

13TH AUGUST, 1902.

PRESENT:—

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT, Major-General Sir W. GASCOIGNE, K.C.M.G. (Commanding the Troops).

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

Hon. Sir HENRY SPENCER BERKELEY, K.T. (Attorney-General).

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

Hon. Commander R. M. RUMSEY, R.N. (Harbour Master).

Hon. W. CHATHAM (Director of Public Works).

Hon. Dr. F. W. CLARK (Medical Officer of Health).

Hon. Dr. HO KAI, C.M.G.

Hon. WEI A YUK.

Hon. C. S. SHARP.

Hon. C. W. DICKSON.

Hon. G. W. F. PLAYFAIR.

Hon. R. SHEWAN.

Mr. M. J. DRAYSON (Acting Clerk of Councils).

The minutes of the last meeting of Council and of the special meeting held on the 9th inst., having been read and signed,

Hon. R. SHEWAN said—Sir, With reference to these minutes, I beg to move that the answer to Mr. Playfair's question be recorded in full, and that in future the answers to questions of hon. members be recorded in full in the same manner as the questions are recorded. Mr. Playfair has asked an important question, and I cannot see why the answer should not be recorded. I am quite sure the Government are not ashamed of the answers they give to these questions, and therefore I cannot see why they should not record them. The necessity for recording the answers to these questions is so obvious that I do not think it is necessary for me to say anything more on the subject.

Hon. G. W. PLAYFAIR—I beg to second.

The COLONIAL SECRETARY—Sir, the matter was carefully looked into when the hon. member made a similar suggestion before, and it was found that these minutes of the Council are prepared in quite correct form and according to Parliamentary precedent. I see no sufficient reason myself for departing from the correct form.

The ATTORNEY-GENERAL—To do what the hon. member desires would be quite out of order. These minutes are merely a record of proceedings, not a detailed report of them. When a question is put, the fact is recorded that the question was put and the answer given. It is necessary to set out the question in full, or the minutes would fail in sensible meaning, but it is not customary nor is it necessary to set out at length the answer given. For instance, the minutes simply record the fact that a bill was read the first time or the second time, and so on. The provisions of the bill are not set out in detail in the minutes, and if hon. members desire to know what the details of the bill are, there is a proper place to look for them. So it is with the answers given to questions, and for these reasons it would be unwise, because unnecessary, to adopt the suggestion of the hon. member.

Hon. R. SHEWAN (on a sign of assent from His EXCELLENCY)—In the first place, sir, I object to the statement—

The COLONIAL SECRETARY—Sir, I rise to order.

HIS EXCELLENCY—Yes, I allowed the hon. member to speak.

Hon. R. SHEWAN—I think I have a right to reply. In the first place, I cannot admit the statement of the Colonial Secretary that it would be incorrect to do as I suggest. Surely it would be more correct to place the question *and* the answer on record than to place the question and no answer. Then the Hon. Attorney-General said the minutes were but a record of proceedings, but I leave it to you to say whether it is a record merely to say that someone asked a question and the Colonial Secretary replied.

The HARBOUR MASTER—Yes.

Hon. G. W. F. PLAYFAIR—No.

Hon. R. SHEWAN—I leave it to you—I leave it to all sensible men to say whether that is a record; it is absolutely no record at all, and it is perfectly ridiculous to say it is. As I have already said, I believe the Government are perfectly sincere in the answers they give to these questions, and why should not the replies be given in full so that people outside may be given the opportunity of seeing them? As

matters stand at present, you cannot comment on a question after it has been answered.

The ATTORNEY-GENERAL—You may make a motion on it.

Hon. R. SHEWAN—But you cannot comment on it.

The ATTORNEY GENERAL—The proper way to comment on it is by way of a motion.

Hon. R. SHEWAN—You cannot elucidate what the Government said in reply to a question, as we unofficial members are not allowed to stand up and ask what is meant, nor can we refer to any record to see what the reply was.

The ATTORNEY-GENERAL—In courts of law, and in this I think the Senior Unofficial Member will bear me out, the minutes prepared by the registrar are the bare record of what has occurred. For instance, a motion is made, and a record of the fact is set out shortly; the court delivers judgment, refusing the application and here again this fact is recorded, but the reasons for that judgment are not stated.

The COLONIAL SECRETARY — The hon. member seems to forget that there is a reporter here specially paid for recording the proceedings of this Council, and that the proceedings appear in the public Press and are also recorded in the *Hansard*.

Hon. R. SHEWAN—The only official record of the proceedings of this Council, I understand, appears in the *Government Gazette*.

The COLONIAL TREASURER—No, they appear in the *Hansard*.

The HARBOUR MASTER—They are recorded in the *Hansard*, and do not appear in the *Government Gazette* at all.

Hon. R. SHEWAN—If the Government are bound by the *Hansard*.

The COLONIAL TREASURER—They are. It has been quoted in Council before.

HIS EXCELLENCY—Does the hon. member wish me to take a vote.

Hon. R. SHEWAN—I do.

The motion was then put to the Council and lost.

THE KING'S MESSAGE TO HONGKONG.

HIS EXCELLENCY—Gentlemen, before proceeding with the ordinary business of the meeting, I should like to read to you a telegram I received this morning from the Secretary of State for the Colonies to H.E. the Officer Administering the Government, dated 12th August, 1902:—"His Majesty the King cordially thanks the Executive and Legislative Councils and people of Hongkong for their loyal congratulations to him and Her Majesty the Queen on the occasion of their Coronation." (Applause.)

FINANCIAL.

The COLONIAL SECRETARY laid on the table Financial Minute (No. 38) and moved that it be referred to the Finance Committee.

The COLONIAL TREASURER seconded, and the motion was

agreed to.

The COLONIAL SECRETARY laid on the table the Report of the Finance Committee (No. 10) and moved its adoption.

The COLONIAL TREASURER seconded, and the motion was agreed to.

QUESTIONS.

Hon. R. SHEWAN—I rise, sir, to put the questions of which I gave notice at last meeting.

The questions were as follows:—

How is the Widows and Orphans' Pension Fund formed?

What does the fund amount to at present?

Do all Civil servants subscribe to it? If not, why not?

What proportion of their salaries is subscribed by those who belong to the Fund?

Do the Government assist this Fund in any way already?

If so, how?

What is the difference between the rate of 3/- per dollar and the rate taken at by 1/9 estimated to amount to per annum?

The difference between 1/6 the rate paid by Ceylon and the rate of the day, say 1/4, is only wtopence per rupee, or say 12½ per cent., but at Hongkong the difference will be about 1/3 per dollar, or over 70 per cent. Why is the Hongkong contribution so much more liberal?

The COLONIAL SECRETARY said—The answer to the questions are as follows:—

a. The Fund is regulated by Ordinance No. 15 of 1900 as amended by Ordinance 28 of 1900 and 12 of 1902.

b. On 31st December last the amount at credit was \$109,266, as stated in the annual report laid before Council in the beginning of the year.

c. All Civil servants with salaries of \$240 or more per annum contribute to the Fund, with the exception of a few officers who joined the service before 1st January 1891, that being the date of the initiation of the Fund.

d. 4 per cent.

e. Yes, by guaranteeing 6 per cent. interest on the capital of the Fund.

f. Only an experienced actuary could, after great labour, answer this question. As already explained in Finance Committee, a rough estimate would put the cost to Government at a few hundred dollars next year, rising annually to a maximum of \$12,000 in about thirty years and then rapidly declining till extinction. Officers appointed after last year, whose widows would be likely to draw pension in England, are now contributing on a sterling basis, and therefore the vote affects only those officers appointed before the end of 1901.

g. The reason probably is that Ceylon is practically a gold Colony with the rupee at 1s. 4d. and there is no necessity for that Government to put up more than 2d. the rupee to make an adequate sterling pension in England.

There is nothing more on the subject than the Secretary of State's despatch already laid before Council.

COLLAPSES OF HOUSES.

Hon. G. W. F. PLAYFAIR—Sir, I rise to give notice of the following question which I shall ask at next meeting of Council: "To ask the Hon. the Colonial Secretary, with reference to the recent collapses of newly erected houses in both Hongkong and Kowloon, and consequent deplorable loss of life, what steps have the Government taken to fix the responsibility? There being no coroner's jury, does not the onus rest with the Government—

The COLONIAL TREASURER—I rise to order, sir. It is debatable matter.

Hon. G. W. F. PLAYFAIR—I am asking a question. (Proceeding.)—There being no coroner's jury, does not the onus rest with the Government—

The COLONIAL TREASURER—Not necessarily

Hon. G. W. F. PLAYFAIR—But I am asking the question.

The COLONIAL TREASURER—It is debatable.

Hon. G. W. F. PLAYFAIR (continuing)—Does not the onus rest with the Government to see that human life is not heedlessly sacrificed and that punishment is meted out to the guilty? As the plans were passed by the P. W. D. the fault presumably must be in scamped work, and if this is so, will the Government not take steps to punish the wrongdoers and in future to license contractors under bond or otherwise, so as to have a hold over them in the event of wilful neglect to put in honest work? And finally, will the Government state what the regulations are as to public enquiries being held into accidents such as these?"

The COLONIAL SECRETARY—It may be as well now to state, for the information of the hon. member, that the reason of there having been no coroner's enquiry so far is that it takes time to get the necessary reports to enable the coroner to judge upon which of these cases, if any, an enquiry is necessary. When these collapses occurred, reports were called upon them from the police and from the Director of Public Works, and an enquiry will be held as soon as the coroner has had time to sift these reports.

Hon. G. W. F. PLAYFAIR—I am much obliged.

THE WATER BILL.

The ATTORNEY-GENERAL moved the third reading of the Bill entitled an Ordinance to provide for and regulate the Supply of Water in the Colony of Hongkong and for the Maintenance and Repair of the Works in connection therewith.

The COLONIAL SECRETARY seconded, and the motion was carried.

The ATTORNEY-GENERAL then moved that the Bill be passed.

The COLONIAL SECRETARY seconded.

Hon. Dr. HO KAI-Sir, I desire to ask that my dissent to the passing of the Bill and that of my colleague opposite be recorded.

The ATTORNEY-GENERAL—The only way to do that is to vote against it.

Hon. Dr. HO KAI—Very well.

HIS EXCELLENCY—Then I understand you oppose it?

Hon. Dr. HO KAI—I do.

The motion that the Bill be passed was then, put to the Council. On a division being taken ten voted for the motion and two (Hon. Dr. Ho Kai and Hon. Wei A Yuk) against it.

The Bill was accordingly passed.

The Council adjourned *sine die*.

FINANCE COMMITTEE.

A meeting of the Finance Committee was held immediately after the Council, the Colonial Secretary (Hon. F. H. May, C.M.G.) presiding.

THE VOLUNTEER CONTINGENT.

There was only one minute before the Committee, and in it the Officer Administering the Government recommended the Council to vote a further sum of £1,245.3.0, being the estimated sum required to meet the charge for the pay of the Volunteer Contingent during their absence from the Colony in connection with the Coronation of His Majesty the King, as approved by the Secretary of State.

ABSTRACT.

Pay on voyage to and from England 84 days:—

1 Major at 16/- a day,	£	67	4	0
1 Lieutenant at 7/6 a day,		31	10	0
3 Sergeants at 4/- each a day,		50	8	0
4 Corporals at 3/- each a day,		50	8	0
32 Rank and File at 2/6 each a day,		336	0	0
Total pay on voyage,		£	535	10 0

Pay while in England, 57 days:—

1 Major at 30/- a day,	£	85	10	0
1 Lieutenant at 14/- a day,		39	18	0
3 Sergeants at 7/- each a day,		59	17	0
4 Corporals at 6/- each a day,		68	8	0
32 Rank and File at 5/- each a day,		456	0	0
Total in England,		£	709	13 0
Grand Total,		£	1,245	3 0

The COLONIAL TREASURER—I should like to know. Mr. Chairman, whether those members of the Volunteer Contingent who are Government servants are supposed to draw their Government pay in full and this pay in addition?

The CHAIRMAN—I may explain that the attention of the Secretary of State was drawn to that point by telegraph, but an answer has not been received yet.

Hon. C. S. SHARP—This expenditure was never contemplated when the Contingent was sent home?

The COLONIAL TREASURER—The stipulation was that they were to receive no pay whatever.

The CHAIRMAN—I shall read to you the communication of the Secretary of State on the subject, and put you in possession of all the facts I have got.

The communication was read.

The COLONIAL TREASURER—The point I want to make clear in this matter is this. Had it been understood the men were to be paid, would not the Colony have been better enabled to make a selection of the Volunteers to go home? (Laughter.) They were told that they would

receive no pay when they went home, and they go home and are paid.

The CHAIRMAN—It appears that other Colonial troops were paid.

The COLONIAL TREASURER—We knew that beforehand.

The CHAIRMAN—The Straits Settlements were not going to give them pay, but they appear to have changed their mind.

Hon. G. W. F. PLAYFAIR—Are there not a lot of these men not going to come back—men that were only there for the Coronation?

The CHAIRMAN—I suppose they will get pay only while they are in camp or taking part in the Coronation celebrations.

Hon. G. W. F. PLAYFAIR—I do not suppose a quarter of them were in camp from the 26th of June till the 9th of August, and they would be getting paid all the time.

The vote was put to the meeting and agreed to.

This was all the business.
