIGH GOODMAN, Q.C. (Attorney-General).

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

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

Hon. BASIL TAYLOR (Acting Harbour Master).

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

Hon. Dr. Ho KAI.

Hon. JOHN THURBURN.

Hon. R. M. GRAY.

Hon. J. J. KESWICK.

Hon. WEI A YUK.

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

#### APPOINTMENT OF COMMITTEES.

His EXCELLENCY the GOVERNOR announced that he had appointed the following committees:—

*Law Committee.*—The Attorney-General, the Hon. J. J. Keswick, the Hon. Dr. Ho Kai, the Hon. Wei A Yuk and the Hon. R. M. Gray.

*Public Works Committee.*—The Director of Public Works, the Colonial Treasurer, the Hon. C. P. Chater, the Hon. Dr. Ho Kai, and the Hon. J. Thurburn.

*Finance Committee.*—All the members of the Legislative Council, with the Colonial Secretary as Chairman.

#### FINANCIAL.

The COLONIAL SECRETARY laid on the table Financial Minutes No. 54 and 55 and moved that they be referred to the Finance Committee.

The ATTORNEY-GENERAL seconded and the motion was carried.

The COLONIAL SECRETARY laid on the table the report of the Finance Committee and moved its adoption.

The ATTORNEY-GENERAL seconded and the motion was carried.

#### DAIRY BYE-LAWS.

On the motion of the COLONIAL SECRETARY, seconded by the DIRECTOR of PUBLIC WORKS, Dairy Bye-laws made by the Sanitary Board under section 13 of Ordinance No. 24 of 1887 were approved.

#### THE RESUMPTION OF CROWN LANDS.

On the motion of the ATTORNEY-GENERAL, seconded by

the COLONIAL SECRETARY, a Bill entitled An Ordinance to facilitate the resumption by the Governor of Crown Lands required for a public purpose was read a first time.

#### THE ESTIMATES.

The COLONIAL SECRETARY proposed the second reading of the Bill entitled An Ordinance to apply a sum not exceeding \$3,380,134.29 to the Public Service of the year 1901. He said— If the second reading passes the Council, sir, I intend to move that the Bill be referred in the usual way to the Finance Committee for consideration.

The ATTORNEY-GENERAL seconded and the motion was carried.

The COLONIAL SECRETARY—This Bill having passed the second reading, I beg to move that it be referred to the Finance Committee.

The ATTORNEY-GENERAL seconded and the motion was carried.

#### THE POST OFFICE.

The ATTORNEY-GENERAL proposed the second reading of the Bill entitled an Ordinance to consolidate and amend the laws relating to the Post Office. He said—If honourable members will look at the 41st section of this Bill they will see that it repeals five Ordinances. The law remains, with the exception of one point which I will mention directly, precisely the same as before, only instead of having five Ordinances we shall be able to find the law relating to the Post Office in one single Ordinance. The exception occurs in section 6. The only words which are new appear in subsection 2 of section 6, three lines from the end—"shall be conveyed in the colony otherwise than by the post." I should like to point out that the remainder of the section—"or shall be delivered in, or transmitted from the colony otherwise than by or through the General Post Office"—is no new law at all. It is the law which is enforced at the present time. Practically, therefore, this will make substantially no alteration in the law, because no one will wish to convey a letter if he cannot deliver it, and he cannot deliver it at the present time. There seems to be an impression that people will be prevented thereby from sending "chits" to be delivered from house to house or from an office to an office. I need hardly say that nothing is further from my intention. Any prohibition more ridiculous than that could scarcely be imagined. That will not be the effect. If honourable members will read the section they will see that certain correspondence is exempted by law. Now the question is, What is the correspondence exempted by the law? The answer is in section 7:—"All correspondence which, by any Act of the Imperial Parliament, is exempt from the exclusive privileges of the Imperial Post Office, shall within this Colony be exempted from the exclusive privilege of the Postmaster General of

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Colony." I have taken the trouble to make an extract from the Imperial Act to prevent any misapprehension, and according to the Imperial Act among the letters which are exempt are letters sent by messenger as to the private affairs of the sender or receiver. Therefore the slight amendment made in the existing law by this Ordinance will have no effect whatever on chits or any legitimate transaction in the colony. The only reason for the slight amendment is that sometimes the police have been able to find a Chinaman with a large bundle of letters in his hand from different people which he was just going to deliver, but when brought before the Magistrate he will say, "I never delivered them and you cannot prove that I delivered them." The truth is that he is conveying them for the purpose of delivering them. Therefore I have made this slight alteration in order that we may enforce the spirit of the law as it is at the present time. I may say that these words which I have inserted are in the Imperial Post Office Act which was passed in the first year of Her Majesty's reign. They have never been altered up to the present time, and seeing that they have undergone a 63 years' test in England I consider that they are quite good enough for Hongkong.

The COLONIAL SECRETARY seconded and the motion was carried.

The Council then went into Committee to consider the Bill clause by clause.

No alterations were made, and on the Council resuming the Bill was read a third time and passed.

#### PRECAUTIONS AGAINST PIRACY AND ROBBERY.

The ATTORNEY-GENERAL proposed the second reading of the Bill entitled An Ordinance to provide more effectual means to ensure the observance, by those in charge of certain steam launches, of reasonable precautions against piracy and robbery. He said—The need of some legislation on this subject is emphasized by the fact that only in our morning local newspaper of to-day we find two more instances of steam launches being pirated, one the *Kong Hoi*, which was pirated on the 9th instant, the other the *Nau Chau*, which was pirated on by pretended passengers on the 13th, only last Saturday. But the necessity of such legislation was demonstrated some months ago in two other cases. In the first of these the master said he considered it the duty of the police to search passengers for arms before starting. It was not his business. When the police had searched the passengers he calmly stopped a quarter of a mile after starting to pick up other passengers, four or six, from a sampan. These passengers, who were pirates with concealed arms, pirated the launch and robbed all the *bona fide* passengers. In the second case the launch running, I think, to Yaumati was pirated by passengers and taken to Canton River, where three or four junks were pirated by this steam launch. I cannot but think that some of the crew connived at all this. The people at the Yaumati

end ought to have immediately notified the police of the non-arrival of the launch, or ferry launch as she might be called. This was not done, but when the police heard of the crime they watched and boarded the launch when she returned to Hongkong. On board were found cases of Florida water or some valuables, which seemed to have been given to the crew as cumshaws by the pirates. The crew were charged with receiving stolen property, but as, upon the evidence, it was clear that the property, no doubt part of the proceeds of the piracies, had been stolen outside the jurisdiction of this Colony the Magistrate had no power to convict as the law then stood. That law is being altered by another Ordinance which is down for second reading to-day. But the present Ordinance is brought forward as an honest attempt to awaken owners, masters and crew to a sense of their responsibility for the safety of their *bona fide* passengers.

The COLONIAL SECRETARY seconded, and the motion was carried.

The Bill was considered by the Council in Committee. No alterations were made, and on the Council resuming the Bill was read a third time and passed.

#### THE POSSESSION OF STOLEN PROPERTY.

The ATTORNEY-GENERAL proposed the second reading of the Bill entitled An Ordinance to amend the Law with respect to the Jurisdiction exercisable in cases relating to the Receipt or Possession of Stolen Property. He said—This law is simply a transcript of the English law on the subject. A Bill was passed in August, 1896, in England, dealing with this matter, and this is a transcript. If it is a useful law for England I think honourable members will admit that it will be a useful one for this colony.

The COLONIAL SECRETARY seconded and the motion was carried.

The Bill was considered by the Council in committee, and no alterations were made. Therefore, on the Council resuming the Bill was read a third time and passed.

#### THE NEW TERRITORIES.

The ATTORNEY-GENERAL proposed the second reading of the Bill entitled An Ordinance to extend the operation of such of the Laws of this Colony as are not at present in force in the New Territories to a certain portion of such New Territories. He said—This Bill is intended to extend the laws at present in force in Hongkong and Kowloon to a particular portion of what may be conveniently called the New Territories. If honourable members had before them a map of the New Territories they would find that portion

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drains in a southerly direction from the Kowloon mountain range has not been made into a district. The rest of the New Territory itself has been divided into districts. Committees and so on have been appointed, but a portion of land south of the Kowloon range has not been included, and at present it is a sort of no man's land. It forms a part of the New Territory, it is true, but it is not included in one of the districts, and there is no reason whatever why the country north of the present British Kowloon and south of the Kowloon range should not all be assimilated to British Kowloon for the purposes of legislation. Unless this is done no building laws and no sanitary laws found very useful elsewhere can be enforced. "The objects and reasons" attached to the foot of the Bill explain the Bill as shortly as I can do so. They say:—

That portion of the New Territories, between Laichikok and Lyeemoo Pass, which drains in a southerly direction from the Kowloon Mountain Range, is so closely connected with what used to be known as British Kowloon, that it is desirable that the laws in force in the latter should apply equally to the former district. It may, at first sight, appear that it will be difficult to enforce compliance at once with *all the requirements* of some of the Ordinances which were declared by Ordinance No. 10 of 1899 not to apply to the New Territories. All that is really required, however, is consideration and tact in the administration of such laws; and the alternative would appear to be either to leave the district in question with no Sanitary, Building, or Licensing laws, or else to pass new Ordinance applying only to that district. The latter course would be to make one set of laws applicable to the colony generally, a second set to part of New Territories, and a third set applicable to the rest of such New Territories. It is difficult to see why laws applicable to the southern half of a village like Sam Shui Po, for instance, should not be equally capable of application to its northern half. Section 4 is intended to meet cases, such as sections 13, 54, 55, and 57 of Ordinance No. 24 of 1887, where such expressions as "the villages and rural districts of Hongkong and Kowloon" are used.

The COLONIAL SECRETARY seconded and the motion was carried.

The Bill was considered by the Council in committee. Several alterations were made, and consequently the third reading was not moved on the Council resuming.

#### THE RAW OPIUM ORDINANCE.

The ATTORNEY-GENERAL proposed the second reading of the Bill entitled An Ordinance to further amend the Raw Opium Ordinance, 1887. He said—This is a short Ordinance, and if I refer you to the "objects and reasons" at the foot of the Bill you will find there all the explanation necessary. They are as follow:—"The amendments of the Law relating to opium effected by this Ordinance are made with the view of assisting the Chinese Government in the collection of revenue from the import of raw opium and of

rendering smuggling more difficult. The second section requires the Superintendent of Imports and Exports to furnish the master of every vessel carrying opium for export with a memorandum containing certain particulars as to such opium, and it requires him to forward a duplicate of such memorandum for the information of the proper Commissioner of Chinese Imperial Maritime Customs. It also forbids the departure of any vessel carrying opium, without such memorandum, subject to the provisions of section twelve of the principal Ordinance. The third section provides that, in cases within that section twelve, that is where steamers are allowed to depart before application for a permit can be made, the Superintendent should telegraph to the Commissioner of Customs the requisite particulars, sending on the memorandum as soon as practicable. The fourth section provides a penalty for any infringement, by the master of a vessel, of the requirements of the second section. This system should keep the Customs Commissioners well informed of all opium exported from this colony to China." We do not wish this colony to have the reputation of being a colony where the smuggling of opium is fostered. It is our bounden duty to do what we can to act in a straight-forward manner and to prevent smuggling. This Bill is the outcome of a great deal of thought and correspondence, and it does not seem to me to impose any hardship upon anybody. It meets with the approval of the Commissioner of Customs, and I hope that it will meet with the approval of the Council.

The COLONIAL SECRETARY seconded and the motion was carried.

The Bill was considered by the Council in committee. No alterations were made, and on the Council resuming the Bill was read a third time and passed.

#### THE PENSION FUND ORDINANCE.

The ATTORNEY-GENERAL moved the second reading of the Bill entitled An Ordinance to amend the Widows and Orphans' Pension Fund Ordinance, 1900. The "objects and reasons" say:—"Sections 2 and 3 of this Ordinance effect two amendments in the principal Ordinance which are deemed desirable by the Secretary of State, and this opportunity has been taken to correct a slight error in a reference in the schedule."

The COLONIAL SECRETARY seconded, and the motion was carried.

The Bill was considered by the Council in committee. No alterations were made, and on the Council resuming the Bill was read a third time and passed.

#### ADJOURNMENT.

The Council then adjourned until Monday week.

**MEETING OF THE FINANCE  
COMMITTEE.**

**CONSIDERATION OF THE ESTIMATES.**

A meeting of the Finance Committee was then held, the Colonial Secretary presiding.

The CHAIRMAN said—Before we proceed to consider the Appropriation Bill there are two minutes which I wish to bring before the committee. The first is one in which His Excellency the Governor recommends the Council to vote a sum of \$944.04 to cover the cost of establishing telephone communication with the Police Station at Santin. This Police Station is in the New Territory, and I am sure all members of this Council will recognise the importance of having all the Police Stations in telephonic communication with the Central Station. I am sure this vote is one which will commend itself to your favourable consideration.

The vote was passed.

The CHAIRMAN—The next minute is one in which His Excellency the Governor recommends the Council to vote a sum of Three hundred and Eighty-one Dollars and Seventy-five Cents (\$381.75) to defray the cost of various articles required for the Government steam lighthouse tender *Stanley*. Honourable members will remember that the *Stanley* is a new boat which has just been completed for lighthouse work and work in connection with the New Territory. This vote is to cover the expense of crockery and various other articles required to complete the outfit.

The vote was agreed to.

The CHAIRMAN—We now come to the consideration of the Appropriation Bill, and in accordance with the precedent of former years I will take each item as it appears in the Bill, and if any honourable member has any suggestion or question in regard to any of the items I shall be glad if he will mention it.

The CLERK of COUNCILS then proceeded to read the different items. On his reading the item "Public Works Department, \$123,306,"

The CHAIRMAN said—At the last meeting of the Council the senior unofficial member raised the question as to whether the staff of the department would be adequate to discharge all the different works contained in the estimates for 1901. On that occasion I promised that the matter should be enquired into, and that at the next meeting of the Council information would be given on the point. Would the Director of Public Works kindly give the information required?

The DIRECTOR of PUBLIC WORKS—I consider that the present staff when strengthened by a civil engineer whom we are expecting shortly from home for Tytam will be

sufficient to carry out the different works mentioned in the "Public Works Extraordinary," provided three persons now on leave—Mr. Chatham, Mr. Crook, and Mr. Drury—are here, and of course we count upon having their services. In regard to the Estimates I may say that the Public Works Extraordinary seem formidable in comparison with those of former years, being nearly double, but on looking into the items it will be seen that the larger portion of the expenditure is on buildings. In regard to the new Law Courts, plans and all details in connection with them are being prepared by architects in England, the work has been started, the contract has been let, and all that remains for the Public Works Department to do is to see that the work is carried out in accordance with the specifications. We have got an official specially sent out for that purpose. In regard to the Governor's Peak residence, another large item, the plans and details were prepared by a firm of local architects. The same official who looks after the Law Courts can also look after the Governor's Peak residence. The Volunteer Headquarters can also be taken on by the same officer. This is not too much to expect from a qualified architect. With regard to the Harbour Master's Office and the Western Market, for those we have another new officer who is a qualified architect and quite capable of completing the plans and carrying out these works. Generally speaking the department is well provided as regards staff, but there is one exception, and that is in regard to the Water Works. The new officer will be quite sufficient to attend to Tytam, but in the management of the waterworks we are short. We require another overseer. We have lost a man who had been ten years in charge of the works. He went to Shanghai for more pay. Then the departure of Mr. Crook was a very serious matter. I do not in any way wish to reflect on his successor, Mr. Hollings-worth, but the breaking down of the pumping engines and the trouble we had with Kowloon have led me to the conclusion that we require an extra overseer and an extra clerk.

The CHAIRMAN—With regard to the proposed increase in the staff it is of course too late to insert it in the estimates, but if the unofficial members recommend it the suggestion can be forwarded to the Secretary of State, who I have no doubt would sanction it.

The unofficial members signified their approval of this course.

The CHAIRMAN—With regard to the engines at the Kowloon Water Works, I see that the question was raised at the last meeting of the Council. Perhaps it will be well to let the Council know what steps have been taken in that direction.

The DIRECTOR of PUBLIC WORKS—Our trouble at Kowloon Waterworks commenced in June of this year—one of the wettest Junes on record in Hongkong. There were two accidents occurred during that month. The earth embankments gave way. The result was that an enormous quantity of sand got

into the engines and seriously damaged the valves, piston rods, and other parts. The water was abundant but the engines were out of order. We have done the best we could during the year. The only complaint within the last few weeks has been made by some gentleman who said that he had too much water—that his pipes were bursting and his house was flooded. However I thought it would be well to get the best opinion we could in the colony as to the Kowloon water supply, and I obtained the services of a thoroughly qualified man to make a report on the subject. His report has not gone forward, but I may say that he was examined the engines, but he is of opinion that if the machinery is thoroughly repaired and a new boiler provided we should be all right for another four years.

The CHAIRMAN—Is there any other question in connection with this matter which honourable members would like to ask?

The Hon. C. P. CHATER—I believe the Hon. Director of Public Works said that the plans for the Court House were being prepared at home. Do I understand that they are not yet finished?

The DIRECTOR OF PUBLIC WORKS—They are in the colony.

The ATTORNEY-GENERAL—The foundations are being put in.

The Hon. R. M. GRAY—I find that an item of \$5,600 for a new lighthouse on Green Island for D'Aguiar lights is omitted from the estimates. The question of the improvement of the present lights at the entrances to the harbour was submitted to the Chamber of Commerce by the Government, and after it had been discussed with the shipping people the proposal was cordially approved, and the vote was recommended by the Public Works Committee. I submit that this needed improvement should not be shelved for another year. It is a reproach to this Port, which boasts of having the largest shipping returns in the world, that its entrances should be marked one side by a 3rd or 4th order light, on the other a 6th order light, both low down and not too distinct from shipping lights. The proposal to utilize the old D'Aguiar light of first order by placing it on the summit of Green Island is the first step towards a much needed improvement, and as such strongly recommend that the vote for \$5,600 for this purpose be placed in the estimates, and the work commenced without

delay.

The CHAIRMAN—This matter has not escaped the attention of the Government. As the honourable member has pointed out, the matter was referred to the Chamber of Commerce, who made certain recommendations. Among the recommendations was one that the lights instead of being fixed lights should be revolving or flashing lights, and the question has been referred home for the opinion of Messrs. Chancellors, whose reply we have not yet received. I have no doubt that when the reply is received the matter will be again brought up, and no doubt His Excellency will bring forward a vote before the Council. As to the estimate mentioned by the honourable gentleman, it has been discovered that the cost will be double that amount, and it was thought advisable not to do anything before knowing definitely what the cost would be. But I can assure the honourable member that the question has not been shelved, and that there is no desire on the part of the Government to shelve it.

The Hon. C. P. CHATER emphasised the importance of the work not being lost sight of, and

The CHAIRMAN again re-assured members on the point.

On the item "School and House at Un Long, \$1,500" being read out,

The Hon. Dr. Ho KAI observed—I think there were two schools recommended, one at Un Long and the other at Yaumati. Considering that Yaumati has grown so much of late I think a school there is much more necessary than one at Un Long. I would like to know why a school at the latter place has been sanctioned while there is no mention of one at Yaumati.

The CHAIRMAN expressed his inability to answer this question, but expressed his willingness to have a recommendation from the unofficial members as to a school at Yaumati recorded if they wished it. The unofficial members signifying assent this was done.

This concluded the discussion on the estimates.

The CHAIRMAN—That is all the business. I think we can congratulate ourselves on the expeditious and satisfactory manner in which we have got through the estimates.